

United Nations Guidance Note

# Protection and Promotion of Civic Space

September 2020

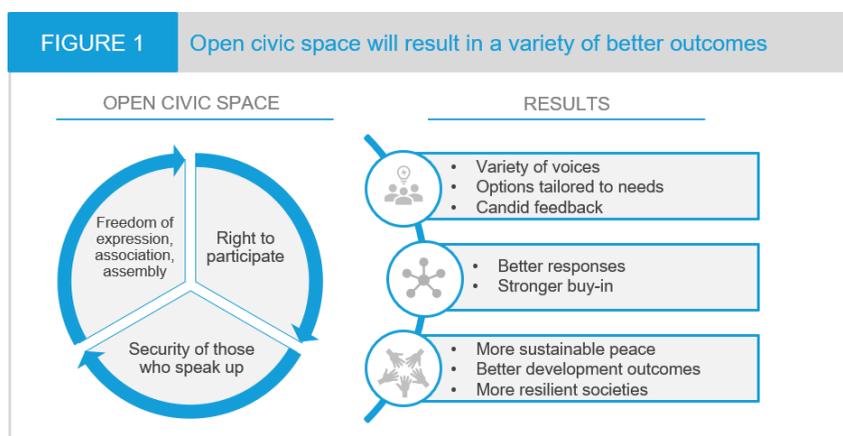
# 1. Introduction and purpose

“We the peoples of the United Nations determined to save succeeding generations from the scourge of war [...], to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom.”

– Preamble, Charter of the United Nations

As the Charter of the United Nations celebrates its seventy-fifth anniversary, the present Guidance Note seeks to shed light on how best do justice to its promise of “**We the peoples**”. As the drafters of the Charter and of the Universal Declaration of Human Rights clearly recognized, development, peace and security, and respect for human rights are interdependent, and achieving them requires meaningful, inclusive and safe public and civil society participation. Meaningful participation in turn requires open civic space: an environment that brings a diversity of voices into debates, and safe channels and a vibrant media landscape that allow for peaceful disagreement and dissent.

The Guidance Note was prepared pursuant to the [Secretary-General’s Call to Action for Human Rights](#), launched before the Human Rights Council in February 2020. The *Call to Action* reaffirms the promise of the Universal Declaration of Human Rights that the pursuit of fundamental rights and freedoms is at the heart of the work of the United Nations, and makes public participation and civic space a priority area. The Note aims at guiding the leadership and staff working in United Nations entities, including the Secretariat, United Nations agencies, funds and programmes (collectively referred to as the “United Nations system”), in accordance with their relevant mandates in



protecting and promoting civic space and ensuring increased consistency across the system. It is **anchored in international law, in existing policies under the United Nations pillars of development, peace and security and human rights**, and in its **humanitarian** work.

The Note outlines key steps that United Nations entities can take individually or jointly to strengthen civic space engagement, taking into consideration the role, capacities and programming approach of each one. The Note is based on substantive contributions from United Nations entities and civil society, and highlights good practices for advancing civic space and engaging civil society.<sup>1</sup>

Participatory approaches to decision-making and policy discussions help to forge a positive dynamic relationship between people and their governments, where peaceful protests and grievances can be addressed and settled by responsive and accountable administrations: this significantly **reduces the risk of fragility, crisis and violence**, thereby making societies safer and more resilient and policymaking more effective and legitimate. Conversely, the absence of dialogue is likely to exacerbate social and political tensions. Repeated attempts to restrict civic space, and excluding individuals and groups from expressing their views, assembling freely, creating associations and participating in decision-making are often a prelude to a general deterioration in the political situation and

## WHAT IS CIVIC SPACE?

Civic space is the environment that enables people and groups – or “civic space actors” – to participate meaningfully in the political, economic, social and cultural life of their societies. States shape the legal and policy space within which people express views, assemble, associate and engage in dialogue with one another and with authorities about issues that affect their lives, from the quality of basic services, to better institutions and respect for fundamental freedoms. Civil society actors – including human rights defenders, women advocates, children, young people, members of minorities and indigenous people, trade unionists and journalists – should be able to express themselves freely in full security and effect change peacefully and effectively.

