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

### Ten years protecting civic space worldwide

#### Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association\*

##### *Summary*

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule, prepared pursuant to Council resolution 41/12.

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\* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



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## I. Introduction

1. In its resolution 15/21, adopted 10 years ago, the Human Rights Council established the mandate of the Special Rapporteur on the rights to freedom of peaceful assembly and of association to enhance the promotion and protection of these fundamental freedoms worldwide. With this historic decision, the Council recognized the need to support and protect civil society and all individuals seeking to enjoy their rights to freedom of peaceful assembly and of association as part of its work to advance democracy and human rights. This decision reflected a universal understanding that democracy is only possible when people join together to express their political opinions, engage in literary and artistic pursuits and other cultural, economic and social activities, engage in religious observances or other beliefs, form and join trade unions and cooperatives, and elect leaders to represent their interests and hold them accountable.

2. Several years before the creation of the mandate of the Special Rapporteur, experts sounded the alarm at signs of an increasingly restrictive environment for civil society around the world. The list of States where civil society faced traditional forms of repression, such as imprisonment, disappearance and killings, was growing and alarming. In addition, many governments were adopting new, often subtle and sophisticated restrictions to the exercise of the rights to freedom of peaceful assembly and of association. Increasing restrictions were arising not only in authoritarian countries, but also in democratic States. A joint campaign of non-governmental organizations called on Governments to ensure the protection of civil society and confront the unfolding crisis, including through the establishment of a United Nations mandate for the promotion and protection of the rights to freedom of peaceful assembly and of association. The movement found support in States from every region of the world, who were also starting to take note of the worrying trend. On 30 September 2010, the Human Rights Council adopted its resolution 15/21, creating the mandate.

3. Since 2010, the Council has extended the mandate of the Special Rapporteur every three years, through its resolutions 24/5, 32/32 and 41/12. The first Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai (Kenya), took office on 1 May 2011 and served until 30 April 2017. Annalisa Ciampi (Italy) served as Special Rapporteur from 1 May to 30 November 2017. Clément Nyaletsossi Voule (Togo) is the current mandate holder, appointed in April 2018.

4. Over the last 10 years, the mandate holders have sought to advocate for an enabling environment for the exercise of the rights to freedom of peaceful assembly and of association. To this end, they have focused on drawing the attention of the international community to the threats and challenges in the exercise of these rights and on helping broaden their normative framework and base of support among a variety of stakeholders. This is reflected in 12 country visits; 1 follow-up country visit; 7 thematic reports presented to the General Assembly and 9 to the Human Rights Council; 1,448 communications; and hundreds of public statements and countless meetings, seminars and consultations. All this work contributed, among other accomplishments, to elevating the discussion of the rights to freedom of peaceful assembly and of association within international human rights agendas.

5. The establishment of the mandate of the Special Rapporteur on the rights to freedom of peaceful assembly and of association 10 years ago came at a crucial time in human rights history. During the last decade, formidable achievements have been witnessed. There are countless examples where civil society and social movements across the world galvanized positive change in their communities, defended democratic values and developed innovative practices to tackle the world's most pressing issues. The same decade, however, saw an increase in the number and complexity of threats to the enjoyment of the rights to freedoms of peaceful assembly and of association. Now our world is facing the most serious pandemic in a hundred years, threatening the health and lives of millions around the world. While this pandemic is a challenge of the highest order, certain government responses may exacerbate the constraints pressuring an already fragile civic space.

6. The tenth anniversary of the mandate of the Special Rapporteur marks an opportunity to reflect on what has been accomplished in the last decade. More importantly, however, it is an opportunity to look at the future and explore how holders of the mandate can increase their influence on the promotion and protection of the rights to freedom of peaceful assembly and of association over the next decade. The report provides an overview of the activities carried out by the Special Rapporteur between 1 April 2019 and 25 April 2020, and it contains an

overview of the first decade of the work of the mandate of the Special Rapporteur, by reviewing the origins of the mandate and its key areas of progress. The report also includes an examination of past and emerging challenges, which is followed by an exploration of lessons learned and strategic issues for a future agenda on the promotion and protection of assembly and association rights. The report ends with a list of recommendations.

7. While drafting the present report, the Special Rapporteur benefited from a public process of input and consultations. As of the date of the present report, 8 submissions had been received from Governments, 5 from national human rights institutions and 18 from civil society organizations. Owing to the coronavirus disease (COVID-19) pandemic, the Special Rapporteur had to cancel a global civil society consultation scheduled in Sao Paulo, Brazil, as well as other gatherings planned to solicit the input of civil society and States. He instead held online consultations with civil society organizations on 26 and 27 March. On 2 April, he also held a consultation on the impact of the COVID-19 pandemic on the enjoyment of the rights to freedom of peaceful assembly and of association and on the work of civil society. The Special Rapporteur is grateful to all those who contributed to that process. None of what is documented in the present report would have been possible without the mandate's many collaborators: civil society around the world, a core group of governments within the Human Rights Council that helped finance some of the Special Rapporteur's activities, as well as institutional partners and donors.

## **II. Activities of the Special Rapporteur**

### **A. Country visits**

8. The Special Rapporteur visited Sri Lanka from 18 to 26 July 2019 (see A/HRC/44/50/Add.1) and Zimbabwe from 17 to 27 September 2019. He thanks both Governments for their cooperation before and during the visits.

### **B. Communications**

9. The Special Rapporteur sent a total of 168 communications between 26 April 2019 and 15 April 2020. His observations on communications addressed to States, and the replies received, are contained in an addendum to the present report.

### **C. Participation in various events**

10. The Special Rapporteur took part in the following events, among many others:

(a) The 172nd session of the Inter-American Commission on Human Rights held in Kingston on 8 May 2019;

(b) Consultation on the Impact of Restrictions on the Rights to Freedom of Peaceful Assembly and of Association on Sustainable Development, organized by CIVICUS and held in Johannesburg, South Africa, on 30 and 31 May 2019;

(c) Participation in RightsCon 2019 held in Tunis from 11 to 14 June 2019;

(d) International Labour Organization Academy on Fundamental Principles and Rights at Work, in celebration of the 100th anniversary of the Organization, held in Turin, Italy, on 1 and 2 October 2019;

(e) Expert consultation held by the Special Rapporteur in cooperation with the International Bar Association's Human Rights Institute on the role of lawyers in protests, held in Geneva on 4 and 5 November 2019;

(f) Hearing of the European Parliament on authoritarianism and the shrinking space for freedom of expression, press freedom and human rights defenders, held in Brussels on 18 and 19 February 2020;

(g) The sixty-fifth session of the African Commission on Human and Peoples' Rights held in Banjul from 21 October to 10 November 2019;

- (h) Round of meetings with the Inter-American Commission on Human Rights and civil society organizations, held in Washington, D.C., from 10 to 13 December 2019;
- (i) Retreat on the topic of general comment No. 37 of the Human Rights Committee, held in Glion sur Montreux, Switzerland, on 6 and 7 March 2020.

