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**Annual report of the United Nations High Commissioner  
for Human Rights and reports of the Office of the  
High Commissioner and the Secretary-General**

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Civil society space: engagement with international and regional organizations**

### **Report of the United Nations High Commissioner for Human Rights**

#### *Summary*

In its resolution 38/12, the Human Rights Council requested the United Nations High Commissioner for Human Rights to prepare a report on progress made in improving civil society engagement with international and regional organizations.

The present report has been prepared on the basis of inputs from different United Nations entities and civil society. It provides an overview of developments in relation to the three “Ps”: participation of civil society in United Nations processes, promotion of civic space and protection of civil society actors. It also contains recommendations on concrete steps that would strengthen the approaches of regional and international organizations to civil society space.



## I. Introduction

1. In the Charter of the United Nations, the signatory nations resolved to maintain peace and security, promote and encourage respect for human rights and fundamental freedoms, promote social progress and development, and establish conditions under which justice and respect for the obligations arising from treaties and international law could be maintained. An essential prerequisite for progress under all these pillars is a safe, open, free and enabling space for all to be heard, voice opinions, debate and come together around themes and grievances. Participation in decision-making is fundamental to human rights and the rule of law. Keeping the promise of the 2030 Agenda for Sustainable Development to “leave no one behind” means redoubling efforts to ensure that all voices are heard, including those that have traditionally been excluded.

2. The year 2019 marked the twentieth anniversary of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. In his report to the General Assembly (A/73/230), the Secretary-General recommended that, as a first step towards the development of a more coherent and comprehensive approach to support the Declaration, a further mapping of positive practices and gaps needed to be completed, including a system-wide approach to strengthen civil society space and give guidance on United Nations engagement with and support for human rights defenders.

3. In his call to action issued in February 2020, the Secretary-General touched upon civic space under all headings, including expanded civil society participation at all levels. The Secretary-General noted the need to develop an agenda for protection for the United Nations system that took into account different protection needs, and for more support for protection mechanisms at the field level for human rights defenders and environmental activists. He stated that the United Nations would promote an enabling environments and support States in expanding civic space at the country level. He noted that the United Nations would design a system-wide strategy on civic space, and would provide guidance to United Nations leaders in the field along with mechanisms to: (a) positively engage with interlocutors to promote and protect civic space; (b) respond to undue restrictions on civic space; and (c) protect the space for different stakeholders to express their views.

4. In its resolution 38/12, the Human Rights Council unequivocally reaffirmed the right of everyone, individually and in association with others, to unhindered access to and communication with regional and international bodies, and their representatives and mechanisms. It also strongly encouraged all relevant United Nations bodies to review, and update as appropriate, their frameworks for engagement with civil society to ensure that those frameworks reflected and responded to the challenges faced, in order to support improved civil society engagement with international and regional organizations. In the same resolution, it requested the United Nations High Commissioner for Human Rights to prepare a report on progress made in improving civil society engagement with international and regional organizations.

5. The present report has been prepared on the basis of the results of a United Nations online survey conducted during the period April–May 2019, to which over 100 entities at headquarters and field levels responded. Global online civil society consultations were also undertaken between 13 and 24 January 2020, in which over 260 civil society actors from over 80 countries across all regions participated and expressed their views on the role of the United Nations in protecting and promoting civic space.<sup>1</sup> In addition, there were also inputs and contributions from a number of civil society consultations carried out by various United Nations entities,<sup>2</sup> including on the community engagement guidelines<sup>3</sup> process and Beijing+25.

6. The United Nations survey and the global civil society consultations pointed to several areas for improvement. By presenting current policies and practices of different United Nations entities, the report highlights both the wealth of experience and the gaps and inconsistencies that exist within the United Nations system.

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<sup>1</sup> See [www.globaldevhub.org/civicspace](http://www.globaldevhub.org/civicspace).

<sup>2</sup> For some examples, see [www.globaldevhub.org/](http://www.globaldevhub.org/).

<sup>3</sup> See [www.platform4dialogue.org/en/a/unceg/ad/](http://www.platform4dialogue.org/en/a/unceg/ad/).

## II. Civil society: agents of change

7. Seeking to influence decisions about our lives and the future is a universal desire. The environment that enables people to access information, form opinions, contribute to decision-making relevant to their lives and mobilize others constitutes civic space. While the responsibility for taking decisions ultimately rests with public authorities, the participation of various sectors of society makes it possible to understand the real needs of people and communities, explore policy options and their impact on specific individuals and groups, and help balance conflicting interests. This, in turn, enhances the legitimacy of State decisions and their ownership by all members of society.

8. The Human Rights Council has consistently recognized the important role of civil society, including human rights defenders, at the local, national, regional and international levels. The Council has also consistently stressed that civil society facilitates the achievement of the purposes and principles of the United Nations, and that undue restrictions of civil society space had a negative impact upon their achievement. In particular, in its resolution 38/12, the Council emphasized the essential contribution that civil society made to regional and international organizations, including through advocacy and awareness-raising, the sharing of expertise and knowledge, and in the implementation, monitoring and evaluation processes.

