

CIVIC SPACE AND SUSTAINABLE PEACE:

PROTECTING THE RIGHTS TO FREEDOM OF PEACEFUL ASSEMBLY AND OF ASSOCIATION TO ADVANCE SUSTAINABLE PEACE AND DEMOCRATIC TRANSITIONS

On 12 October 2023, the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, [Clément Nyaletsossi Voule](#) presented his latest report to the General Assembly ([A/78/246](#)) on the importance of protecting the rights to peaceful assembly and of association for the advancement of sustainable peace and democratic transitions.¹

The report examines the importance of enabling, protecting and promoting the rights to freedom of peaceful assembly and of association in facilitating the meaningful inclusion and participation of civil society, affected communities, marginalised groups and victims in peace-building and democratic transition processes. This in turn is vital for building a resilient, inclusive and just society, contributing to, and ultimately achieving the advancement of sustainable peace and democratic transition.

The report further explores the enormous contributions made by civil society, and social movements, including women human rights defenders and women peacebuilders, in conflict prevention, peace-making and peace-building processes, as well as in democratic transition processes.

“To foster peace and prevent the escalation of conflicts, the world needs to view civil society not as an obstacle but as an integral and indispensable partner in all stages of peace agreements”

THE CONTEXT

Coming at a time of global insecurity, the report seeks to contribute to the realisation of obligations grounded in international law and international commitments related to prevention and inclusion, reaffirmed as key priorities by the UN Secretary General’s New Agenda for Peace. The Special Rapporteur emphasizes the obligation of inclusion as a norm in peace building, conflict prevention and transition policies. In order to advance and sustain peace and democratic order and to prevent deepening of conflicts, he calls on all stakeholders to stop perceiving civil society as an obstacle, but to proactively engage with civil society as an integral and critical partner to be included in all stages of peace agreements, from the design to the negotiations and implementation of peace agreements.

STAKEHOLDERS

While the report primarily provides recommendations for States involved in or supporting peace and transition processes, it highlights the responsibilities and obligations of other actors, such as de facto authorities in their position as duty bearers to respect international human rights law, including protecting the rights to peaceful assembly and of association. The report equally focuses on the critical role of the United Nations and the international community in ensuring inclusion in peace and transition processes.

——— Special Rapporteur Clément N. Voule

¹ See: <https://digitallibrary.un.org/record/4019633?ln=en>

1. Critical contributions of civil society and movements:

A. protection and service delivery

Civil society actors, including women peacebuilders, protect civilians in armed conflicts through:

- Negotiating peace zones with arms prohibition and engaging in de-mining, disarmament, demobilization, and prisoner exchanges, among others;
- providing protection to victims of human rights violations, such as of sexual and gender-based violence, which flourish during conflicts,
- providing aid and social services to support war-affected communities and aid in the reconstruction of the State and society.



B. Monitoring and Early Warning

International and local civil society groups have been instrumental in monitoring the implementation of agreements, which contributes to transparent and accountability frameworks, where governments and armed non-State actors can be held accountable for human rights violations and abuses.

- Their monitoring also contributes to ensuring that peace processes address the structural injustices that fuelled the conflict.
- Women's rights activists monitoring ensures that women's issues are considered in sustainable peace processes.

C. Mobilisation and Agenda Setting:

Civil society organizations play a crucial role in advancing peacebuilding efforts by influencing the agenda and exerting political pressure, often through protests, to ensure credible and inclusive peace processes:

- They have successfully advocated for dialogue as an alternative to armed conflict.
- Through public advocacy, protests, and engagement, civil society associations, activists and movements bring to the agenda societal sentiments, grievances and aspirations for human rights, equality and democracy.
- 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.

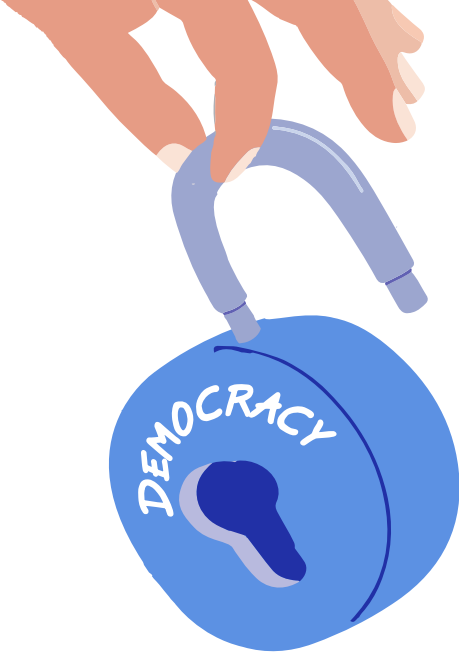
PARTICIPATION



D. Socialization and Sensitization

- Civil society, activists and associations have engaged in broad consultations, including with communities at grassroots level, enhancing awareness of peace and transition processes and ensuring their concerns are considered.
- Civil society creates spaces and provides platforms for peaceful groups and stakeholders to contribute their views on key issues in formal negotiations after conflicts.