Importantly, civic space relies on formal and informal channels through which individuals and groups can play a role in policymaking and contribute to decision-making, political and peacebuilding processes. These require mechanisms that allow effective access to information, dialogue and the expression of dissenting and unpopular views.

The freedoms of expression, including access to information, of peaceful assembly and association apply at all times – both online and offline. A vibrant civic space requires an open, secure and safe environment that is free from all acts of intimidation, harassment and reprisals, whether online or offline. Any restrictions on such a space must comply with international human rights law [i.e., must not discriminate, must be provided for by law, and be necessary and proportionate].

<sup>1</sup> Between January and March 2020, OHCHR, UN-Women, UNDP, UNHCR and other entities undertook consultations with representatives of civil society and held in-depth internal

discussions with several other entities, including the Department of Communications, PBSO, DPO, DPPA, UNESCO, UNEP, UNDEF and OCHA.

to further human rights violations, and therefore a clear early warning sign. Engaging people also makes for more legitimate and effective decisions, more widely supported and more likely to be successfully implemented.

## SPOTLIGHT: KEY CIVIC SPACE ISSUES

### A. Taking civic space seriously as the key to “building back better” after COVID-19

It is in times of crisis that civic space, transparency and the free flow of information are more critical than ever for building and maintaining the trust needed for effective responses. Civil society has an essential role to play, for example, by tailoring responses to the needs on the ground and giving feedback on how responses work, building trust and amplifying the voices of those not heard. Ensuring the participation of communities most affected by COVID-19 in national response and recovery plans is the cornerstone to fostering stronger, more resilient societies that leave no one behind. At this critical time, though, civil society’s efforts could be challenged by different measures, such as reduced funding in an economic downturn. A strong voice of the United Nations supporting civil society is crucial to an effective response to the pandemic.<sup>2</sup>

### B. Leveraging new technologies for increased participation and protecting civic space online

Digital tools are used by more than 3 billion people around the world to access and store information, to express opinions, to participate in decision-making

and to mobilize. Digital technologies have created new spaces for exchange, mobilization and participation. At the same time, obstacles to expression, participation and assembly have evolved or intensified, such as in the case of Internet shutdowns, online surveillance, online attacks and disinformation campaigns. Responses to these challenges are also more complex, as online civic space platforms are often privately owned.

### C. Better understanding trends for preventive action

The ability of communities to participate and to express views is a threshold issue for peace and development. Attempts at limiting participation and at silencing those who speak out are early warning signs. The United Nations therefore has to better leverage the wealth of information on civic space, including on laws, measures and practices that restrict civic space and fundamental rights and public debate, but also trends signalled by the killing and unlawful detention of and attacks against women activists, human rights defenders, environmental activists, trade unionists, journalists, indigenous people and minorities.

Civil society was **at the core of the development of the Sustainable Development Goals and should be at the centre of implementation, follow-up and review processes**. In particular, Goal 16 seeks to promote peaceful and inclusive societies by, inter alia, developing effective, accountable and transparent institutions at all levels; ensuring responsive, inclusive, participatory and representative decision-making; and ensuring public access to information and protecting fundamental freedoms. Goal 16 is also an enabler of all other SDGs.

<sup>2</sup> The Inter-Agency Standing Committee has issued guidance on flexible and simplified funding to support front-line civil society work: [https://interagencystandingcommittee.org/system/files/2020-](https://interagencystandingcommittee.org/system/files/2020-06/IASC%20Proposal%20for%20a%20Harmonized%20Approach%20to%20Funding%20Flexibility%20in%20the%20Context%20of%20COVID-19.pdf)

[06/IASC%20Proposal%20for%20a%20Harmonized%20Approach%20to%20Funding%20Flexibility%20in%20the%20Context%20of%20COVID-19.pdf](https://interagencystandingcommittee.org/system/files/2020-06/IASC%20Proposal%20for%20a%20Harmonized%20Approach%20to%20Funding%20Flexibility%20in%20the%20Context%20of%20COVID-19.pdf).

## 2. The “three Ps”: participation, protection and promotion

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The United Nations has made considerable efforts to ensure the meaningful **participation of civil society actors through strengthened partnerships**, and those efforts must continue and deepen. At the same time, simply engaging with civil society is not enough. Given the centrality of civic space to the ability of the United Nations to achieve its objectives, the United Nations system has an important role to play in both the **protection of civil society actors** and the **promotion of civic space**.

