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

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

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

Summary

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

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



I. Introduction

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

II. Activities of the Special Rapporteur

4. Between 15 April 2023 and 30 April 2024, the Special Rapporteur sent 133 communications, of which only 62 received responses, conducted two official country visits (to Algeria in September 2023¹ and to Bosnia and Herzegovina in April 2024²), and participated in many events, consultations and academic visits, including:

(a) The Asian Forum for Human Rights and Development regional meeting with civil society in Malaysia in November 2023;

(b) A round table on Libya, held in Geneva in February 2024, attended by Libyan civil society organizations and relevant authorities, which created a space for dialogue towards the development of a legal framework for protecting the right to association in line with international human rights law and standards.³ Follow-up online briefings were held with civil society organizations and with the International Humanitarian Law and Human Rights Working Group, established under the Berlin process. The briefings were organized by the Co-Chairs, namely, the Human Rights, Transitional Justice and Rule of Law Division of the United Nations Support Mission in Libya (UNSMIL) and the Permanent Missions of the Kingdom of the Netherlands and Switzerland to the United Nations Office and other international organizations in Geneva;

(c) An academic visit to Tunisia in February 2024 and a joint academic visit to Cameroon with the African Commission on Human and People's Rights Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa and Chairperson of the African Commission, in March 2024;

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

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

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

(d) The annual meeting of the Panel of Experts on Freedom of Assembly and Association of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, held in Warsaw in March 2024;

(e) A hybrid meeting with regional human rights mechanisms in April 2024 to discuss joint priorities and collaboration;

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

5. On 15 September 2023, the Special Rapporteur published a joint declaration on the misuse of digital technologies, together with the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights, Organization of American States, the Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa and Chairperson of the African Commission on Human and Peoples' Rights, the representative of Indonesia to the Association of Southeast Asian Nations Intergovernmental Commission on Human Rights and the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe.⁵

III. Gains and achievements

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

7. Those rights are also protected under the African Charter on Human and Peoples' Rights (arts. 10 and 11), the African Charter on the Rights and Welfare of the Child (art. 8), the American Convention on Human Rights (arts. 15 and 16) and the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) (art. 11).

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

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

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

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

10. Significant advancement has been made towards reasserting the right of associations to have access to resources. The mandate holder contributed substantially to that effort, reinforcing the right of members of associations to free access to human, material and financial resources from domestic, foreign and international sources as intrinsic to the right to freedom of association and essential for the existence and effective operation of any association.⁶ Furthermore, the Human Rights Committee has asserted that the obligations of States relating to the right to freedom of peaceful assembly extend to activities integral to making the exercise of the right meaningful, such as the mobilization of resources by participants or organizers.⁷

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

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

13. In its general comment No. 37 (2020) on the right of peaceful assembly, which reinforces the mandate holder's efforts, the Human Rights Committee provided authoritative guidance on the scope of the right of peaceful assembly, the obligations of States, the duties and powers of law enforcement agencies and the right to peaceful assembly during states of emergency.

14. Important efforts to safeguard the protection of human rights in the context of protests have been made, such as through the Human Rights Council resolutions on peaceful protest¹⁰ and the Special Rapporteur's reports. Specifically, the Special Rapporteur has focused his efforts on reversing the negative discourse portraying peaceful protests as threats and on reasserting States' obligations to protect and facilitate peaceful protests as a right, protected under article 21 of the International Covenant on Civil and Political Rights, including in crisis situations.¹¹ The Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests, developed recently by the Special Rapporteur in collaboration with UNODC and the Office of the United Nations High Commissioner for Human Rights, provides critical practical guidance for law enforcement to ensure that peaceful protests are facilitated, rather than controlled or suppressed.¹² The Model Protocol operationalizes international standards relating to precaution, protection, accountability and the avoidance of the use of force.

15. The mandate holder's work has also been instrumental in advancing the protection of the rights to freedom of peaceful assembly and association online and through the use of digital technology.¹³ The 2023 joint declaration issued by the Special Rapporteur, together with regional mechanisms, provided recommendations to States and the business sector to

⁶ See [A/HRC/50/23](#) and [A/HRC/23/29](#).

⁷ Human Rights Committee, general comment No. 37 (2020), para. 33.

⁸ [A/HRC/53/38/Add.4](#).

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

¹⁰ Resolution 50/21.

¹¹ [A/HRC/50/42](#).

