

Factsheet: Mapping the achievements of civil society

Special Rapporteur Maina Kiai's report to the Human Rights Council, June 2017 (A/HRC/35/28)



Does the report limit its definition of 'civil society' to NGOs?

No

Civil society is defined much more broadly for purposes of the report, to include: other forms of associations, trade unions, grassroots groups, religious institutions, student movements and more. The report views civil society as "a voluntary manifestation of associational life, with an existence and purpose that exists outside of and largely independent of the state and the market, that is inherently collective in nature, working in various ways towards common purposes that do not conflict with the principles of the United Nations" (A/HRC/35/28, para 10-12).

Is there a connection between a vibrant civil society and countries' social, political and economic development?

Yes

Imagine what the world would look like without civil society. In the Special Rapporteur's view, it would be vastly different and far worse than it is now. This is not to say that civil society achieved or continues to achieve single-handedly the transformations that have characterised human history. But civil society has played a key role in many advancements that have benefited humanity. The report provides scores of examples of these achievements, categorized into seven themes: (1) pursuing accountability (A/HRC/35/28, paras 38-46), (2) supporting participation and empowerment (Id., paras 47-55), (3) driving innovation (Id., paras 56-63), (4) fostering sustainable development (Id., paras 64-71), (5) raising awareness (Id., paras 72-76), (6) cultivating alliances (Id., paras 77-82), and (7) shared humanity (Id., paras 83-88).

Do governments inhibit development when they restrict civil society?

Yes

The trend of closing civic space - laws and practices that restrict civil society's ability to operate - poses a serious threat in a growing number of countries. And when civil society is restricted, so are the benefits that flow from it. The phenomenon of closing civic space is unfortunate because it is both self-destructive and short-sighted, even for those orchestrating the closure. Repression today may help a government silence a critic tomorrow, or boost a business' profits the next day. But at what cost next month, next year and for the next generation? This report makes clear that those costs would be monumental, and that they would touch us all - regardless of geography, gender, wealth, status or privilege (A/HRC/35/28, paras 89-91).

Is the report meant to be comprehensive?

No

Detailing the achievements of civil society going back to the beginning of history - and staying within the 10,700 word limit for UN reports - would be nearly impossible. As such, the report focuses on civil society's achievements over roughly the past decade - though some examples stretch a bit further back than that. Even within this time frame, the report is not comprehensive. It is based primarily on the Special Rapporteur's research, consultations with civil society, and more than 50 questionnaire responses from civil society and governments. The report does, however, have a brief section summarizing historical achievements, such as the 19th century anti-slavery movement, the US civil rights movement, the anti-apartheid movement in South Africa, the struggle against colonialism and authoritarian regimes in several parts of the world, the women's rights movement, the labor rights movement, the rise of humanitarian aid organizations and more (A/HRC/35/28, para 16-22).

Can a country be considered a democracy without an active civil society sector?

No

A vibrant civil society sector is not the sole determinant of a robust democracy, but it is critical for a state's democratic credentials (A/HRC/35/28, para 23). Civil society acts as both a counterweight and complement to government and business in a democracy, providing avenues through which people can exert their influence on public affairs and matters that affect them. When societies are deprived of diverse forms and spaces for people to associate and mobilise, the opinions and preferences of those with privilege or access to power tend to dominate (Id., para 24). Contestation through fair elections may be eliminated or rendered meaningless if people are not free to mobilize votes, articulate preferences and represent interests. Civil society promotes and facilitates these spaces for engagement (see A/68/299).

Does civil society also contribute to the economy, even though it is not-for-profit?

Yes

Civil society is a significant contributor to the economy, particularly through the employment and volunteer opportunities it provides. In a survey of 16 countries, the non-profit sector employs a proportionately larger percentage of the workforce than some other industries such as transport, accounts for an average of 4.5% of GDP, and provides a range of essential services. In 13 of these countries, the total non-profit workforce accounted for 7.4% of all workers on average. In Sweden, meanwhile, civil society contributed 3.2% to national GDP in 2014 (A/HRC/35/28, para 32).

What is this report about?

This report examines the myriad ways in which civil society has improved societies globally - protecting civil and political rights, advancing development objectives, moving societies towards freedom and equality, achieving and upholding peace, checking corporate behaviour, protecting the environment, delivering essential services, advocating for economic, social and cultural rights, and more. It highlights both the intrinsic and instrumental value of civil society as the means for people to aggregate their views and voices in general and the value to functioning democracies in particular (A/HRC/35/28, para 8). The premise of the report is that civil society is enormously valuable. It has improved communities and has overwhelmingly contributed to the betterment of the world today. Because of this, it is entitled to protection and facilitation - at the very least to the same levels accorded to other sectors (Id., para 15).

How does the report define 'achievements'?

The report does not adhere to a rigid empirical assessment of civil society's accomplishments, nor can it - there are many ways of perceiving 'achievements'. Instead, the report defines success (non-exhaustively) as: attaining the desired result of an action or intervention; the achievement of a goal or milestone; initiation or engagement in desirable processes producing outputs, outcomes and impact; transformational change of structural or systemic arrangements as well as one-off transactions that do not fundamentally alter the status quo; and also the maintenance of the status quo to avoid deterioration or retrogression (Id., para 13).

