

Executive summary

Civic space is a cornerstone of functioning democracies. Defined as the set of legal, policy, institutional and practical conditions non-governmental actors need to access information, express themselves, associate, organise and participate in public life, civic space is anchored in international and national legal frameworks and benefits the whole of society.

Protected civic space facilitates participation in public affairs, which is a fundamental right, according to international standards (UNOHCHR). It allows citizens and civil society organisations (CSOs) to engage with governments, participate throughout policy- and decision-making cycles and provide oversight of government activities. By promoting and protecting civic freedoms (particularly freedoms of expression, peaceful assembly and association) and providing concrete opportunities for engagement, governments can in turn better align services, policies and laws to societal needs.

A thriving civic space emerges through the combined efforts of a range of stakeholders, including public institutions, the private sector, civil society and citizens. It requires constant attention as evidence shows that the same actors can also undermine it, both through action and inaction. Maintaining a healthy civic space, both on and off line, is a prerequisite for good governance and democracy. Countries that foster civic space at both the national and local levels are better placed to reap the many benefits of enhanced citizen engagement, strengthened transparency and accountability, and empowered citizens and civil society. In the longer term, a vibrant civic space can help to improve government effectiveness and responsiveness, contribute to more citizen-centred policies and programmes, boost social cohesion and ultimately increase trust in government.

This first OECD report on the protection and promotion of civic space aims to support Members and non-Members to raise standards and improve their policies by providing an exhaustive overview of the different dimensions of civic space and suggesting a wide range of measures to safeguard it. Based on government data from a survey of 52 central governments (of which 33 are OECD Members), it focuses on 4 key areas: the protection of civic freedoms; access to information as a right; media freedoms and civic space in the digital age; and the enabling environment for civil society. The report draws on international guidance and standards, as well as data and analysis from CSOs and other stakeholders.

Key findings

- The foundations for the protection of civic space in surveyed OECD Members are strong. Aspects of civic space have been strengthened in many of these countries in recent years by government initiatives, policies, laws, and institutions, coupled with powerful and dynamic civic activism, social movements, and public pressure. The necessary legal frameworks are well established. Governments are increasingly using digital tools and platforms to inform and engage with citizens and CSOs. Most surveyed OECD Members have independent public institutions that address complaints regarding civic freedoms, and almost half have institutions that specialise in discrimination cases and promoting equality.

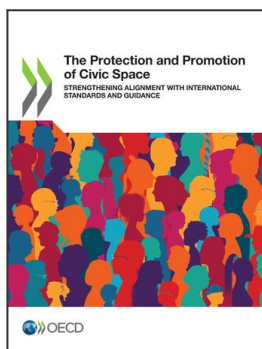
- Exceptions, legal gaps and implementation challenges remain in OECD Members and other surveyed countries, partly due to external factors. Changing demographics, tensions related to immigration, polarisation due to mis- and disinformation, and threats such as COVID-19 are compounding challenges to civic space. When responding to the pandemic, many governments resorted to extraordinary tools, including invoking emergency powers that led to (temporary) restrictions on civic freedoms and a halt to participatory processes, with reduced democratic safeguards and oversight. Nonetheless, there has since been a clear trend towards ending these measures over time.
- Many of the OECD's 38 Members consistently occupy the top rankings of international indices related to civic space, while others score lower on specific aspects or across a range of indicators. About 20% of OECD Members are experiencing a decline in areas related to the protection of civic space. Research shows that all countries face at least some challenges in protecting their civic space, particularly for minorities and marginalised groups.
- With rising vilification, violence and harassment of journalists, media freedom has seen a significant decline around the world. Data show that the proportion of OECD Members where the situation is favourable for journalism has halved in the space of six years. Freedom of expression and other fundamental rights are also threatened by attacks against human rights defenders in some countries.
- Online civic space, which has vastly expanded governments' capacity to engage with citizens, is increasingly affected by the prevalence of mis- and disinformation and hate speech designed to exclude and silence people, especially women and minorities. There is an overwhelming trend in surveyed OECD Members to prohibit hate speech as a widely recognised form of discrimination; two-thirds have introduced reporting and complaint mechanisms and provide support for victims.
- Most surveyed OECD Members permit and facilitate peaceful assembly. But insufficient protection of protestors by law enforcement, as well as police violence used against protestors in some contexts, have raised concerns about respect for this right. Court decisions and legal changes have been introduced in some countries to reduce and control the use of force by police during protests.
- The enabling environment for CSOs is comparatively robust in surveyed OECD Members, where they are largely free to operate and criticise the government without fear of harassment. A majority have strategies to support their CSO sectors, including through funding. OECD governments also work extensively to protect the enabling environment for civil society in partner countries, with approximately half having a dedicated policy or strategy to promote CSOs as part of development co-operation.
- However, contrary to international guidance, CSOs must register to operate in many OECD Members and non-Members. Administrative procedures remain burdensome in some, and access to government funding is generally seen as a significant challenge. National security and counter-terrorism laws are having a tangible impact on the financial sustainability of CSOs via legal restrictions on access to funding, coupled with bureaucratic reporting requirements that can slow down or obstruct their work. Smear campaigns targeting CSOs and restricted space for those that engage on particular issues – such as the environment and migration – present ongoing challenges.
- CSOs, activists, and journalists are increasingly targeted by strategic lawsuits against public participation (SLAPPs) that aim to silence people who publicly criticise or investigate powerful individuals, companies or interest groups in respondents. Survey data suggests all countries could make greater efforts to assess the prevalence of SLAPPs in their jurisdictions and further protect civic space by introducing legislation to counter them.
- Strong oversight mechanisms help to protect civic space. However, basic disaggregation of data by public institutions that address complaints regarding civic freedoms remains rare, hindering the development of prevention and response initiatives targeting affected groups.

Key recommendations

Alongside a wide range of detailed policy measures for survey respondents to consider, this report proposes the following ten overarching high-level recommendations on protecting and promoting civic space:

- Protect and facilitate **freedom of expression**.
- Protect and facilitate **freedom of peaceful assembly** and the right to protest.
- Counter the **discrimination, exclusion and marginalisation** that disproportionately affect certain groups and hinder equal participation in public life.
- Safeguard and protect **human rights defenders, journalists, whistle blowers**, and other at-risk groups.
- Foster a **public interest information ecosystem** that protects independent media and promotes access to information.
- Protect **online civic space**, including by countering hate speech and mis- and disinformation.
- Respect **privacy** and ensure **personal data protection** to avoid arbitrary intrusion and interference in public life.
- Foster an **enabling environment for civil society organisations** that facilitates their positive contribution to society.
- Protect civic space both domestically as well as through development co-operation as part of a **coherent policy approach**.
- Systematically protect and promote civic space as a precondition for **citizens and stakeholders to engage** in public decision making to foster more open, transparent and accountable governance.

The report recognises the need for respondents to adopt a comprehensive, whole-of-government approach to protecting civic space that is co-ordinated across public institutions. A central conclusion of the report is that all countries would benefit from an ongoing review of the manner in which legal frameworks governing civic space are implemented at the national level, as part of reinforcing their democracies. In some countries, reviews of existing legislation could help ensure it is in line with international standards and does not restrict civic freedoms. Ongoing monitoring of civic space using disaggregated data to understand emerging challenges and gaps, and cross-government efforts to identify and reverse any negative trends, would also be beneficial. Even in mature democracies with a strong commitment to civic participation and a positive international standing in relation to civic space protection, a sustained effort is needed to maintain high standards.



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