



MAKE SPACE!

DEFENDING CIVIC SPACE AND THE FREEDOM
OF ASSOCIATION AND ASSEMBLY

This is a summary of a report originally published in Swedish with the title “Tag plats! Civilsamhällets demokratiska utrymme och rätten till organisering”. It was produced in 2018 with the following members of CONCORD Sweden’s working group on civic space: Afrikagrupperna, Diakonia, ActionAid Sweden, Women’s International League for Peace and Freedom Sweden, the Swedish Mission Council, IM, the Kvinna till Kvinna Foundation, PMU, SILC, Swedish Society for Nature Conservation, Church of Sweden’s International Work, WWF, Fair Action, RFSU, Union to Union, Forum Syd, Save the Children Sweden and Plan International Sweden.

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Organisations and activists that defend human rights, democracy and the environment are indispensable partners in implementing the Agenda 2030 with the Global Goals for Sustainable Development. But their space to act is shrinking on a global scale. This summary gives an outline of the recommendations put forward in the report “Make space! Defending civic space and freedom of association and assembly”, originally published by CONCORD Sweden’s working group on civic space.

2017 was the twelfth consecutive year in which states with a negative democratic development outnumbered those with a positive democratic development.¹ The international network CIVICUS classifies the space for civil society in all UN member states in categories from "closed" to "open". Their compilation from April 2017 shows that only three percent of the world's population live in what can be considered open societies, where space for civic activism is truly open. Around 44 percent live in states where civic space is either completely closed or subjected to severe restrictions.²

Actors in civil society face increasing social, financial and legal restrictions as well as threats against themselves and their families and even physical violence. During the period 2014–2016, more than 60 states adopted laws which classify organisations receiving international support as foreign agents.³ Intensified competition for natural resources combined with attacks on human rights globally is shrinking or closing the space for those who defend natural resources, land rights and indigenous peoples' rights.⁴ The restrictions and attacks on civil society have detrimental consequences for women's rights and LGBTQI activists who already face structural discrimination and often depend on civil society as the only sphere where they can express themselves and organise.⁵

The following sections presents recommendations for how decision-makers and government officials, as well as civil society organisations, can promote civic space globally.

1 Freedom in the world 2017, Populists and Autocrats: The Dual Threat to Global Democracy (2017) by Freedom House

2 CIVICUS Monitor Tracking Civic Space, Global Findings April 2017

3 Civil Society Under Assault: Repression and Responses in Russia, Egypt, and Ethiopia (2017) by Saskia Brechenmacher at Carnegie Endowment for International Peace

4 Annual Report on Human Rights Defenders at Risk in 2017 (2018) by Front Line Defenders, the International Foundation for the Protection of Human Rights Defenders

5 See e.g. Suffocating the movement – Shrinking space for women's rights (2018) by the Kvinna till Kvinna Foundation

RECOMMENDATIONS ON FUNDING

Civil society organisations should be included in the development, implementation and evaluation of strategies for development cooperation. Donor states as well as international organisations should prioritise substantial and courageous support to civil society by increasing funding to those who are underfinanced by most donors. These are often organisations or movements led by women, LGBTQI people, minorities, indigenous people, people with disabilities, as well as children and young people.

The current trend at multilateral level to increasingly support short-term projects and transfer funding through e.g. UN agencies, tend to hamper civil society's work in difficult contexts. States and the international donor community should prioritize long-term support for civil society based on organisations' and activists' own analyses.

RECOMMENDATIONS ON POLICY COHERENCE

The increasing threats against civil society and the freedom of association and assembly calls for coherent policy that promotes civic space in a range of policy areas. A systematic analysis of conditions for civic engagement, including the freedom of assembly and association, must be included in the drafting of government strategies and in other central decision-making relating to human rights, democracy and the rule of law. This can include e.g. thematic and bilateral aid strategies; laws and regulations relating to trade and business; national action plans for thematic policy areas, etc.

The close link between attacks on environmental defenders and economic interests calls for improved regulations in the area of business and human rights, as a way to promote respect for the rights of organisations, workers, local communities and human rights defenders to organize and act in public. In this regard, states should introduce legally binding obligations for companies to carry out human rights risk assessments to identify, prevent, mitigate and account for how they address possible negative impacts on human rights (Human Rights Due Diligence, HRDD).

RECOMMENDATIONS FOR EMBASSIES

Embassies and other diplomatic missions play a central role in states' ability to promote civic space. It should therefore be mandatory for them to work actively with defenders of human rights and the environment, including for embassies with a focus on trade promotion. Conflicts between human rights or environmental concerns and trade promotion must be managed in line with policy coherence goals and principles for development such as in the European Consensus on Development and the Agenda 2030.

States should also establish labour market councils in embassies with the task of promoting social dialogue and sustainable economic development. National and international official delegations should prioritize meetings with defenders of human rights and the environment, as long as it does not pose a risk to the security of individuals or organisations. Furthermore, trade promotion delegations should always include a union representative.

RECOMMENDATIONS FOR REGIONAL AND MULTILATERAL ACTION

The EU needs a strategy for defending civic space bilaterally and multilaterally through both funding and political dialogue, including at EU delegations. The strategy should include guidelines on the freedom of assembly and association. The existing EU Guidelines on Human Rights Defenders (2008) should be reviewed from a gender perspective.

Discussions are underway on how EU delegations can better identify threats to civic space through the development of early warning and reaction systems. These are welcome ideas that should be put into practice. Guidance and directives from Brussels to delegations must make it mandatory to analyse and promote civic space so that the issue cannot be neglected in local drafting of strategies and plans.

In the ongoing negotiations on the next EU long-term budget (MFF), member states should call for adequate funding for CSOs - in thematic as well as geographical programs – in addition to a specific CSO support program with the aim of promoting enabling conditions for civil society. The funding system must be designed so that even small civil society actors can seek and receive support to a greater extent than today.

