

United Nations Guidance Note

Protection and Promotion of Civic Space

September 2020

1. Introduction and purpose

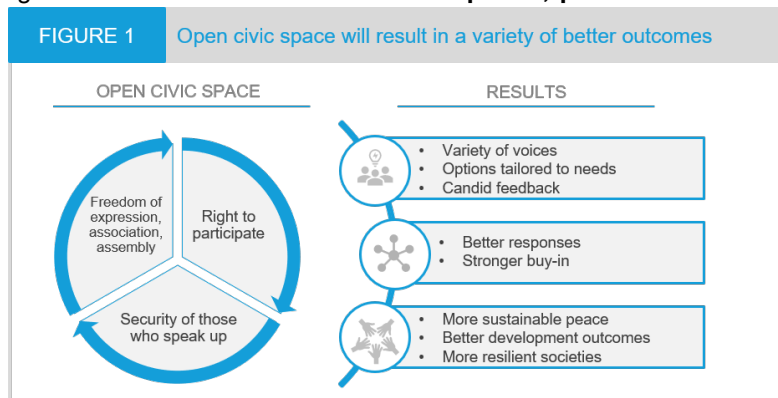
“We the peoples of the United Nations determined to save succeeding generations from the scourge of war [...], to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, to establish conditions under 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

With the Charter of United Nations celebrating its 75th anniversary, this note seeks to shed light on how to do justice to its “**We the Peoples**” promise. As the drafters of the UN 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 at 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 United Nations’ work and makes public participation and civic space a priority area. The Note aims at guiding UN leadership and staff in UN entities, including the Secretariat, UN Agencies, Funds and Programmes (henceforth ‘the UN system’), in accordance with relevant mandates in protecting and promoting civic space and ensuring increased consistency across the system’.in protecting and promoting civic space and ensuring increased consistency across the system. It is **anchored in international law, in existing policies under the UN development, peace and security**



and human rights pillars, as well as **humanitarian work**.

The Note outlines key steps that UN entities can take individually or jointly to strengthen our civic space engagement, taking into consideration individual entities' roles, capacities and programming approaches. The Note is based on substantive contributions from UN entities and civil society, and highlights good practices for advancing civic space and engaging civil society.¹

Participatory approaches in decision-making and policy discussions help to forge a positive dynamic relationship between people and their governments

in which peaceful contestations and grievances are addressed and resolved by responsive and accountable administrations: this significantly **reduces the risk of fragility, crisis and violence** and makes societies safer and more resilient and policy-making more effective and legitimate. Conversely, the absence of dialogue is likely to escalate social and political tensions. Repeated attempts to restrict civic space and excluding individuals and groups from expressing their views, freely assembling, creating associations and participating in decision-making are most often a prelude to a general deterioration of the political situation and to further human rights violations, and therefore, a clear early warning sign. Engaging

WHAT IS CIVIC SPACE?

Civic space is the environment that enables people and groups – or 'civic space actors' – to meaningfully participate 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, as well as with authorities in relation to 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 – need to be able to freely express themselves in full security and affect change peacefully and effectively.

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

The freedoms of expression, including access to information, to peaceful assembly and association apply at all times - both on and off-line. A vibrant civic space requires an open, secure and safe environment, free from acts of intimidation, harassment and reprisals – both on and offline. Any restrictions on this space must comply with international human rights law [i.e., must not discriminate, must be provided for by law and are necessary and proportionate to meet the crisis].

¹ Between January and March 2020, OHCHR, UNWomen, UNDP, UNHCR and other entities undertook consultations with civil society and held in-depth internal discussions with several other

entities, including DCO, PBSO, DPO, DPPA, UNSECO, UNEP, UNDEF and OCHA.

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 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 essential roles 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 impacted 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, there is a risk that civil society's efforts could be challenged by different measures, including reduced funding in an economic downturn. A strong UN voice and support to civil society² is crucial to an effective response to the pandemic.