### III. Taking stock

#### A. Establishment of the mandate

11. The mandate of the Special Rapporteur was established on 30 September 2010 by the Human Rights Council during its fifteenth session. According to Council resolution 15/21, the mandate is tasked with the promotion and protection of the rights to freedom of peaceful assembly and of association worldwide. To fulfil its functions, the Special Rapporteur has drawn on a variety of tools, which include conducting country visits, responding to individual complaints, providing technical assistance to governments, conducting studies and producing thematic reports, and engaging in public outreach.

12. In establishing the mandate, while the Council recognized the importance of these rights in and of themselves, it also recognized that they provided to individuals opportunities to exercise other human rights and democratic governance.<sup>1</sup> Such interrelatedness and interdependence make these rights valuable indicators of a State's respect for the enjoyment of many other human rights and its support for democratic values.<sup>2</sup>

13. The creation of the Special Rapporteur's mandate responded to concerns about a worrying trend of closing civic space by means of laws and practices that unduly restrict civil society's environment as well as an increase in threats to the enjoyment of the rights to freedom of peaceful assembly and of association. After years of gradual but steady democratization and strengthening of the civil society sector in many countries around the world, restrictive laws and practices specifically directed against the promotion of democracy and human rights groups had begun to appear. A project on defending civil society, launched in 2007 by international civil society organizations, mapped these new threats and urged the international community to take action and build solidarity to protect civil society against them.<sup>3</sup> Within the Human Rights Council, a growing number of countries were working in concert to strengthen the international community's response to those attacks. Unfortunately, however, the rights to freedom of peaceful assembly and of association were the only fundamental freedoms defined in the Universal Declaration of Human Rights that did not enjoy specific attention from the United Nations human rights machinery. That gap limited the capacity of the international community, and the Council in particular, to effectively address the challenges identified.

14. The adoption of Council resolution 15/21 was indicative of the broad support these freedoms enjoy, and it demonstrated that a large number of States from different regions of the world recognized the need to increase efforts to protect and enhance space for civic engagement. While doing so, the resolution reaffirmed a core set of principles protecting these fundamental freedoms, including that:

- (a) Rights to freedom of peaceful assembly and of association are essential components of democracy, and of human rights more generally;
- (b) Rights to freedom of peaceful assembly and of association belong to everyone, without discrimination, including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants;
- (c) No one may be compelled to belong to an association;
- (d) These rights deserve special protection in the context of elections;

<sup>1</sup> Human Rights Council resolution 15/21.

<sup>2</sup> A/HRC/20/27, para. 12.

<sup>3</sup> International Centre for Not-For-Profit Law and World Movement for Democracy. "Defending civil society", February 2008. Available at [http://ecnl.org/dindocuments/244\\_ICNL-WMD\\_Defending\\_CS.pdf](http://ecnl.org/dindocuments/244_ICNL-WMD_Defending_CS.pdf).

(e) Rights to freedom of peaceful assembly and of association are subject only to the limitations permitted by international law.

## **B. Key areas of work and progress**

### **1. Reaffirming core principles and promoting best practices**

15. When the mandate was established in 2010, the normative content of the rights to freedom of peaceful assembly and of association was not clear to many. While recognized in most constitutions around the world, these freedoms were not fully understood, often overlooked by the international human rights discourse, and severely restricted by domestic laws and practices. The newly created mandate was aimed at filling that gap and leading efforts to articulate, reinforce and, where appropriate, expand the applicable international norms for the enjoyment of these two freedoms. This work was not academic or theoretical in nature. It was driven by the lived experiences and needs of civil society and ordinary people and by an understanding of the environment in which they exercised the rights to assemble and associate.

16. Many respondents to the questionnaire identified this as a key contribution of the mandate. As of April 2020, the mandate holders had submitted nine reports to the Council and seven to the General Assembly, covering a wide variety of thematic issues relevant to the exercise of the rights to freedom of peaceful assembly and of association. Through those reports, the mandate holders not only clarified key aspects of international law applicable to these freedoms, such as limited scope of permissible restrictions and the positive obligation to actively protect these rights,<sup>4</sup> but it also set out progressive standards for their protection. For example, a report submitted to the Council in 2012 helped to advance the idea that prior authorization by authorities was incompatible with the right to freedom of peaceful assembly. In the report, it was stressed that assemblies should be subject, at the most, to a prior notification procedure, whose rationale is to allow State authorities to facilitate the exercise of the right to freedom of peaceful assembly and to take measures to protect public safety and order and the rights and freedoms of others.<sup>5</sup> The Special Rapporteur posited that if the organizers failed to notify the authorities, the assembly should not be dissolved automatically and the organizers should not be subject to criminal sanctions, or administrative sanctions resulting in fines or imprisonment.<sup>6</sup> Similarly, organizers should not bear any responsibility for the unlawful acts of others.<sup>7</sup>

17. The mandate has helped reaffirm the universality of the rights to freedom of peaceful assembly and of association. In several reports, the mandate holders explored how these rights apply, *inter alia*, to minors, indigenous peoples, persons with disabilities, persons belonging to minority groups or other groups at risk, including those victims of discrimination because of their sexual orientation and gender identity, non-nationals including stateless persons, refugees or migrants, as well as associations, including unregistered groups.<sup>8</sup> In a 2016 report to the General Assembly, it was stressed that workers were entitled to the rights to freedom of peaceful assembly and of association regardless of their status within a country.<sup>9</sup>

18. The mandate was the first international mechanism to clearly recognize that the right to association protects the ability of civil society to access domestic, foreign and international resources, and it developed guidance to ensure that States facilitate, rather than restrict, access to funding.<sup>10</sup> In a report to the Council in 2013, the mandate holder asserted that the ability to seek, secure and use resources was essential to the existence and effective operations of any association, no matter how small. In addition, it was noted that the right to freedom of association not only included the ability of individuals or legal entities to form and join an association but also to seek, receive and use resources – human, material and financial – from

<sup>4</sup> A/HRC/23/39.

<sup>5</sup> A/HRC/20/27, para. 28.

<sup>6</sup> *Ibid.*, para. 29.

<sup>7</sup> *Ibid.*, para. 31.

<sup>8</sup> A/HRC/20/27, para. 28.

<sup>9</sup> A/71/385, para. 95.

<sup>10</sup> A/HRC/23/39.

domestic, foreign and international sources.<sup>11</sup> The mandate also advanced understanding of the impact of counter-terrorism and anti-money-laundering laws on the ability of associations to freely operate and access resources.

19. The Special Rapporteur pioneered an analysis of the linkages between the 2030 Agenda for Sustainable Development and the enjoyment of the rights to freedom of peaceful assembly and of association and explored legal and policy gaps in ensuring civil society and communities can contribute to the achievement of the Sustainable Development Goals. More recently, a thematic report on the enjoyment of the rights to freedom of peaceful assembly and of association in the digital era introduced principles applicable to those rights online,<sup>12</sup> which had previously been confined to discussions on freedom of expression and information.

20. Mandate holders have also articulated the responsibilities of business enterprises to ensure respect for the rights to freedom of peaceful assembly and of association in their activities and business relationships in several thematic reports.<sup>13</sup> For instance, the Special Rapporteur has called on digital technology companies and extractive industries to meet their responsibilities to respect internationally accepted human rights standards, including the rights to freedom of peaceful assembly and of association, and to implement the Guiding Principles on Business and Human Rights.

