



[civicsolidarity.org](http://civicsolidarity.org)

## HAMBURG DECLARATION

### ON PROTECTING AND EXPANDING CIVIL SOCIETY SPACE

*Adopted by the participants of the OSCE Parallel Civil Society Conference  
Hamburg, 6-7 December 2016*

The OSCE Parallel Civil Society Conference – 2016,

CONSIDERING that civil society has been a strong driving force across the OSCE region and has played a vital role in collecting and disseminating information from the ground; ensuring accountability and advocating for greater efforts by participating States to implement their OSCE commitments and initiate reform across all three dimensions of security of the OSCE, as well as in early warning, crisis prevention and conflict transformation,

RECALLING that the Helsinki Final Act confirms that organisations and persons have a relevant and positive role to play in contributing to the achievement of the aims of their co-operation and the right of the individual to know and act upon his rights and duties. The Charter of Paris for a New Europe recognised the major role that non-governmental organisations, religious and other groups and individuals have played in the achievement of the objectives of the OSCE,

NOTING that the backlash against civil society has accelerated lately in many OSCE participating States. Increasing restrictions on freedoms of association, peaceful assembly and expression, as well as growing threats to the security of civil society activists, their freedom of movement and the right to fair trial, have a hugely negative impact on the ability of civil society to operate freely and without the fear of reprisals,

UNDERLINING that some participating States attempt to justify restrictions on the ability of civil society to operate freely by the false pretexts of protecting state sovereignty and preventing “foreign interference in domestic affairs”, fight against terrorism and extremism and protection of “traditional values”,

EXPRESSING concern about attempts made over the past years in several OSCE participating States to further toughen legislation regarding NGOs and intensify repressive practices, first and foremost in the context of the “foreign agents” and similar laws. Civil society groups and their leaders are increasingly singled out for negative and discrediting statements by government officials and public media who accuse them of promoting “foreign” interests and values and of undermining national security and stability. Politically-motivated lawsuits are being used in many States against activists critical of the

authorities and often involve trumped-up charges, harsh sentences and the impossibility of a meaningful legal defence or a fair trial,

RECOGNISING that if before the main area of concern were a substantial number of countries of the former Soviet region, now increasingly Turkey, the western Balkans, and Central Europe have seen the growth of “illiberal democracies” in which critical civil society organisations are being put under pressure. In addition, in the framework of fighting terrorism and transnational threats, many democracies in the West restrict civil society activities, put limitations on funding for civil society organisations and violate the privacy of activists,

EXPRESSING concern also about growing abuse by repressive governments of international agreements on cooperation in criminal matters and relevant intergovernmental organisations (such as Interpol) to prosecute human rights defenders and civil society activists, as well as of international agreements and cooperation aimed at countering tax evasion (such as the Berlin Convention on Mutual Administrative Assistance in Tax Matters), money laundering and financing of terrorism (such as the Financial Action Task Force / FATF) to put pressure on or fully disable civil society activities,

RECOGNISING that autocratic governments have moved from attacking individual human rights defenders to attacking the mechanisms of protection of human rights defenders and even to undermining the international system of human rights protection as such,

RECOGNISING the focus on space for civil society and the security of human rights defenders made by the Swiss OSCE Chairmanship in 2014 as well as consistent efforts made by several successive OSCE Chairmanships and OSCE institutions in recent years to expand space for civil society participation in the OSCE work and events and to increase cooperation with civil society both in the OSCE headquarters and in the field,

\* \* \*

CONSIDERS that the problem of shrinking space for civil society has numerous negative implications for realisation of the OSCE comprehensive security concept. The inability of civil society to operate effectively will not only undermine democratic public participation, but the very ability of the OSCE to work effectively, since a lot of vital information from the ground and pioneering ideas on how to address gaps in implementation of OSCE commitments come from civil society.

ALSO CONSIDERS that these negative developments stand in sharp contrast to the adoption in 2014-2015 of the OSCE ODIHR Guidelines on the protection of human rights defenders and on freedom of association.

NOTES that civil society organisations and activists documenting human rights violations in conflict zones, involved in conflict prevention and peace-building, as well as those working to combat xenophobia and hate crime, advocating for equality and promoting the rights of discriminated groups (women, LGBTIQ, national minorities and migrants) are especially targeted and disproportionately affected.

CALLS ON the authorities of OSCE participating States to reverse the backlash against civil society at the national level, inter alia, to:

