

European Parliament
Talking Points for Clement N. VOULE

Honorable members of the European Parliament, Ladies and Gentlemen:

Thank you for inviting me to address the issue of “authoritarianism and shrinking civic space”.

I have served as the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association since March 2018, with a mandate to study and report to the Human Rights Council on the situation of these rights around the world. One of my tasks as rapporteur is to closely examine and monitor the increasingly restrictive and hostile environment that civil society faces.

I welcome this opportunity to share with this important body how people on ground and their communities are experiencing this closing of civic space.

Honorable members of Parliament,

The rights to freedom of peaceful assembly and association are essential to all human rights, development and peace.

They are crucial for democracy; vital for people to join together in pursue of their common aspirations; the tool that empowers ordinary people and those at the margins of society, the dissidents, the oppressed, to transform the world around them, to defend their rights and shape their future.

Since I was appointed, I have seen the power that civil society can wield in peacefully progressing democratic values and the betterment of society.

Sadly, and precisely because of civil society’s power -- the rights to freedom of peaceful assembly and of association are under intensifying attack around the globe.

We are witnessing the most comprehensive rollback of civic freedoms since the end of the Cold War including: crackdown on protests; anti-NGO laws; killings and criminalization of human rights defenders and journalists and trade union leaders; and stigmatization and intimidation against civil society leaders.

We have seen how old and new tactics of repression and control are used with increased sophistication. Violence against protestors committed during internet shutdowns, to conceal atrocities and instill fear.

We have also seen the rise of authoritarianism and an anti-rights discourse in many countries around the world.

The impact is felt beyond the organizations attacked to those they serve, defend and support.

Honorable members of Parliament,

In my first report to the 38th session of the Human rights Council, I identified what I considered to be major global trends impinging on the exercise of the rights to freedom of peaceful assembly and of association based on communications sent and information received by the mandate since its creation.

In this hearing I would like to draw to your attention three of those major trends that I believe are relevant to the theme of today's hearing:

First, is the use of legislation to suppress the rights to freedom of peaceful assembly and of association.

Repression disguised as legislation is the tool of the new authoritarianism.

With a façade of legality, many repressive governments across the world are threatening the existence of civil society.

Laws that impede the formation, registration and operation of associations.

Laws, like the one adopted last week in Guatemala, that impose burdensome and undue limitations on access to funding resources, particularly foreign funding.

Laws that threaten individual civil society leaders with criminal prosecution. Laws that make organizations vulnerable to arbitrary suspension and dissolution.

We are also seeing the adoption and use of laws that increase barriers to organizing and participating in peaceful assemblies. Blanket bans, geographical restrictions and mandatory authorization. Legal measures that authorize arbitrary surveillance of protesters and their leaders.

Second, the criminalization of peaceful protest, and indiscriminate and excessive use of force to repress it, has become another marked and dangerous trend in both in democratic and authoritarian countries, but particularly cruel/severe in the latter.

Assemblies and protests are equated with threats to national security. State authorities respond with violence and the heavy hand of the criminal law -- anti-terrorism legislation in particular.

We have witness numerous cases of killings and injuries, and the detention and torture of protesters worldwide, many under trumped-up charges as part of unfair trials.

The willingness of State authorities to engage in dialogue and negotiation has declined over the years.

Third, restrictions to the exercise of freedoms of peaceful assembly and association online are shaping the future of civic space.

We observed an increase in the number of prohibitions to access online content and platforms, including social media, the imposition of severe penalties for publishing so called “fake news” or defamatory content online, and the use of overly broad provisions -often established in cybercrime laws, to restrict online content.

We have seen how very sophisticated digital surveillance tools can be used against civil society actors and journalists without any accountability. We have seen how these tools can be to enable brutal killing of these actors.

Frequent internet shutdowns and disinformation campaigns are used to silence and confuse communities at times when information is most needed: during demonstrations and elections.

Honorable members of Parliament,

In recent years we have seen considerable efforts by the international community to counter and push against those trends.

The creation of the special mandate for the rights to freedom of peaceful assembly and of association --which I have the honor to hold-- is in itself a concrete measure by States directed at protecting the heart of civic space.

Since its inception, almost 10 years ago, the mandate has conducted 13 country visits and issued corresponding recommendations, sent over 1,000 communications to States, published 16 thematic reports and conducted dozens of consultations and meetings with different actors from across the world.

I thank the European Union for the support they’ve given to the mandate throughout these years.

But we are in the midst of a global struggle for the future of equality, the future of our planet and the future of our democratic values. In times like this is when assembly and association rights are needed most, so people can join together, defend their rights and shape their future.

Honorable members of parliament,

What can be done?

Support CSOs against pushback: All efforts to strengthen civil society organizations’ capacity to advance legal reform and push back on restrictive legislation need to be prioritized. Empowering civil society to counter the legal threats is crucial for promoting effective implementation of international norms and policies. They are, after all, the ones who most effectively can change their local realities.

Bridge the gap between social movements and traditional human rights actors. It is important to bridge the gap between these movements and traditional human rights actors to ensure members of social movements are protected, that they are provided with legal and other forms of assistance if their actions are repressed and that their capacity is built so that they can

articulate their demands in terms of human rights and the obligations of states towards their citizens.

Link human rights with development strategies. Human rights should drive development. It should not be treated as an after-thought or something that is disconnected from development. By protecting the human right to peaceful protest and the right to organize, we are making sure that citizens can become agents of change. They can contribute to the development of their country through their organizations and interaction with development actors.

Promote dialogue among all actors: Collaboration among a range of different actors is increasingly necessary to find effective solutions to both local and global problems. In my recent visit to Armenia I emphasized the importance that, in its “post-revolution” period, “the authorities sustain an extensive and structured dialogue with all segments of civil society in urban and rural areas, in order to address issues in a proactive and systematic way that will allow meeting the main goals and expectations of the revolution”.

Honorable members of Parliament,

This is an ambitious agenda, to which I am fully committed. But in order to succeed, we need also need the commitment of democratic governments.

We need the European Union to assert its leadership as a global leader on human rights. We need the European Union leading as a block at the Human Rights Council. But most importantly, we need the European Union to keep supporting embattled civil society actors across the world.

Thank you