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Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association**

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voulé, submitted in accordance with Human Rights Council resolution [41/12](#).

* [A/74/150](#).

** The present report was submitted after the deadline in order to reflect the most recent information.



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Summary

It is widely recognized that an active and unfettered civil society is essential to development and poverty eradication efforts. Notwithstanding this importance, there continues to be a worrying trend of closing civic space in many countries across the world. While this trend has negatively affected people exercising their rights to peacefully assemble and freely associate, it exacerbates the exclusion of people living in poverty and those belonging to marginalized groups. It prevents them to be empowered, to organize themselves and to participate in the planning and implementation of policies that affect them, thus enabling them to become genuine partners in development.

The Special Rapporteur on the rights to freedom of peaceful assembly and of association urges States and the development community not to neglect the threats that closing civic space poses to the effectiveness of their policies and programmes and ensure that an enabling environment exists for civil society to operate freely. This is all the more important as poverty has become more entrenched and economic inequality continues to rise around the world, causing discontent and furthering exclusion, in direct contradiction to the 2030 Agenda for Sustainable Development.

I. Introduction

1. The present report is submitted to the General Assembly by the Special Rapporteur on the rights to freedom of peaceful assembly and of association pursuant to Human Rights Council resolution [41/12](#). In the report, the Special Rapporteur explores the impacts of violations to the rights to freedom of peaceful assembly and of association on sustainable development, in particular on efforts to reduce economic inequalities and eradicate poverty in all its forms and dimensions as outlined in the 2030 Agenda for Sustainable Development.¹

2. It is widely recognized that an active and unfettered civil society is essential to development. Over the last 50 years, the United Nations and Governments around the world have consistently committed to promote participation of civil society in development strategies and programmes. Despite this global recognition, the space for civic engagement has been closing. States are increasingly placing restrictions on these actors, impeding the rights of individuals and groups to exercise fully their rights to freedom of peaceful assembly, association and expression. The Special Rapporteur has argued that such restrictions have clear implications for the attainment of the Sustainable Development Goals.²

3. As poverty becomes more entrenched and harder to root out and extreme inequalities continue to rise globally – in direct contradiction with the Sustainable Development Goals – a key concern is whether development policies and efforts can be sustainable without the active participation of individuals and civil society actors, in particular those working to improve the lives of people living in poverty and those further behind. In the present report, the Special Rapporteur examines the different ways in which the closing of civic space can be associated with negative development outcomes, including in the fight against poverty and economic inequality. In particular, the Special Rapporteur explores how a restrictive space for civic engagement exacerbates the exclusion of those living in poverty, including marginalized groups, and perpetuates the privileges of those in power.

4. The Special Rapporteur considers that the present report should be read in conjunction with his previous report to the General Assembly,³ in which the linkages between the exercise of the rights to freedom of peaceful assembly and association and the implementation of the 2030 Agenda for Sustainable Development were addressed, and with the guidelines for civil society participation in the implementation of the 2030 Agenda.⁴ In the report, he seeks to contribute to the work of all actors committed to create an enabling environment in which everyone, including people living in poverty and those left behind, can be key agents in the sustainable development of their communities and countries.

5. The report draws upon research conducted by United Nations agencies and programmes, other special procedures mandate holders, academia, civil society and international organizations, while recognizing the need for further data and literature regarding the impact of civic space restrictions on development and poverty eradication efforts. The Special Rapporteur is therefore particularly grateful for the information provided by civil society organizations in a public process of input and consultations conducted in preparation for the present report. In this regard, the Special Rapporteur convened an expert meeting in Copenhagen on 7 March 2019 and held a global consultation with civil society representatives in Johannesburg on 30 and 31 May 2019. The Special Rapporteur also engaged with actors in the

¹ General Assembly resolution [70/1](#).

² [A/73/279](#).

³ *Ibid.*

⁴ [A/HRC/41/41/Add.2](#).

development community, including at multi-stakeholder conferences and sessions around the 2019 high-level political forum.

II. Civic space, poverty and exclusion

6. The Special Rapporteur recognizes that over the last three decades the global poverty eradication agenda has made remarkable progress. Millions of people have been lifted out of poverty, in particular in its most extreme forms. However, poverty continues to be one of the most complex global challenges, affecting not only the least developed countries but also many middle- and high-income countries.⁵ Income-related extreme poverty – broadly defined as per capita household income or consumption below the international poverty line of \$1.90 per day – has remained unacceptably high, with an estimate of 731 million people living in extreme poverty. At the same time, millions of people living above that threshold are still extremely poor by the standards of their own societies.

7. Using this multidimensional approach to poverty⁶ the share of global poor is even higher. According to the most recent Global Multidimensional Poverty Index, across 101 countries, 1.3 billion people – 23.1 per cent of the world’s population – were multidimensionally poor in 2019, meaning that they lack many basic human capabilities, including to be adequately nourished and to live in good health.⁷ Recent findings also indicate that prosperity is shared unevenly across regions of the world, with economic inequality becoming more entrenched within and among countries and affecting some individuals more than others.⁸ Across the six continents, poverty is aggravated by discrimination and marginalization, as illustrated by the fact the great majority of people living in poverty are women, children, youth, persons with disabilities, people living with HIV/AIDS, older persons, indigenous peoples, refugees, internally displaced persons and migrants.⁹

8. The Special Rapporteur believes that having enough material resources and access to basic services is critical to lifting many out of poverty, but it is not all that matters. Indeed, while much of the attention has been given to the fulfilment of social and economic rights as a means to address poverty and economic exclusion, the importance of civil and political rights, including the rights to freedom of peaceful assembly and of association, cannot be overstated.

9. As explained by the Special Rapporteur on extreme poverty and human rights, “poverty is not solely a lack of income, but rather is characterized by a vicious cycle of powerlessness, stigmatization, discrimination, exclusion and material deprivation, which all mutually reinforce each other. Powerlessness manifests itself in many ways, but at its core is an inability to participate in or influence decisions that profoundly affect one’s life, while decisions are made by more powerful actors who neither understand the situation of people living in poverty, nor necessarily have their

⁵ [A/73/298](#), para. 3. See also World Bank, *Poverty and Shared Prosperity 2018: Piecing Together the Poverty Puzzle* (Washington, D.C., 2018); and Oxford Poverty and Human Development Initiative and United Nations Development Programme (UNDP), *Global Multidimensional Poverty Index 2019: Illuminating Inequalities*.

⁶ See Office of the United Nations High Commissioner for Human Rights (OHCHR), *Principles and Guidelines for a Human Rights Approach to Poverty Reduction Strategies*.

⁷ Oxford Poverty and Human Development Initiative and UNDP, *Global Multidimensional Poverty Index 2019*.