- stop referring to civil society groups critical of government policies as political tools of foreign interference in domestic affairs,
- refrain from describing civil society groups critical of government policies as a threat to “traditional values” and stability,
- stop engaging in smear campaigns and making discrediting statements against civil society groups and activists;
- repeal “foreign agents” laws” and lift restrictions on international funding of civil society activities;
- promptly and effectively investigate all attacks against civil society activists and bring their perpetrators and masterminds to justice,
- stop conflating civic activism and extremism and imposing excessive and disproportionate restrictions of freedoms of association, assembly, and expression in the name of security, including countering terrorism,
- stop criminalising non-violent expression to suppress critical voices and prevent accountability of governments,
- recognise and support the role civil society plays in combating radicalisation and violent extremism by reaching out to include citizens and residents from minority groups,
- stop using the judicial system as a means of repression and pressure on civil society, including through unfair trials, politically motivated convictions, approval of surveillance and travel bans (denial of exit from the country),
- stop using economic mechanisms, including tax, financial, anti-money-laundering, and other regulations, to restrict civil society activities,
- stop using “collective punishment” to intimidate and repress civil society activists by targeting their relatives,
- consistently raise the issue of shrinking civil society space at various OSCE fora as well as in bilateral meetings with representatives of the States concerned, and consider adopting joint statements or declarations on this issue at the level of the Ministerial Council or the Permanent Council, or at the HDIM,
- establish a list of human rights defenders at risk and issue express long-term visas to them and their family members upon request, make recommendations to relevant government bodies on granting political asylum to persecuted activists, when necessary, and support shelter programmes for civic activists at risk,
- review their implementation of international agreements on cooperation in criminal matters and their participation in relevant inter-governmental organisations such as Interpol to ensure that they do not contribute to abuse of such agreements and organisations for prosecuting human rights defenders and civic activists,
- review their implementation of international agreements on countering tax evasion, money laundering and terrorism financing to prevent that these agreements are used to restrict civil society activities and provide safeguards for activists from countries with repressive governments.

ENCOURAGES the OSCE bodies and institutions to take concrete steps without delay to develop appropriate and effective mechanisms and tools for protecting and expanding civil society space and in doing so take into account the following recommendations that have been developed by civil society representatives from across the OSCE region:

- OSCE Chairmanships should consider appointing a Special Representative on Civil Society,
- OSCE Chairmanships should consistently and publicly express support for the protection of civil society space across the OSCE region and in the OSCE's work and events,
- future OSCE Chairmanships should include in their priorities a focus on the protection of space for civil society and the security of human rights defenders, similar to 2014 Swiss Chairmanship,
- OSCE political bodies and institutions should mainstream protection of space for civil society in all OSCE activities and recognise the role of civil society in their programs,
- OSCE political bodies and institutions, including OSCE Chairmanships and ODIHR, should develop a system of prompt and effective reaction to cases of persecution of NGOs and civil society activists and violence against them, in particular, to each and every case of reprisals against NGOs and civil society activists for their participation in OSCE activities and events,
- ODIHR should set up an expert panel on freedom of association, similar to the existing expert panel on freedom of peaceful assembly,
- ODIHR should restore its focal point for human rights defenders and establish an expert (consultative) panel on the protection of human rights defenders,
- ODIHR should study how the Guidelines on the protection of human rights defenders are implemented by participating States, using reports and information from civil society organisations and going beyond the current system of collecting responses to questionnaires, and publish reports on this issue,
- All OSCE institutions, structures, units, and field presences, not only those in the field of human dimension, should designate liaison officers / focal points for civil society. These should not only disseminate information about their work to civil society, but also collect information, network and consult with civil society in a regular and consistent manner,
- Efforts by several successive OSCE Chairmanships and OSCE institutions to expand space for civil society participation in the OSCE work and events and to increase their cooperation with civil society should be continued and expanded,
- Attempts by some OSCE participating States to restrict participation of civil society organisations in the OSCE work and events and their efforts to substitute the existing commitment of unrestricted participation of civil society organisations (except those who engage in or support violence) by a principle of approval by governments, should be clearly and strongly resisted,
- OSCE field operations should more actively cooperate with and support civil society in their countries of presence, by maintaining regular contacts with civil society organisations and activists, accepting and using their information and recommendations, and reacting to instances of restrictive legislation and policies, persecution of and attacks against civil society groups and individual activists,
- The practice of including civil society representatives in ODIHR's expert panels / rosters of experts on specific topics (through open public calls) should be used more widely, and the fact of such involvement should be made public (lists of experts published online, etc.),
- The Chairperson-in Office and Special Representatives of the Chairperson should publicly meet civil society representatives while on official country visits to participating States,
- On the eve of human dimension events, OSCE field presences should organise preparatory meetings in the countries where they operate, bringing together the authorities and civil society representatives,

- ODIHR and other OSCE actors should more systematically work with other inter-governmental organisations on the protection of civil society space and the security of human rights defenders,
- OSCE cooperation programmes should feature human rights conditionality. The benchmarks used should include implementation of UN Human Rights Committee views and European Court of Human Rights judgments issued in cases of persecution of civil society activists and human rights defenders,
- The protection of civil society space should be treated as a matter of conflict prevention. OSCE actors should consider repressive legislative and policy changes regarding civil society space early warning signs of a human dimension crisis,
- OSCE actors should ensure that civil society continues playing an active role in early warning, crisis prevention and conflict transformation; regularly involve local civil society actors, human rights experts in joint analyses and the development of policies and country strategies; develop early warning and human dimension crisis prevention indicators and actions jointly with civil society,
- OSCE actors should enhance their support of civil society groups, representatives of minorities and women activists in their conflict transformation and peacebuilding efforts,
- OSCE actors, other international actors and donors involved in conflict management in conflict regions and separatist-controlled territories should recognise the key role of civil society in monitoring the situation, collecting and analysing information and providing assistance to victims. They should provide support to civil society groups, regardless of their national origin.