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

Preserving the gains and pushing back against the global attack on civic space and growing authoritarianism

Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule*

Summary

In this report, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule, calls for urgent joint global action to respond to the global attack on civic space, to preserve the gains made, and push back against the emerging and deepening threats against the rights to peaceful assembly and of association. He urges for a global renewed commitment to these rights which are also fundamental for safeguarding democracy, human rights and peace.

* The present report was submitted to the conference services for processing after the deadline so as to include the most recent information.

I Introduction

1. This report is submitted to the fifty-sixth session of the Human Rights Council by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule pursuant to Human Rights Council resolutions 15/21 and 50/17.
2. In the face of expanding authoritarianism, backsliding of democracies and increasing clampdowns on civic space and fundamental freedoms globally, this report highlights the key gains made to advance the rights to freedom of peaceful assembly and of association since the establishment of the mandate in 2010, and identifies the deepening and emerging threats to these rights. It should serve as a wake-up call for urgent unified action from States, international actors and other stakeholders to ensure these important gains are preserved, so these rights can continue to play their historic role in safeguarding human rights, democracy and peace and security. These rights are at the heart of movements for equality, peace and justice; they are fundamental for effective global governance. However, these rights are increasingly and systematically undermined, curtailed and attacked.
3. In preparing this report, the Special Rapporteur convened a two-day global consultation in Kampala, Uganda (8 - 9 April 2024), with representatives of civil society, trade unions, activists and donor organizations from across the world. The report also draws from 27 submissions from civil society organizations, previous report findings and consultations with civil society, States and regional human rights mechanisms, and law enforcement practitioners held within the framework of Human Rights Council resolution 50/21.

II. Activities of the Special Rapporteur

4. Between 15 April 2023 and 30 April 2024, the Special Rapporteur sent 133 communications, of which only 62 received responses, conducted two official country visits (to Algeria in September 2023¹ and to Bosnia and Herzegovina in April 2024²), and participated in many events, consultations and academic visits, including:
 - FORUM-ASIA's regional meeting with civil society in Malaysia (November 2023).
 - Roundtable on Libya in Geneva (February 2024) attended by Libyan civil society and relevant authorities, which created a space for dialogue towards the development of a legal framework for protecting the right to association in line with international human rights law and standards.³ Follow up online briefings were held with the Berlin Process International Humanitarian Law and Human Rights Working Group, organised by the co-chairs – the Human Rights, Transitional Justice and Rule of Law Service of the United Nations Support Mission in Libya (UNSMIL) and the Permanent Missions of Switzerland and the Netherlands – and with broader civil society.
 - Academic visit to Tunisia (February 2024), and joint academic visit to Cameroon with the Special Rapporteur on Human Rights Defenders and Focal Point for Reprisals in Africa and Chairperson of the African Commission on Human and Peoples' Rights (March 2024).
 - Annual meeting of the Panel of Experts on Freedom of Assembly and Association of the Office for Democratic Institutions and Human Rights, of the Organization for Security and Cooperation in Europe, in Warsaw (March 2024).

¹ www.ohchr.org/en/press-releases/2023/09/algeria-must-open-civic-space-and-let-critical-voices-be-heard-un-expert.

² www.ohchr.org/en/press-releases/2024/04/bosnia-herzegovina-act-urgently-reverse-deterioration-civic-space-and.

³ www.ohchr.org/sites/default/files/documents/issues/association/statements/20240212-stm-sr-foaa-libya-roundatble.pdf.

- Hybrid meeting with regional human rights mechanisms (April 2024), to discuss joint priorities and collaboration.

- Global expert meeting, hosted by the United Nations Office on Drugs and Crime, in Vienna (April 2024), to oversee the development of a handbook for law enforcement, a key component of the Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests.⁴

5. On 15 September 2023, the Special Rapporteur published a joint declaration on the misuse of digital technologies, together with the Special Rapporteur on freedom of expression of the Inter-American Commission on Human Rights, the Special Rapporteur on Human Rights Defenders and Focal Point for Reprisals in Africa and Chairperson of the African Commission on Human and Peoples' Rights, and the OSCE Office for Democratic Institutions and Human Rights.⁵

III. Gains and achievements

6. The rights to freedom of peaceful assembly and of association are universally protected - under international and regional human rights laws, as well as by the constitutions of most States. The rights to freedom of peaceful assembly and of association are enshrined in the Universal Declaration of Human Rights (article 20) and the International Covenant on Civil and Political Rights (articles 21 and 22). The Covenant guarantees the enjoyment of these rights for everyone (article 2) and the International Convention on the Elimination of All Forms of Racial Discrimination calls on States to guarantee the rights to freedom of peaceful assembly and association 'of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law' (article 5(ix)). The rights of children to assemble and associate are also protected by the Convention on the Rights of the Child (article 15). The rights to freedom of peaceful assembly and of association of human rights defenders are also expressly protected by the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

7. These rights are also protected by the African Charter on Human and Peoples' Rights (articles 10 and 11); African Charter on the Rights and Welfare of the Child (article 8); American Convention on Human Rights (articles 15 and 16); and European Convention on Human Rights (article 11).

8. Through the work of the mandate and other United Nations experts and mechanisms, regional human rights bodies and regional courts, and thanks to the dedicated monitoring, litigation and advocacy of civil society, the global normative framework and standards protecting these rights have been strengthened and expanded. Awareness and greater understanding of these rights have increased, and in some cases, we note improvement of national legislation and judicial decisions, in support and protection of these rights.

9. Furthermore, the rights to freedom of peaceful assembly and association have been recognised as essential pillars for democracy and for facilitating public participation and as enablers of civil, political, social, economic and cultural rights.

10. Significant advancement has been made towards reasserting the right of associations to access resources. The mandate substantially contributed to this effort, reinforcing the right of members of associations to freely access human, material and financial resources – from domestic, foreign, and international sources - as intrinsic to the right to freedom of association, and essential to the existence and effective operations of any association.⁶ Furthermore, the Human Rights Committee asserted that the obligations of States related to

⁴ www.ohchr.org/en/documents/tools-and-resources/practical-toolkit-law-enforcement-officials-promote-and-protect-human.

⁵ www.ohchr.org/sites/default/files/documents/issues/trafficking/statements/20230915-jd-foaa-digital-technologies.pdf.

⁶ See A/HRC/50/23 and A/HRC/23/29.

the right to freedom of peaceful assembly extend to activities integral to making the exercise of the right meaningful, such as the mobilization of resources by participants or organizers.⁷

11. The Special Rapporteur also strengthened the standards on access to resources by developing specific guidelines providing practical recommendations to States, the donor community, financial institutions and multilateral entities.⁸ The Special Rapporteur proactively engaged with the Financial Action Task Force to ensure safeguards are put in place against States' misuse of counter-terrorism and anti-money-laundering regulations to suppress fundamental freedoms. In November 2023, the Financial Action Task Force amended its Recommendation 8 and its Interpretive Note, to state that any counter-terrorism or anti-money laundering measures implemented by States should be 'focused, proportionate and risk-based' to address identified terrorism financing risks, and must not be overly burdensome or restrictive.⁹

12. The mandate, along with the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, has regularly provided analysis of legislation, policies and practices, to counter the instrumentalization of ill-defined and/or overly broad counter-terrorism laws to suppress movements, peaceful protests and civil society organisations.

13. The Human Rights Committee's General Comment 37 on article 21 of the Covenant, which reinforces the mandate's efforts, provides authoritative guidance on the scope of the right of peaceful assembly, the obligation of States, duties and powers of law enforcement agencies, and the right to peaceful assembly during states of emergency.