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

¹³ [A/HRC/41/41](#).

ensure that those rights were facilitated, protected and promoted online and in the use of digital technologies.¹⁴ Furthermore, the principle-based guidance for the human rights-compliant use of digital technologies in the context of peaceful protests, which accompanies the Model Protocol, closes current protection gaps and reasserts that technology, when used, should be for the express purpose of facilitating peaceful protests and for protecting and promoting human rights.¹⁵

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

17. The Special Rapporteur further advanced standards to strengthen the promotion and protection of the rights to freedom of peaceful assembly and association for groups in vulnerable situations and at risk of attacks, such as social movements,¹⁹ climate justice activists,²⁰ women activists, civil society organizations and protesters in transition and conflict-affected situations and post-conflict environments,²¹ as well as workers' rights in the informal sector.²² Those standards contributed further to enhancing regional standards, such as through the adoption of resolution 579 (LXXVIII) 2024 on the development of guidelines on the protection of the rights of workers in the informal economy sector in Africa by the African Commission on Human and Peoples' Rights.²³

18. To strengthen the protection of the rights to freedom of peaceful assembly and association, the Special Rapporteur expanded the constituency of his mandate, including by engaging with law enforcement agencies, the peacebuilding community and development and business stakeholders and also strengthened his collaboration with regional human rights mechanisms.

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

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

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

¹⁶ See [A/73/279](#).

¹⁷ See [A/76/222](#).

¹⁸ See [A/78/246](#).

¹⁹ See [A/77/171](#).

²⁰ See [A/76/222](#).

²¹ See [A/78/246](#).

²² See [A/HRC/53/38/Add.3](#).

²³ See <https://africanlii.org/akn/aa-au/doc/resolution/2024-03-08/resolution-on-the-development-of-guidelines-on-the-protection-of-the-rights-of-workers-in-the-informal-economy-sector-in-africa/eng@2024-03-08>.

²⁴ See [A/77/171](#).

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

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

21. The Special Rapporteur has identified the following global widespread trends in threats against the rights to freedom of peaceful assembly and association: (a) increasingly severe stigmatization and attacks against civil society and social movements; (b) the increased use of expansive restrictive legislation to suppress the legitimate exercise of the rights to freedom of peaceful assembly and association; (c) the criminalization of activists; (d) the indiscriminate and excessive use of force to counter or repress peaceful protests, including growing militarized approaches to peaceful protests; (e) restrictions targeting marginalized groups; (f) the suppression of freedoms during electoral periods; (g) the negative impact of rising populism and authoritarianism; and (h) obstruction and repression in the digital space and due to emerging technologies amid a lack of human rights-based regulations.

22. Many of those threats have been ongoing since the creation of the mandate in 2010.²⁶ The trends have escalated in scope and severity, however, and have expanded across all regions as Governments have increasingly been using harmful narratives and legal and extra-legal means to limit, control or close civic space and suppress dissent. Threats to civic space and fundamental rights have expanded to attacks against international support for civil society organizations and activists, such as hindering foreign funding, and to undermining international multilateral organizations and their ability to protect freedoms and human rights.

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

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

24. The Special Rapporteur notes the global decline in democracy and the proliferation of authoritarian narratives, practices and regimes. Civic space has become narrower as authorities have increasingly clamped down on dissent and silenced criticism, often for political gain. The rights to freedom of peaceful assembly and association, as enabling public participation, have been threatened specifically. According to the *2023 State of Civil Society Report*, only 2 per cent of the world's population can enjoy the freedoms to associate, demonstrate and express dissent without significant constraints.²⁷ In its 2024 report, Freedom House also recorded a significant decline in global freedoms in 2023, noting the diminishing of political rights and civil liberties in 52 countries.²⁸

²⁵ See [A/HRC/44/50](#).

²⁶ See [A/HRC/38/34](#).

²⁷ See <https://www.civicus.org/index.php/state-of-civil-society-report-2023>.

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

25. Furthermore, democratic institutions and human rights protection systems face global erosion amid a broader political climate of backlash and attacks against human rights and pluralism. There is a global rise in propaganda and hostile narratives aimed at suppressing civil society, protests and social movements, often portraying them as “enemies” and “threats to security”, “undermining national sovereignty” or “threatening State traditions or values”. Often such narratives exploit historical and cultural grievances and fears. Pro-democracy and human rights activists, civil society organizations and protesters and all those who express political opposition have often been portrayed as “spies”, “traitors” or “foreign agents”, as being “anti-patriotic” or as “promoting foreign agendas”. Civil society activists and critics have also been branded as “terrorists” and “violent extremists”. Civil society organizations are often depicted as “corrupt”, as “grant eaters” and as promoting immorality or foreign values; especially targeted are those working at the front line of social change and the defence of vulnerable and marginalized groups. Another tactic is portraying human rights and pro-democracy civil society organizations and those expressing dissent as “bad non-governmental organizations” (NGOs), while those aligned with government agendas are labelled “good NGOs” that can benefit from State funding.