⁸ [A/73/298](#) and Oxford Poverty and Human Development Initiative and UNDP, *Global Multidimensional Poverty Index 2019*.

⁹ See OHCHR, *Principles and Guidelines for a Human Rights Approach to Poverty Reduction Strategies*.

interests at heart”.¹⁰ Accounts from people living in poverty have confirmed that being the passive recipients of aid and having no voice in the decisions and events that shape their own lives is part of what it means to be poor. Poverty is defined by those living in poverty as “a sense of hopelessness, powerlessness, humiliation and marginalization”, “an inability to make themselves heard”, “little influence”, “inability to protect themselves from exploitation”, “the breakdown of community” and “fear and lack of trust of others”.¹¹ This goes to show that efforts to amplify the voice of people living in poverty and those most marginalized individuals, while not a panacea, are essential components of prosperity and equality.

10. In the view of the Special Rapporteur, the rights of freedom of peaceful assembly and of association have both an intrinsic and instrumental value to the efforts to reduce inequality and eradicate poverty. In their instrumental role, these fundamental freedoms are necessary to strengthen social cohesion and democratic governance, as they facilitate constructive dialogue and alliance-building among communities and actors involved in such efforts. The enjoyment of the rights to peaceful assembly and association can also contribute to more inclusive development by bringing the issues and voices of people living in poverty, those further behind and hardest to reach into policy discussions and planning. Moreover, peaceful assembly and association rights are key to ensuring increased transparency and accountability in the implementation of development and poverty eradication policies and strategies, in particular around improved services and allocation of resources. They are instrumental in processes such as service provision and monitoring budget formulation.

11. However, these fundamental rights also have an intrinsic value to poverty eradication and development that stems from their role in the empowerment and inclusion of all individuals and their communities. For those living in poverty and marginalization, the ability to exercise the rights to freedom of peaceful assembly and association is constitutive of their sense of agency and self-determination and is a crucial element of empowerment and participation. Through freedom of peaceful assembly and association, all individuals can see themselves as full members of society and autonomous agents of their own development rather than passive recipients of assistance. Most notably, through the exercise of these rights, communities ensure individuals living in poverty and marginalization can be active citizens and tackle the development challenges they are facing, such as mobility and road safety, climate change, water scarcity, illiteracy and harmful traditional practices. As recognized in the principles and guidelines for a human rights approach to poverty reduction strategies, the right to freedom of assembly grants everyone, including those living in poverty, the right to collectively express their opinions by organizing public demonstrations and assemblies in order to attract the attention of the Government, the media and the public at large. Also, “people living in poverty may decide either to establish special associations, unions, political parties or foundations, or to join existing institutions, in order to make their collective voices heard, both in the process of developing, implementing and monitoring a poverty reduction strategy and in general”.¹² Similarly, it is emphasized in the guidelines on the practical implementation of the right to development that “fulfilling the right to development must involve empowering persons, both individually and collectively,

¹⁰ A/HRC/23/36, para. 12.

¹¹ World Bank, Deepa Narayan and others, *Voices of the Poor: Can Anyone Hear Us?* (Oxford, Oxford University Press, 2000) and World Bank, *Poverty and Shared Prosperity 2018*.

¹² OHCHR, *Principles and Guidelines for a Human Rights Approach to Poverty Reduction Strategies*, Guideline 8.

decide their own development priorities and their preferred methods of reaching those priorities”.¹³

12. This view is consistent with the people-centred approach of the 2030 Agenda, which presents itself as “of the people, by the people and for the people”.¹⁴ Under this approach, sustainable development is seen as intentionally empowering people and their communities to participate in decisions that affect their lives, and not as the mere implementation of technocratic solutions or assistance-giving programmes.¹⁵ This is also inextricably linked to principles of human dignity and the exercise of agency, autonomy and self-determination, which lie at the core of international human rights law.¹⁶

13. Through the enjoyment of the rights to peaceful assembly and association, not only people living in poverty and at the margins of society but civil society at large may contribute to improving the lives of the neediest and further behind. Many organizations working with and advocating for poor and marginalized groups, including non-governmental organizations, grass-roots organizations, faith-based groups and labour unions, play a vital role to development and poverty eradication:

(a) Empowerment and inclusion: civil society has a key role in amplifying the voice of people living in poverty and ensuring that their interests are taken into account and can influence the design, implementation and monitoring progress of development policies and strategies. Through this process, civil society provides an essential foundation for social dialogue and effective democratic governance;

(b) Partnership and alliance-building: civil society groups have demonstrated an outstanding capacity to form alliances and inclusive partnerships that provide support for poverty eradication. People living in poverty and those most marginalized may often lack capacities to reach other people outside their networks and other sectors of society. Civil society groups can work with such groups to form alliances across sectors, including government, businesses and other communities facing similar concerns;

(c) Accountability: civil society is key to accountability and transparency in development efforts. Its watchdog role is necessary to hold government and other development institutions into account, including by investigating government failures and documenting corruption, which disproportionately affects people living in poverty. These groups are also vital for building the capacities of people living in poverty and those most marginalized, to document abuses and use different accountability channels such as courts and complaint mechanisms to assert their rights;

(d) Provision of services: civil society organizations are also important providers of basic services, in particular those that reach the neediest and most vulnerable. Many associations are providing life-saving services relating to health, education, humanitarian assistance and thereby complementing the role of many Governments;

(e) Expertise: civil society has a prominent role in gathering evidence about poverty and economic inequality and bringing the specialized knowledge and experience necessary to shape policy and monitor its effectiveness;

(f) Employer: civil society organizations employ millions of people around the world, including people living in poor and rural areas.

¹³ A/HRC/42/38, para. 7.

¹⁴ General Assembly resolution 70/1, para. 52.

¹⁵ See Amartya Sen, *Development as Freedom* (New York, Anchor Books, 1999).

¹⁶ A/HRC/23/36, para. 20.

14. Their ability to perform these roles depends on an enabling environment for civic engagement in development. As discussed in the Special Rapporteur's previous report to the General Assembly, the practices of some States, United Nations agencies and civil society organizations around the world demonstrate that it is possible to create and support an environment in which those living in poverty and marginalized groups are empowered to participate and improve development policy and outcomes. Those practices and efforts should be disseminated broadly and scaled up across countries and regions.