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

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, mobilisation and

participation. At the same time, obstacles to expression, participation and assembly have evolved or intensified, including internet shutdowns, online-surveillance, online attacks, 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 for communities to participate and express views is a threshold issue for peace and development. Attempts at limiting participation and silencing those who speak out are early warning signs. The UN thus needs 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 signaled 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 SDGs and needs to be at the centre of implementation, follow-up and review processes**. SDG16 in particular, seeks to promote peaceful and inclusive societies by developing effective, accountable and transparent institutions at all levels; ensuring responsive, inclusive, participatory and representative decision-making; ensuring public access to information and protecting fundamental freedoms, among others. SDG16 is also an enabler of all other SDGs.

² IASC has issued guidance on flexible and simplified funding to support front-line civil society work: [interagencystandingcommittee.org/system/files/202003/IASC%20](https://interagencystandingcommittee.org/system/files/202003/IASC%20interim%20Guidance%20on%20COVID-19%20-%20Key%20Messages%20on%20Flexible%20Funding.pdf)

[interim%20Guidance%20on%20COVID-19%20-%20Key%20Messages%20on%20Flexible%20Funding.pdf](https://interagencystandingcommittee.org/system/files/202003/IASC%20interim%20Guidance%20on%20COVID-19%20-%20Key%20Messages%20on%20Flexible%20Funding.pdf)

2. The “3 Ps”: Participation – Protection – Promotion

The UN has devoted considerable efforts to ensuring meaningful **participation of civil society actors through strengthened partnerships**, those efforts need to continue and deepen. At the same time, simply engaging with civil society is not enough. Given the centrality of civic space to the UN’s ability to achieve its objectives, the UN system has an important role to play in both, **protection of civil society actors** and **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 information³ allow civil society actors to meaningfully and effectively contribute to the work of the UN 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 effective participation is only possible with access to information. All policy processes that affect peoples’ lives need to be guided by international human rights law and ensure transparency, access to information and participation, at the local, national, and international levels.⁴ All UN 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.⁵

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, youth, children, migrants, refugees, asylum-seekers and stateless, persons with disabilities, older persons, women, LGBTI persons.

What role for the UN?

Many entities within the UN system (at headquarters and the field) have their own **policies on participation** and related issues, including on partnerships and access to information. Some UN entities have established channels for civil society to play advisory roles. 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 on women, refugees, youth, people with disabilities, and migrants) guide different parts of the system to **strengthen diversity and inclusive participation**.

³ See also HRC GC 34

⁴ See: A/HRC/38/18 (report of the High Commissioner for Human Rights on “Procedures and practices in respect of civil society engagement with international and regional organizations”), which

refers to international human rights, including the Universal Declaration on Human Rights.

⁵ See report of the Special Rapporteur on Freedom of Expression on access to information in international organisations.

For instance, based on the SDGs and Security Council resolutions,⁶ the UN 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 UN⁷ to address young people's and youth organizations' underrepresentation in decision-making. The [UN 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 UN 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 POLICIES⁸:

- > An exceptional example of structured civil society partnerships is the **Inter-Agency Standing Committee (IASC)**, established by the General Assembly in 1991 as the humanitarian coordination forum,⁹ where civil society is formally part of the structure and processes at all levels and stages, through a multitude of working groups. Civil society also inputs in the performance evaluation of Humanitarian Coordinators. Through allocated membership seats a consortium of NGOs ensures that policies and humanitarian actions respond to real needs on the ground.
- > The [UN Sustainable Development Cooperation Framework Guidance](#) significantly broadens the concept of partnerships to embrace all stakeholders critical to forging sustainable development solutions in line with UN values. It explicitly states that Cooperation Frameworks represent a commitment to the people in a country, particularly the most marginalized and vulnerable and calls on the UN to include those left behind throughout the Cooperation Framework cycle.¹⁰
- > The [UN Common Minimum Standards for Multi-stakeholder Engagement](#) for the planning and implementation of UN development activities in each country, in support of the implementation of the 2030 Agenda, present a concrete roadmap for UN Country Teams to ensure that the voices of stakeholders at country level inform all stages of the planning and implementation of our activities, from design to implementation, monitoring and evaluation.¹¹ The **Management and Accountability Framework** of the UN Development and Resident Coordinator System requires Resident Coordinators, together with the UN Country Teams, to build strategic partnerships around the UN's collective support to the 2030 Agenda, and enable active, meaningful participation of local communities, particularly those left behind or at risk of being left behind.
- > The **UN system-wide Community Engagement Guidelines** launched in July 2020 by the Peacebuilding Support Office focus on the criticality of involving communities in peacebuilding and sustaining peace efforts. They emphasise the need for effective coordination in community-engagement across the UN in the field, for working with diverse civil society groups, 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).