9. Online space has become an integral part of civic space and has deeply impacted how people access information, debate, mobilize, organize and protest. Specifically, online platforms and Internet technologies have both positive and negative impacts on civic space, including the negative impact of online hate speech. The benefits of digital technologies have been stressed by both the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the rights to freedoms of peaceful assembly and of association.<sup>4</sup> At the same time, they highlighted that they can be used to threaten and silence dissent, through the use of surveillance technologies and the spread of disinformation and messages inciting hatred and violence.<sup>5</sup>

10. Despite the positive contributions of civil society on many issues, from the struggle to end colonialism and apartheid to women's rights movements, the tide against civil society is strong. There has been a rise in hostile discourse, as well as in online and offline abuse and harassment, disinformation and smear campaigns. Civil society organizations in different domains, including health, education, housing and humanitarian assistance, can face curbs on funding and complex registration rules, often under the pretext of national security. In July 2019, the Global Alliance for Reporting Progress on Peaceful, Just and Inclusive Societies, which focuses on Sustainable Development Goal 16, issued a report based on six regional consultations with civil society and case studies from 25 countries across different regions and development contexts. The Alliance found an increasing number of cases in which legal and political barriers were suppressing and weakening civil society. It stressed that shrinking civic space was highly likely to halt or reverse progress towards reducing inequality, ensuring inclusion and improving sustainability.<sup>6</sup>

11. Human rights defenders are frequently subjected to attacks, criminalization or killings. Such defenders may include independent journalists, bloggers, peacebuilders, humanitarian workers, youth activists, activists for women's equality and lesbian, gay, bisexual, transgender and intersex human rights, minorities and indigenous groups, land activists, environmental defenders, and activists working on migration and forced displacement. From 1 January to 31 October 2018, the United Nations recorded and verified 397 killings of human rights defenders, journalists and trade unionists in 41 countries. Every week, an average of nine people were killed on the front lines of efforts to build more inclusive and equal societies.<sup>7</sup> Too often, those who kill, attack and harass, whether on behalf of States or other groups, go unpunished.

<sup>4</sup> See A/66/290 and A/HRC/41/41.

<sup>5</sup> See A/HRC/41/41, A/73/348, A/74/486, and A/HRC/41/35.

<sup>6</sup> See the Global Alliance for Reporting Progress on Peaceful, Just and Inclusive Societies, "Enabling the implementation of the 2030 Agenda through SDG 16+: anchoring peace, justice and inclusion" (United Nations, New York, July 2019).

<sup>7</sup> <https://unstats.un.org/sdgs/report/2019/goal-16/>.

### III. United Nations policies and practices relating to civic space and civil society engagement: the three “Ps”

12. Since 2018, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and UN-Women have been leading a United Nations initiative on protecting and promoting civic space, which included a mapping of United Nations policies and practices related to civil society engagement and civic space during the first half of 2019, to which over 100 United Nations entities at global and country levels contributed. While the survey answers do not reflect the situation of the entire system, they are an indication of overall trends in relation to the civil society engagement by different parts of the system. These efforts, together with global civil society consultations conducted in January 2020 on the role of the United Nations in protecting and promoting civic space, and similar consultations held by other parts of the United Nations, identified a number of areas for the United Nations to improve upon, which can be clustered around three “Ps”: participation, promotion and protection.

13. The United Nations must first ensure equal and diverse civil society participation by strengthening policies and practices on the participation of and partnerships with civil society and by removing barriers to access. Second, the United Nations must actively promote civic space by advising on and proactively advocating for the safe participation of diverse civil society groups in national decision-making processes, by seizing opportunities to expand civic space and by systematically highlighting positive contributions of civil society. Third, the United Nations must protect civil society actors through effective, coordinated and strengthened responses, including protection from intimidation and reprisals against those who cooperate or seek to cooperate with the United Nations.

14. According to the information gathered, many parts of the system do have policies on access to information and on participation, in particular in relation to certain groups, such as women, young people and communities relevant to specific mandates. In terms of the diversity of the constituencies that the various entities engage with, the reforms in the context of the 2030 Agenda and sustainable peace have led to some noteworthy improvements, but there are still many gaps in terms of participation modalities and effective outreach to groups at risk of being left behind, in particular minorities and indigenous groups. A limited number of United Nations entities reported clearly spelled out policies and established practices on promotion of civic space and protection of civil society actors. The need to facilitate the exchange of good practices and lessons learned within the United Nations system was highlighted.

#### A. Overarching policies that relate to all three “Ps”

15. Under the development pillar, the common minimum standards for multi-stakeholder engagement under the United Nations Sustainable Development Cooperation Framework, adopted by the United Nations Sustainable Development Group in 2019, contain guidance in relation to all three “Ps”. In terms of civil society engagement, the standards emphasize that the United Nations has a role in:

- (a) Ensuring fair and representative stakeholder engagement and participation in its operations;
- (b) Facilitating access to information and facilities;
- (c) Advocating for enabling environments;
- (d) Ensuring the safety of stakeholders who engage, including online and, in particular, in contexts where civic space is under threat.

16. The United Nations Sustainable Development Group operational guide on leaving no one behind, prepared for United Nations country teams in 2019, provides step-by-step guidance on how to operationalize that pledge, including by assessing who is left behind, prioritizing actions and monitoring progress. The guidance is aimed at:

- (a) Strengthening United Nations accountability for inclusive and consistent multi-stakeholder engagement with communities and people who are left behind;

(b) Ensuring protection in the case of threats and intimidation;

(c) Encouraging country teams to speak out against attacks on freedoms of expression, association and peaceful assembly.

17. Under the peace and security pillar, the United Nations system-wide community engagement guidelines on peacebuilding and sustaining peace, which are currently being considered for adoption, are aimed at supporting United Nations peace missions and country teams in developing country-specific, community engagement strategies. The guidelines also provide operational guidance on how to engage more effectively with civil society actors at the local level in peacebuilding and sustaining peace.

18. In 2000, the Security Council adopted its resolution 1325 (2000), on women, peace and security. Since then, the Council has adopted nine additional resolutions, in which it recognized the importance of women's leadership and meaningful participation in the prevention and resolution of conflicts and engaging with civil society more comprehensively, among other issues.<sup>8</sup> Similarly, in its resolution 2250 (2015) and its first report on youth, peace and security (S/2020/167), the Council recognized the importance of youth participation in peace and security processes.