III. International legal framework

15. The rights to freedom of peaceful assembly and of association find expression at the global level in article 20 of the Universal Declaration of Human Rights and in articles 21 and 22 of the International Covenant on Civil and Political Rights. While these articles provide for the establishment of permissible limitations, the Special Rapporteur reiterates that the rights to freedom of peaceful assembly and of association should be viewed as the rule and the limitations as the exception. States may only limit the rights in strictly defined circumstances necessitated by narrowly defined legitimate aims. Such restrictions must be prescribed by law and necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. They must also be proportionate to the pursuance of legitimate aims.¹⁷

16. States have to respect, protect and fulfil the rights to freedom of peaceful assembly and of association. The obligation to respect requires States to refrain from unduly interfering with the enjoyment of these fundamental freedoms. This would include refraining from conducting acts that, intentionally or inadvertently, suppress collective action and amplify the pre-existing barriers of those seeking to participate in development. Also, under the obligation to respect, States must not retaliate against those that speak out regarding development policies that affect them, including through violence, criminalization and harassment. The obligation to protect requires States to take steps to prevent third parties – including business enterprises or private individuals – from interfering in the enjoyment of these rights. For example, States must establish in law and policy safeguards that protect individuals and communities against harassment by private companies (i.e., extractive industries). The obligation to fulfil requires States to facilitate, promote and provide for the full realization of the rights to freedom of assembly and association, through appropriate legislative, administrative, judicial and other measures. This would require lifting legal barriers that prevent those living in poverty and left behind from effectively exercising their rights to peaceful assembly and association; strengthening the capacity of public officials, including law enforcement officers, and granting financial and logistical assistance to civil society groups based in poor and rural areas to facilitate their participation in development and poverty eradication efforts.

17. Under the international human rights framework, the rights to freedom of peaceful assembly and of association are guaranteed to everyone without distinction (International Covenant on Civil and Political Rights, arts. 2 and 26). In particular, international instruments that protect the rights of particular groups specifically recognize the rights to freedom of peaceful assembly and of association for those groups. These provisions recognize that everyone should have equal and effective

¹⁷ A/HRC/29/25, para. 22.

opportunities for making their views known to other members of society, and to be part of decision-making processes.¹⁸

18. All human rights are interdependent and indivisible, and the rights to peaceful assembly and of association are no exception. This is of crucial importance for all policies and programmes to fight poverty and achieve sustainable development. The Special Rapporteur reiterates that the rights to freedom of peaceful assembly and of association are instrumental to achieve the full enjoyment of other human rights, as they enable the exercise of a number of civil, political, economic, social and cultural rights. At the same time, ensuring effective enjoyment of the rights to peaceful assembly and association requires that a broad set of interlinked human rights are respected, protected and fulfilled by the State, in particular the rights to freedom of expression and access to information, the right to participate in public affairs; the right to work and form trade unions; and the right to education.

19. Several international instruments and resolutions spell out government commitments to enhancing the participation of individuals and civil society organizations in the context of development, economic inclusion and poverty eradication efforts. These include:

- (a) Declaration on the Right to Development;¹⁹
- (b) United Nations Declaration on the Rights of Indigenous Peoples;²⁰
- (c) United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas;²¹
- (d) Guiding principles on extreme poverty and human rights,²² adopted by the Human Rights Council in 2012²³ and several resolutions of the General Assembly²⁴ on human rights and extreme poverty, according to which “it is essential for people living in and affected by poverty and in situations of vulnerability to be empowered to organize themselves and to participate in all aspects of political, economic, social, cultural and civic life, in particular the planning and implementation of policies that affect them, thus enabling them to become genuine partners in development”;
- (e) The guidelines for States on the effective implementation of the right to participate in public affairs,²⁵ adopted by the Human Rights Council in 2018.

20. For over 50 years the outcomes of the major United Nations conferences and summits in the economic, social and related fields have also acknowledged the prominent role that civil society plays in development, including efforts aimed at eradicating poverty and reducing inequalities. There is simply no space in the present report to outline them all. Suffice it to say that the 2030 Agenda envisions a key role for civil society participation and action in the achievement of the Sustainable Development Goals. Goal 17, in particular, recognizes that it is not feasible for States to successfully implement the Agenda without joint collaboration with other stakeholders, including civil society. In the same vein, the Third United Nations Decade for the Eradication of Poverty (2018–2027) recommends States to “deepen

¹⁸ See, for example, Convention on the Elimination of All Forms of Discrimination against Women (art. 7); Convention on the Rights of Persons with Disabilities (art. 29); and International Convention on the Elimination of All Forms of Racial Discrimination (art. 5 (d) (ix)).

¹⁹ General Assembly resolution [41/128](#).

²⁰ General Assembly resolution [61/295](#).

²¹ Human Rights Council resolution [39/12](#).

²² [A/HRC/21/39](#).

²³ [A/67/53/Add.1](#).

²⁴ General Assembly resolutions [73/163](#), [71/186](#) and [69/183](#).

²⁵ [A/HRC/39/28](#).

genuine, inclusive and meaningful partnerships and cooperation with civil society organizations”.²⁶

IV. The closing of civic space and its impact on sustainable development and poverty eradication

21. The Special Rapporteur has warned that, despite the wide recognition of the value of civic engagement in development, space for civil society has been closing around the world, resulting in serious limitations on the exercise of the rights to freedom of peaceful assembly and of association. The closing of civic space is characterized by States increasingly placing restrictions on civil society, impeding the rights of individuals and groups to exercise freely their rights to peaceful assembly, association and expression. Mandate holders have, over the years, documented numerous ways in which those rights have been impeded by both State and non-State actors.

22. In his report to the Human Rights Council,²⁷ the Special Rapporteur identified eight global trends with regard to restrictions in the exercise of the rights to freedom of peaceful assembly and of association, namely: (a) the use of legislation to suppress the legitimate exercise of freedom of peaceful assembly and of association; (b) the criminalization of and indiscriminate and excessive use of force to counter or repress peaceful protest; (c) the repression of social movements; (d) the stigmatization of and attacks against civil society actors; (e) restrictions targeting particular groups; (f) limitations on rights during electoral periods; (g) the negative impact of rising populism and extremism; and (h) obstructions encountered in the digital space.

23. The Special Rapporteur has warned that, while these limitations have negatively affected all those who choose to exercise their rights to peacefully assemble and freely associate, certain groups are at particular risk owing to their marginalization.²⁸ In the context of development, the Special Rapporteur has noted the impact of these restrictions, not only on civil society organizations at large, but also on those most disadvantaged in society, those left behind and those hardest to reach.²⁹

24. Unfortunately, many actors in the global development community are neglecting and paying little attention to the threat that the closing of civic space poses to their agendas and programmes. The assumption is that poverty eradication and sustainable development can easily and without costs be separated from States’ human rights obligations.

25. Such an approach is both contrary to international law and bad policy. As described in the previous section, States have an obligation to create and maintain an enabling environment for the enjoyment of the rights to peaceful assembly and of association of all individuals. It is not optional. Civil society actors should be able to operate freely in all areas of life, and development is no exception. Moreover, while the impact of a restricted civic space on the achievement of certain development outcomes might be difficult to measure, in particular in economic terms, there is enough evidence to indicate that respect for and protection of the rights to freedom of peaceful assembly and of association are not only a State’s legal obligation, but a “smart” policy choice.

