

Civil Society Space amendments, all tabled by Russian Federation

L. 51 DELETES REFERENCES TO HRDs Res, Reprisals Res, and Peaceful Protest Res.

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,~~

L. 52 DELETES REFERENCE THAT RESTRICTING CIVIL SOCIETY SPACE HARMS ACHIEVEMENT OF PURPOSES/PRINCIPLES OF UN

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,~~

L. 53 DELETES REFERENCE TO HRDS

Pp8 Welcoming also the award of the Nobel Peace Prize to various civil society actors and those engaged in promotion and protection of 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,

L. 54 DELETES AGREED UNGA LANGUAGE ON PROTECTED RIGHTS + REPRISALS

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)~~

L. 55 ADDS QUALIFIER THAT CIVIL SOCIETY SHOULD BE OPEN, TRANSPARENT, and RESPONSIBLE, including restrictions to “founding mandates” of organisations, and to operate in compliance with domestic laws.

Pp11 Mindful that domestic legal and administrative provisions and their application should facilitate, promote and protect an independent, **open, transparent, responsible,** 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)

Pp14 Reaffirming that special emphasis should be given to measures to assist in the strengthening of a pluralistic, **open, transparent and responsible** 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, **in a legal and transparent manner** and the administration of justice, and to the real and effective participation of the people in the decision-making processes, (pp9 of HRC27/31)

OP1 Emphasises that creating and maintaining a safe and enabling environment in which civil society can operate in an **open, transparent and responsible manner,** 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

OP4. 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, **in an open transparent and responsible manner in accordance with their founding mandates**

Op7. 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 in an open, transparent and responsible manner free from hindrance, insecurity and reprisals;

L. 56 REMOVES LANGUAGE INDICATING THAT FUNDING, REGISTRATION and REPORTING REQUIREMENTS HAVE SOUGHT TO HINDER CIVIL SOCIETY WORK

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 **actors**, 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 **misuse** of such provisions, and to review and, where necessary, amend any relevant provisions in order to ensure **their** compliance with **relevant State's** international human rights **obligations**~~law and, where applicable, international humanitarian law,~~

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

L. 57 REMOVES ACKNOWLEDGEMENT THAT ACCESS TO RESOURCES MAY CONSTITUTE A VIOLATION OF RIGHT TO FREEDOM OF ASSOCIATION

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)

L. 58 SEEKS TO TAKE NOTE OF HIGH COMMISSIONER'S REPORT

Op 2. **Takes note of** ~~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 learned

L. 59 REMOVES AGREED HRC LANGUAGE ON DISSENTING VIEWS, SEEKS TO LIMIT OPEN-ENDED LANGUAGE ON MINORITY AND VULNERABLE GROUPS.

Op 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 **national, ethnic, linguistic and religious** minorities and **persons in vulnerable situations** 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;

Op 5. *Emphasizes* the importance of civil society space for empowering persons belonging **national, ethnic, linguistic and religious** minorities and **persons in vulnerable situations** 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;

L. 60 ADDS REFERENCE TO ARTICLE 20 ICCPR IN PARA ON FOE

Op 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 articles 19 **and 20** of the International Covenant on Civil and Political Rights;
(*op5 of HRC27/31*)

L. 61 REWORKS AGREED HRC LANGUAGE ON PROVISIONS REGARDING FUNDING, EMPHASISE PRIMACY OF NATIONAL LAW, REMOVE REFERENCES TO THE MISUSE OF LEGISLATION

~~OP8. *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*)

redraft as follows:

Underlines the importance of the ability of civil society actors to solicit, receive and utilize resources for their work in accordance with relevant national regulations and *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 do not hinder the work or endanger the safety of civil society actors

L. 62 REMOVES STRONG LANGUAGE ON UPR AND CIVIL SOCIETY INCLUSION

Op 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,~~

L. 63 DELETES THE ENTIRETY OF OP14.

~~Op 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”⁺, 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~~

~~(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~~

L. 64 deletes reference to briefing states on progress implementing

Op 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;

L. 65 deletes reference to the follow-up report, that seeks contributions to report on challenges/best practices re: contribution of civil society to UN bodies.

Op 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;