19. The Inter-Agency Standing Committee, established by the General Assembly in its resolution 46/182 in 1991, is the longest-standing and highest-level humanitarian coordination forum for ensuring the coherence of efforts, formulating policy and discussing priorities for strengthened humanitarian action. The Committee includes civil society as a formal part of its structure and processes, from policy inception to its implementation. A consortium of non-governmental organizations (NGOs) participates through allocated membership seats. It ensures that policies and humanitarian actions respond to the needs on the ground and is involved in the Committee's accountability mechanisms.

## **B. Participation of civil society in United Nations processes and forums**

20. The preamble and article 71 of the Charter of the United Nations acknowledge the contribution of civil society to the work of the United Nations. Article 21 of the Universal Declaration of Human Rights affirms that everyone has the right to take part in the Government of his or her country, directly or through freely chosen representatives. In addition, international human rights law protects the right of everyone to participate in the conduct of public affairs.

21. Civil society actors, as agents of change, bring local and national concerns to the attention of the international community. Civil society also contributes to the implementation of the 2030 Agenda; helps to maintain peace and security; speaks out on human rights violations and abuses, often representing those individuals who are the most underrepresented and excluded from decision-making; and delivers life-saving humanitarian assistance. The United Nations relies on civil society actors to monitor political developments; provide early warning; document violations; implement development, human rights, humanitarian and other programming; and support mediation and post-conflict activities.

22. Many parts of the United Nations system do have policies on participation and related issues, including registration and accreditation, some of which were covered in my previous report (A/HRC/38/18). In his recent call to action, the Secretary-General stated that the United Nations depended on the active engagement of civil society actors, and that they were critical to achieving the Sustainable Development Goals and addressing climate change.

23. As a result of the global online civil society consultations conducted in January 2020, it was recommended that the United Nations avoid tokenistic engagement with civil society, and that it prioritize the most excluded and discriminated groups, in line with the "leave no one behind" vision of the 2030 Agenda. Civil society also recommended that the United Nations ensure and diversify direct channels with civil society, including by using

<sup>8</sup> Security Council resolutions 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013), 2242 (2015), 2467 (2019) and 2493 (2019).

safe online interactive forums, and create feedback channels through which civil society could advise on how the United Nations could improve its work.

## **1. Participation in the United Nations intergovernmental processes**

24. As reported previously, non-governmental and civil society organizations, with or without consultative status with the Economic and Social Council, continue to face multiple barriers when participating in intergovernmental forums, many of which persist. The rules of the Committee on Non-Governmental Organizations are often described as a hurdle to civil society participation in the United Nations. A work stream in which transparency and civil society participation has been found to be particularly weak is the development and implementation of standards to regulate and counter terrorism and extremism.<sup>9</sup>

25. Positive examples of civil society engagement in intergovernmental processes include the following:

(a) The Committee on World Food Security is the only intergovernmental forum where the participation of civil society is facilitated by its own autonomously established coordination mechanism: the Civil Society Mechanism;

(b) In line with rule 70 of its rules of procedure, meetings of the United Nations Environment Assembly, its subsidiary organs and subcommittees, are held in public, allowing for the participation of, and written and oral inputs from, accredited major groups and stakeholders. The United Nations Framework Convention on Climate Change manages 2,400 accredited civil society observers and implements a quota-based system to provide space for different civil society constituencies;

(c) The Peacebuilding Commission encourages participation of civil society in its sessions, including national and local civil society organizations from countries under review by the Commission;

(d) The Human Rights Council allows NGOs with consultative status with the Economic and Social Council to attend and observe all of its proceedings (with the exception of deliberations under the complaints procedure), submit written statements, make oral interventions and organize parallel events on issues relevant to the work of the Council.<sup>10</sup>

## **2. Participation in other United Nations processes at global and country levels**

26. Most United Nations entities at different levels have overall policies on civil society engagement, and the majority have also put in place rules on how civil society can participate. In addition, many entities have specific guidelines and tools on engagement with organizations led by women and women's rights organizations, and sometimes include other communities and groups, such as young people. According to United Nations mapping, only one third of respondents have mechanisms that enable civil society to contest restrictions on civil society participation. In 2019, the Secretary-General launched the United Nations Disability Inclusion Strategy, a policy and accountability framework aimed at strengthening system-wide accessibility of organizations of persons with disabilities to, and mainstreaming of the rights of persons with disabilities in, the United Nations system.

27. Many United Nations entities propose a variety of measures to improve civil society engagement, from traditional (e.g., direct support, training workshops, consultations, meetings and sharing of information) to more innovative approaches and platforms:

(a) Civil society continued to play a key role in various entities' civil society advisory committees, groups and boards, including of the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, the United Nations Development Programme (UNDP), the United Nations Population Fund (UNFPA), the Joint United Nations Programme on HIV/AIDS (UNAIDS) and UN-Women, which allow participation of civil society actors in their work, decision-making and programme

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<sup>9</sup> European Center for Not-for-Profit Law, "Soft law, hard consequences". Accessed on 12 April 2020.