Civil society organisations face increasing difficulties in accessing UN processes and negotiations. The UN Committee on NGOs, placed under the Economic and Social Council to process applications for consultative status, must not politicise application procedures but instead apply the criteria objectively. When the Committee fails to do so, other member states including regional organisations such as the EU must be clear in their criticism and engage with the Committee's work with the aim of promoting objective assessments.

UN member states should make sure they consult civil society both before, during and after multilateral meetings, such as the UN High-Level Political Forum for Sustainable Development (HLPF), and advocate for interactive CSO participation. When UN agencies invite human rights and environmental defenders to international meetings, they can use country offices and dialogue with host countries to advocate that civil society representatives be granted visas. There are many examples of states denying civil society representatives travel visas as a strategy to keep them from participating in international discussions at the UN or at civil society events.

Guiding documents for UN Resident Coordinators and their country teams must cover the full spectrum of human rights in accordance with all UN conventions so that the work at local and national level promotes civic space and does not avoid certain issues with reference to local political resistance.

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CONCRETE RECOMMENDATIONS TO PROMOTE CIVIC SPACE

The following advice is relevant for government officials as well as civil society actors who work in development cooperation.

ANALYSES

1 Understand the local context Undertake your own analyses of power relations, conflicts, obstacles as well as opportunities for change. Develop an understanding of key organisations, processes and practices in civil society that promote people's influence and rights. Reflect over what norms and values your own organisation brings in relation to locally dominant culture and values.

2 Listen to the grassroots Visiting grassroots organisations - especially outside the capital - can be crucial to distinguish long-term sustainable development plans, with potential for democratic ownership, from more donor driven or elite agendas. Listen in particular to organised women and other groups who face structural discrimination.

3 Be aware of GONGOs Actors seeking to undermine civil society's work often try to create fragmentation, fear and self-censorship. Government-led and/or government-controlled organisations, GONGOs, are a reality in many countries. Try to identify GONGOs and be aware that it is dangerous for independent organisations to talk freely with GONGOs in the room.

4 Be aware of power structures within civil society Civil society actors can also be prejudiced and discriminate against e.g. LGBTQI people, women's rights activists, young people, migrants or persons belonging to ethnic minorities. Creating a place where all organisations and activists feel safe to express concerns and debate issues requires knowledge of civil society and the building of trust.

5 Think outside the box Do not focus only on obstacles and restrictions but make sure to identify those who want and can make a difference. This can create new alliances with grassroots groups, religious communities, universities, independent media, local authorities and so on. Be open to support those who have not been able to formally register as organisations. Difficult registration processes is one of the strategies used by states to restrict the space for civil society.

6 Manage risks offline and online

Defenders of human rights and the environment are increasingly exposed to threats, violence and the risk of persecution. It is often impossible to make their work safe. Make sure you try to handle unsafe situations as wisely as possible through physical and digital security strategies, including on the storing and processing of information. Capacity building and good safety and security plans are key.

7 Familiarize yourself with the legal context

Make sure you have a basic understanding of local norms, national legislation and regional human rights law. Both public and private actors use the legal system to put pressure on civil society. Organisations and individuals might need support in finding contacts and resources for local dispute settlement mechanisms, regional human rights courts, to respond to or enforce judicial processes, and so on. Ask your local partners if they are in contact with lawyers whom they trust, in order to have someone to turn to if needed.

8 Contribute to civil society's resilience

Support work that strengthens resilience such as capacity building on fundraising, better ways of organising locally as well as networking/coalition-building. Support organisations' own capacity to make rapid adjustments when needed. Repressive governments often focus on administrative weaknesses or tax-related problems to restrict civic space, so support for these areas of work can function preventively.

9 Support movements, not projects

Project thinking is not the path to sustainable and human rights-based development. Regardless of funding approaches, make sure you have a well-founded idea of how social change happens, paired with support for long-term processes driven by the those capable of achieving it. Combine long-term support with funding that can be used for rapid support to endangered persons or for efforts that can be implemented directly when openings occur.

10 Support those most at risk

Support those who are particularly at risk in the area where you work; often women's rights or LGBTQI defenders who face difficulties in securing funding while also being subjected to repressive measures related to gender or sexual identity. Other examples are organisations/networks/movements for children and young people, who are often excluded from other civil society organisations, as well as environmental defenders, trade union activists, indigenous peoples and movements representing religious minorities.

11 Be prepared to give emergency and psychosocial support

It is exhausting to be constantly criticised and questioned, subjected to discrimination and defamation, and always having to fear threats or physical violence. Show respect for all those who continue their work under extremely difficult circumstances. Be ready to offer support when people have to put themselves in safety. Learn from and collaborate with organisations that help threatened human rights defenders and create opportunities for exchanges with others in the same situation - well away from everyday life and in a safe context. Be prepared to support family members as well.

12 Let activists focus on the right things

Development cooperation should have high standards of results reporting and transparent use of funds. However, human rights defenders in difficult contexts must be allowed to focus on critical issues as well as their own security situation. In sensitive situations, negotiate solutions that allow certain reporting to be replaced with oral follow-up, bank payments with on-site payments, and so on. Be aware that some actors have begun using transparency requirements as a pretext for restricting civic space, for example by demanding very detailed reporting to the government about all activities.

13 Visibility as protection

Be sure to be seen with a wide range of civil society actors in social media, at public events etc. Always make sure your actions are based on the wishes and risk assessments of local activists and organisations. Representatives from embassies, delegations and missions can participate as observers during public events, politically motivated trials and other situations where their presence may have a protective effect directly or indirectly.

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Diakonia



FORUMSYD



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UNION TO UNION
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