



C20
INDONESIA
2022 CIVIL



POLICY BRIEF

C20 Education, Digitalization,
and Civic Space Working Group
CIVIC SPACE SUB-WORKING GROUP

**#Protect
andExpand
CivicSpace**



POLICY BRIEF

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Foreword

From a 2016 survey from CIVICUS and Civil Society Europe, the global situation of civic space is by no means a robust one. Even in Sub Saharan Africa, as early as in 2000, governments are curtailing civil society organizations from accessing foreign funds. Numbers and figures from indicators do not display positive trends on civic space conditions throughout the world. However, minimum action from the international community on the global platform has been done to expand and protect civic space. Recent crises and conflicts from parts of the world show geopolitical and economic interests are shifted, which makes the future for an improvement of civic space is rather dim.

In 2019, the importance of protecting “civic space” has been recognized as a term by C20 Japan in both the final report and Tokyo Declaration. According to both documents, protecting civic space is necessary to tackle global challenges, in the SDGs Goal 16 context. It should be noted that civic space, as an ongoing aspect, was present in the C20 in the 2020 and 2021 communique and report. Nevertheless, the attempt to reach a mutual understanding to initiate a joint action between states to prevent a more deteriorating civic space never came into life.

After the fall of the New Order regime in 1998, Indonesia has had a steady and robust civil society. However, recent studies show that Indonesia is experiencing democratic regression; in which shrinking civic space is part of the deteriorating values. Within this climate, Indonesian civil society organizations saw the G20 presidency as windows of opportunity to expand civic space issues on a global scale. In order to have civic space issues formally captured within the G20 platform, it has to be a part of the C20 working group—the civil society’s official

engagement with the G20. At that time, there were no specific working groups on civic space present under the C20 in early 2022. PSHK (Pusat Studi Hukum dan Kebijakan Indonesia or the Indonesia Centre for Law and Policy Studies), YAPPIKA-ActionAid Indonesia and Penabulu Foundation—all civil society organization based in Indonesia— requested the C20 Secretariat for a new working group on civic space. The request was responded positively by the C20 Indonesia Secretariat and the Civic Space Sub-Working Group was incorporated along with the education and digitalization working group, thus establishing the Education, Digitalization and Civic Space Working Group (EDCS WG).

Establishing a permanent civic space working group in the G20 and C20 is an option to provide a necessary push on global level. Such a working group would be the minimum baseline of what the C20 are able to do. However, forming a working group on a global platform consisting of the world's major economic players focusing on economic development like the G20 can only do so much if there is limited commitment to protect and expand civic space from state members. What the G20 is able to do is to acknowledge that they have civic space problems in G20 official documents. One way to manifest this is to provide a government counterpart for civic space working groups in the future. G20 members should be willing and able to set the bar high as exemplary to other countries in terms of global and national commitment to protect and expand civic space; considering shrinking of civic space will negatively impact economic growth and hinder the quality of life of their people.

The C20 Civic Space Sub-Working Group Policy Brief is just a small dot of an attempt of collective action from civil society organizations and individuals from all over the world. This tiny brief is trying to voice out all the concerns from India, Japan, Switzerland, Indonesia and other countries who are not G20 members like Ukraine and Mongolia.

As a closure, on behalf of the C20 Civic Space Sub-Working Group, we would like to extend our warmest gratitude to those of you who are willingly to allocate their time and resources to make this policy brief happen.

Gita Putri Damayana

Coordinator for C20 Civic Space Sub-Working Group

“Development consists
of the removal of various types
of unfreedoms that leave people with
little choice and little opportunity
of exercising their reasoned agency.”

—Amartya Sen, ‘Development as Freedom,’ 1999

Executive Summary

The shrinking civic space (SCS) global phenomenon alarms the Government of Twenty (G20) to take immediate action to #ProtectandExpandCivicSpace. Among the G20 member countries alone, where more than half global population reside, only two countries are having open civic space; the rest are reportedly in either narrowed, obstructed, repressed, or closed civic space (CIVICUS, 2022). ‘Civic space’ is a term referring to conditions of civil rights, such as freedom of expression, speech, association, assembly, as elaborated in the International Covenant of Civil and Political Rights (ICCPR). In a broader term, civic space includes the right of defending rights for human rights defenders, academic freedom for scholars, and the right to meaningful participation in policy making for civil society in general.

Though civic space indicators are considered important instruments to project where independent countries manifest their development orientation, it appears that challenges on civic space are constantly increasing. The challenges include the passing of restrictive policies on freedom of expression, speech and other civil and political rights; hostile measures against civil society actors, and tokenistic model of citizen participation. In the digital sphere, for example, civic space has been distorted by internet shutdowns, restriction to access public information, and digital privacy violations that occurred in many countries. Due to inadequate legal protection that most countries are having, human rights defenders are now at a greater risk of getting hostile retaliation from state and non-state actors when exercising rights to defend public interest. The emergence of anti-non governmental organization (NGO) laws containing legal barriers to civil society organization such as restrictions to access foreign funding or any other administrative requirements, is also highly associated among major freedom of association problems that weaken the role of civil society groups as watchdog. Added to the layer of problems is the marginalization and discrimination of vulnerable population, especially during the increasing global humanitarian crisis, who have been severely affected by the SCS phenomenon.