<sup>10</sup> Human Rights Council, "A practical guide for NGO participants", 2013 (revised edition). Available at [www.ohchr.org/EN/HRBodies/HRC/Pages/NgoNhrInfo.aspx](http://www.ohchr.org/EN/HRBodies/HRC/Pages/NgoNhrInfo.aspx).

implementation. UNFPA also manages the Global Youth Advisory Panel, comprising 21 young people, aged 15 to 24, from all geographical regions;

(b) The Food and Agriculture Organization of the United Nations ensures gender- and age-balanced partnerships with civil society in its work and meetings, where 50 per cent of the representatives from civil society should be women and at least 33 per cent youth representatives;

(c) The Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and the World Food Programme have created the United Nations Partner Portal, a shared database designed to facilitate harmonized, efficient and easy collaboration between the United Nations and civil society. In the case of Office of the United Nations High Commissioner for Refugees, more than 70 per cent of its civil society partners are local organizations;

(d) The UNDP guidance note on social and environmental standards and its Gender Equality Strategy 2018–2021 provide for meaningful engagement of all stakeholders in all activities;

(e) The UNAIDS Gender Assessment Tool for HIV responses and the People Living with HIV Stigma Index 2.0 allow for assessment of gender-specific barriers to the engagement of women and girls in the HIV response, the engagement of civil society promoting gender equality, and the involvement of key stakeholders in HIV data collection. UNAIDS played a key role in the establishment of the Robert Carr Fund, which provides funding to global and regional civil society networks to support their responses related to HIV/AIDS;

(f) The Department of Economic and Social Affairs facilitates the World Summit on the Information Society Forum, a multi-stakeholder platform to support the implementation of the 2030 Agenda and the achievement of the Sustainable Development Goals. The programme and agenda of the summit are completely crowdsourced, including from civil society;

(g) Structured engagements with a variety of civil society actors in their policy formulation and programme implementation processes are facilitated by the Farmers' Forum and the Indigenous Peoples' Forum at the International Fund for Agricultural Development, the World Health Organization framework of engagement with non-State actors, and the official partnerships of the United Nations Educational, Scientific and Cultural Organization (UNESCO) with 392 non-governmental organizations and 33 foundations.

### **3. Efforts to overcome barriers to United Nations civil society engagement at the country level**

28. Despite some good practices involving civil society engagement, barriers for the engagement of United Nations entities with civil society at the national level persist, including in relation to women, young people and other excluded and underrepresented population groups. For instance, in some countries, State authorities require formal registration of civil society entities, in order to partner with the United Nations, particularly in relation to its humanitarian, peacebuilding and democracy funds.

29. The United Nations Democracy Fund supports civil society projects around the world that strengthen the voice of civil society, promote human rights and encourage the participation of all groups in democratic processes. Some United Nations country teams support gender equality and grass-roots activists through small financial contributions and grants.

30. To address gender-specific barriers, United Nations country teams<sup>11</sup> reported that the United Nations Development Assistance Framework processes cover gender mainstreaming as a core component. Those processes include utilizing gender scorecard indicators to assess women's participation, and carrying out gender screening and establishing a quota

<sup>11</sup> Bolivia (Plurinational State of), Brazil, Costa Rica, Democratic Republic of the Congo, Ghana, Indonesia, Jordan, Kuwait, Myanmar, Nepal, Panama, Papua New Guinea, Paraguay, Rwanda, Turkey and Uzbekistan.

for women and young people in planning, budgeting and implementation of country team projects.

31. Several United Nations country teams have created youth advisory panels or councils to include young people in the design of policies, strategies and programmes aimed at addressing issues affecting adolescents and young people in those countries.<sup>12</sup> Some country teams cooperate with the private sector to support, train and empower youth refugees.

32. The United Nations Mission for Justice Support in Haiti engaged young people, students and academics, artists and writers. It had mobile teams to discuss a broad array of political, rule of law, security, economic and social questions with rural dwellers and local civil society actors. The United Nations Mission in South Sudan organized regular national and local open days; offered awareness-raising on the frameworks for the revitalized agreement to resolve the conflict in South Sudan and for women, peace and security; and aired programmes in local languages on the Mission radio station to reach out to widest audience.

#### 4. Civil society access to information and outreach

33. The right of access to information – a core component of the right to freedom of opinion and expression – and participation in international and regional organizations are inextricably linked, since effective participation is impossible without access to information.<sup>13</sup> The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression concluded that it was not enough simply to adopt access to information policies. Such policies needed to be rigorous and principled, drawing on the broad global acceptance that the right of access to information held by public authorities is rooted in international law (A/72/350).

34. The majority of United Nations entities have policies on access to information. However, based on the mapping, it was found that, less than one third of entities clearly define any exceptions to such access and had mechanisms for civil society to contest restrictions. Despite numerous challenges and gaps, mostly related to capacity constraints, all United Nations entities utilize various channels of sharing information with civil society actors, mainly through official documents, public reports, websites, conferences, meetings, workshops, social and other media, online tools, webinars and e-platforms, newsletters and list serves, and any other communication channels, including for persons with disabilities.

35. Some United Nations entities – including the International Labour Organization, UNDP, UNEP, UNFPA, the World Bank and the World Food Programme – have publicly available policies with presumptions in favour of disclosure, and clearly define restrictions or exceptions. Most of them also provide for review or appeal procedures in case of restrictions and denials.<sup>14</sup> Those exceptions are made on clearly specified grounds, including:

- (a) Information covered by legal privilege or regulatory proceedings;
- (b) Information of a personal nature;
- (c) Agency-specific administrative information (e.g., financial and medical information, and information that is related to safety and employment) whose disclosure is likely to endanger the safety or security of an individual or the member State;
- (d) Information that may violate human rights, including the right to privacy;
- (e) Information pertaining to ongoing judicial or prosecutorial cases.

<sup>12</sup> Azerbaijan, Bangladesh, Belarus, Cambodia, Mongolia and Nepal.

<sup>13</sup> See Human Rights Committee, general comments No. 25 (1996) on participation in public affairs and the right to vote and No. 34 (2011) on the freedoms of opinion and expression.

