



# Protecting and expanding civic space in the EU and beyond



UNITED NATIONS  
HUMAN RIGHTS  
Regional Office Europe



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## Foreword

The crucial role of civil society in safeguarding and promoting human rights, democracy and peace has become more tangible than ever. Not least in the context of the coronavirus (COVID-19) pandemic, where civil society has been instrumental together with governments and communities to respond to, and progressively recover from the public health emergency and its societal implications. In Europe, civil society has also greatly contributed to the crisis response towards people fleeing Ukraine. In many instances, civil society actors have complemented actions by national and local authorities and filled important human rights protection gaps to ensure no one is left behind.

Yet, as documented by the United Nations monitoring mechanisms and regional organizations, civil society actors across the world have continued to face increasing attacks, harassment, criminalization, and smear campaigns over the past years, by private and State actors alike, with Europe not being immune to this global trend. Without adequate support and protection, the efforts by civil society cannot be sustained in the long-term. In the recently released report on key challenges civil society has faced in the context of the COVID-19 pandemic,<sup>1</sup> OHCHR thus called for a much more systematic investment in meaningful, safe and inclusive participation at all levels, together with effective measures to protect access to information, enabling an environment for debate and freedom from insecurity for those who speak up.

The primary responsibility for creating an enabling environment for civil society rests with States, stemming from their constitutions and obligations under international human rights treaties and

mechanisms for the protection of the right to participate, freedoms of association, peaceful assembly, expression, and information. Regional and international actors also have a crucial role to play in guiding State actors, calling for accountability, and supporting the resilience and empowerment of the civil society. It is in this vein that the UN Human Rights Office (OHCHR) has over the past years stepped up its efforts to protect civic space and those who stand up for human rights, online and offline, strengthen the monitoring of threats and attacks, build public recognition of the role of civic space and mainstream attention for civic space in the UN system. Civic space issues were also put at the core of the regular Strategic Dialogues on Human Rights between OHCHR and the European Union (EU), an initiative launched in October 2021. In this framework, the EU and OHCHR agreed to work together to better protect human rights defenders globally, including in the digital space, and the Regional Office stepped up its engagement with EU institutions to inform their work to protect and empower civil society actors both inside and outside the EU's borders.

Building on the UN Human Rights Office's research and monitoring, its commitment and engagement with the EU and other regional actors, this brief is meant to provide a short overview of the Office's perspectives on regional and global challenges facing civic space, its vision, and efforts to address them. It also includes some reflections and recommendations on how EU actors could help addressing the regression of space for civil society within the region, nurturing the ongoing cooperation and synergies between the UN Human Rights Office and the EU and their joint commitment to a safe and enabling environment for civil society actors, in Europe and beyond.



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<sup>1</sup> Civil society space: COVID-19: the road to recovery and the essential role of civil society – Report of the United Nations High Commissioner for Human Rights, A/HRC/51/13, accessible at <https://www.ohchr.org/en/documents/thematic-reports/ahrc5113-civil-society-space-covid-19-road-recovery-and-essential-role>.

## Civic space and human rights

Civic space is the environment that enables civil society to participate meaningfully in the political, economic, social and cultural life of our societies. In particular, civic space allows individuals and groups – or “civic space actors” – to contribute to policy-making that affects their lives, including by accessing information, engaging in dialogue, expressing dissent or disagreement, and joining together to express their views.

The concept of civic space is based on and incorporates human rights enshrined in legally-binding international instruments. The right to participate in public affairs and to freedoms of expression, thought, association and assembly are protected under international human rights law at all times.<sup>2</sup> An open and pluralistic civic space that guarantees freedom of association, freedom of peaceful assembly, freedom

of opinion and expression, and the right to gain access to information, to provide legal aid and to develop and discuss new ideas in the area of human rights is, in turn, instrumental to the defence of other human rights.<sup>3</sup>

Representatives of civil society, including human rights defenders, journalists and even protesters, are also sources of vital information and feedback that enable States to devise effective, sustainable and gender-responsive policies. Dialogues and exchanges with people and communities, particularly those at risk of being left behind, vibrant debate, and safe and effective channels for people to influence their futures and identify common ground, are a prerequisite for making development and peace sustainable and are key to countering disinformation and fostering trust.

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<sup>2</sup> See in particular the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights – forming the so-called International Bill of Human Rights. Learn more about international human rights law and its sources [here](#).

<sup>3</sup> See A/63/288, annex, para. 2, as well as the Declaration on Human Rights Defenders, adopted by the General Assembly in its resolution 53/144.

## Civic space under pressure

New technologies have helped civil society networks to grow, but they've also given governments excuses to control civil society movements and media freedoms, often under security pretexts.