26. People’s participation and empowerment – which have long been recognized as intrinsic to development and the reduction of poverty – would hardly be turned into

²⁶ A/73/298, para. 71 (i).

²⁷ A/HRC/38/34.

²⁸ A/HRC/26/26 and A/HRC/38/34.

²⁹ A/73/279.

reality without an enabling civic space. Since 2000, the World Bank has recommended States to “facilitate empowerment”, as one of the three areas for intervention to reduce poverty and ensure inclusive growth. The Bank has called for “making State institutions more accountable and responsive to poor people [and] strengthening the participation of poor people in political processes and local decision-making”.³⁰ In the same vein, the 2030 Agenda calls for Governments to ensure responsive, inclusive, participatory and representative decision-making at all levels, which will be measured by the proportion of the population who believe that decision-making is inclusive and responsive, by sex, age, disability and population group (Sustainable Development Goal target 16.7, indicator 2). A restricted civic space directly impacts the attainment of this Goal. It reduces the capacity of individuals and groups to participate in political, economic, cultural and social processes and influence decision makers at the local, national and international levels. The voice of individuals and members of marginalized and people living in poor communities is furthered silenced, diminishing their capacity to defend their interests, claim rights and recognition and highlight growing inequalities. In essence, a closed civic space means that individuals cannot be active participants in matters relevant to their well-being and livelihood. This would ultimately increase the social exclusion of people living in poverty and marginalized individuals and communities. The Special Rapporteur also believes that gender equality and women’s empowerment (Sustainable Development Goal 5, targets 5.5 and 5.c) are especially at risk from threats and unwarranted restrictions against women human rights defenders and organizations that advocate for women’s rights or deliver services that women need.³¹

27. An enabling civic space and strong community networks are basic preconditions of increased social capital – one of the central tenets of development. Voluntary organizations, non-profits and service delivery groups provide spaces where trust and social ties are formed and individuals go beyond their personal interests and form collective ideas and objectives. Violations of civil and political rights, including the rights to peaceful assembly and association, destroy social capital by eroding societal unity, causing a generalized fear or feelings of apathy and lack of worth and a further decrease in participation in community-based groups and networks.³²

28. Exercising these rights is fundamentally linked to democratic governance and accountability and, conversely, the closing of civic space reduces the dialogue required to support the peaceful management of disagreement over the distribution of resources and the necessary trust among different sectors of society, which underpins the sustainable economic, social and environmental policy of the 2030 Agenda.³³ Also, the closing of civic space can be negatively associated with corruption and inefficient allocation of resources stemming from a decrease in monitoring and accountability demands by civil society. This, in turn, exacerbates the suffering of those living in poverty and marginalization, who are often more vulnerable to corruption, clientelism or co-option.

³⁰ World Bank, *World Development Report 2000/2001: Attacking Poverty* (Washington, D.C., 2001).

³¹ See Act Alliance/Institute of Development Studies, “Development needs civil society: the implications of civic space for the Sustainable Development Goals” (Geneva, 2019).

³² See, generally, Deepa Narayan and others, *Voices of the Poor: Can Anyone Hear Us?* (Oxford, Oxford University Press, 2000); M.J. Hanka and T.A. Engbers, “Social capital and economic development: a neighbourhood perspective”, *Journal of Public and Non-Profit Affairs*, vol. 3, No. 3 (2017); and Christiaan Grootaert and Thierry van Bastelaer, “Understanding and measuring social capital: a synthesis of findings and recommendations from the Social Capital Initiative”, World Bank Social Capital Initiative, working paper No. 24 (Washington, D.C., World Bank, 2001).

³³ See, for example, Kristoffer Marslev and Hans-Otto Sano, “The Economy of Human Rights” (Copenhagen, Danish Institute for Human Rights, 2016), and Act Alliance/Institute of Development Studies, “Development needs civil society”.

29. Similarly, an enabling environment for the enjoyment of these freedoms is key to ensuring labour rights and decent work, as promised in Sustainable Development Goal 8. Restrictive civic space is linked to the exploitation of workers across different sectors and can exacerbate risks for low-income workers in particular, many of whom are migrant labourers facing economically exploitative conditions of employment, social exclusion and political disenfranchisement. A legal and political environment that suppresses workers' right to associate to defend their interests and voice their concerns on issues such as access to fair wages, safe working conditions and form or join trade unions is likely to amplify low-income workers' economic vulnerability. This would deepen the poverty and exclusion of many families and communities that depend on this income to survive.

30. Closing civic space can increase the risk of conflict, owing to heightened tensions from unaddressed grievances and demands from individuals and groups who are unable to channel them appropriately. In particular, there is evidence that systematic political repression of marginalized individuals, as well as of the organizations, movements and networks that represent them generates a considerable risk of violence.³⁴ When these groups are silenced through repressive means, such as targeted killings, political imprisonment and criminalization for the exercise of the rights to associate and assemble, it creates "incentives for violence by reinforcing the perception that there is no viable alternative for expressing grievances and frustration".³⁵ Similarly, suppressing opportunities for people to peacefully assemble and express their needs and aspirations only opens up a less desirable avenue, one of violent resistance, an eventuality that would undermine sustainable development and directly affect achievement of Sustainable Development Goal 16.³⁶ The Special Rapporteur has affirmed that the "true measure of a country's stability and peace is its tolerance of peaceful questioning of the established order, that is, allowing outlets for peaceful dissent and political pluralism. Failure to create such outlets does not make the dissent go away; it only bottles it up in such a way that it may fester and explode as something much more violent than a street protest or reports of non-governmental organizations criticizing government policy".³⁷

31. Models of development that encourage decentralization and community-driven policies are also particularly affected by restrictions to the work of civil society actors. Many of the limitations to a conducive civic space would likely reduce local and community-driven choices for resource use and project implementation and the involvement of communities in service delivery, such as associations for school improvement or local organizations involved in water supply and sanitation.³⁸ For example, under closing civic space the attainment of Sustainable Development Goal target 6.b, in which Governments are requested to "support and strengthen the participation of local communities in improving water and sanitation management" is likely at risk.

32. Restrictions to civic space also adversely affects the resilience to climate-related extreme events and other economic, social and environmental shocks and disasters of impoverished and marginalized groups, promised on Sustainable Development Goal target 1.5. The effective adoption and implementation of integrated policies and plans towards inclusion, resource efficiency, mitigation and adaptation to climate change and disasters is wholly dependent on the participation of community and civil society actors, including women's organizations, youth groups and indigenous communities.

³⁴ See generally, United Nations, World Bank, *Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict* (Washington, D.C., 2018).

