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Civil society space

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The Human Rights Council,

*Pp1 Guided by the purposes and principles of the Charter of the United Nations,
(pp 1 of HRC27/31)*

*Pp2 Guided also by the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action, the International Covenants on Human Rights and all other relevant instruments,
(pp 2 of HRC27/31)*

*Pp3 Recalling the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,
(pp3 of HRC27/31)*

***Pp4 Recalling its resolution 27/31 of 3 October 2014 on civil society space and its resolution 24/21 of 27 September 2013 on civil society space: creating and maintaining, in law and in practice, a safe and enabling environment,
(new, incorporating part of pp4 of HRC27/31)***

*Pp5 Recalling also all Human Rights Council resolutions relevant to creating and maintaining civil society space, inter alia, resolutions 12/16 of 2 October 2009 on freedom of opinion and expression, 21/16 of 27 September 2012, on the rights to freedom of peaceful assembly and of association, **31/32 of 24 March 2016**, on protecting human rights defenders, **whether individuals, groups or organs of society, addressing economic, social and cultural rights, 30/9 of 12 October 2015**, on equal participation in political and public affairs, ; 24/24 of 27 September 2013, on cooperation with the United Nations, its representatives and mechanisms in the field of human rights, **31/37 of 24 March 2016** on the promotion and protection of human rights in the context of peaceful protests, and 26/13 of 26 June 2014, on the promotion, protection and enjoyment of human rights on the Internet,
(pp4 of HRC27/31 updated)*

*Pp6 Recognizing the important role of civil society at the local, national, regional and international levels, that civil society facilitates the achievement of the purposes and principles of the United Nations, **and that the restriction of civil society space therefore negatively impacts upon their achievement,**
(pp5 of HRC27/31, updated. Updated language based on A/HRC/32/20, paras 8, 11, 53-57; and having regard to UNGA 70/1)*

Pp7 Welcoming the adoption of the 2030 Agenda for Sustainable Development including

the commitments therein to inter alia promote peaceful and inclusive societies for sustainable development, provide access to justice for all, build effective, accountable and inclusive institutions at all levels, and strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development, and further welcoming its recognition of the importance of multi-stakeholder partnerships for the achievement of the sustainable development goals,

(Based on UNGA/Res/70/1, particularly Goals 16 and 17 and target 17.7)

Pp8 Welcoming also the award of the Nobel Peace Prize to various civil society actors and human rights defenders, as a recognition of the decisive contribution that civil society can make in promotion of human rights and creation of peaceful dialogue and the building of pluralistic democracies, including the award to the civil society led National Dialogue Quartet in 2015,

(new)

Pp9 Gravely concerned that in many countries persons and organizations engaged in promoting and defending human rights and fundamental freedoms frequently face threats, harassment, attacks and suffer insecurity as a result of those activities, including through restrictions on freedom of association or expression or the right to peaceful assembly, or abuse of criminal or civil proceedings, or deplorable acts of intimidation and reprisal intended to prevent their cooperation with the United Nations and other international bodies in the field of human rights (based on UNGA res 66/164)

Pp10 Underscoring that the legal framework within which civil society operates is that of national legislation consistent with the Charter of the United Nations and international human rights law,

(pp7 of HRC27/31)

Pp11 Mindful that domestic legal and administrative provisions and their application should facilitate, promote and protect an independent, diverse and pluralistic civil society, and in this regard strongly rejecting all threats, attacks, reprisals and acts of intimidation against civil society actors, and underscoring that States should investigate any such alleged acts, ensure accountability and effective remedies, and take steps to prevent any further such threats, attacks, reprisals or acts of intimidation,

(pp6 of HRC27/31)

Pp12 Deeply concerned that, in some instances, domestic legal and administrative provisions, such as national security and counter-terrorism legislation, and other measures, such as provisions on funding to civil society, **registration or reporting requirements, have sought to or have been misused to hinder the work and endanger the safety of civil society, and recognizing the urgent need to prevent and stop the use of such provisions, and to review and, where necessary, amend any relevant provisions in order to ensure compliance with international human rights law and, where applicable, international humanitarian law,**

(pp8 of HRC27/31, updated by reference to report A/HRC/32/20)

Pp13 Recognising that the ability to seek, secure and use resources is essential to the existence and sustainable operation of civil society actors and that restrictions on

funding to civil society actors may constitute a violation of the right to freedom of association,

(based on A/HRC/32/20 para 88)

