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**Human Rights Council**

**Thirty-fifth session**

Agenda item 3

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

 Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai[[1]](#footnote-1)\*

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| *Summary* |
| The present thematic report is the sixth submitted by the Special Rapporteur on the rights to freedom of peaceful assembly and of association to the Human Rights Council pursuant to Council resolutions 15/21, 24/5, and 32/32.Following an introduction in section I, the Special Rapporteur provides an overview in section II of the activities he carried out between 1 March 2016 and 30 April 2017. In section III, the Special Rapporteur records some of the successes and achievements of civil society in recent years as experienced during his term as mandate-holder and as contributed by respondents to his questionnaire. The Special Rapporteur provides conclusions and outlines recommendations in section IV. The recommendations seek to ensure that the successes and achievements of civil society over recent years can continue sustainably, in a safer and more conducive environment.  |
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1. Introduction

1. This report is submitted to the Human Rights Council by the Special Rapporteur on the rights to freedom of peaceful assembly and of association pursuant to Human Rights Council resolutions 15/21, 24/5 and 32/32. This is the final thematic report of former Special Rapporteur Maina Kiai, who took up his functions on 1 May 2011, and whose mandate was renewed for a second and final term on 1 May 2014, ending on 30 April 2017. This report is presented by current Special Rapporteur Annalisa Ciampi.

2. ‘Civil society’ is a term widely used by the UN Human Rights Council, but whose critical importance in the wider world is often understated. Civil society has been at the forefront of numerous landmark political and social changes over the last decade; changes that have improved societies and individual lives in diverse and meaningful ways. This report aims to draw attention to the varied ways in which associational groupings have tangibly improved societies across the world, and in turn advanced global peace, human development and respect for human rights. The report underscores the imperative of an enabling civic environment and the exercise of the rights to freedom of peaceful assembly and of association in achieving these aspirations.

3. To inform this report, the Special Rapporteur convened an expert consultation in Bangkok, Thailand, on 29-30 November 2016, drawing together civil society experts from across the world, and from distinct and representative spheres of civil society activity. He also sent a questionnaire to Member States, non-governmental organizations (NGOs) and other stakeholders in December 2016. More than 50 replies were received (see addendum). The Special Rapporteur is grateful to all who responded to his questionnaire, and particularly to those who engaged with their constituents, partner organizations, and local communities so as to ensure the widest possible evidence base for this report.

4. As prescribed by Council resolution 15/21, the Special Rapporteur also used other “elements of work available within the Council” to prepare this report.

 II. Activities

 A. Communications

5. The Special Rapporteur sent a total of 183 communications to 68 States between 1 March 2016 and 28 February 2017. His observations on communications addressed to States and on the replies received are contained in an addendum to the present report (A/HRC/35/28/Add.3).

 B. Country visits

 6. The Special Rapporteur visited the United Kingdom of Great Britain and Northern Ireland from 18 to 21 April 2016 (A/HRC/35/28/Add. 1) and the United States of America (A/HRC/35/28/Add. 2) from 11 to 27 July 2016. He thanks both Governments for their cooperation before and during the visits.

 C. Participation in various events

7. The Special Rapporteur took part in the following events, among many others[[2]](#footnote-2):

1. The World Economic Forum Regional Africa Meeting, Kigali, Rwanda (11-13 May 2016)
2. The Oslo Freedom Forum, Oslo, Norway (23-24 May 2016);
3. Expert consultation on the Special Rapporteur’s report to the 70th session of the General Assembly in Kenya (13 and 14 May 2015);
4. FIDH 39th Annual Congress, Johannesburg, South Africa (23-24 August 2016)
5. Academic visit to Thailand, Cambodia, Malaysia, Indonesia and the Philippines (1-10 December 2016);
6. The World Economic Forum Annual Meeting, Davos, Switzerland (17-20 January 2017)
7. Expert consultation to conclude the Special Rapporteur’s litigation project[[3]](#footnote-3), Kenya (6-7 February 2017)
8. Academic visit to Swaziland and Zimbabwe (20-24 February 2017)
9. Testimony before the Tom Lantos Commission of the United States Congress, Washington (21 March 2017)

 III. Achievements of civil society

1. **Objective, Scope and limitations of report**

8. This report seeks to refocus global attention on the myriad ways in which civil society has improved societies globally – protecting civil and political rights, advancing development objectives, moving societies towards freedom and equality, achieving and upholding peace, checking corporate behaviour, protecting the environment, delivering essential services, and advocating for economic, social and cultural rights. The report highlights both the intrinsic and instrumental value of civil society as the means for people to aggregate their views and voices in general and the value to functioning democracies in particular. Civil society occupies the space between state and the market, often playing a countervailing as well as a complementary role against the two forces that are increasingly finding common ground and excluding the majority of people.

9. The Special Rapporteur approaches the subject by imagining what a world without civil society would look like and invites the reader to do the same. In his view, this world would be vastly different and far worse than it is now. This is not to say that civil society achieved or continues to achieve single-handedly the transformations that have characterised human history, but it is to assert that civil society is an essential component for advancements that have benefited humanity, despite efforts to restrict its influence. The free exercise of the rights to freedom of peaceful assembly and of association, among other rights, underpins a vibrant and dynamic civil society.

10. There is no widely accepted definition of civil society. The Special Rapporteur has adopted an understanding of civil society as embodying ‘forms’ (diverse associational relationships), embracing ‘norms’ (values that shape the ‘good society’ such as freedom, democracy, tolerance, cooperation), and engaging in ‘spaces’ (the public sphere where discussions, contestations can freely take place to hopefully achieve agreement on what is good for society).[[4]](#footnote-4) He uses this conceptualisation in discussing civil society’s achievements in order to highlight the nature and characteristics of civil society and their potential contribution to the achievements and successes.

11. The Special Rapporteur has previously described the term ‘association’ as referring to any groups of individuals or legal entities brought together in order to collectively act, express, promote, pursue or defend a field of common interests (A/HRC/20/27 para 51; A/59/401 para 46). ‘Associations’ encompass a wide variety of formations, both informal and formal, including clubs, cooperatives, non-governmental organisations (NGOs) religious associations, political parties, trade unions, foundations, social movements, online associations etc. Central to the Special Rapporteur’s understanding of civil society as espousing norms and values that promote good society, it is essential that groups conform to the aims and principles of the United Nations Charter and the Universal Declaration of Human Rights. In terms of spaces, the Special Rapporteur recognises the imperative of civil society’s participation in public affairs, in influencing and making decisions on matters that affect them, the need for inclusivity of a variety of viewpoints, and the validity of different modes of expression, including peaceful assemblies.

12. The Special Rapporteur recognises that there are grey areas regarding what associational forms comprise civil society, as the dividing lines are increasingly blurred depending on associations’ purposes and activities. Nevertheless, in his view, they possess some basic commonalities such as being non-governmental, non-profit, non-violent, voluntary, pursuing common interests and values in various spheres of life including political, social, cultural, religious, scientific etc. In this report therefore, the Special Rapporteur understands civil society to be a voluntary manifestation of associational life, with an existence and purpose that exists outside of and largely independent of the state and the market, that is inherently collective in nature, working in various ways towards common purposes that do not conflict with the principles of the United Nations.

