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## Human Rights Council

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### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

**Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

## Civil society space

### Report of the United Nations High Commissioner for Human Rights

#### *Summary*

In its resolution 53/13, the Human Rights Council requested the United Nations High Commissioner for Human Rights to prepare a thematic report that identified challenges and best practices for regularly assessing civic space trends and contained recommendations, with a view to enhancing information-gathering on civic space.

Based on inputs from States and civil society, combined with desk research, the report explores the roles played by different actors and identifies key civic space elements common to different assessment frameworks, as well as gaps and challenges. In conclusion, the High Commissioner calls on States to increase access to relevant data, draws attention to the need to ensure that contributors to civic space assessments on the ground can do their work safely and recommends stepping up work on assessing trends relative to online civic space.



## I. Introduction

1. People from all backgrounds have a right to have a say, when it comes to their daily life and future, on all issues from access to health and justice to public safety and education. They seek to do so by exercising their fundamental rights and freedoms and participating in debate and decision-making through formal and informal channels, from elections and volunteering to local informal councils of elders and social movements. Civil society actors, including human rights defenders, journalists, community leaders, scientists, artists, trade unionists and politicians, are representative voices of these and similar initiatives aimed at effecting concrete change in people's lives.

2. On the other hand, States have an important responsibility to shape the channels through which people can participate and influence decisions that affect their lives. When those channels allow for real dialogue, there are greater chances that people will adhere to the decisions taken and trust Governments, improving societal resilience. When channels get blocked, are very limited or insecure, the opposite happens. Understanding civic space trends allows changes and possible risks or opportunities in a given context to be assessed and is thus crucial, not only for promptly responding to human rights challenges or violations, but also for preventing crises and promoting sustainable development.

3. In its resolution 53/13, the Human Rights Council emphasized the important role of civil society in advancing human rights through monitoring, documenting and raising awareness of human rights challenges, violations and abuses, and promoting accountability and the rule of law. It also called on States to establish or enhance information-gathering and monitoring mechanisms, such as databases, including by benefiting from data collected by civil society and the media, in order to permit the collection, analysis and reporting of concrete quantitative and qualitative disaggregated data on threats against, attacks on or violence against civil society, including human rights defenders, journalists and media workers, and to do their utmost to make that data publicly available.

4. Similarly, in its resolutions 76/174 and 78/216, the General Assembly recognized the critical role played by human rights defenders in strengthening conflict prevention, peace and sustainable development, including environmental protection, through monitoring, reporting on and contributing to the promotion and protection of all human rights. The General Assembly also called upon States to strengthen national disaggregated data collection, analysis and reporting on the number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention, torture and other harmful acts against human rights advocates, as reflected in indicator 16.10.1 of the Sustainable Development Goals.

5. Against that backdrop, the Human Rights Council requested the High Commissioner to prepare a thematic report on challenges and best practices in regularly assessing civic space trends, with recommendations aimed at enhancing information-gathering on civic space. The present report is based on submissions from Member States, national human rights institutions and civil society organizations,<sup>1</sup> consultations with 25 experts from civil society and international organizations, and the experience of the Office of the United Nations High Commissioner for Human Rights (OHCHR) with human rights monitoring of civic space and indicators. All contributions are acknowledged with gratitude.

## II. What is civic space and why assess civic space trends?

6. Civic space is an environment that enables people and groups to participate meaningfully in all aspects of their societies. It relies on formal and informal channels for the dialogue and debate that inform decision- and policymaking, as well as on practices, behaviours and social norms, among others. A vibrant civic space requires an open, secure and safe environment that is free from all acts of intimidation, harassment or reprisals,

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<sup>1</sup> Written contributions were received from five Member States, six national human rights institutions and 22 civil society organizations. Contributions will be available at <https://www.ohchr.org/en/documents/thematic-reports/ahrc5731-civil-society-space>, apart from those which are not being made publicly available for reasons of confidentiality.

whether online or offline. State authorities, at different levels, are the main actors with the power to shape the environment in which people can participate, access information, express views, assemble, associate and engage in dialogue on issues that impact their lives. The human rights framework sets out the State's duty to ensure that people can influence decision-making, including by guaranteeing and implementing the rights of all to organize, participate and express themselves freely. For that, the authorities bear primary responsibility, including for recording and publishing data regarding relevant events or processes and the concrete steps they take in that regard. Other actors also collect data, including in support of the authorities, to comply with their human rights obligations and ensure accountability to the people. Meaningfully assessing the evolution of civic space provides an understanding of the power dynamics in a given context, or on a specific issue, as well as patterns of exclusion. In turn, such information and data can serve as early warning signs of a deteriorating human rights situation or serious human rights challenges.

7. The very nature of civic space, and the possible contending perspectives that play out therein, requires the engagement of different actors, both within the space and with influence over it, such as individuals, the media, civil society, academics and others. Those actors shape the space itself by the act of recording and analysing multiple factors that allow civic space dynamics to be described. Thus, assessment of civic space trends by such actors typically includes monitoring (focused on the evolution of the institutional legal frameworks and evidence of significant incidents, such as the repression of protests or the disruption of communications) and extends to the analysis of stakeholder perceptions of the challenges and opportunities they face when engaging in public affairs.

8. The ability to conduct assessments coherently in different locations or in different time periods depends on two main factors: the level of transparency practised by the authorities and the capacity of civil society and other actors to collect information. Over time, different actors have suggested a multitude of ways of understanding civic space trends and developed a variety of methodologies. The purpose of the present report is to shed light on some of those approaches, as well as on gaps and challenges, in order to contribute to promoting more coherent, systematic and coordinated approaches.

### III. Assessment frameworks

9. Reflecting the breadth of the concept of civic space, a variety of actors have developed assessment frameworks that delve into different aspects of civic space. To understand how these frameworks contribute to the assessment of civic space, it is useful to look at which rights are assessed, who assesses whose civic space, based on which methodologies and data sources, and how results are presented. The present report includes a separate subsection on online civic space.

10. OHCHR has developed a conceptual and methodological framework to guide States and other actors in identifying illustrative structural indicators (acceptance of international human rights standards and commitments), process indicators (efforts made to meet human rights obligations, and outcome indicators (results of those efforts), both qualitative and quantitative, for monitoring human rights.<sup>2</sup> These relate, for example, to public service positions held by women and other population groups, the existence of civil society actors working on freedom of expression and reported cases of arbitrary detention.