Despite the growing challenges, the C20 Civic Space Sub-Working Group observed a number of opportunities indicating the elimination of civic space challenges is not only possible to achieve, but also beneficial for growth.

Technology-wise, the government could maximize the use of digital technology in fair and non-discriminatory manner to enable highest level of civil society participation to achieve citizen control. Besides, in mitigating challenges from the business sector, the G20 member could encourage the use of soft-law instruments like the United Nations Guiding Principle on Business and Human Rights (UNGPR) to enhance corporate compliance to higher human rights standards. In fact, monitoring tools like human rights due diligence may not only be beneficial to prevent judicial harassment against environmental defenders whose power relations are much weaker in most cases involving business actors, but also to provide a channel for civil society to seek proper remedy for any human rights impacts these financially-leverage entities have caused during operation.

More importantly, the G20 leaders should emphasize the positive correlation of expanded civic space to sustainable development goals.

Since open civic space is a prerequisite condition towards realization of every goals in the 2030 Sustainable Development Agenda – especially goals 16 and 17, the current SCS phenomenon should be captured as a momentum to take concrete action to broaden civic space by revoking anti-NGO laws, enabling more access to financial and non-financial resources for civil society organization, and conducting more meaningful participation with all stakeholders. Additionally, states should also fully recognize the power of youths as a driving factor to social change, and therefore, put a focus to listen and facilitate more involvement of youth in policy and decision making process. At the global level, the G20 leaders can lead the initiative to organize discussions over the best possible international law instruments to promote expanded civic space in multilateral forums, which contain concrete measures to support monitoring, implementation, protection and accountability for civic space violation in each state member.

Finally, the C20 Civic Space Sub-Working Group, consisting of more than 150 civil society organizations and individuals worldwide, brings forward the following three priority recommendations to be taken into account by the G20 leaders:

First, protect and expand civic space. Among other things, each state should create and maintain a safe, enabling environment for civil society and public participation; ensure the policy-making processes are accessible, transparent, and inclusive; and strengthen civil society organizations by eliminating blocks, supporting and facilitating access to resources and capacity building without undue burden and restrictions.

Second, put an end to attacks, criminalization, and stigmatization of civil society actors. It includes, but not limited to, enactment of laws covering legal protection for human rights defenders against threats, attacks, or violence of any kind, and revocation of laws or policies that make civic space criminalization possible. State authority should also immediately release all citizens and peaceful activists who have been wrongfully detained or charged for exercising freedom of speech, expression, assembly and association.

Third, build and strengthen partnership with civil society actors in public policy development and decision making. To create meaningful and sustainable participation towards development, each state must create and sustain partnerships with civil society actors, build full participation in public policy development, conduct meaningful engagement with CSOs in national or global decision making processes, and make ease to CSOs operation by revoking the burdensome Anti-NGO Laws.

THE C20 CIVIC SPACE

SUB-WORKING GROUP POLICY BRIEF

Part of Education, Digitalization,
and Civic Space Working Group

The G20 Must Stand to Protect and Expand Civic Space!

INTRODUCTION

Discussion about civil society cannot be separated from the idea to protect and expand civic space. In Civil of Twenty (C20) forums, the topic was consecutively present in the policy packs of 2018 to 2021. The constant presence of civic space issues in the last four years conveys a message that the protection of civic space is as significant as any other cooperative development focus in the Government of Twenty (G20) forum.

‘*Civic space*’ is a term referring to conditions of freedom of expression and speech, association and assembly, as elaborated in the International Covenant of Civil and Political Rights (ICCPR). In a broader term, civic space also includes the right of defending rights for human rights defenders (HRDs) and the right to meaningful participation in general. All countries have duties to respect and protect these rights, and any measures taken against the objectives of these rights are equivalent to intervention of human rights.

What is Civic Space?

Civic space is the environment that enables civil society to play a role in the political, economic and social life of our societies. In particular, civic space allows individuals and groups to contribute to policy-making that affects their lives, including by:

- accessing information,
- engaging in dialogue,
- expressing dissent or disagreement, and
- joining together to express their views.

An open and pluralistic civic space that guarantees freedom of expression and opinion as well as freedom of assembly and association, is a prerequisite for making development and peace sustainable.

Sources: www.ohchr.org/en/civic-space

What is more, civic space has also been a valuable component used in many democracy monitoring indexes: it serves as a trajectory in which independent countries manifest their development orientation. However, a number of reports show that during the pandemic times to date civic space had experienced major retreat on a global level. The Economist Intelligence Unit (2022) reported that 46% of global populations live in troubled democratic countries; meanwhile the average global score dropped from 5.37 in 2020 to 5.28 in 2021.