13. There are different ways of perceiving ‘success’ or ‘achievements,’ and this report does not purport to adhere to a rigid empirical assessment of civil society’s accomplishments, nor can it. Successes can be assessed through various lenses, as evidenced by the diverse responses to the Special Rapporteur’s questionnaire. In this report, success is described non-exhaustively as attaining the desired result of an action or intervention; the achievement of a goal or milestone; initiation or engagement in desirable processes producing outputs, outcomes and impact; transformational change of structural or systemic arrangements as well as one-off transactions that do not fundamentally alter the status quo; and also the maintenance of the status quo to avoid deterioration or retrogression.

14. The Special Rapporteur draws explicit attention to the fact that ‘success’, or ‘achievements’, however defined, must not be interpreted as a prerequisite to civil society’s existence. Civil society’s ‘successes’ should not be a prerequisite for the State’s implementing enabling policies and practices that protect the rights of all. In fact, civil society’s achievements are all the more remarkable considering the odds and challenges that civil society faces in many countries and contexts. Despite an ongoing and explicit rhetorical focus on ‘supporting’ and ‘strengthening’ civil society from states and multilateral institutions including the United Nations and regional human rights systems, the Special Rapporteur has observed the narrowing of political space for civil society. Laws and policies that constrain civil society, most often through direct attempts to unduly restrict the rights to freedom of peaceful assembly and of association, have flourished. Stigmatization, undue barriers to funding, and the wilful misapplication of anti-terrorism and other legislation are tactics which have been applied by states to control and restrict the actions of civil society. Yet, civil society resists, persists, builds resilience and strives to reach its transformative potential.

15. The premise of the report is that civil society has built better communities and has overwhelmingly contributed to the betterment of the world today. Because of this, civil society is entitled to protection and facilitation - at the very least to the same levels accorded to other sectors.

1. **Imagine a world without civil society**
2. **Civil society’s contribution in historical perspective**

16. Although civil society formations such as NGOs have only gained prominence in the last few decades, civil society has been central to addressing some of the greatest injustices in human history. One cannot speak of the success of the 19th century anti-slavery movement without highlighting the role played by faith based individuals and groups, philanthropists, writers and political figures. The luminaries of the civil rights movement in the United States – activists weary of the oppression and discrimination they experienced on a daily basis – belonged to a variety of civil society organisations, religious institutions, local grassroots groups, and students’ movements. Similarly, the anti-apartheid movement in South Africa, was mainly characterised by concerted national and international civic resistance by communities, youth, women, student, workers, cultural, sports associations and other groups such as those under the umbrella of the United Democratic Front, together with armed resistance.

17. The struggle against colonialism in several parts of the world and resistance to authoritarianism in Latin America and Eastern Europe also illustrates the strong ties that existed between workers groups, political opposition and other civil society groups. The women’s rights movement and trade unions fought for and achieved many advancements around the world, including the right to vote for women; the reduction of child labour; and the advancement of worker’s rights like 8-hour work days, two-day weekends, minimum wages and paid holidays. These groups and their large constituencies have also been key components in many broader-based struggles.

18. At the heart of all these movements was a strong attachment to the values of preserving human freedom, dignity and rights, the necessity of active participation in decisions that affect one’s life and livelihood, self-determination, resistance to the State’s interference in private life and liberation from foreign domination. The ability of people to aggregate their voices, assemble to express support or dissent, to volunteer their time and resources to a cause, to access funding from all available sources was central to the success of these movements. These freedoms were often exercised in the face of tremendous opposition by the State, frequently at great personal cost. These movements were not just national, their ideals were shared and supported regionally, continentally and internationally by other civil society groups.

19. In the development field, civil society has played a prominent role in critiquing, establishing and strengthening empowering discourses. Recall the role in the last few decades of protestors during the ‘Arab Awakening, the Spanish Indignados, anti-austerity peaceful demonstrations in Greece, the Occupy movement, anti-globalisation protests and others in focusing attention on the gross inequalities that result from pervasive social and economic injustice. Occupy movement’s rallying call, ‘we are the 99 percent’, succinctly illustrated the gross economic inequalities between the vast majority of global citizens and the tiny minority that control capital, political influence and means of production. Women’s movements, meanwhile, have emphasised the inequalities that women suffer by having to take on more care-giving work, unrecognised and disregarded in a monetized economy, and the impact of weakening labour protections on a burgeoning informal sector dominated by women workers. These movements succeeded in mobilising people across the globe to express their dissatisfaction with current global economic arrangements, illustrating the ability of ordinary people – comprising the diversity of the global citizenry – to rally around an issue and to question the status quo.

20. Civil society’s contributions in peacebuilding can be traced back to the Geneva Conventions and protocols that regulate the conduct of armed conflict and its effects. The Conventions owe their existence in large part to the work of the International Committee of the Red Cross (ICRC), established in 1863. Over the years, the ICRC and affiliate national societies have continued to be instrumental in providing humanitarian relief to prisoners of war, victims of conflict, and people in other emergency situations. ICRC has also done exemplary work helping vulnerable groups and advocating for the adherence to and strengthening of international humanitarian and human rights law.

21. The work of the ICRC has inspired the establishment of organisations such as International Save the Children Union and generated many opportunities to collaborate with other organisations advancing humanitarian goals.[[5]](#footnote-5) Civil society, has over the years, augmented its presence in the peace-building field by advocating for conflict prevention; promoting disarmament; implementing early warning and conflict risk assessment systems; assisting refugees; participating in peace-making negotiations, and working in transitional justice and peacebuilding initiatives.

22. These examples touch only the tip of the iceberg of civil society’s contributions to strengthen and promote the UN Charter’s three pillars of human rights, development and peacebuilding. Whilst the above are some of the most visible ‘achievements’ of what formal civil society has achieved, the collective achievements of untold numbers of local, grassroots and informal civil society groups should not be overlooked. Neither should civil society’s work in the arts and culture, sports, the sciences, technology and other fields. Though impossible to quantify, the Special Rapporteur considers the informal sphere of civil society to have been of critical importance to human rights, development and security.

1. **Civil society’s role and contribution in various fields**

23. The rights to freedom of peaceful assembly and of association are essential components of democracy since they empower women, men and youth 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 co-operatives, and elect leaders to represent their interests and hold them accountable” (Council resolution 15/21, preamble). These rights undergird the existence of a strong and vibrant civil society as conceived of in this report. Though not the sole determinant of a robust democracy – government and the markets must also play their rightful role to achieve this goal – a vibrant civil society does strengthen a state’s democratic credentials and should therefore be accorded facilitation and protection similar to the public and private sectors to enable it contribute effectively (see A/70/266). Civil society acts as both a counterweight and complement to government and business in a democracy, providing avenues through which people directly or indirectly exert their influence on public affairs and matters that affect them.

24. When societies are deprived of diverse forms and spaces for people to associate and mobilise, the opinions and preferences of those with privilege or access to power tend to dominate. Disfavoured viewpoints all but disappear and society loses the freedoms of choice and representation. Contestation through fair elections may be eliminated or rendered meaningless if people are not free to mobilize votes, articulate preferences and represent interests. Civil society promotes and facilitates these spaces for engagement (see A/68/299).

25. And perhaps most crucially, civil society’s work—in service delivery and in seeking accountability-- provides hope to millions of people, who rely on the ingenuity, commitment, resourcefulness and drive of civil society actors to address their problems.