⁶ Security Council Resolution 2250 (2015) was entirely dedicated to youth. Resolution 2419 (2018) calls for an increase in the role of young people in decision-making processes related to security, conflict and peace, including peace agreements.

⁷ www.un.org/youthenvoy/youth-un/

⁸ For agency-specific policies see also: undocs.org/en/A/HRC/44/25

⁹ GA resolution 46/182

¹⁰ unsdg.un.org/resources/united-nations-sustainable-development-cooperation-framework-guidance

¹¹ unsdg.un.org/resources/common-minimum-standards-multi-stakeholder-engagement-undaf

Civil society representation on boards and working groups of UN entities

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

RECOMMENDED ACTIONS FOR THE UN 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 UN processes and partnerships**.¹² 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 UN.
- > Reach out to **diverse civil society** actors, with a specific focus on those at risk of being left behind, including communities at local and grassroots levels and women's organizations.

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

The UN's role in relation to intergovernmental forums

The UN also acts as secretariat for a number of intergovernmental bodies and forums which have different rules for civil society participation.¹³ In line with the UN Charter, international law and the 2030 Agenda for Sustainable Development, it is the role of the UN Secretariat 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 voluntary national reviews call for participatory and inclusive approaches to VNRs and ask states to indicate whether NHRIs and representatives of vulnerable groups contributed and what mechanisms were used to meaningfully and effectively engage stakeholders in SDG implementation; and to include in the VNR a list of actors consulted in the preparation of the VNR report.

According to the High Commissioner for Human Rights' report on ensuring diversity in civil society participation in international and regional organizations (A/HRC/38/18 and), five stepping stones help ensure meaningful civil society engagement with international organisations:

¹² As UN inter-governmental bodies define their own rules, the Note applies to all processes under the authority of the Secretary-General.

¹³ See also: A/HRC/38/18

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 it is States that define the rules for intergovernmental bodies, the UN system, in line with human rights principles and standards and the SDGs' leave-no-one-behind commitment, 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.

2. PROTECTION

Protecting those at risk as a pre-condition for a vibrant civic space

International human rights law guarantees people the rights to life, liberty and security of the person, to participate, 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 go against the values and principles of the UN. 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 and 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 come up against gender specific obstacles in terms of accessing remedies, where for example, women are not recognized as having legal standing in the judicial system or where community attitudes stigmatize sexual violence.

"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."

- UN Secretary-General, António Guterres (remarks to the Security Council "Maintenance of international Peace and Security: Conflict Prevention and Sustaining Peace," January 2017).¹⁴

¹⁴ [hwww.un.org/sg/en/content/sg/speeches/2020-01-22/remarks-general-assembly-priorities-for-2020](https://www.un.org/sg/en/content/sg/speeches/2020-01-22/remarks-general-assembly-priorities-for-2020)

Killing of civil society actors

In 2019 alone, at least 357 human rights defenders were killed and 30 disappeared in 47 countries.¹ These included journalists and trade unionists, half of whom were working with communities on land rights, environmental protection and the rights of minorities and indigenous peoples. These practices directly harm the individuals involved and their families, as well as creating a 'chilling effect' on other civil society actors, lead to self-imposed censorship and disengagement from public affairs.

What role for the UN?

The UN system has a role to play in protecting civil society actors from attacks, harassment, arbitrary detention, enforced disappearances, unlawful killings, criminalisation, intimidation and reprisals to silence critical voices, wherever they take place. Effective protection is closely linked with promotion of civic space and UN engagement with civil society is critical, including regularly meeting with civil society actors, advocating a positive narrative about civil society, and mitigating or addressing threats publicly or privately. Risk assessments and preventive measures must be part of any engagement by the UN 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 undertaken in accordance with applicable mandates and tailored to the particular circumstances of those who are targeted and be age and gender responsive to their needs.