As a comparison, CIVICUS (2021) recorded that out of 196 countries only 3.1% of the global population live in open civic space, meanwhile 44,7% live in repressed civic space, 25.4% in closed, 8.3% in narrowed, and 18.4% in obstructed civic space countries. Among the G20 member countries alone, only Canada and Germany are classified as having open civic spaces according to the latest State Monitoring Report by CIVICUS. Seven member countries are narrowed (Argentina, Australia, France, Italy, Japan, South Korea & the United Kingdom), whereas the four others are in obstructed civic space (Brazil, Indonesia, South Africa & the United States of America). Three countries are repressed (India, Mexico & Turkey) and the remaining two countries are in closed civic space conditions (China & Saudi Arabia).

Further, *shrinking civic space* (SCS) is the term used to portray the declining situation of the previous democratic components that are required to enable citizen control. The SCS trend includes the passing of restrictive policies on the freedom of expression, speech, association, participation and assembly, as well as illegal measures against civil society activists, journalists, scholars, employees and HRDs. What appears to be evident in some countries, nonetheless, are the tendencies to overlook meaningful participation in both the policy making and implementation process. Upon these matters, the 2022 C20 Civic Space Sub-Working Group draws attention to the following challenges, opportunities and recommendations to be taken by G20 leaders. 🌹



📍 Jakarta, the capital city of Indonesia, seen from above.
PHOTO BY TOM FISK/PEXELS



Country Name	Civic Space Status
Argentina	Narrowed
Australia	Narrowed
Brazil	Obstructed
Canada	Open
China	Closed
France	Narrowed
Germany	Open
India	Repressed
Indonesia	Obstructed
Italy	Narrowed
Japan	Narrowed
Mexico	Repressed
Saudi Arabia	Closed
South Africa	Obstructed
South Korea	Narrowed
Turkey	Repressed
The United Kingdom	Narrowed
The United States of America	Obstructed
The European Union	(Vary)

Table 1. Civic Space Status of the G20 Member Countries



CHALLENGES

The G20 and C20 could play an important role to create a robust and thriving civic space. Overcoming these following challenges may enable the government to establish an open and inclusive space for all.

Repression Towards Peaceful Expressions, Critical Speech, and Freedom of Assembly

Almost in every part of the world, civic space has been distorted by the growing repression against civil rights. In the online sphere, the emergence of the digital economy was responded with the establishment of internet patrol regimes which are at least present in the United Kingdom, China, India, Indonesia and Canada. The measures were claimed necessary to promote a healthier internet environment, yet the presence of virtual police had reproduced a new kind of digital repression against the freedom of expression and speech. In fact, such policing is often used by authorities to selectively target critical individuals, organizations, or groups.

Even more worrying is the situation in the offline sphere. Reports claim that state authorities worldwide have unlawfully detained protesters for various reasons, mainly related to the Covid-19 health measures, despite the changed conditions of the pandemic. At least 146 countries, according to the European Centre for Not-for-Profit Law, took measures that affected the rights of their citizens (The Economist, June 11, 2022). Many of these measures not only violated freedoms of association, assembly, participation and expression, but they are also limiting civil society work.


Protests
against the
Omnibus Law in
Indonesia.

PHOTO BY IDHAD
ZAKARIA/ANTARA
FOTO (2020)

Reportedly, state apparatus in 79 countries were using excessive force during protests, including in Brazil, Bangladesh, Ecuador, France, Kenya, Montenegro, and Tunisia (CIVICUS, 2021). Even in a country with better civic space landscape like Germany, police authority reportedly attacked and arrested demonstrators following series of protest on the murder of Palestinian journalist, Shireen Abu Akleh. Such repression also penetrates into the personal privacy realm: in Saudi Arabia and Indonesia, for example, the local government conducted raids over sexual minorities on the basis of sexual disorientation. Similarly, authorities in several European countries like Hungary, Russia and Poland were also using legislation to ban LGBTQ+ groups (Wesolowsky, 2021).

Anti-NGO Laws and Barriers to Civil Society Organizations Activities

Many countries have enacted laws and regulations that bring direct and indirect effect on civil society groups. The birth of Anti-NGO Laws, as well as numerous kinds of administrative barriers, have been observed as a global phenomenon highly related with the SCS phenomenon (Buyse, 2018). Up to 2019, 50 countries worldwide have enacted laws designated to silence human rights activism (Amnesty International, 2019). Recently, civil society works in India were imperiled by a ban of foreign funding, making several CSOs unable to sustain their activity due to the government's refusal to renew permits to receive funds (Dhillon, 2022). In Europe, deterioration of freedom to association, specifically related to the context of government and funding agencies, appears in the form of reporting requirements, burdensome registrational obligations, interference of public authority and government's reluctance to collaborate with CSO (Negri & Pazderski, 2021: 9).





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Various protests
against the
Omnibus Law in
Indonesia have
clashed with
security forces.
PHOTO BY IDHAD
ZAKARIA/ANTARA
FOTO (2020)

Similar patterns are also prevalent in the Africa and South America regions where CSOs are strictly ordered to routinely report all their activities due to the enactment of anti-NGO laws (Romo & Rivas, 2016). Another type of barrier was introduced by the G20 2022 host country Indonesia, for the 2017 Societal Organizational Law acknowledges extra-judicial disassembly for any civil society group whom the authority considered non-complying to the national ideology. Similar approaches against the right to assembly appeared in China, France, the United Kingdom and the United States where a number of religion-based communities had been constrained from conducting their organizational activities as a result of state's deradicalization approaches (Aarup, 2021).