<sup>14</sup> The International Labour Organization has no external appeals mechanism, but specifies reasons in case of denial.



36. Examples at the global and country levels include the following:

(a) Relevant civil society organizations with observer status to the UNAIDS Programme Coordinating Board can put forward issues related to restrictions of access to information for a board discussion;

(b) The transparency portal of UNDP provides the public and civil society with open data access to its more than 4,000 projects;

(c) UN-Women hosts a global knowledge platform to end violence against women, which is open to the public and is aimed at improving knowledge and coordination among different actors in order to address violence against women more effectively;

(d) The Environment Live platform of the United Nations Environment Programme (UNEP) facilitates the exchange and sharing of the latest information, data, assessments and knowledge among member countries, networks, indigenous peoples and civil society;

(e) United Nations country teams in Bolivia (Plurinational State of), Bosnia and Herzegovina, Costa Rica, Guatemala, Myanmar and the Philippines have civil society advisory groups led by UN-Women that share critical information on women's rights, project activities and civic engagement;

(f) The United Nations country team in Brazil disseminates messages on race, gender and ethnicity using alternative, free, community, educational and ethnic media. The country team in Thailand facilitates hackathons in indigenous languages. In Timor-Leste, the Gender Coordination Group is convened with the Secretary of State for Equality and Inclusion to share updates and information on gender equality among civil society, government and development partners.

### C. Promotion of civic space

37. A vibrant and free civic space with channels for safe and effective participation enables societies to be more peaceful and prosperous. The right to participate in the conduct of public affairs, protected and guaranteed by international law, is a cornerstone of civic space. Complemented by fundamental freedoms, it allows civil society to be effective. The United Nations has a key role to play in supporting States in implementing the commitment to enable inclusive and transparent participation in public affairs, including in the 2030 Agenda for Sustainable Development, and in facilitating inclusive, safe and enabling environments where stakeholders can contribute.

38. However, legal restrictions, including those that criminalize civic activity under the pretext of national security, predominantly affect those civil society activists and groups that work on the rights of women and young people, sexual and reproductive health and rights, and freedoms of expression and peaceful assembly, as well as journalists and groups working on counter-terrorism activities and on discrimination against and exclusion of lesbian, gay, bisexual, transgender and intersex rights defenders. The challenges they face are further exacerbated by undue restrictions by State and non-State actors on the registration and regulation of NGOs, social media regulations and the monitoring, shutdowns and blocking of websites under the pretext of national security concerns.

39. The Human Rights Council guidelines on participation<sup>15</sup> provide a set of orientations and basic principles for States on the effective implementation of the right to participate in public affairs, in both electoral and non-electoral contexts, including participation at the supranational level, such as in international organizations. Furthermore, Council resolutions and guidelines, recommendations contained in previous OHCHR reports on civic space,<sup>16</sup> annual thematic reports of special procedures and other mechanisms can be useful and practical sources of information and guidance to advocate for protection and promotion of civic space.

<sup>15</sup> See A/HRC/39/28 and Human Rights Council resolution 39/11, in which the Council presented the guidelines as a set of orientations for States and other relevant stakeholders.

<sup>16</sup> A/HRC/32/20 and A/HRC/38/18.

40. In his recent call to action, the Secretary-General stated that the United Nations would:

(a) Review and strengthen its tools aimed at empowering civil society, protecting civic space and encouraging participation by all groups in democratic processes;

(b) Ensure that resident coordinators, United Nations country teams and heads of United Nations peace operations, in partnership with civil society organizations, contributed to an enabling environment for civic space, including for women's organizations and women's rights defenders;

(c) Increase United Nations support at field level for the promotion of laws and policies that protected the right to equal participation and civic space, including a free and independent media, which was a foundation of open, democratic societies and most critical at a time when citizens demanded accountability.

41. During the global online consultations, civil society actors recommended that the United Nations and its leadership more strategically advocate with Member States for the expansion of civic space and the abolishment of laws that restricted civil society. Advocacy was needed to prioritize the participation at the country level of the most excluded and discriminated groups, in line with the "leave no one behind" commitment of the 2030 Agenda and with State obligations under international human rights law. Furthermore, as part of its advocacy for the expansion of civic space, the United Nations should continually highlight the positive contributions of civil society as key partners and active agents of change.

42. United Nations entities engage in civic space advocacy to varying degrees and often not systematically: for example, less than one fifth of United Nations mapping respondents often and openly advocated for the rights of freedom of expression, peaceful assembly and association, and the right to participate in public affairs. Most entities recognize that the 2030 Agenda and the Sustainable Development Goals offer opportunities and entry points to advance human rights and civic space issues: for example, UNDP leverages global sustainable development and other frameworks to open up spaces for meaningful participation at the country level and seeks to assist in removing barriers limiting the participation of population groups experiencing discrimination. UNDP has also long worked with national parliaments, civil society actors and international organizations to advocate for and provide detailed guidance on the meaningful participation of civil society actors in law-making and other parliamentary processes.

43. The Inter-Agency Standing Committee's Operational Policy and Advocacy Group has a work stream that seeks to address bureaucratic impediments imposed by States that curtail civil society access and their ability to carry out humanitarian activities. UNAIDS, UNEP and UN-Women engage with Member States on advocacy for an enabling environment for civil society, diverse participation and better protection mechanisms. The Human Rights Council special procedures and treaty bodies advise States on how to ensure that their legislation complies with international human rights.

