

## International Center for Not-for-Profit Law, European Center for Not-for-Profit Law

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### Chapeau

- The Pact should reaffirm signatories' commitment to the Charter of the United Nations, the Universal Declaration of Human Rights, the 2030 Agenda for Sustainable Development, the Declaration on the commemoration of the seventy-fifth anniversary of the United Nations.
- It should further reaffirm commitments to inclusive and meaningful civil society participation in UN decision-making processes, to combat threats to civil society space and promote an enabling environment for civil society in all UN member states.<sup>1</sup>
- The Pact should call clearly for full implementation of the United Nations Secretary-General's Call for Action on Human Rights, where promotion of civic space and participation are identified as a key themes, and the Secretary-General's Guidance Note on the Protection and Promotion of Civic Space.<sup>2</sup> The Pact should additionally reaffirm the need for gender and human rights mainstreaming across all areas of the United Nation's work.

### Chapter I. Sustainable development and financing for development

- The Agenda for Development notes that “*effective participation by civil society*” is “*an essential part of the necessary foundations for the realization of social and people-centered sustainable development.*”<sup>3</sup> The Pact should recognize the importance of empowering people to participate in development and creating avenues for civil society participation in development efforts. The Pact should promote effective participation of diverse civil society in national decision-making, with a specific focus on those at risk of being left behind, and identify and address participation gaps, with a view to ensuring that those at risk of not being heard are involved in debates that affect their lives.<sup>4</sup>
- The Pact should acknowledge that restrictions facing civil society around the world are increasing and that these restrictions impede successful implementation of the 2030 Agenda and contradict

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<sup>1</sup> ‘Civil Society Space’ Human Rights Council Resolution A/HRC/RES/53/13 (adopted 13 July 2023); ‘The rights to freedom of peaceful assembly and of association’ Human Rights Council resolution A/HRC/RES/50/17 (adopted 8 July 2022); ‘Promotion and protection of human rights and fundamental freedoms, including the rights to peaceful assembly and freedom of association’ General Assembly Resolution A/RES/73/173 (adopted 17 December 2018)

<sup>2</sup> ‘The Highest Aspiration: A Call to Action for Human Rights’ UN Secretary General (published 24 February 2020); ‘UN Guidance Note on Protection and Promotion of Civic Space’ (published 23 September 2020)

<sup>3</sup> ‘Agenda for Development’ General Assembly Resolution A/RES/51/240 (adopted 20 June 1997)

<sup>4</sup> ‘The Highest Aspiration: A Call to Action for Human Rights’ UN Secretary General (published 24 February 2020); ‘UN Guidance Note on Protection and Promotion of Civic Space’ (published 23 September 2020)

international legal standards and commitments, including those made in the 2011 Busan Partnership Agreement, the United Nations Sustainable Development Goals, and the ICCPR.

## Chapter II. International peace and security

- Civil Society plays a key role in the establishment and maintenance of international peace and security. A strong civil society *“helps build public trust and squarely addresses the conditions conducive to the rise of terrorism and violent extremism.”*<sup>5</sup> Yet national security and counter-terrorism laws and measures have too often been used to repress fundamental freedoms and rights and *“[i]n some countries, [counter-terrorism] laws are routinely used to label civil society actors, including human rights defenders, as terrorists and to prosecute them for the terrorist-related offences, with a view to hindering their human rights work.”*<sup>6</sup>
- The Pact should call on the United Nations and Member States to safeguard the work of civil society by ensuring that national security and counter-terrorism laws and measures are consistent with and are applied in a manner that fully respects human rights, particularly the rights to freedom of expression, peaceful assembly and association.
- It should further urge the creation and maintenance of an enabling environment for civil society, including a legal framework that protects and promotes human rights, in accordance with international human rights law, and encourage the active participation of civil society organizations to strengthen governmental efforts to protect human rights and fundamental freedoms while countering terrorism. Particular attention should be paid to actively support the full, equal and meaningful participation of diverse women, including women human rights defenders and women peacebuilders.
- The Pact should condemn online and offline restrictions of freedoms of expression, peaceful assembly and association inconsistent with international human rights law and standards, particularly when these occur in the name of national security or counter-terrorism.<sup>7</sup>

## Chapter III. Science, technology and innovation and digital cooperation

- Science, technology, and innovation have had and will continue to have a profound effect on how people live their lives, including how they experience and exercise their human rights and fundamental freedoms. In particular, the rights of expression, assembly, association, and participation are affected by the technologies people use in their daily lives to access information, communicate with one another, protect their privacy, and move from place to place. In order to ensure that science, technology, and innovation benefit humanity, it will be important to develop and implement policies and legislation, in consultation with civil society, that both protect people’s ability to exercise their human rights and fundamental freedoms through and while using new technology and innovations and protects individuals and vulnerable groups against