Repetitive Attacks, Threats and Judicial Harassments Against Civil Society Actors

The shrinking global civic space landscape has exposed civil society elements to be even more vulnerable to many kinds of attack. In developing countries such as Indonesia, India, and the Philippines where civic spaces are either obstructed or repressed, HRDs and environmental activists were facing greater risks of being persecuted or criminalized for defending the public rights. The pattern includes the use of hoax accusation, hate speech, and subversive legal articles in which both state and non-state actors are involved in bringing up the case in the first place. In a country where civic spaces are fully closed like China, forced disappearance still haunts many human rights activists whereas the perpetrators remain untouched.

Illegal arrests against protesters by pretexts of health protocol violation still prevail in the second year of pandemic, despite the mobility restriction has been lifted in the majority of countries. Another type of attack manifested in the form of stigmatization towards civil society actors. Many reports claim that those who are critical of the government's programs are so often labeled as anti-development, communists, radicalists and so forth, leading to more risks of persecution and terror. This is yet to count problems caused by national

What is Judicial Harassment?

Judicial harassment can include criminal charges, civil lawsuits or administrative proceedings. Accusations often used against HRDs range from violations of protest laws, NGO laws or public order to entirely fabricated charges of terrorism, subversion or crimes against the security of the state. Many HRDs are convicted to very long prison terms, which are often also aimed at intimidating the broader human rights community. Even in cases where HRDs are eventually acquitted, judicial harassment diverts time, energy and resources away from their human rights work.

Sources: www.frontlinedefenders.org/en/violation/judicial-harassment



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 Lokataru Executive Director
 Haris Azhar together with KontraS
 Coordinator Fatia Maulidiyanti, Head
 of Advocacy and Advisor for the
 Jakarta Legal Aid Institute Nelson
 Simamora, and Attorney Pieter Eli
 wore masks marked with an X as a
 symbol of silencing democracy after
 fulfilling an invitation to mediation
 regarding alleged defamation.

PHOTO BY HILMAN FATURRAHMAN W/
 TEMPO (OKTOBER 2021)

ideologization, identity politics, and other kinds of populist propaganda endorsed by elites in power.

What is more, judicial harassment remains a major civic space problem to solve. The use of Strategic Litigation Against Public Participation (SLAPP) by various parties against human rights and environmental defenders has been on the rise (Mijatović, 2020). In Brazil, for instance, 37 lawsuits were filed by local judges and prosecutors after local HRDs revealed possible corruption cases related to salary increase for judges and court officials (Lowery, 2022). Aside from state actors, common motives of judicial harassment against HRDs in most third world countries were linked with corporate capture practice which was often orchestrated by some financially-leveraged business actors. In the Southeast Asia region alone, Business and Human Rights Resource Center (2020) finds an 84% increase in judicial harassment cases in 2019, and from this particular analysis, an increase of 294 cases was found along with an average annual increase of 48% since 2015, bringing a total of 857 cases over the last 5 years.

Not only are HRDs at a greater risk of getting judicial harassment when exercising their rights to criticize and monitor, there also are discrepancies among authorities in many countries on responding to these litigations.

Internet Shutdowns, Restriction to Information Access, and Digital Privacy Violation

The right to freedom of information is a globally accepted norm under the ICCPR, yet recent facts show that there are new challenges that burden its implementation in the digital sphere. Access Now (2022) documented at least 182 internet shutdowns have occurred in 34 countries, affecting the rights to access information. In addition, not all countries share the same concern to ensure the freedom of expression in the digital sphere (European Parliament, 2021). In 2019, Indonesian government shut down the internet access in West Papua amid the conflict between civilians and military forces, causing local citizens to be isolated for days without access to information and journalists unable to report. Following the 2021 coup, the Myanmar military junta also shut down internet access for months and now racking up prices for public internet access. Meanwhile, in certain regions of Ethiopia, people have been living without the Internet since 2020 after the local authority unilaterally cut down the access. What appears to be the same motive in these countries is that the shutdown was being claimed as a necessary measure to prevent the flow of information, which the authorities blame as the source of the conflict.

Added another layer to these problems are the use of mass digital surveillance, hostile propaganda by political buzzer groups, and omissions of doxing attacks toward civil society actors. Up to 2022, not every country obtains the same level of legal protection on personal data privacy. The unequal treatments result in inability to take the prosecutors responsible, especially when the allegation was directed to those who are pro-government actors. In fact, these political buzzer groups have often been linked as one of the causes that increases polarization of society. More in privacy context, governments in Europe employ advanced technology to surveil its citizens' digital activity for security reasons, but according to the European Human Rights Court, this mass internet surveillance breached human rights, specif-

ically the right to privacy (Amnesty International, 2021). In developing countries like Indonesia, India, and many others, the rights to privacy are often countered by doxing attacks, involving some anonymous social media accounts which favor the ruling side. Such threats and attacks are often experienced by figures and groups who are critical to the elites — more often than not are HRDs or those defending the interests of vulnerable groups. These threats and attacks include but are not limited to smearing individuals and groups with black campaigns or creating hostile opinions against those who are opposing the *status quo*.