21. Certain thematic reports of the mandate holders provided a blueprint for legal and institutional reform. For instance, in a joint project with the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, the mandate holder compiled key principles and practical recommendations for the proper management of assemblies.<sup>14</sup> Similarly, the Special Rapporteur issued practical recommendations and best practices aimed at supporting States in the implementation of their human rights obligations in order to ensure the enjoyment of the rights to freedom of peaceful assembly and of association in the context of the 2030 Agenda.<sup>15</sup> As a result of this work, the Special Rapporteur also collected good practices that exemplify the application of these principles by domestic actors.

22. The influence of this work on standard-setting bodies, including regional and international human rights treaty bodies, is broadly recognized. For example, the Guidelines on Freedom of Association and Assembly in Africa of the African Commission on Human and Peoples' Rights incorporate core principles developed by the Special Rapporteurs. Similarly, in developing the guidance contained in the recent report entitled "Protest and human rights", the Special Rapporteur for freedom of expression of the Inter-American Commission on Human Rights has drawn heavily on the standards put forth by the mandate holders.<sup>16</sup>

## 2. Mapping global challenges and trends on restrictions

23. A key area of work of the mandate holders has included the study of global trends affecting the exercise of the rights to freedom of peaceful assembly and of association. When the mandate of the Special Rapporteur was established, the problem of closing space for civil society was not widely understood among the international community. This was especially true for most international and regional organizations, Governments and donors. Progress in this area is evident. The Special Rapporteurs joined efforts with civil society actors to draw attention to the pressures that civil society faces, develop a deeper understanding of the nature of the threats and challenges and their root causes, and identify opportunities and tools to address them.

24. In a report to the Council, the Special Rapporteur examined how Governments were increasingly imposing limitations in the exercise of the rights to freedom of peaceful assembly and of association. Drawing on seven years of communications and thematic reports, the report mapped the myriad of legal and extralegal measures being adopted around the world, including the adoption of national security, counter-terrorism and public order

<sup>11</sup> Ibid., para. 8.

<sup>12</sup> A/HRC/41/41.

<sup>13</sup> See, for example, A/HRC/29/25 and A/71/385.

<sup>14</sup> A/HRC/31/66.

<sup>15</sup> A/HRC/41/41/Add.2.

<sup>16</sup> Inter-American Commission on Human Rights. Office of the Special Rapporteur for freedom of expression. *Protest and Human Rights* (2019).

laws; the criminalization of peaceful protest; the indiscriminate and excessive use of force to counter or repress peaceful protest; the stigmatization of and attacks against civil society actors; and censorship and surveillance of the digital space.<sup>17</sup>

25. While these trends have negatively affected all who exercise their rights to peacefully assemble and freely associate, the mandate holder has paid special attention to issues affecting the most marginalized groups of society. In a series of reports, the mandate holder exposed the greater risk facing persons with disabilities; non-nationals; migrants and refugees; lesbian, gay, bisexual, transgender and intersex persons; members of minority groups;<sup>18</sup> environmental human rights defenders and indigenous peoples;<sup>19</sup> workers, including global supply chain workers, informal workers, migrant workers and domestic workers;<sup>20</sup> and people living in poverty.<sup>21</sup> These reports have shone a spotlight on the ways in which the denial of the rights to freedom of peaceful assembly and of association leads to the marginalization of those groups and how marginalization exacerbates major global problems, such as poverty, inequality and conflict.

26. In other reports, the mandate holders have sought to identify global threats to freedom of assembly and association in special contexts and circumstances, such as during elections,<sup>22</sup> in the workplace,<sup>23</sup> in natural resource extraction<sup>24</sup> and in the age of digitalization.<sup>25</sup> The reports explored the specific dynamics of violations and abuses in those contexts and provided tailored recommendations aimed at positive reform. Similarly, these efforts have been aimed at understanding root causes and ideologies that lead to and sustain those trends, including the surge in fundamentalism in many contexts across the world.<sup>26</sup>

### 3. Elevating the importance of assembly and of association at the United Nations

27. The mandate holders have consistently encouraged and collaborated with United Nations institutions, bodies and mechanisms to strengthen their work in promoting and protecting the rights to freedom of peaceful assembly and of association. This area of work produced significant results. Throughout the decade, a great number of panel discussions, sessions, resolutions, reports, policies and programmes have focused on assembly and association rights. While the special rapporteurs were not solely responsible for the increased attention to these freedoms, a number of States and civil society organizations, in their responses to the questionnaire, highlighted the significant contribution of the mandate to elevating and bringing substance to those discussions.

28. For instance, the mandate holder collaborated closely with the Council towards the adoption of its resolution 24/21 – its first on civil society space – in September 2013. That groundbreaking resolution, in which the Council urged States to create and maintain, in law and in practice, a safe and enabling environment for civil society, was adopted after fruitful discussions between member States, civil society and the mandate holder. The Special Rapporteur has since continued to collaborate with the Council in the adoption of resolutions on this issue, including Council resolutions 27/31, 32/31 and 38/12. Another noteworthy example is Council resolution 19/35, the first Council resolution on the promotion and protection of human rights in the context of peaceful protests, which was adopted on 23 March 2012. This resolution, together with Council resolutions 22/10, 25/38, 31/37 and 38/11, resulted from the mandate holder's cooperation with civil society and member States.

29. Moreover, the Council has paid greater attention to violations of both rights in the framework of the universal periodic review.<sup>27</sup>

<sup>17</sup> A/HRC/38/34.

<sup>18</sup> A/HRC/26/29.

<sup>19</sup> A/HRC/29/25.

<sup>20</sup> A/71/385.

<sup>21</sup> A/74/349.

<sup>22</sup> A/68/299.

<sup>23</sup> A/71/385.

<sup>24</sup> A/HRC/29/25.

<sup>25</sup> A/HRC/41/41.

<sup>26</sup> A/HRC/32/36.

<sup>27</sup> A/HRC/42/5, para. 119.83; A/HRC/42/12, para. 111.47; A/HRC/42/15, paras. 134.50 and 134.120; A/HRC/42/16, paras. 125.60, 125.63, 125.67 and 125.79.



30. The work of the mandate holder also provided impetus to the Human Rights Committee's current efforts to develop a general comment on article 21 of the International Covenant on Civil and Political Rights. The Special Rapporteur consistently advocated for the development of a general comment on article 21 as an important means of assisting the work of the mandate and contributing to the protection of the right of everyone to peaceful assembly.<sup>28</sup> The Special Rapporteur commends the openness with which the Committee has conducted this initiative, inviting a broad range of stakeholders to provide their comments and inputs. He hopes that once adopted, the general comment will strengthen international protection of the right to freedom of peaceful assembly and serve as guidance to States on how to fully comply with their international obligations in this area.