26. Even in established democracies, robust civil society is necessary to challenge structural inequalities that may result from elevation of some interests, voices or values over others. For example, political parties cannot be the sole voices heard during elections, to the exclusion of others. In Canada, “third parties” – that is a person or group other than a political party, candidate or electoral district association – are recognized as participants in the electoral process for purposes of election advertising.[[6]](#footnote-6) Furthermore, civil society plays a critical role in between elections by continuing to monitor, influence and speak out on governance issues. This role is especially important for those who are unable to vote due to factors such as age, a past criminal conviction, gender or migration status. It is commendable therefore, when States institutionalise dialogue between civil society and authorities as is the case in Georgia, Greece, Latvia, Mexico, Moldova, and Romania.[[7]](#footnote-7) By contrast, closing space for civil society even through subtle restrictions like choreographed consultations with hand-picked participants that fulfil procedural rather than substantive requirements, undermines democracy.

27. In a globalised world, decisions made by actors in one country can easily affect the livelihoods of people in other parts of the globe. Transnational corporations wield immense power and control resources much larger than the incomes of many countries. In the Special Rapporteur’s view, civil society’s ability to act transnationally means it plays an indispensible role in counterbalancing this power.

28. Although many multilateral organisations have opened up some space for civil society in their deliberations, more needs to be done to recognise civil society as having equal stakes as other non-state actors.[[8]](#footnote-8) International and local NGOs participation at multilateral fora facilitates perspectives that State delegations may not favour or represent, and also allows local voices that may otherwise be obscured by international interests to be heard.

29. For example, the World Trade Organisation’s current nominal engagement with civil society fails to take advantage of civil society’s capacities and experiences such as representation of marginalised voices and innovative ideas to advance development.[[9]](#footnote-9) Civil society has fared better within the Financial Action Task Force (FATF) framework. Of particular note, the Non-Profit Platform on the FATF (a civil society coalition that works on FATF issues) has progressively made gains in voicing concerns around the adverse effects on non-profit organisations of international policies against counter-terrorism and money laundering. The Platform has most recently gained representation for non-profit organisations on FATF’s Private Sector Consultative Forum, which primarily consisted of representatives from business sector, but which regularly discusses issues affecting the non-profit sector.[[10]](#footnote-10)

30. Meaningful participation requires that decision-making spaces should in principle be open and accessible to all, including civil society in its diversity. These spaces include geographical and physical locations at which meetings and consultations are held, as well as structural conditions that facilitate or hinder participation. The UN General Assembly recently granted observer status to the International Chamber of Commerce, in order to ‘give greater opportunities to the business community to contribute to the realization of the goals and programmes [of the United Nations]’.[[11]](#footnote-11) It is telling that the equally important role of trade unions and civil society organisations is not similarly recognised.

31. Case studies involving informal workers in Brazil, Colombia, India and South Africa[[12]](#footnote-12) – mainly women performing low-wage unprotected work such as street vending, waste collection and home-based labour – found that the achievement of improved livelihoods often rests on beneficiaries taking leadership roles, equipped with opportunities and abilities to represent own interests. The successes of these groups capitalised on civil society strengths such as a bottom-up approach, which encouraged participation, community mobilisation and partnerships with capacity building and technical resources to build dialogue and negotiation skills. The ability to exercise peaceful assembly and association rights was also central to these successes.

32. Civil society is also a significant contributor to the economy, particularly through the employment and volunteer opportunities it provides. In a survey of 16 countries, the non-profit sector employs a proportionately larger percentage of the workforce than some other industries such as transport, accounts for an average of 4.5% of GDP, and provides a range of essential services. In 13 of these countries, the total non-profit workforce accounts for 7.4% of the total workforce on average.[[13]](#footnote-13) In the Czech Republic, the non-profit sector has contributed about 0.7% to the GDP in recent years. The voluntary sector in the United Kingdom contributed about 0.7% of GDP in 2013/2014 and in June 2015 sector employees accounted for about 2.7% of the United Kingdom’s workforce.[[14]](#footnote-14) The value of voluntary activity in the UK for 2012 was estimated to be approximately 1.5% of GDP.[[15]](#footnote-15) In Slovenia, employees in the NGO sector accounted for 0.8 % of the active workforce in 2015.[[16]](#footnote-16) Civil society contributed 3.2% to Sweden’s GDP in 2014.[[17]](#footnote-17)

33. Civil society also plays an important role as a conduit for development assistance, as they are often better placed to work closely with beneficiaries and to respond rapidly to emergencies. Private funders, for example, channel 86% of their humanitarian funding through NGOs[[18]](#footnote-18).

34. Civil society’s role in constructing lasting peace in conflict and post-conflict situations is increasingly recognised. NGOs can carry out roles that political actors cannot undertake because they are potentially more independent, impartial and flexible. In some cases, civil society groups may also have better connections to grassroots constituencies, the ability to maintain confidentiality and more trust with local populations.[[19]](#footnote-19) Civil society in Colombia were engaged in the peace process in various ways. Organisations such as El Avispero through social media campaigns offered spaces for people to participate in social development and peacebuilding activities.[[20]](#footnote-20)

35. The growth of fundamentalism, violent extremism and terrorism is of great concern in the world today. It poses a threat to democracy and people’s ability to participate in their societies, shape their destinies, voice their concerns and improve their lives. In many countries, civil society is a casualty – by design or default – in the fight against extremism. The rights to freedom of peaceful assembly and of association are curtailed, and freedom of opinion, expression and other rights are suppressed under the guise of combatting extremism or terrorism. Ironically, this creates environments where the very vice sought to be eradicated breeds instead. The existence of a robust civil society and respect for human rights in general is critical in combatting extremism, and in channelling dissent and frustration in a legitimate way through the system (A/HRC/32/36 paras. 80-89). The Special Rapporteur finds the Kenyan NGO Muslims for Human Rights (MUHURI) – which promotes good governance and respect for the human rights of marginalized groups – to be an example of the positive role that civil society can play in fighting extremism[[21]](#footnote-21).

1. **Civil society’s achievements:**

36. A report of this size and scope cannot do justice in its coverage of the accomplishments and vast positive contributions that civil society makes every day globally. The Special Rapporteur has therefore chosen to highlight contributions under a few themes where he considers that civil society has excelled in advancing democracy, development and peace. These themes draw out some of civil society’s innate strengths as an aggregator of voices and a counterweight to State and private sector power. The examples illustrate that civil society is a constituency that should not be ignored, undermined or undervalued by States.

37. The examples are primarily drawn from experiences during his term as mandate holder, and suggestions from respondents to the questionnaires and those who participated in the consultation in preparation for this report.

1. **Pursuing accountability**

38. Civil society’s work in promoting the rule of law, holding governments and businesses accountable, establishing limits to the abuse of power, transforming power relationships and demanding redress is possibly its most recognisable role. It is also the one that most often draws ire from governments and the private sector alike. Accountability is an area where civil society has leveraged its counterweight capacities, although it also takes advantage of co-operative strategies as well. Civil society is indispensable in establishing or maintaining democracy by subjecting power to checks and balances, amplifying a plurality of voices and views, and calling out State and non-State actors on failures to meet their obligations.

39. Civil society groups of different kinds seize the initiative to resist, alter or shape power relationships in their communities or countries at large. The starkest recent examples include an array of mass protest movements, such as Black Lives Matter and pro-democracy movements in North Africa, the Middle East and Ukraine. In South Korea, Guatemala, Brazil, and Iceland the population’s demands for accountability led to changes in the countries’ leadership. In Poland and Turkey mass demonstrations led to the withdrawal of unpopular proposed laws banning abortions and legitimising sexual abuse respectively. The work of human rights defenders and activists, development practitioners, peacebuilding and conflict resolution across the globe is also illustrative.