Civil society actors, who are at the forefront of protecting and promoting human rights, are also facing pushback across the world. Online and off-line attacks on human rights defenders, including journalists and environmental activists, continue and in many places are worsening. In the most extreme cases, human rights defenders have suffered arbitrary detention, torture, enforced disappearance and killings. As many as 320 fatal attacks against human rights defenders, journalists and trade unionists were recorded in 35 countries in 2021.<sup>4</sup>

Global challenges are exacerbating and accelerating these worrying trends. In particular, as a recent resolution from the Human Rights Council recognised,<sup>5</sup> the COVID-19 pandemic aggravated the lack of diversity of participation; determined an increase in attacks, reprisals and acts of intimidation against human rights defenders, including smear campaigns and use of hate speech, both online and offline; brought about shortcomings in access and accreditation processes; and saw the use of legal and administrative measures to restrict civil society activity. In addition, the pandemic led to restrictions on access to resources and on the rights to freedom of peaceful assembly and association and freedom of expression and increased the impact of the digital divide.

Such deterioration of civic space has been further documented in a recently released report which the former High Commissioner presented at the 51st session of the Human Rights Council.<sup>6</sup> The report, prepared on the basis of online surveys of Member States and civil society actors, reports of UN entities and human rights mechanisms, exchanges with key civil society networks and other relevant resources, points to a number of worrying findings, including:

- A decrease of participation in decision-making, which also became, in many cases, less safe and less inclusive due to the massive move to online and digital platforms as the main channels for engagement with civil society and with society at large during the COVID-19 pandemic, and further exacerbated the underrepresentation of women and specific population groups – with efforts by States to find ways to ensure civil society participation and involve civil society in decisions related to COVID-19 responses being the exception;
- Barriers related to access to information and significant interference with the flow of information, which resulted in laws and regulation ostensibly addressing vaguely defined concepts of “fake news”, “false news” and “disinformation” and in control of information in the context of the pandemic that often contravened human rights law, and which were used to intimidate critics, silence dissent and criminalize and arbitrarily restrict the dissemination of information;
- Arbitrary or discriminatory restrictions on the right to privacy, to peaceful assembly and to association in the context of physical distancing and movement restrictions, often related to disproportionate law enforcement measures and practices, such as the use of excessive force on peaceful demonstrations and heavy fines, intimidation and smear campaigns against and the detention of peaceful protesters;
- An increasing lack of resources for civil society at all levels, also due to prohibitive reporting and transparency requirements and voluntary and involuntary diversion, reprioritization and reallocation of resources and funding to address issues related to COVID-19, which particularly impacted medium-sized and small organizations at local and community levels.

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<sup>4</sup> See The UN Sustainable Development Goals Report 2022, available [here](#).

<sup>5</sup> Resolution 47/3.

<sup>6</sup> A/HRC/51/13.

These findings are echoed by research conducted by regional organisations, including in Europe. In particular, the EU Agency for Fundamental Rights undertook dedicated research and conducted online consultations with civil society organizations, documenting the challenges civil society has been facing across the Europe region in three subsequent reports issued in 2018,<sup>7</sup> 2021<sup>8</sup> and 2022.<sup>9</sup> While giving account of efforts in some States to relieve the pressure on civic space and civil society, these reports point at persisting problematic issues. These include increasing intimidation from State authorities and non-State actors on civil society organisations and human rights defenders engaged in social movements and working on sensitive issues such as migration, environmental protection, women's rights, LGBTQI+ rights and anti-racism, as well as (in a few countries) children's rights. Intimidation often materialises in negative narratives, threats and attacks, including an increasing use of abusive litigation (also known by the acronym SLAPPs – Strategic Lawsuits Against Public Participation) against defenders, including

journalists and media actors. Barriers persist to the creation of a conducive legal environment for civil society organisations, especially due to excessively burdensome anti-money laundering and transparency laws, while civil society organisations operate in an unfavourable funding landscape, including in terms of barriers to access funding, restrictions on foreign funding, and unfavourable rules on charitable status in some States. Obstacles to civil society participation in law and policy-making, including as regards access to information, persist, while the COVID-19 pandemic and the measures taken to address it had a profound impact on civic space, especially in relation to the exercise of freedom of assembly and freedom of expression. Against this background, the reports underline the key role civil society plays in fostering a culture of rights across the EU, including by shaping laws and policies, supporting human rights organisations, improving access to justice, accountability and legality, and engaging in tackling disinformation and corruption.

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<sup>7</sup> EU Agency for Fundamental Rights, *Challenges facing civil society organisations working on human rights in the EU* (2018), accessible [here](#).

<sup>8</sup> EU Agency for Fundamental Rights, *Protecting civic space in the EU* (2021), accessible [here](#).

<sup>9</sup> EU Agency for Fundamental Rights, *Europe's civil society: still under pressure - 2022 update* (2022), accessible [here](#).

## The UN's vision for civic space

*“People wish to be heard and to participate in the decisions that affect them. Institutions could establish better ways of listening to people whom they are meant to serve and taking their views into account, especially groups that are frequently overlooked, such as women, young people, minority groups or persons with disabilities.”*

António Guterres, Secretary-General of the United Nations  
Our Common Agenda

### Civil society as key agents of change

The UN civic space vision builds on the acknowledgement that unhindered participation in public life by rights holders and organizations that represent them is not only a fundamental human right, but also improves the effectiveness of political decision-making: when civil society sits at the table, policy-development is more informed, effective and sustainable. Each advance in protecting civic space has therefore a positive ripple effect for communities and individuals and their rights.