#### A. Who collects data and assesses civic space trends?

11. The more diverse the data sets used, including data sets that were not collected primarily for assessing civic space trends or through formal channels, the better the quality of the resulting information. The more data collectors and independent sources, the easier it

<sup>2</sup> See OHCHR, *Human Rights Indicators. A Guide to Measurement and Implementation* (2012), available from <https://www.ohchr.org/en/instruments-and-mechanisms/human-rights-indicators/documents-and-publications>.

is for different types of assessments of legal, institutional and policy frameworks to complement each other and paint fuller pictures.

12. States hold much of the data relevant to assessments of civic space trends, as they adopt and enforce laws and regulations that shape the civic space environment. They have a duty to report on the human rights situation and to record and disclose data for that purpose. Ensuring access to information is a State responsibility, with restrictions being an exceptional measure.<sup>3</sup> That means making every effort to ensure easy, prompt, effective and practical access to information of public interest, such as that relating to elections, the functioning of the media and communications, and budgets. Law enforcement and judicial bodies should disclose data regarding their actions, including information on arrests, trials and responses to demonstrations. However, that type of information is often difficult to access or unavailable. In some cases, for instance in Kenya, national statistics agencies and national human rights institutions have begun to work together, with support from OHCHR, to enhance data collection and dissemination aligned with human rights standards and principles.

13. Civil society data, including information from the international non-governmental organizations, data collection tools and assessment frameworks, often form the backbone of assessments of civic space trends. Civil society documents and collects information and carries out qualitative and quantitative assessments regarding civic space trends using a variety of sources, including official, non-official, open, primary and secondary sources; through methods such as monitoring judicial proceedings, citizen-generated data, news websites and social media, and expert and perception-based surveys; sharing information through interconnected civil society networks, consultations and workshops with stakeholders; monitoring public protests and gatherings; and conducting field-based interviews. Civil society typically collects information on developments, events or incidents relating to civic space that are impacted by public authorities or other actors.

14. Other actors, including intergovernmental organizations and regional bodies, also contribute to monitoring civic space trends, including in the context of the Sustainable Development Goals. For example, OHCHR is the custodian of indicator 16.10.1 of the Goals on the number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates.<sup>4</sup> Other indicators relevant to civic space include indicator 5.5.1 on the proportion of seats held by women in (a) national parliaments and (b) local governments, of which the United Nations Entity for Gender Equality and the Empowerment of Women is the custodian; indicator 8.8.2 on the level of national compliance with labour rights (freedom of association and collective bargaining) based on International Labour Organization (ILO) textual sources and national legislation, by sex and migrant status, of which ILO is the custodian; and indicator 16.10.2 on the number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information, of which the United Nations Educational, Scientific and Cultural Organization is the custodian.

15. National human rights institutions can play a vital role in assessing the compliance of national laws and policies with international human rights standards and documenting specific incidents of human rights violations. As an example of an innovative approach, the Danish Institute for Human Rights have designed a tool, the Right to Defend Rights, to systematically monitor progress on enabling environments for human rights defenders, using human rights-based indicators anchored in 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 (Declaration on Human Rights Defenders).<sup>5</sup> The tool allows for direct data collection from civil society actors and human rights defenders themselves, as well as other national human rights institutions. Also relevant is the Marrakech Declaration of 2018 on the role of national human rights institutions in expanding the civic space and promoting and protecting human rights defenders, with a specific focus on women, which encourages national human rights institutions to collect data and monitor attacks on

<sup>3</sup> International Covenant on Civil and Political Rights, art. 19.

<sup>4</sup> See, for example, <https://www.ohchr.org/sites/default/files/documents/issues/sdgs/2023/20230919-global-progress-report-on-sdg-16-indicators.pdf>.

<sup>5</sup> See <https://defend.humanrights.dk/about>

human rights defenders, drawing on the internationally agreed methodology for indicator 16.10.1 of the Sustainable Development Goals.<sup>6</sup> According to a survey conducted by OHCHR in 2024, around one third of A and B status national human rights institutions share relevant aggregated data.

## **B. Which approaches and methodologies are used?**

16. There are broadly three types of assessment frameworks in use: those primarily focusing on legal and policy frameworks and tracking how they evolve, with a subset concentrated on electoral processes; those primarily recording events that have an impact on people's ability to contribute to the debate and participate in decision-making; and those using perception-based surveys and expert analysis of trends and developments, generally combined with one or both of the above, often including a peer or expert review component. The present report provides an overview of specific examples, with the majority of the frameworks combining different approaches, often cross-referencing each other's methodologies and data.

17. A number of initiatives have experts or other observers assign numerical ratings or scores to specific civic space elements and aggregate these into composite indices, enabling, for example, country rankings based on the openness or restrictiveness of the civic space. Issues of representativeness and interpretation notwithstanding, such information can help fill certain gaps, including in official data, and play an important advocacy role. Contributors stressed that no meaningful civic space assessments can be conducted without contextual understanding or the involvement of different actors on the ground.

18. Some initiatives are participatory in nature and involve the populations whose civic space they assess, including through public opinion surveys and barometers. To promote an enabling policy environment for citizens and civil society to access information and engage in national policymaking processes, some States put in place participatory channels, which collect data on citizens' engagement. For example, in Chile, the Ministry of the Interior and Public Security makes available information related to the participation of civil society in different mechanisms of public management,<sup>7</sup> including through institutionalized civil society councils. In Ireland, open data is identified as a fundamental resource for Government and civil society, based on an open data strategy<sup>8</sup> and the national open data portal,<sup>9</sup> which provide access to official, non-personal government data. Irish civil society can engage through a variety of platforms,<sup>10</sup> including the annual Civil Society Forum, the National Sustainable Development Goals Stakeholder Forum,<sup>11</sup> the voluntary national review<sup>12</sup>, the universal periodic review and the GeoHive Sustainable Development Goals data hub.