### 1. PARTICIPATION

#### *Ensuring meaningful civil society participation in what we do*

**Fair and transparent rules, channels and processes for participation and access to information**<sup>3</sup> allow civil society actors to contribute meaningfully and effectively to the work of the United Nations across its three pillars. Participation and the right of access to information – a core component of the right to freedom of opinion and expression – are inextricably linked, as the former is possible only with the latter. All policy processes that affect peoples’ lives should be guided by international human rights law and ensure transparency, access to information and participation at the local, national and international levels.<sup>4</sup> All United Nations entities should reflect the applicable principles enshrined in international human rights instruments in their own

processes and meetings by establishing mechanisms through which different civil society actors can participate and contribute effectively.<sup>5</sup>

**Diversity**, including gender diversity, is a critical component of participation, which may require special efforts to reach out to people and groups whose voices may otherwise not be heard, especially members of ethnic and religious minorities, indigenous peoples, land rights and environmental defenders, young people, children, migrants, refugees, asylum-seekers and stateless persons, persons with disabilities, older persons, women, and lesbian, gay, bisexual, transgender and intersex persons.

#### What role for the United Nations?

Many entities within the United Nations system, both at Headquarters and in the field, have their own **policies on participation** and related issues, including partnerships and access to information. Some entities have established channels for civil society to play an advisory role. Others, such as UNHCR, WFP and UNICEF have created a “Partner Portal”, a shared civil society database to strengthen transparency and partnerships across United Nations agencies.

A number of policies, strategies and initiatives focused on specific groups (including women,

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<sup>3</sup> See also Human Rights Committee general comment No. 34 (2011) on the freedoms of opinion and expression.

<sup>4</sup> In the report of the United Nations High Commissioner for Human Rights on procedures and practices in respect of civil society engagement with international and regional organizations

(A/HRC/38/18), the High Commissioner refers to international human rights, including the Universal Declaration of Human Rights.

<sup>5</sup> See the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on access to information in international organizations (A/72/350).

refugees, young people, persons with disabilities and migrants) guide different parts of the system to **strengthen diversity and encourage inclusive participation**. For instance, on the basis of the SDGs and Security Council resolutions,<sup>6</sup> the [United Nations Youth Strategy](#) identifies the engagement, participation and advocacy of young people as a priority area, and commits to promoting meaningful youth participation within and beyond the United Nations to address the underrepresentation of youth

organizations in decision-making. The [United Nations Disability Inclusion Strategy](#) recognizes the value of participation of persons with disabilities and their organizations, and calls for the Organization as a whole to ensure their engagement in all United Nations processes. The Peacebuilding Fund, through its Gender and Youth Promotion Initiative, supports civil society organizations as direct recipients of funding for peacebuilding interventions.

#### EXAMPLES OF PILLAR-WIDE POLICIES:<sup>7</sup>

- > An exceptional example of structured civil society partnerships is the [Inter-Agency Standing Committee \(IASC\)](#), established by the General Assembly in 1991 as a humanitarian coordination forum,<sup>8</sup> where civil society is formally part of the structure and its processes at all levels and stages through a multitude of working groups. Civil society also provides input towards the performance evaluation of humanitarian coordinators. Through allocated membership seats, a consortium of non-governmental organizations ensures that policies and humanitarian actions respond to real needs on the ground.
- > The [United Nations Sustainable Development Cooperation Framework Guidance](#) significantly broadens the concept of partnerships to embrace all stakeholders critical to forging sustainable development solutions in line with the values of the United Nations. It explicitly states that cooperation frameworks represent a commitment to the people in a country, particularly the most marginalized and vulnerable, and calls upon the United Nations to include those left behind throughout cooperation framework cycles.
- > The [Common Minimum Standards for Multi-stakeholder Engagement in the United Nations Development Assistance Framework](#) for the planning and implementation of United Nations development activities in each country, in support of the implementation of the 2030 Agenda for Sustainable Development, present a concrete road map for United Nations country teams to ensure that the voices of stakeholders at the country level inform all stages of the planning and implementation of United Nations activities, from design to implementation, monitoring and evaluation. The [Management and Accountability Framework](#) of the United Nations Development and Resident Coordinator System requires Resident Coordinators, together with United Nations country teams, to build strategic partnerships around the collective support of the United Nations for the 2030 Agenda, and to enable the active, meaningful participation of local communities, particularly those left behind, or at risk of being left behind.
- > The [United Nations system-wide Community Engagement Guidelines](#) launched in August 2020 focus on the criticality of involving communities in peacebuilding and in sustaining peace efforts. They emphasize the need for effective coordination in community engagement across the United Nations in the field, for working with diverse groups in civil society, including women and youth, and ensuring their protection, for a deep understanding of the local context through civil society engagement and for community-based capacity-building (including flexible funding).