14. Important efforts to safeguard the protection of human rights in the context of protests have been made, such as through the Human Rights Council resolutions on peaceful protest,¹⁰ and by the Special Rapporteur's reports. Specifically, the Special Rapporteur focused efforts to reverse the negative discourse portraying peaceful protests as threats, and to reassert States' obligations to protect and facilitate peaceful protests as a right, protected under article 21 of the Covenant, including in crisis situations.¹¹ The recent Model Protocol for law enforcement, developed by the Special Rapporteur, in collaboration with the United Nations Office on Drugs and Crime and the Office of the United Nations High Commissioner for Human Rights, provides critical practical guidance for law enforcement to ensure peaceful protests are facilitated, rather controlled or suppressed.¹² The Model Protocol operationalizes international standards related to precaution, protection, accountability, and the avoidance of the use of force.

15. The mandate's work has also been instrumental for advancing the protection of the rights to freedom of peaceful assembly and of association online and through the use of digital technology.¹³ The 2023 Joint Declaration issued by the Special Rapporteur together with regional mechanisms provided recommendations to States and the business sector to ensure that these rights are facilitated, protected and promoted online and when using digital technologies.¹⁴ Furthermore, the principled-based guidance for the human-rights compliant use of digital technologies in the context of peaceful protests, which accompanies the Model Protocol for law enforcement developed by the Special Rapporteur, closes current protection gaps and reasserts that technology, when used, should

⁷ Human Rights Committee General Comment 37, para 33.

⁸ A/HRC/53/38/Add.4.

⁹ <https://www.fatf-gafi.org/en/publications/Fatfrecommendations/protecting-non-profits-abuse-implementation-R8.html>.

¹⁰ A/HRC/RES/50/21.

¹¹ A/HRC/50/42.

¹² <https://www.ohchr.org/en/documents/tools-and-resources/practical-toolkit-law-enforcement-officials-promote-and-protect-human>.

¹³ A/HRC/41/41.

¹⁴ <https://www.ohchr.org/sites/default/files/documents/issues/trafficking/statements/20230915-jd-foaa-digital-technologies.pdf>.

be for the express purpose of facilitating peaceful protests and for protecting and promoting human rights.¹⁵

16. The mandate has also underlined the interrelationship between the exercise of these rights and the enjoyment of all human rights, including the role of these rights in advancing the implementation of the 2030 Agenda for Sustainable Development,¹⁶ climate justice¹⁷ and sustainable peace and democratic transitions.¹⁸

17. The Special Rapporteur further advanced standards to strengthen the promotion and protection of freedom of peaceful assembly and association rights for groups in vulnerable situations and at risk of attacks, such as social movements,¹⁹ climate justice activists,²⁰ women activists, civil society and protests in transition and conflict/post conflict environments,²¹ as well as workers' rights in the informal sector.²² These contributed further to enhancing regional standards, such as the adoption by the African Commission on Human and Peoples' Rights of Resolution 579 on the Development of Guidelines on the Protection of the Rights of Workers in the Informal Economy Sector in Africa.²³

18. To strengthen the protection of these rights, the Special Rapporteur expanded the constituency of the mandate, including by engaging with law enforcement agencies, the peace-building community, development and business stakeholders, and he strengthened collaborations with regional human rights mechanisms.

19. During the global consultations conducted by the Special Rapporteur in Kampala in April 2024, the rise in powerful social movements, despite ongoing threats and deepened restrictions, was emphasised as an important achievement for the realization and defence of freedom of peaceful assembly and of association rights. Individuals from across diverse communities have mobilised to defend democracy, resist autocracy, repression and discrimination, build peace and ensure democratic and responsive governance institutions, advocate for climate justice, and express solidarity. Social movements are becoming increasingly active, on local, regional and global levels, finding innovative ways to mobilize and evade ever expanding legal and other restrictions imposed by States. Grassroots movements to defend rights have been formed in many communities, many led by women, indigenous people, and youth. The proliferation of social movements around the world is a positive indicator of a strong and active base in support of human rights and freedoms. The Special Rapporteur urged States to create a safe and enabling space, develop inclusive policy processes and regard rights movements as valuable partners in policymaking.²⁴

IV. Global trends in escalating and emerging threats to the rights to freedom of peaceful assembly and of association

20. Despite the efforts and gains made since the establishment of the mandate towards creating an enabling environment for the exercise of these freedoms,²⁵ there has been a growing global trend of systematic attacks on these rights and civic space broadly, undermining the essence of these rights.

21. The Special Rapporteur has identified the following global widespread trends in threats against the rights to freedom of peaceful assembly and association: increasingly

¹⁵ <https://www.ohchr.org/sites/default/files/2024-03/Toolkit-law-enforcement-Component-on-Digital-Technologies.pdf>.

¹⁶ A/73/279.

¹⁷ A/76/222.

¹⁸ A/78/246.

¹⁹ A/77/171.

²⁰ A/76/222.

²¹ A/78/246.

²² A/HRC/53/38/Add.3.

²³ <https://achpr.au.int/en/adopted-resolutions/579-development-guidelines-protection-workers-informal-economy-sector>.

²⁴ A/77/171.

²⁵ A/HRC/44/50.

severe stigmatization and attacks against civil society and social movements; increased use of expansive restrictive legislation to suppress the legitimate exercise of the rights to freedom of peaceful assembly and of association; the criminalization of activists; indiscriminate and excessive use of force to counter or repress peaceful protests, including growing militarised approaches to peaceful protests; restrictions targeting marginalised groups; crackdowns on freedoms during electoral periods; the negative impact of rising populism and authoritarianism; and obstructions and repression in the digital space and due to emerging technologies amid lack of human rights-based regulations.

22. Many of these threats have been ongoing since the creation of the mandate in 2010,²⁶ however, these trends have escalated in scope and severity and have expanded across all regions as governments have been increasingly using harmful narratives, legal and extra-legal means to limit, control or close civic space and dissent. Threats to civic space and fundamental rights have expanded to attacks against international support for civil society and activists, such as hindering foreign funding; and to undermining international multilateral organisations and their ability to protect freedoms and human rights.

23. The global crackdown on rights and freedoms has been accelerated by the global threat to peace and security due to the escalation of conflicts, including Russia's invasion of Ukraine, Israel's military assault on Gaza, armed conflicts in Myanmar, Sudan and elsewhere, and expanding of military coups (such as in West Africa), hardening of autocratic regimes and declining and backsliding of democracies. As a result, civil society face increasing hostile environments; associations face dissolution, in some countries mass dissolutions; thousands have been arbitrarily detained, and hundreds exiled due to persecution and threats of political repression in relation to their legitimate work or due to growing insecurity and armed conflict.

A. Growing authoritarianism, spread of hostile narratives and the anti-rights agendas

24. The Special Rapporteur notes the global decline in democracy and the proliferation of authoritarian narratives, practices and regimes. Civic space has become narrower as authorities have increasingly clamped down on dissent and silenced criticism, often for political gains. The rights to freedom of peaceful assembly and of association, as enabling public participation, have been specifically threatened. According to CIVICUS 2023 report, only two per cent of the world's population can enjoy the freedoms to associate, demonstrate and express dissent without significant constraints.²⁷ Freedom House in its 2024 report also recorded a significant decline in global freedoms in 2023, noting the diminishing of political rights and civil liberties in 52 countries.²⁸

25. Further, democratic institutions and human rights protection systems face global erosion, amidst a broader political climate of backlash and attacks against human rights and pluralism. There is a global rise in propaganda and hostile narratives aimed at suppressing civil society, protests and social movements, often portraying them as "enemies" and "threats to security", "undermining national sovereignty" or "threatening State traditions or values". Often such narratives exploit historical and cultural grievances and fears. Pro-democracy and human rights activists, civil society, and protesters and all those who are politically opposed have been often portrayed as "spies", "traitors" or "foreign agents", being "anti-patriotic", or "promoting foreign agendas". Civil society activists and critics have also been branded as "terrorists" and "violent extremists". Civil society is also often depicted as "corrupt", "grant eaters" and promoting immorality or foreign values, especially targeted are those working at the frontline of social change and defence of vulnerable and marginalised groups. Another tactic is portraying human rights and pro-democracy civil society and those expressing

²⁶ A/HRC/38/34.