E. Facilitation and Mediation

Civil society and movements, including those led by women, have played a role in facilitating peace and transition processes by bringing former warring parties together. As entities that are generally without partisan bias, the involvement of civil society as mediators has provided credence to the outcome, making more likely to be sustainable

F. Direct Representation at the Negotiation Table

- Civil society groups' involvement at the negotiation table has enhanced the perceived legitimacy of peace processes, contributing to peace consolidation.
- Civil society organizations and pro-democracy movements, through peaceful assembly and association, have been essential in prioritizing people and decision-making in peacebuilding; reinforcing accountability and providing avenues for ownership, monitoring and ongoing support to sustain the achieved peace.
- Having a seat at the table during such critical moments has brought a variety of voices to the negotiation processes and fostered the contribution of different perspectives, especially from those whose opinions are not usually heard or considered.

G. Ensuring Transitional Justice and Accountability Processes

- Civil society plays a vital role in advocating for accountability and effective sanctions against perpetrators of violations. By upholding internationally agreed standards, these groups ensure that peace agreements don't perpetuate injustice, discrimination, or impunity.
- Civil society organizations advocate for criminal trials and truth commissions and monitor their operations, supporting the implementation of decisions. They equally develop community-based approaches to address legacies of mass violence and collaborate with global transitional justice networks, enhancing their impact.



2. Exclusion, threats and challenges:

Despite the growing global consensus for sustained peace and democratic youth, and marginalized segments of society still encounter substantial barriers that hinder their meaningful participation.

on the significance of inclusive peace processes transitions, civil society, victims' groups, women,

Structural, social, and safety obstacles limit their ability to engage effectively. Challenges are escalating as individuals and groups face increasing constraints and threats when exercising their rights to peaceful assembly and association within peace and transition context. The Special Rapporteur stresses the importance of the free exercise of these rights during such processes which are key for ensuring an environment conducive for peace and democratic transition.

A. Exclusion and barriers to participation:

- Many peace and transition negotiations often deliberately exclude or side-line civil society, victims' groups, women, youth, and marginalized groups, in direct contradiction with international commitments to inclusive peace processes.
- Formal negotiation processes are often security-focused, prioritizing the interests of power holders, often resulting in power sharing of belligerent parties and immunity for human rights violators while sidelining communities' needs.
- When parallel consultations with civil society exist, they are often tokenistic, failing to provide real access to decision-making, and often the handpicked community representatives lack genuine credibility and can undermine the inclusivity of the process.

Recent examples like those of Afghanistan, Sudan, and Yemen show how excluding civil society and communities, women and other marginalised voices, jeopardises peace efforts, leading to agreements that disregard the interests of victims and entire groups and communities, enabling the rise of oppressive regimes and eroding human rights and democratic freedoms. As a result security is undermined also.

- Marginalized groups, women, youth, LGBTQI+ individuals, indigenous communities, and internally displaced populations, are widely underrepresented due to structural discrimination and patriarchal norms, which perpetuates violations and discrimination, undermining fundamental rights.

- It's vital in monitoring peace and political deal implementations, constitutional-making, elections, and ensuring representation in newly built democratic institutions.



INCLUSION



The Special Rapporteur stresses the importance of civil society and marginalized groups' inclusion for lasting peace and transitions, calling for consistent support and proactive promotion across all phases, from design of the processes to implementation and ensuring direct access to decision-making.

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

- In conflict, post-conflict, and transition contexts, individuals and groups exercising their rights to peaceful assembly and association face increased limitations, threats, and violence.
- Repression and abuse against civil society, activists, and pro-democracy movements instil fear, hindering peace-building and democratic transition efforts.



C. Legislative restrictions

- During crisis and transition periods, authorities have used harsh laws and states of emergency to unjustly limit and suppress the rights to peaceful assembly and association. These actions often serve to legitimize and consolidate power while quelling dissent and opposition voices and stifling calls for human rights and democratic transition.
- Under the pretext of security during peace and transition, States have enforced broad bans on assemblies and misused national security and anti-terrorism laws to criminalize and clamp down on activists and protesters.
- Legislative restrictions violating the right to association have also been adopted, often with criminal consequences.
- Draconian laws on associations grant excessive powers to control civil society registration, activities, funding, and dissolution, including Foreign Agent laws.