### **1. Assessing legal and policy frameworks and their implementation**

19. Approaches which assess legal and policy frameworks indicate how States translate their international obligations relating to human rights and public freedoms into national legal and institutional frameworks and practices. While the mere existence of national laws or regulations is not sufficient to assess the civic space situation, owing to its dynamic nature,

<sup>6</sup> See [https://ganhri.org/wp-content/uploads/2019/11/Marrakech-Declaration\\_ENG\\_-12102018-FINAL.pdf](https://ganhri.org/wp-content/uploads/2019/11/Marrakech-Declaration_ENG_-12102018-FINAL.pdf).

<sup>7</sup> See, for example, <https://generoyparticipacion.interior.gob.cl/> (in Spanish) and <https://serviciomigraciones.cl/en/citizen-engagement/>.

<sup>8</sup> See <https://www.gov.ie/ga/eolas-polasai/8587b0-open-data/?referrer=http%3A%2F%2Fwww.per.gov.ie%2Fen%2Fopen-data>.

<sup>9</sup> See <https://data.gov.ie/>.

<sup>10</sup> See <https://www ireland.ie/en/dfa/role-policies/international-priorities/human-rights/human-rights-in-ireland/>.

<sup>11</sup> See <https://www.gov.ie/en/collection/c1cb6e-national-sustainable-development-goals-stakeholder-forum/#2023>.

<sup>12</sup> See <https://www.gov.ie/en/publication/274d0-sustainable-development-goals-voluntary-national-review-2023/>.

information on how the legal and institutional frameworks evolve provides important insights into political, economic, social and cultural trends.

20. Among the key areas of legal developments considered most frequently in civic space assessments is the compatibility of national standards with international standards in relation to political activities, media and civil society work, as related, for example, to the rights to participate in public affairs, freedom of expression and access to information, freedom of peaceful assembly and of association, and privacy, as well as standards regarding safety and access to justice and the guarantees of non-discrimination.

21. Laws and policies can affect those rights and freedoms in different ways, in particular those that relate to the following areas: electoral processes, discrimination against specific groups, strategic litigation against public participation, regulation of online content, regulation of the media, disinformation, hate speech and incitement to hatred, Internet access, privacy and data, assemblies and associations, civil society access to funding, national security, cybersecurity and cybercrime, counter-terrorism, surveillance, states of emergency, and “exceptional” legislation adopted outside standard legislative procedures.

22. Several initiatives assess laws and other jurisprudence and their compatibility with international human rights standards. The International Center for Not-for-Profit Law analyses categories of legal barriers affecting the formation, operations and access to resources of civil society organizations; freedom of expression and assembly in over 50 countries, based on the state of ratification of human rights treaties; and evaluations as to how national laws comply with international instruments.<sup>13</sup> The CSO Meter of the European Center for Not-for-Profit Law assesses compliance with international standards and good civic space practices.<sup>14</sup> The Belarusian Helsinki Committee has developed a human rights index to assess compliance of national laws, policies and practices with international human rights standards and track legal trends.<sup>15</sup>

23. In addition to legislation, most assessment frameworks, also assess people’s perceptions and take into account expert analyses regarding implementation of the legislation and its impact on respect for human rights and civic space. The CIVICUS Monitor assesses the overall civic space environment of countries based on a broad range of independent sources, with a focus on freedoms of association, peaceful assembly and expression.<sup>16</sup> It provides information on legal and bureaucratic restrictions, online and offline attacks on defenders and journalists, censorship, criminal defamation and closure of civil society organizations, thus giving much weight to data generated by local civil society. The democracy reports of the Varieties of Democracy Institute look at the core institutions of electoral democracy and civic liberties to rank countries, exploring how the legislature and the judiciary constrain the executive, as well as how the rule of law ensures respect for civil liberties, and evaluating at the same time the conduct of free and fair elections, cases of government intimidation, media censorship, harassment of journalists, restrictions on freedom of expression and repression of civil society, among other areas.<sup>17</sup> The Freedom in the World reports issued by Freedom House factor both laws and actual practices into their monitoring of the implementation of the Universal Declaration of Human Rights.<sup>18</sup> Other perception- and expert analysis-based frameworks similarly assess institutions, governance, human rights, public freedoms and the rule of law.<sup>19</sup>

24. The International Institute for Democracy and Electoral Assistance publishes monthly assessments of democracy and human rights developments in 173 countries, based on online

<sup>13</sup> See <https://www.icnl.org/resources/civic-freedom-monitor>.

<sup>14</sup> See <https://csometer.info>.

<sup>15</sup> See <https://index.belhelcom.org/en/>.

<sup>16</sup> See <https://monitor.civicus.org/>.

<sup>17</sup> See <https://v-dem.net/>.

<sup>18</sup> See <https://freedomhouse.org/report/freedom-world>.

<sup>19</sup> See, for example, the sustainable governance indicators and transformation index of the Bertelsmann Stiftung Foundation; the democracy index of the Economist Intelligence Unit; the human freedom index of the Fraser Institute and the Cato Institute; the Ibrahim index of African governance of the Mo Ibrahim Foundation; the Fragile States index of the Fund for Peace; the open society barometer of the Open Society Foundation; and the worldwide governance indicators of the World Bank.



and print media items and expert reports and analysis, including in relation to recent laws and policies that affect civic space.<sup>20</sup> On that basis, the global state of democracy indices aggregate democratic trends at the country, regional and global levels across a broad range of democratic performance indicators.<sup>21</sup> The Organisation for Economic Co-operation and Development (OECD) prepares so-called civic space scans, based on information provided by OECD members and other stakeholders. These are qualitative assessments of laws, policies, institutions and practices that shape the civic space in any given OECD member or partner country.<sup>22</sup>

25. Based on annual online consultations through the fundamental rights platform, the European Union Agency for Fundamental Rights compares information about the situation of fundamental rights across the European Union, with a view to identifying legal trends; offline and online threats against and attacks on civil society and human rights defenders, including excessive administrative control and funding cuts; the use of force and surveillance by law enforcement; criminalization; online content moderation; and strategic litigation against public participation.<sup>23</sup>

26. The world press freedom index produced by Reporters Without Borders analyses global, regional and national trends in laws and policies, based on qualitative analysis by specialists.<sup>24</sup> It also provides a quantitative tally of abuses against the media, looks at access to information, censorship or judicial sanctions, restrictions on freedom of expression, measures to protect sources and the impunity of those responsible for attacks on journalists.