26. Such narratives are often generated and spread through populist rhetoric and are aimed at and result in the stigmatization of civil society organizations, the destruction of their reputations and their delegitimization in the eyes of communities. In addition, they are often defunded so that they are unable to carry out their legitimate work. Such strategies are often generated or condoned by the authorities, create hostile environments for the exercise of the rights of freedom of peaceful assembly and association and empower non-State actors to threaten, attack and stigmatize civil society actors.

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

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

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

30. The rise of right-wing populist movements presents a significant threat to the pluralistic foundations of diverse societies; they often promote policies that foster discrimination, marginalization and the exclusion of marginalized and minority populations. Of particular concern are the targeted attacks, restrictions and spread of hateful rhetoric, including by public officials, to scapegoat and endanger those who are at particular risk, including LGBTQI+ persons, migrants and ethnic and religious minorities. Such attacks create a chilling effect and a hostile environment for activists representing those groups and civil society organizations advocating to protect their rights. Justified in the name of defence of “morals” or “family values”, they are part of the broader attack on human rights and the closing of civic space and participation. The recent increased repression of LGBTQI+ persons in some countries is particularly worrying, such as the recent decision of the Constitutional Court in Uganda to uphold the discriminatory Anti-Homosexuality Act of 2023, which provides for the death penalty in certain circumstances,³⁰ and the decision of the Supreme Court in the Russian Federation to declare the “international lesbian, gay, bisexual and transgender movement and its structural units” as “extremist”, which effectively bans all

²⁹ See [A/HRC/53/38](#).

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

lesbian, gay, bisexual and transgender public activities and organizations within the country.³¹

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

B. Spread of restrictive laws

32. States globally have tightened regulatory control over civil society. Laws and regulations restricting the legitimate work of civil society organizations have proliferated in different contexts. Despite some differences in content, the laws have worrying common features, namely, being based on broad and ambiguous definitions and imposing restrictions and disseminating narratives that explicitly or in effect silence and close civil society space and limit free participation in public affairs. Justification is provided for such laws on the grounds of protecting sovereignty and national security, countering terrorism or combating misinformation. The measures provided through such laws are far-reaching, however, weakening existent safeguards and human rights protections and hardening restrictions on the rights to freedom of peaceful assembly and association. The implementation of such regulations has contributed to an increase in attacks and intimidation and the criminalization of human rights defenders, protesters, journalists and those expressing or perceived to be expressing dissent.

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

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

35. In Angola, the “Law on the Status of Non-Governmental Organizations” Bill was aimed at giving power to the Public Prosecution Service to suspend an NGO if there was

³¹ See communication RUS 28/2023. All communications mentioned in the present report are available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

³² [A/HRC/54/61](#).

³³ See communications AGO 2/2023, SWE 2/2023, VEN 2/2023 (in Spanish), ZWE 1/2023, KGZ 4/2023, LKA 9/2023, BIH 3/2023, NIC 1/2023 (in Spanish), RUS 26/2023 and CHN 12/2023.

compelling evidence of “the practice of illicit acts harmful to the sovereignty and integrity of the Republic of Angola”.³⁴ In Mozambique, a draft bill on non-profit organizations threatens foreign NGOs with dissolution if they fail to “preserve and respect the customs and traditional habits of the environment in which they operate” or if there are “indications” that they are conducting “illicit acts or acts harmful to the sovereignty and integrity” of the country.³⁵

36. The Special Rapporteur has raised numerous concerns that States have misused the Financial Action Task Force regulations to introduce laws targeting civil society organizations under the pretext of compliance with recommendation 8 concerning money laundering and terrorism financing. While some regulation of civil society organizations to ensure transparency and address corruption may be justified, States must take a robust risk-based approach and conduct an impact assessment to ensure that such measures do not have a disproportionate effect on civil society and the rights to freedom of peaceful assembly, association and expression. The Special Rapporteur has warned that broad anti-money-laundering and counter-terrorism provisions also create suspicion, portray civil society organizations as involved in criminal activities and are stigmatizing.³⁶ In the Bolivarian Republic of Venezuela, the bill relating to the supervision, regularization, performance and financing of NGOs and related organizations, if approved in its current form, will have serious consequences for the exercise of the right to freedom of association.³⁷

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

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

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

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

40. Such laws have been instrumentalized and, at times, violently enforced to silence critics and opposition. In the Russian Federation, the “foreign agent” legislation has led to a systematic crackdown on civil society and the effective closure of civic space.⁴⁰ In Nicaragua, over 150 organizations were sanctioned for alleged non-compliance with the Law on Foreign Agents.⁴¹ Despite continuous mass protests in Georgia, which led to the initial withdrawal of

³⁴ See communication AGO 2/2023. See also communication ZWE 1/2023.

³⁵ See communication MOZ 2/2023.