40. Taking on the role of countering the unchecked power of state or market actors is often perceived by governments as political opposition, even when the civil society groups are not seeking political power themselves. In Zambia, the Civic Forum on Housing and Habitat Zambia, an outspoken advocate for the rights of marginalized groups to land and housing, has been labelled as part of the political opposition because of its criticism of government policies. Among other things, the Forum has succeeded in raising the profile of housing concerns with the government, resisted the arbitrary eviction of communities, and mobilised grassroots communities to participate in the revision of the housing policy.[[22]](#footnote-22)

41. Civil society groups play a crucial role in the prevention of conflict and mass human rights violations, as well as in the aftermath of these events. The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence in his report to the Human Rights Council has highlighted the contributions that civil society has made – for example trade unions in South Africa, Poland and Tunisia; religious institutions in Chile, Uruguay and Burundi; NGOs and victims organisations in Argentina[[23]](#footnote-23), Guatemala and Chile[[24]](#footnote-24) - in demanding accountability as part of the political agenda after mass atrocities.

42. Civil society’s ability to shape and seek enforcement of norms and values that promote good society is aided greatly by its capacity to demand accountability. Through litigation, civil society has succeeded in enforcing empowering laws or repealing disenabling rules that undermine values such as equality, inclusion and social protections. In Zimbabwe, marriage of underage girls was successfully outlawed after litigation. Waste pickers in Colombia successfully used litigation in the Constitutional Court to defend waste picking as a profession, encouraging the upward movement of waste pickers in the recycling value chain, and working towards the integration and remuneration of their activities into the public service.[[25]](#footnote-25) And in the United States, the American Civil Liberties Union has played a leading role in using litigation to challenge the legality of some of President Donald Trump’s controversial executive orders, notably the so-called “Muslim ban.”[[26]](#footnote-26)

43. As a result of pressure from civil society and allies in the United States Congress, a bipartisan review of the United States’ past torture practices was initiated by the Senate Select Committee on Intelligence in 2009. It took additional pressure from civil society and the Senate Committee for the redacted Executive Summary from the ensuing report to be released to the public in 2014. The release of the Executive Summary contributed to the eventual passage of the McCain-Feinstein anti-torture amendment, which strengthened anti-torture prohibitions and oversight for national security detentions.[[27]](#footnote-27) In the United Kingdom, sustained pressure from civil society groups led to the opening of a public inquiry on the government’s use of undercover police to infiltrate activist and protest groups (see A/HRC/35/28/Add.1 and A/HRC/23/39/Add.1).

44. Civil society can also strengthen institutions as the basis for sustaining positive norms and values. In Malaysia, the national human rights institution SUHAKAM scrutinised police management of Bersih coalition rallies following violent crackdowns in 2011 and 2012. Their report documented excessive use of force and recommended changes that resulted in a more facilitative attitude by police for subsequent rallies in 2015 and 2016. Bersih rallies are directed towards ensuring ‘clean’ elections, and the Bersih 2 campaign in 2013 culminated in the highest voter turnout in Malaysian history at 84.8%.[[28]](#footnote-28)

45. The credibility of elections can be enhanced by non-partisan citizen election observation. In Somalia, for example, civil society did extensive work advocating for transparent and credible elections and observing elections held for House of People in 2016 despite a challenging environment.[[29]](#footnote-29) Election transparency has also been encouraged by civil society monitors in places such as Georgia[[30]](#footnote-30) and Ghana[[31]](#footnote-31).

46. At the global level, the establishment of the International Criminal Court was a significant victory for civil society in its efforts to establish accountability for serious human rights atrocities. Justice has also been pursued in national and specialised courts following advocacy by victims groups. The trial and conviction of the former Chadian president Hissène Habré in Senegal in 2016 on charges of crimes against humanity, was initiated and driven principally by victims associations and NGOs.[[32]](#footnote-32) In Eritrea, sustained activism by citizen groups and associations in the diaspora informed the creation of the UN Commission of Inquiry.[[33]](#footnote-33)

1. **Supporting participation and empowerment**

47. Citizens have the right to participate in public affairs, directly or indirectly, by holding office or decision-making positions or by choosing representatives who do so on their behalf.[[34]](#footnote-34) The nature of civil society offers a suitable channel for people to get involved and take action on issues that resonate with them. In doing so, people individually and collectively can exercise more control over of their livelihoods and personal wellbeing, influence the exercise of political power, manage their natural resources, and build resilient societies for the future.

48. The Special Rapporteur has affirmed the important role that civil society organisations play in the context of elections by advocating for the interests of their beneficiaries, protecting democratic standards, and holding authorities accountable. (A/68/299, paras 42-43.) Nevertheless, civil society engages in political participation in other ways too. In Tunisia following the uprisings, a new constitution was considered to be an essential part of the successful transition architecture. Despite the challenging political climate, civil society groups played important roles in advocating for and enhancing transparency of the drafting and deliberation processes. Some organized town hall meetings and information sessions across the country, encouraging dialogue between citizens and National Constituent Assemblymembers; others conducted awareness campaigns, engaged in strikes and protests, and provided expertise and resources for the process.[[35]](#footnote-35) Constitution-making processes in Kenya, Somalia and Zimbabwe were in fact driven by civil society organizations.[[36]](#footnote-36)

49. In Syria, amidst the conflict and destruction that followed the uprising there, an emboldened civil society has emerged, determined to sustain demands for democratic reforms. Civil society groups and individuals are documenting human rights violations committed by combatants, engaging with armed groups to encourage adherence to a code of conduct, providing medical care, and offering services such as psycho-social support, language courses and skills training. Civil society continues to demonstrate its resourcefulness in providing the survival tools and environments needed during the current crisis and laying the foundations for democracy, justice and a pluralistic society.[[37]](#footnote-37)

50. The ability and capacity to aggregate voices is especially important for marginalised communities. To this end, civil society has a vast resume of accomplishments. Civil society groups consisting of and working with an array of marginalised groups – including indigenous populations, persons with disabilities, youth, including children, women, lesbian, gay, bisexual, transgender and intersex (LGBTI) people, minority groups, internally displaced persons, non-nationals including refugees, asylum seekers and migrant workers – have made tremendous progress in highlighting the disenfranchisement of these groups’ and in protecting their rights. In Colombia, for instance, la Comisión Étnica para la Paz y la Defensa de los Derechos Territoriales ensured that Afro and indigenous peoples took part in the peace process and their participation resulted in a chapter focusing on ethnicity in the final peace agreement.[[38]](#footnote-38)

51. The LGBTI community has used civil society to achieve tremendous advances in human rights, notably in the area of marriage equality. Thanks largely to their advocacy efforts, more than 20 countries allow same-sex marriages today[[39]](#footnote-39); at the beginning of 2000, there were zero[[40]](#footnote-40). The community’s advocacy work has also been wildly successful in changing public opinion. In the United States, for example, only 26% of people supported the idea of same-sex marriage in 1996. By 2015, that number had risen to 61%[[41]](#footnote-41).