27. Several regional organizations monitor electoral processes in line with established methodologies. The African Union has developed relevant expertise over several decades, including in relation to early warning monitoring and structural vulnerability assessments.<sup>25</sup> As part of its election monitoring, the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe takes account of the human rights situation, including the participation of women and minorities before, during and after elections, as well as on election day itself (including issues such as ballot box stuffing or voter intimidation).<sup>26</sup> Similarly, the International Foundation for Electoral Systems produces in-depth reports on elections that assess the local context against international principles, norms and obligations, with a focus on election integrity, democratic trust, inclusion and human rights, and information integrity.<sup>27</sup>

28. It should also be noted that respect for economic, social and cultural rights is interlinked with people's ability to express themselves and participate in political, economic and social life. Where there is socioeconomic inequality and exclusion, meaningful participation and public debates are affected. Thus, assessing the rights, for instance, to education and a decent standard of living, also contributes to assessing civic space trends. For example, the rights tracker of the Human Rights Measurement Initiative provides a comprehensive framework for tracking the degree of enjoyment of all human rights.<sup>28</sup>

## 2. Reporting incidents related to civic space

29. In addition to such broad assessment frameworks, the impact of State interventions on civic space can be assessed by collecting information on incidents, trends and patterns, using a diversity of sources, including victims and witnesses, civil society, media and other types of non-official statistics, in addition to government data. A range of entities employ a variety of approaches to such work, including by focusing on the different types of incidents documented, the variable systematicity of documentation, the geographic scope of coverage and the intended use of the information and methodology applied. Consequently,

<sup>20</sup> See <https://www.idea.int/democracytracker/>.

<sup>21</sup> See <https://www.idea.int/democracytracker/gsd-indices>.

<sup>22</sup> See <https://www.oecd.org/gov/open-government/civic-space.htm>.

<sup>23</sup> See <https://fra.europa.eu/en/themes/civil-society>.

<sup>24</sup> See <https://rsf.org/en/index>.

<sup>25</sup> See <https://au.int/en/articles/election-observation-africa>.

<sup>26</sup> See <https://www.osce.org/odihr/elections/methodology>.

<sup>27</sup> See <https://www.ifes.org/election-assessments>.

<sup>28</sup> See <https://rightstracker.org/>.

transparency regarding methods, objectives and scope is critical to enabling others to use the data and analysis produced.

30. Essentially, for meaningful assessment of the subject of the present report the following indicative types of incidents targeting civil society actors should be documented, noting that not all of these are necessarily violations in each instance:

(a) Measures targeting individuals, including killings; enforced disappearances; criminalization, including arbitrary arrest and detention and unfair trials; cases of torture and ill-treatment; physical attacks and (death) threats; gender-based violence and sexual harassment; surveillance; bans on travels and movement; house arrest; confiscation of personal assets; and incitement to online hatred and violence;

(b) Measures targeting organizations, including refusals to register, deregistration, closure of offices, office raids and damage to or freezing or confiscation of organizational assets;

(c) Online restrictions and threats, including targeted digital surveillance, censorship of online content, political interference with editorial decisions and targeted, partial and/or full disruption of social media channels and digital platforms, websites or the Internet;

(d) Measures related to protests and assemblies, including the banning of peaceful protests or refusals to authorize protests, surveillance of protests, arrests of protesters and use of excessive use of force during protests;

(e) Intimidation and reprisals for cooperating or seeking to cooperate with United Nations bodies, United Nations human rights mechanisms or other international and regional organizations.

31. Regarding physical attacks and threats, Front Line Defenders collect real-time and historic data on killings and attempted killings of human rights defenders, death threats, arrest and detention, surveillance, defamation, enforced disappearance, online violence and harassment and confiscation of property, among others, which feed into the joint civil society HRD Memorial Project, where data can be accessed by country, by type of human rights and by gender.<sup>29</sup> The World Organisation against Torture and the International Federation for Human Rights have created the observatory for the protection of human rights defenders to document killings, detention, torture and other forms of ill-treatment of human rights defenders.<sup>30</sup>

32. Regarding violations against and incidents related to media workers and journalists, the Reporters Without Borders barometer<sup>31</sup> and the Committee to Protect Journalists database of attacks on the press<sup>32</sup> document specific cases of attacks by country, gender and status of cases.

33. The Business and Human Rights Resource Centre collects and publishes data on attacks on human rights defenders by business actors, based on publicly available information and interviews, and through civil society partnerships.<sup>33</sup> Global Witness documents cases of killings of environmental human rights defenders by country and sector.<sup>34</sup> In the context of combating corruption, Transparency International reports on restrictions on the media and civil society through its national integrity system assessments,<sup>35</sup> including on killings of and other types of attacks on civil society activists and human rights defenders, based on various

<sup>29</sup> See <https://hrdmemorial.org/>.

<sup>30</sup> See <https://www.omct.org/en/resources/news/the-observatory-for-the-protection-of-human-rights-defenders>.

<sup>31</sup> See <https://rsf.org/en/barometer>.

<sup>32</sup> See <https://cpj.org/data/>.

<sup>33</sup> See <https://www.business-humanrights.org/en/from-us/human-rights-defenders-database/>.

<sup>34</sup> See <https://www.globalwitness.org/en/campaigns/environmental-activists/numbers-lethal-attacks-against-defenders-2012/>.

<sup>35</sup> See <https://www.transparency.org/en/national-integrity-system-assessments>.



sources.<sup>36</sup> The global protest tracker of the Carnegie Endowment for International Peace provides an overview of global trends and incidents of the most significant anti-government protests since 2017 by country, motivation, size and duration of protests.<sup>37</sup>

34. At the regional level, Forum-Asia compiles and publishes data, including by type of violence, perpetrator and victim, from media and other news sources on the implementation of restrictive laws and policies relating to the rights to freedom of expression, assembly and association, as well as on cases in Asia against human rights defenders.<sup>38</sup> Through its civic space observatory, the Arab NGO Network for Development issues regional and national reports on legislative developments and attacks on civil society in Arab countries.<sup>39</sup> Similarly, the Committee for Justice has launched the “Justice for human rights defenders” project to assess and document different types of violations against civil society members, activists, human rights defenders, minorities, lawyers, journalists and researchers in the Middle East and North Africa region.<sup>40</sup>