Tokenistic Model of Citizen Participation

The G20 countries undertook a downgrade on meaningful participation to a variation of degrees. Theoretically, the ideal model for public participation should be the ‘citizen control’, in which civil society can fully function to directly determine their decision throughout the deliberative processes (Arnstein, 1969). However, the current practices of involvement for civil society actors are mostly ceremonial, thus retained at the tokenistic level of participation.

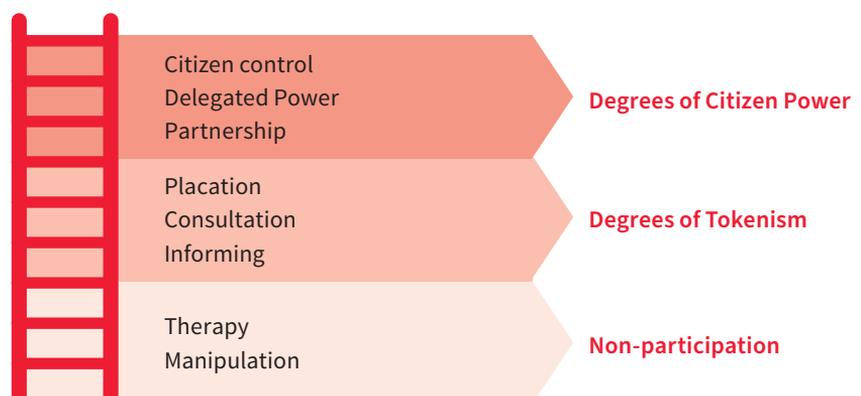


Chart 1. Arnstein's ladder of public participation

The tendencies to overlook meaningful participation are placing democracy in a defense mode, and what has been experienced in Indonesia deserves to be highlighted as the example. Amid the vast protest from the people in 2020, the Indonesian government passed the controversial Job Creation Bill into law containing a revision to a total of 79 laws without adequate public consultation. A similar pattern was previously observed once the government and parliament hurriedly amended the Anti-Corruption Law in 2019 that weakened the nation's fight against corruption, resulting in days of civil unrest in Jakarta and many other cities. Not only did such inadequate public participation downgrade the most essential good governance principles, but it also made the policy making process a fully exclusive domain of political elites.

On this aspect, the United Nations has introduced the concept of 'meaningful participation' in many of its General Comments in which individuals are fully entitled to participate in the decision making that would either directly or indirectly affect them. Such participation should be provided on every level of policy making from the design, implementation and monitoring stage (OHCHR, 2020). By contrast, constantly denying the basic necessities of participation as an element for democracy would lower the public trust in government institutions. Distrust in authority will in its turn cause permanent damage to both the country's development modalities and capacities.

A worse scenario of this tendency would be vertical conflict between grassroots and elites as occurred in Indonesia, Thailand, the Philippines and many other countries. How things stand may have been driven by rent-seeking motives in which trade-offs on civic freedom are being ceded in the name of short term economic growth. However, such a perspective is an archaic one and shows a very narrow understanding of how development should be perceived, for sacrificing freedom means limiting the idea of growth itself.



 Rohingya refugees after arriving on the coast of Lancok, North Aceh, on June 25, 2020.

PHOTO BY ZIK MAULANA/AP PHOTO



Marginalization and Discrimination of Vulnerable Groups

Vulnerable groups are the most affected element of society with recent conditions of civic space. Disability groups face more challenges than any other civil society element since accessibility remains a major problem when it comes to participation. Oftentimes, bills were passed without giving proper consideration to disability rights and perspective.

Indigenous people from all over the globe are also facing blows for taking a stance to their rights to the use of land and waters. The odds against indigenous people are not limited to the Global South: the Dakota Pipeline case in the US in 2016 was a clear example on how the pursuit of economic interest by the elites had resulted in the deprivation of the living space of indigenous communities (Ferré, 2016). Similar case is observed in Australia, as cases of Aborigines' deaths in detention have been repeatedly reported yet no corrective action been taken (MC, 2022).

In addition, refugees are also severely affected by the shrinking of civic space. The Russian invasion in Ukraine, the prolonged crisis in Syria, the worsened situation in Afghanistan, as well as the military junta in Myanmar have generated a big wave of migration and escalated the global humanitarian crisis. In the wake of war and terror, many of the refugees are living without identities and being neglected in transit countries where they are unable to access basic needs. This is yet to count double vulnerability population such as female refugees, sexual or gender minorities, children, as well as elders who are also facing harsh discrimination all over the world. 🌹



OPPORTUNITIES

Despite the previous challenges, the C20 Civic Space Sub-Working Group finds several opportunities to expand civic space as follows:

Maximize Use of Digital Technology to Enable Citizen Participation

Although advanced digital technologies may enable more civil participation during deliberative processes, no significant improvement in governance aspects yet to be observed. The SCS phenomenon alarmed policymakers to decentralize its decision making process and truly listen to the public interests. Decentralization may manifest in many ways but among others are partnership with civil society organizations, arranging meaningful consultation, or allowing the procedure for citizens proposing their own version of laws and regulations through a petition system. The use of digital platforms, such as one in more mature democracies, is a viable option to overcome the lack of participation issue.

