

CIVICUS's analysis of the Civil Society Space Resolution A/HRC/RES/59/XX

Issue Area	Strengths	Shortcomings
New restrictions on civil society space, including at the UN level	Reference to strategic lawsuits against public participation including by business entities	Lack of recommendations on specific measures to prevent, mitigate, and remedy strategic lawsuits against public participation
	The Resolution includes a call on States to update frameworks for engagement with civil society, including by taking measures to tackle barriers to participation	Lack of reference to overall decreased opportunities for civil society participation in the current global context as a result of: <ul style="list-style-type: none"> - UNHRC efficiency exercises and cost-saving measures - The current UN liquidity crisis - Wave of broader funding cuts affecting the work of civil society organisations
		Lack of reference to removal of other key barriers that hinder full and effective civil society participation including discriminatory visa policies
		No call upon UN bodies to enable to institutionalise meaningful online participation in hybrid meetings and implement UNHRC Decision 55/116,

		in which the Council requested the UNGA to consider authorising the UNHRC to continue its practice of using the modalities for remote participation for all its future formal and informal meetings
	Reference to foreign funding legislation	Absence of explicit mention of ‘foreign agents’ laws as a prominent trend
	For the first, the following are included: <ul style="list-style-type: none"> - Defamation and libel laws, laws on misinformation and disinformation - Counter-terrorism and counter-extremism legislation - Cybercrime legislation - Measures to protect democratic institutions from covert political interference 	Lack of inclusion of national security legislation and anti-money laundering legislation
	Strengthened language on the right to access resources, including abroad	Absence of language on: <ul style="list-style-type: none"> - The severe funding crisis facing human rights organisations - The need for sustainable and flexible funding practices to safeguard civil society space at the various levels

		<ul style="list-style-type: none"> - Donor States' responsibility in regard in regard to sustainable core funding
	Recognition of the phenomenon of transnational repression as 'extraterritorial attempts' to silence and intimidate civil society actors	Absence of definition of the phenomenon, impact on specific groups (e.g. those living in exile), and tactics used, e.g. combination of legal, administrative and extrajudicial measures
UN and other documents	Reference for the first time to the UN Guidance Note on the Protection and Promotion of Civic Space	<p>No specific action points on the UN Guidance Note on the Protection and Promotion of Civic Space five years after its adoption:</p> <ul style="list-style-type: none"> - Implement the United Nations Guidance Note on the Protection and Promotion of Civic Space - Institute a 'status on implementation report' including information on extent of implementation and barriers to implementation of the Note - Consider ways in which they can assist States, upon their request, in creating and maintaining a safe and enabling environment

	Acknowledgement of important civil society initiatives including Declaration +25	Lack of reference to other important initiatives such as the UNMute Recommendations to ensure meaningful civil society participation at the UN, endorsed by over 50 Member States
	Reference to recent UNHRC and UNGA Resolutions on the promotion and protection of human rights in the context of digital technologies and the safety of journalists	Lack of reference to relevant UN Resolution on human rights and transitional justice highlighting the positive role of civil society in transitional justice processes
	Reference to the UN Guiding Principles on Business and Human Rights	
	Reference to commitments set out in the Pact for the Future	Lack of reference to the SG's Call to Action for Human Rights identifying public participation and civic space as key areas for change in a blueprint
Civil society actors	Explicit reference to women human rights defenders	
	Recognition of the need to promote a safe and enabling environment for:	Lack of specific acknowledgment of diaspora communities and those living in exile

	<ul style="list-style-type: none"> - Grassroots and community-based organizations - Rural and Indigenous groups - Feminist groups, women of African descent, women journalists and media professionals and trade unions 	
	Inclusion of academia and academic institutions among civil society actors	
Role of civil society actors	<p>Recognition of the legitimate role played by civil society actors, including in:</p> <ul style="list-style-type: none"> - Conflict prevention - Conflict resolution - Peacebuilding processes 	Lack of specific recognition of civil society to advance justice, accountability, reparation and guarantees of non-recurrence
	Acknowledgement of the positive role of civil society at the local, national, regional, and international levels	
Strategies employed by civil society	<p>Recognition of positive strategies such as:</p> <ul style="list-style-type: none"> - Advocacy - Awareness-raising - Sharing of expertise and knowledge - Engagement in decision-making processes 	Absence of reference to other strategic such as mobilisation and strategic litigation
Early warnings	Recognition that data gathered in relation to civil society space can serve as	Lack of reference to data gathered in relation to civil society space as early

	early warning signs of a deteriorating human rights situation or serious human rights challenges, and recognising the vital contributions of those assessing civil society space on the ground	warning signs of a conflict breakout or escalation
		Absence of a recommendation on corrective action to be taken by States based on early warnings of civic space restrictions provided through civil society monitoring
Digital technologies	Recognition that civic space violations are amplified by the use of digital technologies	
	Recognition of repressive activities to harm, silence and intimidate civil society actors and human rights defenders, including abroad, through digital means including through the misuse of spyware and other intrusive surveillance software	
States' responsibility	Recognition of the States' primary responsibility to respect, protect and fulfil all human rights, including: <ul style="list-style-type: none"> - Prevention of human rights violations - Prompt, effective and impartial investigation and abuses 	

	- Access to effective remedies	
Responsibility of other actors, including in regard to civil society participation	Recognition of the responsibility of business enterprises	
	The Resolution includes a call for regional organizations to enable and institutionalize meaningful online participation in hybrid meetings	
	The Resolution includes a call for regional and international organizations to put in place transparent, fair and gender-responsive accreditation processes and safeguard the meaningful, safe, diverse and inclusive participation of civil society	
Reprisals	Strengthened language on reprisals including: <ul style="list-style-type: none"> - Killings - Stigmatization - Smear campaigns 	Absence of full language on reprisals based on the SG's report on reprisals including the following: <ul style="list-style-type: none"> - Physical attacks - Travel bans - Torture and ill-treatment
		Absence of the term 'retaliation' in addition to reprisals to cover further instances
		Absence of specific provisions on the protection of civil society

		actors engaged in monitoring work
	Recognition of related challenges in conflict and occupation contexts	
Requests to the High Commissioner	<p>Preparation of a follow-up thematic report to A/HRC/32/20 on the creation and maintenance of a safe and enabling environment for civil society that reviews progress against the recommendations to:</p> <ul style="list-style-type: none"> - Identify new and emerging trends concerning civil society space - Analysis of the specific contribution and risks faced by underrepresented parts of civil society 	Lack of requests to the High Commissioner on reporting on the Guidance Note on the Protection and Promotion of Civic Space