35. Some States have put in place mechanisms to document civil society-related trends. Notably, in Mexico, the National Executive Coordination publishes monthly statistics on the website of the Protection Mechanism for Human Rights Defenders and Journalists on threats against and attacks on civil society, journalists, trade unionists, including human rights defenders, and specific population groups.<sup>41</sup> In Ireland, the police analysis service collates data on threats and attacks to support Garda investigations and management decisions.<sup>42</sup> In Ecuador, within the framework of the Organic Law of Communication, the Communication Council monitors attacks on journalists, taking into account information from civil society and citizens. The Netherlands Institute for Human Rights has highlighted a number of government and other initiatives aimed at collecting data and information related to civic space, including reports on aggression against journalists by the Research and Documentation Centre,<sup>43</sup> PersVeilig reports on journalists encountering aggression or violence<sup>44</sup> and incidents of aggression and violence during peaceful protests,<sup>45</sup> as well as reports on threats against politicians, including on social media and specifically against female politicians and minorities.<sup>46</sup>

36. There are also national-level civil society initiatives that report mainly based on incidents. For example, in the Bolivarian Republic of Venezuela, Civilis Human Rights records events that violate the rights of civil society and the civic space environment to provide data on the traits, scale, severity, patterns and trends of potential breaches.<sup>47</sup> OVD-Info collects information, including through a 24-hour hotline, about politically motivated prosecutions, protest-related data and extrajudicial persecution of anti-war movements, among other areas, in the Russian Federation.<sup>48</sup> In Thailand, Thai Lawyers for Human Rights compile statistics on cases related to the exercise of the rights to freedom of expression and assembly, including under the lèse-majesté law and the criminal code, in a database which logs chronological events and violations perpetrated by State and other actors.<sup>49</sup>

<sup>36</sup> See for example, <https://www.transparency.org/en/news/cpi-2021-corruption-human-rights-democracy>.

<sup>37</sup> See <https://carnegieendowment.org/features/global-protest-tracker?lang=en>.

<sup>38</sup> See <https://asianhrds.forum-asia.org/>.

<sup>39</sup> See <https://civicspace.annd.org/en>.

<sup>40</sup> See <https://www.cfjustice.org/justice-for-hrds/>.

<sup>41</sup> See <https://www.gob.mx/defensorasyperiodistas> (in Spanish).

<sup>42</sup> See <https://www.garda.ie/en/about-us/our-departments/garda-siochana-analysis-service/>.

<sup>43</sup> See <https://repository.wodc.nl/handle/20.500.12832/3255> (in Dutch).

<sup>44</sup> See <https://www.persveilig.nl/over-persveilig/analyse-meldingen>.

<sup>45</sup> See <https://www.platform-investico.nl/artikel/onderzoek-demonstratierecht-in-de-knel/#annotation-39162-93>.

<sup>46</sup> See <https://www.om.nl/onderwerpen/bedreigde-politici/nieuws/2023/05/22/niet-eerder-zoveel-meldingen-van-bedreiging-politici>.

<sup>47</sup> See <https://www.civilisac.org/monitor/monitor-civico> (in Spanish).

<sup>48</sup> See <https://en.ovdinfo.org/reports>.

<sup>49</sup> See <https://database.tlhr2014.com/> (in Thai).

### C. Whose civic space?

37. The broadest measure of civic space is public participation as such, defining who participates in public affairs. Relevant indicators regarding the formal processes established by the authorities to inform decision-making show who from the different populations and communities (for example, women or different minorities) exercise their active right to vote in elections or otherwise seek to influence decisions that affect them. Specific efforts are often needed to collect data about those “left behind”, as data may not be disaggregated sufficiently to show such patterns, or such groups are invisible in data-gathering efforts. In addition to data on elections, other participatory processes should be captured, such as whether referendums are held, who takes part in petitions, citizens’ assemblies<sup>50</sup> and other ways to collect feedback from communities. Proxies to understand whether debate is taking place, and who can take part in debates, include the availability of different types of media in different languages, who has access to the Internet and the density of traffic on specific online platforms. The number of assemblies and associations can provide a general indication as to whether these fundamental freedoms are implemented, in particular if there is data for comparison over time. However, more contextual information is also and always needed to assess the genuine nature of assemblies and associations.

38. As an example of an assessment of citizen participation in legislative processes, the Inter-Parliamentary Union collects data in its Parline database on national parliaments, including data on whether citizens can comment on draft legislation; whether committee meetings are open to the public; gender and youth quotas; reserved seats; the percentage and number of female parliamentarians by age group; the minimum age for eligibility; and the number of times the procedure for emergency legislation has been used.<sup>51</sup>

39. In terms of attacks on specific population groups or actors, some frameworks provide incident-based information. The global rights index of the International Trade Union Confederation provides data on global, regional and national trends on violations of trade unions’ and workers’ rights and collective bargaining, including some incidence-based data, and also provides data in relation to criminalization of the right to strike, the erosion of collective bargaining, exclusion from labour protection, restrictions on access to justice, deregistration of unions, attacks on free speech and assembly, arbitrary arrests, detention and imprisonment, violent attacks on workers and killings.<sup>52</sup>

40. The Kvinna till Kvinna Foundation maps and reports threats against women’s rights and LGBTIQ+ rights activists in countries affected by conflict, fragility and violence.<sup>53</sup> In relation to children and child rights defenders, there is an overall lack of reliable data. However, Save the Children has proposed an approach to assess online and offline civic space conditions, including legal and other regulatory frameworks, for children and child-rights actors.<sup>54</sup> Artistic Freedom Initiative monitors the root causes of artistic suppression and advocates for artists to enjoy creative freedom and safety in their countries.<sup>55</sup>

### D. Online civic space

41. Progressive digitalization of social and political activities means that the Internet has become the new “public square”. Digital tools provide new opportunities and create new risks for those engaging in debates and participating in public affairs. The Freedom House “Freedom on the net” reports assess measures relating to access to information, freedom of expression, privacy and freedom from legal and extralegal repercussions arising from online

<sup>50</sup> See, for example, <https://assemblyguide.demnext.org/>.

<sup>51</sup> See <https://data.ipu.org/compare/>.

<sup>52</sup> See <https://www.ituc-csi.org/global-rights-index>.

