



JOINT DECLARATION ON PROTECTING AND SUPPORTING CIVIL SOCIETY AT-RISK

The United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on Freedom of Expression of the Inter-American Commission on Human Rights (IACHR), the Special Rapporteur on Human Rights Defenders and focal point for reprisals in Africa of the African Commission on Human and Peoples' Rights (ACHPR), and the OSCE Office for Democratic Institutions and Human Rights (ODIHR);

Recalling and reaffirming their Joint Declaration on the right to freedom of peaceful assembly and democratic governance of December 2020;

Reaffirming that democracy is a universal value based on the freely expressed will of people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives and *stressing* that democracy, development and respect for all human rights and fundamental freedoms are interdependent and mutually reinforcing;

Underscoring again that the rights to freedom of peaceful assembly and of association constitute essential components of democracy, as they empower women, men, and young people to express their views, engage in literary and artistic pursuits and other cultural, economic and social activities, engage in religious observances or other beliefs, form and join trade unions and cooperatives, elect leaders to represent their interests and hold them accountable;

Mindful that human rights norms and standards need to be interpreted in light of evolving trends in order to ensure that individuals and groups of individuals enjoy effective protection;

Deeply concerned about the ongoing and deepening trends in democratic regression and rising authoritarianism across the world;

Deeply concerned also about the use by some States of emergency measures (including COVID-19 related) to target particular civil society actors, including human rights defenders, lawyers, and journalists;

Recognizing the courage of civil society actors, including human rights defenders, journalists, humanitarian workers, human rights lawyers, unions and community-based organizations, operating at the frontlines in the most repressive and life-threatening contexts;

Cognizant of the heightened risk for civil society actors in armed conflict and mass violence that can amount to crimes against humanity;

Deploing human rights violations and attacks, including killings and extrajudicial executions, enforced disappearance, persecution, hostage takings, sexual and other gender-based violence, arbitrary arrests,

prosecutions and imprisonments, torture and inhuman and degrading treatment, committed against civil society actors by both State and non-State actors, and *condemning* the prevailing state of impunity for such crimes;

Recognizing the specific and differentiated risks, barriers and impacts faced by women civil society actors in exercise of their rights to freedom of peaceful assembly and of association, including sexual and gender-based discrimination and violence, intimidation and harassment, online and offline;

Noting with concern the multiple barriers facing at-risk civil society actors in need of urgent life-saving humanitarian assistance and safe refuge, including limited legal and effective pathways, as well as slow, burdensome, and difficult procedures. The creation of exclusion zones under states-of-emergency that prevent human rights violations and threats against civil society actors to be recorded, monitored and effectively addressed have exacerbated these barriers;

Noting also with concern the increasing imposition of laws and policies that unduly restrict funding of civil society organizations from international sources and cause unjustified and discriminatory interference with the enjoyment of the right to freedom of association and related rights and freedoms;

Recalling that all States, whether acting individually or collectively, including through international or regional organizations, have the responsibility to respect, protect and fulfil human rights and fundamental freedoms, and *call* on non-State actors exercising government-like functions and control over a territory have the same obligations when their conduct affects the human rights of the individuals under their control;

Reaffirming the crucial role that international cooperation and multilateral institutions can play in addressing concerns expressed in this declaration and the protection of civic space;

Cognizant of a number of international human rights and international humanitarian norms and standards that are relevant to this issue, including the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; the Geneva Conventions of 1949 and their Additional Protocols; the International Convention for the Protection of All Persons from Enforced Disappearance; the Convention relating to the Status of Refugees and its Protocol; UN General Assembly Resolution 60/1; Security Council resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013), 2242 (2015) and 2467 and 2493 (2019) on women, peace and security; and 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;