UN independent human rights mechanisms established procedures for the consideration of individual cases. Strategic cooperation with these mechanisms in relation to countries with civic space

Protecting civil society actors, including journalists and environmental defenders

UN Environment (UNEP) has a [Defenders Policy](#), which identifies violations against indigenous peoples as key concern that requires stepped-up prevention and protection measures.

UNESCO coordinates the UN Plan of Action on the Safety of Journalists¹ and supports the global monitoring of attacks against journalists and judicial follow-up to cases of killings through its biennial report of its Director-General on the safety of journalists and the danger of impunity. UNESCO and OHCHR, jointly with other UN entities, report on progress under SDG indicator 16.10.1 on journalists and human rights defenders.

UN 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.

related risks can open up new channels for political engagement on civic space issues in countries where civil society actors might be at risk and require further protection.

RECOMMENDED ACTIONS FOR THE UN SYSTEM *(in accordance with relevant mandates) when they are the first responder 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 occur, and coordinate with other relevant actors on protection responses, including with the aim of reducing impunity.

- > **Be aware of, 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 based on **clear protection protocols and follow-up procedures** (including documentation) and train staff accordingly.
- > Keep track of individual communications and recommendations of relevant **UN Treaty Bodies** and **Special Rapporteurs**, and the Universal Periodic Review process, and track the status of Member State implementation of them.
- > Ensure that the protection responses are guided by informed **consent, confidentiality and the “do no harm” principle**, and consider specific protection needs of victims.
- > Pay particular attention to and follow up on allegations of **intimidation and reprisals** against civil society for cooperating with the UN, and take appropriate measures to prevent intimidation and reprisals against civil society for cooperating with the UN.

REPRISALS: Heightened responsibility of the UN system when those who cooperate or seek to cooperate with us are targeted

Success of the UN's day-to-day work often depends on the active engagement of civil society actors, which at times exposes our 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 UN provide valuable on-the-ground insights and information, provide early warning alerts to the UN system of deteriorating or evolving situations, and advocate for relevant action. **Reprisals and intimidation** against those who work with the UN are **unacceptable and undermine the UN's credibility and work**.¹⁵

What role for the UN?

The UN system has a responsibility to deter and respond to these acts and to assist and support the victims and those affected.

Since October 2016, the Assistant Secretary-General for Human Rights has been leading **UN system-wide efforts to address intimidation and reprisals against those who cooperate, or seek to cooperate with the UN**, including on human rights issues. The report of the Secretary-General on cooperation with the United Nations includes specific cases and analysis of national and global trends, as well as outlining good practices on how to address existing cases and prevent incidents of intimidation and reprisals in the future.

¹⁵ See www.ohchr.org/EN/Issues/Reprisals/Pages/ReprisalsIndex.aspx

and A/RES/72/247, A/HRC/RES12/2, A/HRC/RES/24/24, A/HRC/RES/36/21, A/HRC/RES/42/28

3. PROMOTION

Promoting inclusive participation channels and fundamental freedoms

At 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.¹⁶ A 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 these rights are enjoyed effectively in practice, there must be mechanisms to contest restrictions imposed on these rights.¹⁷ Any measures by States to limit the rights to freedom of opinion and expression, peaceful assembly and association and right to participate in public affairs must be non-discriminatory, prescribed by law, proportional to the purpose, and for a legitimate aim.¹⁸

According to the UN Human Rights Council, effective participation requires:¹⁹

- > **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 case the right to participation is violated.

Fair and transparent rules, channels and processes that allow for different voices to be heard, online and offline, allow **diverse civil society actors to act as agents of change**. Effective participation in national decision-making processes requires and builds upon freedoms to access information, express opinions, associate with others and hold peaceful assemblies.²⁰

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 timely dissemination of information, facilitates public debate, and strengthens accountability. While not civil society actors themselves, **parliaments, national human rights institutions** and similar bodies are key to defending and expanding civic space.

