

Commonwealth Initiative for the Freedom of Religion or Belief

The Commonwealth & Civil Society

In countless declarations, most notably the 2013 Commonwealth Charter, the heads of government of the Commonwealth have underlined that civil society is essential to upholding the core values of The Commonwealth – democracy, human rights, equitable development and rule of law – and carrying out its work. In response, the Commonwealth Secretariat has taken significant steps to improve engagement with civil society groups. Yet they remain an underutilised resource, limited in their access to decision-makers and frustrated with the lack of opportunities to substantively influence policy. With civic space closing around the world, many also find themselves increasingly vulnerable to attack.

Legal regime: Through laws, governments may impose various limitations and restrictions on civil society. In recent years, a number of Commonwealth countries have witnessed an increasing trend in government restrictions on the finances of civil society organisations. Governments must ensure that laws and standards that define civil society space respects international human rights standards such as freedom of expression, opinion, assembly and association. The Commonwealth Secretariat, with the help and assistance of civil society organisations, aims to monitor such restrictive laws and urge governments to repeal laws that violate the rights to freedom of expression, opinion, assembly and association.

Policy and practice: Civil society organisations play an active role in countering the shrinking space for civil society, and in supporting human rights defenders. Governments in the Commonwealth must react promptly and take joint action in cases of intimidation and criminalisation of human rights defenders. Such action could include: diplomatic and political action and intervention at international fora such as at Universal Periodic Review sessions, and at the United Nations Human Rights Council.

Government-civil society engagement: Constructive engagement of government and civil society is crucial for inclusive and participatory governance. Governments in the Commonwealth must therefore commit to active, meaningful, inclusive, and transparent participation of civil society in processes and decision-making on matters of public interest.

Key Declarations on Civil Society and the Commonwealth

- Commonwealth leaders have repeatedly emphasised the contribution of civil society, most notably in the Commonwealth Charter. Chapter 16 recognises the important role that civil society plays in our communities and countries as partners in promoting and supporting Commonwealth values and principles, including the freedom of association and peaceful assembly, and in achieving development goals.
- Similar sentiments have been expressed in the Latimer House Principles (2003); the Aberdeen Agenda, the Commonwealth Principles on Good Practice for Local Democracy and Good Governance (2005); the Trinidad and Tobago Affirmation of Commonwealth Values and Principles (2009); and the Perth Declaration on Food Security Principles (2011).
- The Commonwealth Charter also places a specific emphasis on freedom of expression, and on human rights more broadly as core values of the association. The freedoms of expression, association and assembly are rights central to civic activity, enabling people to mobilise for change.

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The Commonwealth Human Rights Initiative, in its 2015 report on the closure of civil society, noted that it is important to understand the context in which civil society is being curtailed. Attacks were never based on one element alone, but always multi-pronged. Some common features of such attacks include the following:

- They universally stigmatise civil society actors, who are often characterised as ‘terrorists’, ‘living off others’, ‘obstacles to growth and security’, or ‘anti-religious’, rather than as community leaders.
- Women in particular are often framed as ‘prostitutes’ and ‘bad mothers’.
- Common justifications for legislating against civil society are protecting national security, sovereignty, or religious and political ideology. These are powerful drivers that lead to a negative discourse and then action to silence human rights defenders and other members of civil society and break their links with the outside world.
- The measures tend to have broad societal support at this stage and include crackdowns on political dissent, manipulation and abuse of laws to punish civil society, police crackdown on protest, media monopolization, and impunity for criminal attacks including the killing of human rights defenders.

The Commonwealth has an important role to play in the promotion and protection of civil society space in the domain of freedom of religion or belief (FoRB). The Commonwealth therefore remains a distinctive forum for incubating and delivering fresh initiatives to advance FoRB through the protection of civil society. There are examples of good practice and poor – for example, a number of Commonwealth countries are currently on the FCO Concern list with concerns relating to FoRB. Meanwhile, the United Kingdom itself has been transformed by the size and diversity of the Commonwealth diaspora community. This community has enabled deeper connections between Commonwealth countries, and the Commonwealth has provided a platform for the FCO to listen to and engage with this network. This is particularly important for FoRB, as the nature of religious belief transcends boundaries and raises the question of whether radicalism, put forward through these same loose networks, can be countered through other networks.