<sup>6</sup> Security Council resolution 2250 (2015) was entirely dedicated to youth. In its resolution 2419 (2018), the Council called for an increase in the representation of youth for the prevention and resolution of conflict, including when negotiating and implementing peace agreements.

<sup>7</sup> For agency-specific policies, see also the report of the United Nations High Commissioner for Human Rights on civil society space: engagement with international and regional organizations (A/HRC/44/25).

<sup>8</sup> General Assembly resolution 46/182.

### Civil society representation on boards and working groups of United Nations entities

Civil society are represented in the committees, advisory boards, panels or working groups of many United Nations entities – for example UNAIDS, UNDP, UNFPA, UNHCR, UN-Habitat, PBSO, UN-Women and ILO – thus bringing voices from the ground to policymaking and operational activities.

## RECOMMENDED ACTIONS FOR THE UNITED NATIONS SYSTEM *(in accordance with relevant mandates)*

- > Develop new or implement existing policies on free and equal **access to information**, ensure they are publicly available in local languages, and use accessible and suitable communications channels.
- > Develop or implement existing policies on inclusive and effective **participation in United Nations processes and partnerships**;<sup>9</sup> regularly assess the effectiveness of participation channels, and enable feedback loops for civil society.
- > **Use safe and user-friendly online and digital platforms** to allow for diversity of civil society actors to participate in virtual and online meetings organized by the United Nations.
- > Reach out to **diverse civil society** actors, with a focus on those at risk of being left behind, including communities at the local and grassroots levels and women's organizations.

- > Explore avenues for civil society to **challenge restrictions** on participation and on access to information.

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## The role of the United Nations in relation to intergovernmental forums

The United Nations also acts as a secretariat for a number of intergovernmental bodies and forums, each of which has different rules for civil society participation.<sup>10</sup> According to the Charter of the United Nations, international law and the 2030 Agenda for Sustainable Development, the role of the United Nations Secretariat is to **support Member States in making intergovernmental processes open to civil society participation** and ensuring that diverse groups are included in them.

### UN High-Level Political Forum (HLPF)

The annual HLPF enables states to present Voluntary National Reviews (VNRs) of the progress made in the implementation of the 2030 Agenda. The Secretary-General's voluntary common reporting guidelines for VNRs call for participatory and inclusive approaches to VNRs and ask states to indicate whether national human rights institutions and representatives of vulnerable groups contributed and what mechanisms were used to meaningfully and effectively engage stakeholders in SDGs implementation; and to include in the VNRs a list of actors consulted in the preparation of the VNR report.

According to the report of the United Nations High Commissioner for Human Rights on procedures and practices in respect of civil society engagement with international and regional organizations (A/HRC/38/18), a number of steps can be taken to

<sup>9</sup> As UN intergovernmental bodies define their own rules, the Note applies to all processes under the authority of the Secretary-General.

<sup>10</sup> See also: A/HRC/38/18

help ensure meaningful civil society engagement with international organizations, involving:

1. **Fair rules on access to information** and participation modalities.
2. **Transparent and fair accreditation** and registration processes.
3. **Diversity of civil society**, including underrepresented populations.
4. **Safety** of persons who engage.
5. **Mechanisms through which civil society can contest restrictions.**

While States define the rules for intergovernmental bodies, the United Nations system, in line with human rights principles and standards and the commitment of the SDGs to “leave no one behind”, has a role in supporting **inclusive, effective, well-coordinated and sustainable civil society participation in intergovernmental forums and channels**, which civil society organizations may use to contest restrictions.

