



CIVIC CHARTER

The Global Framework for People's Participation

OUR VOICES
WILL NOT BE
SILENCED

SA... PROMOTE

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FOREWORD



MAINA KIAI

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

It is no secret that our world faces a multitude of problems in the early years of the 21st century: growing poverty and inequality, violent extremism, intolerance of "the other," potentially catastrophic climate change, and failing states, just to name a few. Indeed these problems sometimes seem so vast and complex that it is easy to despair.

But our biggest difficulty, truly, is that so many of us are excluded from having a say in how to solve these problems. **Billions of people – indeed the majority of the world – are cut off in their ability to contribute their talents, share their ideas and express their wishes.**

I observe this gap each and every day in my work as UN Special Rapporteur on the rights to freedom of peaceful assembly and of association. The space for meaningful participation in many of our societies – from repressive authoritarian regimes to the "traditional" democracies – has been hijacked. Sometimes this is done structurally, through repressive legislation that closes off democratic space. Other times it is blunter, through threats, persecution, and even brute physical force against people who dare test the boundaries of participation.

Either way, the message is clear: Those in power often don't want to hear what we have to say. They don't want to upset the status quo, even if that status quo is catapulting us towards obliteration. But in my work, I also see the other side.

Assembly and association rights are key platforms for participation, and people have an almost instinctive need to exercise them. When they are allowed to do so, great things happen. Communities come together and work for the common good. People are allowed to express their political opinions peacefully and leaders are held accountable. The arts and sciences flourish. The sharing of ideas sparks innovation. Religious groups can co-exist. Workers and employers engage in dialogue.

And above all, people take a stake in their societies. They feel motivated to build rather than to destroy, and this – more than any other system – brings stability and prosperity.

Our world does indeed face some of the gravest problems human civilization has ever seen. But these problems do not necessarily make me despair. I am confident that we are capable of solving them if we work together – but only if we are allowed to work together.

I am thus proud to endorse this Civic Charter, which is a reaffirmation of everyone's right to do this. **In solidarity.**

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VISIT: **WWW.CIVICCHARTER.ORG**

The development of the Civic Charter was carried out in cooperation with the Heinrich Böll Foundation, the Oak Foundation, the Open Society Foundations and the Wallace Global Fund.

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CIVIC CHARTER

The Global Framework for People's Participation

We, the people, have the right to participate in shaping our societies

Human rights and fundamental freedoms are increasingly violated worldwide. In a growing number of countries, people and their organisations face severe restrictions and are deprived of their rights to participate in shaping their societies. Activists are threatened, prosecuted, persecuted, imprisoned, tortured and killed. Civil society organisations are stigmatised, for example as foreign agents or extremists, hindered in their work, deprived of funding, forbidden to operate and dissolved. Avenues for people's participation in public decision-making are restricted or closed down.

Yet, unless people genuinely participate, the world will be unable to overcome its most threatening challenges, including persistent poverty, violent extremism, growing inequality, and climate change.

People's individual and collective participation brings life and gives meaning to democracy. It is vital in protecting human rights, achieving development and building just, tolerant and peaceful societies. It ensures that those who hold public offices, or other positions of power, are held accountable for their actions and are working for the common good.

We reject any attempt to prevent people from participating in shaping their communities, their countries and our common planet.

The Civic Charter provides a framework for people's participation

The Civic Charter is grounded in our common humanity and reflects universally accepted human rights, freedoms and principles. It provides a framework for people's participation that identifies their rights within existing international law and agreements.

It is imperative that all governments, all levels of public administration, international institutions, business and civil society organisations worldwide fully respect and implement the provisions of this Charter.

We, the people, are entitled to the following rights, which must be respected, protected, promoted and fully implemented everywhere and without any discrimination:

-  **1. Freedom of Expression:** Everyone is free to share, discuss, and promote their views and ideas, support the ideas of others, or express dissent.
-  **2. Freedom of Information:** Everyone has easy and timely access to all public information
-  **3. Freedom of Assembly:** Everyone is free to peacefully come together with others to pursue common goals and aspirations.
-  **4. Freedom of Association:** Everyone is free to form, join, or support organisations to advance common causes in a peaceful manner.

To ensure that all people can enjoy these rights, the following must be guaranteed:

-  **5. Effective Participation:** People and their organisations can genuinely participate in, and influence, public policy and decision-making at local, national, regional and global levels.
-  **6. Financial Support:** People and their organisations are free to access or provide financial support, both within and outside of their countries.
-  **7. Opportunities for Cooperation:** People and their organisations are free to engage in domestic and international dialogue and cooperation.