²⁷ https://monitor.civicus.org/globalfindings_2023/.

²⁸ <https://freedomhouse.org/report/freedom-world/2024/mounting-damage-flawed-elections-and-armed-conflict>; https://freedomhouse.org/sites/default/files/2023-03/FIW_World_2023_DigitalPDF.pdf.

dissent as “bad NGOs”, while those aligned with governments’ agendas as “good NGOs” that can benefit from State funding.

26. Such narratives are often generated and spread through populists’ rhetoric and aim at and result in stigmatizing civil society, destroying their reputation, delegitimizing them in front of communities, and defunding them, so they are unable to carry out their legitimate work. Such strategies are often generated or condoned by authorities, create hostile environments for the exercise of the freedom of peaceful assembly and association rights, and empower non-State actors who threaten, attack and stigmatize civil society actors.

27. As previously documented by the Special Rapporteur, such narratives are used by States to justify repression and evade accountability.²⁹ The alarming increase of such narratives across all regions severely undermines the essence of the rights to freedom of peaceful assembly and of association, and the existence of civil society.

28. Such narratives also create a chilling effect and prompt many civil society activists to withdraw, due to the impact of stigmatisation on their family and professional life; many have lost their jobs and their economic independence and are exposed to violence and abuse.

29. Generating negative narratives against rights and freedoms are often part of a broader politically motivated agenda to limit peoples’ participation in public matters and is often accompanied by repressive policies and legislation restricting civic space. The spread of such narratives by political leaders and power holders should be treated as a warning signal to act and prevent deepening restrictions.

30. The rise of right-wing populist movements presents a significant threat to the pluralistic foundations of diverse societies, and often push policies that foster discrimination, marginalisation, and exclusion of marginalised and minority populations. Of particular concern is the targeted attacks, restrictions, and spread of hateful rhetoric, including by public officials, to scapegoat and endanger those who are at particular risk, including LGBTQI+ persons, migrants and ethnic and religious minorities. This creates a chilling effect and hostile environment for activists representing these groups and civil society advocating to protect their rights. Such attacks, justified in the name of defence of “morals” or “family values”, are part of the broader attack on human rights and closing of civic space and participation. The recent increased repression of LGBTQI+ people in some countries is particularly worrying, such as the recent decision of the Constitutional Court in Uganda to uphold the discriminatory Anti-Homosexuality Act that also provides for the death penalty in certain circumstances;³⁰ and the decision of the Supreme Court in Russia to declare the ‘international LGBT movement and its structural units’ as ‘extremist’, which effectively bans all public LGBT activities and organisations within the country.³¹

31. Anti-rights narratives have also been used to attack democratic and human rights norms, and to target multilateral institutions, the United Nations and its human rights mechanisms, and regional institutions. Attacks on the multilateral mechanisms are accompanied by or lead to defunding, and undermining political support, which weakens their ability to protect human rights. The attack on civil society further aims to deter civil society’s collaboration with these bodies and limit their impact on global agenda-setting and decision-making. The United Nations Secretary General’s 2023 annual report on reprisals warns that ‘in many countries, including long-standing democracies, the civic space and the protection of the basic rights and fundamental freedoms needed to engage with the United Nations have increasingly come under attack, both online and offline’, noting increased self-censorship by activists, surveillance of those cooperating, and adoption of increasingly restrictive laws and regulations concerning civil society, counter-terrorism and national security laws, deterring or hindering cooperation with the United Nations.³²

²⁹ A/HRC/53/38.

³⁰ <https://www.ohchr.org/en/press-releases/2024/04/uganda-turk-dismayed-ruling-upholding-discriminatory-anti-gay-law>.

³¹ JOL RUS 28/2023.

³² A/HRC/54/61.

B. Spread of restrictive laws

32. States globally have tightened regulatory control over civil society. Laws and regulations restricting the legitimate work of civil society have proliferated in different contexts. Despite some differences in content, these laws have worrying common features – they are based on broad and ambiguous definitions; impose restrictions and disseminate narratives that explicitly or in effect are silencing and closing civil society space, and are limiting the free participation in public affairs. These laws are justified on the grounds of protecting sovereignty, national security, and countering terrorism, or combating misinformation. However, the measures provided through these laws are far-reaching, weakening existent safeguards and human rights protections and hardening restrictions on the rights to freedom of peaceful assembly and association. The implementation of these regulations has contributed to an increase in attacks, intimidation and criminalisation of human rights defenders, protesters, journalists and those expressing or perceived to be expressing dissent.

33. From January 2023 to January 2024, the Special Rapporteur led or joined 26 communications to States concerning proposed laws that may undermine and unduly restrict the rights to freedom of peaceful assembly and association, in Angola, Bosnia and Herzegovina, China, Kyrgyzstan, Nicaragua, Russia, Sri Lanka, Sweden, Venezuela and Zimbabwe among others.³³

34. An increasing number of States are adopting or hardening legislative and regulatory frameworks that restrict the right to freedom of association. Such measures often reinforce the requirement for authorisation of registration of associations, impose unjustified and excessive control over the operations and activities of civil society organizations, allow for their dissolution on broad grounds and without judicial oversight and due process rights, and impose restrictions on fundraising and over-burdensome requirements for reporting. Such provisions are included in dedicated laws and regulations or are often introduced as amendments to existing legislation, including criminal codes and anti-terrorism legislation. Provisions criminalising associations and threatening them with suspension or dissolution also often include vague provisions such as related to national sovereignty and integrity and provide an opportunity for arbitrary application as a tool for repression.

35. In Angola, a Law on the Status of NGO Bill sought to give powers to the Public Prosecution Service to suspend a NGO if there was compelling evidence of ‘the practice of illicit acts harmful to the sovereignty and integrity of the Republic of Angola’.³⁴ In Mozambique, a draft bill on non-profit organizations (NPO) threatens foreign NGO with dissolution if they fail to “preserve and respect the customs and traditional habits of the environment in which they operate”, or if there are “indications” that they are conducting practices of “illicit acts or acts harmful to the sovereignty and integrity” of the country.³⁵

36. The Special Rapporteur has raised numerous concerns that States have misused the Financial Action Taskforce regulations to introduce laws targeting civil society organisations under the pretext of compliance with Recommendation 8 concerning money laundering and terrorism financing. While some regulation of civil society associations to ensure transparency and address corruption may be justified, States must take a robust risk-based approach and conduct an impact assessment to ensure such measures do not disproportionately impact civil society and the rights to freedom of peaceful assembly, of association and of expression. The Special Rapporteur has warned that broad anti-money laundering and counter-terrorism provisions also create suspicion and portray civil society organisations as involved in criminal activities and is stigmatizing.³⁶ In Venezuela, the bill related to supervision, regularization, performance and financing of NGOs and related

³³ See AGO2/2023; SWE2/2023; VEN2/2023; ZWE1/2023; KGZ4/2023; LKA9/2023; BIH3/2023; NIC1/2023; RUS26/2023; CHN12/2023.

³⁴ AGO 2/2023; see also ZWE 1/2023.

³⁵ MOZ 2/2023.