Further cognizant of regional instruments such as the American Convention on Human Rights; the African Charter on Human and Peoples' Rights and its Maputo Protocol; the European Convention for the Protection of Human Rights and Fundamental Freedoms; the 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa; the 1984 Cartagena Declaration on Refugees; the Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons and Victims of Human Trafficking, the Final Act of the Conference on Security and Co-operation in Europe (Helsinki 1975), the Final Act of the Conference on Security and Co-operation in Europe (Copenhagen 1990), and the Budapest Document: Towards a Genuine Partnership in a New Era (Budapest 1994);

Adopt, on 9 December 2021, the following joint declaration:

General Principles

1. States have the obligation to prevent and protect civil society actors from violence, threats, and attacks for their work and to ensure accountability through the conduct of independent, timely and effective investigations into all alleged violence falling within their jurisdiction, and to ensure that victims and their families have access to appropriate remedies.

2. States should, unequivocally condemn all attacks and acts of intimidation, smear campaigns and other forms of stigmatization committed against civil society actors; unjustified restrictions to their legitimate work or reprisals for the exercise of their fundamental freedoms, including the rights to freedom of expression, peaceful assembly, association, and participation in public affairs.
3. At-risk civil society actors, including human rights defenders and journalists and their family members, have a right to seek international protection that takes into consideration their special situation and risks, including gender-based risks. They have the right to leave their own country or any country where they are residing and to be protected against refoulement.
4. When the home State is unwilling or unable to offer protection to at-risk civil society actors, States in the international community have a responsibility under international law, in particular international human rights law, refugee law and international humanitarian law, to offer protection and humanitarian assistance to civil society actors fleeing from violence.
5. Even in states of emergency, States have a legal obligation to respect, protect and fulfil human rights and fundamental freedoms. If a State introduces emergency measures, those measures must be necessary, proportionate, and time-limited, and must be adopted, revised, and rescinded through an inclusive, participatory process involving civil society, legislatures, and other stakeholders. Importantly, emergency measures should maintain effective protection of rights and freedoms—including the rights and freedoms of civil society actors—and provides for a remedy when violations occur.

Measures to ensure international protection and safe refuge

6. States must open their borders and guarantee emergency entry to their territory to civil society actors who seek international protection or demonstrate urgent humanitarian needs, including recognition of refugee status and other forms of protection. Easing accessibility to international protection, including by allowing asylum applications to be made by at-risk civil society actors without requiring they be present in the receiving country is a positive measure.
7. In cases where individuals do not seek or qualify for refugee or asylum status under relevant treaties and national legislation yet face risk of generalized persecution, States should support and facilitate effective international relocation initiatives and access to other forms of international protection, as well as accelerated and flexible visa procedures and policies. This includes:
 - a. adopting an emergency visa for civil society actors at risk, including human rights defenders and journalists, and
 - b. ensuring expedited and easily accessible visa facilitation regimes and/or measures such as temporary protection, humanitarian visas, visitor, work, resident, retirement, and student visas, and private sponsorship programs.
8. States should ensure application processes for protection:
 - a. Are expedited and legally and financially accessible, including by ensuring accessibility for those who, for reasons beyond their control, do not have the documentation that is usually required for these procedures.
 - b. Are equally accessible irrespective of the applicant's race, color, sex, language, religion, or conviction, political or other opinion, national or social origin, economic status, birth, property, marital status, gender, ethnic group, disability, nationality or statelessness, migration or residence status, age, reasons for crossing international borders or the circumstances of travel, or any other factor.
 - c. Guarantee due process and a fair assessment of all applications and take into account particular circumstances of the applicant, including the risk of criminalization and stigmatization in their home countries.

