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Human rights bodies and mechanisms

Albania,* Argentina, Australia,* Austria, Belgium,* Bosnia and Herzegovina,* Bulgaria, Chile,* Colombia,* Croatia,* Cyprus,* Czechia, Denmark, Ecuador,* Estonia,* Fiji, Finland,* France, Georgia,* Germany, Ghana,* Greece,* Hungary,* Ireland,* Italy, Japan, Latvia,* Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Mexico, Monaco,* Montenegro,* Netherlands, New Zealand,* North Macedonia,* Norway,* Peru,* Portugal,* Romania,* San Marino,* Slovakia,* Slovenia,* Spain,* Sweden,* Switzerland,* Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay and Vanuatu*: draft resolution

48/... Cooperation with the United Nations, its representatives and mechanisms in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Human Rights Council, of 18 June 2007,

Recalling also all previous General Assembly and Human Rights Council resolutions and decisions on this topic,

Reiterating that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue, and be aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all people,

Taking note with appreciation of all reports of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights, while noting with concern that the number of reported acts of intimidation and reprisals by States and non-State actors remains high, and the trends presented in his most recent reports, including, inter alia, the fact that acts of intimidation or reprisal online and offline can be more than isolated incidents, and can signal patterns; the growing self-censorship of victims, and civil society actors who decide not to engage with the United Nations, both in the field and at Headquarters, out of fear for their safety or in contexts where human rights work is criminalized or publicly vilified; the use of national security arguments and counter-terrorism strategies by States as justification for blocking access to, or as punishment for engaging with, the United Nations; that the most commonly reported incidents concern human rights defenders, activists and journalists; and that individuals in vulnerable situations or belonging

* State not a member of the Human Rights Council.



to marginalized groups continue to be exposed to specific barriers, threats and violence in their engagement with the United Nations,

Noting that an analysis of United Nations data on alleged cases of intimidation and reprisals gives significant insights that can inform and improve policies and practices on addressing acts of intimidation or reprisal against those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights,

Welcoming the positive developments and good practices identified by the Secretary-General in his most recent report,¹ in particular in relation to the development of legislative frameworks that ensure the right to access, communicate and cooperate with regional and international bodies or guarantee recourse to international forums; efforts to ensure accountability and offer remedy for incidents; the development by United Nations bodies and mechanisms in the field of human rights of procedures or guidelines to prevent and address acts of intimidation or reprisal ; and support for individuals at risk; and welcoming also the pledges made by States to reject acts of intimidation or reprisal and to support safe and unhindered access to the United Nations,

Welcoming also the different roles of the Secretary-General, the United Nations High Commissioner for Human Rights, the Assistant Secretary-General for Human Rights and the President of the Human Rights Council in supporting cooperation with the United Nations, its representatives and mechanisms in the field of human rights, and in that context addressing, as appropriate, including in a public manner, acts of intimidation or reprisal against individuals and groups who seek to cooperate, cooperate or have cooperated with the United Nations in this regard,

Welcoming further the increased commitment and support of States Members of the United Nations on this issue across the relevant United Nations bodies, and the ongoing initiatives within the United Nations system, including by its field presences, to develop good practices, improve prevention, including in the digital sphere, and ensure better documentation, reporting and protection practices,

Welcoming the work done by the United Nations, including the Office of the United Nations High Commissioner for Human Rights, in examining, verifying and corroborating allegations of acts of intimidation or reprisal, and encouraging it to continue its work in this regard, including in a gender-responsive manner, and with a particular focus on individuals in vulnerable situations or belonging to marginalized groups, while underlining the primary importance of continuous constructive dialogue and cooperation with and by the State concerned in order to strengthen the State's capacity to comply with its human rights obligations,

Welcoming also the work done by the special procedures, and in particular the Coordination Committee of Special Procedures, and the efforts by treaty bodies, to prevent and address acts of intimidation or reprisal,

Welcoming further the role that regional mechanisms and national human rights institutions can play in preventing and addressing cases of intimidation or reprisal as part of supporting the cooperation between States and the United Nations in the promotion of human rights, including by contributing to follow-up actions, as appropriate, and to recommendations made by international human rights mechanisms, while noting with concern that national human rights institutions and their members and staff can themselves increasingly be victims of acts of intimidation or reprisal,

Reiterating that all States Members of the United Nations, and in particular the States Members of the Human Rights Council, should fully cooperate with the Council and its mechanisms, and affirming that failure to take steps to prevent, investigate and ensure accountability for acts of intimidation or reprisal may be inconsistent with this commitment,

Expressing serious concern at the continued reports of acts of intimidation or reprisal against individuals and groups who seek to cooperate, cooperate or have cooperated with the

¹ A/HRC/48/28.