Where can I find the report?

The report (A/HRC/35/28) is available at the following link: <http://freeassembly.net/reports/civil-society/>

WHAT HAS CIVIL SOCIETY DONE FOR YOU LATELY? A LOT, IT TURNS OUT

EXAMPLES TAKEN FROM MAINA KIAI'S JUNE 2017 REPORT TO THE HUMAN RIGHTS COUNCIL [A/HRC/35/28]

Pursuing accountability (paras 38-46)

Triggering changes in government: In South Korea, Guatemala, Ukraine, Brazil, Tunisia, Egypt, Iceland and other countries the population's demands for accountability - most visibly through protests - led to changes in the countries' leadership.

Criminal justice: The establishment of the International Criminal Court was a victory for civil society in its efforts to establish accountability for serious human rights atrocities. Justice has been pursued in national and specialised courts as well. The conviction of former Chadian president Hissène Habré in Senegal in 2016 on charges of crimes against humanity was initiated and driven principally by victims associations and NGOs.

Public interest litigation: In Zimbabwe, marriage of underage girls was successfully outlawed after litigation. In the United States, the American Civil Liberties Union has played a leading role in using litigation to challenge the legality of some of President Donald Trump's controversial executive orders, notably the so-called "Muslim ban."

Supporting participation & empowerment (paras 47-55)

Marriage equality: Thanks largely to the advocacy efforts of LGBTI civil society, more than 20 countries allow same-sex marriages today; at the beginning of 2000, there were zero. Public support of same-sex marriage, meanwhile, has more than doubled in some countries over the past 20 years.

Empowering domestic workers: The adoption of the ILO Convention C189 on Decent Work for Domestic Workers in 2011 happened primarily due to the efforts of a global network of domestic workers' organisations that came together under the auspices of the International Domestic Workers Network (now the International Domestic Workers Federation).

Cultivating alliances (paras 77-82)

Democracy in Tunisia: The 2015 Nobel Peace Prize laureates - the Tunisian National Dialogue Quartet - embody the role that civil society can play in strengthening a flagging democratization process in a fragmented society. The Quartet worked with a broad array of actors towards compromise and negotiation. Their successes were achieved despite internal differences and even rivalries between various groups such as trade unionists, employers, lawyers, activists and more.

Panama Papers: The International Consortium on Investigative Journalism collaborated with more than 100 media partners to analyse and then simultaneously publish the "Panama Papers" - a large leak of financial and legal records that exposed a system of secret off-shore companies that enable crime, corruption and wrong-doing largely hidden from the public eye.

Driving and applying innovation (paras 56-63)

Green technology: Greenpeace helped develop the so-called "Greenfreeze" refrigeration technology in the 1990s, which eliminated the need for refrigerators to use gases that contribute to ozone depletion and global warming. More than 850 million Greenfreeze units are in use globally today.

Open source software: The development of open source software - computer software that can be studied, changed, and distributed to anyone and for any purpose - has been largely driven by civil society organizations such as the Mozilla Foundation, the Open Source Initiative and the Free Software Foundation.

Fostering sustainable development (paras 64-71)

Protecting the environment: Advocacy by civil society has been a principal force behind the public's growing awareness of environmental problems. Civil society fills a unique role in this regard, since businesses and governments may prioritize other interests that diminish their willingness to voluntarily take measures to protect the environment.

Halting harmful projects: Civil society in Gabon and Peru have engaged with corporations from China over the financing or implementation of projects that would have violated the rights of indigenous peoples and had adverse environmental repercussions.

Raising awareness (paras 72-76)

Political prisoners: Amnesty International's campaigns for the release of prisoners of conscience have served as both a beacon of hope and a model for action since 1961.

Death penalty: Civil society's work to abolish the death penalty has resulted in a dramatic increase in the number of countries that outlaw the practice. In 1977, the death penalty was banned in only 16 countries; today, roughly 140 countries have abolished it in law or practice.

Shared humanity (paras 83-88)

Refugee assistance: At 'the jungle' camp in Calais, France, where an estimated 7,000 to 9,000 asylum-seekers in October 2016 waited in the hopes of gaining entry to the United Kingdom, volunteers and international aid agencies were the primary providers of much needed basic supplies because states failed to fulfill their obligations.

Vaccines: The Clinton Health Access Initiative used its leverage with pharmaceutical companies to negotiate drastically reduced prices for HIV/AIDS drugs, helping to ensure the supply of those drugs to people in lower income countries.

"PERHAPS CIVIL SOCIETY'S MOST IMPORTANT CONTRIBUTION HAS BEEN ITS ABILITY TO GIVE PEOPLE HOPE. THIS ACHIEVEMENT MAY NOT QUANTIFIABLE, BUT IT IS THE STARTING POINT FOR EVERY CONCRETE SUCCESS ... WITHOUT HOPE, THERE IS NO ACTION AND THERE IS NO CHANGE."

A/HRC/35/28, para 89