³⁶ AGO 2/2023.

organizations, if approved in its current form, would have serious consequences for the exercise of the right to freedom of association.³⁷

C. “Foreign agents” and foreign agent-like laws

37. The so called “foreign agent” or “foreign influence” laws targeting foreign funded associations have become an additional tool to curtail independent civil society and silence critical voices. States have justified such laws on grounds of protecting national sovereignty. However, the Special Rapporteur warned that these laws severely impact the rights to freedom of peaceful assembly and of association and diminish civil space, and especially target civil society working to protect and promote human rights and to promote government transparency and accountability. The Special Rapporteur intervened in several countries, calling for such laws to be withdrawn, including in Russia, El Salvador, Kyrgyzstan, Georgia, and Bosnia and Herzegovina, among others.³⁸

38. In addition to imposing burdensome reporting procedures, civil society receiving foreign funding are required to register as foreign agents or foreign representatives, and non-compliance carries the risk of suspension. Civil society labelled as “foreign representatives” or “foreign agents” are often regarded as “foreign spies”, and often encounter an atmosphere of fear and hostility, in addition to the reluctance of partners, including State authorities, to cooperate with them.

39. Activists labelled as “foreign agents” have also been subjected to disinformation and smear campaigns, including through State-sponsored media campaigns aimed at discrediting their work. The Special Rapporteur has noted that measures which oblige recipients of foreign funding to adopt negative labels such as “foreign representatives” constitute undue impediments to the right to seek, receive and use such funding.³⁹

40. These laws have been instrumentalised, and at times violently enforced, to silence critics and opposition. In Russia the ‘foreign agent’ legislation, has led to the systematic crackdown on civil society and effective closure of civic space.⁴⁰ In Nicaragua, over 150 organizations were deregistered for alleged noncompliance with the Law on Foreign Agents.⁴¹ Despite continuous mass protests in Georgia, which led to the initial withdrawal of the “foreign agent” bill, the law was subsequently adopted, prompting further large-scale protests and repression.⁴²

41. Historic democracies have also turned to foreign influence registration requirements. Over 200 European civil society organisations⁴³ raised concern over the European Union Commission’s proposed ‘Defence of Democracy’ package and foreign influence registration scheme. Civil society organisations raised serious concerns that this proposal could stifle the work of human rights organisations and empower repressive leaders to advance similar laws.

42. The “foreign agent”/“foreign influence” laws are discriminatory as they target particularly civil society organisations, and unduly restrict the rights to freedom of association, impacting associations’ right to access resources and introducing a blanket presumption of suspiciousness against civil society, especially those working on human rights. They have a chilling effect on anyone exercising their rights to freedom of peaceful assembly and association. Many of these laws also prohibit vaguely defined “political activities” further contradict the rights to freedom of expression and to public participation.

³⁷ JOL COME 2/2023.

³⁸ RUS16/2022; SLV8/2021; KGZ4/2023; BIH 3/2023; <https://www.ohchr.org/en/press-releases/2024/05/georgia-un-experts-condemn-adoption-law-transparency-foreign-influence>.

³⁹ KGZ 4/2023.

⁴⁰ A/HRC/54/54.

⁴¹ https://www.oas.org/en/iachr/reports/pdfs/2023/Cierre_espacio_civico_Nicaragua_ENG.pdf.

⁴² <https://www.ohchr.org/en/press-releases/2024/05/georgia-un-experts-condemn-adoption-law-transparency-foreign-influence>.

⁴³ <https://civilsocietyeurope.eu/wp-content/uploads/2023/07/230-Civil-Society-Organisations-Statement-on-EU-Foreign-Interference-Law-7-2.pdf>.

43. International courts have recognised that “foreign agent”/“foreign influence” laws violate rights and freedoms, such as the European Court of Human Rights with regards to “foreign agents” law in Russia;⁴⁴ and the European Court of Justice determined that the subsequently repealed Hungarian NGO Transparency Law imposed “discriminatory, unjustified and unnecessary restrictions on foreign donations to civil society organisations”.⁴⁵

44. Not all States who impose restrictions on and stigmatize foreign-funded civil society organisations have explicit “foreign agent” laws. Provisions to this effect have been incorporated across different laws which accumulatively would have the same effect and impact. Although “foreign agent”-like laws in some countries have been dropped due to civil society and international pressure, elements of the laws have been incorporated into other laws.

D. Expanding restrictions during elections

45. The year 2024 is a historic election year as citizens in over 60 States are electing national, regional, and local leaders. However, in many States, power-holders have used elections as an opportunity to further restrict fundamental freedoms and to consolidate power through silencing dissent and opposition voices.

46. The Special Rapporteur has noted the following evolving challenges and threats to the enjoyment of these freedoms in the context of elections: increased spread of disinformation and misinformation; growing populism; hate speech especially against minorities, LGBTQI+ people and civil society; internet shutdowns; crackdowns on opposition parties and leaders; suppression of freedom of peaceful assembly and association rights in general; and attacks on democratic institutions.⁴⁶ In the recent elections in Bangladesh and in Senegal, the Special Rapporteur raised alarm over the widespread attacks, harassment and intimidation of civil society, human rights defenders, journalists, and political activists and arrests of opposition leaders and supporters, as well as excessive use of force against protesters.⁴⁷

47. Populism in Europe, Africa, Asia and Latin America continue to dominate the electoral landscape. Misinformation and populism have been widely exploited during electoral contexts to further promote anti-rights agendas and contribute to attacks and restrictions on civil society, human rights defenders, media and protests. Disinformation has also been used as a powerful tool to undermine the credibility of elections and election results. Elections have been marred by increased spread of hatred and attacks against civil society organisations, particularly those working on human rights, minorities' rights, transparency and governance, and those that benefit from foreign donors, as these are portrayed as threats to national interests and sovereignty.

48. Flawed elections have further threatened public freedoms allowing autocratic leaders to strengthen their power. Populists have exploited democracy to gain power through the use of populist rhetoric and disinformation and to weaken and destroy democracy from within. Due to an overall loss of trust in democratic institutions and their ability to address pressing socio-economic needs, citizens in many countries are turning to vote for populist and authoritarian leaders. This further entrenches anti-rights narratives and increases the power of populist and authoritarian forces, leading to erosion of public freedoms, and of the democracy of itself.

⁴⁴ European Court of Human Rights, *Ecodefence and Others v. Russia*, Judgement on Applications nos. 9988/13 and 60 others, 14 June 2022.

⁴⁵ <https://curia.europa.eu/juris/document/document.jsf?text=&docid=227569&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=5811640>

⁴⁶ www.ohchr.org/en/press-releases/2024/04/electoral-year-2024-un-experts-call-strengthening-democracy-and-reversing

⁴⁷ www.ohchr.org/en/press-releases/2024/01/bangladesh-government-must-prioritise-human-rights-its-fourth-term; <https://www.ohchr.org/en/press-releases/2024/03/senegal-un-experts-urge-respect-fundamental-freedoms-ahead-elections>.

49. However, there are some positive examples where through peaceful protests and participation people were able to defend elections, such as in Guatemala;⁴⁸ and to achieve peaceful and democratic transition of power, such as in Senegal, following prolonged political tension and violence.⁴⁹

E. Conflict, insecurity and increase clampdowns on civil society and peaceful protest

50. Armed conflicts have significantly impacted the enjoyment of the rights to freedom of peaceful assembly and of association, not only in the conflict-affected areas where people are unable to exercise these rights due to security threats and repression, but also for those joining solidarity movements abroad and calling for peace and justice.