³⁶ See communication AGO 2/2023.

³⁷ See communication VEN 2/2023.

³⁸ See communications RUS 16/2022, SLV 8/2021 (in Spanish), KGZ 4/2023 and BIH 3/2023; and <https://www.ohchr.org/en/press-releases/2024/05/georgia-un-experts-condemn-adoption-law-transparency-foreign-influence>.

³⁹ See communication KGZ 4/2023.

⁴⁰ [A/HRC/54/54](https://www.ohchr.org/en/press-releases/2024/05/georgia-un-experts-condemn-adoption-law-transparency-foreign-influence).

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

the Law on Transparency of Foreign Influence, the law was subsequently adopted, prompting further large-scale protests and repression.⁴²

41. Historical democracies have also turned to foreign influence registration requirements. Over 200 European civil society organizations⁴³ have raised concerns over the European Union Commission's proposed "Defence of Democracy" package and foreign influence registration scheme. Civil society organizations have raised serious concerns that the proposal could stifle the work of human rights organizations and empower repressive leaders to advance similar laws.

42. The foreign agent and foreign influence laws are discriminatory, as they particularly target civil society organizations and unduly restrict the right to freedom of association, affecting the right of organizations to have access to resources and introducing a blanket presumption of suspicion against civil society organizations, especially those working on human rights. They have a chilling effect on anyone exercising their rights to freedom of peaceful assembly and association. Many such laws also prohibit vaguely defined "political activities", further contravening the rights to freedom of expression and to public participation.

43. International courts have recognized that foreign agent and foreign influence laws violate rights and freedoms, including the European Court of Human Rights with regard to the "foreign agents" law in the Russian Federation⁴⁴ and the European Court of Justice, which determined that the subsequently repealed Hungarian NGO Transparency Law imposed discriminatory, unjustified and unnecessary restrictions on foreign donations to civil society organizations.⁴⁵

44. Not all States that impose restrictions on and stigmatize foreign-funded civil society organizations have explicit foreign agent laws. Provisions to that effect have been incorporated across different laws that, cumulatively, would have the same effect and impact. Although proposed foreign agent-like laws in some countries have been abandoned due to civil society and international pressure, elements of the laws have been incorporated into other laws.

D. Expanding restrictions during elections

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

46. The Special Rapporteur has noted the following evolving challenges and threats to the enjoyment of fundamental freedoms in the context of elections: (a) the increased spread of disinformation and misinformation; (b) growing populism; (c) hate speech, especially against minorities, LGBTQI+ persons and civil society organizations; (d) Internet shutdowns; (e) the repression of opposition parties and leaders; (f) the suppression of freedom of peaceful assembly and association rights in general; and (g) attacks on democratic institutions.⁴⁶ Regarding the recent elections in Bangladesh and Senegal, the Special Rapporteur expressed alarm at the widespread attacks against and harassment and intimidation of civil society,

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

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

⁴⁴ European Court of Human Rights, *Ecodefence and Others v. Russia*, Application No. 9988/13 and 60 others, Judgment, 14 June 2022.

⁴⁵ Court of Justice of the European Union, *Commission v. Hungary*, case No. C-78/18, Judgment, 18 June 2020.

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

human rights defenders, journalists and political activists and the arrests of opposition leaders and supporters, as well as the excessive use of force against protesters.⁴⁷

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

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

49. There are, however, some positive examples where, through peaceful protests and participation, people have been able to defend elections, such as in Guatemala,⁴⁸ and to achieve a peaceful and democratic transition of power, such as in Senegal, following prolonged political tension and violence.⁴⁹

E. Conflict, insecurity and the increased repression of civil society and peaceful protest

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

51. In the Russian Federation, the authorities have used the law against “discrediting the armed forces” to shut down any perceived anti-war expression or disagreement with the government position on the invasion of Ukraine and to criminalize activists.⁵⁰ The 71-year-old Oleg Orlov, Co-Chair of the Nobel Peace Prize-winning organization Memorial, was sentenced to two and a half years in prison.⁵¹

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

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

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

⁴⁹ See <https://www.ohchr.org/en/stories/2024/06/senegal-election-boost-coup-prone-region>. See also www.ohchr.org/en/press-releases/2024/03/senegal-un-experts-urge-respect-fundamental-freedoms-ahead-elections.

⁵⁰ [A/HRC/54/54](#).