#### **4. Broadening the base of support and engagement**

31. During the first decade, the mandate holders recognized the need to increase public opinion in favour of the rights to freedom of peaceful assembly and of association. Through hundreds of press releases, issued individually or jointly with other special procedure mandate holders, they sought to amplify the voice of people on the ground and motivate others to help promote and protect human rights. The mandate holders also participated in countless public engagement activities, including during working or academic visits aimed at raising public awareness at the country or local level. To maximize reach, the mandate holders introduced user-friendly formats and innovative ways to disseminate reports and documents.

32. The mandate holders also sought to raise awareness among and engage with new allies capable of effecting change and reversing the trend of closing civic space, including with the:

(a) Financial Action Task Force – an intergovernmental body that sets standards to combat money-laundering and terrorist financing – to improve its cooperation with civil society;<sup>29</sup>

(b) World Economic Forum, to raise awareness of the imbalance between how States treat businesses and how they treat civil society;

(c) Digital technology companies in Silicon Valley, to advocate for their commitment to address adverse impacts of their products, services and policies on assembly and association rights.

33. To further those efforts, the mandate holders tried to demonstrate that supporting the rights to freedom of peaceful assembly and of association ultimately served many purposes, including advancing development objectives, moving societies towards freedom and equality, and achieving and upholding peace. This was not to suggest that positive effects of assembly and association rights were a prerequisite for State implementation of enabling policies and practices. International law is very clear. States must respect and protect these freedoms. Yet in making the “pragmatic case” for the rights to freedom of assembly and of association, the mandate holders sought to counter the increasing negative narratives against civil society. In a 2017 thematic report,<sup>30</sup> and in a corresponding media campaign, the mandate holder celebrated the value of civil society throughout history and across cultures. The theme was also explored more recently in reports examining the role of civil society in the implementation of the 2030 Agenda.<sup>31</sup> In those reports, the Special Rapporteur called upon development actors to recognize their shared interest in advocating for and protecting assembly and association rights.

#### **5. Supporting domestic implementation and reform**

34. Throughout the first decade of the mandate, the mandate holders routinely sought to effect change at the domestic level. Whether through legal and policy reform or through a positive outcome for specific individuals, the Special Rapporteur sought to ensure that

<sup>28</sup> See, e.g., A/HRC/20/27 and A/HRC/41/41.

<sup>29</sup> Communication OTH 14/2016, dated 23 February 2016, available at [spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=20588](https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=20588).

<sup>30</sup> A/HRC/35/28.

<sup>31</sup> A/73/279, A/HRC/41/41/Add.2 and A/74/349.

individuals and groups could fully exercise their rights to freedom of peaceful assembly and of association. The following paragraphs highlight a few illustrative examples.

35. In 2014, the mandate holder launched an initiative aimed at protecting the rights to freedom of peaceful assembly and of association by means of litigation in national and regional courts. The project focused on providing technical assistance and advisory services for public interest litigation on assembly and association issues, with a view to increasing and strengthening such litigation. Since then, the mandate holders have submitted 10 amicus briefs in relevant cases.<sup>32</sup> For instance, in one such case the mandate holder filed an amicus brief before the High Court of South Africa arguing that the notification provisions of the country's Regulation of Gatherings Act constituted "illegitimate" restrictions on the right to freedom of peaceful assembly.<sup>33</sup> Relevant provisions of the Act were later struck down as unconstitutional, and the Court found that the notification requirement created a chilling effect on freedom of expression and on the right to freedom of peaceful assembly. The Court made extensive reference to international court decisions and authorities cited in the Special Rapporteur's amicus brief. Likewise, the mandate holder filed an amicus brief before the Supreme Court of Mexico, arguing that three provisions of Mexico City's Mobility Law imposed impermissible restrictions on the right to freedom of peaceful assembly.<sup>34</sup> The Court not only upheld the constitutionality of the challenged provisions but made special reference to the Special Rapporteur's brief in elaborating its standards on how the laws should be interpreted so as not to cause harm to human rights.

36. As of May 2020, the mandate holders have conducted 13 country visits. The list includes countries as diverse as Armenia, Chile, Georgia, Oman, the Republic of Korea, Sri Lanka, Tunisia, the United States of America and Zimbabwe.<sup>35</sup> For each visit, the mandate holder presented a report to the Human Rights Council and engaged in extensive dialogue with the State and civil society on the visit's findings and recommendations. The goal of the visits was to assess compliance with human rights norms relevant to assembly and association rights in the country and provide a road map for improvement.

37. For example, after his country visit to Georgia in February 2012, the mandate holder criticized amendments to the Law on Political Unions of Citizens, expressing his concern that they would create an uneven playing field and would restrict the civil-political activities of civil society organizations. On 8 May 2012, the Parliament of Georgia passed a number of amendments to address those concerns. Similarly, in a 2013 report on a country visit to the United Kingdom, the mandate holder called for accountability in the use of undercover police officers to infiltrate non-violent groups exercising their right to freedom of peaceful assembly.<sup>36</sup> The mandate holder emphasized that while undercover police serve a vital function in gathering intelligence on criminal groups such as terrorists and organized crime syndicates, its use against protest movements and others exercising their legitimate rights to dissent and to peacefully assemble is not justifiable. Following the mandate holder's recommendation, a public judge-led inquiry on the use of undercover policing was initiated in 2015.<sup>37</sup>

<sup>32</sup> The mandate holder filed amicus briefs before the Plurinational Constitutional Court of the Plurinational State of Bolivia; the Supreme Court of Mexico; the African Court on Human and Peoples' Rights and the African Commission on Human and Peoples' Rights; the European Court of Human Rights; the High Court of Kenya; the United States Court of Appeals for the District of Columbia Circuit; the High Court of South Africa; and the Constitutional Court in Guatemala.

<sup>33</sup> See "UN expert hails South African Constitutional Court's decision against the criminalization of peaceful assembly", November 22, 2018. Available at [www.ohchr.org/\\_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/Issues/FAssociation/AmicusCuriaeSouthAfrica\\_3.docx&action=default&DefaultItemOpen=1](http://www.ohchr.org/_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/Issues/FAssociation/AmicusCuriaeSouthAfrica_3.docx&action=default&DefaultItemOpen=1).

<sup>34</sup> See [http://dof.gob.mx/nota\\_detalle.php?codigo=5456567&fecha=13/10/2016](http://dof.gob.mx/nota_detalle.php?codigo=5456567&fecha=13/10/2016) (in Spanish).

<sup>35</sup> A/HRC/41/41/Add.3 (Tunisia); A/HRC/41/41/Add.4 (Armenia); A/HRC/35/28/Add.1 (United Kingdom of Great Britain and Northern Ireland); A/HRC/35/28/Add.2 (United States); A/HRC/32/36/Add.1 (Chile); A/HRC/32/36/Add.2 (Republic of Korea); A/HRC/29/25/Add.1 (Oman); A/HRC/29/25/Add.2 (Kazakhstan); A/HRC/26/29/Add.2 (Rwanda); A/HRC/23/39/Add.1 (United Kingdom); A/HRC/20/27/Add.2 (Georgia); A/HRC/44/50/Add.1 (Sri Lanka) and A/HRC/44/50/Add.2 (Zimbabwe).

<sup>36</sup> A/HRC/35/28/Add.1.