Pp14 Reaffirming that special emphasis should be given to measures to assist in the strengthening of a pluralistic civil society, including through the strengthening of the rule of law, social and economic development, the promotion of the right to freedom of expression, online and offline, including artistic expression and creativity, access to information, the rights of peaceful assembly and freedom of association, including soliciting, receiving and utilizing resources, and the administration of justice, and to the real and effective participation of the people in the decision-making processes,
(pp9 of HRC27/31)

Pp15 Recognizing the crucial importance of the active involvement of civil society, at all levels, in processes of governance and in promoting good governance, including through transparency and accountability, at all levels, which is indispensable for building peaceful, prosperous and democratic societies,
(pp10 of HRC27/31)

1. ***Emphasises*** that creating and maintaining a safe and enabling environment in which civil society can operate free from hindrance and insecurity assists States in fulfilling their existing international human rights obligations and commitments, without which equality, accountability and the rule of law are severely weakened, **with implications at the national, regional and international levels,**
(pp11 of HRC27/31 updated)

2. ***Welcomes*** the report of the UN High Commissioner for Human Rights on practical recommendations for the creation and maintenance of a safe and enabling environment for civil society, based on good practices and lessons learned¹,
(new)

3. *Reminds* States of their obligation to respect and fully protect the civil, political, economic, social and cultural rights of all individuals, inter alia, the rights to freedom of expression and opinion and to assemble peacefully and associate freely, online as well as offline, including for persons espousing minority or dissenting views or beliefs, and that respect for all such rights, in relation to civil society, contributes to addressing and resolving challenges and issues that are important to society, such as addressing financial and economic crises, responding to public health crises, responding to humanitarian crises, including in the context of armed conflict, promoting the rule of law and accountability, achieving transitional justice goals, protecting the environment, realizing the right to development, empowering persons belonging to minorities and vulnerable groups, combating racism and racial discrimination, supporting crime prevention, countering corruption, promoting corporate social responsibility and accountability, combating human trafficking, empowering women, youth and children, advancing social justice and consumer protection, and the realization of all human rights and implementation of the 2030 Agenda;
(op2 of HRC27/31)

¹ A/HRC/32/20

4. *Urges* States to create and maintain, in law and in practice, a safe and enabling environment in which civil society can operate free from hindrance and insecurity;
(op3 of HRC27/31)

5. *Emphasizes* the importance of civil society space for empowering persons belonging to minorities and vulnerable groups, as well as persons espousing minority or dissenting views or beliefs, and in that regard calls upon States to ensure that legislation, policies and practices do not undermine the enjoyment by such persons of their human rights or the activities of civil society in defending their rights;
(op4 of HRC27/31)

6. *Also emphasizes* the important role of artistic expression and creativity in the development of society and, accordingly, the importance of a safe and enabling environment for civil society in that regard, in line with article 19 of the International Covenant on Civil and Political Rights;
(op5 of HRC27/31)

7. *Urges* States to ensure access to justice, accountability and end impunity for human rights violations and abuses against civil society actors, including by putting in place, and where necessary reviewing and amending, relevant laws, policies, institutions and mechanisms to create and maintain a safe and enabling environment in which civil society can operate free from hindrance, insecurity and reprisals;
(op9 of HRC27/31)

8. *Calls upon* States to ensure that domestic provisions on funding to civil society actors are in compliance with their international human rights obligations and commitments and are not misused to hinder the work or endanger the safety of civil society actors, and underlines the importance of the ability to solicit, receive and utilize resources for their work;
(op10 of HRC27/31)

9. *Urges* all non-State actors to respect all human rights and not to undermine the capacity of civil society to operate free from hindrance and insecurity;
(op11 of HRC27/31)

10. *Emphasizes* the essential role of civil society in subregional, regional and international organizations, including in support of the organizations' work, and in sharing experience and expertise through effective participation in meetings in accordance with relevant rules and modalities, and in this regard reaffirms the right of everyone, individually and in association with others, to unhindered access to and communication with subregional, regional and international bodies, and their representatives and mechanisms;
(op12 of HRC27/31)

11. *Recognizes* the valuable contribution of national, subregional, regional and international human rights mechanisms and bodies, including the universal periodic review and special procedures of the Human Rights Council, the human rights treaty bodies and national human rights institutions, to the promotion and protection of civil society space;
(partial repeat of op13 of HRC27/31)

12. Encourages special procedures of the Human Rights Council, the treaty bodies and relevant UN bodies, agencies, funds and programmes to continue to address relevant aspects of civil society space in the framework of their respective mandates;
(new, building on op 13 of HRC27/31)

