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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania,* Andorra,* Armenia,* Australia,* Austria,* Belgium, Bulgaria,* Canada,* Chile, Colombia,* Costa Rica, Croatia,* Cyprus,* Czechia, Denmark,* Ecuador,* Estonia,* Finland, France, Georgia, Germany, Greece,* Guatemala,* Iceland,* Ireland,* Italy,* Japan,* Latvia,* Liechtenstein,* Lithuania, Luxembourg, Malta,* Marshall Islands,* Montenegro, Netherlands (Kingdom of the),* New Zealand,* North Macedonia,* Norway,* Paraguay, Peru,* Portugal,* Republic of Moldova,* Romania, Sierra Leone,* Slovakia,* Slovenia,* Spain,* State of Palestine,* Sweden,* Switzerland,* Tunisia,* Ukraine, United Kingdom of Great Britain and Northern Ireland and Uruguay*: draft resolution****

53/... Civil society space

The Human Rights Council,

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

Guided also by the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recognizing their continued significance and relevance in the context of their anniversaries, and guided further by the International Covenants on Human Rights and all other relevant instruments,

Reaffirming the importance of 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, in particular in the context of its twenty-fifth anniversary,

Recalling Human Rights Council resolutions 24/21 of 27 September 2013 on civil society space: creating and maintaining, in law and in practice, a safe and enabling environment, 27/31 of 26 September 2014 and 32/31 of 1 July 2016 on civil society space, 38/12 of 6 July 2018 on civil society space: engagement with international and regional organizations, and 47/3 of 26 July 2021 on civil society space: COVID-19: the road to recovery and the essential role of civil society,

Recalling also all other Human Rights Council and General Assembly resolutions relevant to creating and maintaining civil society space, inter alia, those addressing freedom of opinion and expression; the rights to freedom of peaceful assembly and of association; protecting human rights defenders; equal participation in political and public affairs; cooperation with the United Nations, its representatives and mechanisms in the field of

* State not a member of the Human Rights Council.



human rights; the promotion and protection of human rights in the context of peaceful protests; and the promotion, protection and enjoyment of human rights on the Internet,

Reiterating that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and should be promoted and implemented in a fair and equitable manner, without prejudice to the implementation of each of those rights and freedoms,

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 Charter, the promotion of human rights and fundamental freedoms, as set out in the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action and other relevant human rights instruments, and the implementation of the 2030 Agenda for Sustainable Development, and that the undue restriction of civil society space therefore has a negative impact upon their achievement,

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

Recognizing that States have the primary responsibility to respect, protect and fulfil all human rights, including the prevention of human rights violations and abuses, and welcoming the contribution of civil society in this regard,

Recognizing also the important and legitimate role played by civil society in the promotion and protection of human rights with regard to monitoring, documenting and raising awareness about human rights violations and abuses and promoting accountability and the rule of law,

Recalling Economic and Social Council resolution 1996/31 of 25 July 1996 and the need to take into account the full diversity of non-governmental organizations at the national, regional and international levels while acknowledging their expertise and their capacity to support the work of the United Nations,

Welcoming the recognition, within the 2030 Agenda, of the importance of multi-stakeholder partnerships for the achievement of the Sustainable Development Goals,

Noting with concern that civil society participation in decision-making processes has decreased and is less safe and inclusive, including as a result of the coronavirus disease (COVID-19) pandemic and related emergency measures, and underscoring the need to ensure and strengthen inclusive, diverse and meaningful participation, including in times of crisis, without discrimination of any kind,

Stressing the importance of meaningful, safe and inclusive participation at all levels, coupled with effective measures to create and protect a safe and enabling environment for civil society and access to information, as essential for effective crisis response, for building trust and resilience and for promoting human rights, peace and security and sustainable development,

Gravely concerned that, in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms frequently face threats, harassment, discrimination, attacks and unlawful or arbitrary surveillance, both online and offline, and suffer insecurity as a result of those activities, including through restrictions on freedom of association or expression or the right to peaceful assembly, arbitrary arrests and detention, abuse of criminal or civil proceedings or deplorable acts of intimidation and reprisal intended to hinder and prevent their cooperation with the United Nations and other international and regional bodies in the field of human rights, and strongly condemning all such violations and abuses,

Reaffirming the importance of adopting and implementing non-discriminatory measures to assist in the strengthening of a diverse and pluralistic civil society, and recognizing that civil society, including underrepresented and excluded groups, should be consulted to facilitate meaningful, inclusive and diverse participation in decision-making processes at the national, regional and international levels,

Recognizing that digital technologies have expanded the capacities of individuals and civil society groups to conduct their work, to advance human rights and to enable diverse and inclusive engagement, and recognizing also that the digital divide, digital surveillance and undue restrictions, such as Internet shutdowns and online censorship, are not conducive to a safe and enabling space for civil society,