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## 2. PROTECTION

### *Protecting those at risk as a precondition for a vibrant civic space*

International human rights law guarantees people the rights to life, liberty and security of person, to participate, and to be free from any undue interference in their enjoyment of freedoms of expression, assembly and association. **Threats and attacks against civil society actors** harm the trust between people and government, restrict civic space and run counter to the values and principles of the United Nations. Violence against those who express

dissenting or unpopular views also has a deterrent effect on others, silencing critical voices and ultimately shrinking civic space.

Certain groups are **more vulnerable to threats and violence than others**. For example, those calling into question development projects, defending land rights, denouncing corruption or working on issues perceived as challenging traditional and cultural norms risk facing particularly grave threats.

Certain civil society actors face risks based on their gender. Groups at particular risk include women human rights defenders working to advance gender equality or challenging gender stereotypes. Women, girls’ rights and gender non-conforming social justice activists are often exposed to gender specific violations and risks, including rape, femicide, sexual harassment and assault, and isolation. Women’s rights activists may encounter gender-specific obstacles in their access to remedies, such as where women are not recognized as having legal standing in the judicial system or where community attitudes stigmatize sexual violence.

#### **Killing of civil society actors**

In 2019 alone, at least 357 human rights defenders were killed and 30 disappeared in 47 countries. These included journalists and trade unionists, half of whom were working with communities on land rights, environmental protection or the rights of minorities and indigenous peoples. Acts of this type not only directly harm the individuals involved and their families, but also have a chilling effect on the activities of other civil society actors and lead to self-imposed censorship and disengagement from public affairs.

*“All groups need to see that their individual identities are respected, while feeling that they belong as valued members of the community as a whole. Civil society has a role to play in raising the alarm when this respect is threatened or lost.”*

- Secretary-General António Guterres

in his remarks to the Security Council open debate on the theme "Maintenance of International Peace and Security: Conflict Prevention and Sustaining Peace", 10 January 2017.<sup>11</sup>

## What role for the United Nations?

The United Nations system has a role to play in protecting civil society actors from attacks, harassment, arbitrary detention, enforced disappearances, unlawful killings, criminalization, and acts of intimidation and reprisal to silence critical voices, wherever they arise. Effective protection is closely linked with the promotion of civic space; the engagement of the United Nations with civil society is critical, such as when it organizes regular meetings with civil society actors, advocates a positive narrative about civil society, or mitigates or addresses threats publicly or privately. Risk assessments and preventive measures must be part of any engagement by the United Nations system with civil society actors who might be exposed to risk of harm or reprisals. All protection efforts, whether at Headquarters or in mission settings, must be made in accordance with applicable mandates and tailored to the particular circumstances of those targeted, and be age- and gender-responsive to their needs.

Independent United Nations human rights mechanisms have established procedures for the consideration of individual cases. Strategic cooperation with these mechanisms in relation to countries with civic space-related risks can open up new channels for political engagement in civic space

issues in countries where civil society actors might be at risk and require greater protection.

### Protecting civil society actors, including journalists and environmental defenders

UNEP has a defenders policy that identifies violations against indigenous peoples as a key concern that requires stronger prevention and protection measures.

UNESCO coordinates the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, and supports the global monitoring of attacks against journalists and judicial follow-up on cases of killings in the biennial report of the UNESCO Director-General on the safety of journalists and the danger of impunity. UNESCO and OHCHR, jointly with other United Nations entities, report on progress under SDG indicator 16.10.1 on journalists and human rights defenders.

UNITED NATIONS PEACE MISSIONS engage with national police and security forces on civil society issues, with national human rights institutions and diplomatic missions on concerted protection responses, carry out risk assessments and maintain databases and mappings of civil society actors and human rights defenders.

## RECOMMENDED ACTIONS FOR THE UNITED NATIONS SYSTEM *in accordance with relevant mandates when they are first responders to allegations of reprisals*

- > Put **victims at the centre** by addressing urgent protection needs – in consultation with victims and/ or their families and representatives – when cases arise, and

<sup>11</sup> <https://www.un.org/sg/en/content/sg/speeches/2017-01-10/secretary-generals-remarks-maintenance-international-peace-and>

coordinate with other relevant actors on protection responses, including with the aim of reducing impunity.

