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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Importance of the rights to freedom of peaceful assembly and of association in advancing sustainable peace and democratic transitions

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule, submitted in accordance with Human Rights Council resolutions [15/21](#), [32/32](#), [41/12](#) and [50/17](#).

* [A/78/150](#).



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

Summary

In the present report, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule, highlights the critical role the rights to freedom of peaceful assembly and of association play in ensuring inclusive peace and democratic transition processes. The Special Rapporteur also highlights the vital contributions by civil society and movements in building sustainable peace and democratic transitions and identifies key barriers and challenges. The Special Rapporteur recommends measures that all stakeholders can take to enable, promote and support the inclusion of diverse civil society in all phases and decision-making for such processes to ensure that peace and democratic transitions are sustainable and just.

I. Introduction

1. The present report aims to shed light on the importance of the promotion and protection of the rights to freedom of peaceful assembly and of association for achieving inclusive and sustainable peace and democratic transition. Activists, civil society, human rights defenders and protest and social movements, including women human rights defenders and women peacebuilders, have made vital contributions towards conflict resolution, conflict prevention, peacebuilding and democratic transitions. The effective and safe exercise of these rights is critical for creating an environment conducive for peacemaking and for peaceful transition.

2. The safe and full enjoyment of these rights is vital for facilitating the participation and inclusion of a broad spectrum of voices and segments of society. This is important for the credibility and legitimacy of peace and transition processes and for ensuring local ownership and trust. These rights often provide the only available option for those who live in post-conflict and fragile contexts to raise their voices; and they are an important avenue for women, victims, youth and marginalized groups, who are otherwise often excluded from these processes, to voice their grievances and concerns.

3. The fulfilment of the rights to freedom of peaceful assembly and association enable individuals and groups to bring local grievances to the attention of peacemakers and the international community, which, if they are addressed, can help to resolve the root causes of conflict and prevent furthering or resurging of conflicts. As such, the free enjoyment of these rights provide a valuable opportunity for States and international actors involved in peace and transition processes to address the grievances of affected communities. They also provide opportunities to overcome entrenched inequalities, discrimination and exclusion, which prohibit some individuals or groups from accessing decision-making processes, including those in place during transitions. These are the prerequisites for sustainable peace.

4. These rights are furthermore important for ensuring the checks and balances in peace and transitional processes that are otherwise weak or missing in conflict, post-conflict and transitional societies. Through the exercise of these rights, communities can help to shape and inform more credible mediation and negotiation processes, as well as constitution-making and democracy transition processes, that are more likely to achieve sustainable and rights-guaranteeing outcomes. These rights also enable affected groups to provide feedback on the ongoing peace and transition processes and outcomes and ensure that commitments are followed through. The effective exercise of these rights is vital for building and restoring trust between the holders of power and affected communities.

5. The present report comes at a time of global insecurity and a spread of violent conflicts, democratic backsliding, military coups and, in some countries, armed groups taking power, leading to serious human rights violations and repression. It seeks to contribute to the realization of the obligations grounded in international law and international commitments related to prevention and inclusion, reaffirmed as key priorities by the Secretary-General in his New Agenda for Peace.¹

6. The report focuses on States that are undergoing conflict resolution, mediation and negotiation processes for ending conflicts or the implementation of peace and political agreements or transitions to peaceful and democratic governance systems, including constitution-making.

¹ United Nations, Our Common Agenda policy brief No. 9: a New Agenda for Peace, July 2023.

7. For the purpose of the present report, the Special Rapporteur employs a definition of civil society that includes any type of rights-defending civil association and protest or social movement. Such associations are often task-oriented; they aim to support public interests and human rights and perform a variety of services and humanitarian functions, including bringing citizens' concerns to governments, monitoring policies and encouraging political participation at the community level. They includes loose and unregistered associations, informal and community-based or traditional groups, social movements, civil resistance, civil disobedience and civic groups, including women human rights defenders, women peacebuilders and youth, among others.

Methodology

8. The present report is based on in-depth consultations with international and local civil society involved in promoting and implementing the women and peace and security agenda and engagement with peacebuilding initiatives, including at the community level. It draws from recent regional consultations and regular engagements by the Special Rapporteur with civil society, victims' groups and government stakeholders from conflict, post-conflict and transitional contexts, as well as from relevant communications sent by the Special Rapporteur² to States, including States undergoing recent and ongoing peace and democratic transitional processes. It further draws from written submissions and from a global workshop held by the Special Rapporteur with human rights and peacebuilding actors during Geneva Peace Week in 2022.

II. Conceptual framework

9. The rights to freedom of peaceful assembly and of association and participation in public life are guaranteed by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. These rights enable the very existence of civil society, allow pluralist expression in political systems and offer choice in popular representation.³ Associations and other public interest groups act as the mediums of civic and political expression and serve as a bridge between communities and authorities. These rights facilitate the inclusion of the broader population in peace and transition processes. The Human Rights Council has underlined that respect for the rights to freedom of peaceful assembly and of association contributes to addressing and resolving challenges and problems that are important to society, including achieving sustainable development, the empowerment of women, social justice and the realization of all human rights.⁴

10. Inclusion is grounded in the human rights principle of non-discrimination, which is enshrined in the Charter of the United Nations (Article 1 (3)), the Universal Declaration of Human Rights (including article 2), the International Covenant on Civil and Political Rights (including articles 2, 3 and 25), general comment No. 28 (2000) of the Human Rights Committee, the International Covenant on Economic, Social and Cultural Rights (including articles 2 and 3) and the Convention on the Elimination of All Forms of Discrimination against Women (in particular articles 7 and 8). Inclusion, empowerment and equality are priorities set in the 2030 Agenda for Sustainable Development, and a pamphlet issued by the Office of the United Nations High Commissioner for Human Rights (OHCHR) states that inclusion is not only

² The communications of the Special Rapporteur are available at <https://spcommreports.ohchr.org>.

³ See Human Rights Committee, general comment No. 37 (2020), paras. 9 and 100.

⁴ See Human Rights Council resolutions 24/5, para. 5, and 21/16, para. 4.

about including those who are traditionally excluded but must also be about dismantling the many forms of discrimination that contribute to the persistent marginalization of groups on the basis of arbitrary distinctions, such as their age, their gender or the colour of their skin.⁵

11. Inclusion has also been recognized as a norm in peacebuilding, conflict prevention and transition policies. It has been re-emphasized in numerous United Nations resolutions and documents, such as by the Secretary-General in his New Agenda for Peace. In his report on peacebuilding in the aftermath of conflict in 2012, the Secretary-General stated that a successful peacebuilding process must be transformative and create space for a wider set of actors – including, but not limited to, representatives of women, young people, victims and marginalized communities; community and religious leaders; civil society actors; and refugees and internally displaced persons – to participate in public decision-making on all aspects of post-conflict governance and recovery.⁶ Inclusion is also integral to the Secretary-General’s view of prevention of armed conflict, namely full inclusion and women’s empowerment at the table at all levels. This was also strongly advocated in the joint United Nations–World Bank conflict prevention report on pathways for peace, which notes that inclusion is key and preventive action needs to adopt a more people-centred approach that includes mainstreaming citizen engagement.⁷ Security Council resolutions on women and peace and security, in particular 1325 (2000), 2467 (2019) and 2493 (2019), and its resolutions 2250 (2015), 2419 (2018) and 2535 (2020) on youth and peace and security represent key commitments to the inclusion of women and youth.

