

Opening Up Dialogue on Shrinking Space

In November 2018, members of Equitas' Community participated in an online conversation on shrinking space. Civic space is shrinking, limiting civil society from networking, making connections, organizing, and creating a positive environment for civic engagement and human rights to thrive. This space is getting smaller with the fewer resources available to civil society and human rights defenders within countries and from restrained external supports.¹ During the 2018 International Human Rights Training Program (IHRTP) Regional Thematic Session, participants identified several barriers they face in their HRE work that contribute to shrinking space and strategies to address them. In addition to this discussion, alumni were asked questions to further our understanding of the main challenges that human rights educators face, as well as concrete and realistic strategies to address the issue of shrinking space for human rights and human rights education (HRE). Thirteen (13) alumni participated from Benin, Canada, The Democratic Republic of The Congo, Germany, India, Jordan, Kenya, Mauritania, Nigeria, Rwanda, and Senegal. To guide the online conversation, an infographic summary on shrinking space was produced (see Annex I at the end of this document), and questions were asked to focus on specific issue areas. The following summary directly synthesizes the statements of participants.

First, alumni were asked **how relations between their Civil Society Organization (CSO) and local government could be strengthened to protect civic space**. One participant commented that in some states, the law governing civil society has not changed since independence, despite advocacy efforts to do so. In light of persons in local government or positions of power who engage in corrupt or abusive practices, HRE training for the promotion of social, economic, and cultural rights is necessary to encourage civic engagement and participation. HRE training is pivotal to improve understanding of the rights the public holds and can exercise, including the right to vote and call for the accountability of public funds.

CSOs should direct their efforts towards not just national-level actors, but also towards local governments to give them a separate platform to be heard. It is important to note that local governments in large countries in particular can often work independently from larger state or national governments. CSOs should educate themselves on jurisdictional boundaries between different levels of government prior to engaging with local governments. Acknowledging that there may be some issues outside the control of local governments that could hinder progress on initiatives could alleviate frustrations for both CSOs and local governments. Partnerships can be built in identifying such issues, working together to resolve them, and encouraging actions that are favourable in protecting rights and freedoms.

CSOs should identify people in local governments in leadership positions who seem to care for the protection of human rights or related issues. Actionable tasks can also be scaled

¹ 1 Emelie Aho & Johatan Grinde, *Shrinking Space for Civil Society: Challenges in Implementing the 2030 Agenda* (Forum Syd, 2017) at page 6.

smaller initially, to ask for changes that could be easily made and foster a good working relationship prior to tackling larger tasks. Legislating human rights protections such as human rights defender laws stemming from the *United Nations Declaration on Human Rights Defenders*,ⁱ for example, should be a priority that both CSOs and local governments can work together to achieve.

Local governments could potentially engage as stakeholders to make local change on a regular basis. They should be encouraged as members of the same community striving to protect civic space, and be included in community activities as any other member to improve relations. Alumni encourage CSOs to invite local governments to meetings to publicize discussions and produce action steps as equal parties invested in resolving issues. Local governments, in turn, should involve CSOs in the design, development, and implementation of plans to protect civic space, to meaningfully participate in policymaking processes and be consulted regarding decisions that affect them. Additionally, local governments should ensure that CSOs are protected when performing their public duties, effectively investigate, and prosecute human rights violations.

International coalitions like CIVICUS and communities like Equitas are influential in bringing international human rights educators closer to local communities and building a support network for action. More regional cohesions would help drive more needs-specific expertise and increase resilience to shrinking space, as well as public-private partnerships. Technology-based tools that allows for more robust ‘on the ground’ reporting and live monitoring of human rights situations could help build an evidence-based momentum for action when speaking with local governments.

Second, alumni engaged in discussion on **security and protection mechanisms they thought would be effective to address shrinking space**. Most importantly, human rights defenders and CSOs should be protected from intimidation, harassment, or attacks while they are performing their legitimate and public duties to protect shrinking space. All human rights defenders have a duty to advocate and assist transformative improvements to uphold all human rights, regardless of sex, gender, race, ethnicity, religion, disability or migration status, or other characteristic, online and offline. Participants identified their rights to peaceful assembly, as well as to investigate and prosecute violence, to take part in cultural life, to participate in public life, and the right to work as needing greater protections.

States should ratify *and* implement key international human rights instruments such as the International Covenant on Civil and Political Rights and its Optional Protocols;ⁱⁱ the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol;ⁱⁱⁱ the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol;^{iv} and the Convention on the Rights of the Child and its Optional Protocols^v in fostering a human rights culture. Additionally, States should endorse key international instruments such as the *UN Declaration on Human Rights Defenders*^{vi} and *The Cotonou Agreement*.^{viii} domestically. Participants expressed that the promotion of rights, such as of equality, would foster sustainable economic development that invites the participation of all members of society. Access to education is an additional concern that was raised to mitigate

mistrust, extremism, and despair by encouraging the fruition of social and economic rights. Moreover, resources such as the UN Special Rapporteur on the freedom of peaceful assembly and of association,^{ix} as well as the UN Special Rapporteur on the situation of human rights defenders,^x should be contacted and notified of fears of reprisal, threats of violence, and acts of violence, among other concerns. Reporting procedures should be easily accessible.