³⁵ *Ibid.*, p. xxii.

³⁶ [A/HRC/32/36/Add.2](#), para. 10.

³⁷ [A/HRC/29/25/Add.2](#), para. 8.

³⁸ See Act Alliance/Institute of Development Studies, "Development needs civil society".

This is particularly relevant to global poverty eradication efforts, since climate change threatens to push an additional 100 million people into poverty by 2030.

33. A focus on closing civic space is also required by its link to certain economic outcomes, as outlined in Sustainable Development Goals 1, 8 and 10. The Special Rapporteur has previously pointed out that the closing of civic space can be directly related to missed economic opportunities in terms of lost revenue from income and other taxes, job losses and slowdown in civil society sectors and erosion of economic trust given the lack of independent and reliable economic data produced by civil society.³⁹ At the same time, emerging research suggests causal links between the enjoyment of civil and political rights and economic development outcomes, including reduction of poverty, economic inclusion and growth. Studies suggests that, while there are some examples of high economic growth and rapid poverty reduction rates in countries with restricted civic space, such growth may not be sustainable in the long term.⁴⁰ In particular, a restricted civic space has been linked to acute economic crises and high economic variation and instability in repressive or autocratic states.⁴¹ Some of the worst economic disasters have occurred under repressive regimes, where individuals are unable to hold Governments to account.

34. A recent study conducted by Act Alliance and the Institute of Development Studies⁴² argues that “these economic shocks demonstrate that the medium- to long-term effects of silencing civil society are likely to undermine the basis for growth, including whether the population accepts the models of growth being pursued, or the patterns of income distribution and resource use they entail”.⁴³ The study also examines how outcomes related to reduced economic inequalities are most likely to be impacted by the closing of civic space. A restrictive civic space can “help mask the worsening of economic, social and political inequality, pave the way for land- and natural-resource grabs, as well as suppression of labour rights, and further enrich powerful economic elites”. Accordingly, under closing civic space poverty reduction is likely to be uneven and patterns of economic growth are likely to entrench and deepen economic divisions. Groups that are particularly vulnerable are those facing “dispossession and loss of livelihood because of illegal or unsustainable development, energy and other extractive projects”.

35. For the Special Rapporteur, this reveals that economic progress without advancements in the realm of civil and political rights renders it fragile and can be particularly devastating for people living in poverty and marginalized groups. Restrictions on civil society groups who work with and advocate for those living in poverty will mean that programmes and services directly benefiting poor and most marginalized groups are likely to be cut or curtailed. Furthermore, such restrictions may exacerbate the many interrelated and mutually reinforcing barriers that people living in poverty already face to participating and engaging in civil society, and intensify their economic, social and political exclusion.⁴⁴

³⁹ [A/73/279](#).

⁴⁰ Marslev and Sano, “The Economy of Human Rights”; Act Alliance/Institute of Development Studies, “Development needs civil society”; and Carl Henrik Knutsen, “Autocracy and variation in economic development outcomes”, working paper No. 2018:80, Varieties of Democracy Institute (University of Gothenburg, November 2018).

⁴¹ Act Alliance/Institute of Development Studies, “Development needs civil society”, and Knutsen, “Autocracy and variation in economic development outcomes”.

⁴² Act Alliance/Institute of Development Studies, “Development needs civil society”.

⁴³ *Ibid.*, p. 37.

⁴⁴ OHCHR, *Principles and Guidelines for a Human Rights Approach to Poverty Reduction Strategies*. See also International Movement ATD Fourth World and Franciscans International, *Making Human Rights Work for People Living in Extreme Poverty: A Handbook for Implementing the UN Guiding Principles on Extreme Poverty and Human Rights* (2015).

36. To illustrate this further, the next section examines how the closing of civic space, in particular, violations of the rights to freedom of peaceful assembly and of association, is experienced by those living in poverty and highlights the impact that it may have on sustainable development.

A. Challenges to the right to freedom of peaceful assembly

Concerns regarding legislation

37. The Special Rapporteur has expressed concern regarding laws adopted in many countries that impose harsh restrictions on assemblies, including provisions relating to blanket bans, geographical restrictions, mandatory notifications and authorizations.⁴⁵ Such laws also often include heavy fines and criminal penalties for breaches of the regulations. While these laws affect everyone's exercise of the right to freedom of peaceful assembly, the Special Rapporteur fears that they exacerbate challenges facing people living in poverty – as well as organizations working with and advocating for these communities – to hold peaceful assemblies and public meetings.

38. The need for prior authorization in order to hold peaceful protests – contrary to international law⁴⁶ – and burdensome notification proceedings may present particular difficulties to the people living in poverty and organizations working with them in staging peaceful assemblies, as a result of their lack of resources and other poverty-specific limitations, including the inability to gain access to information regarding authorization or notification procedures, access to user-friendly formats to request permits, burdensome information and time requirements, as well as costs involved in the processing of a request. The type of government offices where an authorization or notification of assembly is to be lodged might also factor in as a barrier to access assembly rights. In some countries, people living in poverty face overpolicing and are often unable or unwilling to contact law enforcement officers. People living in poverty are also more likely to be in a state of social and economic dependency vis-à-vis the authorities, which may limit their ability to speak out owing to a fear of possibly losing access to rights and benefits. In this context, even in the absence of concrete threats for reprisals, the fear of losing a social benefit or risking attention from the police might prevent the people living in poverty from requesting authorization or notifying the intention to hold an assembly.

39. In many countries, when protesters fail to notify the authorities, the assembly is deemed illegal, it is automatically dispersed, often with excessive use of force, and participants are subject to arrests and penalties. The Special Rapporteur believes that this is particularly impactful on people living in poverty and those most marginalized, given the barriers that they face to comply with prior notification requirements, which increases the risk of having their protests dispersed and subjected to criminalization. This further stigmatizes them and their protests and deepens their exclusion.

40. The Special Rapporteur reiterates that the exercise of the right to freedom of peaceful assembly should not be subject to previous authorization by the authorities but, at the most, to a prior notification procedure, whose rationale is to allow State authorities to facilitate the exercise of the right to freedom of peaceful assembly and to take measures to protect public safety and order and the rights and freedoms of others. Prior notification procedures should not function as a de facto request for authorization.⁴⁷ Such notification should not be unduly bureaucratic and should be

⁴⁵ A/HRC/20/27.

⁴⁶ A/HRC/20/27, para. 27.