This progressive vision of civic space was already firmly embedded in the UN efforts to provide a shared blueprint for peace and prosperity for people and the planet, as reflected in the 2030 Agenda for Sustainable Development, adopted by all UN member States in 2015.<sup>10</sup> Civil society is placed at the core of the 17 Sustainable Development Goals (SDGs) which lie at the heart of the 2030 Agenda, with Goal 16 – an enabler for all other SDGs – seeking in

particular to promote peaceful and inclusive societies by ensuring responsive, inclusive, participatory and representative decision-making; and ensuring public access to information and protecting fundamental freedoms, including through efforts to safeguard the safety of human rights advocates.<sup>11</sup>

A renewed push for the concrete realisation of such vision came from the UN Secretary-General's Call to Action for Human Rights.<sup>12</sup> The Call to Action reaffirmed the promise of the Universal Declaration of Human Rights that the pursuit of fundamental rights and freedoms is at the heart of the work of the UN and made public participation and civic space a priority area. Building on the Call to Action, under the leadership of the Secretary-General, the UN launched in 2020 a system-wide Guidance Note on Protecting and Promoting Civic Space.<sup>13</sup> The Guidance Note, which was informed by a global consultation among civil society actors from around the world led by the UN Human Rights Office,<sup>14</sup> recognizes civil society and civic space as tools for change, whose protection and empowerment benefits society as a whole.

The need for a full implementation of the Call to Action and of the UN Guidance Note on Protecting and Promoting Civic Space have been strongly emphasised by the UN Secretary-General in its report on “Our Common Agenda”, as a means to ensure systematic participation, including of women and other under-represented people and groups, and thus achieve a new equitable and inclusive social contract, built on trust between institutions and the peoples.<sup>15</sup>

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<sup>10</sup> <https://sdgs.un.org/2030agenda>

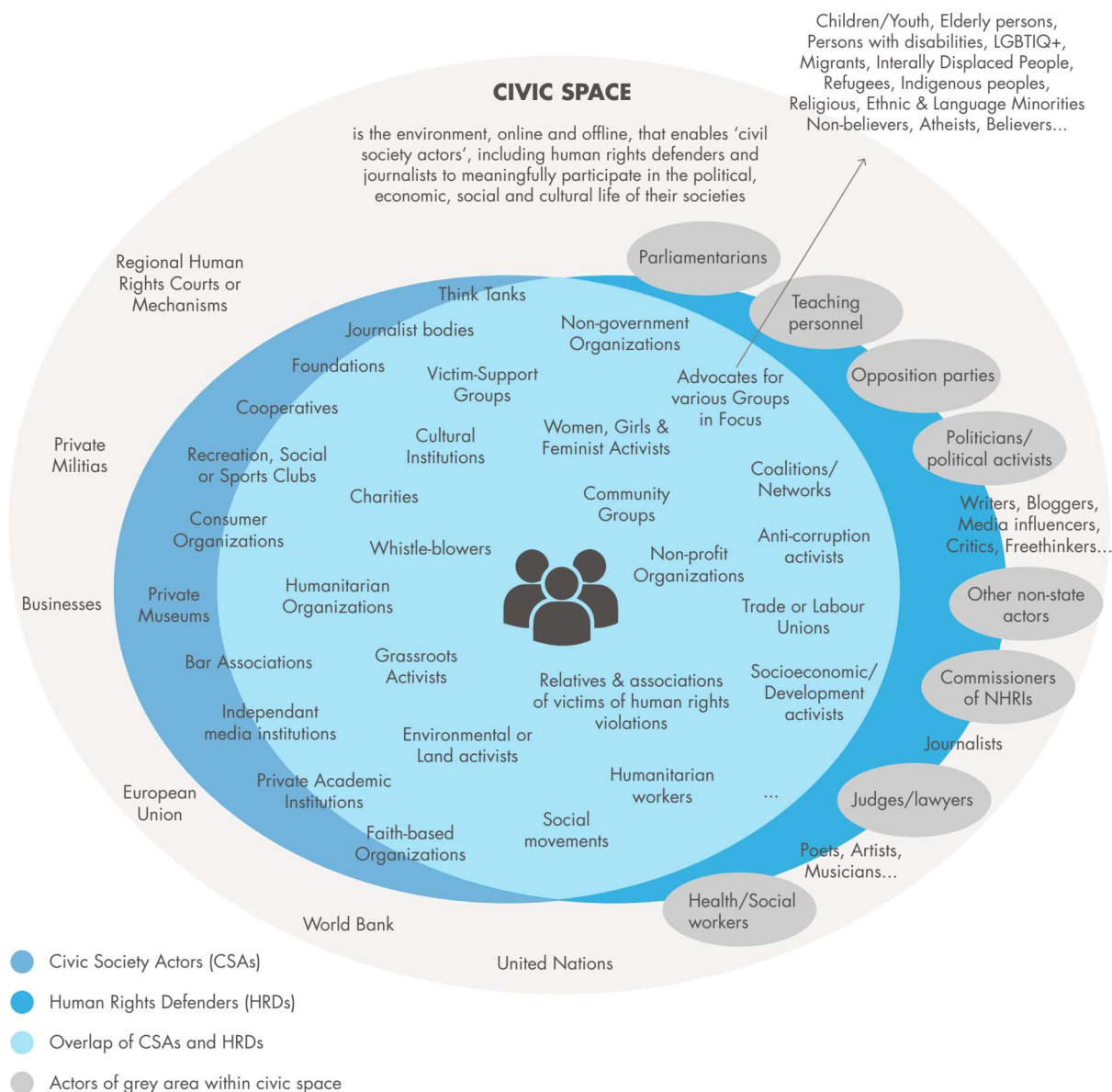
<sup>11</sup> <https://sdgs.un.org>

<sup>12</sup> The Highest Aspiration – A call to action for human rights (2020), accessible [here](#).

