

Policy Brief

Shrinking political spaces for civil society action from a golden era into limited possibilities

While the 1990s saw the rapid growth of Non-Governmental Organisations (NGOs) and Civil Society Organisations (CSOs) across the world, the political space for civil society action is under threat in a number of countries.

Country case studies developed with the support of the ACT Alliance suggest that in an increasing number of countries, civil society action is hindered by governmental and other actions. These phenomena differ from country to country but include stigmatisation and criminalisation of CSO/NGO actors, administrative and legislative restrictions, and physical harassment and intimidation. Legislation, including NGO framework laws, has been introduced in a number of countries which has effectively stifled or threatens to stifle CSO/NGO activity.

Human rights defenders are increasingly the targets of repression, restriction and abuse. Trade unionists, members of NGOs and social movements face arrests and criminal proceedings on charges of “forming criminal gangs”, “obstructing public roads”, “inciting crime”, “creating civil disobedience” or “threatening the State security, public safety or the protection of health or morals”.

Defence lawyers providing legal assistance to CSOs/NGOs, human rights defenders or victims of human rights violations are threatened, denied access to the court and their clients, and are arrested and charged under various criminal provisions. Participation in conferences, workshops and meetings, and travel to and from these events provide occasions for targeting CSO/NGO members. They are often subjected to humiliating body searches and excessive luggage screening.

These phenomena are observed in states with different backgrounds, including both authoritarian states and formal democracies.

Ironically, these negative developments occur in parallel to international processes in which recognition of the importance of civil society increases and expectations of their impact and effectiveness rise. At a time when more CSOs/NGOs are encouraged to take up advocacy roles, the space for such a role is becoming more difficult. This is particularly true for NGOs or social movements working on justice issues. CSOs working on issues such as land rights and access to natural resources appear to be especially affected.



In some cases, CSOs that challenge the mainstream values of society - e.g. gender norms and LGBTI (lesbian, gay, bisexual, trans- and intersexual) rights - are under particular threat.

While there exists no international instrument to explicitly guarantee or to protect the commitment and work of CSOs and NGOs, most UN documents promote States' engagement with civil society organisations. The Accra Agenda of Action, in particular, recognizes CSOs as actors in development in their own right and the necessity of governments to provide an enabling environment for them. Findings from the country case studies suggest that measures taken by government may be limiting this enabling environment for civil society organisations.

While not a legally binding obligation in international law, civil society engagement and support is an accepted standard of behaviour, particularly from the perspective of democracy, good governance and rule of law. In addition, the individual person acting in these organisations is entitled to all basic human rights including the right to life and freedom of expression and association. In some of the country cases researched, there is evidence to suggest that governmental interventions into CSO/NGO affairs undermine freedom of association through the imposition of burdensome and lengthy registration procedures, a biased supervision and monitoring regime, restrictions on accessing funding, and administrative and judicial harassment ■

Recommendations to ensure Civil Society action

For NGOs and CSOs

- » CSOs and NGOs should regularly analyse and report on developments in the political space for civil society action with reference to the human rights obligations of governments, particularly under the International Covenant on Civil and Political Rights, the Convention Against Torture, and related regional human rights instruments.
- » CSOs and NGOs should contribute to parallel reports to the various UN Treaty Bodies on developments in this area, particularly the Human Rights Committee and the Committee Against Torture, and to provide information to UN and regional mechanisms for the protection of human rights defenders
- » Where possible, CSOs and NGOs should advocate for the harmonisation of domestic laws with above-mentioned human rights standards and the Declaration on Human Rights Defenders
- » CSOs and NGOs should establish strong links with pertinent UN Special Procedures, particularly the new Special Rapporteur on Freedom of Assembly and Association, the Special Rapporteur on Freedom of Opinion and Expression, and the Special Rapporteur on Human Rights Defenders.

For donors

- » Donors should regularly monitor the space available for civil society action in recipient countries and urge recipient governments to abide by their international human rights obligations, particularly in relation to freedom of assembly, association and expression.
- » Donors should raise specific concerns with recipient governments on cases where CSOs have been exposed to harassment or threats, urging recipient governments to abstain from any such action and to investigate threats, harassments or misuse of power against CSOs and human rights defenders.
- » Donors should pay specific attention to the development of NGO framework laws in recipient countries, particularly in relation to the impact of these laws on civil society action and their compliance with human rights standards.

For the UN system

- » The UN Human Rights Council should ensure that issues regarding both Human Rights Defenders and political space for civil society action are fully addressed within the Universal Periodic Review process.
- » The UN Treaty Bodies, particularly the Human Rights Committee, should regularly ask for information in government reports under review on the status of the right to assembly and association, including the degree to which this right is respected in relation to civil society actors and human rights defenders.
- » The issue of political space for civil society action should be a special focus of the work of the new Special Rapporteur on Freedom of Assembly and Expression.