⁴⁷ A/HRC/31/66, para. 21.

subject to a proportionality assessment, which should take into account the potential to impede the free exercise of the right to assembly of the people living in poverty and most marginalized. As such, notice period should not be long and the procedure should be free of charge and widely accessible, without discrimination and without disproportionate risk. In particular, the law must ensure that notice procedures are neither exclusionary nor prove to be a further obstacle to assembly rights of people living in poverty. Local and community-based processes, including in remote rural communities, may reduce risks, costs and travel time. Forms and requirements should be reasonable and take into consideration the principles of acceptability and adaptability. In certain contexts, informal and non-written forms of notice procedures should be considered. Reprisals against individuals and organizations working with and advocating for people living in poverty should be prevented and punished.

41. Should the organizers fail to notify the authorities, the assembly should not be dissolved, and the organizers should not be subject to criminal sanctions, or administrative sanctions resulting in fines or imprisonment. This is all the more relevant in the case of spontaneous assemblies where the organizers are unable to comply with the requisite notification requirements, or where there is no existing or identifiable organizer.⁴⁸ The Special Rapporteur considers that, in order to facilitate the exercise of the right to freedom of peaceful assembly by those living in poverty and most marginalized, the law should explicitly protect spontaneous assemblies.⁴⁹

42. Laws may detrimentally impact specific groups of people living in poverty. For example, migrant workers and refugees may be formally denied the right to freedom of peaceful assembly by laws that require citizenship and residency status to engage in public demonstrations and gatherings. The Special Rapporteur has stressed that there is no basis in international law for completely divesting non-citizens of their assembly rights. The right to freedom of peaceful assembly is particularly important for non-citizens and migrants, who may lack other mechanisms with which to advance their political, social and economic interests.⁵⁰

Practices of concern

43. People living in poverty and individuals working with and advocating for them may face special risks when exercising their assembly rights owing to practices which are not explicitly contained in the law. The Special Rapporteur is deeply concerned about the use of police violence and criminalization of peaceful assemblies held about cuts in social services and austerity measures, which tend to disproportionately affect those living in poverty. The Special Rapporteur has received numerous reports that indicate that, instead of dialogue and facilitation, in many parts of the world protests against increases in the prices of water, electricity, fuel or reforms of social rights schemes are met with excessive use of force by security forces and criminalization.⁵¹ Similarly, protests against forced evictions in urban informal settlements and land-grabbing in rural areas are also met with excessive force and criminalization in many countries, with poor women, children and the elderly disproportionately affected.⁵²

44. Arbitrary differences in the policing of peaceful assemblies in poor and marginalized communities, with a racial, ethnic, cultural and class-based bias, have been documented by mandate holders. The curfews, preventive identity checks and

⁴⁸ A/HRC/20/27, para. 29.

⁴⁹ See A/HRC/20/27, para. 91.

⁵⁰ A/HRC/26/29, para. 37.

⁵¹ See, for example, ZWE 3/2019; GUY 1/2012; ARM 1/2015; FRA 2/2019. See also, OHCHR, "Human rights violations and abuses in the context of protests in Nicaragua, 18 April–18 August 2018", available at www.ohchr.org/Documents/Countries/NI/HumanRightsViolationsNicaragua_Apr_Aug2018_EN.pdf.

⁵² See, for example, BRA 2/2015; UA IND 8/2017; IND 2/2013; KHM 2/2012.

stop-and-search tactics before, during and after protests, predominantly target minority individuals and poor communities in many countries.⁵³ The Special Rapporteur has affirmed that stopping individuals at random, with no specific evidence that they had committed or were about to commit a crime, requesting identification and detaining them if identification cannot be produced, amounts to a type of profiling and surveillance that has the potential to “chill” the exercise of the right to freedom of peaceful assembly and disproportionately affects groups at risk, including people living in poverty.⁵⁴ Poor communities are also more likely to experience violations of privacy and intrusion on their homes in the context of protests than their well-off neighbours. In particular, the Special Rapporteur has received reports of the use of home raids in poor neighbourhoods to conduct arrests and extrajudicial killings in reprisal for participating in anti-government protests.⁵⁵

45. The Special Rapporteur strongly condemns these practices, which violate the rights to freedom of peaceful assembly. He is dismayed by the brutality of government’s response to people whose daily economic reality is one of extreme precarity and are only making the most basic and elemental of claims. These are urgent and important demands that deserve the utmost attention of the State, not their violent suppression. Such practices reveal that, in the name of development, some States hurt those whom they are committed to care for, punish those whom they are supposed to protect or ignore those who should be at the centre of their policies. The Special Rapporteur reiterates that it is the obligation of the State to facilitate and protect such assemblies and resolve their underlying claims.

46. Certain criminal offences that broadly prohibit “disruption of traffic” and “road-blocking” may disproportionately affect the enjoyment of the rights to peaceful assembly by people living in poverty and marginalized groups. Because the grave difficulties that these groups face in being heard and having their interests taken into account, road disruptions, road blocking and long-lasting sit-ins in public spaces have been central to their social movements and peaceful protests around the world. Roadways, in particular, are a common target for poor people’s peaceful protests precisely because they have significant potential for disruption and thus for drawing attention to their demands. These practices, however, are harshly punished and carry heightened penalties in many countries. Compounding this problem is the fact that people living in poverty and those most marginalized are often likely to fail to comply with notification and authorization requirements, rendering illegal and subject to criminal prosecution any assembly organized by them that disrupts traffic. This creates unjustified disparities in the application of the law as compared with those better off in society and furthers negative stigmas that depict peaceful protests by those living in poverty and most marginalized as “riots” and “criminal acts”. The Special Rapporteur reiterates that peaceful protests are a legitimate use of public space and that a certain level of disruption to ordinary life, including disruption of traffic, must be tolerated if the right is not to be deprived of meaning.⁵⁶ This means that road blocking should never be subject to criminal penalties. In this regard, the Inter-American Commission on Human Rights has stated that, while road blockages and the occupation of public space “may naturally cause annoyances or even damages [...] disproportionate restrictions to protest, in particular in cases of groups that have no other way to express themselves publicly, seriously jeopardize the right to freedom of expression”.⁵⁷

⁵³ See [A/HRC/35/28/Add.2](#) and [A/HRC/32/36/Add.1](#).

⁵⁴ [A/HRC/32/36/Add.1](#).

⁵⁵ [A/HRC/41/18](#), paras. 47–52.

⁵⁶ [A/HRC/35/28/Add.2](#), para. 33.

⁵⁷ Inter-American Commission on Human Rights, “Criminalization of the work of human rights defenders” (2015), para. 127.

47. Poor and marginalized communities often face police harassment in public places, even within their own neighbourhoods. Mandate holders have stated that the effects of such encounters, repeated over a lifetime, can snowball: a minor criminal offence, or even an arrest without substantiated charges, can show up on a background check, making it difficult to find a job, secure a student loan or find a place to live. That marginalization in turn makes it more likely that a person will turn to crime, for lack of any other option, and the vicious cycle continues.⁵⁸

48. Another emerging challenge in relation to the ability to exercise the right to freedom of peaceful assembly is the increasing privatization of public spaces in many urban locations as a result of processes of regeneration and commercialization.⁵⁹ This reduces the locations at which people living in poverty can stage peaceful protests and demonstrations, as they are disproportionately excluded from privately owned spaces.