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

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

impose undue restrictions on legitimate protest, including in academic institutions and online.⁵³

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

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

55. Another worrying trend is the expansion of definitions of terrorism and extremism in State laws and policies using vague and broad language, such as “the promotion or advancement of an ideology based on violence, hatred or intolerance”, purportedly justified to promote social cohesion and democratic resilience.⁵⁵ Such measures risk further criminalizing civil society, social movements and activists. As documented by the Special Rapporteur, the misuse of counter-terrorism measures often result in the criminalization and surveillance of civil society and activists, including through spyware, and restrictions on their access to resources. Such measures have disproportionately targeted the rights of particular groups, including ethnic, cultural, religious and linguistic minorities. Civil society also raised concerns that expansive counter-terrorism measures and definitions, such as those adopted by some countries to curtail pro-Palestinian protests, also risk being used to target climate justice activists, among others.

F. Intensified attacks on climate justice activists

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

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

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

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

⁵⁴ Ibid.

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

⁵⁶ See communications GBR 16/2022 and CHE 7/2021 (in French).

⁵⁷ See [A/76/222](#).

59. The Special Rapporteur has frequently repeated that a certain level of disruption of ordinary life, including the disruption of traffic or inconveniences to which business activities are subjected, must be tolerated if the right to freedom of peaceful assembly is not to be deprived of meaning. The Special Rapporteur on environmental defenders under the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters has also called upon States to refrain from using the increase of environmental civil disobedience as a pretext to restrict civic space and the exercise of fundamental freedoms and has further called upon law enforcement and courts to cease the use of measures designed to counter terrorism and organized crime against environmental defenders.⁵⁸

60. The recent landmark judgment by the European Court of Human Rights against Switzerland further recognized the right of associations and individuals to file complaints regarding the failure of Governments to take adequate measures to protect individuals against the adverse effects of climate change on human lives and health.⁵⁹ The ruling will have a significant impact on States' human rights obligations in the context of climate justice, as it urged States to take adequate action to protect the human rights not only of individuals affected by climate change, but also of those whose rights may be severely and irreversibly affected in the future in the absence of timely action.⁶⁰ To give effect to that obligation, States should facilitate peaceful protests and address the concerns raised by climate justice activists.

G. Threats of emerging technologies

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

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

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

64. States have also increased restrictions on online civic space through the misuse of vague and broad cybersecurity-related laws, counter-terrorism laws, surveillance laws, hate-

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

⁵⁹ *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*, Application No. 53600/20, Judgment, 9 April 2024, para. 502.

⁶⁰ *Ibid.*, para. 499.

speech laws and disinformation laws, which are routinely used to target and criminalize civil society activists, journalists and protesters.

65. The unchecked expansion of surveillance technology in public spaces, both for programmes, such as the development of “smart cities”, or to advance authoritarian agendas is becoming a serious threat to the enjoyment of civic freedoms. With artificial intelligence or machine learning techniques, authorities can now analyse the huge quantities of data produced by surveillance tools, offering new pretexts for rights interference, such as predicting future behaviour or flagging suspicious activity. Moreover, the intrusion by pervasive surveillance on the privacy of individuals has a vast chilling effect and threatens the participation and freedom to organize and participate in assemblies.⁶¹

V. Impact of growing restrictions on civic space

66. Paradoxically, measures taken by States that restrict civil society and close civic space on the pretext of preserving national security and fighting crime, terrorism or violent extremism, effectively result in the contrary. Closing the space for participation, dialogue and the ability of marginalized groups, victims and everyone else in society to voice their concerns and demands, leads to deepened resentment, fosters conflict and strengthens authoritarian regimes that are a threat to world peace and security.

67. The obstruction of the rights to freedom of peaceful assembly and association has a direct and adverse impact on the achievement of the 2030 Agenda. The Special Rapporteur has found that measures aimed at restricting or silencing the exercise of the rights to freedom of peaceful assembly and association undermine the empowerment of people and their rights to express themselves and to engage in collective activities – political, economic, social, cultural or environmental – which are at the core of all the commitments of the 2030 Agenda.⁶²

68. The closure of civil society organizations leaves a huge void and risks reversing development efforts. According to the Institute of Development Studies, the shrinking of civic space is overall highly likely to halt or reverse progress towards reducing inequality, ensuring inclusion and improving sustainability.⁶³

69. In its 2023 assessment on the closure of civic space in Nicaragua, the Inter-American Commission on Human Rights found that the arbitrary massive closure of 3,390 organizations between 18 April 2018 and 31 August 2023 affected over 1 million people benefiting from their work and had a serious impact on individuals and groups in a historical situation of discrimination, such as women, children and adolescents and Indigenous or Afrodescendent communities, who had benefited directly from the implementation of social, humanitarian and international development cooperation programmes and projects delivered by those civil society organizations. The assessment also found that the closure of civil society organizations undermined efforts to reduce poverty and resulted in a significant decline in the quality of medical care and access to it.⁶⁴ The Special Rapporteur has received similar reports from civil society organizations operating in States that have imposed restrictions on the registration of civil society organizations as well as restrictions that lead to the closure of existing organizations.