The meaningful policy making process must at the very least guarantee not only inputs from civil society actors be heard and well considered, but also to ensure equal accessibility for persons with disabilities and other vulnerable groups. If used properly, digital technologies provide almost everyone the opportunity to actively participate in the decision making process while respecting the problem of digital divide between those with limited access to technology and those who are not. More importantly, the idea to maximize the use of digital platform should be implemented in respect to the non-discriminatory principle.

 Woman Wearing a Face Mask on the Subway.
PHOTO BY KETUT SUBIYANTO/
PEXELS

Utilize Soft-Law Instruments to Enhance Corporate Compliance in Business and Human Rights Standards

Since corporate capture is identified among the causes of shrinking civic space in business-related sectors, one of the opportunities the G20 leaders should embrace is to encourage business entities to comply more with international human rights standards. Instruments such as the United Nations Guiding Principle on Business and Human Rights (UNGP) can be a useful tool in encouraging business actors to comply with higher ethical standards. Unlike the common philanthropic model of corporate social responsibility which is often associated with greenwashing techniques, the UNGP encourages responsible business entities to periodically assess their compliance through human rights due diligence throughout all lines of the supply chain – thus every part of their business operations – and make reparations for any identified human rights impact.

Business sector could have played an important role in enabling the state to achieve sustainable development goals. For the business sectors, an expanded civic environment will enable them to maximize their potential growth and be engaged more in their environment, social, and corporate governance (ESG) programs for the long run. This positive trend will attract many positive social and economic returns, such as, among other things, increasing productivity, drawing more positive reputation, lowering probability of strikes or consumer boycotts, and preventing time-wasting disputes that end up in costly litigations (Equality and Human Rights Commission, 2014). More importantly, the ethically responsible businesses may never favor the idea of investing in troubled civic space countries as it may generate bigger social and economical risks to their business sustainability in cost-and-benefit perspectives.

To civil society, the presence of this approach is beneficial to demand accountability, access to more information, and seek proper remedy for the risks these business operations have caused. The use of UNGP may also contribute in mitigating impacts of human rights violations by business entities which are often experienced by civil society whose bargaining power is much lower compared to the counterpart. Besides, the operational principles require the community and those who are affected to be involved in meaningful consultations

prior to any decision making; for instance, upon the issuance of related operational permits or upon deciding the best form of remedy to the affected parties. This supplies the notion that the role of HRDs and CSOs as watchdog over the corporate capture practices are actually in line with sustainable development goals, in contrast to what is often being stigmatized as anti-development or anti-growth.

Emphasizing the Positive Correlation of Expanded Civic Space to Sustainable Development Goals

Countries whose civic space is more open may have a higher probability of maximum economic growth. In 1999, Nobel prize winner Amartya Sen wrote that development requires the removal of major sources of unfreedom, such as threats to public participation. The making of a supporting environment, according to Sen, is paramount for the people to achieve freedom. Such enabling environments include the protection of civil and political rights, fulfillment of economic, social, and cultural rights, and also the implementation of full participation. Today, commitments towards activation of civic space are highly asso-

Target 11.C	Support least developed countries, including through financial and technical assistance, in building sustainable and resilient buildings utilizing local materials.
Target 16.3	Promote the rule of law at the national and international levels and ensure equal access to justice for all.
Target 16.6	Develop effective, accountable and transparent institutions at all levels.
Target 16.7	Ensure responsive, inclusive, participatory and representative decision-making at all levels.
Target 16.8	Broaden and strengthen the participation of developing countries in the institutions of global governance.
Target 16.10	Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.
Target 16.A	Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime.
Target 16.B	Promote and enforce non-discriminatory laws and policies for sustainable development.
Target 17.17	Encourage and promote effective public, public-private and civil society partnerships, building on the experience and resourcing strategies of partnerships.

Table 2. Civic Space in The 2030 UN Sustainable Development Agenda Goals

“We can no longer let the people in power decide what is politically possible. We can no longer let the people in power decide what hope is. Hope is not passive. Hope is not blah, blah, blah. Hope is telling the truth. Hope is taking action. And hope always comes from the people.”

—Greta Thunberg at the Youth4Climate summit in Milan, Italy, on September 28, 2021.



ciated with possible outcomes of the sustainable development agenda, especially goal number 16 & 17.