B. Challenges to the enjoyment of the right to freedom of association

Legal and administrative burdens

49. Laws that require mandatory registration for all associations seeking to form and operate freely in a country can effectively impede the enjoyment of the right to freedom of association for individuals living in poverty and those working with them. In many countries, registration proceedings are highly burdensome and bureaucratic, requiring extensive information and compelling applicants to conduct costly and time-intensive duties. The Special Rapporteur fears that this would only amplify pre-existing barriers facing the people living in poverty and ultimately impede their compliance. Some laws even provide for heavy fines or criminal prosecution for failure to register which will only cause individuals to fall into deeper poverty and exclusion. The Special Rapporteur has on numerous occasions emphasized that the right to freedom of association applies to informal associations and does not require that a group be registered. Individuals involved in unregistered associations should be free to carry out any activity and should not be subject to criminal sanctions. Allowing unregistered associations is not only fundamental to a good enabling environment for civil society but essential to support civic participation for those living in poverty and most marginalized.

50. Even when registering an association is voluntary, burdensome regulations, including onerous information and domicile requirements, may deter people living in poverty and marginalization (as well as those working with them) from doing so, taking into account the constraints that they suffer, including illiteracy, time and language barriers. Concerns have also been raised over being stigmatized and unfairly treated as a result of the information revealed in registration forms and procedures, in particular information on police records and housing situation. Moreover, in many countries, registering an association would prove financially impossible for those living in poverty and marginalization.⁶⁰ Centralized registration systems in major cities or capitals add extra costs for transport and accommodation and further burdens for those living in poor rural areas.

51. Reporting and renewal requirements can also add costly burdens for people living in poverty and those marginalized who were successful in registering an association. Also, periodic renewal of operating licences can function as a control measure for States over civil society actors defending the rights of those living in

⁵⁸ [A/HRC/35/28/Add.2](#).

⁵⁹ [A/73/279](#), para. 99.

⁶⁰ [A/HRC/26/29/Add.2](#), para. 47.

poverty and the most marginalized, including through threats of deregistration. Similarly, administrative burdensome requirements to access to funding, such as prior authorization and complex counter-terrorism audits, exacerbate the barriers encountered by civil society groups formed and managed by and working with people living in poverty and marginalized groups and limit their ability to effectively carry out their mandate.

52. The barriers encountered to registering a formal association and of accessing funding may severely limit the ability of people living in poverty and those marginalized to participate in formal structures of development cooperation, reducing their chances to influence decision-making processes and policies that affect them at the local, national and international levels. This in turn, may favour large and well-funded associations, including international non-governmental organizations, which have more staff and the technical capacity to fulfil those requirements. This will only reproduce existing power imbalances and reinforce the exclusion of those further behind that the 2030 Agenda is intended to eradicate.

53. Moreover, in some countries, a dependency on government financing may impede the freedom to operate of associations run by those living in poverty and marginalized groups. The Special Rapporteur has reiterated that, in the development field, civil society organizations should be able to determine and operate within their priority areas of concern without interference or direction by authorities, including working on issues that authorities do not consider to be priorities.⁶¹ While States are encouraged to facilitate public funding to civil society organizations working in development and poverty eradication, State funding schemes should preserve civil society independence, by being transparent, fair and accessible to all organizations, including informal groups.

54. States should take positive measures to ensure that everyone has equal opportunities to form and operate an association. This means that the barriers that prevent poor and marginalized groups from participating in civil society activities must be identified and actively tackled to ensure substantive equality. State efforts should focus on the removal of physical, economic, legal, cultural and political obstacles that prevent poor and marginalized groups from enjoying the right to freedom of association.

Practices of concern

55. Mandate holders have observed that perceived leaders and rights defenders working on poor rural and urban areas are often subjected to egregious violations of their rights, such as disappearances and arbitrary killings, in an effort to intimidate and thus disrupt organized efforts to exercise and claim their rights. The killing of Marielle Franco, a prominent Afro-Brazilian community leader, for reasons allegedly related to her work aimed at improving the lives of those living in informal settlements and for denouncing police violence that disproportionately impacts Afro-Brazilians in poor neighbourhoods is a reminder of the kind of violence facing people living in poverty and those who advocate their cause.⁶² Similarly, in South Africa, the killing of Sibonelo Patrick Mpeku, the chair of the local Sisonke Village branch of the Abahlali base Mjondolo movement was reportedly directly related to his work to defend the rights of shack dwellers to basic services and political participation in Sisonke Village. He was forcibly taken from his shack and allegedly stabbed to death by unknown assailants. In Colombia, community leaders in Buenaventura – with a population of 62 per cent living in poverty – have been subjected for many years to intimidations, killings and threats by local organized

⁶¹ Ibid., paras. 66–69.

⁶² AL BRA 3/2018; BRA 15/2018.

criminal groups who are said to create and maintain fear among the inhabitants and punish any form of collective action that threatens their power.⁶³

56. Particularly worrying are the numerous reports received concerning violations of the rights of human rights defenders, activists and community leaders who exercised their rights to freedom of peaceful assembly in the context of destructive agricultural industries and natural resource exploitation, most of whom live in poor rural areas.⁶⁴ The Special Rapporteur received disturbing reports of the killing in the Philippines of 32 members of farmers' organizations, indigenous peoples advocating for access to, and protection of, their ancestral lands and their family members in the context of intensifying counter-insurgency operations carried out in 2018 by members of the armed forces, paramilitaries or individuals linked to them.⁶⁵

57. The Special Rapporteur observes that people living in poverty or marginalized individuals are also more likely to face reprisal if they speak out against the Government, in the form of violence or threats to cut access to social services and confiscation of property. In India, the Dalit community was allegedly threatened with a "social boycott" that prevented their participation in community gatherings, use of social commons and enjoyment of employment rights after bringing a complaint regarding access to water. The lawyer who supported their legal action was a victim of harassment and death threats and was criminally accused of "encouraging Dalit villagers to file false complaints regarding caste-based discrimination in Hansi, Haryana state".⁶⁶ According to the information collected by the Office of the United Nations High Commissioner for Human Rights (OHCHR), in Venezuela, women, including local leaders, have been targeted on account of their activism, threatened by community leaders and pro-Government civilian armed groups (armed *colectivos*), and excluded from social programmes related to health, food and housing. Women in Venezuela reported not exercising their rights to freedom of expression, freedom of assembly and association, for fear of government reprisals and denial of access to social programmes.⁶⁷

58. The Special Rapporteur strongly condemns these attacks, which send a chilling message to civil society and community-based organizations and defenders who work to ensure equal the rights of people living in poverty. He is also concerned about the high rates of impunity of crimes and human rights violations in poverty areas. As argued by the Special Rapporteur on extreme poverty and human rights, the poor face multiple barriers to the realization of their right to access to justice and most of them live "outside the protection of the law".⁶⁸ The Special Rapporteur emphasizes that an enabling environment for the development of civil society requires not only protection against acts of harassment and intimidation but also proactive efforts to bring perpetrators of human rights violations to justice and positive measures to support those exercising their rights in high-risk areas.