United Nations, its representatives and mechanisms in the field of human rights, both online and offline, and at the seriousness of reported reprisals, including violations of the right of the victim to life, liberty and security of person, and violations of obligations under international law prohibiting torture and other cruel, inhuman or degrading treatment or punishment,

Stressing that acts of intimidation or reprisal carried out or tolerated by the State undermine and often violate human rights, and underscoring that States should investigate any alleged act of intimidation or reprisal, ensure accountability and effective remedies and take steps to prevent further acts of intimidation or reprisal,

Recognizing that the coronavirus disease (COVID-19) pandemic has exacerbated and accelerated existing challenges, both online and offline, for civil society space, including human rights defenders and other individuals and groups engaging with the United Nations in the field of human rights, including lack of diversity of participation; attacks, reprisals and acts of intimidation, including smear campaigns and use of hate speech; shortcomings in access and accreditation processes; the use of legal and administrative measures to restrict civil society activity; restrictions on access to resources; restrictions on access to lawyers; restrictions on the rights to freedom of peaceful assembly and association, and freedom of expression; and a greater impact of the digital divide,

Noting that cooperation with the United Nations has been significantly altered by the pandemic, including the shift to hybrid and online formats for interaction with the United Nations, and recognizing that the legitimate need for emergency public health measures should not be used to hinder the access of individuals and civil society organizations to the United Nations, its representatives and mechanisms in the field of human rights,

Recalling in this regard the call by the Secretary-General that the work of the United Nations, carried out increasingly online as a result of the COVID-19 pandemic, has to ensure that participation remains meaningful, effective, easily accessible and free from acts of intimidation or reprisal of any sort, including online smear campaigns,²

1. *Reaffirms* the right of everyone, individually and in association with others, to unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights, including the Human Rights Council, its special procedures, the universal periodic review mechanism and the treaty bodies, as well as regional human rights mechanisms, both online and offline, bearing in mind that this is indispensable to enable the United Nations and its mechanisms to fulfil their mandates;

2. *Condemns* all acts of intimidation or reprisal, both online and offline, by State and non-State actors against individuals and groups who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights;

3. *Welcomes* the efforts made by States to investigate allegations of acts of intimidation or reprisal and to bring perpetrators to justice, and encourages States to continue such efforts;

4. *Urges* all States to prevent and refrain from all acts of intimidation or reprisal, both online and offline, against those who:

(a) Seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, or who have provided testimony or information to them;

(b) Avail or have availed themselves of procedures established under the auspices of the United Nations for the protection of human rights and fundamental freedoms, and all those who have provided legal or other assistance to them for this purpose;

² A/HRC/45/36.

(c) Submit or have submitted communications under procedures established by human rights instruments, and all those who have provided legal or other assistance to them for this purpose;

(d) Are relatives of victims of human rights violations or of those who have provided legal or other assistance to victims;

5. *Urges* States to take all appropriate measures to prevent the occurrence of acts of intimidation or reprisal, whether online or offline, including, where necessary, by adopting and implementing specific legislation and policies to promote a safe and enabling environment for engagement with the United Nations on human rights and to effectively protect those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights from any act of intimidation or reprisal;

6. *Calls upon* States to combat impunity by conducting prompt, impartial and independent investigations and ensuring accountability for all acts of intimidation or reprisal by State and non-State actors against any individual or group who seeks to cooperate, cooperates or has cooperated with the United Nations, its representatives and mechanisms in the field of human rights, both online and offline, and by condemning publicly all such acts, underlining that these can never be justified, to provide, in accordance with their international human rights obligations and commitments, access to effective remedies for victims, and to prevent any recurrence;

7. *Also calls upon* States to ensure that necessary COVID-19-related emergency measures are not used to hinder the access of individuals and groups to international bodies, both online and offline, in particular the United Nations, its representatives and mechanisms in the field of human rights;

8. *Encourages* States to provide information, as appropriate, to the Human Rights Council on all measures taken by them to prevent and address acts of intimidation or reprisal against those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, including on cases mentioned in the reports of the Secretary-General;

9. *Stresses* that information provided by all stakeholders, including civil society, to the United Nations and its representatives and mechanisms in the field of human rights should be credible and reliable, and must be thoroughly checked and corroborated;

10. *Invites* the Secretary-General to continue to provide the Office of the United Nations High Commissioner for Human Rights with adequate resources to prevent and address allegations of acts of intimidation or reprisal in the most effective and gender-responsive manner, including by ensuring a safe and enabling environment, both online and offline, for all those who seek to cooperate with the United Nations on human rights, including the Human Rights Council, the special procedures, the treaty bodies and other human rights mechanisms or United Nations forums;

11. *Notes with appreciation* the focus on civil society in the report of the United Nations High Commissioner for Human Rights on the impact of the COVID-19 pandemic on the enjoyment of human rights around the world, including good practices and areas of concern,³ as a way to “build back better”;

12. *Encourages* the Assistant Secretary-General for Human Rights to strengthen efforts to develop and implement at the United Nations level a more comprehensive system for preventing and addressing allegations of acts of intimidation or reprisal, including by information-gathering and data analysis, and by improving and coordinating the response by all United Nations actors, and in this regard calls upon all States and relevant stakeholders to contribute to these efforts;

13. *Welcomes* the steps taken by the President of the Human Rights Council, and encourages the President to continue, in consultation with the States concerned, to use his or her good offices to address as appropriate allegations of acts of intimidation or reprisal

³ A/HRC/46/19.

against those who seek to cooperate, cooperate or have cooperated with the Council, and to provide information on cases brought to his or her attention at each session of the Council;

14. *Encourages* the United Nations human rights mechanisms to continue to include in their reports to the Human Rights Council and to the General Assembly respectively a regularly updated reference to credible allegations of acts of intimidation or reprisal against those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, while providing an appropriate opportunity to the State concerned to respond to the allegations transmitted to them, and to reflect the State's response in their reports;

15. *Invites* the Secretary-General to submit the report he or she presents annually to the Human Rights Council on cooperation with the United Nations, its representatives and mechanisms in the field of human rights also to the General Assembly, starting from its seventy-seventh session.