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

⁶¹ See Daragh Murray and others, “The chilling effects of surveillance and human rights: insights from qualitative research in Uganda and Zimbabwe”, *Journal of Human Rights Practice*, vol. 16, No. 1 (2024).

⁶² See [A/73/279](#).

⁶³ See www.ids.ac.uk/publications/development-needs-society-the-implications-of-civic-space-for-the-sustainable-development-goals.

⁶⁴ See https://www.oas.org/en/iachr/reports/pdfs/2023/Cierre_espacio_civico_Nicaragua_ENG.pdf.

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

71. While the Special Rapporteur notes the decline in democratic Governments, people around the world continue to strive for democratic principles. They are rising up to defend their democratic freedoms. Democracy benefits all communities. It is a valuable tool for enabling individuals and groups to influence their future and build participatory and fair societies. Human rights and democracy are mutually reinforcing. In the face of growing attacks on fundamental freedoms, it is paramount to reaffirm the rights to freedom of peaceful assembly and association. Those rights are the foundation of democracy, at the heart of the international governance system and an invaluable avenue for protecting democracy. They provide the foundation on which to engage collectively at national, regional and international forums and to advocate for better and just governance. No matter what challenges existed, those freedoms have always been essential for people and communities to claim rights and participation. They have been the foundation of civil rights movements, for allowing the marginalized and oppressed to claim inclusion, for enabling the struggle against apartheid and for decolonization, self-determination, equality and justice. It is necessary to preserve the essence of those rights to ensure they can continue to play their historical role for the betterment of all.

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

A. Key actors

73. Political parties, whose existence and effective functioning depend on the unobstructed exercise of the rights to freedom of peaceful assembly and association, should join efforts to protect and promote those rights and refrain from promoting narratives and policies that restrict the public freedoms of certain groups. Furthermore, parliaments should represent the interests of the people and the role of parliament should be to ensure the protection of the rights and freedoms of all communities through inclusive laws.

74. Recognizing the duty and key role of law enforcement agencies in the protection and facilitation of the right to freedom of peaceful assembly, it is vital to continue building on the engagement opened by the Special Rapporteur with law enforcement agencies through the development of the Model Protocol and the accompanying practical tools for promoting and protecting human rights in the context of peaceful protests.⁶⁵ They are useful tools for facilitating dialogue with law enforcement agencies and for capacity-building to enable them to facilitate peaceful protests.

75. As a growing number of people live in conflict-affected or post-conflict situations in transition, the participation of the peacebuilding community and peacekeepers is key to enabling civic space, which is conducive for conflict prevention and sustainable peacebuilding. The Special Rapporteur has extended engagement with the peacebuilding architecture and peacebuilding community, contributing to efforts to enhance conflict prevention.⁶⁶ He has called upon the United Nations peace and security pillar to develop specific guidance for peacekeepers, mediators and peacebuilders to ensure that peaceful protests are facilitated and an enabling environment is fostered.⁶⁷

⁶⁵ See www.ohchr.org/en/documents/tools-and-resources/practical-toolkit-law-enforcement-officials-promote-and-protect-human.

⁶⁶ See <https://quino.org/resource/2023/11/integrating-human-rights-and-sustaining-peace-exploring-special-procedures>.

⁶⁷ A/HRC/50/42, para. 88.

76. Businesses can also play a key role in protecting human rights and freedoms, and have the responsibility to join efforts to do so, in line with the Guiding Principles on Business and Human Rights. They should play an active role in exercising human rights due diligence, strengthen their accountability and provide remedies to victims in connection with their activities. Unfortunately, businesses have been involved in many human rights abuses and implicated in the growing restrictions on fundamental freedoms outlined in the present report, such as in the suppression of protests. It is vital that businesses stop initiating strategic lawsuits against public participation directed at activists and buying and selling the surveillance tools and less-lethal weapons used to suppress activists and peaceful protesters and that they refrain from involvement in Internet shutdowns and work actively to prevent them. Banking and financial companies should also enable the access of civil society organizations to resources.⁶⁸ The Special Rapporteur has continuously engaged with businesses, including in the technology industry, and encourages those actors to continue to engage on the issue of preventing and mitigating abuses.

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

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

79. Labour unions are important partners, as they facilitate protest action in relation to social and economic policy and against negative corporate practices and enable workers to engage with businesses and Governments on a more equal footing. There is a need, however, for the strengthened recognition and protection of workers' rights to freedom of peaceful assembly and association, without discrimination, including for workers in the informal economy. This will also contribute to the fight against poverty and for the achievement of the Sustainable Development Goals. It is essential for the construction of rights-respecting societies more broadly, as vibrant labour movements contribute to more democratic, egalitarian societies.

