

**THE HIGH LEVEL EVENT ON SUPPORTING
CIVIL SOCIETY**

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**“Sounding the Alarm: emerging threats to civil
society and the need for a coordinated international
response”**

Maina Kiai

**United Nations Special Rapporteur on the rights to freedom of peaceful
assembly, and of association**

Your Excellencies, Presidents, Prime Ministers, The Secretary General of the UN,
Heads of Delegations:
Distinguished Ladies and Gentlemen:

First, and with your permission Mr. President, May I please ask everyone to join me in a moment of silence in respect of those who lost their lives and got injured in the senseless terror attack in Kenya.

I am honored to have been asked to address you on an issue that I deal with every day - not just as the UN Special Rapporteur on the rights to Freedom of Peaceful Assembly and of Association, but also as an active human rights defender. And I would like to especially thank President Barack Obama for hosting this important event.

My mandate was created with unanimous support in October 2010, and I extend my appreciation to the core group that put forward the resolution creating it. It comes up for renewal this week at the Human Rights Council and we hope that it will be adopted unanimously again.

The mandate was established against a backdrop of concern about the shrinking space for civil society globally. It came into sharp focus in early 2011 with the series of protests in the Arab region and beyond.

But it also came at a time of unprecedented opportunities for civil society's participation in governance. Today's citizens have much more information available about issues that affect their lives. Information technology allows them to organize themselves to make sure their voices are heard.

The protests helped remind us that freedoms of peaceful assembly and association are essential to democracy and

development. They are indispensable to the enjoyment of civil, political, economic, social and cultural rights. Without civil society, we would not have brought an end to slavery; got women the vote; or liberated people from dictatorships. Nor could we provide effective disaster response in the way the Kenya Red Cross has so ably done these last few days.

But sadly challenges have increased, despite rhetorical commitments from Member States.

Main challenges

Civil society and those voicing dissent face some of the most significant challenges, unlike those who support official policies. In Laos, Sombath Somphone “disappeared” last December for his advocacy of land rights of peasants, never to be heard from again.

There are similar challenges for WOZA in Zimbabwe; the opposition in Venezuela; human rights defenders in Russia; “walkers” in Uganda; SUARAM in Malaysia; anti-capitalism protesters in western countries and activists in Algeria, Bahrain, Belarus, China, Cuba and Sri Lanka.

Repressive legislation, often shared between states, is becoming a threat to civil society as Member States make laws criminalizing or restricting this work.

Tolerance of others must be harnessed. We don’t have to agree with what people do; but as long as it is done peacefully, and does not incite violence and hatred, it

should be allowed. Or to use President Obama's words, "we need to learn to disagree, agreeably."

At no time is this more important than during elections. Elections are a unique moment in the life of any nation, determining the direction of policies and priorities. No other event better exemplifies the right to public participation, as I will report to the UN General Assembly in October.

But the international community has effectively narrowed this space by focusing simply on the casting of the vote. Public participation must be seen in the context of what happens with all rights; before, during and after casting a vote. And increasingly, we are seeing violations to the rights of peaceful assembly and association in the context of elections, as politicians seek to retain or gain power at all costs. Indeed, so central are elections that I believe no other moment requires more space for civil society.

The right to freedom of association includes the right "to seek, receive and use resources...from domestic, foreign, and international sources".¹ Restrictions on funding have become a major existential threat to associations across the world, as we see in Ethiopia, where new laws restricting funding were introduced in 2009.

States are obliged to facilitate, not restrict, access to funding so that associations can effectively take part in democratic and developmental processes, just like

¹ A/HRC/23/39, para. 8.

businesses and governments. This calls for a change to a human rights based approach instead of a results-based-only approach.

Finally, intimidation has been dramatically elevated by an abusive social media, especially focused on those calling for democratic change and accountability.

In Kenya, for instance, some in social media have termed civil society “evil society;” inciting people to attack those supporting the International Criminal Court. Just a few days ago, the Kenya Police had to provide my elderly mother with protection because a group threatened to torch her homestead. This was clearly in retaliation for my work, fueled by Internet abuse.

Across the world, state and non-state actors cleverly stalk the Internet in the new war on civil society.

Let me now suggest how we can reverse these emerging threats to civil society.

- First, we must provide public recognition and political support to civil society, recognizing that assembly and association are central to democracy and development. Denying these rights often leads to social unrest.
- We must give as much attention to human rights and civil society issues as we do to issues of trade, security, and other strategic interests.
- Refocus development and governance paradigms away from results-based approaches and emphasize human

rights and space for civil society, including strengthening the demand side of governance and development. It is not enough that states have made progress on the MDGs: They should also make progress on human rights.

- Provide political support to the Human Rights Council special procedures mandates, including extending standing invitations to all UN special procedures. More than 30 of my requests for invitations have gone unanswered
- Ensure that civil society takes part in decision-making processes, particularly for policies which affect their work. Civil society should be key in the on-going discussions on the post-2015 Development Agenda which should include substantive endorsement of human rights.

Let me conclude by welcoming the engagement of the Open Government Partnership and the Community of Democracies—and other multi-lateral bodies--in supporting the consistent work of my mandate of highlighting good practices and norms for Member States so as to advance international law and standards.

Thank you.