V. The way forward: conclusions and recommendations

59. The Special Rapporteur reiterates that the exercise of the rights to freedom of peaceful assembly and of association helps to create, strengthen and expand an enabling environment, at the national and international levels, through which

⁶³ COL 2/2016.

⁶⁴ A/HRC/29/25, para. 47, and Human Rights Council resolution 40/11.

⁶⁵ AL PHL 10/2018, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24187>.

⁶⁶ UA IND 12/2017.

⁶⁷ A/HRC/41/18, para. 24.

⁶⁸ A/72/502.

all actors, including civil society, can contribute meaningfully to achieving development goals by participating and expressing their views and shaping policies. He stresses that the unobstructed exercise of the rights to freedom of peaceful assembly and of association is crucial for the implementation of development and poverty eradication efforts because it empowers people to articulate their voices and to organize around shared interests. In particular, these rights provide people living in poverty with opportunities to be agents of the development of their communities. They can participate in the design, implementation and monitoring of poverty interventions and other policies, programmes and interventions that affect their lives, and to hold duty bearers accountable.

60. He concludes that development actors should not neglect the threat that the closing of civic space poses to the effectiveness of their policies and programmes. In particular, the development community cannot limit its attention to the lack of material resources and access to services of those living in poverty and most marginalized, while ignoring the fact that these groups are unable to organize to protect and claim their rights. This is all the more important as poverty has become more entrenched and economic inequality continues to increase around the world, causing discontent and furthering exclusion, in direct contradiction of the 2030 Agenda.

61. In order to comply with their human rights obligations and ensure an enabling environment for civil society participation in development and poverty eradication programmes, the Special Rapporteur recommends that States:

(a) Ensure that enabling legal, political, economic and social environments exist for civil society to operate freely, including by ensuring that the rights to freedom of peaceful assembly and of association and other human rights are enjoyed by everyone, without discrimination;

(b) Recognize that civil society is essential for implementing development and poverty eradication strategies as a key component of efforts to leave no one behind, and institutionalize their participation at the national, regional and international levels, including organizations working with and advocating for people living in poverty. In particular, they should recognize civil society's contribution to enhancing the legitimacy of the State's performance. Scrutiny of official data can increase public and donor trust in a Government, while scrutiny of government policies and programmes can help to ensure that "no one is left behind", thereby contributing to a more peaceful society;

(c) Recognize the right of individuals living in poverty to organize and participate in the design, implementation and evaluation of any policy, programme or strategy that affects their rights, at the local, national and international levels, in accordance with the United Nations guiding principles on extreme poverty and human rights. This should include the duty of policymakers and public officials working on poverty eradication issues to actively seek and support the meaningful participation of people living in poverty and civil society working with and advocating for them;

(d) Review legislation and practices to ensure that any restrictions on the rights to freedom of peaceful assembly and of association are prescribed by law, necessary in a democratic society and proportional to the aim pursued. Any restrictions should be subject to an independent, impartial and prompt judicial review;

(e) Refrain from any unwarranted restriction to civic space, as this has a negative impact on the reduction of poverty, social cohesion, inequality and

governance, and generates an environment in which there is a heightened risk of social conflict, including violence;

(f) Protect civil society organizations and community leaders that seek to engage in development and poverty eradication efforts from retaliation or interference by State agents or non-State actors. All allegations of such reprisals must be promptly, thoroughly and independently investigated. Access to effective remedies and reparation should be guaranteed to victims and their families;

(g) Lift restrictions that prevent national and international civil society groups from gaining access to the financial and human resources that they need to carry out their work;

(h) Grant financial and logistical assistance to civil society groups based in poor and rural areas, including long-term funding for capacity-building to community-based organizations, to facilitate their participation in development and poverty eradication efforts;

(i) Repeal laws that require individuals to obtain prior authorization to hold an assembly. Where a system of prior notification is in place, there is a presumption in favour of assemblies, and States must ensure that those participating in non-notified assemblies should not be arrested, detained or fined solely for their participation in such an assembly;

(j) Abolish the criminalization of peaceful protests or other activities of civil society aimed at denouncing and reducing inequality, discrimination and corruption and at promoting good governance, accountability and human rights, including for people living in poverty and marginalized groups. In particular, repeal laws that criminalize road blocking and spontaneous assemblies;

(k) Ensure that administrative and law enforcement officials are adequately trained in relation to respect for the rights of individuals belonging to groups living in poverty and marginalized groups to freedom of peaceful assembly and of association, in particular in relation to their specific protection needs;

(l) Ensure that law enforcement authorities who violate the rights of people living in poverty and marginalized groups to freedom of peaceful assembly and of association are held personally and fully accountable for such violations by an independent and democratic oversight body and by the courts of law and that their victims have the right to a timely and effective remedy and to obtain redress.

62. The Special Rapporteur calls upon the development community, in particular donors and international organizations, to contribute by helping States to create an enabling space for civic engagement in the implementation of development and poverty eradication efforts. Specifically, he recommends that donors and international organizations:

(a) Promote knowledge-sharing and fund research on the contributions of civil society to development and poverty eradication efforts;

(b) Ensure that an enabling legal and political, economic and social environment for civic engagement is a benchmark for (or is tagged to) the development assistance in bilateral agreements;

(c) Facilitate dialogue between States and civil society actors on the enjoyment of the rights to freedom of peaceful assembly and of association of people living in poverty and most marginalized groups;

(d) **Support community-based, national and international civil society in forging connections, which can enable joint action to resist the closing of civic space, and advocate for the recognition of civil society as a key partner for development and poverty eradication strategies, including the realization of the Sustainable Development Goals;**

(e) **Strengthen financial support for civil society participation in the implementation of development and poverty eradication strategies.**

63. **The Special Rapporteur calls upon the General Assembly to recognize and draw attention to the threat that the closing of civic space poses to the achievement of development and poverty eradication efforts, including the negative impact of human rights violations and abuse suffered by people living in poverty and marginalized groups when exercising or seeking to exercise their rights to freedom of peaceful assembly and of association.**