12. The Special Rapporteur further notes the consistent commitments made by the international community and the United Nations towards ensuring inclusion and the full participation of civil society in peace processes and democratic transitions.⁸ In the past 10 years, the United Nations has led and supported peace and transition processes in a number of countries, including Afghanistan, the Democratic Republic of the Congo, Haiti, Libya, Mali and the Sudan, while emphasizing the need for critical stakeholders like civil society and non-governmental organizations (NGOs) to be included.⁹

13. Furthermore, the fundamental role and contribution of civil society and NGOs, including women’s organizations, is acknowledged in post-conflict peace processes.¹⁰ Both the Security Council and the General Assembly have emphasized the important role that women and civil society, including women’s organizations and formal and informal community leaders, play in exerting influence over parties to armed conflict, and both have reiterated the continuing imperative of increasing the participation of women at all stages of mediation and post-conflict resolution, including by increasing the consideration of gender-related issues in all negotiations pertinent to conflict

⁵ OHCHR, “Empowerment, inclusion, equality: accelerating sustainable development with human rights” (available at www.ohchr.org/sites/default/files/Documents/Issues/MDGs/Post2015/EIEPamphlet.pdf).

⁶ A/67/499-S/2012/746, para. 36.

⁷ United Nations and World Bank, *Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict* (Washington, D.C., World Bank, 2018).

⁸ A/76/668-S/2022/66 and A/76/668-S/2022/66/Corr.1, para. 46; and A/72/707-S/2018/43, paras. 6 and 59.

⁹ See resolutions 2626 (2022), 2489 (2019) and 2210 (2015) on Afghanistan; resolutions 1493 (2003) and 2666 (2022) on the Democratic Republic of the Congo; statement by the President of the Council S/PRST/2021/7 (2021) and resolution 2476 (2019) on Haiti; resolution 2259 (2015) on Libya; resolution 2640 (2022) on Mali; and resolution 2579 (2021) on the Sudan.

¹⁰ Security Council resolution 1645 (2005), para. 21.

prevention.¹¹ Women’s organizations have also been considered as pivotal in disarmament, non-proliferation and arms control.¹² Other United Nations human rights bodies, such as the Committee on the Elimination of Racial Discrimination¹³ and the Committee on the Elimination of Discrimination against Women,¹⁴ have emphasized the role of associations and women’s organizations in facilitating conflict prevention and promoting reconciliation and peace.

14. The Special Rapporteur emphasizes the responsibilities and obligations of de facto authorities in their position as a duty bearer, in control over territory and exercising government-like functions, to respect and protect international human rights law, international humanitarian law and humanitarian principles.¹⁵ The Security Council, the General Assembly and the Human Rights Council have contributed to the gradual closing of the gap in human rights protection, acknowledging that, at a minimum, armed non-State actors exercising either government-like functions or de facto territorial control over a population, must respect and protect the human rights of individuals and groups.¹⁶ This includes respecting and protecting the rights to freedom of peaceful assembly and of association, including with regard to the inclusion and participation of civil society in peace and post-conflict transitional processes.

III. Critical contributions of civil society and movements to building sustainable peace and democratic transitions

15. Civil society organizations and movements, including women’s associations, have been an essential part in bringing an end to conflict, such as in advocating peace, and in encouraging parties to negotiate and end violence. The Special Rapporteur, through his engagement with various stakeholders across different regions of the globe, has observed that in the exercise of their rights to freedom of peaceful assembly and of association, these movements and associations have played at least seven key roles in peacebuilding and democratic transitions, namely: protection and service delivery; monitoring and early warning; mobilization and agenda setting; socialization and sensitization; direct representation at the negotiating table; and participation in transitional justice and accountability processes.

A. Protection and service delivery

16. Civil society actors, including women peacebuilders, have contributed to protection of civilians affected by armed conflict, including by negotiating peace zones, where arms are not allowed, and engagement in initiatives such as de-mining, disarmament and demobilization, especially when State programmes are severely debilitated.¹⁷ Civil society women have been critical in providing life-saving support and protection for women victims of sexual and gender-based violence and have

¹¹ Security Council resolutions [2171 \(2014\)](#), para. 18, and [1325 \(2000\)](#), paras. 2, 6 and 8, and General Assembly resolution [70/304](#), para. 18.

¹² General Assembly resolution [71/56](#).

¹³ Committee on the Elimination of Racial Discrimination, general recommendation No. 27 (2000), para. 14.

¹⁴ See [CEDAW/C/CYP/CO/6-7](#), para. 24.

¹⁵ See [A/HRC/38/44](#), paras. 4–8.

¹⁶ OHCHR, “Joint statement by independent United Nations human rights experts on human rights responsibilities of armed non-State actors”, 25 February 2021.

¹⁷ Thania Paffenholz, “Civil society and peacebuilding”, in *Inclusive Peacebuilding: Recognised but not Realised*, Development Dialogue series, No. 63 (Uppsala, Dag Hammarskjöld Foundation, December 2015), p. 110.

helped to bring an end to such abuses, which particularly thrive in conflict situations. This has also enabled women to be proactively involved in positive peace processes.

17. Moreover, as armed conflict typically affects the viability of State structures, populations experience gaps in accessing essential services. Accordingly, in such circumstances, civil society organizations and associations have been instrumental in providing aid and social services to support war-affected populations as well as the reconstruction of the State and society.¹⁸ In this regard, service delivery has had an impact on peace processes, especially through creating entry points for positive peacebuilding by extending networks and engagement across different sectors of fractured societies.¹⁹

B. Monitoring and early warning

18. International and local civil society groups have been instrumental in monitoring human rights situations and the implementation of agreements and in providing recommendations and information to critical decision-makers and other relevant stakeholders.²⁰ Civilian monitoring missions have been instrumental in this regard, from the international Peace Monitoring Group on Bougainville in Papua New Guinea, to the local monitoring teams in Mindanao, in southern Philippines, where indigenous civil society groups were significantly involved. Peace agreements increasingly contain provision for monitoring, whether by international or national organizations. Indeed, civil society plays an especially significant role in guaranteeing that peace processes and similar political agreements tackle the structural injustices that fuelled the conflict.²¹ Monitoring is important in two ways: first it facilitates a transparent and accountability framework, where governments and armed non-State actors (especially de facto authorities) can be accountable for human rights violations and abuses; and secondly, it serves as an early warning system, especially where peace arrangements could be on the brink of collapse.²²

19. Concerning women's associations, efforts in East and Central Africa aimed at early warning training for women (as monitors, data analysts, mediators and data collectors) to equip them to participate effectively in positive peacebuilding processes have been particularly encouraging. This has been critical in ensuring that women and women's issues are not missed in the discussion and implementation of sustainable peace processes.

C. Mobilization and agenda setting

20. Civil society organizations and associations play a fundamental role in setting the agenda and in the application of political pressure, including through mobilization, for peacebuilding processes to move forward in a credible and inclusive fashion. Moreover, civil society groups have played a key part in advocating dialogue

¹⁸ Ibid., p. 113.

¹⁹ In Somalia, given the considerable challenges to governance on the part of failed State institutions, service delivery has been one of the main activities carried out by civil society, including by Islamic charities. This has been especially successful in providing access points for protection, social cohesion and peacebuilding across society.

²⁰ Celia McKeon, "Civil society: participating in peace processes", in *People Building Peace II: Successful Stories of Civil Society*, Paul van Tongeren and others, eds. (Boulder, Colorado, Lynne Rienner Publishers, January 2005).

²¹ Ibid.