<sup>53</sup> See, for example, <https://kvinnaatillkvinna.org/wp-content/uploads/2023/11/The-Kvinna-till-Kvinna-Foundation-The-state-of-women-human-rights-defenders-2023.pdf>.

<sup>54</sup> See

[https://resourcecentre.savethechildren.net/pdf/safeguarding\\_civil\\_society\\_space\\_for\\_children\\_0.pdf/](https://resourcecentre.savethechildren.net/pdf/safeguarding_civil_society_space_for_children_0.pdf/).

<sup>55</sup> See <https://artisticfreedominitiative.org/projects/artistic-freedom-monitor/>.

activities around the world.<sup>56</sup> The CYRILLA platform is an open database providing access to legislation, cases and analyses concerning human rights in digital spaces worldwide. The European Center for Not-for-Profit Law has piloted a monitoring tool for local partners in four countries to collect data on how digitally-mediated assemblies taking place or organized online are facilitated and protected by government and private actors.<sup>57</sup>

42. The collection of data relative to communications disruptions, or restrictions on online content and access to it, is particularly relevant, as these have widespread consequences.<sup>58</sup> The #KeepItOn coalition, led by Access Now, provides a global overview of Internet shutdowns by year and by country.<sup>59</sup> Similarly, the Georgia Institute of Technology in the United States of America is piloting an Internet outage detection and analysis system that monitors and identifies macroscopic Internet outages affecting the edge of a network or a large fraction of a country.<sup>60</sup> The Open Observatory of Network Interference Explorer is an open data resource on Internet network interferences worldwide, including the blocking of websites and mobile apps.<sup>61</sup> The European Repository of Cyber Incidents documents cyberattacks and incidents with a political dimension perpetrated by State and non-State actors against political targets.<sup>62</sup> In terms of privacy and digital surveillance, the Privacy International surveillance industry index documents trends in surveillance technology development and their sale and use by Governments, and features data on over 520 surveillance companies and over 600 reported individual exports of specific surveillance technologies.<sup>63</sup>

43. Private companies play a central role in managing digital spaces and hold information that is vital for assessing civic space trends. In particular, companies' transparency in relation to their practices and their responses to government requests is key to understanding digital civic space trends. The Ranking Digital Rights platform is an open database ranking the transparency policies of technology companies that affect users' freedom of expression and privacy.<sup>64</sup> Similarly, Access Now compiles disclosures by technology companies of threats to privacy and free expression, including links to the transparency reports of social media companies, which may provide some data on requests by States to remove social media content.<sup>65</sup>

## IV. Gaps and challenges for systematic assessment

44. The many initiatives to track civic space trends that have evolved over time mirror the breadth of civic space in terms of actors, factors, events and challenges around the world. However, many of the experts who contributed to the present report pointed to some common challenges and gaps related to concepts and definitions, the availability of data, resources and the security of those collecting information on the ground and in the online civic space.

### A. Access to data

45. Reliable data is frequently scarce or non-existent. Limited access to official information and the risks faced by those sharing or collecting information undermine the assessment of civic space trends. Many contributors emphasized that, even when government entities recorded events and incidents regarding rights related to civic space, such information was often not made public. Information from government statistics, agencies and line

<sup>56</sup> See <https://freedomhouse.org/report/freedom-net>.

<sup>57</sup> See, for example, <https://ecnl.org/publications/iran-digital-spaces-protest-and-control>.

<sup>58</sup> See A/HRC/50/55.

<sup>59</sup> See <https://www.accessnow.org/campaign/keepiton/>.

<sup>60</sup> See <https://ioda.inetintel.cc.gatech.edu/>.

<sup>61</sup> See <https://explorer.ooni.org/>.

<sup>62</sup> See <https://eurepoc.eu/dashboard/>.

<sup>63</sup> See <https://privacyinternational.org/blog/54/privacy-international-launches-surveillance-industry-index-new-accompanying-report>.

<sup>64</sup> See <https://rankingdigitalrights.org/>.

<sup>65</sup> See <https://www.accessnow.org/campaign/transparency-reporting-index/>.

ministries, and administrative and judicial records, for example about restrictions on assemblies or administrative regulations relating to associations, was difficult to obtain. Barriers to accessing information were even greater at the regional or local level. Reportedly, Governments increasingly rely on restrictive decrees that are not based on formal legislative and regulatory processes, and which are often not publicly disclosed, thereby further restricting access to relevant official information.<sup>66</sup>

46. According to civil society, in some instances their requests for disclosure of government administrative or judicial records and those from the law enforcement agencies went unanswered.<sup>67</sup> One reason they identified for the limited access to official data was the lack of clarity regarding which government entities were responsible for gathering and publishing data on civic space restrictions and which mechanisms were mandated to consolidate data related to civic space at different levels of government. Interlocutors also stressed that information about alleged State-affiliated perpetrators of human rights violations and attacks, especially non-lethal attacks and attacks happening in remote or rural areas, was practically never shared publicly.<sup>68</sup>

47. In settings of heightened tensions and violence, information about violations vis-à-vis civil society was even harder to obtain, often due to deliberate steps taken by the authorities to censor local information sources, including media and social media networks, and a lack of confidential and safe personal communication among citizens, exposing them to risk, particularly if they were still in the country.<sup>69</sup> Such precarious environments hindered civil society work and the consequent establishment of regular mechanisms to assess civic space trends.<sup>70</sup>

48. Even where information was public, much of it was available only in the majority language, resulting in restricted access to information in practice by minorities and foreigners.<sup>71</sup> Further complications in relation to accessing online information stemmed also from the design of government websites, which prevented automated data collection, such as the blocking of bulk parsing and introducing CAPTCHA tests.<sup>72</sup> In addition, government restrictions on or disruptions to the Internet or specific communications platforms made much more difficult, or even impossible, the collection of independent online information; accessing online reporting from activists and human rights defenders; and conducting online opinion polls, surveys and field research.

## **B. Availability of data**

49. Official data based on statistical methods can be indispensable for measuring civic space, while the absence of such data can be an indicator of a lack of, or minimal, civic space. In general, the availability and quality of data at national level, for example concerning attacks on journalists and human rights defenders, often depends on the strength of certain actors, notably national human rights institutions, and the existence of a sufficiently vibrant civil society.