80. The rights to freedom of peaceful assembly and association are vital for the exercise of religious freedoms. Faith-based and religious actors should ensure that they do not undermine those rights but, rather, join efforts to defend them. Given the influence of religious and faith leaders in shaping societal norms and behaviours, they should work to counter human rights violations and incitement to hatred and also to counter stigmatization against civil society organizations, in line with their responsibilities as outlined in the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence and the Beirut Declaration on Faith for Rights.

81. Concerted global and regional collaboration is essential to facilitate early warning systems as restrictions and repressive tactics spread across regions. This also requires strengthening collaboration between global and regional institutions and building on the collaborative efforts of the Special Rapporteur with regional human rights mechanisms, such as under the aegis of the Addis Ababa road map guiding the cooperation between the United Nations and the special procedures of the African Commission on Human and Peoples' Rights and within the framework for joint action to strengthen collaboration with all regional mechanisms for the protection and promotion of civic space.⁶⁹

⁶⁸ See [A/HRC/50/23](#).

⁶⁹ See <https://freeassemblyandassociation.net/wp-content/uploads/2023/03/Joint-Action-for-FoAA-Framework.pdf>.

B. Priority areas

82. The Special Rapporteur has identified the following priority areas, which, as explained above, have a grave impact on the rights to freedom of peaceful assembly and association and to which the actors listed above should individually or collectively contribute in order to reverse the restrictions on fundamental freedoms.

1. Countering negative and hostile narratives and restrictive laws

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

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

2. Implementing human rights obligations without double standards

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

3. Ensure meaningful participation

86. All segments of society, including LGBTIQ+ persons, children, women, Indigenous Peoples and other groups facing marginalization must have a voice in decision-making processes, and systems should be put in place to safeguard their democratic participation. This requires dismantling historical and systemic discrimination, marginalization and other barriers to inclusion.

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

4. Ensure that technology fosters free and safe civic space

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

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

5. Build durable security by protecting and enabling civic space

90. The Special Rapporteur emphasizes that national security protection measures should be aimed at strengthening, not compromising, rights and freedoms and other democratic values. National and regional security policies should be centred on the protection of human

rights and should prioritize the inclusive civil participation of all segments of society, including women and young people, which contributes to the building of sustainable peace and democratic transitions. Robust national security policies require legitimacy and credibility, which can be effectively achieved only when the voices of all segments of society are reflected and rights and freedoms are upheld.

6. Strengthen protection strategies to ensure the resilience of civil society

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

7. Protect environmental activism to advance climate justice

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

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

8. Advance accountability

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

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

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

VII. Conclusions and recommendations

97. The efforts and advancements made in the 14 years since the establishment of the mandate of the Special Rapporteur have contributed to building an enabling environment for the exercise of the rights to freedom of peaceful assembly and association. Those rights are under serious threat today, however. The world is witnessing widespread, systematic and concerted global attacks against them and civic space more broadly, as authoritarianism, populism and anti-rights narratives increase. The spread of armed conflicts, the severe environmental crisis, electoral processes that are undermined and emerging and unregulated digital technologies exacerbate the threat to the enjoyment of those rights.

98. The present report is intended to serve as a wake-up call for collective action to counter the closing of civic space and to protect democracy, collective values and the enjoyment of all human rights and freedoms. Enabling civic space and protecting activists is fundamental for fostering the contributions of civil society to the work of tackling today's pressing issues. Through the establishment of the mandate, the Human Rights Council reiterated its commitment to the protection of those fundamental freedoms in response to the repressions of the Arab Spring. In the face of deepening and emerging global threats, it is even more urgent today that the international community and the Council reinforce the capacity of the Special Rapporteur under the mandate to continue to protect those rights by increasing the resources and political support for the effective implementation of the mandate.

99. Reaffirming the strong commitment to the fulfilment of those rights should be at the heart of the discussion at the Summit of the Future. The Summit is a rare opportunity to address directly critical global challenges and to reaffirm the commitments to the Sustainable Development Goals and the Charter of the United Nations. The realization of those commitments can be achieved only through the meaningful inclusion of civil society and the preservation of fundamental freedoms.