Stressing that the ability to seek, secure and use resources is essential to the existence and sustainable operation of a diverse and pluralistic civil society, and that undue restrictions on funding to civil society actors undermine a safe and enabling environment for civil society, the rights to freedom of association and the ability to participate effectively and meaningfully in national, regional and international organizations,

1. *Reaffirms* that creating and maintaining a safe and enabling environment, both online and offline, 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;

2. *Commends* the work of the Office of the United Nations High Commissioner for Human Rights and the special procedures of the Human Rights Council to promote and protect civil society space, both online and offline, including their work on widening the democratic space, and invites them to continue their efforts in this regard;

3. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights entitled “Civil society space: COVID-19: the road to recovery and the essential role of civil society”;¹

4. *Urges* States to recognize and promote the important role of a diverse and pluralistic civil society and to acknowledge the important contribution of civil society, including grass-roots organizations, human rights defenders, journalists and media workers, to the promotion of human rights, including the principle of non-discrimination, and to ensure a safe and enabling environment for their work, both online and offline;

5. *Also urges* States to ensure that legislation, policies and practices do not undermine the capacity of civil society to operate free from hindrance and insecurity;

6. *Encourages* States to take every opportunity to support diversity of civil society participation, with particular emphasis on underrepresented parts of civil society, including women, children, youth, older persons, persons with disabilities, persons belonging to ethnic, religious, national, linguistic and racial minorities, migrants, refugees, and others, and also including Indigenous Peoples and others not associated with or organized in non-governmental organizations;

7. *Emphasizes* the essential contribution that civil society makes to regional and international organizations, including through advocacy and awareness-raising, participation in conferences, the sharing of expertise and knowledge, engagement in decision-making processes, and implementation, monitoring and evaluation processes, once again unequivocally reaffirms the right of everyone, individually and in association with others, to unhindered access to and communication with regional and international bodies, and their representatives and mechanisms, and urges States to refrain from practices that prevent or hinder such access and communication;

8. *Recognizes* the valuable contribution of national, regional and international human rights mechanisms and bodies, including the universal periodic review and the 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;

9. *Urges* States to ensure that the issue of the creation and maintenance of a safe and enabling environment for civil society is addressed in the context of the universal periodic review, and encourages States in that regard to consult civil society in the preparation of their national reports, to consider including in their national reports information on relevant domestic provisions and steps, to consider making relevant

¹ A/HRC/51/13.

recommendations to States under review and to 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 to their review, in compliance with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011;

10. *Encourages* States and regional and international organizations to put in place transparent, fair and gender-responsive accreditation processes that deliver prompt decisions and respect human rights, including by establishing grievance mechanisms for redress, and to address any erroneous accreditation decisions;

11. *Calls upon* States and encourages international and regional organizations to review, and update as appropriate, their frameworks for engagement with civil society and ensure that those frameworks reflect and respond to the challenges faced, including by taking measures to tackle barriers to participation by underrepresented parts of civil society, and also calls upon States to enable and institutionalize meaningful online participation in hybrid meetings;

12. *Also calls upon* States to ensure that 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;

13. *Urges* States to create and maintain a safe and enabling environment, online and offline, in which civil society can operate free from hindrance, insecurity and reprisals, including by putting in place and, where necessary, reviewing and amending relevant laws, policies, institutions and mechanisms, and also urges States to ensure that such measures are gender-, disability- and age-responsive, address racism, racial discrimination, xenophobia and related intolerance, and take into account the needs of different groups and the online dimension of threats and attacks;

14. *Also urges* States to take all steps necessary to prevent threats, attacks, discrimination, arbitrary arrests and detention or other forms of harassment, reprisals and acts of intimidation against civil society actors, including human rights defenders, to investigate any such alleged acts, to ensure access to justice and accountability, and to end impunity where such violations and abuses have occurred;

15. *Calls upon* States to establish or enhance information-gathering and monitoring mechanisms, such as databases, including by benefiting from data collected by civil society and the media, to permit the collection, analysis and reporting of concrete quantitative and qualitative disaggregated data on threats, attacks or violence against civil society, including human rights defenders, journalists and media workers, and to do their utmost to make data available to relevant entities, in particular the Office of the High Commissioner;

16. *Requests* the United Nations High Commissioner for Human Rights to prepare a thematic report that identifies challenges and best practices in regularly assessing civic space trends and contains recommendations with a view to enhancing information-gathering on civic space, and also requests the High Commissioner, in the preparation of the report, to draw on the views of States, civil society non-governmental organizations, national human rights institutions and other relevant stakeholders, including special procedure mandate holders, and to present the report to the Human Rights Council at its fifty-sixth session;

17. *Decides* to remain seized of the matter.