<sup>13</sup> United Nations Guidance Note: Protection and Promotion of Civic Space (September 2020), accessible [here](#).

<sup>14</sup> <https://www.sparkblue.org/civicspace>

<sup>15</sup> Report of the UN Secretary General, Our Common Agenda (2021), accessible [here](#).



## Recognizing diversity

People will always look for ways to influence their futures. When there are no obvious channels, they invent one and civil society is diverse – including human rights defenders, women advocates, children, young people, members of minorities and indigenous people, trade unionists and journalists and many others. Civic space thus relies on formal and informal channels through which individuals and groups can play a role in policy-making and contribute to decision-making, as well as to political and peacebuilding processes. Measures to protect and expand civic space must take this diversity into account, while at the same time cater for the needs of specific actors and groups.

## No meaningful participation without a secure and safe environment

As the Guidance Note also recalls, a vibrant civic space requires an open, secure and safe environment. Any restrictions on such a space – including on the freedoms of expression, including access to information, of peaceful assembly and association – must comply with international human rights law. This applies to all restrictive measures, acts of intimidation, harassment and reprisals, whether online or offline. Understanding and addressing the increasing threats and challenges facing civil society actors within the online environment has become particularly urgent.



## Online space is civic space

New technologies and interconnectedness have helped to develop civil society networks and amplify voices that were previously rarely heard. The UN Human Rights Office has been vocal in advocating for steps to improve connectivity and meaningful internet access and for measures to address the digital divide. A recent report by the Office has, for example, alerted about the impact of Internet shutdowns on human rights and on the ability of people to participate in political debates and decision-making.<sup>16</sup>

At the same time, digital technologies have led to new challenges in terms of ensuring online regulation that respects freedom of expression and privacy and have created a fertile ground for online hostilities, including hate speech, disinformation campaigns, doxing and cyberattacks targeting civic space actors. The latest report on privacy in the digital age by the UN Human Rights Office also alerts about how the abuse of intrusive hacking tools (“spyware”) and the widespread digital monitoring of public spaces, both offline and online, coupled with measures adopted

in many States to weaken encryption, pose an increasing threat to rights and democracies, as it can lead to the clamp down on critical or dissenting views and on those who express them, including journalists, political opposition figures and human rights defenders.<sup>17</sup> As the public square has moved online, especially onto social media, securing an enabling online civic space – open, pluralistic and free from threats and attacks, including disproportionate restrictions on freedom of expression and information, as well as hate speech, harassment and surveillance – requires strong and innovative, and yet balanced, responses.

This calls for integrating online protection with offline protection to enable timely responses as well as preventive action, including in terms of responding to online threats to prevent offline attacks and violence. It also requires the mainstreaming of civic space in relevant laws and policies, including efforts to regulate the digital space<sup>18</sup> and to rein in modern networked digital technologies, including artificial intelligence systems,<sup>19</sup> to avoid that they are abused and turned into tools for surveillance, control and oppression.

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<sup>16</sup> Internet shutdowns: trends, causes, legal implications and impacts on a range of human rights, Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/50/55, accessible [here](#).