51. In Russia, the authorities have used the commonly known law against “discrediting the armed forces” to shut down any perceived anti-war expression or disagreement with the government position on the war against Ukraine, and to criminalise activists.⁵⁰ The 71-year-old Oleg Orlov, the co-chair of the Nobel Peace Prize-winning organisation “Memorial” was sentenced to two and a half years in prison.⁵¹

52. Peaceful protests and social movements in defence of Palestinian rights have faced significant restrictions, protest bans and arbitrary arrests, especially in Western countries. This has created a hostile environment and a chilling effect for those defending and speaking out for the rights of Palestinians, calling for a ceasefire in Gaza, prevention of genocide, end of the occupation of Palestinian territory, and justice.⁵² The Special Rapporteur has called for an end to the harassment and criminalisation of pro-Palestine activists and protesters, and urged States to stop misusing hate speech to impose undue restrictions on legitimate protests, including in academic institutions, and online.⁵³

53. Furthermore, hundreds of civil society members and activists have been forced into exile and face pressing challenges, including of extraterritorial repressions by State authorities.

54. Civil society working in areas under international sanction or where there are designated terrorist groups have faced barriers for access to resources. Following the suspension of funding by some Western countries and donors to several Palestinian and Israeli human rights and civil society organisations, due to unsubstantiated allegations related to diverting funding to “terrorist entities”, the Special Rapporteur noted that such actions are contrary to the principle of non-discrimination, and violate the right of associations to seek, receive and use financial resources, and also contributes to the collective punishment of Palestinians.⁵⁴

55. Another worrying trend is the expansion of definitions of terrorism and extremism in State laws and policies using vague and broad language, such as “the promotion or advancement of an ideology based on violence, hatred or intolerance”, purportedly justified to protect “democratic values and enhance social cohesion”.⁵⁵ Such measures risk to further criminalise civil society, social movements and activists. As documented by the Special Rapporteur, the misuse of counter-terrorism measures often result in the criminalisation and

⁴⁸ www.ohchr.org/en/press-releases/2024/03/guatemala-un-experts-call-president-take-concrete-action-protect-civic-space.

⁴⁹ www.ohchr.org/en/press-releases/2024/03/senegal-un-experts-urge-respect-fundamental-freedoms-ahead-elections.

⁵⁰ A/HRC/54/54.

⁵¹ www.ohchr.org/en/press-releases/2024/04/russia-oleg-orlov-trial-abuse-legal-system-political-purposes-says-un-expert.

⁵² www.ohchr.org/en/press-releases/2023/11/speaking-out-gaza-israel-must-be-allowed-un-experts.

⁵³ www.ohchr.org/en/statements/2024/02/israelopt-enabling-human-rights-defenders-and-peaceful-protests-vital-achieving.

⁵⁴ <https://www.ohchr.org/en/statements/2024/02/israelopt-enabling-human-rights-defenders-and-peaceful-protests-vital-achieving>.

⁵⁵ See, e.g. www.gov.uk/government/publications/new-definition-of-extremism-2024/new-definition-of-extremism-2024.

surveillance of civil society and activists, including through spyware, and their restrictions to access to resources. Such measures have disproportionately targeted the rights of particular groups, including ethnic, cultural, religious, and linguistic minorities. Civil society also raised concerns that expansive counter-terrorism measures and definitions, such as those adopted by some countries to curtail pro-Palestinian protests, also risk being used to target climate justice activists, among others.

F. Intensified attacks on climate justice activists

56. The Special Rapporteur notes the increased mobilization to protect communities from the devastating effects of climate change and environmental degradation, however, the threats and repression against activists have also increased, and especially targeted are indigenous, land and environmental defenders.

57. Repression has taken many forms, from protest bans and passing of draconian laws criminalizing legitimate acts of protest used by environmental activists and movements, to labelling and stigmatizing climate activists as “eco-terrorists”, mass arrests, online harassment, and subjecting them to heavy surveillance. To urge States to take proactive actions to address the climate crisis, activists increasingly engage in non-violent direct and disruptive actions and civil disobedience. States have increasingly stepped-up efforts to criminalise such acts of peaceful assembly. The Special Rapporteur raised particular concern regarding States efforts to clamp down on protest movements that engage in civil disobedience and non-violent direct-action campaigns.⁵⁶

58. Other commonly used measures for restricting or criminalizing climate activism include the use of critical infrastructure protection legislation, which criminalizes protests concerning or involving ‘critical infrastructure’ and imposes heavy sanctions for disruptive protests near such infrastructure. The use of strategic lawsuits against public participation (SLAPPs), is another example of weaponizing the law against climate justice activists. These are often brought by corporations and wealthy individuals with the aim of draining the resources of those targeted. Powerful special interest groups have also exerted pressure on Governments to suppress environmental activists.⁵⁷

59. The Special Rapporteur has frequently repeated that a certain level of disruption of ordinary life, including disruption of traffic or inconveniences to which business activities are subjected, must be tolerated if the right to freedom of peaceful assembly is not to be deprived of meaning. The Special Rapporteur on Environmental Defenders under the Aarhus Convention, Michel Forst has also called on States to refrain from using the “increase of environmental civil disobedience as a pretext to restrict the civic space and the exercise of fundamental freedoms” and called on law enforcement and courts to “cease the use of measures designed for counterterrorism and organized crime against environmental defenders”.⁵⁸

60. The recent landmark judgement by the European Court of Human Rights against Switzerland further recognised the right of associations and individuals to file complaints regarding governments’ “failure to take adequate measures to protect individuals against the adverse effects of climate change on human lives and health”.⁵⁹ This ruling would significantly impact States’ human rights obligations in the context of climate justice, as it urged States to “take adequate action” to protect human rights of individuals affected by climate change, but also those whose rights “may be severely and irreversibly affected in the future in the absence of timely action.” To give effect to this obligation, States should facilitate peaceful protests and address the concerns raised by climate justice activists.

⁵⁶ See OL GBR 16/2022; AL CHE 7/2021.

⁵⁷ A/76/222.

⁵⁸ https://unece.org/sites/default/files/2024-02/UNSR_EnvDefenders_Aarhus_Position_Paper_Civil_Disobedience_EN.pdf.

⁵⁹ *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland* (application no. 53600/20), ECtHR Judgement.

G. Threats of emerging technologies

61. Digital technologies play a dual role in the realization of fundamental freedoms, as both an enabler for the exercise of these rights and as a tool of repression. Digital technologies have enhanced rights awareness, amplified advocacy efforts, and facilitated wider mobilization and solidarity movement-building across borders. In addition, certain platforms bolstered protection of privacy rights and increased connectivity resulting in increased online engagement. Notably, technologies have been vital in enabling individuals, civil society and marginalized groups to participate in public spaces and contribute to public debates; and in providing alternative spaces for civil society working in oppressive regimes and armed conflict areas that are otherwise restricted from safely associating and assembling.

62. However, digital technologies have also presented additional and evolving threats. The increased use by States of digital surveillance, such as spyware, facial recognition and other biometric technologies, and digital profiling tools contributes to the shrinking of civic space and limitations on freedom of expression in many countries. Especially concerning is the lack of regulations and legal guarantees and effective remedies protecting human rights and freedoms concerning the use of such technologies. Banning of social media platforms and general Internet bans, limiting online participation, and information disruptions have been extensively used to limit the exercise of fundamental freedoms.

63. Autocratic governments are increasingly using technologies to amplify their repressive tactics and narratives, both within their own societies and beyond borders. Digital technologies also have been misused as a tool for the spread of hate speech, harmful narratives and propaganda, including through misinformation and disinformation, and the use of deepfakes. Tech companies have contributed to amplifying anti-rights messages and to censorship, through social media content moderation and algorithmic processing, which continue to be non-transparent and unaccountable, that push and prioritise certain content.

64. States have also increased the restrictions on online civic space through the misuse of vague and broad cybersecurity-related laws, antiterrorism laws, surveillance laws, hate speech laws, and disinformation laws. These are routinely used to target and criminalize civil society activists, journalists and protesters.