²² For example, the joint early warning initiative between the Office for the Coordination of Humanitarian Affairs of the Secretariat, the Economic Community of West African States and a regional NGO peace network to conduct early warning in West Africa.

as an alternative to armed violence, which has been pivotal in terms of the decisions of parties to armed conflict (State and non-State actors) that are contemplating peace negotiations. Through public advocacy and protest, these organizations and associations have audibly reflected the position of society on particular conflicts, including its profound interest in peaceful transitions and democratic processes. In Iraq, for example, women's civil society associations and movements have been involved in advocacy for legislative reform, both directly with government and also through robust engagement with women's and other civil society organizations.

21. Furthermore, through peaceful assembly and engagement, as societally grounded and representative associations, these movements have stimulated robust public mobilization and engagement for peace, including through demonstrations, petitions and media campaigns. Women's associations have been vital in pushing the agenda for women's inclusion and legislative reform in peace processes through protest and civil disobedience, and have also led national movements to remove authoritarian regimes, seeking better protection of human rights, minority rights and justice for victims. The women-led movement in the Sudan that pushed for democratic transition and reforms and led to the removal of the authoritarian Al-Bashir regime, was a pivotal moment in Sudanese history.

22. Moreover, groups that retain a level of moral authority in society, like religious leaders or elders, have harnessed their influence to foster public calls for peace. Through demonstrations, these groups have been effective in shaping the narrative of peace processes, including in amplifying the voice of affected and fractured populations.

D. Socialization and sensitization

23. Civil society associations and social movements have played an important role in providing awareness of peace and transition processes within populations going through post-conflict and democratic transition. Such efforts have included national and inclusive consultations with people at the community and grass-roots level to ensure that their voices and concerns are taken into account during the peacebuilding process.

24. Through such engagements, civil society has created platforms for peaceful groups and other similar stakeholders in society to contribute their views on the central issues being discussed in the formal negotiations between the parties emerging from conflict. In this regard, for example, in Guatemala in the process leading up to the peace accords in 1996, the Grand National Dialogue and Civil Society Assembly identified the drivers of conflict and, therefore, proposed generally agreed documents, representative of national interests on the central issues being addressed in the peace negotiations.

25. Awareness platforms have been pivotal in fostering community sensitization and engagement, including on issues that are critical to specific sectors of society, such as women. This has been the case in particular with women's associations and NGOs establishing platforms on matters such as honour killing of women and domestic abuse in post-conflict Iraq. These associations have created new spaces for conversation between groups with widely varied beliefs and hopes in the process and ushered in the participation of marginalized groups.²³

²³ Paffenholz, "Civil society and peacebuilding", p. 111.

E. Facilitation and mediation

26. Civil society and movements, including women's associations and peacebuilders, have been involved in bringing previously warring parties together in peace and transition processes.²⁴ Civil society organizations, especially local ones, have been instrumental in complementing State and leadership level negotiations by providing access within communities and greater flexibility for robust engagement.²⁵

27. Dialogue initiated by civil society is important in building buy-in and consensus between fractured communities, aiding the identification and resolution of the drivers of conflict. This can benefit the affected communities and build confidence between the conflicting parties, providing avenues for problem solving between the conflicting parties in advance of negotiations.²⁶ As entities that are generally without partisan bias, the involvement of civil society as mediators and facilitators of negotiation has provided credence to the outcome, making such peace processes more likely to be sustainable. For example, the religious movement Community of Sant'Egidio and the Catholic Archbishop of Beira in Mozambique were pivotal in getting the warring sides to accept mediation, which was central in brokering peace between the Mozambique Liberation Front (Frelimo) and the Mozambique National Resistance (RENAMO).

F. Direct representation at the negotiating table

28. Avenues for representative forms of decision-making, particularly on addressing the drivers of conflict, have offered opportunities for civil society groups that possess public support to have a place at the negotiating table alongside the main parties to conflict.²⁷ In fractured societies, these representative avenues for decision-making are pivotal in fostering inclusive, positive and sustainable peace processes, which can be acknowledged and supported by the breadth of society.²⁸ Indeed, the inclusion of civil society at the negotiating table has increased the perceived legitimacy of peace processes.

29. Accordingly, it is clear from the mandate holder's engagement with various stakeholders that people grappling with the challenging post-conflict transition to democracy yearn to be part of the conversation about the future of their societies and States. Having a seat at the table during such critical moments has brought a variety of voices to the negotiation process and fostered the contribution of different perspectives and expertise – especially from those whose opinions are never usually heard or considered. In addition, where there is no active participation in the negotiations, observer status has been granted to civil society groups or international and local NGOs.²⁹ In this way, civil society has shone a light on grass-root concerns and priorities, providing solutions germane to the local needs and realities of the societies in transition, and ensured that human rights are protected.

²⁴ Soliman M. Santos, Jr., "The role of civil society in peace processes in the South and South East Asian regions", background paper No. 4d (Centre for Humanitarian Dialogue, 21 November 2005), p. 3.

²⁵ McKeon, "Civil society: participating in peace processes".

²⁶ Ibid.

²⁷ In Northern Ireland, such representative avenues provided space for 10 political parties and a women's association called the Northern Ireland Women's Coalition to have a seat at the negotiating table, representing the interests and concerns of their constituency.

²⁸ McKeon, "Civil society: participating in peace processes"; and Santos, "The role of civil society in peace processes", p. 4.

²⁹ In Liberia (2003), Sierra Leone (1996), the Solomon Islands (1991) and Burundi (1996–1998), observer status was most closely associated with the monitoring and advocacy functions.

30. Civil society organizations and pro-democracy movements in the exercise of peaceful assembly and association in the context of peacebuilding processes have been pivotal in placing the people in focus and at the very core of decision-making and positive strategies for peace. This strengthens accountability and human rights protection and provides avenues for ownership, monitoring and continual support for the sustainable peace achieved in society.

G. Ensuring transitional justice and accountability

31. Civil society is critical in advocating accountability of and effective sanctions against perpetrators of serious violations. By promoting respect for internationally agreed standards, civic actors can help to ensure that peace agreements do not perpetuate injustice, discrimination or a climate of impunity.

32. It has been restated variously that lasting peace is interlinked with justice, development and respect for human rights, including the rights to freedom of peaceful assembly and of association. Transitional justice and similar accountability processes have continually demonstrated that they can help to address societal grievances and divisions. Indeed, in parts of Asia and the Pacific, civil society has played a pivotal role in debates and conversations on transitional justice options for populations that have gone through violent conflict³⁰ and oppressive political regimes.³¹

33. Importantly, civil society organizations and similar actors have advocated the establishment of criminal trials and truth commissions. Many have committed themselves to monitoring the operations of these processes and strongly supported the need for the adoption and implementation of their decisions and recommendations. In South-East Asia, the operations of the Extraordinary Chambers in the Courts of Cambodia from 2003 demonstrated how civil society can provide advocacy and outreach, thus supporting and advocating increased victim participation in the process, assisting victims in participating in the court and assisting with collective reparations, including remembrance and memorialization, rehabilitation, documentation and education.

34. Moreover, civil society actors have also been instrumental in developing community-based responses to address the legacies of mass violence, with many of them actively engaging with regional and global transitional justice networks to support their work.³²

IV. Exclusion, threats and challenges

35. Despite the growing global consensus and body of evidence supporting that an inclusive peace process is vital for ensuring sustained peace and democratic transitions,³³ civil society, victims' groups, women, youth and marginalized groups continue to face significant structural, social and safety barriers restricting their

³⁰ Christoph Sperfeldt and Jeudy Oeung, "The evolution of Cambodian civil society's involvement with victim participation at the Khmer Rouge trials", in *Civil Society and Transitional Justice in Asia and the Pacific*, Lia Kent, Joanne Wallis and Claire Cronin, eds. (Australian National University Press, 2019).