50. Civic space assessments based on elections and pre-electoral contexts have received considerable focus (also in terms of funding), typically including special attention paid to media freedoms, the ability of candidates to safely campaign and hold assemblies, and the exclusion of certain populations from voting. However, such snapshots, focused on specific events or processes at a particular point of time, may be disconnected from a broader understanding and longer-term analyses of civic space. It is therefore important to ensure that civic space assessments are carried out on a continuous basis.

<sup>66</sup> See submission by International Center for Not-for-Profit Law.

<sup>67</sup> Submission by Human Rights Platform.

<sup>68</sup> See submission by Business and Human Rights Resource Centre.

<sup>69</sup> Submission by Association of Reintegration of Crimea and OVD-Info.

<sup>70</sup> See submission by Maat for Peace, Development and Human Rights.

<sup>71</sup> Submission by Association for Monitoring Equal Rights.

<sup>72</sup> Submission by OVD-Info.

51. Interlocutors also highlighted recurring gaps in the data available. There was a lack of data on restrictions on youth public participation and attacks on them.<sup>73</sup> Limited data was available on child human rights defenders and violations of their rights and fundamental freedoms, owing to a lack of awareness and understanding of their rights and the fact that relevant data is not collected through the child rights lens and/or disaggregated by age. That includes a lack of data on complaints filed, reprisals, or any other quantitative indicators that would highlight systematic issues in the implementation of the rights of children acting as defenders.<sup>74</sup> Similarly, United Nations special procedures have pointed to the need to better monitor respect for the rights of Indigenous Peoples,<sup>75</sup> minorities<sup>76</sup> and people of African descent,<sup>77</sup> among others.

52. There is also a need to better distinguish actors who have an adverse impact on civic space. Information about alleged perpetrators, including the security forces, non-State armed actors<sup>78</sup> and businesses<sup>79</sup> needs to be collected from the outset to enable a nuanced analysis of State responses to different types of perpetrators and their victims. To convey the full picture of accountability, it is essential to find ways to track the actions of States in bringing perpetrators to justice and providing remedies for victims in an accessible way.

### C. Sources of information

53. The collection and verification of non-governmental information, which is included in indices and ultimately civic space assessments, is typically undertaken by local and national civil society organizations that engage with people on the ground and have knowledge of local contexts and networks, including victims. However, such organizations have often reported being inadequately equipped and resourced to document attacks on human rights defenders and journalists, and obtain prior consent from victims, witnesses and other information sources – a key principle of human rights methodology. Additional challenges may arise in obtaining information about attacks carried out in remote areas or tense contexts, and in reaching victims and witnesses.<sup>80</sup>

54. Assessing civic space restrictions frequently includes collecting information about alleged abuses and failures of the authorities and non-State actors, with a view to enabling their public scrutiny. Consequently, those in charge of data collection often face considerable risks. In addition to direct threats, harassment and attacks, the criminalization of those contributing to assessing civic space trends, including journalists, can have a strongly chilling effect, leading to self-censorship and other forms of self-protection and risk mitigation.

55. At the organizational level, security risks may lead to organizations refraining from monitoring or reporting on certain issues or population groups for fear of retaliation. For example, online threats, surveillance and attacks on digital platforms collecting information on attacks on LGBTQI+ communities<sup>81</sup> and women's rights defenders<sup>82</sup> may result in the withdrawal of those platforms or initiatives. In addition to immediate protection concerns stemming from the collection and use of particular data, individuals and organizations may face continuing and longer-term risks linked to their findings and testimonies informing or being used in accountability and other processes.

<sup>73</sup> See, for example, [A/HRC/55/50](#). See also <https://www.un.org/youthenvoy/wp-content/uploads/2021/06/Global-Report-on-Protecting-Young-People-in-Civic-Space.pdf>.

<sup>74</sup> See joint submission by Child Rights Connect and Save the Children.

<sup>75</sup> [A/HRC/39/17](#).

<sup>76</sup> [A/HRC/50/24](#).

<sup>77</sup> [A/70/335](#).

<sup>78</sup> See, for example, [A/HRC/49/19](#) and [A/HRC/52/25](#).

<sup>79</sup> See, for example, [A/HRC/47/39/Add.2](#).

<sup>80</sup> See submission by Business and Human Rights Resource Centre.

<sup>81</sup> Submission by Criola.

<sup>82</sup> Submission by Kvinna till Kvinna.

## D. Methods used for assessments

56. The broad scope of civic space and the vastly different challenges faced by actors in that space around the globe, has resulted in very heterogeneous taxonomies. Experts have emphasized that the complexity and multidimensionality of civic space create challenges in adopting common assessment methodologies, including in terms of which questions are included in surveys, how they are formulated and how data is collected, analysed, interpreted, aggregated and reported. For example, counting either events or numbers of affected individuals produces different figures, which can be interpreted or communicated in different ways.<sup>83</sup>

57. The more aligned data management, storing, classification, coding and tagging criteria and methods are, and the clearer the minimum disaggregation requirements are, the better the quality of the data. Regular documentation, management and updating of data require long-term investment and significant capacity, especially when seeking to ensure that less visible targets or types of threats are made visible and included in the analysis.<sup>84</sup> The level of and potential for disaggregation is important in order to detect discriminatory and exclusion patterns, which in turn allows for them to be addressed. That applies even more to tracking trends across countries, regions or sectors. The OHCHR conceptual and methodological framework for human rights indicators can provide guidance to ensure that local and national data management efforts are aligned with international human rights standards, in order to facilitate greater uptake and use of available information.

58. To allow faster detection of civic space trends, including for early warning and prevention purposes,<sup>85</sup> investment in new data collection and assessment tools, including innovative digital tools and technology, is needed to enable a shift away from data that is only collected and presented on a periodic or annual basis towards real-time data. Training of local civil society actors in the use of digital tools and online platforms to collect data is also needed. High costs, coupled with a lack of capacity and awareness of the benefits of digital tools, financial and knowledge barriers, poor telecommunications systems, unreliable networks and barriers to accessing information online all impede the greater comprehensiveness and timeliness of data and analysis.<sup>86</sup>

## E. Transparency regarding interference with online content

59. Given the ever-growing relevance of digital tools for people's ability to exercise their rights, for example to participate in public affairs and express themselves, collecting evidence on online incidents is key to meaningfully assessing civic space. Tracking online threats and harassment is also key, particularly since they may be a continuation of or evolve into offline attacks. However, definitions and terminologies are even more disparate than for other civic space issues when it comes to describing online and digital space trends. Broadly agreed tools and approaches to systematic data collection on restrictions and threats in the digital sphere are largely lacking. That is further compounded by often vaguely defined concepts used as the basis for restrictions, such as hate speech, online violence and disinformation. Tracking digital surveillance is particularly resource-intensive. Although some existing proxy indicators can help assess access to and use of Internet and digital platforms, and their security and privacy features, they do not fully convey the digital civic space picture.