44. Civil society awards are a means of giving visibility to their contributions. For instance, the United Nations awards a human rights prize to honour individuals and organizations for outstanding achievements. The UNESCO/Guillermo Cano World Press Freedom Prize is awarded to defenders of press freedom anywhere in the world, especially those at risk. The Nansen Refugee Award of the Office of the United Nations High Commissioner for Refugees celebrates and supports individuals, groups and organizations that strive to protect refugees, and displaced and stateless people.

45. Many United Nations country teams stressed the importance of: (a) facilitating and supporting strong partnerships with and between civil society for better engagements with State authorities and other stakeholders; (b) increasing the visibility of human rights defenders in their advocacy with State authorities; (c) recognizing the Sustainable Development Goals as important entry points and as a platform for dialogue with State authorities on civil society issues; (d) utilizing effectively the continuous advancement of web technologies and social media as powerful and effective communication tools; (e) strengthening the capacity of civil society organizations and their access to financial resources; and (f) increasing engagement with a diversity of local and grass-roots civil society organizations. Furthermore, processes related to the United Nations human rights

mechanisms – that is, the Council, the universal periodic review, special procedures and treaty bodies – offer valuable entry points for strengthening the role and participation of civil society in creating spaces for dialogue and finding human rights-based solutions to civic space restrictions, including in sensitive contexts.

46. In relation to measures to address gender-specific barriers to participation that women and girls face, the United Nations Mission for Justice Support in Haiti engaged with women ministers to push the gender rights agenda and advocated for political parties to include at least 30 per cent women among their candidates (as mandated by the Constitution) and in decision-making positions. The United Nations Mission in South Sudan advocated for increased participation and representation of women and gender equality, including in peace processes and other political decision-making mechanisms, and some of the Mission units regularly sensitized community leaders and authorities on the need to promote and enhance the participation of women and girls. The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) advocated for and supported civil society efforts to promote women's political inclusion, resulting in the appointment of two female customary chiefs to the South Kivu and Congo Central provincial assemblies. MONUSCO also trained over 860 journalists to promote gender-sensitive and non-discriminatory communication in the media and coverage of elections.

47. The United Nations Assistance Mission for Iraq regularly called on the Government to protect the life of protestors and ensure accountability for human rights violations. In December 2019, the Mission brought together 15 young activists aged 12 to 17 to discuss Human Rights Committee draft general comment No. 37 on the right to freedom of peaceful assembly. In 2019, the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic established a civil society platform to systematize the response to incitement to hatred as part of its support to national authorities. Similarly, the United Nations Assistance Mission in Somalia helped to establish platforms for discussions between government and civil society to address local grievances and to pilot interventions to address the root causes of violent extremism and radicalization. In addition, MONUSCO facilitated dialogues between the authorities and civil society to help identify peaceful solutions to conflicts.

#### **D. Protection of civil society actors**

48. International norms and standards guarantee people the right to life, liberty and security of person; the right to be free from torture, arbitrary arrest and detention; the right to privacy; the right to be free from undue interference in their enjoyment of public freedoms (expression, assembly and association); and the right to participation. Threats and attacks against civil society actors and undue restrictions on public freedoms and rights are attacks against the values and principles of the Charter of the United Nations and are in direct violation of international norms and standards.

49. In its resolution 38/12, based on international human rights law, the Council urged States to:

- (a) Take all steps necessary to prevent threats, attacks, discrimination, arbitrary arrests and detention or other forms of harassment, reprisals and acts of intimidation against civil society actors;
- (b) Investigate any such alleged acts;
- (c) Ensure access to justice and accountability;
- (d) End impunity where such violations and abuses had occurred, including by putting in place, and where necessary reviewing and amending, relevant laws, policies, institutions and mechanisms to create and maintain a safe and enabling environment in which civil society could operate free from hindrance, insecurity and reprisals.

50. Safe space for civil society is not only a prerequisite for effective human rights progress, it is also a precondition for sustainable development and peace. United Nations mapping showed that less than one third of United Nations entities have clearly spelled out policies on protection of civil society actors from threats and attacks. Indeed, during the global consultations, civil society actors urged the United Nations to develop a better

understanding of the variety and specific protection needs of those at risk, including the most excluded and discriminated groups, and to publicly and unequivocally condemn physical and online attacks, threats, intimidation and reprisals against all civil society actors and human rights defenders in a timely manner.

## 1. Examples of policies and approaches

51. While practices relating to protection vary widely across the United Nations system, the following are examples of efforts to improve protection:

(a) The environmental defenders policy of UNEP and its Environmental Rights Initiative promote greater protection of environmental defenders, individuals and groups, and identify options for mitigating the abuse of environmental rights. UNEP also runs a special programme on environmental defenders, with a focus on women and discriminated groups;

(b) The Saving Lives Together framework of the Office for the Coordination of Humanitarian Affairs is aimed at enhancing security collaboration between the United Nations and international non-governmental and other organizations on common security concerns and on safe delivery of humanitarian and development assistance;

(c) The Department of Peacekeeping Operations issued a revised policy on the protection of civilians in United Nations peacekeeping in 2019, which includes provisions on protecting civil society actors, human rights defenders and journalists. It also has non-mandatory guidelines on engagement with civil society;

(d) UNAIDS has guidance for responding to various forms of HIV-related human rights crises, including attacks on civil society organizations working on HIV or those working with people most at risk of HIV infection;

(e) UN-Women has developed an internal strategy that outlines a range of strategic and practical options to support women human rights defenders, building upon extensive consultations with civil society and women human rights defenders at the international, regional and country levels;

(f) The Department of Global Communications strives to ensure the safety of civil society actors during its meetings and conferences, including by establishing dedicated “media zones” for indigenous media representatives during the sessions of the Permanent Forum on Indigenous Issues;

(g) UNESCO is the global coordinator of 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 to cases of killings through the biennial report of the Director-General on the safety of journalists and the danger of impunity;

(h) The United Nations human rights mechanisms, and in particular special procedures and treaty bodies, contribute to the protection of civil society actors and human rights defenders. For example, special procedures, individually or jointly, regularly bring allegations of human rights violations, often linked to civic space, to the attention of Governments.