³¹ Lia Kent, Joanne Wallis and Claire Cronin, "Introduction: civil society and transitional justice in Asia and the Pacific", in *Civil Society and Transitional Justice in Asia and the Pacific*.

³² Lucy Hovil and Moses Chrispus Okello, "Editorial note", *The International Journal of Transitional Justice*, vol. 5, No. 3 (Oxford University Press, November 2011).

³³ United Nations Development Programme, *Implementing Peace Agreements: From inclusive processes to inclusive outcomes?* May 2020; and United Nations and World Bank, *Pathways for Peace*.

meaningful participation. Individuals and groups continue to face growing restrictions and threats for exercising their rights to freedom of peaceful assembly and of association in the context of peace and transition processes, which further undermines public participation and inclusion.

36. The Special Rapporteur reiterates the importance of ensuring that these rights are freely exercised without fear and discrimination during such processes, so they can contribute to solving unaddressed grievances and systemic inequalities and ensure wider participation, including in decision-making. These are important factors for peacebuilding and if unaddressed constitute key drivers of violent conflict.³⁴

A. Exclusion and barriers to participation

37. Many peace and transition formal negotiations and decision-making processes, including those supported by the international community, continue to be exclusive, held behind closed doors, lack transparency or fail to meaningfully include civil society, victims' groups, women, youth and other marginalized segments of society. This practice is contrary to international commitments for ensuring inclusive peace processes, such as those made by the Security Council through the mandates of political and peacekeeping country missions that are actively involved in such processes.³⁵ The direct involvement of civil society and representatives of affected communities in decision-making and in formal mediation and negotiation processes, such as around ceasefire and power-sharing, are very rare.

38. The direct inclusion of civil society continues to be perceived as a hindrance to peace and political negotiation efforts. Often such processes are in practice viewed and approached by States and their international partners as a matter of security, with their main goal being stability, thereby undermining the needs of communities and victims and thus long-term needs for peacebuilding and democratic transition. As such, these processes are often centred around the priorities of power holders and involve mainly the belligerent parties, leaders of armed groups and political and military power holders. They often result in power-sharing agreements and immunity from criminal liability for leaders accused of gross human rights violations, war crimes and crimes against humanity. The absence of civil society in decision-making during peace talks often results in trading away the demands, rights and grievances of affected communities, undermining their legitimate interests and omitting them from the negotiating table and the agreements; and in granting political power and seats in the government to power holders responsible for grave human rights abuses.

39. In Afghanistan, despite numerous commitments made by the United Nations and donor States,³⁶ and the consistent and long-standing calls by women and civil society for guaranteeing an inclusive peace process, women, youth, civil society and victim's groups were, overall, sidelined from the official peace talks. Civil society and women were symbolically represented in some meetings held by the then Government of Afghanistan or the international community,³⁷ but all their calls, including for respect for the Constitution of Afghanistan and the rights of women, were dismissed in the final bilateral peace deal signed between the then Government of the United States of

³⁴ United Nations and World Bank, *Pathways for Peace*.

³⁵ See, for example, Security Council resolution [2542 \(2020\)](#).

³⁶ See Tokyo Declaration: Partnership for Self-Reliance in Afghanistan – From Transition to Transformation, 8 July 2012 ([A/66/867-S/2012/532](#), annex I).

³⁷ United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), “No peace without women: Afghan activists on why women's representation matters”, 2 November 2022.

America and the Taliban in 2020.³⁸ This arguably contributed to the Taliban retaking power and subsequently dismantling democratic institutions, closing civic space, erasing women from the public space and suppressing any dissent.³⁹ In the Sudan, the United Nations Integrated Transition Assistance Mission in the Sudan (UNITAMS) facilitated a peace process that resulted in a political framework agreement signed by the country's military and civilian actors in 2022.⁴⁰ That agreement was criticized by civil society for centring on those in power and dismissing the pro-democracy protesters, women and youth and their calls for justice.⁴¹ This is despite women and youth making up the majority of the protests in 2018 and 2019, leading to the end of the dictatorship regime of Omar al-Bashir.⁴² The negotiations by Saudi Arabia and the Houthi movement in Yemen also sidelined civil society and they are yet to be meaningfully included in the broader negotiations led by the Special Envoy of the Secretary-General for Yemen. The members of the Security Council reaffirmed the importance of an inclusive, Yemeni-led political process.⁴³ These recent examples demonstrate yet again how excluding civil society and communities from the design, decision-making and subsequent political deals impedes efforts to end the cycles of violence and conflict and the establishment of democratic rights-respecting governance.

40. The exclusion and sidelining of civil society from official negotiations and decision-making leaves victims and communities without actual representation and voice for ensuring their interests and rights are addressed and protected through the negotiations. The parallel and consultative meetings organized for civil society have often been viewed as tokenistic and symbolic. In practice, these consultations have failed to ensure that civil society has real access to decision-making and that their concerns are effectively taken into account during the process and in the final outcome. Power holders and mediators often resist the inclusion of civil society, women and victims' groups in the official negotiation processes, instead of valuing the contributions they can bring, such as communicating the views of affected communities on what would be needed to prevent a recurrence of hostilities.

41. Furthermore, as there is a lack of transparency in selecting representatives and given the polarization and fragmentation of communities suffering conflicts and violence, there is often mistrust of who is representing whom in the negotiations in peace and transition processes. Another barrier restricting the meaningful participation of broader civil society at the negotiating table is handpicking of representatives. Often actors at peace negotiations demand to handpick participants from civil society and among women, as a precondition to allow such participation. This has a negative impact and can jeopardize public trust in the process. Handpicked representatives have been often co-opted to support a particular political or armed group's agenda and narratives, and have been used to challenge and undermine rights-seeking and pro-democracy civil society activists and groups.

³⁸ Available at www.state.gov/wp-content/uploads/2020/02/Signed-Agreement-02292020.pdf.

³⁹ See A/77/914-S/2023/453; see also OHCHR, "Afghanistan: UN experts say 20 years of progress for women and girls' rights erased since Taliban takeover", 8 March 2023.

⁴⁰ See UNITAMS, "Statement attributable to the Special Representative of the Secretary-General for Sudan on the announcement of talks on political transition in Sudan", 8 January 2022 (available at <https://unitams.unmissions.org/en/statement-attributable-special-representative-secretary-general-sudan-%E2%80%93-announcement-talks-political>).

⁴¹ Hala Al-Karib, "Sudan should not settle for anything other than true democracy", *Al Jazeera*, 11 January 2023.

⁴² United Nations, "UN chief welcomes power-sharing deal between Sudanese military and opposition", 5 July 2019.

⁴³ United Nations, "Despite ongoing challenges, parties to Yemen conflict showing willingness to make progress on ceasefire, political talks, top official tells Security Council", 17 May 2023. <https://press.un.org/en/2023/sc15284.doc.htm>.

42. Formalized civil society groups are more likely to be recognized by policymakers and involved in peace and transition processes, while social, grass-roots or protest movements and informal associations often lack recognition and access to participate in these processes.