52. Groups that work to end discrimination based on caste and descent, and groups that combat discrimination against people with albinism have succeeded in raising the profile of the often underreported violations that these groups face. As a result, the first comprehensive UN report on caste-based discrimination was presented by the UN Special Rapporteur on minority issues in March 2016 (A/HRC/31/56), and the mandate of UN Independent Expert on the enjoyment of human rights by persons with albinism was established in 2015.[[42]](#footnote-42)

53. The adoption of the ILO Convention C189 on Decent Work for Domestic Workers in 2011 happened primarily due to the efforts of a global network of domestic workers’ organisations that came together under the auspices of the International Domestic Workers Network (now the International Domestic Workers Federation). This was a notable achievement in which domestic workers all over the world, who are often excluded from the purview of oversight mechanisms, played a direct and active role in articulating and advocating for clear demands to be addressed in the Convention.[[43]](#footnote-43)

54. Civil society has succeeded in pushing multilateral organisations to open up their decision-making processes to public scrutiny and input. A notable achievement was the process adopted by the United Nations in selecting the its new Secretary General, who took up the position in January 2017. Under the campaign banner “1 for 7 Billion,” civil society globally took part in what is considered the most open selection process for the UN Secretary General so far.[[44]](#footnote-44) Similarly, the Committee for the Protection of Journalists (CPJ)[[45]](#footnote-45) recently succeeded in gaining consultative status with the ECOSOC – a chance to participate in open UN processes – after years of opposition by some states. This achievement, however, is *adhoc*, and does not signify a change in the attitudes or methods of the NGO Committee, which still needs major reforms.

55. In other situations, civic actions have galvanised public support that resulted in positive reforms. For Women and Law in Southern Africa Research and Education Trust Zimbabwe, the enactment of the Domestic Violence Act in 2007 was a victory after years of advocacy by civil society groups and is credited with reducing the levels of gender based violence.[[46]](#footnote-46) Similarly in Zambia, the equal status of women has been established through a number of initiatives such as gender equality legislation, women’s political and economic empowerment programs and the eradication or transformation of cultural traditions and attitudes that are harmful to women’s advancement.[[47]](#footnote-47)

1. **Driving and applying innovation**

56. The Special Rapporteur conceives innovation as civil society’s ability to initiate, take advantage of or respond to emerging ideas, products, or methods that improve society’s wellbeing. Civil society’s unique characteristics – particularly its not-for-profit motives and its ability to foster constituencies of people with shared interests – make it well suited to generate innovative solutions to problems. These characteristics also mean civil society has great potential as a “third engine” of innovation which is neither profit-driven (as with businesses innovation) nor State-interest driven (as with government innovation).

57. One example of this is the so-called “Greenfreeze” refrigeration technology that the NGO Greenpeace helped develop in the 1990s[[48]](#footnote-48). Greenfreeze improved upon existing refrigeration technology by eliminating the need for gases that contributed to ozone depletion and global warming. Today, there are over 850 million Greenfreeze units in use globally.

58. The enthusiasm with which civil society has leveraged digital technology to organise, deliberate and innovate has been remarkable. The role of social media in mobilising people during the ‘Arab Awakening’ is well known, but it has been just as useful in other contexts. In Saudi Arabia, women unable to freely operate in public due to severe societal restrictions, including prohibition from driving, use online spaces to participate in a virtually linked civil society. This is a perfect example of why the Special Rapporteur, the Human Rights Council and others have repeatedly underscored that the rights to freedom of peaceful assembly and of association apply online as well as offline[[49]](#footnote-49).

59. Many civil society groups have developed applications that take advantage of technology to perform helpful functions such as money transfer and credit facilities, tracking weather and rainfall patterns for agriculture, and health and education tasks, among others. Looking more broadly, the development of open source software – computer software that can be studied, changed, and distributed to anyone and for any purpose – has been largely driven by civil society organizations such as the Mozilla Foundation[[50]](#footnote-50), the Open Source Initiative[[51]](#footnote-51) and the Free Software Foundation[[52]](#footnote-52).

60. But technology is double edged. The benefits and advantages it offers can be used for good as well as in harmful ways, and civil society groups in this field have remained at the forefront of the rapidly changing landscape, particularly as it affects privacy concerns. Civil society is involved in numerous efforts to protect against censorship, surveillance and attacks on their persons or data perpetrated by States and others. For example, the Coalition Against Unlawful Surveillance Exports (CAUSE) advocates against the export of digital surveillance technologies for human rights violations and the Tactical Technology Collective helps rights advocates, activists and journalists build their digital security skills.[[53]](#footnote-53) Civil society also recognises the uneven power relationships that underlie ownership and control of digital technologies dominated largely by corporations, and is increasingly advocating for and participating in democratic forms of internet governance and control.[[54]](#footnote-54)

61. Civil society uses ubiquitous crowdsourcing platforms to expand the reach of their work, bringing in broader audiences than previously possible and to find solutions to problems. For example the Ushahidi platform was developed to map and respond to election violence during the 2008 elections in Kenya but has since been deployed for other crowdsourced information needs around the world.[[55]](#footnote-55) Crowdfunding, similarly facilitated by digital technology, provides fundraisers access to a diverse audience that they may not typically interact with and may attract donors who might not ordinarily contribute to the cause.

62. In the Russian Federation, the organisation OVD-Info monitors arrests and detentions during protests and other aspects of freedom of assembly. The group saw its funding nearly dry up after the country placed severe restrictions on civil society’s ability to access foreign resources. With the help of crowdfunding, however, OVD-Info was able to replace its foreign funding with small, personal domestic donations. The crowdfunding process also helped the organization disseminate information on its work.[[56]](#footnote-56) Crowdfunding was also used to respond to humanitarian crises such as the earthquake in Nepal in 2015.[[57]](#footnote-57)

63. Innovation extends beyond the use of technology, and can include social and political advances. The International Budget Partnership for example, advocates for increased citizen participation in budget making, budget transparency and stronger budget oversight. Since 2006, when the first Open Budget Survey (which assesses comparative budget transparency, participation and oversight) was conducted, the number of countries surveyed as increased, as has the amount of budget information that countries make publicly available.[[58]](#footnote-58) An increased civil society role in budget making challenges prevailing notions that resource allocation decisions are solely the domain of the government and largely transacted behind closed doors. Civil society participation has also raised awareness about the adverse consequences that a seemingly gender-neutral budget may have on women (and potentially other marginalised groups) and thus the need for gender sensitive budgeting.[[59]](#footnote-59)

1. **Fostering sustainable development**

64. The Special Rapporteur has previously stressed that civil society is an essential actor in fostering sustainable development[[60]](#footnote-60). Civil society’s role in implementing the Sustainable Development Goals – which represent a global consensus to end poverty, protect the planet and ensure prosperity for all – is particularly important. The success (or failure) of the SDGs will not depend on governments and international donors; it will depend on the individuals and civic organizations that will help design, carry out, and monitor the development projects on which the whole scheme depends. Without vibrant civil societies, the SDGs are dead in the water.

65. Civil society’s role and achievements in the area of sustainable development include mobilising public opinion, providing expert advice, awareness raising (including by breaking down complex technical information into lay language), monitoring compliance with governance decisions, participating in decision-making (including by representing voiceless communities), and contributing to implementation. Civil society groups also play an important role in pushing back against actions by the State and/or private enterprise that threaten communities’ wellbeing and physical environment.