52. Many United Nations country teams actively engage with States and other stakeholders on the issue of protection of civil society and human rights defenders. Among many other activities, country teams also provide a safe and neutral space for civil society on many occasions, build knowledge and awareness of civil society on the issue of reprisals, follow the “do no harm” principle when engaging civil society and, in some cases, apply the risk assessment framework of the human rights due diligence policy on United Nations support to non-United Nations security forces. Some country teams use encrypted and secure communication platforms, rather than email, phones or text messages. The country team in Kenya facilitates a platform composed of 12 United Nations entities that produces quarterly integrated analyses, including by compiling information on trends and patterns concerning civic space and the safety of human rights defenders.

53. United Nations peace missions:

(a) Support civil society and human rights defenders through training programmes on human rights monitoring;

- (b) Engage with national police and security forces on civil society issues in electoral and other contexts;
- (c) Engage with national human rights institutions, ombudsman offices and diplomatic missions on concerted protection responses;
- (d) Carry out risk assessments, where possible, maintain databases and mappings of civil society actors and human rights defenders, and refer civil society protection needs and cases to the United Nations human rights mechanisms on a regular basis.

## 2. Policies on and approaches to intimidation and reprisals for cooperation with the United Nations

54. A heightened level of responsibility applies in relation to those who cooperate with the United Nations by providing valuable on-the-ground insights and information about evolving situations and by advocating for relevant action. Reprisals and intimidation against them constitute an attack against the United Nations and risk undermining its work. A few United Nations entities reported that they have policies and guidance on responding to intimidation and reprisals against those engaging with the United Nations system.

55. Different United Nations human rights bodies and mechanisms – including the Human Rights Council, special procedures and treaty bodies, and OHCHR – have developed responses to reprisals for cooperation with the United Nations. Since 2016, the Assistant Secretary-General for Human Rights has been coordinating and leading a United Nations system-wide effort – including producing an annual report – to address reprisals and intimidation against individuals and groups for cooperating or seeking to cooperate with the United Nations in the field of human rights. The Secretary-General also announced his intention to strengthen the collection of information on such abuses by asking all parts of the United Nations system to report regularly on such cases and calling on them to support follow-up and seek resolution on reprisals cases by engaging further with States and partners to encourage examination and accountability.

56. The Office of the Compliance Advisor Ombudsman – the independent accountability mechanism for the International Finance Corporation, the Multilateral Investment Guarantee Agency, and the private sector arms of the World Bank Group – has published guidance, entitled “Approach to Responding to Concerns of Threats and Incidents of Reprisals in CAO Operations”. The World Bank has also developed the Inspection Panel Guidelines to Reduce Retaliation Risks and Respond to Retaliation During the Panel Process.

57. The revised policy on the protection of civilians in United Nations peacekeeping of the Department of Peacekeeping Operations and the Department of Field Support directs all components of peacekeeping missions to avoid exposing civilians to risk or causing harm for cooperation with a mission. The policy includes measures to prevent reprisals, including for individual protection, and requires risk assessments for military and police components to mitigate civilian harm before conducting operations.

## IV. Conclusions and recommendations

58. **As reflected in the 2030 Agenda for Sustainable Development, a strong and active civil society is a prerequisite for sustainable development, peace, security and stability. The three “Ps” – civil society participation in decision-making, promotion of civic space and protection of civil society – are interdependent. Effective participation in international processes and bodies relies on free and vibrant spaces for civil society participation at the national level, which in turn requires respect for fundamental freedoms, access to information and physical security for those who speak up. Applying the three “Ps” structure helps to ensure a comprehensive approach to civic space.**

59. **The report shows that each United Nations pillar has developed good practices in relation to the three “Ps” to varying degrees, but gaps and inconsistencies remain. In particular, States should do more to ensure that the rules of intergovernmental bodies comply with human rights standards on participation and allow for more diversity. In addition, participation in other United Nations processes would benefit**

from rules that are more unified, and a more systematic approach to the exchange of experiences and sharing of tools about effective interventions. In relation to the promotion of civic space, more needs to be done to ensure prompt and joined-up action at the country level. The same is true for the protection of civil society actors, where the need for stronger policies is particularly apparent. Policy consistency across the United Nations on all three “Ps” would make civil society engagement more effective and would improve the overall results of the organization’s work.

60. Recalling the call to action for human rights of the Secretary-General, it is essential for the United Nations to step up efforts under all three “Ps”: by increasing support to and empowering civil society, including human rights defenders, in particular women’s rights and environmental defenders and journalists; by expanding the space in which civil society operates through better laws and policies and improved protection mechanisms; and through a system-wide strategy for the United Nations on protecting civic space. Building on these efforts, all relevant bodies and agencies should develop their own policies and strategies on participation, promotion and protection of civil society actors in the contexts of their mandates, with mechanisms to monitor and measure progress.

61. Participation of diverse civil society actors in the formulation of the policies of regional and international organizations and in the planning and conduct of their operational activities is instrumental for achieving sustainable peace, development, and humanitarian and human rights objectives. Reaching out to groups whose voices may not be heard is crucial for leaving no one behind. Increasing the consistency of frameworks for participation, access to information and outreach to diverse civil society groups would also facilitate civil society engagement.