43. Women, youth, LGBTQI+, Indigenous groups and marginalized groups remain underrepresented and oftentimes sidelined owing to entrenched discrimination and predominant patriarchal norms. Other groups that lack access to peace and transition processes are internally displaced individuals and communities, activists in exile and diaspora living in third countries.

44. Women's participation in peace and security processes remains unacceptably low, standing at 19 per cent in United Nations-led peace processes and even lower in processes not led by the United Nations, and is decreasing.⁴⁴ Over 100 countries have developed national action plans for the implementation of Security Council resolution [1325 \(2000\)](#) and associated resolutions on women and peace and security.⁴⁵ Regional action plans have also been put in place, such as by the African Union,⁴⁶ the European Union,⁴⁷ and the League of Arab States.⁴⁸ However, women continue to be excluded from formal and direct participation in conflict resolution and are underrepresented in decision-making processes and peace negotiations. Women peacebuilders identified the following remaining challenges to their participation: militarism and militarization; the patriarchal and political underpinnings of the agenda; and lack of accountability for implementation.⁴⁹

45. The failure to include and ensure the meaningful inclusion of women, youth, LGBTQI+ and victims' groups and marginalized communities, results in further perpetuating the violations and discrimination against these groups, and even deterioration of their rights. To ensure a successful inclusive process, transitional processes should also ensure that women, as well as representatives of youth, LGBTQI+ and victims' groups and marginalized communities have equal representation in future transitional and democratic institutions.

46. The participation of victims' groups and demands for justice in negotiations and peace processes continue to face strong resistance in the name of political pragmatism aimed at ending the immediate hostility. However, as numerous recent examples show, such a strategy is short-sighted and fails to bring lasting peace. Addressing past serious human rights violations and including the victims' perspectives and needs are crucial for moving forward and achieving sustainable peace and transition. Security Council resolution [2467 \(2019\)](#) is an important instrument affirming that a survivor-centred approach is required in all United Nations peacemaking, peacekeeping and peacebuilding initiatives, including in the negotiation of peace agreements and ceasefire verification mechanisms, as well as in security and justice sector reforms.

47. The peace process in Colombia resulting in the 2016 peace agreement has been regarded as an example of victim and community participation. The Special Rapporteur notes key advances made during the implementation, including the approval of 16 special seats for victims in Congress, with both gender and ethnic

⁴⁴ See [S/2022/740](#).

⁴⁵ See <http://1325naps.peacewomen.org/>.

⁴⁶ African Union, *Continental Results Framework: Monitoring and Reporting on the Implementation of the Women, Peace and Security agenda in Africa (2018–2028)*.

⁴⁷ European Union *Action Plan on Women, Peace and Security (2019–2024)*.

⁴⁸ League of Arab States, *Regional Action Plan on Women Peace and Security in the Arab Region (2015–2030)*.

⁴⁹ Women's International League for Peace and Freedom, "UNSCR 1325 at 20 years: perspectives from feminist peace activists and civil society", October 2020.

approaches.⁵⁰ However, there have been persistent obstacles to women's and LGBTQ+ individuals' participation in the implementation of the peace agreement, little progress on mainstreaming gender into the full implementation of the final accord and a slow pace of implementation of commitments targeting women and LGBTQ+ people as well as ethnic communities.⁵¹ There have also been limited implementation of guarantees for peaceful protest and guarantees to allow organizations and social movements to participate in democratic processes.⁵²

48. The Special Rapporteur emphasizes that the inclusion of civil society does not end with the signing of a negotiated agreement. The inclusion of civil society and women activists is also key in mechanisms monitoring the implementations of peace deals, constitution-making processes and elections, as well as to ensure inclusive representation in democratic institutions. The inclusion of civil society should be consistently and proactively promoted and supported in all these phases to ensure the voices and aspirations of communities are fully translated from commitments into practice.

49. The Special Rapporteur received numerous complaints from civil society, especially from women members of civil society working in post-conflict or transition countries, that when civil society is sidelined and international actors have engaged in exclusive negotiations involving making concessions to end conflicts, this has led to legitimizing abusive regimes, violations of human rights and repressive policies. Such practices have been damaging and seriously undermine the rights and achievements of civil society and exposes them to further security risks when demanding their rights. It is crucial that any compromises are discussed openly and agreed on by broad civil society representatives, women activists and victims' and marginalized groups.

B. Threats to the rights to freedom of peaceful assembly and of association

50. In the contexts of conflict, post-conflict and transition, civil society and individuals and groups exercising their rights to freedom of peaceful assembly and association face heightened restrictions, threats and violence, which constitute violations of these rights as well as numerous other serious human rights violations under international human rights and international humanitarian law. The vulnerability of those exercising their fundamental freedoms is exacerbated by the lack of the rule of law and legal and institutional protections.

51. The restrictions, repression and abuse against civil society, activist, pro-democracy and rights movements is creating an environment of fear that limits their peacebuilding work and engagement with peace processes and has threatened fragile gains made following peace and transition periods.

C. Legislative restrictions

52. During transition periods, authorities have utilized draconian laws and states of emergency to unduly restrict and suppress the rights to freedom of peaceful assembly and of association, in order to legitimize and cement power, while silencing dissent and opposition voices.

⁵⁰ S/2022/267, para. 2.

⁵¹ Laurel Quinn, "Implementation of the Colombian peace accord reaches its sixth year", Peace Accords Matrix, Kroc Institute for International Peace Studies, 27 June 2023.

⁵² Ibid.

53. Furthermore, under the pretext of maintaining security in the context of peace and transition processes, States have issued or imposed de facto blanket bans on assemblies and misused broad national security and anti-terrorism laws to criminalize activists and protesters and to justify the use of force against peaceful assemblies. States in transition have also adopted legislative and regulatory restrictions in violation of the right to freedom of association, which often carry criminal penalties. These include adoption of draconian laws on associations that provide excessive powers to authorities to control the registration, activities, funding and dissolution of civil society and imposing criminal penalties on civil society. Foreign agent laws have also been used by States to restrict the operations and access to funding, especially foreign funding, for civil society and activists. Such legislation includes broad terms and prohibitions, such as prohibition of civil society engaging in political activities among others, which opens the door for arbitrarily restricting a wide range of civil society operations, including engaging in peace and democratic transition processes. The Myanmar Organization Registration Law of November 2022 introduced criminal penalties of up to five years' imprisonment for establishing or working with an unregistered organization.⁵³ In the Russian Federation, authorities have used restrictive legislation and regulations to target and dissolve a number of prominent human rights organizations, which seriously limits their ability to operate and engage with international actors, including for pursuing peace.⁵⁴ These legislative measures have been accompanied with judicial harassment, mass arrests, criminalization and long-term sentences of pro-democracy and peace activists and protesters and excessive use of force.⁵⁵

54. States have misused and abused emergency measures and martial law to clamp down on civil society, activists and assemblies and to suppress their voices calling for democratic transition. Military de facto authorities in Myanmar have extended a nationwide state of emergency through July 2023, amid a systematic violent crackdown on civil society while continuing plans for holding elections, aiming to legitimize the military governance.⁵⁶ Following the 2021 military coup, the Sudan military imposed a state of emergency to clamp down on mass protests calling for the return of the transitional constitutional order and civilian government.⁵⁷ Tunisia has been in an almost continuous state of emergency since the democracy revolution in 2011, which has been regularly renewed, giving extensive powers to authorities and security forces to ban assemblies and use excessive and unjustified force and being used to clamp down on dissent, jeopardizing the democratic transition gains.⁵⁸

55. A joint declaration by the Special Rapporteur and regional human rights bodies issued in 2022 called for protection of the right to freedom of peaceful assembly in times of emergency and provided a road map for States to strengthen the facilitation of assemblies during emergency situations. Among other measures, it called on States to recognize and regard civil society and social movements as partners for developing more sustainable solutions to emergencies.⁵⁹

⁵³ OHCHR, "Myanmar: UN Human Rights Office deeply concerned by new NGO law", 28 November 2022.