These rights can be legitimately claimed as long as they do not infringe on the rights of others, or incite or promote hatred, discrimination, hostility or violence.

To make sure that cooperation between people, their governments and public institutions brings maximum benefits to all of us, the following principles must be upheld:

-  **8. Duty to protect:** Each government ensures that people and their organisations are free to participate without persecution, torture or threats to their lives, and are not subject to collective punishment for exercising their fundamental freedoms.
-  **9. Enabling Environment:** Each government adopts legislative, administrative, and other measures to respect, protect, promote and fulfil the rights and freedoms referred to in this Charter, and investigates attacks on individuals and organisations with a view to bringing suspected perpetrators to justice in line with international standards of fairness.
-  **10. Public Accountability:** Government, business and civil society organisations are accountable to the public.

Our individual and collective responsibility

People and their organisations around the world are striving for justice and dignity. Their engagement provides us with the opportunity to collectively overcome our common challenges.

Whether we are engaged in government, business, or civil society organisations, it is our collective responsibility to secure and contribute to a peaceful, just and sustainable future for us all.

AS SIGNATORIES

- We demand that all governments and their institutions **respect, protect, promote** and fully implement **all international conventions** and agreements that establish people's rights to participate and we call on business, civil society organisations, international institutions and other actors to equally act in accordance with these conventions;
- We commit ourselves to **defending** and **securing people's rights** to participation as established in this Charter;
- We stand in **solidarity with all people** whose rights to participate in shaping their societies are violated.

JOIN

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THE SIGNATORIES AND SIGN ON TO THE CIVIC CHARTER

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NOW!

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APPENDIX TO CIVIC CHARTER

Below are the references in international law, agreements and guidelines, that support each Civic Charter provision. This list may not be complete.

- 1. Freedom of Expression:** *Everyone is free to share, discuss, and promote their views and ideas, support the ideas of others, or express dissent.*
 - The Universal Declaration of Human Rights (UDHR), Article 19
 - International Covenant for Civil and Political Rights (ICCPR), Article 19
 - International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Article 13
 - Convention on the Rights of the Child, Article 13
 - Convention on of Persons with Disabilities, Articles 7 and 21
 - Convention on the Elimination of All Forms of Racial Discrimination, Article 5(viii)
 - Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders), Article 6
 - UN Declaration on the Rights of Indigenous Peoples, Article 16
- 2. Freedom of Information:** *Everyone has easy and timely access to all public information.*
 - The Universal Declaration of Human Rights (UDHR), Article 19
 - International Covenant for Civil and Political Rights (ICCPR), Article 19
 - International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Article 13
 - Convention on of Persons with Disabilities, Articles 21
 - Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders), Article 6
 - Convention on access to information, public participation in decision-making and access to justice in environmental matters (Aarhus Convention)
 - Tshwane Principles on National Security and the Right to Information

3. Freedom of Assembly: Everyone is free to peacefully come together with others to pursue common goals and aspirations.

- Universal Declaration of Human Rights, Article 20 (1)
- International Covenant on Civil and Political Rights, Article 21
- International Convention on the Elimination of All Forms of Racial Discrimination, Article 5 (ix)
- Convention on the Rights of the Child, Article 15
- Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders), Article 5

4. Freedom of Association: Everyone is free to form, join, or support organisations to advance common causes in a peaceful manner.

- International Covenant on Economic, Social and Cultural Rights, Article 8
- International Covenant on Civil and Political Rights, Article 22
- Universal Declaration of Human Rights, Article 20 (1)
- International Convention on the Elimination of All Forms of Racial Discrimination, Article 5 (ix)
- Convention on the Rights of the Child, Article 15
- Convention on the Rights of Persons with Disabilities, Article 29
- Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders), Article 5
- ILO conventions: No. 87, No. 98
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Article 26
- Convention on the Elimination of All Forms of Discrimination Against Women, Article 7(c)

5. Effective Participation: People and their organisations can genuinely participate in, and influence, public policy and decision-making at local, national, regional and global levels.

- International Covenant for Civil and Political Rights (ICCPR), in particular Article 25
- Universal Declaration of Human Rights, Article 21
- Convention on the Elimination of All Forms of Discrimination Against Women, Article 7
- International Convention on the Elimination of All Forms of Racial Discrimination, Article 5 (c)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Article 42
- Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders), Article 8
- UN Declaration on the Rights of Indigenous Peoples, Article 18

6. Financial Support: People and their organisations are free to access or provide financial support, both within and outside of their countries.