62. In relation to intergovernmental processes and bodies, States and international and regional organizations, in particular the United Nations, should:

(a) Enable active, inclusive, equal, effective, well-coordinated and sustainable participation;

(b) Ensure that criteria for accreditation to meetings and for granting observer or consultative status are clear, objective, non-discriminatory, and that registration procedures are easily accessible and understandable;

(c) Review the practices and procedures of the Economic and Social Council Committee on Non-Governmental Organizations and for more transparent and inclusive rules for civil society participation in the Security Council, the high-level political forum on sustainable development, and in processes related to counter-terrorism efforts;

(d) Ensure that all open sessions of United Nations intergovernmental bodies and mechanisms facilitate effective civil society participation, including through increased webcasting and archiving and clear modalities for civil society input via videoconferencing or video statements. Whenever working methods and modalities are modified, the impact of these changes on civil society participation should be assessed to ensure that civil society is not disadvantaged or disproportionately affected.

63. Furthermore, international and regional organizations, in particular the United Nations, should:

(a) Make information available in multiple languages and in accessible formats;

(b) Use communication channels that are most relevant and convenient for the target audience;

(c) Establish avenues for contesting restrictions on participation;

(d) Proactively reach out to civil society actors at risk of exclusion, including those that defend the rights of women, children, young people, older persons, persons with disabilities, minorities, migrants, indigenous peoples, lesbian, gay, bisexual, transgender and intersex individuals and groups, community-based and local civil society actors outside capital cities, and others at risk, including journalists, bloggers, peace and humanitarian workers, land activists and environmental defenders.

(e) Put in place publicly available policies that spell out clear, impartial and non-discriminatory rules for civil society participation in programmatic processes and access to information, based on international human rights law, and strengthen policies on partnerships with civil society, including by providing funding to enable fuller participation, and regularly assess their effectiveness based on civil society feedback;

(f) Support civil society participation in United Nations development and peace operations at the national and local levels, by putting in place direct, flexible and localized channels (e.g., regular meetings, physical hubs, and digital and online interactive forums);

(g) Consider how to overcome barriers due to lack of capacity, funding and accessibility; adapt operational practices and arrangements to allow, strengthen and expand opportunities for partnerships, including the possibility of developing joint strategic plans for cooperation between civil society and the United Nations; and put in place “information feedback loops” that enable civil society to provide feedback on the implementation and evaluation of programmatic activities and projects.

64. With regard to the promotion of civic space, international human rights imply a State obligation to support institutional, legal and policy frameworks that enable effective and safe civil society participation in national decision-making processes and access to information. Promoting civic space will also render development and peace efforts more sustainable. Therefore, it is crucial for international organizations, including the United Nations, to strategically engage when opportunities for expanding civic space arise, both online and offline. Equally, when there are threats to human rights defenders and other civil society actors and their enabling environment, it is critical to react in a timely, targeted and coordinated way, in partnership with civil society and other actors in the areas of development, peace and security, and humanitarian assistance.

65. International and regional organizations, in particular the United Nations, should:

(a) Create and reinforce channels for effective participation of different groups in debates and decision-making at the country level and support States in addressing patterns of discrimination and exclusion and key obstacles to civic space, both online and offline, including restrictions to media freedom, as well as the freedoms of expression, of assembly and association, of access to information, and of access to financial resources;

(b) Track civic space trends and identify key obstacles, and partner with civil society and other actors with a view to developing strategies to overcome these obstacles, including with the private sector, the media community, academia, international financial institutions, and regional and subregional organizations;

(c) Develop advocacy and communication strategies to highlight civil society’s important role in sustainable development, good governance, long-term stability and progress; promote and use positive narratives that celebrate civil society contributions to society, and counter narratives that seek to discredit and undermine civil society;

(d) When necessary, lend political support, speak out on restrictions to civic space, and demonstrate clear commitment to the importance of civic space, including by intervening in relation to human rights violations against civil society actors;

(e) Strengthen capacities and facilitate the work of broader coalitions across different segments of society, including networks, different population and community groups, media and journalists, independent national human rights institutions, parliaments, the private sector and financial institutions, among others;

(f) Use the outputs of human rights mechanisms, including their specific recommendations related to all the above-mentioned points, to actively support civil society participation in national decision-making processes.

66. The safety and security of those who seek to participate in debates and decision-making at all levels is a precondition for effective participation, even when

they voice dissenting and critical views. More needs to be done to protect civil society actors, and human rights defenders in particular, from attacks, including physical violence, arbitrary detention, disappearances, and online and offline harassment, that seek to silence critical voices. Reprisals and intimidation against those who cooperate with the United Nations are contrary to the values and principles enshrined in the Charter of the United Nations and require special attention and a firm response.

67. International and regional organizations, in particular the United Nations, should:

(a) Develop a consistent protection response with clearly established protocols and follow-up mechanisms, including through engagement with international, regional and national civil society actors. Such a policy should be context-specific and conflict-sensitive; reflect key principles such as confidentiality, do no harm, and informed consent; be sensitive to diverse protection needs and unique challenges faced by different population groups; ensure digital security; and adopt safe communication channels and tools for civil society;

(b) Conduct a context analysis of the legislative, institutional and policy framework as part of its response, with due attention to gender dimensions, and identify and connect with actors that provide protection and support to actors at risk;

(c) Address urgent protection needs when cases occur; cater for the safety and diverse protection needs of victims; coordinate with other relevant actors, including international and regional human rights mechanisms, the diplomatic community and international protection networks, and follow up in a coordinated way, including through quiet diplomacy or publicity, detention visits and trial monitoring; document and collect information about violence, intimidation, threats and attacks on civil society actors; and ensure follow-up.

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