66. Advocacy by civil society groups – including Greenpeace, Kenya’s Green Belt Movement founded by Nobel Peace Laureate Wangari Maathai, the Sierra Club, the World Wildlife Foundation and hundreds of others – has been a principal force behind the public’s growing awareness of environmental problems such as climate change, deforestation and threats to wildlife. Indeed, environmental civil society groups fill a unique role in this regard, since businesses and governments may prioritize other interests – such as profitability, increased tax revenue and (unsustainable) job creation – that diminish their willingness to voluntarily take measures to protect the environment. Action by businesses and governments to combat environmental problems has frequently come in response to advocacy and awareness campaigns from such groups. The future of our planet could quite literally depend on meaningful civil society engagement on environmental issues. To that end, the Special Rapporteur is pleased that the 2015 Paris Climate Conference (COP21) saw the active participation of a strong grassroots movement that is prepared to mobilise around the systemic changes needed to address the causes, and not just the symptoms, of global warming.[[61]](#footnote-61)

67. In many regions, the unsustainable exploitation of natural resources has led to community resistance through protests, in some cases drawing attention to injustices, sparking conversations about roles and responsibilities of actors and sometimes to a halt on exploitation activities. One example is the protests against the Dakota Access Pipeline in the United States, led by indigenous populations whose land is affected by the project. Despite efforts by authorities to disperse the protest, the demonstration drew national and international attention and constituted the largest gathering of indigenous people in the US in a generation. Although the protest did not ultimately succeed in stopping the project, it did garner the support of diverse civil society actors – including presidential candidates, environmental activists and celebrities – and led to recommendations about effective engagement of indigenous peoples in infrastructure related projects.[[62]](#footnote-62)

68. Civil society in Gabon and Peru have engaged with corporations from China over the financing or implementation of projects that would have violated the rights of indigenous peoples and had adverse environmental repercussions. The corporations suspended financing of the project in Gabon until concerns were addressed, and in Peru, decided not to pursue exploitation of oil in the contested areas.[[63]](#footnote-63)

69. In the Philippines, farmers’ organisations have pushed an agrarian reform agenda – including land titling and the strengthening of farmers’ organisations – to help them provide direct services to farmers, such as appropriate farm technologies and markets for their produce. They have also encouraged the use of soil and water conservation techniques by farmers.[[64]](#footnote-64)

70. In Pune, India, a union of informal self-employed waste pickers in the early 2000s advocated for a planned and sustainable approach to solid waste management that included source segregation of waste, separate collection of non-domestic waste and recycling, among other strategies. The union also argued for a user fee-based door-to-door waste collection initiative as an alternative to privatisation of waste collection and management services. In 2008 this initiative was approved and the union, through a wholly worker-owned co-operative, now provides environmentally sustainable waste management. Just as importantly, it also successfully defended the right to livelihood for informal workers who were previously excluded from the recognised workforce.[[65]](#footnote-65)

71. Sustainable development must necessarily include the next generation of leaders, meaning children and youth are a crucial constituency. In the Special Rapporteur’s view, maintaining strong civil societies that build strong and democratic states in the future requires mentoring and inspiring upcoming generations. He is therefore encouraged by the successes of youth movements in drawing attention to pressing injustices, such as the ‘Umbrella Revolution’ in Hong Kong in 2014 that mobilised young people (as well as the wider population) into political activism and participation in public affairs including elected office; and the students in South Africa in 2015-6 advocating for the transformation of higher education to correct the historical legacies of apartheid.

1. **Raising awareness**

72. Creating change requires a thorough understanding of the problem, as well as the appropriate skills to address that problem. Raising awareness and closing the knowledge gap between ordinary people and those with greater access to power and resources – e.g., governments and business – levels the playing field and opens up opportunities for more diverse interests to shape decisions and governance. Civil society is an important source of both information and skills, often filling gaps left by other sectors and spurring creative and novel approaches to addressing concerns.

73. Civil society groups may seek to raise awareness of an issue in order to galvanise public reaction and demands for accountability. This was the case with peaceful assemblies organised by Bersih 2.0 in Malaysia, which spotlighted election flaws and offences and helped sensitise Malaysians to the need for clean elections.[[66]](#footnote-66) Similarly, information leaks by whistle-blowers can expose original documentation that raises awareness about problems that may have been relatively unknown to the public, e.g., the extent of mass surveillance and collection of private citizens’ data. Civil society groups such as Witness also provide training that equips people around the world ‘to use video safely, ethically, and effectively to expose human rights abuse and fight for human rights change’.[[67]](#footnote-67) Further, Amnesty International’s campaigns for the release of prisoners of conscience have served as both a beacon of hope and a model for civil society action since 1961[[68]](#footnote-68).

74. Civic action may have deeper intentions of sparking or changing a prevailing narrative or discourse, by promoting a different understanding of phenomena, or bringing to light obscure or repressed information. The Documentation Center of Cambodia, convinced that a knowledge of past events is crucial to prevent future atrocities, has engaged in a long campaign advocating for the teaching of the Khmer Rouge period in schools. In 2011, the Ministry of Education agreed to include this history in the national schools’ curriculum.[[69]](#footnote-69) In Indonesia, civil society groups stage literary and film festivals to promote discussion about the state-sponsored purges in 1965-6 that led to the killing of hundreds of thousands of Indonesians.[[70]](#footnote-70) And civil society work to abolish the death penalty has resulted in a dramatic increase in the number of countries that outlaw the practice. In 1977, the death penalty was banned in only 16 countries[[71]](#footnote-71); today, roughly 140 countries have abolished it in law or practice[[72]](#footnote-72).

75. Knowledge may be directed at helping organisations develop effective working methods, such as the New Tactics in Human Rights program that has been credited with helping human rights activists in various countries become more effective through strategic thinking and tactical planning. For example, in Tunisia, using skills and resources from New Tactics, a group was able to carry out a successful campaign to make public transport accessible to persons with disabilities.[[73]](#footnote-73)

76. Sharing information, knowledge and skills can be a means to generate consensus on issues such as normative standards in a particular field. For example, data collected since 2009 by the Global Network of Domestic Election Monitors (GNDEM) – a platform for exchanging best practices, resources and lessons learned on election monitoring – has fed into a widely endorsed set of norms and principles to guide election observation. These norms have helped counter pushback against nonpartisan election monitoring activities in closed societies.[[74]](#footnote-74) Civil society’s prison reform work also played a central role in informing the revised version of the Standard Minimum Rules for the Treatment of Prisoners, which were released in 2015 as the Mandela Rules[[75]](#footnote-75).

1. **Cultivating alliances**

77. In our increasingly interconnected world, no one association or sector can work in isolation. Values such as solidarity and co-operative relationships (in addition to countervailing ones) characterise civil society’s interactions with other actors within and outside of the sector, with like-minded groups and even with those that have disparate ideas. These interactions help cultivate unlikely allies, encourage the kinds of debate and discourse that define civil society as a public space to engage on ideas, and develop a reservoir of strategies to use in accomplishing goals.

78. Civil society constantly uses alliances and collaboration to address complex problems that would benefit from inclusion of more stakeholders; it also typically has experience bringing to the table marginalised and excluded voices and interests. Despite the antagonism that may exist between civil society, government and the private sector’s objectives, collaboration is increasingly necessary on the one hand because of the nature of the interconnected world we live in, but on the other hand because of the potential to reach solutions to society’s problems by harnessing each sector’s advantages.

