

## United Nations for the Peoples? – The role of the UN in ensuring civic space in practice

Session brief by Matilda Hald, the Dag Hammarskjöld Foundation (session organiser)

*Session panellists:*

- **Maina Kiai**, former UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association (2011-2017)
- **Phil Matsheza**, Regional Team Leader, Governance and Peacebuilding, UNDP Bangkok Regional Hub
- **Micah Grzywnowicz**, International Advocacy Advisor, Swedish Federation for LGBTQ Rights
- **Blazhen Maleski**, Researcher, Reactor – Research in Action, Macedonia
- **Maja Åberg**, Senior Policy Advisor, Amnesty International, Sweden Section

In the session, panellists and participants discussed the role of the UN in ensuring civic space in practice. As a starting point, it was recognised that the UN should take an active part in countering the trend of shrinking or closing space, both because it constitutes violations of human rights and because civil society is key to the implementation of the UN's peace and development frameworks, not the least the 2030 Agenda. However, there is an inherent challenge in the UN being the custodian of these universal normative frameworks that protect and promote civic space, while also being an inter-governmental organisation where many of its Member States are themselves violators of civic freedoms.

During the discussion various experiences and perspectives were shared, of which the main ones are summarised below. It is important to note that opinions among panellists and participants differed in some cases and the points outlined below may not be agreed by all.

***Scope for change:*** While both positive and negative examples were raised, there was a general sense that the UN system could improve its engagement with civil society, both within global UN fora and at country level. While frameworks and policies acknowledge that civil society is important to the work of the UN, this does not translate sufficiently into practice. Some participants suggested that truly transformational change of the UN system would be needed to effectively address closing civic space, while others suggested concrete practical steps such as internal rewarding of innovation and agencies that are at the forefront of working with civil society.

***Civil society in global UN fora:*** The closing of civic space is evident within the global UN fora where the participation of civil society organisations (CSOs) is increasingly challenged, even by states that have previously been supportive of civil society. The accreditation process to gain consultative status with ECOSOC – needed to formally engage in UN mechanisms – has become a significant hurdle, as Member States often block CSOs for political reasons. Furthermore, being accredited is not always sufficient to be able to access UN fora in New York. Special permission is often needed to get into the UN secretariat building, which entails another complicated and time-consuming application process. In actual sessions or meetings, activists often experience micro aggressions from Member States.

***UN Special Rapporteurs (UNSRs):*** UNSRs are appointed to examine, advise and report on the rights violations within their specific mandate, and the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association specifically addresses issues of civic space. The former mandate holder, Mr Maina Kiai, explained his work briefly, including how he shed light on civic space challenges in specific country contexts and influenced the debate by shifting

the terminology from “shrinking” to “closing” space, which more accurately portrays the severity and consciousness of the problem.<sup>1</sup>

The work of UNSRs is not very systematised. Most UNSRs are academics or former diplomats, while some come from civil society. Their background affects the way they approach the task and how they communicate. The work is done pro bono and rapporteurs have to raise their own funds. This is a challenge but it also opens up possibilities for CSOs to influence and engage with UNSRs.

***Strengthening the human rights pillar:*** There is a disconnect between the human rights mechanisms of the UN in Geneva and the more political discussions taking place at headquarters in New York. In addition, the human rights mechanisms receive only 3-6% of the UN budget. To strengthen the role of the human rights pillar within the work of the UN system, the politics needs to be decentralised out of New York or human rights issues must be brought there.

***Building bridges at the national level:*** At the country level, several participants suggested the UN would be well placed to play a bridging role between governments and civil society, to facilitate meetings, and to provide practical support to civil society actors in their work. Experiences in Macedonia were identified as a positive example, where the UN successfully facilitated civil society influence in political discussions through the Universal Periodic Review process, and by creating opportunities to sit at the table with government actors to discuss important issues.

***Regional support:*** In contexts in the Asia-Pacific region, when issues have been particularly sensitive for the UN country teams to raise at the national level, there have been attempts to address them at the regional level instead. The UN Development Group is also working on standardising tools and resources regarding civic engagement for UN Resident Coordinators and country teams.

***Different mandates, different strategies:*** Within the UN system each agency has its mandate and those should be seen as complementary, not contradictory. UNDP is mandated to work with governments on development, which at times challenges its possibilities to work explicitly with normative frameworks and human rights, and to engage with civil society in repressive environments. UNDP thus looks at human rights through a development lens and communicates to governments that it is in their development interest to not marginalise groups. There is also a need for UNDP to work to strengthen its relationships with and credibility among civil society at the national level.

***Using the SDG framework:*** The 2030 Agenda provides opportunities, for both the UN and CSOs, to promote rights issues using development language. For example, the LGBTQI community has successfully used the SDG framework to engage with states and UNDP has led efforts to promote space for youth engagement in the implementation of the SDGs in the Asia-Pacific region. While the human rights discourse is often regarded by governments as demanding accountability for current and past situations, the 2030 Agenda is considered to be focused on the future and thus is not perceived as threatening to states.

The session ended with participants and panellists suggesting strategies for how CSOs can engage with the UN on civic space issues, including the following:

- CSOs should be strategic and build alliances between themselves, with friendly countries, and within the UN system. Coalitions do bring power.

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<sup>1</sup> The work of Maina Kiai during his years as special rapporteur, including official reports and many useful resources for CSOs, is available on the website <http://freeassembly.net/>

- CSOs should engage with and put pressure on UN Special Rapporteurs. Rather than spending too much effort on participating in discussions in Geneva, CSOs should engage with the UNSRs in different ways, including by demonstrating support for and protests against their work. Also, CSOs should nominate and promote candidates for UNSR positions, increasing the likelihood of these positions being filled by individuals with understanding and background related to civil society work and space.
- Sometimes advocacy is not the most effective way to influence UN actors. Rather CSOs should identify issues where they can work together with the UN. This also means engaging in dialogue with a variety of UN agencies as they may have different entry-points to the issues, and to not only target the top level but also mid- and lower level UN officials that often do the daily work in preparing reports etc.
- CSOs with ECOSOC consultative status should act in solidarity with other civil society actors who are not accredited and bring voices without access to the table.