Alumni further discussed that other non-state actors should protect the rights of human rights defenders by involving them in independent country assessments and the development of human rights policies for monitoring and accountability mechanisms against violence. Non-state actors should act with due diligence and implement the recommendations of the Special Representative of the UN Secretary-General on human rights and transnational corporations and other business enterprises in adopting principles for good corporate responsibility.^{xi}

Third, alumni were asked questions **on defamation, (self-)censorship, and rights protection**. One participant noted that imprisoning critics and suppressing peaceful dissent mutes legitimate and constructive opinions on how to make society safer, driving human rights defenders underground. Grievances are enhanced with the fear of reprisal. Journalists and human rights activists have become victim to threats, prosecution, and murder as well, often creating a tendency to self-censor content and reporting. The rights to individual and collective freedom, citizen participation, and association need to be protected to ensure a safe, secure, and growing civic space. Participants agreed, for instance, that the freedom to express constructive criticism on government policies and to demand government accountability would accelerate innovation and economic progress. In particular, the voices of victims and those who face discrimination should be more clearly heard by governments and non-state actors. Additionally, public recognition that human rights and accountability make important contributions to effective responses to violence should be more widespread. CSOs should present a unified voice towards this end.

Finally, alumni engaged in conversation regarding **solutions to funding, engagement with businesses, and role of local media outlets**. Participants explained that funders can work more effectively with civil society actors to protect civic space by diversifying funding sources to decrease dependence on international donors. Alternative sources include crowd sourcing on social media and private sector actors. Each funding opportunity should respond to specific needs of the CSO. Funding should also be accessible to unregistered groups who face restrictions to become CSOs. CSOs can encourage businesses to support human rights education work by recruiting their support, seeking personal contacts with connections to businesses, and organizing presentations, workshops, and seminars catered to specific audiences. The UN Sustainable Development Goals^{xii} and UN Guiding Principles on Business and Human Rights^{xiii} implicate an array of state and non-state actors to engage in dialogue to protect human rights in all activities. Non-financial support is also helpful, in terms of diplomatic advocacy and issuing emergency visas for human rights defenders fearing reprisal. Local media outlets should form associations independent of the state, and receive non-governmental funding to mitigate internal censorship. Their role is pivotal in exposing human rights violations, expanding and coordinating a participatory discussion to reduce shrinking space.

The online conversation was, overall, very fruitful with solutions to address shrinking space. Several reports were shared, that provide further solutions: *Convening on Civic Space in Kenya* (July 1-4, 2018 Outcome Report), *Info Note: EU Country Roadmaps for Engagement with Civil Society* (June 2017),^{xiv} and *Shrinking Civil Society Space in the Horn of Africa: The Legal Context* (August 2017).^{xv} Thank you to all the alumni who participated, followed our conversation, and shared our dialogue. Your strength and resilience is inspiring and motivational.

Please see the following links to the resources referenced in the text above.

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- ⁱ *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, GA Res 53/144, UNGAOR, 53rd Sess, UN Doc A/RES/53/144 (1998), online: <https://www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration.pdf>
- ⁱⁱ *International Covenant on Civil and Political Rights*, 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976), online: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>
- ⁱⁱⁱ *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, 993 UNTS 3 (entered into force 3 January 1976), online: <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>
- ^{iv} *Convention on the Elimination of All Forms of Discrimination against Women*, 18 December 1979, 1249 UNTS 13 (entered into force 3 September 1981), online: <https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx>
- ^v *Convention on the Rights of the Child*, 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990), online: <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>
- ^{vi} To access all of the optional protocols of the key international human rights instruments mentioned above, see Office of the United Nations High Commissioner for Human Rights, “The Core International Human Rights Instruments and their monitoring bodies” (2019), online: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx>
- ^{vii} *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, GA Res 53/144, UNGAOR, 53rd Sess, UN Doc A/RES/53/144 (1998), online: <https://www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration.pdf>
- ^{viii} Partnership agreement 2000/483/EC between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 [*The Cotonou Agreement*], online: http://www.europarl.europa.eu/intcoop/acp/03_01/pdf/mn3012634_en.pdf
- ^{ix} Office of the United Nations High Commissioner for Human Rights, “UN Special Rapporteur on the freedom of peaceful assembly and of association” (2019), online: <https://www.ohchr.org/en/issues/assemblyassociation/pages/srfreedomassemblyassociationindex.aspx>
- ^x Office of the United Nations High Commissioner for Human Rights, “UN Special Rapporteur on the situation of human rights defenders” (2019), online: <https://www.ohchr.org/en/issues/srhrdefenders/pages/srhrdefendersindex.aspx>
- ^{xi} Office of the United Nations High Commissioner for Human Rights, “Special Representative of the Secretary-General on human rights and transnational corporations and other business enterprises” (2019), online: <https://www.ohchr.org/en/issues/business/pages/srsqtranscorpindex.aspx>
- ^{xii} United Nations General Assembly, *Transforming our world: The 2030 Agenda for Sustainable Development*, 21 October 2015, A/RES/70/1, online: <https://sustainabledevelopment.un.org/?menu=1300>
- ^{xiii} United Nations Human Rights Council, *Guiding principles on business and human rights: Implementing the United Nations “Protect, Respect and Remedy” framework* (2011) online: https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf
- ^{xiv} European Commission, *Info Note: EU Country Roadmaps for Engagement with Civil Society* (June 2017), online: https://ec.europa.eu/europeaid/eu-country-roadmaps-engagement-civil-society_en
- ^{xv} Mehari Taddele Maru, *Shrinking Civil Society Space in the Horn of Africa: The Legal Context* (PAX for Peace, Al-khatim Adlan Centre for Enlightenment, Horn of Arica Civil Society Forum, August 2017), online: https://www.researchgate.net/publication/327464122_Shrinking_Civil_Society_Space_in_the_Horn_of_Africa

[Annex I: Shrinking Space Info Summary](#)