<sup>37</sup> Information is available at [www.ucpi.org.uk/about-the-inquiry/](http://www.ucpi.org.uk/about-the-inquiry/).

38. More recently, a country visit to Tunisia in September 2018 helped push back against concerning finance de-risking reforms and preserve Decree No. 88 of 2011, a post-revolution decree governing civil society organizations and one of the most enabling civil society laws in the Middle East and North Africa region. At that time, the mandate holder observed that while combating money-laundering and the finance of terrorism is a legitimate government objective, careful consideration must be given to the impact these types of measures have on civil society operations and activities. In the report, it was recommended that the State engage in dialogue with civil society to ensure that finance de-risking measures do not serve as an instrument for closing civic space. According to an activist in Tunisia, the mandate holder provided “very impactful support”. The activist further noted that there was now a genuine partnership between government and civil society on issues relating to possible risks to the civil society sector and measures to be implemented to mitigate those risks.

39. Communications or individual complaints are the heart of the Special Rapporteur’s mandate. Over the past decade, numerous complaints alleging violations of assembly and association rights were received and referred to State and non-State actors in the form of urgent appeals and allegation letters. According to the most recent data, the special rapporteurs had issued 622 urgent appeals letters and 737 allegations letters to 148 States and 32 other actors during the first decade of work. The mandate holders have also sent letters to States seeking information about legal or policy developments, including laws and regulations affecting non-governmental organizations and peaceful assemblies. As of March 2020, the mandate holders had issued 89 communications on laws and policy. These communications were aimed at raising the voices of victims and civil society actors within the United Nations system, while providing governments with tools necessary to meet their international obligations regarding the rights to peaceful assembly and association. With political will, communications have been shown to be a catalyst for positive change. For example, a communication was issued condemning the decision of the Government of Ecuador to arbitrarily close an environmental organization, *Fundación Pachamama*,<sup>38</sup> in 2013. That communication served as an advocacy tool to secure the reinstatement of the non-governmental organization following a change in government. More recently, a communication to the Government of Sierra Leone regarding restrictive provisions found in the Development Cooperation Framework<sup>39</sup> enabled a series of reforms and collaborations with civil society to ensure that they had effective partners in development efforts.

## 6. Movement building

40. Finally, many civil society organizations have emphasized that one of the most significant results of the mandate of the Special Rapporteur was the building of a global movement to promote an enabling environment for the enjoyment of the rights to freedom of peaceful assembly and association. The creation of the mandate helped foster informal and formal coalitions around the protection of these fundamental freedoms and provided tools for many individuals and communities worldwide to share a vision of the changes needed and strategies to ensure these rights can be fully enjoyed by everyone.

41. The mandate of the Special Rapporteur contributed to mobilizing solidarity among civil society activists, empowering advocacy efforts, amplifying voices and facilitating learning exchanges. This movement was made possible in part due to the Special Rapporteur’s direct and routine engagement with civil society organizations and grass-roots communities around the world. Over the past 10 years, the mandate holder has prioritized outreach to civil society through formal and informal consultations and meetings. These meetings allowed the different special rapporteurs to increase understanding of the reality, concerns and lived experiences of the people on the ground and to ensure that their perspectives were and are reflected in their work. Several respondents highlighted efforts of the mandate holders to give a voice to civil society, including within the Human Rights Council and the General Assembly, as a major achievement. These efforts also enhanced the capacity of civil society organizations, including those that have traditionally been underrepresented and have had fewer opportunities to engage with multilateral institutions,

<sup>38</sup> Communication ECU 4/2013, dated 31 December 2013. Available at [spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=14789](https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=14789) (in Spanish).

<sup>39</sup> Communication SLE 1/2019, dated 22 February 2019. Available at [spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24361](https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24361).

to identify common trends across regions, share lessons, explore solidarity strategies and build new alliances.

## IV. Context

### A. Decade of compounding challenges

42. Over the past 10 years, the world has faced a series of severe challenges: growing poverty and inequality, violent extremism, conflict and war, digital transformation, natural disasters and climate change, to name a few. The need for assembly and association rights as an avenue for people to work together through peaceful means towards solving these problems should have been evident. After all, throughout history and across cultures the rights to freedom of peaceful assembly and of association have enabled individuals to address many of world's most difficult challenges. Civil society gave the world the anti-slavery and anti-apartheid movements; the transnational advocacy campaigns against poverty and inequality; the women's suffrage movements; the unions that fought and won rights for workers; the environmentalists who worked and continue to work to protect the planet and climate; and the movements that ignited transitional democracies.<sup>40</sup>

43. Instead of listening and responding to people's needs and expanding the ability of civil society to contribute to addressing those challenges, however, many governments around the world chose to use these crises to silence independent voices and increase their own power. The period 2010–2019 saw the erosion of democracy and civic freedoms in a large number of countries, including established democracies, States in transition and autocratic countries. The most recent *Global State of Democracy* report by the Institute for Democracy and Electoral Assistance (IDEA) concluded that the share of democracies experiencing democratic erosion had seen a consistent increase in recent decades and had more than doubled in the last decade compared with the previous one.<sup>41</sup> The report also observed that democratic backsliding had become more frequent in the last decade and that, in the same time period, non-democratic regimes had persisted and deepened their autocratization.

44. The aspects of democracy that have eroded most are those related to civic space. According to Freedom House, 2019 was the fourteenth consecutive year of decline in global freedom, with the majority of the countries suffering a net decline in the past decade.<sup>42</sup> Similarly, the most recent report by CIVICUS concluded that in the last decade, the freedoms of association, peaceful assembly and expression had experienced consistent backsliding across the world and that 40 per cent of the world's population now lived in countries where freedoms of assembly, association and expression were repressed.<sup>43</sup>

45. The decline in public freedoms is reflected in the increase in limitations to associational life across the world. The mandate of the Special Rapporteur has extensively documented this trend, looking at the rise in: the adoption of laws related to national security, counter-terrorism and public order; the criminalization of peaceful protest; the indiscriminate and excessive use of force to counter or repress peaceful protest; undue barriers to funding; stigmatization of and attacks against civil society actors; and censorship and surveillance of the digital space.<sup>44</sup> Particularly salient over the last decade is how States increased their use of digital technology to silence, survey and harass dissidents, political opposition, human rights defenders, activists and protesters, and to manipulate public opinion.<sup>45</sup>

<sup>40</sup> A/HRC/35/28.

<sup>41</sup> IDEA, *The Global State of Democracy 2019: Addressing the Ills, Reviving the Promise* (Stockholm, 2019), pp. 15 and 32.

<sup>42</sup> Freedom House, *Freedom in the World 2020: A Leaderless Struggle for Democracy* (Washington, D.C., 2020).

<sup>43</sup> CIVICUS. *People Power Under Attack* (December 2019), p. 5. Available at: <https://civicus.contentfiles.net/media/assets/file/GlobalReport2019.pdf>.

<sup>44</sup> A/HRC/38/34.

<sup>45</sup> A/HRC/41/41.