100. States should:

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

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

(c) Ensure that hate speech legislation is in conformity with international human rights obligations and standards, including the Rabat Plan of Action;

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

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

(i) Ensure meaningful and inclusive consultations and impact assessments to guarantee that legal and policy measures that affect the right of civil society organizations to seek, receive and use funding, including laws relating to cybercrime, national security, countering violent extremism and financial regulation, do not unduly restrict the rights to freedom of peaceful assembly and association;

(ii) Refrain from adopting or repeal or amend laws that stigmatize or delegitimize the work of foreign-funded associations and that compel recipients of foreign funding to register or adopt negative labels, such as "foreign agent";

(iii) Refrain from using overly broad and vague definitions that limit the ability of activists and associations to defend human rights or engage in political or public debate;

(iv) Avoid overregulating and unduly restricting the civil society sector, including via regulations on money laundering and terrorism financing;

(f) Respect and protect the right to engage in peaceful protest and adopt or amend existing protocols and strategies, in line with the Model Protocol for Law Enforcement Officials and its digital component, to ensure that law enforcement facilitates peaceful protest in compliance with human rights;

(g) Ensure that national strategies for security and sovereignty and measures to counter terrorism and violent extremism guarantee human rights and freedoms and are subject to thorough impact assessment prior to adoption;

(h) Enable positive engagement with human rights defenders and civil society, including grass-roots and community-based associations and activists, to ensure inclusive policies;

(i) Support safe and meaningful civil society participation, in all its diversity, in international and multilateral forums, including those relating to climate justice, peace and security;

(j) Enhance the protection of the rights to freedom of peaceful assembly and association in online spaces and in the use of digital technologies and ensure an open, safe, accessible and inclusive digital space for all;

(k) Support the development and implementation of a global human rights-based regulatory framework, in consultation with civil society, for the use of emerging technologies, including on spyware and artificial intelligence, especially when they are used for law enforcement purposes. Support a moratorium on the trade and use of spyware and artificial intelligence until such a global regulatory framework is in place;

(l) Ensure prompt and independent victim-centred accountability for all alleged violations of the rights to freedom of peaceful assembly and association, including for victims of online abuse, bring promptly to justice all perpetrators, including those in positions of authority, and provide full and adequate reparation to victims;

(m) Take effective measures to prevent, investigate, punish and provide redress for abuse against activists and protesters committed by companies operating within the State territory or jurisdiction;

(n) Develop strategies, in consultation with affected civil society organizations, to support activists fleeing emergency situations and political persecution, including effective protection from extraterritorial repression;

(o) Use diplomatic leverage, including through intergovernmental bodies, in response to States' hostile narratives and stigmatization of and restrictions on civic space and freedoms.

101. Businesses and investors should:

(a) Comply with the Guiding Principles on Business and Human Rights, conduct human rights due diligence to identify and prevent any risks to the rights to freedom of peaceful assembly and association relating to their business activities, including the trading of digital technologies and instruments of force used by law enforcement in the context of protests;

(b) Refrain from engaging in or encouraging stigmatization or intimidation or initiating strategic lawsuits against public participation or other acts of suppression of activists and protesters;

(c) Fully respect workers' rights to freedom of peaceful assembly and association, including as exercised in the formation of unions, participation in strikes and collective bargaining;

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

102. Companies administering digital platforms should:

(a) Adopt an inclusive, consultative and human rights-compliant approach to the governing of digital platforms, which foster transparency, accountability and due diligence, in accordance with the Guidelines for the Governance of Digital Platforms of the United Nations Educational, Scientific and Cultural Organization;

(b) Develop and provide clear digital security tools and dedicated training courses for civil society and online activists and human rights defenders;

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

103. Media companies should:

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

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

(c) Ensure the visibility and inclusion of different voices, including of Indigenous communities, marginalized groups and young people.

104. Donors should:

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

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

(c) Develop programmes, including for the capacity-building of lawyers, to continue to assist civil society organizations operating in complex or restrictive legal environments;

(d) Develop strategies, in collaboration with civil society organizations and activists, including those in exile, to continue to support those operating in environments affected by sanctions or broad counter-terrorism financing laws.

105. Civil society organizations, lawyers, trade unions and members of academia should:

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

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

106. Civil society actors should build new alliances with traditional or religious leaders to combat harmful and discriminatory narratives, such as against LGBTQI+ persons and women and around reproductive rights, and with academia, to document and analyse trends in restrictions of civic space to build timely and evidence-based advocacy.

107. Unions should invest in internal capacity-building and training, incorporating and addressing the needs of the informal economy sector and developing specific strategies for climate change mitigation to support workers in order to ensure just transitions.

108. Lawyers should support civil society by challenging restrictive laws and practices in national and regional courts, as appropriate, and providing support to civil society.

109. Academic institutions should invest in research to document civic space restrictions and their impact and to counter misinformation and should respect and protect academic freedoms, including the right of students and staff to safely engage in peaceful protests on campuses.

110. International and regional organizations should:

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

(b) Continue to provide support to civil society, including grass-roots and rights movements, and create inclusive spaces for dialogue and collaboration, including institutionalized, multi-stakeholder spaces that ensure access to diverse civil society and grass-roots organizations and to Indigenous Peoples to contribute to defining and developing policies, such as those relating to peace, security and climate issues;

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

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