- d. Provide for the possibility of family reunification, including accelerated granting of visas to immediate family members/dependents of those at risk who are granted protection. In many instances, family members are also exposed to due to the civil society work and are entitled to international protection as well.
9. States should develop or support, with relevant civil society and professional organizations, assistance, and rehabilitation programs for relocated at-risk civil society actors. Such actors should also be provided with the support necessary to find long-term and durable solutions to the situations in which they find themselves on their basis of their work in civil society, including support to continue their activities, if so desired.
10. States should adopt protection measures whenever relocated individuals are at at-risk of transnational forms of repression, including abductions and unlawful surveillance.
11. States must protect at-risk civil society actors against refoulement and ensure they are not sent back to situations where they will face violence and attacks for their work.
12. States must not block, inhibit, or obstruct efforts by other States to protect at-risk civil society actors.
13. States must ensure that any measure taken to combat terrorism comply with their obligations under international law, including international human rights, refugee, and humanitarian law, and that they do not impede access to protection and safe refuge for at-risk civil society actors.
14. Bilateral relations must not be used as a tool to threaten or harass civil society actors. Granting of refugee status or other forms of international protection must not be made conditional on renouncing civil society work, including human rights activism.”

Foreign policy and development co-operation measures

15. States should seek to raise public awareness of the value of a vibrant independent civil society within their foreign policy and development co-operation efforts and encourage and support other States to uphold their international obligations to respect, protect, and promote the rights to freedom of expression, peaceful assembly, and association.
16. States should ensure foreign policy alignment by issuing specific guidance to their diplomats to work to prevent the closing of civic space and to promote civil society empowerment and protection. This includes developing clear policy positions on promoting the rights to freedom of peaceful assembly and association and systematically integrating the issue into diplomatic training and senior leadership briefings.
17. States should increase their financial and political support to civil society operating in hostile and repressive environments, including funding for rapid emergency assistance, safe houses in the country and legal defense as well as long-term resiliency support, taking into account the specific protection needs of women activists. These efforts should be accompanied by diplomatic measures to encourage States to lift any restrictions that prevent civil society groups from gaining access to the financial and human resources necessary to exercise fully their freedoms of association and peaceful assembly.
18. States should enhance coordination of diplomatic efforts with other governments and develop stronger both multilateral coordination and in-country efforts to advocate for open civic space and to support civil society actors under threat.

19. States should ensure that an enabling legal, political, economic, and social environment for civic engagement is a benchmark for – or is tagged to – development cooperation and humanitarian assistance.

Measures by international and regional organizations

20. Entities and mechanisms of international and regional systems should be encouraged to engage within their respective mandate in the following measures:
- a. Establish coordinated early warning mechanisms that can increase their capacity to respond to threats and attacks against civil society actors.
 - b. Facilitate access to human rights complaints mechanisms, as well as precautionary and provisional measures by regional systems designed to protect at-risk civil society actors.
 - c. Ensure that civil society can fully participate in the UN and regional mechanisms in order to better alert those mechanisms and their member states of prospective or existing threats to civil society actors.
 - d. Hold States accountable when they threaten and attack civil society actors, fail to protect civil society actors against threats and attacks by non-State actors, and fail to provide effective remedies in the aftermath of attacks.
 - e. Assist states to bring their legislation concerning freedom of assembly and association and freedom of expression in line with the international standards.
 - f. Take stock of existing training curricula and devise and provide training to law enforcement personnel and public officials on protecting and respecting the right to freedom of expression, peaceful assembly and association, as well as to the justice system personnel on effectively investigating and prosecuting violations of these rights.
 - g. Provide support to States to develop effective protection mechanisms to adequately respond to threat and attacks against at-risk civil society, taking into account gender-specific needs.
 - h. Foster a multi-stakeholder dialogue among national authorities, civil society, national human rights institutions, academia, and political parties to generate solutions and identify promising practices for the promotion and protection of civic space.

The United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément N. Voule

The Special Rapporteur on Freedom of Expression of the Inter-American Commission on Human Rights (IACHR), Pedro Vaca Villareal

The Special Rapporteur on Human Rights Defenders and focal point for reprisals in Africa of the African Commission on Human and Peoples' Rights (ACHPR), Rémy Ngoy Lumbu.

The OSCE Office for Democratic Institutions and Human Rights (ODIHR)