## V. Conclusions and recommendations

60. **Protecting the right to defend human rights, in accordance with the United Nations Declaration on Human Rights Defenders, requires an understanding of the trends and threats to civic space that is reliable and current. Building such a foundation of understanding of civic space trends is vital for addressing obstacles to the**

<sup>83</sup> See submission by Business and Human Rights Resource Center.

<sup>84</sup> See submission by Front Line Defenders.

<sup>85</sup> Ibid.

<sup>86</sup> Submission by iProbono.



implementation of all human rights, for ensuring accountable and responsive Governments and thus for sustainable economic progress and peace. Civic space assessments are also critical for identifying early warning signs when situations deteriorate.

61. Despite numerous obstacles, many different actors contribute invaluable “puzzle pieces” which, taken together, allow for fuller pictures of civic space trends. When these efforts are based on transparent methodologies and shared taxonomies, they facilitate cross-context comparisons and generate compelling evidence. Viewing elections as specific moments within longer civic space cycles can help complement other efforts in tracking civic space trends beyond such periods. When focusing on specific categories of defenders, such as environmental defenders, youth activists or women’s rights defenders, it is essential to build on common key elements to ensure the complementarity and comparability of findings. Understanding the variations and limitations of such assessments, such as their link to human rights and the elements they focus on, is crucial to using them.

62. Assessing civic space trends, especially at the country level, must involve independent and empowered local actors, as analysis should be firmly anchored in specific country contexts, taking into account the political, legal and socioeconomic dynamics that determine who has a voice and who lacks power. Broader factors, such as the rule of law and respect for economic, social and cultural rights, should be integrated into civic space assessments.

63. Tracking online civic space trends requires a common understanding of the key elements required for measurement and investment in accessible tools and approaches, with due consideration for privacy and confidentiality. Existing partnerships that record Internet shutdowns in accordance with a pre-agreed set of factors have proven successful in gathering credible data. Increased transparency on the part of Governments and companies can expand access to relevant data, for instance regarding requests for removing or regulating certain types of content.

64. The High Commissioner calls on States:

(a) To implement their obligation to maximize access to the information that is relevant for tracking trends, such as disclosure of the decisions and actions of public entities, including judicial and budget decisions;

(b) To ensure the safety and security of those who gather information for assessing civic space trends and, as such, act as human rights defenders, and acknowledge and remedy the immediate risks they face as they do their work on the ground, as well as the longer-term risks that may emerge when their findings and testimonies feed into accountability and other processes;

(c) To clarify which State entities are responsible for gathering and sharing civic space data, including from law enforcement agencies and the judiciary, and do the same at the subnational level;

(d) To establish and strengthen regulatory frameworks to increase transparency regarding measures relative to online civic space, such as on Internet shutdowns, the enforcement of content restrictions online and the purchase and use of surveillance technologies;

(e) To invest in strengthening the capacity of national statistical entities and national human rights institutions, in partnership with regional and international human rights mechanisms and civil society organizations, with a view to improving data collection and data disaggregation in accordance with international human rights standards and statistical practices;

(f) To monitor the effectiveness of channels for meaningful public participation at all levels (for example, complaint mechanisms and whether the channels are accessible by all), and ensure that the channels enable civil society and other organizations to provide relevant information;

(g) To encourage national parliaments to contribute to data collection on matters relating to the exercise of public freedoms and the situation of civil society actors, including journalists and human rights defenders, and consider organizing periodic public hearings specifically on civic space trends at different levels;

(h) To adopt the OHCHR human rights indicators framework and a human rights-based approach to data collection, dissemination and reporting, and disaggregate indicators by prohibited grounds of discrimination;

(i) As part of implementing the Sustainable Development Goals, to redouble efforts to collect data and report against Sustainable Development Goal indicators, in particular the indicators of Goal 16, which serves as an enabler for all Sustainable Development Goals;

(j) To adequately resource initiatives by civil society and the international community to track civic space trends, including by removing barriers that hinder access to funding for civic space work, consider how their support can encourage complementarity between different actors and assessment frameworks, and ensure that civil society has the ability to solicit, receive and utilize resources, including in relation to data collection and assessing civic space trends;<sup>87</sup>

(k) In particular those acting as donors, to recognize the vital contributions of those assessing civic space on the ground, including through their funding, and seek to address the risks faced by such people.

65. The High Commissioner recommends that civil society and national human rights institutions:

(a) Strengthen collaboration to explore how definitions, taxonomies and quality standards for data sources can be more aligned with human rights law, and ensure complementarity and comparability between different approaches and methodologies;

(b) Consider innovative methodologies and tools, including in partnership with States, international organizations and technology platforms, to monitor online civic space trends and online threats and attacks, with a view to collecting “real-time” data and information.

66. The High Commissioner recommends that the United Nations and other international and regional organizations:

(a) Follow up with States to ensure that efforts to support development and peace are informed by civic space assessments;

(b) Advocate with States and other actors for improved data collection and reporting on civic space trends, including on the need to disaggregate and publish data, and promote consistency of definitions, terminology and other aspects related to civic space monitoring and assessment;

(c) Facilitate dialogue between State institutions, civil society, national human rights institutions and other actors for improved data collection, and support joint capacity development for reporting on the targets and indicators of the Sustainable Development Goals;

(d) Step up efforts to ensure security for civil society actors at risk, based on United Nations policies and guidance on protection, and adequately track and respond to alleged acts of intimidation and reprisals;

(e) Continue efforts to track civic space trends, based on the international human rights framework, and strengthen capacity for the timely collection of accurate and quality data, including on specific civic space restrictions and events.

<sup>87</sup> See Human Rights Council resolution 53/13.