65. The unchecked expansion of surveillance technology in public spaces (both under programmes, such as the development of “smart cities”, or to advance authoritarian agendas) is becoming a serious threat to the enjoyment of civic freedoms. With artificial intelligence or machine learning techniques authorities can now analyse the huge quantities of data produced by these surveillance tools, offering new pretexts for rights interferences, such as predicting future behaviour or flagging suspicious activity. Moreover, the intrusion by pervasive surveillance on individuals' privacy poses a vast chilling effect and threatens the participation and freedom to organise and participate in assemblies.⁶⁰

V. Impact of growing restrictions on civic space

66. Paradoxically, measures undertaken by States which restrict civil society and close civic space on the pretext of preserving national security and fighting crime, terrorism or violent extremism, in effect result in the contrary. Closing the space for participation, for dialogue and inclusion of marginalized groups, victims and everyone in society to voice their concerns and demands, leads to deepened resentment, foster conflicts, and strengthening of authoritarian regimes that are a threat to world peace and security.

67. The obstruction of freedom to peaceful assembly and association rights directly impacts adversely on the development and the implementation of the 2030 Agenda for Sustainable Development. The Special Rapporteur found that “measures aimed at restricting or silencing the exercise of the rights to freedom of peaceful assembly and of association, undermine the empowerment of people and their rights to express themselves and to engage

⁶⁰ See Murray, D. et al (2023) ‘The Chilling Effects of Surveillance and Human Rights: Insights from Qualitative Research in Uganda and Zimbabwe’, *Journal of Human Rights Practice*.

in collective activities — political, economic, social, cultural or environmental — which are at the core of all Agenda commitments”.⁶¹

68. The closure of civil society organisations leaves a huge void and risks reversing development efforts. According to the Institute of Development Studies the shrinking of civic space is “overall highly likely to halt or reverse progress towards reducing inequality, ensuring inclusion and improving sustainability”.⁶²

69. The 2023 Inter-American Commission on Human Rights’ assessment on the closure of civic space in Nicaragua, found that the arbitrary massive closure of 3,390 organizations between 18 April 2018 and 31 August 2023 affected over one million people benefiting from their work, and had “serious impacts on individuals and groups in a historical situation of discrimination” (such as women, children and adolescents and indigenous or Afro-descendant communities), who benefited directly from the implementation of social, humanitarian, and international development cooperation programs and projects delivered by these civil society organisations. The assessment also found that the closure of civil society organisations undermined efforts to reduce poverty, resulted in a significant decline in the quality of medical care and access to it.⁶³ The Special Rapporteur has been receiving similar reports from civil society operating in States which have imposed restrictions on the registration and closure of civil society organisations.

70. Silencing social movements and civil society, including those working on climate justice further exacerbate grievances that are root causes of violence in the community and conflicts. Furthermore, closing the space for participation, can exacerbate hatred, divisions, polarisation, inequalities, and push people towards extremism, and recourse to violent resistance.

VI. Way forward: preserving the gains and pushing back against restrictions

71. While the Special Rapporteur notes the decline in democratic governments, democratic principles are strived for by people around the world. People across the world are raising to defend their democratic freedoms. Democracy is to the benefit of all communities, it is a valuable tool in enabling individuals and groups to influence their future and build participatory and fair societies. Human rights and democracy are mutually reinforcing. In the face of growing attacks on fundamental freedoms, it is paramount to reaffirm the rights to freedom of peaceful assembly and of association. These rights are the foundation of democracy and are at the heart of the international governance system, and an invaluable avenue to protect democracy. These rights provide the foundation on which we can collectively engage in at national, regional and international fora and to push for better and just governance. No matter what challenges existed, these freedoms have always been essential for societies in claiming rights and participation. They were the foundation of the civil rights movements and for allowing the marginalised and oppressed to claim inclusion and have been fundamental to enforce the struggle against apartheid, for de-colonisation and self-determination, and equality and justice. We need to preserve the essence of these rights to ensure they can continue playing their historical role for the betterment of all.

72. A wide coalition and coordinated approach are required to defend the gains achieved over the years, and to collectively push back against the attacks on these fundamental freedoms. It is vital to join efforts and to broaden and enhance coalition-building, bringing together diverse stakeholders relevant for the protection of fundamental freedoms. The Special Rapporteur outlines below the roles and responsibilities of some key actors, while acknowledging the primary responsibility of States to protect, promote and implement all human rights and fundamental freedoms.

⁶¹ A/73/279.

⁶² www.ids.ac.uk/publications/development-needs-society-the-implications-of-civic-space-for-the-sustainable-development-goals/.

⁶³ www.thedialogue.org/wp-content/uploads/2022/11/nicaragua-radicalization-ENG-draft5.pdf.

1. Key actors

73. Political parties, whose existence and effective functioning depends on the unobstructed exercise of the rights to freedom of peaceful assembly and association, should join efforts to protect and promote these rights, and refrain from promoting narratives and policies restricting public freedoms of certain groups. Further, parliaments should represent the interest of the people, and the effective role of parliament should translate into inclusive laws that protect the rights and freedoms of all communities.

74. Recognising the duty and key role law enforcement agencies play in the protection and facilitation of the right to freedom of peaceful assembly, it is vital to continue building on the engagement opened by the Special Rapporteur with law enforcement agencies through the development of the Model Protocol and accompanying practical tools for promoting and protecting human rights in the context of peaceful protests.⁶⁴ These are useful tools to continue the dialogue and capacity-building of law enforcement agencies to effectively facilitate peaceful protests.

75. As a growing number of people live in the context of conflicts or post conflict and transition, the role of peacebuilding community and peacekeepers is key to ensure enabling civic space, which is conducive for conflict prevention and sustainable peacebuilding. The Special Rapporteur has extended engagement with the peacebuilding architecture and peacebuilding community, contributing to efforts for enhancing conflict prevention.⁶⁵ The Special Rapporteur called on the United Nations peace and security pillar, to “develop specific guidance for peacekeepers, mediators and peacebuilders to ensure that peaceful protests are facilitated, and an enabling environment is fostered”.⁶⁶

76. Companies can also play a key role and have the responsibility to join efforts to protect human rights and freedoms, in line with the United Nations Guiding Principles on Business and Human Rights. They should play an active role in exercising human rights due diligence, strengthen their accountability and provide remedies to victims in connection with their activities. Unfortunately, businesses have been involved in many human rights abuses and implicated in the growing restrictions on fundamental freedoms outlined in this report, such as in the suppression of protests. It is vital that companies stop initiating strategic lawsuits against public participation (SLAPPs) against activists; stop the trading of surveillance tools and less lethal weapons used to suppress activists and peaceful protesters; and refrain from involvement in and actively prevent Internet shutdowns. Banking and financial companies should also enable civil society access to resources.⁶⁷ The Special Rapporteur has continuously engaged with companies, including the tech industry, and encourages these actors to continue engaging on the issue of preventing and mitigating abuses.

77. Investors, as business actors, also have a responsibility to protect human rights in line with the UN Guiding Principles on Business and Human Rights. They should be aware of the human rights risks connected with their investment activities and take action to prevent, mitigate and address abuses.

78. As people-driven social movements are increasing across the globe in a response to widespread suppression of rights and freedoms, all stakeholders should enable, support and strengthen collaboration with rights-promoting social movements and grassroots associations, to foster meaningful and inclusive dialogue and to ensure policies and decision-making benefit society.