- International Covenant on Civil and Political Rights, Article 22 with reference to (1) Human Rights Committee, communication No. 1274/2004, Korneenko et al. v. Belarus, Views adopted on 31 October 2006, para. 7.2. and (2) 2013 Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, from page 4
- Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders), Article 13
- Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, Article 6

7. Opportunities for Cooperation: People and their organisations are free to engage in domestic and international dialogue and cooperation.

- Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders), Article 5
- The Busan Partnership for Effective Development Cooperation, Articles 3, 4, 9, 18 and 20
- International Covenant for Civil and Political Rights (ICCPR), Article 19
- Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, Article 2
- UN Declaration on the Rights of Indigenous Peoples, Article 36

8. Duty to protect: Each government ensures that people and their organisations are free to participate without persecution, torture or threats to their lives, and are not subject to collective punishment for exercising their fundamental freedoms.

- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- International Covenant for Civil and Political Rights (ICCPR)
- Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders)

9. Enabling Environment: Each government adopts legislative, administrative, and other measures to respect, protect, promote and fulfil the rights and freedoms referred to in this Charter, and investigates attacks on individuals and organisations with a view to bringing suspected perpetrators to justice in line with international standards of fairness.

- Human Rights Council Resolution 27/31 Civil society space
- 2013 Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya
- Resolution 70/1 2030 Agenda
- The Community of Democracies 2011 Vilnius Declaration
- Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders), Article 2, 12
- 41/128 Declaration on the Right to Development, Article 6

10. Public Accountability: Government, business and civil society organisations are accountable to the public.

- Human Rights Council Resolution 27/31 Civil society space
- The Busan Partnership for Effective Development Cooperation, Article 22, 23
- Resolution 70/1 2030 Agenda
- UN Guiding Principles on Business and Human Rights

DEFENDING THE SPACE FOR PEOPLE'S PARTICIPATION

About the Civic Charter – The Global Framework for People's Participation

What is the Civic Charter?

The Civic Charter provides a global framework for people's participation in shaping their societies. The two-page document, which people and organisations can sign on to and use as a basis for joint action, articulates a common set of civic and political rights. Based on universally accepted human rights, freedoms and principles, the Civic Charter serves as a reference point for people claiming their rights. It can be used as a tool for awareness-raising, advocacy and campaigning. The Civic Charter promotes solidarity among local, national, regional and global struggles to defend the space for civic participation.

The space for civic participation is under threat

Around the world, citizens are experiencing a major backlash from their governments, and are facing government-condoned threats from non-state actors, business, private security operators and others. According to the CIVICUS State of Civil Society Report 2016 there are "serious threats to one or more civic freedoms in over 100 countries." ¹ Civil society activists have to fear for their lives, with many falling victim to disappearances and murder. Civil society organisations (CSOs) and their staff face threats, arrests, frozen bank accounts, revoked licenses, blocked websites, coerced registrations and closure of their offices.

In April 2014, the right-conservative government head of the Prime Minister's Office announced that he would initiate the re-negotiation of how certain external funding is provided to Hungarian CSOs. This signalled the start of a series of unprecedented governmental harassment of independent civic groups.

Ökotars Foundation found itself in the centre of the conflict: we were subject to a media smear campaign; we were targets of harsh and intrusive financial audits; we fought accusation of all sorts of illegal activity; and defended ourselves in court once a formal criminal investigation had been launched. We survived the raids at our office and homes, and rebuilt our organisation after the confiscation of laptops and documentation. We were determined and succeeded to pick ourselves up and continue to work towards a citizen-based approach to environmental democracy.

Veronika Mora, Ökotars Foundation (Hungary)

Governments from across the globe are borrowing various strategies from each other to restrict civil society actors within their own borders. In the last three years alone, over sixty countries have introduced restrictive provisions to laws regulating CSOs, and in laws on anti-terrorism, the media, cybercrime and more. ² To justify these laws and restrictive actions, states are driving a narrative that vilifies autonomous CSOs, thus weakening organisations which are powered by the people's will to advance their societies.

¹ CIVICUS: <http://civicus.org/images/documents/SOCS2016/summaries/SoCS-full-review.pdf> [accessed: 09.09.2016]

² ICNL: http://www.icnl.org/news/2015/05_26_4_Rutzen.pdf [accessed: 21.09.2016]

One popular strategy at the moment is to defame legitimate CSOs and prominent activists as "foreign agents". With nationalism and xenophobia on the rise in many countries around the world, many governments are denouncing civic movements and organisations by claiming that their work undermines national sovereignty. These accusations are backed up by "proof" such as connections to organisations abroad, especially funding from foreign sources. One example is a Russian law labelling CSOs that receive funds from abroad as "foreign agents", thereby institutionalising the vilification and criminalisation of civil society actors. Since the establishment of this law many governments around the world have copied this approach.³