- > **Be aware and raise awareness of legislative, institutional and policy contexts and groups at risk**, as such awareness is essential to assessing risk and taking appropriate action. Adopt safe communication channels.
- > Act quickly on the basis of **clear protection protocols and follow-up procedures** (including documentation). Train staff to act likewise.
- > Keep track of individual communications and recommendations made by relevant **United**

**Nations treaty bodies** and **special procedure mandate holders** and in the context of the universal periodic review, and track their status of implementation by Member States.

- > Ensure that protection responses are guided by **informed consent, confidentiality and the principle of “do no harm”**, and consider the specific protection needs of victims.
- > Pay particular attention to and follow up on allegations of **intimidation and reprisal** against civil society for cooperating with the United Nations, and take appropriate measures to prevent such acts of intimidation and reprisal.

### **REPRISALS: Heightened responsibility of the United Nations system when those who cooperate or seek to cooperate with the Organization are targeted**

The success of the day-to-day work of the United Nations often depends on the active engagement of civil society actors, which at times exposes its partners to risks. Individuals and groups have a right to unhindered and safe access to international and regional mechanisms and processes. Those actors engaging with the United Nations provide invaluable on-the-ground insights and information, provide early warning alerts to the United Nations system of deteriorating or evolving situations, and advocate for relevant action. **Acts of reprisal and intimidation** against those who work with the United Nations are **unacceptable, and undermine the Organization’s credibility and work**.<sup>12</sup>

#### **What role for the United Nations?**

The United Nations system has the responsibility to deter and respond to these acts, and to assist and support victims and those affected.

Since October 2016, the Assistant Secretary-General for Human Rights has been leading **United Nations system-wide efforts to address intimidation and reprisals against those who cooperate, or seek to cooperate, with the United Nations**, including on human rights issues. In his report on cooperation with the United Nations, the Secretary-General included specific cases and an analysis of national and global trends, and outlined good practices for addressing existing cases and preventing acts of intimidation and reprisal in the future.

<sup>12</sup> See [www.ohchr.org/EN/Issues/Reprisals/Pages/ReprisalsIndex.aspx](http://www.ohchr.org/EN/Issues/Reprisals/Pages/ReprisalsIndex.aspx).

See also General Assembly resolution 72/247 and Human Rights Council resolutions 12/2, 24/24, 36/21 and 42/28.

### 3. PROMOTION

#### *Promoting inclusive participation channels and fundamental freedoms*

At the country level, vibrant and free civic space with **channels for safe, non-discriminatory, inclusive, meaningful and effective participation** in the conduct of public affairs is at the core of any healthy and resilient society.<sup>13</sup> Free media, a public space in which diverging views and dissent can be expressed freely, and the right to free and fair elections are indispensable. To ensure that these rights are enjoyed effectively in practice, mechanisms must be in place to contest any restrictions imposed on them.<sup>14</sup> Any measures by States to limit the rights to freedom of opinion and expression, peaceful assembly and association and the right to participate in public affairs must be non-discriminatory, prescribed by law, proportional to the purpose and have a legitimate aim.<sup>15</sup>

According to the Human Rights Council, effective participation requires:

- > **Openness and transparency** in all aspects of decision-making, and accountability of public authorities
- > **Empowerment and education:** rights-holders equipped with knowledge and capacity
- > **Equality** to ensure inclusiveness and diversity, and
- > An **enabling environment**, including the **safety** of those who participate, and **remedies** in the event that the right to participation is violated.<sup>16</sup>

Fair and transparent rules, channels and processes that allow for different voices to be heard, whether online or offline, allow **diverse civil society actors to act as agents of change**. Effective participation in national decision-making processes requires and builds upon freedoms of access to information, to express opinions, to associate with others and to hold peaceful assemblies.<sup>17</sup>

**Independent and pluralistic media** are a key element of civic space. Enabling media workers, including bloggers, to operate freely in a safe environment allows for the timely dissemination of information, facilitates public debate and strengthens accountability. While not civil society actors themselves, **parliaments, national human rights institutions** and similar bodies have a key role in defending and expanding civic space.

**Peaceful assemblies** are a crucial channel for participation and free expression.<sup>18</sup> They allow individuals and groups to advance ideas and aspirations and to express grievances in the public domain. In its general comment No. 37 (2020) on the right of peaceful assembly, the Human Rights Committee noted that States were required to allow assemblies to be held without unwarranted interference and to facilitate the exercise of the right and to protect participants. According to article 21 of the International Covenant on Civil and Political Rights on peaceful assembly, “no restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.”

