

[Protect civil society to promote peace, security and development: A recipe for States and the UN HRC](#)

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A major new report by the UN High Commissioner for Human Rights spells out the essential ingredients to respect and protect civil society and ‘optimise its transformative potential’ when it comes to peace, security and development. The UN Human Rights Council and States must now respond.

(Geneva) - The global crackdown on human rights defenders and independent civil society is a threat to international peace and security and undermines sustainable development, ISHR said today.

By contrast, as demonstrated by a [major new report by the United Nations High Commissioner for Human Rights](#), respect for civil society contributes to social cohesion, reduced inequality, accountable government, responsive public policy, a conducive environment for business and investment, and the empowerment of marginalised and disadvantaged groups.

‘Countries where civil society space is protected reap significant dividends,’ says the High Commissioner in the report to be tabled at the forthcoming 32nd session of the UN Human Rights Council in June. ‘Conversely, the closing of civil society space, and threats and reprisals against civil society activists, are early warning signs of instability. Over time, policies that delegitimise, isolate and repress people calling for different approaches or legitimately claiming their rights can exacerbate frustrations and lead to instability or even conflict.’

Five essential ingredients

The High Commissioner’s report, to which ISHR contributed through a [major joint submission with eleven national-level NGOs](#), identifies five ‘essential ingredients’ to ‘optimise civil society’s transformative potential’:

1. ‘a robust legal framework compliant with international standards that safeguards public freedoms and effective access to justice’;
2. ‘a political environment conducive to civil society work’, including accountability for attacks against human rights defenders and protection against reprisals;
3. ‘access to information’ from both public and private actors;
4. avenues for civil society participation in decision-making processes at the national and international levels; and
5. ‘long-term support and resources for civil society’.

Ingredient 1: Supportive legal framework and effective access to justice

As advocated by ISHR, the High Commissioner concludes that the legal recognition of the rights to freedom of opinion, expression, peaceful assembly, association and participation in public affairs, are essential to the protection, exercise and realisation of all human rights. Accordingly, States should enact specific laws on the protection of human rights defenders, 'review and repeal or amend all legal provisions that impede the free and independent work of civil society actors' and 'ensure that all legislation affecting their ability to work complies with relevant international human rights laws and standards and with the Declaration on Human Rights Defenders'.

The report also emphasises that access to justice through an independent and effective judiciary, as well as access to national human rights institutions and to regional and international human rights mechanisms, 'is integral to a supportive legal framework for civil society actors'.

Ingredient 2: Conducive public and political environment

As also emphasised in the ISHR submission, the High Commissioner notes that the legal recognition and protection of human rights defenders and other independent civil society actors 'must be complemented by a political culture that recognises the value of civil society and encourages its engagement'.

According to the High Commissioner, 'addressing threats and attacks targeting civil society actors' is essential to 'building a tolerant culture'.

The High Commissioner makes a range of concrete recommendations in this regard that were strongly advocated by ISHR and its partners, including that States should:

- 'demonstrate high-level political support for the independence and diversity of civic activity through public statements and public information campaigns';
- 'develop and implement national action plans for the implementation of the United Nations Guiding Principles on Business and Human Rights'; and
- 'ensure accountability for any acts of intimidation or reprisal against civil society actors by ensuring prompt, thorough and impartial investigations and bringing perpetrators to justice'.

Ingredient 3: Access to information, including from business enterprises and other private actors

As recognised in Article 6 of the Declaration on Human Rights Defenders, access to information is both a fundamental human right and essential to the promotion and protection of other human rights and accountability for their violation. The High Commissioner's report reflects evolving international and national law and good practice in this regard, recommending not only that States 'enact clear laws, regulations and policies that guarantee the proactive disclosure of information held by public bodies', but that such laws also 'guarantee the right to access information held by private bodies where it is essential to the exercise or protection of human rights'.

This responds both to the fact that, increasingly, private actors are implicated in the promotion, protection, realisation and violation of human rights, and that national jurisdictions such as Kenya, Sierra Leone and South Africa have already enshrined a right to access human rights information from business enterprises and other private actors in their laws or constitutions.

Ingredient 4: Participation in policy development, planning and decision-making

Civil society participation in policy development and decision-making 'enriches both the process and outcome', the High Commissioner says. Importantly, in line with the ISHR submission, the High Commissioner is clear that this principle applies equally to civil society participation in international human rights mechanisms and processes as at the national level. He laments that the process for NGOs to obtain UN consultative status through the NGO Committee of ECOSOC can be 'confusing or alienating' and 'a barrier to participation'.

'The deferral of a large number of NGO applications for consultative status, sometimes for years and reportedly for arbitrary reasons, has deprived international debate of important civil society contributions,' the

High Commissioner says, recommending that regional and international entities should:

- ‘ensure safe premises for civil society and provide advice in cases of threats, intimidation or reprisals’;
- ‘provide for the effective participation of civil society, in conformity with international standards of non-discrimination, the freedoms of expression, association and peaceful assembly and the right to participate in public affairs’; and
- ‘expand the transparency, through such means as webcasting, of public meetings, including, for example, meetings of the Committee on Non-Governmental Organizations of the Economic and Social Council’.

Ingredient 5: Long-term support and resources for civil society organisations

Investment in civil society is an investment in the promotion and protection of human rights and the realisation of peace, prosperity, security and sustainable development. Recognising this, the High Commissioner recommends to both States and other donors to provide long-term support and resources for civil society organisations, and to remove impediments to their functioning, including by:

- ensuring that ‘civil society actors can seek, receive and use funding and other resources, whether domestic or foreign, without prior authorisation or other undue impediments’;
- providing ‘core flexible funding to civil society organisations, with simplified procedures’;
- adopting ‘tax exemptions for civil society organisations and tax incentives for donors’; and
- integrating ‘human rights and civic education in curricula and training programmes at all levels’.

Next steps: A resolution at the 32nd session of the Human Rights Council

In response to the report, a core group of States – including Ireland, Chile, Japan, Sierra Leone and Tunisia – has announced that it will develop a resolution on the protection of civil society space at the 32nd session of the UN Human Rights Council in June.

Read together with recent reports of the Special Rapporteur on Human Rights Defenders (both in relation to [restrictions on civil society actors](#) and [good practices for their protection](#)), the High Commissioner’s new report provides the essential ingredients for a substantive and responsive resolution. ISHR and its many national-level human rights defender networks and partners look forward to working closely with the core group to achieve this.

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