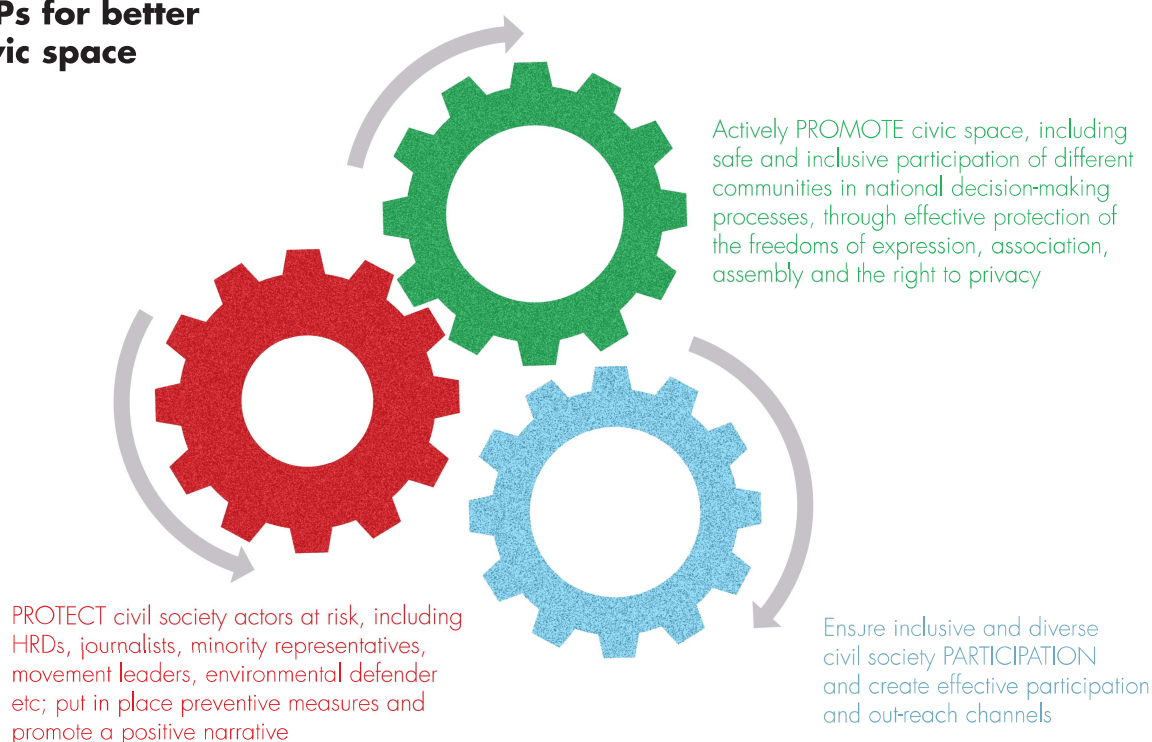
<sup>17</sup> The right to privacy in the digital age – Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/51/17, accessible [here](#).

<sup>18</sup> <https://www.ohchr.org/sites/default/files/Documents/Press/Regulating-online-content-the-way-forward.pdf>

<sup>19</sup> <https://news.un.org/en/story/2021/09/1099972>

## Protecting and expanding the civil society space: the contribution of UN Human Rights

### 3 Ps for better civic space



Building on this progressive UN vision and approach, the Guidance Note articulates a comprehensive approach on protecting and expanding civic space, which is meant to guide civic space efforts of UN agencies, bodies and mechanisms. This approach revolves around the so-called “3 Ps”:

- **Participation:** Ensure inclusive, safe and meaningful civil society participation in UN processes, at global and national levels;
- **Protection:** Contribute to the protection of civil society actors at risk, offline and online (including from intimidation and reprisals for cooperating with the UN) – with particular focus being put on protection networks;
- **Promotion:** Actively promote inclusive, safe and meaningful civil society participation in decision-making and open civic space at the country level, including legal and policy frameworks that facilitate debate online and offline and allow civil society to organize freely.

The UN Human Rights Office has embraced its unique position to leverage international human rights standards and achieve better participation, protection and promotion for civil society at the global and country levels and to inform efforts to protect and expand civic space within the UN system. In particular, the Office works to:

- Support opportunities to improve civic space at country level, while enhancing strategic responses to threats;
- Strengthen good protection practices, including protection networks;
- Raise the visibility and increase support for the work of defenders and influence the narrative;
- Monitor civic space trends and the situation of human rights defenders, and
- Mainstream civic space in the wider UN policies, practices and operational activities.

## Participation

As reaffirmed by the Guidance Note, participation and the right of access to information are a core component of, and inextricably linked to, the right to freedom of opinion and expression. Participation is also a core principle of the human rights-based approach to policy-making. All policy processes that affect peoples' lives should therefore be grounded in fair and transparent rules, channels and processes for inclusive, safe and meaningful participation and access to information at local, national and international levels. Diversity, including gender diversity, should be regarded as a critical component of participation, which may require special efforts to reach out to people and groups whose voices may otherwise not be heard, especially members of ethnic and religious minorities, indigenous peoples, land rights and environmental defenders, young people, children, migrants, refugees, asylum-seekers and stateless persons, persons with disabilities, older persons, women, and LGBTI+ persons.

On this basis, many entities within the UN system, both at headquarters and in the field, were prompted to assess and further renew or implement existing policies on participation, partnerships and access to information, including through the use of safe, accessible and user-friendly online and digital platforms. They also were encouraged to support States in making intergovernmental processes open to civil society participation and ensuring that diverse groups are included in them. The UN Human Rights Office has guided this institutional shift, based on previous work in this area, including the 2018 Report on procedures and practices in respect of civil society engagement with international and regional organizations.<sup>20</sup>

The Office has also produced Guidelines for States on the effective implementation on the right to participate in public affairs<sup>21</sup> which can assist the EU and its member States in operationalizing meaningful participation.

The Human Rights Office has further issued practical guidance to help civil society better understand

how the UN system works and how to identify opportunities to cooperate with relevant bodies and mechanisms.<sup>22</sup> This includes a dedicated Handbook on Working with the UN Human Rights Programme.<sup>23</sup>

The UN Human Rights Office engages with civil society across all countries and themes, in many different ways, including public consultations, surveys and calls for inputs relating to different processes, including reports to intergovernmental bodies, partnerships as well as structured advisory roles.