<sup>13</sup> Human Rights Committee general comment No. 34 (2011) on the freedoms of opinion and expression.

<sup>14</sup> See Human Rights Council resolution 32/31, paras. 7 and 14 (a). See also the Guidelines for States on the effective implementation of the right to participate in public affairs (2018).

<sup>15</sup> See Human Rights Committee general comment No. 29 (2001) on states of emergency.

<sup>16</sup> See the Guidelines for States on the effective implementation of the right to participate in public affairs.

<sup>17</sup> See International Covenant on Civil and Political Rights, arts. 19, 20, 21, 22 and 25.

<sup>18</sup> In her 2020 report on the impact of new technologies on human rights in the context of peaceful assemblies (A/HRC/44/24), the United Nations High Commissioner for Human Rights emphasized that technology enabled people to exercise the rights of peaceful assembly and association, including by mobilizing for peaceful protests, forming networks and assembling online.

Rather than facilitating participation and debate, some Governments respond to critical voices or protests by **restricting online and offline civic space** by means of laws, policies and administrative measures, such as by limiting or banning assemblies, imposing restrictions on media and non-governmental organizations' registration or funding, or shutting down the Internet or parts of it; conducting online surveillance; delegitimizing dissenting voices by labelling them as “enemies” or “terrorists”; and harassing critics. Counter-terrorism laws, cyber-security laws, tax and money-laundering regulations are often the instruments used to enact these restrictions.

Disinformation and hate speech<sup>19</sup> have a negative impact on civic space by attacking groups with a view to driving them out of public debate.<sup>20</sup> The United Nations Strategy and Plan of Action on Hate speech are guided by four key principles: (1) supporting more speech, not less, is the key means to address hate speech; (2) tackling hate speech is the responsibility of all; (3) supporting a new generation of digital citizens empowered to recognize, reject and stand up to hate speech; and (4) advocating for more research to act effectively. Attempts to censor hate speech, when defined vaguely, may well lead to shrinking space and suppression of protected speech. Effectively responding to hate requires more speech, not censorship. The promotion and protection of free expression must go hand in hand with efforts to combat intolerance, discrimination and incitement to hatred.

**Privacy** is intertwined with the rights to freedom of expression, assembly and association, because the violation of one right has a negative impact on the

enjoyment of the other.<sup>21</sup> If the data accumulation and collection as seen today becomes entrenched, it could enable government or others to monitor and increasingly coerce people into compliance, and limit their scope for expressing critical opinions and mobilizing others.

## What role for the United Nations?

The United Nations system can significantly contribute to improving the institutional, legal and policy frameworks that **enable the effective and safe participation of diverse civil society groups and actors** and protect the space for free speech, association and assembly. It is crucial that the United Nations system develop **targeted strategies** adjusted to particular contexts (including in mission settings), such as political or post-conflict transitions. When opportunities arise, the United Nations should advocate for robust inclusive participation channels and effective mechanisms to allow and defend diverse opinions, including the expression of unpopular and minority views. When there is almost no space for real participation, the United Nations should identify entry points and design joint strategies aimed at expanding space.

These strategies should build on the **many possible actions that the United Nations could take on civic space**, such as capacity development for State bodies and civil society organizations, and convening and supporting coalitions to address specific obstacles to open civic space. This could include assisting institutions that can act as bridges between civil society and State institutions, such as independent national human rights institutions or parliaments.

<sup>19</sup> According to the United Nations Strategy and Plan of Action on Hate Speech launched by the Secretary-General in June 2019, “there is no international legal definition of hate speech, and the characterization of what is ‘hateful’ is controversial and disputed.” In the context of the Strategy and Plan of Action, the term “hate speech” is understood as any kind of communication in speech, writing or behaviour that attacks or uses pejorative or

discriminatory language with reference to a person or a group on the basis of who they are; in other words, based on their religion, ethnicity, nationality, race, colour, descent, gender or other identity factor.

<sup>20</sup> See also the Rabat threshold test.

<sup>21</sup> See A/66/290 and A/HRC/41/41.