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<sup>5</sup> 2022 UNOCT Malaga Conference Civil Society Outcome Document (<https://www.ohchr.org/sites/default/files/documents/issues/terrorism/sr/civilsocietyworkshop-malaga/2022-08-16/Civil-Society-Workshop-Outcome-Document-Malaga-Spain.pdf>)

<sup>6</sup> A/HRC/43/70, Para 64

<sup>7</sup> ‘Terrorism and human rights’ General Assembly Resolution A/RES/78/210 (adopted 19 December 2023); ‘The United Nations Global Counter-Terrorism Strategy: eighth review’ General Assembly Resolution A/RES/77/298 (adopted 22 June 2023)

violations and abuses of their human rights enabled or facilitated by technology or innovations or occurring in digital spaces.

- The Pact should call on the United Nations and States to conduct human rights due diligence, including regular, comprehensive human rights impact assessments of new technologies, including artificial intelligence, throughout their lifecycles, including their conception, design, development, deployment, use, sale, procurement or operation, in order to maximize their benefit and prevent and mitigate their adverse impacts, and ensuring effective remedies as well as human oversight, accountability and legal responsibility.<sup>8</sup>
- The Pact should further encourage the inclusion of diverse civil society in United Nations and national legislative and policymaking processes through the use of safe and user-friendly digital platforms for participation.<sup>9</sup>

#### Chapter IV. Youth and future generations

- To ensure full, meaningful, effective and inclusive participation of diverse civil society in decision-making, youth, youth-led and youth-focused organizations and movements need to be more systematically included at the national, regional and international levels, including in designing and implementing policies, programmes and initiatives. The Pact should pay specific attention to increasing spaces for young people to participate in shaping the decisions that will affect their future, including but not limited to climate action.<sup>10</sup>
- Environmental human rights defenders are at the forefront in advocating for necessary urgent action for the future and providing help to vulnerable communities, but are also often marginalized themselves, delegitimized and targeted directly for their work. The Pact should encourage increased dialogue directly with environmental human rights defenders and with civil society organizations that support them and ensure their effective participation in climate and environmental processes at the international, regional, and national levels. The Pact should also ensure there is greater awareness of the specific challenges and threats faced by environmental human rights defenders, and that strong protection mechanisms are put in place to protect them from attacks.<sup>11</sup>

#### Chapter V. Transforming global governance

- Recalling that the Charter of the United Nations is a statement of the intention of “*We the Peoples of the United Nations*”, the Pact should remain true to the spirit of the Charter and reaffirm its intention to reflect the common interests of the peoples of the United Nations. The Pact should advance this goal by calling for a greater effort to inform the peoples of the United Nations of the organization’s work and expanding the efforts of the United Nations to protect the freedoms of

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<sup>8</sup> ‘Promotion and protection of human rights in the context of digital technologies’ General Assembly Resolution A/RES/78/213 (adopted 19 December 2023)

<sup>9</sup> UN Guidance Note on Protection and Promotion of Civic Space’ (published 23 September 2020)

<sup>10</sup> ‘Policies and programmes involving youth’ General Assembly Resolution A/RES/78/179 (adopted 19 December 2023)

<sup>11</sup> ‘Implementing 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 through providing a safe and enabling environment for human rights defenders and ensuring their protection’ General Assembly Resolution A/RES/78/216 (adopted 19 December 2023)

expression, assembly, association, and participation, and support at field level the promotion of laws and policies that protect the right to equal participation and civic space.

- The Pact should further aim to ensure effective, inclusive civil society participation in all UN decision-making processes, including inter-governmental fora, based on clear, accessible, equal and objective criteria for accreditation and registration and regular assessment of the effectiveness of participation channels.
- It should pay particular attention to and urge the United Nations and its Member States to take appropriate measures to prevent and follow up on allegations of intimidation and reprisals against civil society actors for cooperating with the UN. These efforts should be based on the principles of informed consent, confidentiality, and “do no harm,” and should consider the specific protection needs of all peoples, including vulnerable and marginalized populations.<sup>12</sup>
- Through these steps, the United Nations of the future will come to belong more authentically to the Peoples of the United Nations and will be more likely to advance the aims that were articulated in the Charter and remain as urgently needed today as upon their adoption.

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<sup>12</sup> *‘Civil Society Space’* Human Rights Council Resolution A/HRC/RES/53/13 (adopted 13 July 2023); *‘The Highest Aspiration: A Call to Action for Human Rights’* UN Secretary General (published 24 February 2020); *‘UN Guidance Note on Protection and Promotion of Civic Space’* (published 23 September 2020)