## Protection

Threats and attacks against civil society actors, online and offline, are a violation of international human rights law which guarantees people the rights to life, physical integrity, liberty and security of person, to participate, and to be free from any undue interference in their enjoyment of freedoms of expression, assembly and association. They also harm the trust between people and government, restrict civic space and run counter to the values and principles of the UN. Efforts to improve protection and to promote civic space offline and online are therefore at the core of what UN Human Rights does, both at headquarters and in mission settings.

The Office speaks out publicly, through the voice of the High Commissioner for Human Rights and representatives in the field, about situations of concern affecting civil society and human rights defenders to condemn instances of violence, discrimination, intimidation or reprisals against them and underline that such practices can never be justified.

The UN Human Rights field presences proactively engage with human rights defenders. They advance their protection through monitoring, reporting and advocacy and by facilitating communication with the international human rights mechanisms. The Office's field presences also empower resilience by civil society actors against attacks, including by supporting, through the work of field presences, litigation and access to justice. In addition, UN Human Rights field presences create space for

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<sup>20</sup> Accessible [here](#).

<sup>21</sup> Accessible [here](#).

<sup>22</sup> <https://www.ohchr.org/en/resources/civil-society>

<sup>23</sup> Accessible [here](#).

dialogue by acting as a convener. These efforts are often pursued in cooperation with other international and regional actors, including EU institutions and bodies.

The UN Human Rights Office further supports the work of independent UN human rights mechanisms, in particular Special Procedures, which have established procedures for the consideration of individual cases and use their mandate to raise concerns and public awareness about situations where human rights defenders are at risk, through, among others, thematic reports, public statements and communications to governments. Reference goes, in particular, to the Special Rapporteur on Human Rights Defenders,<sup>24</sup> who monitors the implementation of the UN Declaration on Human Rights Defenders and relevant resolutions and decisions of the Human Rights Council and the UN General Assembly. Other mechanisms also routinely address questions related to civic space within their country or thematic mandates, including the Special Rapporteur on the rights to freedom of peaceful assembly and of association,<sup>25</sup> the Special Rapporteur on Freedom of Opinion and Expression,<sup>26</sup> the Special Rapporteur on violence against women,<sup>27</sup> the Special Rapporteur on counter-terrorism and human rights,<sup>28</sup> the Special Rapporteur on Human Rights and the environment,<sup>29</sup> or the Special Rapporteur on the human rights of migrants.<sup>30</sup>

By supporting the Secretary-General and Assistant Secretary-General for Human Rights, the UN Human Rights Office also leads UN efforts to monitor, prevent

and address intimidation and reprisals against those who cooperate with the UN.<sup>31</sup> This includes the documentation of trends and cases reflected in annual reports<sup>32</sup> submitted to the Human Rights Council and guidance to better prevent and address intimidation and reprisals globally and at country level, as well as highlighting specific incidents and concerns.<sup>33</sup>

The Office also supports and participates in global and country-specific monitoring of the enabling environment for civic space, facilitating the collection and exchange of relevant data, including on the killings and disappearances of Human Rights Defenders, also as a means to monitor the implementation of the SDGs.<sup>34</sup>

The UN Human Rights Office is equally very active in advocating and providing guidance and assistance relating to responding to threats and protect civil society actors from attacks, both online and offline, and in supporting the development of integrated protection networks at international, regional and national level. This work may have a thematic relevance: for example, the Office recently developed specific guidance on protecting actors who provide rescue and other assistance in the context of migration, against the background of a worrying trend of violence, retaliation, criminalisation and other kinds of pressure and arbitrary action by State or non-State actors on civil society organisations, activists and human rights defenders engaging in such activities.<sup>35</sup>

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<sup>24</sup> <https://srdefenders.org/>

<sup>25</sup> <https://www.ohchr.org/en/special-procedures/sr-freedom-of-assembly-and-association>

<sup>26</sup> <https://www.ohchr.org/en/special-procedures/sr-freedom-of-opinion-and-expression>

<sup>27</sup> <https://www.ohchr.org/en/special-procedures/sr-violence-against-women>

<sup>28</sup> <https://www.ohchr.org/en/special-procedures/sr-terrorism>

<sup>29</sup> <https://www.ohchr.org/en/special-procedures/sr-environment>

<sup>30</sup> <https://www.ohchr.org/en/special-procedures/sr-migrants>

<sup>31</sup> <https://www.ohchr.org/en/reprisals>

<sup>32</sup> <https://www.ohchr.org/en/reprisals/annual-reports-reprisals-cooperation-un>

<sup>33</sup> See for example UN Human Rights, *Lethal Disregard. Search and rescue and the protection of migrants in the central Mediterranean Sea* (2021), accessible [here](#).

<sup>34</sup> See in particular SDG indicator 16.10.1 – number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates.

<sup>35</sup> UN Human Rights and Global Migration Group, *Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations*, accessible [here](#).

## Promotion

A vibrant and free civic space, offline and online, is at the core of any healthy and resilient society. In accordance with international human rights law, any measures by States to limit the rights to freedom of opinion and expression, peaceful assembly and association and the right to participate in public affairs must be non-discriminatory, prescribed by law, proportional to the purpose and have a legitimate aim. To ensure that these rights are enjoyed effectively in practice, there have to be channels for safe, non-discriminatory, inclusive, meaningful and effective participation in the conduct of public affairs at all levels.