46. These restrictions also reached multilateral institutions. In a presentation given in 2019 to the General Assembly, the former Assistant Secretary-General for Human Rights indicated that the number of reported reprisals for cooperating with the United Nations doubled in the last decade: from an average of 15 to 20 countries reported annually starting in 2010 to 48 in 2019.<sup>46</sup>

47. In several countries, the rise in restrictions to assembly and association rights was driven by war and conflict, failed transitional processes or return to military rule. In others, these restrictions were part of a trend of rising fundamentalism, nationalism and populist politics. In these contexts, violations of the rights to freedom of peaceful assembly and of association found support in non-State actors, including natural and legal persons and groups or associations, that were seeking to advance ideologies favoured by the State and crowd out space for independent organizations.<sup>47</sup> These actors have become more assertive and visible in recent years, in part owing to access to social media.

## B. COVID-19 pandemic

48. The world is currently facing an unprecedented global health crisis. As of April 2020, the COVID-19 pandemic had taken the lives of thousands of people around the world. In country after country, health-care systems have been overwhelmed, undermining their ability to care for people with chronic or serious health conditions and to respond effectively to the increasing number of patients infected by COVID-19. The pandemic has disrupted people's livelihoods. Millions have lost their jobs or sources of income. While 2019 was marked by a rise of protest movements around the world seeking justice, equality and democracy, and fighting against corruption, the outbreak of the COVID-19 pandemic and the measures taken by States to address it have stopped these aspirations.

49. The Special Rapporteur recognizes that governments all over the world have taken extraordinary steps to respond to this rapidly evolving crisis and protect people's health, while reducing the socioeconomic impact of measures being implemented. He is concerned, however, about information suggesting several worrying trends and limitations, including on civil society's ability to support an effective response, as highlighted in a public statement he issued on 14 April 2020.<sup>48</sup>

50. The Special Rapporteur is concerned about the adoption of sweeping emergency laws and measures to rule by decree. Some of the measures adopted have been geared towards cementing control and cracking down on oppositional figures rather than ensuring public health. A trend towards the militarization of crisis management is similarly worrying. Elections are being postponed in all regions of the world owing to the COVID-19 pandemic, without full transparency or consultation with civil society.

51. Civil society organizations are also facing numerous restrictions on their work, brought on in part by limitations on access to cross-border funding. Without money and staff, civil society organizations will not be able to continue to operate, thereby preventing them from helping to address this global crisis. In the last decade, restrictions on funding have become a major threat to associations across all regions of the world.<sup>49</sup> These restrictions have no place in today's world. International solidarity is needed more than ever.

52. Members of civil society together with other workers, moreover, have been constrained by a lack of access to necessary personal protective equipment. In this context, accounts of cases where labour representatives have faced retaliation for speaking out against dangerous situations at the workplace are particularly troubling. The Special Rapporteur has called on governments to ensure that civil society organizations, including human rights

<sup>46</sup> OHCHR, "Reported reprisals increase against those who cooperate with the UN", news release, 20 December 2019.

<sup>47</sup> A/HRC/32/36.

<sup>48</sup> OHCHR, "States responses to Covid 19 threat should not halt freedoms of assembly and association" – UN expert on the rights to freedoms of peaceful assembly and of association, Mr. Clément Voule", news release, 14 April 2020. See also OHCHR, "COVID-19: States should not abuse emergency measures to suppress human rights – UN experts", news release, 16 March 2019.

<sup>49</sup> A/HRC/23/39.

defenders, are exempted from movement restrictions, while ensuring they are not exposing their community or staff to excessive risks. The crisis has also been used to limit access to information. Several States have adopted new measures penalizing the spreading of “fake news”, or have increased reliance on similar provisions of law already in place, while individuals reporting on the crisis have been cautioned, detained or expelled.

53. The Special Rapporteur believes the effectiveness of measures to defeat the COVID-19 outbreak depends on the ability of governments to secure people’s participation and trust. There is a well-documented correlation between the violation of public freedoms, including association, assembly and expression, on the one hand, and the erosion of government credibility and the risk of conflict, on the other.<sup>50</sup> By contrast, respect for these fundamental freedoms can empower communities to respond and adapt to changes brought by the crisis and to be better prepared for similar emergencies in the future.<sup>51</sup> No country or government can solve the crisis alone; civil society organizations should be seen as strategic partners in the fight against the pandemic. In particular, civil society will have an important role in helping countries mitigate, adapt and transform from the devastating and long-term socioeconomic development effects of this crisis.

54. In order to ensure that State responses to the COVID-19 pandemic do not infringe upon the rights to freedom of peaceful assembly and of association, the Special Rapporteur recommended ensuring that:

- (a) New legal measures respect human rights;
- (b) Public health emergencies are not used as a pretext for rights infringements;
- (c) Democracy is not postponed;
- (d) Civil society is viewed as an essential partner in responding to the crisis;
- (e) Freedom of association and of assembly online is respected;
- (f) Workers can enjoy rights to freedom of association and of assembly;
- (g) Civil society actors are free to express their opinions and share information;
- (h) Civil society’s participation in multilateral institutions is secured;
- (i) International solidarity continues;
- (j) Popular calls for reform are addressed.<sup>52</sup>

## V. Looking ahead: towards a future agenda

55. The challenges facing the enjoyment of the rights to freedom of peaceful assembly and of association are complex and rapidly evolving. There is much at stake. Failing to respond and protect these freedoms poses risks to democracy itself and to the enjoyment of all human rights. As daunting as these challenges are, however, there are many reasons to remain hopeful and seek out concrete opportunities to shape the future in a positive way.

### A. Lessons learned

#### 1. Sound international legal frameworks help create better responses to undue restrictions to civic space

56. The existence of comprehensive and well-articulated international norms and standards regarding the rights to freedom of peaceful assembly and of association has helped civil society, international organizations, Member States and national human rights institutions to be better equipped to identify, respond to and push for reforms to regulations and practices that infringe upon these freedoms. By developing standards and specific guidance on how to protect and promote the rights to freedom of peaceful assembly and of

<sup>50</sup> A/74/349.

<sup>51</sup> Antonio Guterres, “The highest aspiration: a call to action for human rights” (2020).

<sup>52</sup> OHCHR, “States responses to Covid 19 threat should not halt freedoms of assembly and association”.

association in multiple contexts, including recognizing good practices, the mandate holders have ensured that States have tools to comply with their international obligations in this field.

## **2. Early warning is critical**

57. Challenges and threats to the rights to freedom of peaceful assembly and of association are often complex, rapidly changing and difficult to anticipate. The mandate holders have striven to constantly improve their monitoring of global developments, enabling the mandate to identify threats more effectively. The mandate holders also strengthened coordination with other mandate holders, particularly with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders, including by issuing timely joint public statements. These efforts not only result in broader awareness of issues of concern but also empower international actors to respond more swiftly and effectively.

## **3. International solidarity is essential to support local efforts**

58. The importance of connecting national civil society with international and regional institutions has been repeatedly demonstrated. Diplomacy, transnational coalitions, emergency funds for persecuted human rights activists and organizations, and statements from regional and international human rights mechanisms have played a key role in supporting domestic advocacy against closing civic space. These efforts will continue to be essential in the years ahead.