79. A number of coalitions and alliances have brought together groups within civil society to achieve a common goal, despite having different or competing interests. For example, the 2015 Nobel Peace Prize laureates – the Tunisian National Dialogue Quartet – embody the role that civil society can play in strengthening a flagging democratization process in a fragmented society. The Quartet’s success hinged on its willingness to work with a broad array of actors towards compromise and negotiation. Their successes were achieved despite internal differences and even rivalries of the groups representing trade unionists, employers, lawyers, and human rights activists, as well as political and ideological differences characterising the transition.[[76]](#footnote-76)

80. Similarly, collegiality and trust rather than competition characterised the International Consortium on Investigative Journalism’s collaboration with more than 100 media partners to analyse and then simultaneously publish the “Panama Papers” - a large leak of financial and legal records that exposed a system of secret off-shore companies that enable crime, corruption and wrong-doing largely hidden from the public eye.[[77]](#footnote-77) Alliances across different disciplines within civil society such as collaboration between human rights activists and the arts, encourage the making of films, theatre, and imagery to help convey in compelling ways, human rights messages to a public audience.[[78]](#footnote-78)

81. Partnerships between civil society and government have led to positive development outcomes in many countries particularly at the local level. For example, civil society in Palestine predates political structures such as the Palestinian Authority but is increasingly partnering with local authorities to address persistent socio-economic problems, including by pioneering ideas such as co-operative housing.[[79]](#footnote-79) A strategic partnership between the Popular Participation Committee of the Minas Gerais State Parliament in Brazil and a movement of waste pickers – the State Waste and Citizenship Forum – resulted in a solid waste policy that recognises and explicitly includes the role informal waste pickers in the state’s waste management efforts.[[80]](#footnote-80)

82. A successful collaboration between SEWA Bank – a micro-finance institution – and the Gujarat Mahila Housing SEWA Trust, a women-run sister organisation that addresses issues relating to the habitat of poor self-employed women, is credited with broadening the impact of the bank’s credit assistance beyond simply providing houses to individuals. The Trust supports the Banks housing work by bringing members’ voices into urban planning processes, supports local mobilisation and provides technical assistance, and works with specialised housing finance and urban planning stakeholders such as local government and private contractors.[[81]](#footnote-81)

1. **Shared humanity**

83. Civil society collectives have been credited with contributing to poverty reduction and emergency relief by providing basic needs and public services to communities at the margins. Whether formally or informally, the less fortunate in many societies depend on social structures such as community groups and friendship ties; they may also improve their lives by pooling community resources or collectively seeking external assistance.

84. Whereas the State might provide tangible goods and services that the poor may need, civil society groups provide avenues for them to represent their own experiences and contribute to a fuller analysis of the responses. Civil society also goes beyond providing basic needs by contributing to the empowerment of beneficiaries and sustainability of initiatives. In Bangladesh, for example, the NGO Bangladesh Rural Advancement Committee (BRAC) has provided much needed basic services to millions of poor people. Their package of services has evolved from disaster relief to empowering beneficiaries through education, health services, agriculture and income generation for lasting change.[[82]](#footnote-82)

85. The diversity of civil society gives it the ability to respond to emergency situations in a variety of ways, from providing immediate essentials to medium- and long-term aid. In emergency situations, civil society is often a necessary partner for providing longer-term aid because government resources are stretched and focussed on the immediate crisis. At the height of the Ebola crisis in West Africa, for example, most government resources were focussed on the needs of patients affected by the virus.[[83]](#footnote-83) Civil society groups of course also contributed greatly to this response; but they also recognised the devastating and long term effects that Ebola would have on society as a whole – e.g., on children’s access to education and the country’s broader socio-economic development. The work of the national education coalition Education for All Sierra Leone (EFA-SL) on these issues stands as one example.[[84]](#footnote-84)

86. In the area of service delivery, civil society is in a relatively better position than the State or private enterprise to demonstrate the value of shared humanity of those ravaged by conflict, natural disasters, and other crises. The recent influx of refugees in Europe provided civil society groups an opportunity to show humanity to those fleeing conflict and oppression in their home countries, a role that European Governments were either unwilling or unable to play.

87. At ‘the jungle’ camp in Calais, France, where an estimated 7,000 to 9,000 asylum-seekers in October 2016 waited in the hopes of gaining entry to the United Kingdom, volunteers and international aid agencies were the primary providers of much needed basic supplies.[[85]](#footnote-85) Volunteers elsewhere strove to address non-material concerns, such as countering the anti-immigration sentiment and by providing support services such as language, art and skills classes[[86]](#footnote-86) – services which civil society and individuals at a person-to-person level are best placed to provide.

88. Although civil society in many cases steps in where governments retreat or otherwise fail to provide public services, civil society can also challenge this retreat and push for reform of policies that deny much needed services. In South Africa, the Treatment Action Campaign used a multifaceted approach to force the government to reverse a policy decisions not to provide ARVs to HIV/AIDS infected individuals including pregnant women who risked passing the virus to their new-born children.[[87]](#footnote-87) Globally, the Clinton Health Access Initiative used its leverage with pharmaceutical companies to negotiate drastically reduced prices for HIV/AIDS drugs, helping to ensure the supply of those drugs to people in lower income countries[[88]](#footnote-88).

**IV. Conclusions and recommendations:**

**89. Civil society has a long history of contributing to freedom, dignity, development, peacebuilding and other pursuits that enhance human wellbeing. But perhaps civil society’s most important contribution has been its ability to give people hope. This achievement may not quantifiable, but it is the starting point for every concrete success listed above. Without hope, there is no action and there is no change.**

**90. Unfortunately, the actions of many State and non-State actors around he world today are attempting to destroy that hope, and civil society’s future contributions are far from guaranteed. The trend of closing civic space – laws and practices that restrict civil society’s ability to operate – is threatening to take the air from civil society’s lungs. This is unfortunate because it is both self-destructive and short-sighted, even for those orchestrating the closure. Repression today may help a government silence a critic tomorrow, or boost a business’ profits the next day. But at what cost next month, next year and for the next generation? This report has made clear that those costs would be monumental, and that they would touch us all – regardless of geography, gender, wealth, status or privilege.**

**91. Imagine a world without civil society. That world is bleak.**

**92. In the spirit of encouraging a more hopeful future supported by a more vibrant civil society, the Special Rapporteur recommends that States:**

1. **Recognize in law and in practice that civil society plays a critical role in the emergence and existence of effective democratic systems;**
2. **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;**
3. **Ensure that civil society and private enterprises are treated equitably in law and practice;**
4. **Ensure that any restrictions to the rights to freedom of peaceful assembly and of association are prescribed by law, necessary in a democratic society, and proportionate to the aim pursued, and do not conflict with the principles of pluralism, tolerance and broadmindedness;**
5. **Ensure that victims of violations and abuses of human rights are able to obtain timely and effective remedy and redress, and safeguard civil society’s ability to provide the full range of support necessary to achieve this;**
6. **Recognize civil society’s legitimate role and interest in pursuing accountability and take measures to establish independent judicial and administrative mechanisms to facilitate accountability**
7. **Take all necessary measures to ensure that civil society can participate in decision-making processes and public affairs at the domestic and international level without discrimination or undue restrictions;**
8. **Implement thorough, and consistent policies that emphasize the importance of substantive engagement with civil society organisations at the domestic and international level and facilitate such engagement in a comprehensive manner;**
9. **Take positive measures to ensure that all individuals belonging to marginalized and other groups most at risk have the ability to effectively exercise their rights and participate in decisions that concern them;**
10. **Encourage and facilitate innovation within civil society including by ensuring unimpeded access to and use of information and communication;**
11. **Recognise and respect the significance of civil society as a stakeholder in fostering sustainable development, particularly in the context of natural resource exploitation, and the conservation and management of environmental resources;**
12. **Ensure the ability of civil society to seek, receive and use funding and other resources from natural and legal persons, whether domestic, foreign or international, without undue impediments;**
13. **Recognise and facilitate civil society’s role in assisting those facing humanitarian crises, without abdicating the State’s responsibilities under international law including in relation to migrants, refugees, conflict prevention and disaster mitigation.**