The 2030 Agenda on Sustainable Development Goals (SDGs) will never be achieved without proper protection of civic space and full participation from civil society. When civic space is narrowed, development risks excluding voices and increasing social distrust, which ultimately increases inequalities and makes development less sustainable (ACT Alliance, 2019). As the concept and measurement of development is constantly challenged, the G20 leaders could reap the benefit from the constant debate by displaying initiatives to measure and prove the productive connection and contribution from expanding and protecting civic space.

Such political will to protect civic space has recently been raised by G7 countries in the 2022 Resilient Democracy Statement, which deserves an appreciation from civil society. However, it is highly expected to see such commitments be followed by the G20 leaders, presented in their G20 final document this year, and be maintained in the upcoming presidencies.

Female protesters shout slogans during a rally against 'spy-cam porn' in central Seoul on August 4, 2018.
PHOTO BY ED JONES/AFP/GETTY IMAGES



Youth Collective Action for the Expansion of Civic Space

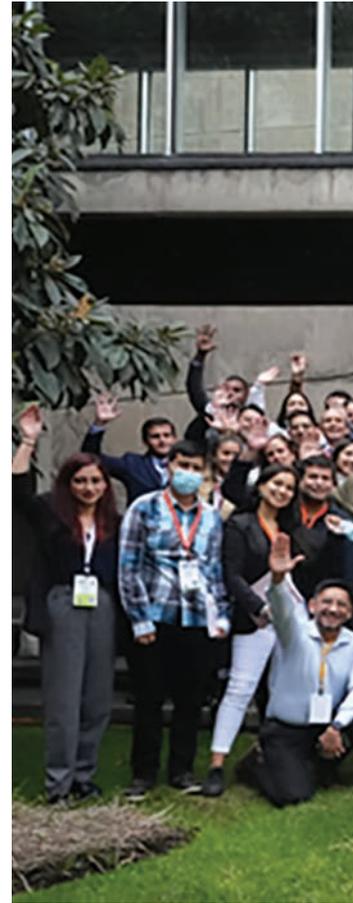
Despite the challenges faced, there always is a growing awareness among young people about the importance of expanding civic space. The solidarity of national and global civil society is increasing in times of humanitarian crises such as the invasion of Ukraine by Russia, conflicts in Palestine, West Papua, and in various other places. Throughout history, many important social changes and progressive policies have been achieved by which youth activism had initiated the movement in the first place. Among others are the Anti-War Movement in the United States in the 1960s and the French Social Revolution of May 1968.

In the past few years, a number social activism has emerged worldwide, such as #BlackLivesMatter and the #MeToo movement in the United States. In Asia, there are the ‘Umbrella Movement’ in Hong Kong, ‘Aksi Kamisan’ in Indonesia, the ‘Reform Movement’ in Myanmar and Thailand, which gave birth to a new generation of activists pushing their way against authoritarian regimes and impunity. The climate change activist, Greta Thurnberg, stands out as an example of how youth could spark a global movement and demand world leaders take concrete action against the climate crisis.

This sends a signal that youth should be perceived as the greatest asset a country could have, and should be seen as social capital that needs to be facilitated by expanding the civic space. A joint statement by civil society organizations in Japan 2019 C20 Democracy Forum successfully passed the Tokyo Declaration demanding the protection and expansion of civic space to be in line with the UN Sustainable Agenda 2030. It is the duty of world leaders to provide greater space for young people who will replace them one day to make better choices for the world.

Initiate Discussions over the Best Possible International Instrument to Promote Expanded Civic Space in Multilateral Forum

There have been a number of international instruments regarding the protection of civic space and HRDs, yet there still is an absence of legally-binding international law instruments that may force the State to comply. Most of these instruments, for instance, the UN Declaration on HRDs or the Marrakesh Declaration on Civic Space, were non-legally binding products in which the initiatives did not originate from the government. Even in a region with more advanced civic space status like the European Union, the protection of HRD is regulated only in an instrument set guideline. Such a situation may result in enforceability issues in some countries with distinct legal systems.



No	Title	Year	Context
1	The International Bill of Human Rights	1966	Civil and political Rights; as well as economic, social and cultural rights.
2	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 (Declaration on Human Rights Defenders)	1998	Protection on human rights defenders
3	The Marrakech Declaration on Expanding the Civic Space and Promoting and Protecting Human Rights Defenders, with a specific focus on women: The Role of National Human Rights Institutions	2018	The role of National Human Rights Institutions (NHRI) in promoting expanded civic space
4	UN Resolution No. A/HRC/47/L.1 on Civil Society Space	2020	The road to COVID-19 recovery and the essential role of civil society
5	G7 Resilient Democracy Statement	2022	Commitments to protect and foster open and pluralistic civic spaces

Table 3. International Instrument on Civic Space




 The final day of the first meeting of the Conference of the Parties (COP 1) to the Agreement included a high-level event in celebration of the first anniversary of its entry into force and International Mother Earth Day.