⁵⁴ See communication Nos. AL RUS 13/2021 and AL RUS 7/2022.

⁵⁵ See communication No. AL RUS 3/2022.

⁵⁶ See [A/HRC/52/66](#).

⁵⁷ See communication No. UA SDN 6/2021.

⁵⁸ See [CCPR/C/TUN/6](#).

⁵⁹ See www.ohchr.org/sites/default/files/documents/issues/fassociation/2022-09-15/JointDeclarationProtectingRightFreedomInTimesEmergencies15Sept2022.pdf.

D. Threats, intimidation and reprisals

56. Civil society activists operating in insecure and transitional environments face particular risks to their well-being and lives and are subjected to intense intimidation campaigns and attacks by both State and non-State actors. Activists are subjected to enforced disappearance, kidnappings, arbitrary detention, extrajudicial or summary execution, and torture or ill-treatment. Those exercising their rights to peaceful assemblies, including through social mobilization and non-violent resistance, have also faced excessive use of force, arrests and torture by military and security forces.⁶⁰ Such actions are committed as a form of reprisal and aimed at discouraging participation and suppressing dissent.

57. The risks are significantly higher during times of peace negotiations and transitional power-sharing negotiations. The Special Rapporteur raised concerns over the systematic repression and killings of tens of peaceful protesters and activists, prior and during the political talks in the Sudan.⁶¹ In Libya, as the United Nations has been engaged in establishing a pathway towards the holding of inclusive and credible presidential and legislative election in 2023, the Secretary-General reported in April 2023 that security actors and affiliated armed groups continued to employ increasingly aggressive methods to intimidate and arbitrarily detain civil society and humanitarian actors.⁶²

58. Public narrative has been used to slander and stigmatize individuals and groups to silence them or damage their credibility, in order to undermine and sideline them from participation in peace and transition processes. Civil society activists have been portrayed as a threat to national security, promoting the interests of foreign powers, seeking to undermine national sovereignty or as being affiliated with terrorist or armed groups.

59. Furthermore, a key challenge is the rise of conservative resistance to inclusion and equality, which contributes to hate speech and incitement to violence against civil society promoting these values and women's groups. Civil society and women operating in conservative contexts have been further accused of carrying out "unethical" work, or being against local culture and values, with such narratives having exposed them to serious risks and threats by communities or their families.

60. Members of civil society also face human rights abuses by non-State armed groups, such as targeted killings, kidnapping and intimidation. Women exercising their fundamental freedoms have been systematically targeted by Taliban de facto authorities with arbitrary detention, torture and intimidation, while women's participation in any form of public life and right to movement have been completely denied.⁶³ In Yemen, the Ansar Allah movement (or the Houthi movement, the de facto authority in Sana'a and parts of Yemen) have engaged in a policy of intimidation and of use of systematic arrest, detention, torture, sexual violence and rape against politically active women,⁶⁴ and systematic violations of women's and girls' rights, including gender segregation in public spaces and the reinforcement of discriminatory misogynistic attitudes.⁶⁵

⁶⁰ See, for example, communication Nos. AL IRQ 1/2023 and AL SDN 6/2022.

⁶¹ See communication No. AL SDN 6/2022.

⁶² See [S/2023/248](#).

⁶³ OHCHR, "Afghanistan: Latest Taliban treatment of women and girls may be crime against humanity, say UN experts", 25 November 2022.

⁶⁴ United Nations, "Security Council 2140 sanctions committee amends one entry on its sanctions list", 5 April 2021.

⁶⁵ See communication No. AL OTH 124/2022.

61. The proliferation of private military companies supporting military regimes and actors, such as the Russian Wagner Group operating in various African countries, has further hampered democratization processes and advancement and threatened civic engagement. They have been accused of serious human rights violations against civilians, spreading fear among civil society and activists. In the Central African Republic, they were accused of grave human rights abuses against civilians, including journalists and aid workers.⁶⁶

62. Civil society, activists and protest leaders have often been subjected to reprisal, including for their collaboration with the United Nations,⁶⁷ resulting in self-censorship or choosing not to collaborate. According to the United Nations, the risks affecting women victims, peacebuilders and human rights defenders, remain high.⁶⁸ Scores of activists have been displaced or forced into exile to escape retribution, violence or criminalization for exercising their fundamental freedoms.⁶⁹

E. Digital threats and surveillance

63. Given the insecurity in transitional contexts, digital platforms have provided a vital space for civil society and individuals to mobilize and share views and opinions on peace and transition processes, reaching wider networks and stakeholders. However, States have used broad anti-cybercrime laws to restrict and silence online activism and have used digital surveillance technology to threaten and intimidate activists, often leading to criminal charges, torture or killing.

64. Activists also face intimidation and assault online. Armed groups have also used social media to intimidate activists and spread hate speech and incite physical attacks against them. During a consultation held by the Special Rapporteur with civil society and women activists, many working in transitional environments in the Middle East and Northern Africa regions, he received serious allegations of States using surveillance technology to obtain images and private information to blackmail activists and women active in public life. This has had a heavy impact on their well-being, which prompts many to withdraw from public activism.

F. Attacks against women activists and protesters

65. Women activists, who are often drivers for change, equality and justice in peace and transitions, are particularly affected by threats and intimidation and face additional sexual and gender-based violence both offline and online. They also face systematic smear campaigns aiming at delegitimizing their work and misogynous propaganda.

66. Women activists operating in highly conservative environments have been facing further repression, as well as severe restrictions on their freedom of movement. In Afghanistan, scores of women protesters have been arrested, disappeared and tortured for demanding their fundamental rights, such as work and education.⁷⁰ In Libya, women human rights defenders have been arrested on accusations of

⁶⁶ OHCHR, “CAR: Russian Wagner Group harassing and intimidating civilians – UN experts”, 27 October 2021; see also OHCHR, “Mali: Transitional authorities must protect civic space, respect freedom of expression and association says UN expert”, 20 February 2023. www.ohchr.org/en/press-releases/2023/02/mali-transitional-authorities-must-protect-civic-space-respect-freedom.

⁶⁷ See A/HRC/51/47.

⁶⁸ Ibid.

⁶⁹ UN-Women, “No peace without women”.

⁷⁰ OHCHR, “Afghanistan: Latest Taliban treatment of women and girls may be crime against humanity”.

“offending the traditions of Libya”.⁷¹ Women human rights activists working on peacebuilding and engaged in negotiations have faced targeted campaigns aimed at ruining their character and reputation and presenting them as promoting a “Western agenda”. Such campaigns have also tried to divide the women’s movement and create hatred, such as between rural women and those in urban areas active internationally. Defamatory smear campaigns against women activists in highly conservative States could result in a physical attack and being killed by a family member, the wider community or militia groups.

67. The lack of protection and access to justice have increased the vulnerability of women members of civil society and have normalized the stigmatization, pushing women from the negotiating table and transition debates. This results in closing the space for women both offline and online to engage in the peace process and to respond to the gender-based grievances created by the conflict.