79. Labour unions are important partners as they facilitate protest action in relation to social and economic policy, and against negative corporate practices, and enable workers to engage with companies and governments on a more equal footing. However, there is a need for strengthened recognition and protection of workers’ rights to freedom of peaceful assembly and association, without discrimination, including for workers in the informal

⁶⁴ See www.ohchr.org/en/documents/tools-and-resources/practical-toolkit-law-enforcement-officials-promote-and-protect-human.

⁶⁵ <https://quino.org/resource/2023/11/integrating-human-rights-and-sustaining-peace-exploring-special-procedures>.

⁶⁶ A/HRC/50/42, para 88.

⁶⁷ A/HRC/50/23.

economy. This will also contribute to the fight against poverty and for the achievement of the Sustainable Development Goals. This is also essential for the construction of rights-respecting societies more broadly, as vibrant labour movements have contributed to more democratic, egalitarian societies.

80. The rights to freedom of peaceful assembly and association are vital for the exercise of religious freedoms, hence faith-based and religious actors should ensure that they do not undermine these rights but join efforts for their defence. Given the influence of religious and faith leaders in shaping societal norms and behaviours, they should work to counter human rights violations or incitement to hatred and counter stigmatization against civil society, in line with their responsibilities outlined in the Rabat Plan of Action, and the Beirut Declaration on “Faith for Rights”.

81. Concerted global and regional collaboration is essential for facilitating early warning systems, as restrictions and repressive tactics spread across regions. This also requires strengthening collaborations between global and regional institutions, and building on the collaborative efforts of the Special Rapporteur with regional human rights mechanisms, such as under the aegis of the Addis Ababa Roadmap between the United Nations and the African Commission on Human and Peoples’ Rights’ special procedures, and within the Framework for Joint Action to enhance coordinated responses to counter the existing and emerging global trends undermining civic space.⁶⁸

2. Priority areas

82. The Special Rapporteur identified the following priority areas, which, as explained above, impact gravely the rights to freedom of peaceful assembly and of association, and towards which these actors should individually or collectively contribute to reverse the restrictions on fundamental freedoms.

Countering negative and hostile narratives and restrictive laws

83. Proactive action is required to counter the growing negative narratives targeting civil society and rights movements. Alternative positive narratives should be developed highlighting the contributions of civil society and rights movements in advancing sustainable development, and durable and just peace and security. This includes framing evidence-based, positive narratives and encouraging donors, multilateral organisations, business, social media companies and the media to refrain from reinforcing the negative and harmful rhetoric and anti-rights agenda, including when countering terrorism and national security.

84. Countering the spread of restrictive laws requires taking seriously the early warning signs of stigmatization, especially when targeting those working on human rights, democracy, and minority issues. Actors should systematically monitor regulatory steps undertaken by authorities and proposed by parliaments, and provide a timely response, including through counter narratives and, when needed, using strategic litigation.

Implementing human rights obligations without double standards

85. Despite strengthened international standards and guiding documents, implementation remains low, and States continue to misinterpret their obligations with respect to the rights to freedom of peaceful assembly and association. All actors should work towards ensuring greater implementation and compliance by all States of their international obligations and relevant normative framework and standards. The Special Rapporteur warns against double standards by which some States acknowledge the importance of these rights but are unwilling to protect the exercise of these rights by everyone, especially those expressing views which may not align with Government positions.

Ensure meaningful participation

86. All segments of society, including LGBTQI+ people, children, women, indigenous people and other groups facing marginalization must have a voice in decision-making processes, and processes should be put in place to safeguard their democratic participation.

⁶⁸ <https://freeassemblyandassociation.net/wp-content/uploads/2023/03/Joint-Action-for-FoAA-Framework.pdf>.

This requires dismantling historic and systemic discrimination, marginalisation and other barriers to inclusion.

87. To counter the harmful discriminatory rhetoric employed to further authoritarian and anti-rights agenda, all forms of discrimination, including related to gender, identity, and reproductive rights, must be addressed.

Ensure technology fosters free and safe civic space

88. In an ever more digitalised world, States, tech companies and other stakeholders must harness technology to foster civic engagement and protect the rights of peaceful assembly and association; and ensure technologies are not used to suppress rights or promote the spread of dis- and misinformation and toxic discourse, including spreading anti-rights agendas, discrimination and undermining the integrity of democratic processes such as elections.

89. An inclusive human rights approach should be adopted to the development, use and trading of digital technologies, including in the context of peaceful protests, aimed at minimising potential harm, based on robust impact assessment on present and potential risks, including chilling effects.

Build durable security through protecting and enabling civic space

90. The Special Rapporteur emphasises that protection measures of national security should seek to strengthen, not compromise, rights and freedoms, and other democratic values. National and regional security policies should be centred on the protection of human rights and should prioritize inclusive civil participation of all segments of society, including women and youth, which contribute to the building of sustainable peace and democratic transitions. Robust national security policies require legitimacy and credibility, which can only be effectively achieved when the voices of all segments in society are reflected, and rights and freedoms are upheld.

Strengthen protection strategies to ensure civil society resilience

91. It is essential to strengthen the protection and support of civil society, including through ensuring their access to resources and providing humanitarian and political support, as needed, increasing particularly the support for those working in authoritarian or emergency contexts, and civil society in exile, so they can continue their rights work.

Protect environmental activism to advance climate justice

92. If climate commitments and pledges are to be met, States must respect and protect a participatory and inclusive agenda and protect the rights of environmental activists to freedom of peaceful assembly and of association. By collaborating with trade unions and environmental activists, States can ensure just transitions and inclusive decision-making processes that benefit all and leave no one behind.

93. Corporations must respect environmental standards and the fundamental freedom of environmental activists and be held accountable for abuses.

a) Advance accountability

94. Ending impunity and ensuring accountability should be made a priority to ensure that those responsible for human rights violations against activists and protesters are brought to justice. Ensuring victim-centred accountability and command responsibility, is critical to ensure non-repetition of violations. Early warning and accountability systems should be put in place to prevent serious human rights violations, which often lead to deepened crackdowns on civic freedoms. Impunity not only emboldens perpetrators, but creates an environment of fear, self-censorship, and ultimately closing of civic space.

95. The independence and integrity of judicial and law enforcement institutions should be strengthened, to prevent being misused for repression of political opponents, civil society and activists, including climate justice activists.

96. The accountability gap related to corporate responsibility should be addressed.

VII. Conclusion and recommendations

97. The efforts and advancements made in the past 14 years since the establishment of the mandate have contributed towards an enabling environment for the exercise of the rights to freedom of peaceful assembly and of association. However, these rights are under serious threat today. We are witnessing widespread, systematic and concerted global attack against these rights and civic space broadly, as authoritarianism, populism and anti-rights narratives are increasing. The spread of armed conflicts, the severe environmental crisis, undermined electoral processes, and emerging and unregulated digital technologies, exacerbate the threat to the enjoyment of these rights.

98. This report is a wake-up call for collective action to counter the closing of civic space, and protect democracy and our collective values, and the enjoyment of all human rights and freedoms. Enabling civic space and protecting activists is fundamental to foster civil society contributions for tackling today's pressing issues. While through the establishment of this mandate, the Human Rights Council reiterated its commitment for the protection of these fundamental freedoms in response to the repressions during the Arab Spring, it is more so urgent today in the face of deepening and emerging global threats that the international community and the Council reinforce the mandate's capacity to continue effectively protecting these rights.

99. Reaffirming strong commitment for the fulfilment of these rights should be at the heart of the discussion at the 2024 Summit of the Future. The Summit is a rare opportunity to directly address critical global challenges as it aims at reaffirming commitments to the Sustainable Development Goals and the United Nations Charter. The realisation of these commitments can only be achieved with the meaningful inclusion of civil society and if fundamental freedoms are preserved.