To achieve meaningful participation, comprehensive strategies are needed to strengthen the civil society framework, nurturing the notion of civic space as a public good and promoting a rights-based approach.

The UN Human Rights Office supports States in strengthening legal frameworks, policies and practices with a view to facilitating access to information, debate, dialogue for all.

The Office does so by strategizing to expand civic space and to address gaps, online and offline, and help to build broad civic space coalitions; for instance, the Office is supporting protection networks for human rights defenders in different parts of the world, in particular in the Americas, the Pacific and in East Africa.

The UN Human Rights Office also regularly provides policy advice, capacity development and technical assistance to States to secure adequate legal and policy frameworks that facilitate debate online and offline and allow civil society to organize freely and safely – as recent examples on moderating online content<sup>36</sup> and regulating artificial intelligence systems<sup>37</sup> illustrate. Such efforts also are reflected in general guidance documents such as, for example, the 2018 Guidelines on the effective implementation of the right to participate in public affairs,<sup>38</sup> and the related 2022 report on good practices and challenges.<sup>39</sup> Targeted guidance is also regularly provided by field presences on the development of targeted strategies adjusted to particular contexts, such as political or post-conflict transitions.

The Office further supports civil society in providing assistance to victims of human rights violations, in particular through the UN Voluntary Funds for Victims of Torture and Contemporary Forms of Slavery, which assist victims through grants to civil society actors.<sup>40</sup>

The UN Human Rights Office has also been promoting positive narratives to build support for civic space and participation, through strategic campaigns to publicly recognize the important role and legitimacy of the work carried out by civil society,<sup>41</sup> as well as efforts to leverage the convening role of the UN between states, businesses and different segments of civil society.

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<sup>36</sup> <https://www.ohchr.org/sites/default/files/Documents/Press/Regulating-online-content-the-way-forward.pdf>

<sup>37</sup> <https://news.un.org/en/story/2021/09/1099972>

<sup>38</sup> Accessible [here](#).

<sup>39</sup> Accessible [here](#).

<sup>40</sup> For more information, see <https://www.ohchr.org/en/about-us/funding-and-budget/trust-funds/united-nations-voluntary-trust-fund-contemporary-forms-slavery>.

<sup>41</sup> See for example the Human Rights Defenders campaign, carried out jointly with the EU, and the #StandUp4Migrants campaign to challenge and reframe harmful narratives on migrants and migration and those who rescue, assist and welcome migrants.

## A civic space recipe for fostering trust: key elements and recommendations to EU actors

Building on previous recommendations for the creation and maintenance of a safe and enabling environment for civil society,<sup>42</sup> the recent OHCHR report on civic space identified three areas where States and, as appropriate, other actors, should urgently make, and systematically measure and report, progress. Such

“civic space recipe for fostering trust” would be made of: investments in inclusive and diverse participation; measures providing the space and means for an empowered civil society and vibrant debate; and efforts to ensure a protective environment for civil society.<sup>43</sup>

Key concrete steps for a civic space recipe for fostering trust:

### **Inclusive and diverse participation**

- Promote representation of a variety of constituencies and voices and views in decision-making at all levels;
- Tackle barriers to representation of diverse communities and concerns, including those at risk of being left behind;
- Build trust with civil society by creating channels and platforms for exchange, including at the grass-roots level;
- Invest in making Internet access available more widely, support civil society in acquiring and using new technologies and recognize and address the barriers posed by age and gender and digital divides;
- Leverage technologies to reach constituencies, while enabling and institutionalizing meaningful online participation in hybrid meetings.

### **Empowered civil society and vibrant debate**

- Enable civil society, including the academic community and media, to operate freely and without discrimination;
- Facilitate vibrant debate offline and online, including of controversial measures and restrictions, and recognize and enable peaceful protests and assemblies as a legitimate form of participation;
- Make long-term, flexible funding for civil society available;
- Empower and support civil society to carry out monitoring and ensuring government accountability;
- Ensure transparency, media pluralism and access to information to counter disinformation.

<sup>42</sup> See A/HRC/32/20, *Practical recommendations for the creation and maintenance of a safe and enabling environment for civil society, based on good practices and lessons learned - Report of the United Nations High Commissioner for Human Rights*, accessible [here](#).

<sup>43</sup> [A/HRC/51/13](#), cited.

## Protective environment for civil society

- Recognize and celebrate the key role of a pluralistic civil society at all levels, from global to local, including journalists, whistle-blowers, academia and human rights defenders;
- Take measures to protect privacy and refrain from using and exporting surveillance technologies;
- Refrain from, prevent and respond to online and offline threats aimed at silencing dissent, persecuting critical voices, organizing smear campaigns against and attacking the diversity of civil society actors;
- Establish effective protection mechanisms and protocols to respond to attacks against those who speak up, ensure that protection responses take into account the online dimension and equip those mechanisms so they are gender-responsive and can address the specific contexts and needs of different groups and communities;
- Integrate risk assessments and safeguards, through a human rights and civic space lens, in all grants and programmes that promote or affect civil society participation.

