

Creating and maintaining civil society space: What works?

01.10.2015

States, corporations, investors and the UN all have an interest and responsibility to ensure civil society actors are able to undertake their vital work in a safe and enabling environment, according to a major report by ISHR together with eleven national human rights organisations from around the world.



A major new report prepared by ISHR together with leading national-level human rights organisations from around the world sets out a roadmap for ensuring that civil society is able to flourish and operate freely at the national level.

(Geneva) - States, corporations, investors and the UN all have an interest and a responsibility in ensuring that civil society organisations and human rights defenders are able to undertake their vital work in a safe and enabling environment, according to a [major new report prepared by ISHR together with eleven national-level human rights organisations from Africa, Asia, Central Asia and Latin America](#).

The report, submitted to the UN Office of the High Commissioner for Human Rights pursuant to [UN Human Rights Council resolution 27/31](#), examines strategies and makes over 40 recommendations as to how to 'create and maintain civil society space'. The OHCHR report will be considered by the Council at its 32nd session in 2016.

Key points

- Joint report prepared by ISHR together with eleven leading national human rights organisations sets out a roadmap of more than 40 recommendations – directed to States, national human rights institutions, the UN, donors, business enterprises, and civil society itself – to ensure that defenders can work in a safe and enabling environment.
- Report will be considered by UN Human Rights Council in June 2016, with ISHR urging that its key findings and recommendations be reflected in a resolution on the protection of civil society space.
- Report says that States should enact specific laws and policies to protect human rights defenders and to enable their work, including laws and policies on access to information, the prevention of reprisals, and the right to advocate and associate freely. The implementation of such laws should be adequately resourced and enjoy high-level political support.
- States should also review and amend laws and policies which operate to close civil society space or to unduly restrict and even criminalise the work of human rights defenders, including counter-terrorism laws, laws which restrict access to funding and resources, and laws limiting the right to peaceful assembly and protest.
- Report emphasises the role and responsibility of corporations and investors in protecting civil society space, and the business case for doing so, with corporations urged to act in enlightened self-interest by speak out against restrictions on the rights to freedom of expression, association and assembly in the jurisdictions in which they operate or have interests.
- Funders and civil society organisations themselves also have a role to play in protecting civil society space. Report emphasises importance of coordination, collaboration and networks between human rights defenders and NGOs, together with the use of a complementary range of tactics including strategic litigation and media advocacy to increase their protection and amplify the impact of their work.

The report was compiled by ISHR following face-to-face consultations in September 2015 with 15 leading human rights defenders from around the world, chosen for their extensive experience and success in advocating for the protection of civil society space at the national level. The consultations aimed to identify, document and further develop strategies, tactics and lessons learnt to advocate for laws, policies and practices that safeguard and enable defenders' work, as well as strategies to challenge and resist laws, policies and practices that restrict such work. The defenders also made a [joint statement](#) to the UN Human Rights Council reiterating the report's main points.

'An enabling environment for the work of human rights defenders is essential for the promotion and protection

of human rights and the rule of law. It is vital that defenders working on the ground are at the forefront of international discussions about maintaining civil society space. Their expertise and experience is an invaluable contribution to the report of the High Commissioner for Human Rights,' said Ben Leather, ISHR's Advocacy, Training and Communications Manager.

In addition to being informed by those consultations, the joint report draws on ISHR's existing research based on its 30 years of working with human rights defenders and its in-depth research report, [From Restriction to Protection](#), which examines laws affecting human rights defenders across 40 jurisdictions covering all regions.

States urged to enact and effectively implement specific laws and policies for the protection of human rights defenders

The new joint report emphasises that States have the primary responsibility to support human rights defenders and safeguard civil society space. Measures in this regard should include the enactment of specific laws and policies to protect human rights defenders and to enable their work, including laws and policies on access to information, the prevention of reprisals, and the right to advocate and associate freely. The report also emphasises the importance of States reviewing and amending laws and policies which operate to close civil society space or to unduly restrict and even criminalise the work of human rights defenders, including counter-terrorism laws, laws which restrict access to funding and resources, and laws limiting the right to peaceful assembly and protest.