In September 2016, an Egyptian court froze the assets of five prominent human rights defenders and three leading civil society organisations (CSOs) who were charged with illegal foreign funding and operating without licences. In Syria, Bassel Khartabil – a peaceful online freedom of expression activist – has been held in incommunicado detention since March 2012. On 27 December 2015, Naji al-Jourf – a Syrian film maker and journalist – was shot dead by an unknown person in the southern Turkish province of Gaziantep after exposing ISIS atrocities in Aleppo. In Bahrain, Abdulhadi Al Khawaja – a leading human rights figure and the founder of Bahrain Centre for Human Rights – has been serving a life sentence since June 2011 following an unfair politically-motivated trial. These are just some examples from the Middle East and North Africa where the crackdown on civil society continues with unrestrained force.

Moataz El Feghery, Frontline Defenders (Egypt)

Another strategy employed to restrict civil society actors is to link their activities to national security, particularly the threats of violent extremism and terrorism.⁴ In the name of national security, people are frequently denied their right to peaceful assembly. Often states may restrict organisations that are critical of the government by categorising them as extremist. Human Rights Watch cites an extremely grim example from the Democratic Republic of Congo, where activists speaking out against President Kabila were "jailed, beaten, and threatened after organizing peaceful protests" on the basis of "plotting 'terrorist activities' or 'violent insurrection'"⁵. Several countries – such as Cambodia, Egypt, Tajikistan, India, China, Pakistan, and Bangladesh – restrict foreign contributions to CSOs arguing that this is necessary to fight terrorism.

CSOs and activists that work to counter the negative environmental or societal impact of activities by large corporations are also facing government-condoned crackdowns. When civil society speaks out against environmentally-damaging practices or land grabbing by the extractive sector and other industries, activists often have to fear for their lives.

The most prominent recent example is Berta Cáceres, the environmental activist murdered in Honduras in March 2016. Research undertaken by Global Witness shows that every week at least two people are murdered for taking a stand against land grabbing and environmental destruction.⁶

³ ICNL: <http://www.icnl.org/research/journal/vol17ss1/Rutzen.pdf> (see p.8-9) [accessed 21.09.2016]

⁴ Human Rights Watch: https://www.hrw.org/sites/default/files/world_report_download/wr2016_web.pdf [accessed: 09.09.2016].

⁶ <https://www.globalwitness.org/annual-report-2015/> [accessed: 09.09.2016]

United Nations Human Rights Office of the High Commissioner <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=17229&LangID=E> [accessed: 09.09.2016]

⁵ https://www.hrw.org/sites/default/files/world_report_download/wr2016_web.pdf, page 10 [accessed: 09.09.2016]

In La Oroya, a Peruvian Andean city, where a metallurgical complex has operated since 1922, dozens of victims of toxic pollution have been struggling for years to defend their health and environment, and keep seeking remedy in national and international courts. Their struggle has been plagued with attacks and campaigns to discredit them and organizations that have assumed their legal representation. They have been labeled as "anti-mining" and "anti-development", harassed in the streets, or even intimidated by hanging dead dogs in front of their houses.

The list of such incidents in Latin America just keeps getting longer and poorly planned and developed mining, dams and other infrastructure projects are linked to them. As societies that strive for economic and social development we need to stop pretending that these and other countless attacks against environmental defenders do not happen or have no impact on the financial, political and social costs that we all end up paying eventually.

*María José Veramendi Villa,
Asociación Interamericana para la Defensa
del Ambiente (Peru)*

The situation in which civil society is forced to operate around the world is deteriorating. Through negative campaigning, violent measures and restrictive laws, governments are denying people their inherent right to participate in shaping their societies.

This all comes at a time when the global community is confronted with persistent poverty, growing inequality, violent extremism, climate change, and other planetary boundaries. History shows that most of the social, environmental, and political progress made in the past came from people's actions challenging the status quo: abolishing slavery, granting women the right to vote, establishing environmental standards, and bringing down the iron curtain. And every day an active citizenry can help shape political processes, organise political participation. Civil society plays an important role in com-

municating the needs of the people to the government and – through their continued engagement – ensuring the usefulness and sustainability of political measures.

Civil Society actors expose corruption and human rights violations, and hold the state accountable – all of which are prerequisites for a just society. Moreover, the active engagement of people in their societies contributes to alleviating poverty, countering the dangers of radicalisation and violence by working with the marginalised and disenfranchised, and protecting the environment. Without the active and unrestrained engagement of people around the globe, the transition towards a just, equitable, and sustainable world as laid down in the Sustainable Development Goals (SDGs) will not be possible.