At the regional level, as also observed by the EU Agency of Fundamental Rights in its latest report on civic space in the EU,<sup>44</sup> positive steps are being taken by a number of States to set up policy frameworks to secure a conducive environment for the development of the civil society sector and to strengthen cooperation between public authorities and civil society actors at country level. States-led initiatives to foster discussions at regional and international level on challenges facing civil society and how to address them are also to be noted.<sup>45</sup> The EU has also taken a number of steps to raise awareness about the role of, and challenges faced by, civil society in promoting and protecting human rights, democracy and the rule of law,<sup>46</sup> strengthen monitoring of civic space restrictions in the EU<sup>47</sup> and encourage member States

to take action to address them;<sup>48</sup> address certain problematic national laws and practices;<sup>49</sup> promote protection measures, in particular against SLAPPs;<sup>50</sup> and support civil society work through increased funding opportunities.<sup>51</sup>

However, more needs to be done to effectively address the documented regression of space for civil society within the region, and the EU holds a key position to drive further progress in line with international human rights standards.

Using the UN Guidance Note on Protecting and Promoting Civic Space as a source of inspiration, the EU could develop a comprehensive framework for the protection and promotion of civic space within the

<sup>44</sup> EU Agency for Fundamental Rights, *Europe's civil society: still under pressure - 2022 update* (2022), cited.

<sup>45</sup> See, for example, Belgium's 2019 [study and seminar on "Claiming back civic space"](#) and 2023 ["Civic Space Fund" initiative](#) or the ["UNmute civil society" campaign](#) led by Denmark and Costa Rica.

<sup>46</sup> [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_22\\_7521](https://ec.europa.eu/commission/presscorner/detail/en/ip_22_7521)

<sup>47</sup> [https://ec.europa.eu/info/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/rule-law-mechanism\\_en](https://ec.europa.eu/info/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/rule-law-mechanism_en)

<sup>48</sup> <https://www.consilium.europa.eu/en/press/press-releases/2023/03/10/fundamental-rights-council-approves-conclusions-on-the-role-of-the-civic-space/>

<sup>49</sup> See for example the case brought before the Court of Justice of the EU, C-78/18, European Commission v Hungary (press release accessible [here](#)).

<sup>50</sup> [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_22\\_2652](https://ec.europa.eu/commission/presscorner/detail/en/ip_22_2652)

<sup>51</sup> See among others the new [Citizens, Equality, Rights and Values Programme](#) and the [Neighbourhood, Development and International Cooperation Instrument](#).

region. Such framework could address the following priorities related to civil society participation, protection and promotion, while devoting attention to the needs of specific actors and groups:

- **The empowerment of civil society actors**

Empowerment should not only be limited to financial support. Political leaders and public figures should also empower civil society by positively acknowledging their role and legitimacy and celebrate their contributions to human rights, democracy and peace. The EU could support such empowerment by promoting positive narratives on civil society and its contribution to human rights and democracy, based on a broad and comprehensive understanding of civic space.

- **A safer environment**

The safety and security of civil society actors are paramount. The EU could urge and support the developments of stronger monitoring and protection measures at national and regional level to prevent and ensure accountability for attacks against individuals and groups at risk. Such efforts should duly take into account the need for increasing and emerging online threats to be met with innovative and more effective responses, to be embedded in relevant rules regulating the digital environment.

- **Inclusive, effective, well-coordinated and sustainable civil society participation**

Meaningful participation requires enabling and inclusive channels to reach out to civil society actors and the groups and communities they represent. Building on the EU's commitment

to civil dialogue,<sup>52</sup> and drawing on the UN Human Rights Guidelines for States on the effective implementation on the right to participate in public affairs, the EU could set standards so that national and regional processes and fora guarantee such enabling and inclusive participation channels.

- **A favourable regulatory framework**

States, as duty-bearers under international human rights law, should adopt a favourable regulatory framework that enables civil society actors to carry out their work freely and safely. This includes ensuring that organisations and defenders are not criminalised, penalised or subject to arbitrary action by State or non-State actors as a consequence of their work. The EU could explore how to best use its legislative<sup>53</sup> and enforcement powers to ensure that States implement their international obligations regarding the protection of civil society actors and the promotion of civic space in accordance with the international human rights treaties they ratified and the recommendations by international and regional human rights mechanisms.

A healthy, free and open civic space is an essential component of human rights, democracy and the rule of law. Renewed efforts by the EU to promote a safe and enabling environment for civil society actors within the region can help prevent the deepening of political and societal divisions and strengthen the EU's ability to stand up for human rights on the international scene. The UN Human Rights Office stands ready to step up cooperation and synergies with EU and other regional bodies to support such efforts and progress, together, towards this common goal.

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<sup>52</sup> Article 11 of the Treaty on European Union.

<sup>53</sup> See, to that effect, the proposal by the European Parliament for the EU to adopt common standards for cross-border non-profit organisations and a common legal status for associations and non-profit organisations at EU level, 2020/2026(INI), accessible [here](#).





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