100. States should:

(a) Ensure compliance with international human rights obligations and strictly refrain from engaging in, generating or condoning hateful, misogynistic, discriminatory narratives, smear campaigns and disinformation against civil society and rights activists, or members of minority and marginalized communities.

(b) Condemn publicly and promptly any incitement, including by public officials, of hatred, discrimination or violence against individuals and groups for exercising their fundamental freedoms.

(c) Ensure hate speech legislation is in conformity with international human rights obligations and standards, including the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

(d) Adopt targeted and specific measures to counter disinformation, ensuring these are not arbitrarily used to silence civil society actors, journalists, citizens, journalists and others, and do not unduly restrict individuals' freedoms of expression and freedom to seek, receive and impart information.

(e) Refrain from adopting laws and regulations undermining protections and good practices of freedom of peaceful assembly, association and expression:

(i) Ensure meaningful and inclusive consultations and impact assessments to guarantee legal and policy measures, including related to national security, countering violent extremism, financial regulation, or affecting civil society organisations' right to seek, receive and use funding, or cyber-crime laws, do not unduly restrict the rights to freedom of peaceful assembly and association.

(ii) Refrain from adopting, or repeal or amend laws which are stigmatizing or delegitimizing the work of foreign-funded association, and from compelling recipients of foreign funding to register or adopt negative labels such as that of "foreign agents" or with similar effect;

- (iii) Refrain from using overly broad and vague definitions which limit activists and associations to defend human rights or engage in political or public debate;
- (iv) Avoid overregulating and undue restrictions on the civil society sector, including via money-laundering and terrorism financing regulations;
- (f) Respect and protect the right to engage in a peaceful protest. Adopt or amend existent protocol and strategies in line with the Model Protocol for law enforcement and its digital component to ensure law enforcement facilitate peaceful protests in compliance with human rights.
- (g) Ensure national security and sovereignty, counter-terrorism and counter-violent extremism strategies and measures guarantee human rights and freedoms and are subject to thorough impact assessment prior adoption;
- (h) Enable positive engagements with human rights defenders, civil society, including grassroot and community-based associations and activists, to ensure inclusive policies.
- (i) Support safe and meaningful civil society participation, in all its diversity, in international and multilateral forums, including related to climate justice, peace and security.
- (j) Enhance protection of the rights to peaceful assembly and of association in online spaces, and when using digital technologies; ensure an open, safe, accessible, and inclusive digital space for all;
- (k) Support the development of and implement a global human right based regulatory framework for the use of emerging technologies, including on spyware and artificial intelligence, especially used for law enforcement purposes, in consultation with civil society. Support a moratorium on the trade and use of spyware and artificial intelligence until such a global regulatory framework is in place.
- (l) Ensure prompt and independent victim-centred accountability of all alleged violations of the rights to freedom of peaceful assembly and of association, including for victims of online abuses; bring promptly to justice all responsible perpetrators, including those at level of authority; and provide full and adequate reparations to victims.
- (m) Take effective measures to prevent, investigate, punish and redress abuse against activists and protesters, committed by companies operating within the State territory and/or jurisdiction;
- (n) Develop strategies, in consultation with affected civil society, to support activists fleeing emergency situations and political persecution, including effective protection from extraterritorial repression.
- (o) Use diplomatic leverage including through inter-governmental bodies in response to States' hostile narratives, stigmatization and restrictions against civic space and freedoms.

101. **Businesses and investors should:**

- (a) Comply with the United Nations Guiding Principles on Business and Human Rights, conduct human rights due diligence to identify and prevent any risks to the rights to freedom of peaceful assembly and of association related to their business activities, including the trading of digital technologies and instruments of force used by law enforcement in the context of protests.
- (b) Refrain from engaging in or encouraging stigmatization, intimidation, initiating strategic lawsuits against public participation (SLAPPs) or other acts of suppression of activists and protesters.
- (c) Fully respect workers' rights to freedom of peaceful assembly and of association, including as exercised by the formation of unions, participation in strikes and collective bargaining.

(d) **Enhance collaboration with States, and civil society, including trade unions, to tackle environmental degradation and civic space issues.**

102. **Digital platforms should:**

(a) **Adopt an inclusive, consultative and human-rights compliant approach to the governing of digital platforms, which foster transparency, accountability, and due diligence, as per UNESCO's Guidelines for the Governance of Digital Platforms.**

(b) **Develop and provide clear digital security tools and trainings dedicated for civil society and online activists and human rights defenders.**

(c) **Address and counter online hate speech and incitement to violence by adopting publicly available, clear, transparent, well-defined policies on countering misinformation and hate speech, compliant with international human rights law.**

103. **Media companies should:**

(a) **Develop and implement, in coordination with civil society, effective communication strategies on human rights and the promotion of positive narratives highlighting the role of civil society in contributing to the realisation of all human rights, development and climate and social justice.**

(b) **Provide a platform and amplify the messages of civil society and rights movements, including of peaceful protesters, initiate dialogue on the root causes of protests and their demands.**

(c) **Ensure visibility and inclusion of different voices, including of indigenous communities, marginalised groups and youth.**

104. **Donors should:**

(a) **Support civil society's resilience and capacity to develop effective communications strategies to contribute to the positive image of the civil society sector and trust-building with communities.**

(b) **Respond to restrictive laws, such as foreign influence laws, including through systematic documentation of the impact of these laws on human rights and freedoms.**

(c) **Develop programmes, including for capacity-building of lawyers, to continue assisting civil society operating in complex and/or restrictive legal environments.**

(d) **In collaboration with civil society and activists, including those in exile, develop strategies to continue supporting those operating in environments affected by sanctions or anti-terrorism financing risks.**

105. **Civil Society, lawyers, trade unions, and academia should:**

(a) **Build a broad coalition for support, early warning and prevention, information sharing, capacity building and solidarity, and cooperate with social movements and activists from diverse communities.**

(b) **Support coalition and alliance-building around the world to promote cross-border international solidarity and open up avenues of dialogue with decision-makers and the broader society.**

(c) **Civil society actors should also seek building new alliances with traditional or religious leaders to combat harmful and discriminatory narratives, such as against LGBTQI+ persons and women and about reproductive rights; and also, with the academia for documenting and analysing civic space trends in restrictions for building timely and evidence-based advocacy;**

(d) **Unions should invest in internal capacity-building and training, incorporate and address the needs of the informal sector economy; and develop specific strategies in climate change mitigation to support workers for ensuring just transitions.**

(e) **Lawyers can support civil society by challenging restrictive laws and practices in national and regional courts, as appropriate, and provide support to civil society.**

(f) **Academic institutions should invest in research on documenting civic space restrictions and their impact, and on countering misinformation; and respect and protect academic freedoms, including the right of students and staff to safely engage in peaceful protests at campuses.**

106. International and regional organisations should:

(a) **Strengthen collaboration and coordination in prevention and rapid response to restrictions on civil society and peaceful protests; and timely, proactively and publicly condemn stigmatization campaigns and restrictive bills/laws, such as those related to foreign influence.**

(b) **Continue to provide support to civil society, including grassroots and rights movements; and create inclusive spaces for dialogue and collaboration, including institutionalised, multi-stakeholder spaces ensuring access of diverse civil society and grassroots and indigenous peoples to contribute to defining and developing policy, such as related to peace, security, and climate issues.**

(c) **Monitor and advocate for States' implementation of regional and international courts judgements on freedom of peaceful assembly and association violations.**

107. The Human Rights Council should reinforce the capacity of the mandate to adequately respond to the emerging challenges, including by enhancing the resources of the mandate to promote implementation of its recommendations, by taking all necessary measures to ensure recommendations are implemented by States, and by creating institutional spaces for the mandate to engage with States to timely address critical restrictions, especially in emerging crises.