**93. The Special Rapporteur encourages civil society:**

1. **To continue and strengthen its role in advancing the ideals set out in the United Nations Charter and the Universal Declaration of Human Rights;**
2. **Consider increased research and documentation of civil society’s achievements and successes to encourage incentives to protect civic space.**

**94. The Special Rapporteur recommends that businesses:**

1. **Recognise the significant value that civil society adds to building democratic, fair and just societies that benefit business interests, and therefore take a more proactive role in supporting and influencing measures that enhance civic space;**
2. **Work collaboratively with civil society where interests align to shape solutions that benefit society.**
1. \* The present report was submitted after the deadline in order to reflect the most recent developments. [↑](#footnote-ref-1)
2. More information on the Special Rapporteur’s activities during calendar 2016 is available in his annual activity report: http://freeassembly.net/reports/2016-year-in-review/ [↑](#footnote-ref-2)
3. <http://freeassembly.net/litigation/> [↑](#footnote-ref-3)
4. See Edwards, M. (2011) ‘Introduction: Civil Society and the Geometry of Human Relations’ in Edwards, M (ed) *The Oxford Handbook of Civil Society*, p3-14. [↑](#footnote-ref-4)
5. <https://www.icrc.org/eng/assets/files/review/2013/irrc-888-palmieri.pdf> p.1276 [↑](#footnote-ref-5)
6. Contribution of Canada [↑](#footnote-ref-6)
7. See contributions of Georgia, Greece, Latvia, Mexico, Moldova and Romania. [↑](#footnote-ref-7)
8. https://www.globalpolicy.org/images/pdfs/GPFEurope/Corporate\_Influence\_on\_the\_Business\_and\_Human\_
Rights\_Agenda.pdf [↑](#footnote-ref-8)
9. Hannah, Erin, Scott, James and Wilkinson, Rorden (2017) Reforming WTO-civil society engagement. World Trade Review. http://sro.sussex.ac.uk/63983/ [↑](#footnote-ref-9)
10. <http://fatfplatform.org/latest-news-4-seats-pcf/> [↑](#footnote-ref-10)
11. Resolution 71/156 [↑](#footnote-ref-11)
12. Contribution of Women in Informal Employment: Globalising and Organising (WIEGO) [↑](#footnote-ref-12)
13. http://ccss.jhu.edu/wp-content/uploads/downloads/2013/04/JHU\_Global-Civil-Society-Volunteering\_FINAL\_3.2013.pdf [↑](#footnote-ref-13)
14. <https://data.ncvo.org.uk/a/almanac16/economic-value-2/> [↑](#footnote-ref-14)
15. http://webarchive.nationalarchives.gov.uk/20160105160709/http://www.ons.gov.uk/ons/rel/
wellbeing/household-satellite-accounts/valuing-voluntary-activity-in-the-uk/art--valuing-voluntary-activity-in-the-uk.html [↑](#footnote-ref-15)
16. Contribution of Slovenia [↑](#footnote-ref-16)
17. http://www.scb.se/en/finding-statistics/statistics-by-subject-area/business-activities/structure-of-the-business-sector/the-civil-society/pong/statistical-news/civil-societys-contribution-to-gdp-was-3.2-percent/ [↑](#footnote-ref-17)
18. <http://www.globalhumanitarianassistance.org/wp-content/uploads/2016/07/Global-Humanitarian-Assistance-Report-2016-_Chapter-6.pdf> p.66 [↑](#footnote-ref-18)
19. M Fisher, Civil society in conflict transformation: Strenghts and limitations In B. Austin, M. Fischer, H.J. Giessmann (eds.) 2011. Advancing Conflict Transformation. The Berghof Handbook II. Opladen/Framington Hills: Barbara Budrich Publishers. <http://www.berghof-foundation.org/fileadmin/redaktion/Publications/Handbook/Articles/fischer_cso_handbookII.pdf> P.294 [↑](#footnote-ref-19)
20. http://reliefweb.int/report/colombia/el-avispero-civil-society-network-promoting-peace-colombia [↑](#footnote-ref-20)
21. <http://www.muhuri.org/> [↑](#footnote-ref-21)
22. Contribution from Civic Forum on Housing and Habitat (Zambia) [↑](#footnote-ref-22)
23. Contribution from CELS: Civil society organizations have played a crucial role in transitional justice, as for instance in Argentina, where organizations such as the Asamblea Permanente por los Derechos Humanos, el Centro de Estudios Legales y Sociales (CELS) and the Madres de Plaza de Mayo, contributed to shed the light and fight against impunity over human rights violations that occurred during the military dictatorship in the 1970s. [↑](#footnote-ref-23)
24. A/HRC/30/42 para 85-87. [↑](#footnote-ref-24)
25. Contribution from WIEGO [↑](#footnote-ref-25)
26. <https://www.aclu.org/blog/speak-freely/well-see-you-court-20-once-muslim-ban-still-muslim-ban> [↑](#footnote-ref-26)
27. Contribution from Center for Victims of Torture (US) [↑](#footnote-ref-27)
28. Contribution from Bersih 2.0 (Malaysia) [↑](#footnote-ref-28)
29. Contribution from Forum Syd (Sweden); <http://www.saferworld.org.uk/news-and-views/news-article/698--civil-society-observes-somaliaas-2016-electoral-process> [↑](#footnote-ref-29)
30. <http://iphronline.org/georgia-joint-statement-monitoring-elections-20161009.html> [↑](#footnote-ref-30)
31. <http://www.codeoghana.org/> [↑](#footnote-ref-31)
32. <https://www.ictj.org/news/reed-brody-hiss%C3%A8ne-habr%C3%A9-trial-shows-power-victims%E2%80%99-and-civil-society%E2%80%99s-agency> [↑](#footnote-ref-32)
33. https://www.hrw.org/news/2014/09/26/eritrea-un-names-commission-inquiry [↑](#footnote-ref-33)
34. General Comment No 25. [↑](#footnote-ref-34)
35. https://www.cartercenter.org/resources/pdfs/news/peace\_publications/democracy/tunisia-constitution-making-process.pdf [↑](#footnote-ref-35)
36. Contribution from Forum Syd (Sweden) and Women and Law in Southern Africa Research and Education Trust (Zimbabwe). [↑](#footnote-ref-36)
37. https://www.opendemocracy.net/arab-awakening/hania-mourtada-penny-green/syrian-activists-repairing-fabric-of-civil-society-even-as-it-comes-undone [↑](#footnote-ref-37)
38. Contribution from Comisión Étnica para la Paz y la Defensa de los Derechos Territoriales [↑](#footnote-ref-38)
39. <https://www.lgbtqnation.com/tag/gay-marriage/> [↑](#footnote-ref-39)
40. <https://www.government.nl/topics/family-law/contents/same-sex-marriage> [↑](#footnote-ref-40)
41. <http://www.gallup.com/poll/191645/americans-support-gay-marriage-remains-high.aspx> [↑](#footnote-ref-41)
42. http://www.ohchr.org/EN/Issues/Albinism/Pages/Mandate.aspx [↑](#footnote-ref-42)
43. Women in Informal Employment: Globalizing and Organizing WIEGO [↑](#footnote-ref-43)
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