Recent events have demonstrated a rapidly shrinking civil society space in Cambodia, marked by the arbitrary arrest of human rights defenders, police repression of peaceful protests, and legislation aimed at restricting CSOs. Several government critics, opposition members, and human rights defenders are behind bars. Among them, four senior staff members from local CSO Cambodian Human Rights and Development Association (ADHOC), and the deputy secretary-general of the National Election Committee, detained since April 2016 in relation to the legitimate provision of human rights assistance.

A prominent political analyst was gunned down in broad daylight in Phnom Penh in July, in what is widely believed to be a politically motivated assassination. These actions have further intensified the climate of fear in which Cambodian civil society now operates.

Sopheap Chak, Cambodian Center for Human Rights (Cambodia)

The Civic Charter frames people's rights to participate

In order to secure the space for civic participation, all those who value civil rights need to join forces to defend civic space. While activists and CSOs already fight for their space every day within their respective countries and communities, the cause is strengthened when they stand together internationally. As a starting point, while there have been a number of international initiatives launched over recent years to defend civic space, civil society actors were lacking a strong common definition of the terms and shape of the civic space to be defended. To fill this gap, an informal meeting of CSOs, which took place in Bangkok in November 2015, asked the International Civil Society Centre to facilitate the development of a Civic Charter.

Aimed at civil society activists and their organisations, the Civic Charter connects those engaged in the everyday struggle for civic space – on a local, national, regional or international level. Firstly, it draws together the most crucial terms for civic participation in an easily understandable way. Secondly, it serves as a global reference framework to civil society actors for their rights enshrined in international law. Thirdly, it reaffirms people's rights to participate in shaping their societies. The Civic Charter will provide a more effective basis for campaigning and advocacy for civic participation, as well as for promoting international solidarity with CSOs and activists in a specific country or region.

Process and stakeholders

The Civic Charter is a global document developed by civil society for civil society. The Steering Group, which led the development, had representatives from CIVICUS, International Center for Not-for-Profit Law (ICNL), ActionAid, Amnesty International, Oxfam, Rendir Cuentas, Voluntary Action Network India (VANI), Africa Platform, the Oak Foundation, the Wallace Global Fund, the Heinrich Böll Foundation and the Open Society Foundations. Throughout 2016, hundreds of civil society stakeholders provided input to enhance the Civic Charter through three rounds of open consultations (online and face-to-face). In the first round stakeholders were asked what the value of civic participation is, as well as the conditions needed for people's participation in shaping their societies.

In East Africa the space for active citizens is under attack, and civic engagement is eroding in a dramatic way across the region. The Governments of Burundi, Rwanda, and Uganda have extended presidential term limits, and curtailed the rights to organise for both opposition political parties and human rights defenders.

Kenya is struggling with failed democratic transition, which the Jubilee regime has undermined: the right to assembly has been curtailed; human rights defenders are facing malicious prosecution and systematic extra-judicial killings and disappearances, such as the recent case of human rights advocate Willy Kimani. Tanzania is experiencing a rise in police brutality against vocal human rights activists, and are limiting the rights of political parties to organise and assemble peacefully, eroding civic engagement in the fight against corruption.

These crackdowns, however, have not dampened the spirits of grassroots social movement in the East Africa region

Gacheke Gachihi, Mathare Social Justice Centre (Kenya)

The survey results, in connection with a desk study on the most important international rights and agreements on people's participation, informed the first draft of the Civic Charter. From April to June 2016 the first draft was then shared online for feedback. A number of face-to-face consultations were conducted and stakeholders were encouraged to provide feedback through a survey and open comments. The results of this consultation round informed the second draft of the Civic Charter and at the end of June 2016 a group of civil society professionals and grassroots activists from 13 countries came together in Tanzania to work in-depth on how to take the Civic Charter forward. Input from the Tanzania workshop contributed to the third draft, which was once again shared publicly for feedback in July, ensuring that the experience and insights from stakeholders worldwide were mirrored in the final version.



The Civic Charter belongs to all of civil society

Everyone is free to use the Civic Charter in a manner that honours its intentions. At the regional and national level, the Civic Charter can be used to underline the universality of people's demands. It can be used as a tool for awareness-raising, and to educate on people's rights to participate. Advocacy and campaigning initiatives can be strengthened by employing the Civic Charter, linking the local struggles to the global ones, and utilising the weight of the signatories. Examples and guidelines for use of the Civic Charter will be developed over the coming months and shared on its www.civiccharter.org.

The Civic Charter is open for signature by individuals and organisations at

WWW.CIVICCHARTER.ORG