V. Building sustainable peace and democratic transition

68. The Special Rapporteur reiterates that States, including those directly involved or supporting the peace and transition process, should stop seeing civil society actors, activists and protesters as an obstacle to the process but as integral and critical partners. All actors should enable them to play their important role and realize their potential for contributing to peacebuilding, good governance, human rights protection and democracy.

69. All actors should ensure that the voices of diverse communities and civil society are included and reflected from the design to the negotiations and implementation of peace agreements, and in the transition process and institution-building.

70. The Special Rapporteur offers the practical measures set out below for ensuring inclusive and sustainable peace and transition, through enabling and protecting the rights to freedom of peaceful assembly and of association.

A. Creating a safe and enabling environment

71. An enabling environment should be created and facilitated for the safe exercise of fundamental freedoms without discrimination in situations undergoing peace and transition processes. This includes amendment of existing restrictive laws and regulations, including related to cybercrime, anti-terrorism and the use of force. Laws should be made consistent with international human rights law and standards and should prevent and protect from abuse everyone exercising their rights to freedom of peaceful assembly and of association. Legislative measures and regulations should provide for the effective facilitation of the exercise of these rights.

72. Given the critical role of these rights for peace and transition processes, States and all involved parties should ensure their enjoyment without undue restrictions. The Special Rapporteur reiterates that imposition of a state of emergency cannot justify the exclusion of civil society actors from peace and transition processes. When restrictions under states of emergency are necessary and justified, other protected spaces and means of ensuring the meaningful participation of civil society should be guaranteed, including ensuring safe online space.

73. Non-violent collective civil disobedience or direct-action campaigns can be covered by article 21 of the International Covenant on Civil and Political Rights,⁷²

⁷¹ See [A/HRC/53/36/Add.2](#).

⁷² See Human Rights Committee, general comment No. 37 (2020), para. 16.

and should not be criminalized or restricted. Collective civil disobedience and non-violent resistance movements are a form of peaceful assembly and have been used in peacebuilding contexts. Non-violent resistance methods involve sit-ins, vigils, marches, writing petitions, strikes and blockades, among other things. One example demonstrating the important role of non-violent resistance movements for peacemaking is the Women of Liberia Mass Action for Peace in Liberia, which contributed to reaching a peace agreement in 2003 bringing an end to the 14-year civil war.

74. Protection is an integral part of fostering participation in peace and transition processes. State and non-State actors should refrain from any forms of violence, intimidation and reprisals against those exercising their fundamental freedoms, including exercising their right to public participation. The Special Rapporteur highlights the importance of ensuring a prompt and effective victim-centred accountability for serious human rights violations against those exercising their fundamental freedoms, in order to guarantee the full enjoyment of these rights.⁷³

75. The Special Rapporteur also reiterates calls made to de facto authorities such as in Myanmar,⁷⁴ and Taliban de facto authorities in Afghanistan,⁷⁵ as well as to non-State armed groups and militias exercising effective control over populations and areas, to comply with their international human rights obligations. This includes to respect the rights to freedom of peaceful assembly and of association and to cease all forms of abuse against activists and protesters, as well as to ensure that all communities, women and youth can effectively engage in peace and transition processes.

76. A dedicated, resourced and effective mechanism should be established for the protection of activists, human rights defenders and women operating in contexts of peacemaking and democratic transition. Such a mechanism, designed in collaboration with civil society and victims' groups and responsive to the specific protection needs of women activists, should provide physical protection and psychosocial assistance, as well as support investigations and prosecutions for violation against activists, including reprisal for engagement in peace and transition processes.

77. The United Nations, through its peacekeeping and special political missions, can strengthen protection by systematically monitoring, documenting and reporting on abuses against individuals and groups exercising their fundamental freedoms; carry out detention monitoring of detained activists; and exert pressure on all parties to cease abuses and end restrictions in laws and in practice. It is imperative that more robust efforts be made towards ensuring effective accountability for perpetrators responsible for serious human rights violations against civil society and women engaged in peace and transition processes. Such efforts should include trial monitoring and strengthening justice institutions to ensure effective prosecution of abuses related to the exercise of the rights to freedom of peaceful assembly and association. Support by international donors for conflict prevention and peace and transition processes should be conditioned around meaningful inclusion and protection of the full range of diverse civil society in decision-making.

B. Promote and facilitate inclusion and participation

78. States, policymakers and international entities should actively promote, facilitate and create and expand opportunities to guarantee the meaningful inclusion of civil society, including those representing marginalized groups, victims' groups,

⁷³ See [A/HRC/53/38](#).

⁷⁴ See [A/HRC/52/66](#).

⁷⁵ See [A/HRC/52/84](#).

women and youth, so that they can contribute to decision-making at every step of the peace and transition processes. This includes creating inclusive platforms, consultations and dialogues, implementing a bottom-up approach. Such initiatives should feed directly into the peace process and contribute to peace and political agreements and policymaking. The valuable contributions and positive role of civil society should be recognized and actively promoted. One positive example is the formal mechanisms established by the Government of Colombia for engaging with civil society organizations to inform the peace process and policy decisions.⁷⁶

79. The Special Rapporteur welcomes efforts by United Nations missions to create spaces for inclusion and to support local and national civil society to engage in peace processes. However, more strategic and focused engagement is required to ensure that civil society has direct access to formal peace processes as well. A robust road map for the inclusion of civil society in all steps of the process should be developed, taking into account strategies for reaching out and inclusion of a wide range of civil society representatives and victims' groups, and ensuring the creation of monitoring and evaluation mechanisms. Initiatives for inclusion should respect the agency of civil society and ensure gender mainstreaming and should be grounded in the understanding of the local socio-historical context and dynamics in order to avoid reinforcing systems of injustice and inequality. Stakeholders should also actively promote the demands of civil society, women and marginalized groups and ensure these are adequately reflected in agreements, including through the implementation phase.

80. Awareness-raising and capacity-building, including of law enforcement, is required to ensure facilitation of the rights to freedom of peaceful assembly and of association in the context of peacemaking and democratic transitions. These efforts should address stereotypes, biases and discrimination based on gender, ethnicity, race, religion, sexual orientation and gender identity, age or social status.

81. The respect and protection of human rights and fundamental freedoms should be enshrined in peace accords and transitional documents, as well as in the implementation agreement and progress assessments. There is a need for oversight mechanisms to ensure that peace and political negotiation processes are made transparent and accountable to the people whose lives they affect, requiring regular evaluations of the processes and incorporating lessons learned, including with a view to expanding meaningful inclusion of civil society and women activists.

C. Support

82. Technical and financial support should be provided to build the capacity of diverse civil society, women, youth and LGBTQI+ associations and peacebuilders, as well as victims' groups, to enable their active and meaningful engagement in peace processes, to allow them to effectively take up their key roles, including as mediators and negotiators and in facilitating broad public participation in peace efforts. Support should be extended to encompass geographically and socially diverse groups, reaching out to rural and grass-roots civil society actors in order to strengthen local efforts and support bottom-up activism and peace and transition engagement. The support and inclusion should be extended beyond formalized NGOs to also include social and grass-roots movements and informal community associations and networks, as well as victims' groups. Support for coalition-building and networks among civil society groups, including those in exile, is critical in peacemaking and transition processes, as it increases their strength, creates resilience and amplifies their voices.

⁷⁶ See [CCPR/C/COL/8](#).

83. The Special Rapporteur refers to his guidelines aimed at facilitating access to funding by civil society, including recommendations to donors.⁷⁷ Donors should increase core funding to civil society operating in insecure and transitional contexts, to enable them to adapt to the changing environment and be protected from emerging restrictions and threats.