13. Urges States to ensure that the creation and maintenance of a safe and enabling environment for civil society in the context of the universal periodic review and encourages States in that regard to consult civil society in the preparation of their national report, consider including in their national reports information on relevant domestic provisions and steps, consider making relevant recommendations to States under review, assist States in the implementation of relevant recommendations through, inter alia, the sharing of experiences, good practices and expertise and offering technical assistance, on the basis of requests and with the consent of the States concerned; and conducting broad consultations with civil society in the follow-up of their review,

(new, based on op21 of HRC resolution 29/8, strengthening efforts to prevent and eliminate child, early and forced marriage; op19 of HRC Resolution 24/17, Conscientious objection to military service; op 9 of HRC Resolution 31/37 on peaceful protests and op13 of HRC resolution 21/21, enhancement of technical cooperation and capacity-building in the field of human rights, resolution 16/21)

14. Urges States to create and maintain, in law and in practice, a safe and enabling environment for civil society and in this regard to use good practices such as inter alia those compiled in the report of the Office of the United Nations High Commissioner for Human Rights on “practical recommendations for the creation and maintenance of a safe and enabling environment for civil society, based on good practices and lessons learned”², by inter alia:

(a) taking steps to ensure a supportive legal framework and access to justice, including by acknowledging publicly the important and legitimate role of civil society in the promotion of human rights, democracy and rule of law including through public statements and public information campaigns and better addressing business-related human rights abuses through effective implementation of the UN Guiding Principles on Business and Human Rights;

(b) contributing to a public and political environment conducive to civil society work, including through strengthening the rule of law, the administration of justice, social and economic development, access to information, promotion of the rights to freedom of opinion and expression online and offline, peaceful assembly and association and to participate in public affairs as well as promoting the real and effective participation of the people in the decision-making processes; and taking steps to ensure that all domestic legal provisions impacting on civil society actors including counter-terrorism measures comply with relevant international human rights obligations and commitments including the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms , maintaining accessible domestic procedures for establishment or registration of organisations and associations, and access to national, regional and international human rights mechanisms

² A/HRC/32/20

(c) providing for access to information including through adopting clear laws and policies providing for effective disclosure of information held by public authorities and a general right to request and receive information subject to clearly and strictly defined exceptions in accordance with international human rights law

(d) providing for participation of civil society actors including through enabling them to participate in public debate on decisions that would contribute to the promotion and protection of human rights and the rule of law and on any other relevant decisions, , to provide input on the potential implications of legislation when it is being developed, debated, implemented or reviewed, and exploring new forms of participation and opportunities brought about by information and communications technology and social media

(e) providing for a long-term supportive environment for civil society including through education that is aimed at strengthening the respect of human rights and fundamental freedoms

(new, based on A/HRC/32/20, op5 of resolution 27/5 safety of journalists, pp6, pp8, pp9, op6, op8, op 9 and op10 of resolution 27/31 civil society space, op 2 of resolution 26/22, op 13 of resolution 31/32 human rights defenders OR pp14 of resolution 31/14 good governance, op7(h) resolution 30/9 equal participation in political and public affairs, para 67 Vienna Declaration and Programme of Action, based on UDHR, ICESCR, World Programme for Human Rights Education resolutions and report A/HRC/32/20]

15. Invites States to seek technical assistance and advice in this regard, including from the Office of the United Nations High Commissioner for Human Rights, relevant special procedures of the Human Rights Council and from regional human rights mechanisms;
(based on e.g. HRC/Res 31/37 on peaceful protests)

16. Further invites States and other stakeholders to brief, on a voluntary basis, the Human Rights Council at its thirty-fifth session on measures taken to implement the recommendations contained in report A/HRC/32/20 of the High Commissioner;
(new)

17. Welcomes the work of the Office of the United Nations High Commissioner for Human Rights to promote and protect civil society space, including its work on widening the democratic space, and invites it to continue efforts in this regard;
(op14 of HRC27/31)

18. Requests the High Commissioner to prepare a report compiling information on the procedures and practices in respect of civil society involvement with regional and international organisations including United Nations bodies, agencies, funds and programmes, as well as the contribution of civil society to their work and challenges and best practices, and in that regard to continue to engage with and seek input from those organisations and entities as well as the views of States, national human rights institutions, civil society and other stakeholders and to submit the compilation to the Human Rights Council at its thirty-eight session;
(new)

19. *Decides* to remain seized of the matter.
(*op16 of HRC27/31*)