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 CEPAL.ORG

It is believed that the current SCS global phenomenon has signified an opportunity for the G20 leaders to upgrade the initiative to a whole new level by initiating a discussion over the best possible instrument to support monitoring, implementation, protection of civic space and accountability for violation of civic space on a global level. The international instrument must restate the expansion of civic space as an integrated agenda to the UN Sustainability Agenda 2030. Such a designated instrument should oblige the member States to create legal frameworks that guarantee citizens the right to meaningful participation in every level of dialogue; ban any kind of hostile retaliation on civil society actors who exercise their rights to defend rights; as well as introduce civic space monitoring mechanism and indicators to be used by each state in order to expand civic freedom in its jurisdiction.

A rather similar initiative to be observed at regional level is the Escazú Agreement in South America in which 24 signatory countries



agreed to push a reform on public's access to information, participation and justice in environmental issues.

Moreover, unlike most soft-law instruments which contain no sanction, political pressures from international communities to sign and comply with the new arrangement could be a bargaining power to overcome the lack of political will to protect civic space, which often is the case among Global South countries. Most importantly, this idea should also be furtherly discussed and consolidated by global civil society groups in the near future, to find best ways to come up with proposals for a new instrument.

Revoke Legal Barriers & Enable Public Funding to CSOs for Better Collaboration

Although in countries like India and Russia restrictions on CSO funding have increased, access to funding in several countries has been enabled by the government through partnership mechanisms using state budgets. As exemplified in Indonesia, the government provides legal aid funds to civil society organizations whose main activity is giving legal assistance to vulnerable groups. Another positive precedent to be captured as an opportunity would be the revocation of Anti-NGO law in Hungary after the European Court of Human Rights ruled out the law for violating the freedom of assembly. Still, financial sustainability-wise, some eligibility requirements that the law has set could pose risks to CSO in general.

The limited options of how organizations could have access to funds raise the questions of political will of the government towards expanded civic space. Besides, in some countries where the civic space remains closed, the governments may have inadequate understanding on how CSO works, leading to prejudiced perspectives against civil society groups.

There are options that the public and private sectors could consider to ensure the sustainability of CSOs, by creating an enabling environment in terms of financial and non-financial. Among other things, provide financial support from either the state or donor agencies in respect to the principle of equal partnership, transparent, and inclusive that enables CSOs to develop their local leadership. The public fundraising model or endowment fund for societal organization can be alternative options to help sustain civic space advocacy. Next, create a mechanism for more meaningful participation in every decision making stage and open up broader access for collaboration projects in policy making, studies, and other activities. Most importantly, uplift any administrative and financial policies which burden the work of CSO and weaken the role of watchdog. 🌹

RECOMMENDATIONS

The C20 Civic Space Sub-Working Group, which consists of 157 civil society actors and organizations worldwide, hereby addresses three recommendations for the G20.

1. Protect and expand civic space

In order to protect and expand civic space, state must:

- a) create and maintain a safe, enabling environment for civil society and public participation;
- b) ensure the fair use of digital technologies to reach maximum degree of citizen participation in non-discriminatory manner;
- c) strengthen civil society organizations by eliminating blocks, supporting and facilitating access to resources (e.g. endowment fund, crowdfunding), capacity building without undue burden and restrictions;
- d) refrain from targeting peaceful expression of opinions, including critics toward the government, with measures that unduly limit the rights to freedom of expression and peaceful assembly;
- e) ensure the policy-making processes are accessible, transparent, and inclusive, starting with the G20 intergovernmental proceedings and meetings;
- f) uphold global standards on freedom of thought and expression without undue restrictions and discrimination, including pretexts of national security, national interest, political stability, and public order;
- g) consider initiating legally-binding international instruments on the monitoring of civic space under global multilateral treaty forums.

2. Put an end to attacks, criminalization, stigmatization of civil society actors

In order to put attacks of any kind against civil society actors to an end, we demand states to:

- a) protect civil society actors from violence, judicial harassment, stigmatization and other types of attacks from state or non-state actors;
- b) enact laws covering legal protection for human rights defenders against threats, attacks, or violence of any kind, and revoke laws or policies that make civic space criminalization possible;
- c) immediately release all citizens and peaceful activists who have been wrongfully detained for exercising freedom of speech, expression, assembly and association;
- d) investigate and hold those responsible for attacks towards civil society actors and ensure that the law enforcement is carried out transparently, fair, and without discrimination;
- e) monitor and report on cases of human rights violations against civil society actors by independent commissions.

3. Build and strengthen partnership with civil society actors in public policy development and decision making

To create meaningful and sustainable participation towards development, States must:

- a) create and sustain partnerships with civil society actors and build full participation in public policy development;
- b) conduct meaningful engagement with CSOs in national or global decision making processes, starting at the G20 level;
- c) provide access to more resources for CSOs and make ease to CSOs operation by revoking the burdensome Anti-NGO Laws;
- d) take action to make business actors comply more with human rights standards, and address the urgency of human rights due diligence as a monitoring tool.

Jakarta, July 22, 2022.

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GET UP, STAND UP
STAND UP FOR YOUR RIGHTS
GET UP, STAND UP
DONT GIVE UP THE FIGHT

BLACK
LIVES
MATTER

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POLICY BRIEF

C20 Education, Digitalization, and Civic Space Working Group CIVIC SPACE SUB-WORKING GROUP

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