'An enabling legal environment which facilitates the formation of associations, provides the ability to access and use resources, and recognises the right to advocate without restriction and without fear of reprisal, is essential to human rights, good government and the rule of law,' said ISHR Director Phil Lynch.

The 'business case' for speaking out on the protection of civil society space

The report also emphasises the role and responsibility of corporations and investors in protecting civil society space, with enlightened companies recognising that respect for the rights to freedom of expression, association, assembly and non-discrimination, together with a vibrant civil society that can combat corruption and advocate for the rule of law, is necessary to ensure the conditions in which business can operate safely, predictably and without undue restriction.

'Responsible companies are increasingly seeing the legal, moral and business imperatives of speaking out against attacks on human rights defenders, with the [intervention of Tiffany & Co](#) in support of corporate accountability activist and journalist Rafael Marques in Angola being a good case in point. They are also increasingly seeing the importance of, and benefits associated with, standing up for the rights to freedom of expression, association, assembly and non-discrimination, with the literally hundreds of corporations lending their support to the cause of LGBT rights being a very positive sign,' Mr Lynch said.

The report also discusses the importance of businesses engaging with human rights defenders for the purpose of conducting due diligence and human rights impact assessment and securing a community 'license to operate',

'Human rights defenders have a vital role to play working alongside business to promote corporate respect for human rights, identify and mitigate human rights risk, and ensure corporate accountability for violations,' Mr Lynch said.

Civil society itself needs to collaborate, coordinate and innovate

The report recognises that funders and civil society organisations themselves also have a role to play in protecting civil society space, with coordination, collaboration and networks between human rights defenders and NGOs increasing their protection and amplifying the impact of their work.

'The work of coalitions such as the [West African Human Rights Defenders Network](#), the [East and Horn of Africa Human Rights Defenders Project](#) and the [Women Human Rights Defenders International Coalition](#) is essential both for the coordination of advocacy efforts at the international level and the protection of human rights defenders on the ground,' Mr Lynch said.

UN must do more to protect civil society participation and space

For its part, the UN also has a role and responsibility in safeguarding civil society space, ensuring that its mechanisms are accessible, effective and protective for human rights defenders and other civil society actors.

'The ongoing incidence and severity of [reprisals](#), together with the [denial of accreditation to many NGOs](#) working on issues such as women's rights, LGBT rights and minority rights, show that the UN itself still has some way to go in ensuring effective civil society participation and protecting civil society space,' said Mr Lynch.

'It is essential that the UN and its Member States prioritise efforts to protect human rights defenders from acts of intimidation and reprisals, including by supporting the UN Secretary-General to designate a high-level focal point to combat reprisals. It is also imperative that UN processes for NGO accreditation and participation are reformed to respect the basic rights to freedom of expression, association and participation,' he said.

The report was prepared and submitted by ISHR and the following organisations:

- [Centro de Investigación y Capacitación Propuesta Cívica A.C](#) (Mexico)
- Civil Society Organisation Network for Development (Burkina Faso)
- [Coalition Ivoirienne des Défenseurs des Droits de l'Homme](#) (Côte d'Ivoire)
- [Comisión Intereclesial de Justicia y Paz](#) (Colombia)
- [Human Rights Awareness and Promotion Forum](#) (Uganda)
- [Human Rights Defenders Network](#) (Sierra Leone)
- [Human Rights Movement: Bir Duino](#) (Kyrgyzstan)
- [India Social Action Forum](#) (India)
- [Just Associates](#) (Honduras)
- [Seguridad en democracia](#) (Guatemala)
- [Terra de direitos](#) (Brazil).

Contact:

- Phil Lynch, Director, International Service for Human Rights, on p.lynch@ishr.ch or + 41 76 708 47 38
- Ben Leather, Advocacy, Training and Communications Manager, International Service for Human Rights, on b.leather@ishr.ch