Peaceful assemblies are a crucial channel for participation and free expression.²¹ They allow individuals and groups to advance ideas and aspirations and to express grievances in the public domain. The Human Rights Committee has noted that States are required to allow assemblies to take place without unwarranted interference and to facilitate the exercise of the right and to protect the participants.²² In accordance with Article 21 of the

¹⁶ See also HRC General Comment 34: tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=8&DocTypeID=11

¹⁷ Human Rights Council resolution 32/31 (paras 7 and 14a): access to justice is a necessary element to enforce the rights of civil society and to challenge otherwise illegal practices of public authorities and private parties. HRC 2018 Guidelines on Participation

¹⁸ See General Comment No. 29 of the Human Rights Committee on States of emergency - https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CCPR%2fC%2f21%2fRev.1%2fAdd.11&Lang=en

¹⁹ HRC 2018 Guidelines on Participation

²⁰ See ICCPR articles 19, 20, 21, 22 and 25

²¹ A 2020 report by the High Commissioner for Human Rights on the impact of new technologies on human rights in the context of peaceful assemblies underlined that technology enables people to exercise the right of peaceful assembly and association, including by mobilizing for peaceful protests, forming networks and assembling online. -

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25996&LangID=E>

²² See General Comment No. 37 of the Human Rights Committee on ICCPR art 21 – https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CCPR%2fC%2f21%2fRev.1%2fAdd.11&Lang=en

ICCPR (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.”

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

Disinformation and “hate speech”²³ negatively affect civic space, by attacking groups with a view to driving them out of public debates.²⁴ The United Nations Strategy and Plan of Action on Hate speech are guided by four key principles: (1) supporting more speech, not less, as 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) 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 very much intertwined with the rights to freedom of expression, assembly and association, i.e. the violation of one right negatively affects the enjoyment of the other.²⁵ Data accumulation and collection as we now see it, if it becomes entrenched, 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 UN?

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

These strategies should build on the **many possible UN actions on civic space**, including capacity development to state bodies and civil society

²³ The Secretary-General’s Strategy and Plan of Action on Hate Speech, of May 2019, states: “there is no international legal definition of hate speech, and the characterization of what is ‘hateful’ is controversial and disputed. In the context of this document, 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.

²⁴ See also the Rabat threshold test - https://www.ohchr.org/Documents/Issues/Opinion/SeminarRabat/Rabat_threshold_test.pdf

²⁵ See A/66/290 and A/HRC/41/41

organisations, 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 (NHRIs) or parliaments.

2017 UN 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.”

As **online civic space** takes shape, the UN 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.²⁶ 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 mobilise. 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 UN system’s role (in accordance with relevant mandates) to ensure that human rights, with human dignity equality, and non-discrimination at the core, remain the yardstick for assessing state actions.

The UN’s advocacy for an approach with **broad engagement and consultation with stakeholders** across all sectors of society is key to ensuring that no one is left behind. Multi-stakeholder partnerships and platforms involving actors from the government,

civil society and private sector are critical to build an enabling environment for genuine collaboration.

The [UNSDG Operational Guide for UN Country Teams on “Leaving No One Behind”](#) includes five factors: i) discrimination, ii) geography (rural vs urban), iii) vulnerability to shocks, iv) governance, and v) socio-economic status. The Guide provides efforts in advocating for specific groups and populations to be included in country-level discussions and decision-making as well as the development programming cycle.

RECOMMENDED ACTIONS FOR THE UN 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 address gaps**, online and offline, and help 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 civic space and strengthening national protection mechanisms.

²⁶ HRC 2018 Guidelines on Participation, p-17

- > **Speak out against online and offline restrictions** of 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 UN's convening role between State, business 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 engage around root causes.
- > Support and facilitate **access to funds** for civic space actors to continue and expand their ongoing work.

The LNOB framework for UNCTs lists some tips:

- > Build **coalitions** to support social movements that draw attention to inequalities, counter harmful social norms, gender-based and other forms of violence that engage citizens, local/national authorities, civil society, 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.