

Joint Open Letter To Permanent Representatives of Members and Observer States of the United Nations Human Rights Council

Geneva, 24 September 2014

Over 40 civil society organisations urge States to oppose proposed amendments that would weaken draft Human Rights Council resolution on civil society space

Excellency,

Forty-three civil society organisations write to express their deep concerns regarding proposed amendments to the draft resolution on civil society space (A/HRC/27/L.24).

As the space for civil society is shrinking globally, the draft resolution on civil society space is a timely and vital response to contribute to the reversal of this trend. We therefore urge your delegation to support it as drafted, and to reject the proposed amendments that aim to weaken the international community's response to this increasingly troubling phenomenon.

The draft resolution builds upon the agreed language of Council Resolution 24/21 and the report of OHCHR on the Council's panel discussion on civil society space (A/HRC/27/33), identifying the key elements required to ensure that civil society can exercise its critical role in strengthening democracy, providing essential services, and promoting human rights.

Importantly, the draft resolution reaffirms States' existing obligations under international human rights law to guarantee the rights to freedom of expression, assembly and association, and public participation, among other rights, and to protect civil society space and actors from threats, attacks or reprisals. The Resolution, if adopted, would be an important contribution to efforts to bridge implementation gaps and overcome obstacles in protecting civil society space.

At the same time, we are deeply concerned that proposed amendments seek to undermine the spirit of the resolution and attempt to detract from States' obligations to protect and promote civil society space. The proposed amendments would:

1. Remove reference to Council Resolution 24/24 "on cooperation with the United Nations, its representatives and mechanisms in the field of human rights", which was adopted on 27 September 2013, and Council Resolution 25/38 "on the promotion and protection of human rights in the context of peaceful protests", which was adopted on 28 March 2014. Both resolutions were adopted by the Human Rights Council and are critically important and relevant to protecting civil society space at the United Nations and in its Member States. Therefore attempts to remove reference to them from a resolution on civil society space are entirely inappropriate.ⁱ
2. Weaken references to the binding nature of international human rights law by qualifying State obligations under international law with unnecessary references to national law. Repetitive iterations of this point, already set out clearly in Preambular Paragraph 10, would distract from the spirit and purpose of the resolution, which is to identify the steps States should take to bring their domestic legislation into compliance with international human rights law, a call which lies squarely within the Human Rights Council's mandate.ⁱⁱ

3. Narrow the more inclusive references to “minority and vulnerable groups” by replacing them with the more closed formulation of “national, ethnic, linguistic and religious minorities and persons in vulnerable situations”. This would limit recognition of the important work of civil society to empower persons belonging to *all minority and marginalised or otherwise disadvantaged groups*, and would dilute the call on States to “ensure that legislation, policies and practices do not undermine the enjoyment of their human rights or the activities of civil society defending their rights”.ⁱⁱⁱ
4. Remove reference to the importance of civil society space for empowering dissenting voices to speak out. States should expect and welcome robust public debates, including criticism and political opposition of the State, its institutions, and public officials. This underpins the guarantee of freedom of expression contained in Article 19 of the Universal Declaration of Human Rights, and it is crucial that this be reiterated without qualification.^{iv}
5. Weaken language calling upon States to ensure that provisions on funding to civil society are in compliance with international human rights law and are not misused.^v The proposed amendments would diminish the right of everyone, individually and in association with others, to solicit, receive and utilise resources, as an integral part of the right to freedom of association. The Human Rights Council must not dilute a right that is explicitly recognised in the Declaration on Human Rights Defenders^{vi} adopted by consensus by the General Assembly.
6. Limit the enjoyment by civil society of the right to unhindered access to and communication with sub-regional, regional and international bodies, and the obligation on States and the UN system to protect those doing so from any act of intimidation or reprisal.^{vii} The Human Rights Council must enhance protection from reprisals, and not weaken it.
7. Undermine the role of the High Commissioner in preparing a compilation of practical recommendations for the creation and maintenance of a safe and enabling environment for civil society, based on good practices and lessons learned.^{viii} The amendments would instead dispense with the need for “practical recommendations” at all, and replace the desire for the High Commissioner to “engage and seek the views of” States and other stakeholders, with the need to “base” his findings on the views of States and other stakeholders.

As civil society organisations, we respectfully urge your delegation to support the draft resolution as tabled, and vote against the proposed amendments should they be brought to a vote.

Yours Sincerely,

Signatories:

1. Acción Solidaria en VIH/Sida – Venezuela
2. Action Canada for Population and Development (ACPD) - Canada
3. Americans for Democracy and Human Rights in Bahrain (ADHRB)
4. Amnesty International
5. Arab NGO Network for Development (ANND)
6. ARC International
7. ARTICLE 19
8. Bahrain Center for Human Rights (BCHR) – Bahrain

9. Bahrain Institute for Rights and Democracy (BIRD)
10. Cairo Institute for Human Rights Studies (CIHRS)
11. Central Africa Human Rights Defenders Network (REDHAC)
12. Centre for Policy Alternatives (CPA) – Sri Lanka
13. Community Empowerment for Progress Organization (CEPO) – South Sudan
14. CIVICUS: World Alliance for Citizen Participation
15. CIVILIS Derechos Humanos – Venezuela
16. Commonwealth Human Rights Initiative (CHRI) – India
17. Conectas - Brazil
18. CREA – India
19. East and Horn of Africa Human Rights Defenders Project (EHAHRDP)
20. Elma7Rosa Network – Egypt
21. Egyptian Democratic Association - Egypt
22. European Center for Not-for-Profit Law (ECNL)
23. Forum Asia
24. Gulf Center for Human Rights (GCHR)
25. Human Rights Concern - Eritrea
26. Human Rights House Foundation (HRHF)
27. Human Rights Law Centre - Australia
28. Human Rights Watch (HRW)
29. International Campaign for Human Right Iran
30. International Center for Not-for-Profit Law (ICNL)
31. International Commission of Jurists (ICJ)
32. International Federation for Human Rights (FIDH)
33. International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA)
34. International Service for Human Rights (ISHR)
35. Karapatan Alliance for the Advancement of People's Rights- Philippines
36. Legal Resource Center – South Africa
37. No Peace Without Justice (NPWJ)
38. Policy Center - Serbia
39. Sinergia, Venezuelan Association of Civil Society Organizations - Venezuela
40. South Sudan Law Society (SSLS) – South Sudan
41. Vietnamese Overseas Initiative for Conscience Empowerment (VOICE) –Vietnam
42. World Movement for Democracy (WMD)
43. Zambia Council for Social Development - Zambia

ⁱ Amendment to Preambular Paragraph 4

ⁱⁱ Amendments to Preambular Paragraphs 6 and 11, and Operative Paragraph 10

ⁱⁱⁱ Amendments to Operative Paragraphs 2 and 4

^{iv} Amendment to Operative Paragraph 2

^v Amendment to Operative Paragraph 10

^{vi} UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

^{vii} Amendment to Operative Paragraph 12

^{viii} Amendment to Operative Paragraph 15