As **online civic space** takes shape, the United Nations has a key role to play in maximizing the opportunities brought about by new technologies, which can improve participation and interaction around legislative and policy proposals.<sup>22</sup> At the same time, it is critical to ensure that restrictions imposed by public or private actors do not infringe the rights to participate, to access information, to speak out and to mobilize. Many of the new technologies allow for unprecedented levels of surveillance and interference, often in largely unregulated spaces. As these challenges arise and evolve, it is the role of the United Nations system to, in accordance with relevant mandates, ensure that human rights, with human dignity equality, and non-discrimination at the core, remain the yardstick for assessing State actions.

**The Leave No One Behind framework for United Nations country teams lists some tips:**

- > Build **coalitions** to support social movements that draw attention to inequalities and counter harmful social norms, gender-based and other forms of violence that engage citizens, local/national authorities, civil society and the private sector
- > Support **participatory local development planning and monitoring**
- > **Systematize intergroup dialogue and trust-building** community development programming; involve the public in complex decision-making through citizens' assemblies and juries, as well as in public service delivery and budgeting.

The advocacy of the United Nations for an approach with **broad engagement and consultation with stakeholders** across all sectors of society is the key to ensuring that no one is left behind. Multi-stakeholder partnerships and platforms involving actors from government, civil society and the private sector are critical to building an enabling environment for genuine collaboration.

The **operational guide for United Nations country teams, “Leaving No One Behind”**, takes into account five factors: (i) discrimination; (ii) geography (rural v. urban); (iii) vulnerability to shocks; (iv) governance; and (v) socioeconomic status. The guide advocates for specific groups and populations to be included in country-level discussions and decision-making, as well as for the development programming cycle.

**RECOMMENDED ACTIONS FOR THE UNITED NATIONS SYSTEM** *(in accordance with their mandates)*

- > Promote effective **participation of different groups in national decision-making**, and identify and address participation gaps, with a view to ensuring that those at risk of not being heard are involved in debates that affect their lives.
- > **Strategize to expand civic space and to address gaps**, online and offline, and help to build broad civic space coalitions.
- > Provide **policy advice, capacity development, technical assistance and funding support** with a view to increasing public participation, improving laws and policies that touch upon online and offline

<sup>22</sup> See the Guidelines for States on the effective implementation of the right to participate in public affairs, p. 17.

civic space, and strengthening national protection mechanisms.

- > **Speak out against online and offline restrictions** on the freedoms of expression, peaceful assembly and association, particularly in the context of attempts to censor and criminalize expression, if inconsistent with international human rights law standards.
- > Promote **positive narratives on civil society and its contributions** in many areas of work, and leverage the convening role of the United Nations between States, businesses and different segments of civil society.
- > In the context of **peaceful assemblies**, support the right to peaceful assembly and the right of journalists to safely cover protests, while seeking to consider root causes.
- > Support and facilitate **access to funds** for civic space actors to continue and expand their ongoing work.

**2017 Department of Peacekeeping Operations/Department of Field Support Guidelines on Engagement with Civil Society:**

*“UN peace missions should promote measures protecting the space for civil society into reform efforts, and in particular, advocate so that the legal framework does not excessively restrict the ability of civil society actors to be organized or to have the voice, nor that civil society is confined to registered groups.”*

## Acronyms

**DPPA**

Department of Political and Peacekeeping Affairs

**DPO**

Department of Peace Operations

**ILO**

International Labour Organization

**OCHA**

Office for the Coordination of Humanitarian Affairs

**OHCHR**

Office of the United Nations High Commissioner for Human Rights

**PBSO**

Peacebuilding Support Office

**SDGs**

Sustainable Development Goals

**UNAIDS**

Joint United Nations Programme on HIV/AIDS

**UNDEF**

United Nations Democracy Fund

**UNDP**

United Nations Development Programme

**UNEP**

United Nations Environmental Programme

**UNESCO**

United Nations Educational, Scientific and Cultural Organization

**UNFPA**

United Nations Population Fund

**UN-Habitat**

United Nations Human Settlements Programme

**UNHCR**

Office of the United Nations High Commissioner for Refugees

**UNICEF**

United Nations Children's Fund

**UN-Women**

United Nations Entity for Gender Equality and the Empowerment of Women

**WFP**

World Food Programme