D. Threats, intimidation and reprisals

- Civil society activists operating in insecure and transitional environments face significant risks to their safety, enduring intimidation and attacks from both State and non-State actors. They are subjected to enforced disappearances, kidnappings, arbitrary detentions, extrajudicial executions, and torture.
- Those participating in peaceful assemblies also face excessive force, arrests, and torture from military and security forces, aimed at discouraging their involvement and suppressing dissent.
- Public narratives are weaponized to discredit, criminalise and sideline individuals and groups.
- The rise of conservative resistance against inclusion of certain groups and equality leads to hate speech and violence against civil society, especially those representing marginalised groups and women.
- Non-state armed groups have targeted activists and women, while the presence of unaccountable private military companies, like the Russian Wagner Group in African countries, exacerbates threats to civic engagement, democracy, and human rights.
- Civil society members, activists, and protest leaders often face reprisals, including for their collaboration with the United Nations, leading to self-censorship or exile.





E. Digital threats and surveillance

Given the insecurity in transitional contexts, digital platforms have provided a vital space for civil society and individuals to mobilise and share views and opinions on peace and transition processes. However, States have used broad anti-cybercrime and other repressive 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 of activists.



F. Attacks against women activists and protesters

- Women activists, who often challenge power structures and are drivers for change, equality and justice in peace-building and transitions settings, are particularly impacted by threats and intimidation, and face additional sexual and gender-based violence offline and online.
- The lack of protection and access to justice has increased women civil society actors' vulnerability and their stigmatisation, pushing women to leave the negotiation table and transition debates.



3. Recommendations:

In the report, the Special Rapporteur recalls that States, should stop seeing civil society actors, activists and protesters as an obstacle to the process, but as an integral and critical partner instead, he calls for their voices to be included from the design to the negotiations and implementation phases of peace and political agreements.

In his report the UNSR suggests the following key concrete measures that States and the international community can and should take.

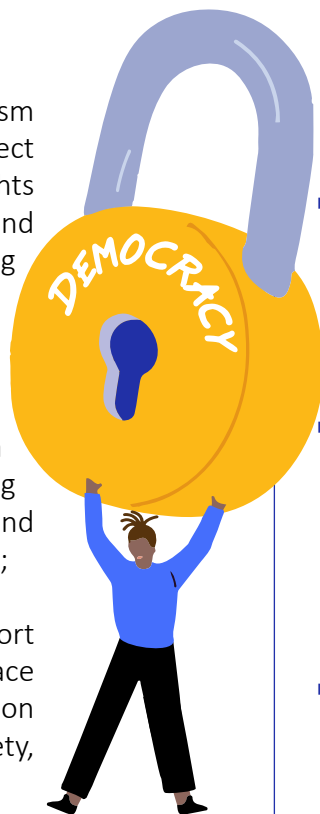
A. Creating a safe and enabling environment

- An enabling environment should be created for the safe exercise of fundamental freedoms during peace-building and transition processes, including amending restrictive laws and regulations to align with human rights standards.
- States and all parties involved in peace processes should ensure the enjoyment of these rights without undue restrictions.
- Imposition of a state of emergency cannot justify the exclusion of civil society actors from peace and transition processes.



- Protection is essential to fostering meaningful participation in peace and transition processes, and accountability mechanisms should be established for human rights violations against those exercising their fundamental freedoms.
- De-facto authorities and non-State armed groups should respect their international human rights obligations, including the rights to peaceful assembly and association, allowing meaningful engagement in peace and transition processes.

- A dedicated protection mechanism should be established to protect activists and human rights defenders involved in peace and transition processes, addressing their specific protection needs.
- The United Nations' peacekeeping and special political missions can play a role in monitoring and reporting on abuses against individuals and groups exercising their freedoms;
- Donors should condition support for conflict prevention and peace processes on meaningful inclusion and protection of civil society, including of women activists.



B. Promote and facilitate inclusion and participation

- States and international entities should actively promote and expand opportunities for meaningful diverse civil society inclusion, including marginalized groups, women, and youth, through inclusive platforms and consultations.
- Ensure direct access to formal peace processes for civil society, including of women activists, respecting their agency and considering the local context to avoid reinforcing injustice and inequality.
- Raise awareness and build capacity, including of law enforcement, which is essential to facilitate the rights to peaceful assembly and association, addressing biases and discrimination, in transition settings.

Respect and protection of Human rights and fundamental freedoms should be enshrined in peace accords and monitoring mechanisms and oversight mechanisms to ensure transparency and accountability for violations.

C. Extend technical and financial Support

- Technical and financial support should be provided to diverse civil society, women, and victim's groups to enable their active and meaningful engagement in peace processes, including as mediators and negotiators.
- Support should extend to rural and grassroots civil society actors, informal community associations, and victims' groups, with an emphasis on coalition-building and networks to increase their strength and voice, and their concerns to be reflected in the formal processes.
- Donors should increase core funding to civil society operating in insecure and transitional contexts, including informal community associations, while adequate capacity and resources should be allocated by States, international partners, and UN missions to enhance civil society participation and protection.
- Civil society should also build effective alliances for successful inclusion of all voices.