84. To enable the work, enhancing the participation of diverse civil society groups and their protection also requires allocation of adequate capacity and resources on the part of the States, international partners, United Nations missions and donors.

85. Civil society, for its part, should also seek to build effective alliances and address internal challenges, such as fragmentation, elitism and political co-optation, among others. They should engage in self-reflection and learning in order to achieve a successful inclusion of all voices.

VI. Conclusion and recommendations

A. Conclusion

86. The safe and effective enjoyment of the rights to freedom of peaceful assembly and of association, without discrimination, are an integral part of peace and transition processes. These rights are vital for fostering the participation of the wider community and marginalized groups and for guaranteeing the protection of rights and freedoms, which is key for preventing further conflicts. As such, the promotion and protection of these freedoms should be central to all national, regional and international peacemaking and peacebuilding efforts. These rights are vital for making the international commitments for inclusive peace and transition a reality. The protection of these rights is essential in order to achieve the priorities set by the Secretary-General in his New Agenda for Peace, in particular for shifting to national ownership and defined priorities, to ensure national peace efforts are people-centred, with respect of the full spectrum of human rights, and to dismantle power dynamics.

87. The Special Rapporteur offers recommendations to States, the international community, the United Nations and other actors, to enable, facilitate and support the meaningful inclusion of civil society throughout peace and transition processes.

B. Recommendations

88. **Member States should:**

(a) **Ensure laws and regulations enable and facilitate the work of civil society, women activists, peacebuilders and peace movements, so they can freely organize and safely engage in peace and political processes;**

(b) **Remove legislative and regulatory restrictions on the rights to freedom of peaceful assembly and of association and amend existing laws, such as those related to national security, counter-terrorism, money-laundering and cybercrime, in line with international human rights law and standards;**

(c) **Ensure prompt and independent investigation of all alleged violations of the rights to freedom of peaceful assembly and of association; bring promptly to justice all responsible perpetrators, including those at command level; and provide full and adequate reparations to victims, including psychosocial support, taking into account specific gender needs;**

⁷⁷ See [A/HRC/53/38/Add.4](#).

(d) Guarantee that members of civil society, activists and protesters have access to adequate protection mechanisms if they are threatened, face reprisals or are attacked in relation to the exercise of their freedoms, including in connection with their participation in a peace and transition process; and support and facilitate effective international relocation initiatives and access to international protection, including emergency visas;

(e) Protect civil society, victims' groups and women, youth and LGBTQI+ activists by adopting protection laws and strategies enabling their progressive engagement in peace and transition processes and regularly consult with civil society, including in exile, to enhance the facilitation and protection of fundamental freedoms;

(f) Respond promptly to cases of violations against activists and protesters, including targeted measures against individual perpetrators; and support regional and international justice processes so as to ensure accountability and deter serious abuses of the rights to freedom of peaceful assembly and of association;

(g) Fully recognize in law and in practice the right to freedom of association of unregistered associations and refrain from imposing restrictions or criminalizing such associations;

(h) Ensure civil society, including associations, regardless of their registration status, are able to freely access resources, including foreign funding, to promote and defend human rights and democratic governance;

(i) Undertake security sector reform in order to establish an effective and accountable security institution, acting in full respect for human rights and the rule of law; and train law enforcement in protection and facilitation of fundamental freedoms in accordance with international human rights law and standards;

(j) Refrain from using forces outside of the law enforcement chain of command, including when responding to assemblies;

(k) Refrain from recruiting, using, financing and training mercenaries and prohibit such conduct in domestic law.

89. United Nations entities should:

(a) Exercise leadership on the development and implementation of inclusive and just peace and transition processes, ensuring human rights and fundamental freedoms are prioritized;

(b) Ensure peace and transition processes and agreements do not compromise on accountability and protection of human rights and fundamental freedoms;

(c) Make the inclusion of a broad range of civil society, including women activists, a requirement in decision-making in United Nations-supported peace and political processes; the Secretary-General should provide clear directives to special envoys, resident coordinators, advisers and representatives to ensure that civil society representing diverse issues and communities is directly involved in peace and transition efforts, including at the negotiating table and in decision-making related to peace and transitions;

(d) Actively promote and facilitate the direct and meaningful participation and inclusion of broad civil society and human rights activists, inside the country and in exile, including women activists, in all United Nations-supported peace and political negotiations;

(e) Develop inclusive road maps, in collaboration with civil society, to facilitate the safe exercise of the rights to freedom of peaceful assembly and of association, as well as the meaningful participation of a broad range of civil society and human rights groups, including in exile, to guarantee a fair and inclusive peace and transition process;

(f) Create benchmarks and systematically document, collect and regularly publish disaggregated quantitative and qualitative data on the level and type of inclusion of civil society, women activists and other groups in all levels of peace and political processes;

(g) Foster and support locally driven movements, activism and peacebuilding initiatives; and create and facilitate safe spaces, at the local and national levels, proactively reaching out to a wide spectrum of civil society, including in exile, to engage with peace and transition processes, ensuring these efforts feeds into direct peace and transition processes;

(h) Hold robust, timely, accessible and meaningful consultations with diverse groups of civil society, including social movements, prior to and during peace and political negotiations and throughout the implementation of agreements; and ensure that their grievances and aspirations are reflected in the design of the agenda for the negotiations and in the outcomes;

(i) Include in the mandates of political and peacekeeping operations a specific requirement for the protection of civil society and the rights to freedom of peaceful assembly and of association; and ensure that missions in conflict, post-conflict and transition contexts are mandated and resourced to document and report on human rights violations related to the exercise of the rights to freedom of peaceful assembly and of association;

(j) Use all available leverages, including targeted sanctions, to exert pressure on non-State actors and de facto authorities to end all attacks on and acts of intimidation of civil society and protesters;

(k) Support the establishment of an international independent investigation and accountability mechanism in response to serious human rights violations against activists and protesters;

(l) Support the establishment and strengthening of national accountability mechanisms to address human rights violations related to peaceful assembly and association, including by strengthening the independence and effectiveness of judicial systems, providing capacity-building on human rights investigation and prosecution, and developing protocols for law enforcement facilitation of protests.

90. In relation to non-State actors, armed groups must cease attacks, intimidation and violence against civil society, women activists and human rights defenders; condemn such acts carried out by their members; and respect and avoid undermining the fundamental freedoms to allow effective public participation.

91. In relation to donors and the international community:

(a) The international community should exert diplomatic pressure on authorities and non-State entities engaged in peace and political transitions who violate the rights to peaceful assembly and association; engagement should include active advocacy efforts and leveraging diplomatic channels to encourage respect for and protection of these rights’;

(b) **International donors supporting countries in conflict, post-conflict and transition should allocate specific funding to support civil society participation in peace processes; and make it a requirement that States ensure the protection and facilitation of the rights to freedom of peaceful assembly and of association;**

(c) **Donors and the international community should create specific grants for civil society associations, networks and movements, including those operating from exile, that are focused on fostering and supporting grass-roots activism and engagement in peace and transition processes; and support the building of advocacy networks and alliances engaged in peace and democratic transition processes;**

(d) **Donors and the international community should support the work of civil society, women, youth and LGBTQI+ associations and victims' and marginalized groups, by providing funding, protection, capacity-building, networking and expertise through flexible approaches that are tailored to the specific operating contexts; and refrain from reinforcing local restrictive and repressive measures, such as broad anti-terrorism laws or requirements for registration as a prerequisite for applying for funds.**