## **4. Sustained engagement supports long-term reform**

59. Ongoing and long-term dialogue with key actors has given mandate holders a better understanding of their context and created opportunities to advocate for an enabling environment for the rights to freedom of peaceful assembly and of association. Sustained engagement, as opposed to sporadic action, has proven effective in certain contexts. In countries where the mandate holder was able to invest significant time, resources and actions – including through country visits, capacity-building and technical assistance – demonstrable impact was possible.

## **5. Engaging with actors outside the human rights community remains crucial**

60. Civil society must be recognized by those outside the human rights community for what they are: essential allies in the struggle to build more democratic and prosperous societies. Civic space issues continue to be overlooked by these actors, however, including the business sector and development community. While the work of the mandate holder and civil society over the last decade shows that engaging with these actors, including through the 2030 Agenda, can offer a space for potential partnership and impact, results have been slow. More thought is needed on how such engagement can be made more effective.

## **6. Connecting with the public requires more resourcing**

61. The mandate holders used many innovative communications tools to build positive narratives and influence public opinion in favour of the rights to freedom of peaceful assembly and of association, in a context marked by the rise of anti-rights movements, the spread of their disinformation and the use of hate speech tactics.<sup>53</sup> This effort demonstrated that mandate holders can be effective communicators and shape narratives. Of course, communications strategies need time and resources to be effective.

## **B. Strategic issue areas**

62. While current work must continue and successful strategies must be expanded, the intensity and seriousness of the challenges facing the rights to freedom of peaceful assembly and of association will require a renewed agenda that delineates how to create an enabling environment for these fundamental freedoms and effectively respond to the growing number

<sup>53</sup> See CIVICUS, *Against the Wave: Civil Society Responses to Anti-rights Groups* (November 2019).

of restrictions and threats to violations. The vision is of a world in which everyone, without exception, can freely join together and demand to improve their lives.

63. It is not the role of the Special Rapporteur or any single individual to develop such an agenda. Rather, it must spring from the collective effort of all stakeholders. The Special Rapporteur had planned to support that collective process through a series of in-person meetings and workshops in celebration of the tenth anniversary of the mandate. The COVID-19 pandemic forced some of those plans to be postponed or adapted into online meetings. To support those discussions, the Special Rapporteur would like to highlight 12 strategic issue areas he believes need to be prioritized in engaging with all actors in developing a future agenda for the promotion and protection of the rights to freedom of peaceful assembly and of association. This list draws from contributions the mandate holder secured through consultations with and questionnaires distributed to States, national human rights institutions and civil society organizations as part of the background work for the present report.

#### **1. Community groups and social movements**

64. A future agenda for the protection of assembly and association rights will need to draw attention to the needs of community groups and social movements and will also need to identify concrete ways in which they can be supported in the coming years. These groups are at the forefront of the present major struggle for economic, social, environmental, cultural and political progress. They face, however, highly restrictive environments and acute challenges, especially in accessing financial resources and international networks.

#### **2. Women and girls**

65. Many of these community groups and movements are now led by women and girls. Whether they are speaking up against corruption and economic inequality, reclaiming democracy and political freedom, or demanding fair work and climate justice, women of all ages are at the forefront of today's most pressing global struggles. In many countries, however, these women are at greater risk of violations of assembly and association rights. In addition to facing well-documented patterns of State repression, they experience many additional obstacles, challenges and impacts that are gendered, intersectional and based in deep-rooted discriminatory social norms. A future agenda on protecting civic space should focus on accelerating and deepening efforts to eradicate the discrimination that women face in enjoying their rights to peaceful assembly and association and on building more inclusive movements.

#### **3. Mobilization of young people**

66. Space must be created for young people to participate in shaping their own future. A discussion of a future agenda must focus on addressing the challenges faced by young people in exercising the rights to freedom of peaceful assembly and of association and in seeking to harness their energy and vision for the years ahead.

#### **4. Labour movements**

67. The traditional tools for asserting worker's rights – trade unions, strikes and collective bargaining – have been significantly weakened across the globe. Workers in the supply chain and in the gig economy have been particularly affected.<sup>54</sup> The implications of this trend on the future of human rights should not be underestimated. Prioritizing workers' assembly and association rights in future strategies will help ensure that workers gain access to fair wages, safe working conditions and a collective voice, while addressing some of the root causes of democratic erosion and rising inequality.

#### **5. Digital technologies**

68. Technological advances such as facial recognition, artificial intelligence, hacking tools and digital identification, are posing complex challenges to association and assembly rights. Governments are increasingly cutting off access to the Internet and mobile networks to stifle mass demonstrations and silent dissident voices during elections. For many in civil

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<sup>54</sup> Gig workers are independent contractors, online platform workers, contract firm workers, on-call workers and temporary workers.



society, the Internet is no longer a safe place, as they have become the growing targets of surveillance and online violence. The slow progress in addressing these challenges points to the urgent need to move beyond commitments to action and accountability.

## **6. Climate change and other global crises**

69. In the wake of the COVID-19 pandemic, a key issue that emerged is the role of peaceful assembly and of association in building society's resilience to different crises. Civil society has historically played a key role in recovery efforts after natural disasters and amid humanitarian, health and climate crises. As civic space restrictions have widened and deepened, they have also affected these groups. A trend towards criminalizing humanitarian and climate action activists is a growing concern. The agenda will need to engage with these actors and devise better strategies to empower them to continue to meet these contemporary challenges.

## **7. Participation and democratic processes**

70. The future agenda cannot ignore the multifaceted factors transforming democratic processes (constitutional, parliamentary and electoral) and the different ways in which those factors promote or constrain the exercise of the rights to freedom of peaceful assembly and of association. The digital environment is particularly impacting civil society's participation in democratic processes, and the need to understand and address that issue is a matter of urgency.

## **8. Transitional democracies and post-conflict countries**

71. These contexts offer critical opportunities to advance the protection of public freedoms, including the rights to assembly and association. Higher levels of public engagement can effectively help consolidate democratic transitions and conflict resolution, by leveraging civil society's capacity to generate new ideas, build partnerships and engage with those hardest to reach. Future work should prioritize support for the creation of an enabling legal environment for civil society to operate in those contexts, including for women's organizations and women's rights defenders.

## **9. Legal reform**

72. For civil society organizations to be able to work effectively, the legal and regulatory framework governing them must be sufficient to enable their formation, operation and participation in public life. According to data provided by the International Centre for Not-For-Profit Law, however, from 2013 to 2019, over 88 countries proposed or passed 217 legal initiatives restricting the work of civil society organizations. A future agenda will need to guide stakeholders on how to leverage opportunities to reform laws and regulations governing civil society and secure their effective implementation.

## **10. Accountability of State and non-State actors**

73. Securing greater accountability of State and non-State actors for violations of the rights to freedom of peaceful assembly and of association, including police abuse in the context of peaceful protests, remains a great challenge. Over the past decade there has been much less progress in establishing ways of increasing victim access to justice and remedy. An effective criminal justice response is the primary avenue for securing both criminal and civil responsibility in this area. A future agenda should seek to collaborate more closely with members of the legal profession and the justice sector towards ensuring that victims can effectively access justice.

## **11. Implementation at the domestic level**

74. Mandate holders have often drawn attention to a worrying gap between international norms and standards and the extent to which they are implemented in practice. This is particularly the case with the rules governing the use of force during the management of peaceful assemblies that, despite being clearly articulated by international law, are too often disregarded. Improving compliance mechanisms at the domestic level must be a priority for States, civil society and the international community.

## 12. Root causes

75. Future strategies must be based on a thorough and nuanced understanding of the root causes of the phenomenon of closing civic space and more broadly address its drivers, including corruption, inequality and the continued erosion of and backsliding on democracy.

## VI. Renewed call to action

76. The establishment of the mandate of the Special Rapporteur on the rights to freedom of peaceful assembly and of association 10 years ago came at a crucial time in human rights history. The Human Rights Council is to be commended for its efforts to anticipate and provide international protection to these two fundamental freedoms when it was most needed. Civil society consulted as part of the preparation for the present report have affirmed the mandate's key role in defending these freedoms over a decade of compounding challenges.

77. In the last decade, extensive work has been carried out to articulate, reinforce and, where appropriate, expand the applicable international norms, core principles and standards for the enjoyment of the rights to freedom of peaceful assembly and of association. Mandate holders have striven to study global trends and issues affecting the exercise of the rights to freedom of peaceful assembly and of association, and to identify opportunities and tools to address them. Mandate holders have also broadened the base of support and engagement in favour of these freedoms and sought to support effective implementation and positive reform at the domestic level. At the United Nations, many actors have engaged in a constructive dialogue with the mandate holder and supported its work throughout these years. Most importantly, however, through collaboration with civil society organizations and key partners, mandate holders have contributed to the building of a movement for the promotion of these freedoms.

78. Unfortunately, despite what one would expect, the trend for closing civic space has not diminished. On the contrary, the world currently faces an unprecedented global health crisis, with devastating health and socioeconomic impacts. Instead of harnessing the power of civil society, many governments have seized on the crisis to impose further limitations to the rights to freedom of peaceful assembly and of association, including on civil society's ability to support an effective response. As daunting as these challenges are, however, there are many reasons to remain hopeful and seek out concrete opportunities to transform what the future will hold. There is a sense of both urgency and hope. While it is essential to continue current work and expand on successful strategies and lessons learned, it is important to move forward towards a more vigorous and coordinated agenda to protect the rights to peaceful assembly and association across the world.

79. The ambition should be to mobilize international and regional organizations, States, civil society actors and other stakeholders whose coordinated commitment and actions are required to address the threats to civic space and create an enabling environment for the exercise of these fundamental freedoms. As part of these efforts, the Special Rapporteur will galvanize progress towards enjoyment of the rights to freedom of peaceful assembly and of association in relation to social and grass-roots movements, women and girls, youth and climate change activism, digitalization of society, accountability and access to justice, and labour rights. The Special Rapporteur will give further attention to the situation of the rights to freedom of peaceful assembly and of association in the context of elections, democratic transitions and in post-conflict countries and as well as in times of crisis, such as the one triggered by the COVID-19 pandemic.

80. In addition, the Special Rapporteur offers the following recommendations to the United Nations system, bodies and mechanisms:

(a) The Human Rights Council should continue to extend the mandate over the coming years, in recognition of the prevalence of violations of the rights to freedom of peaceful assembly and of association and of the need for continued international attention to the broader trend of closing civic space. The Council should also continue to discuss issues related to freedom of peaceful assembly and of association and should adopt resolutions that are aimed at enhancing the promotion and protection of those

freedoms. The Council should ensure that the framework of the universal periodic review gives greater attention to violations and abuses of both rights;

(b) The Council and its treaty body mechanisms should monitor State compliance with human rights international norms and principles, including with regard to the rights to freedom of peaceful assembly and of association, in the context of emergency measures related to the COVID-19 pandemic, and should promote accountability in case of violations;

(c) The General Assembly and its high-level political forum on sustainable development should pay greater attention to the impact of closing civic space on the achievement of the Sustainable Development Goals and issue guidance to all stakeholders on how to ensure that civil society can contribute to the implementation of the 2030 Agenda for Sustainable Development;

(d) It is necessary to ensure the meaningful participation of civil society in all United Nations forums, platforms and decision-making processes, without discrimination or undue restrictions;

(e) United Nations support at field level, including Resident Coordinators and United Nations country teams, should develop partnerships with civil society organizations and enhance strategies for the domestic implementation of norms and standards to advance protection of these fundamental freedoms;

(f) The Human Rights Committee is encouraged to ensure that the views of civil society and the experiences of individuals on the ground are taken into account while developing general comment No. 37 on the right to freedom of peaceful assembly, as provided for in article 21 of the International Covenant on Civil and Political Rights;

(g) The Secretary General's "The highest aspiration: a call to action for human rights" should be translated into concrete actions and results, including measures to protect public participation and civic space.

81. The Special Rapporteur recommends that States should:

(a) Recognize, in law and in practice, that the rights to freedom of peaceful assembly and of association are essential components of democracy and sustainable development, as they provide avenues for dialogue and pluralism of views;

(b) Ensure that conducive legal, political, economic and social environments exist for civil society to freely operate, including by ensuring that the rights to freedom of peaceful assembly and of association and other human rights are enjoyed by everyone, without discrimination;

(c) Ensure that any restrictions to the rights to freedom of peaceful assembly and of association are prescribed by law, as necessary in a democratic society, and are proportionate to the aim pursued;

(d) Design and put in place a follow-up mechanism, with the participation of civil society and national human rights institutions, to ensure recommendations made by the mandate holders, in particular after a country visit, can be effectively implemented;

(e) In the context of the COVID-19 emergency measures, ensure that the human rights framework, including the rights to freedom of peaceful assembly and of association, is embedded in all responses; refrain from imposing undue restrictions to the rights to peaceful assembly and of association; and ensure accountability in case of any violation of these fundamental freedoms.

82. National human rights institutions should play a role in fostering and monitoring the implementation of the rights to freedom of peaceful assembly and of association and in receiving and investigating allegations of related human rights violations and abuses.

83. International organizations and their member States should actively defend the rights to freedom of peaceful assembly and of association and speak out in cases of violations, threats, intimidation or reprisals against individuals for exercising these freedoms. The donor community, in particular, should exert greater leverage and

**influence with governments and partners to promote enabling environments for civil society participation.**

**84. Regional human rights mechanisms should consider establishing a regional mandate for the promotion and protection of the rights to freedom of peaceful assembly and of association, considering the global trend of restricting these rights and the need for a concerted global effort to address it.**

**85. The business community should work collaboratively with civil society to shape solutions that benefit society. The business community should recognize the significant value that civil society adds to building democratic, fair and just societies that benefit business interests, and should therefore also take a more proactive role in supporting and influencing measures that enhance civic space. Businesses should also commit to applying the Guiding Principles on Business and Human Rights to prevent or quickly redress any adverse impact on the rights to freedom of peaceful assembly and of association.**

**86. Civil society is encouraged to work in collaboration with the Special Rapporteur and other key stakeholders to develop a renewed agenda to defend civic space in the next decade.**

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