

[Go to navigation](#) | [Go to content](#)

[English](#) | [Français](#) | [Español](#) | [русский](#) | [العربية](#) | [中文](#)



WHAT ARE HUMAN RIGHTS?

DONATE

[HOME](#)

[ABOUT US](#)

[ISSUES](#)

[HUMAN RIGHTS
BY COUNTRY](#)

[WHERE WE
WORK](#)

[HUMAN RIGHTS
BODIES](#)

[NEWS AND
EVENTS](#)

[PUBLICATIONS AND
RESOURCES](#)

[English](#) > [News and Events](#) > **DisplayNews**

Closing space for civil society in the UK, UN expert warns

GENEVA (21 April 2016) – The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, warned today against a series of measures resulting in the “closing of space for civil society in the UK”, at the end of a four-day visit to the country.*

The Special Rapporteur highlighted that the UK takes its role as one of the global leaders in human rights seriously and added that “many people around the world look to the UK as a model for democracy and human rights” and emphasised that “the UK truly should consider its civil society a national treasure.”

He noted a number of his 2013 recommendations had been implemented and commended the Government for its continued willingness to constructively engage on human rights in general and on the rights to freedom of peaceful assembly and of association in particular.

“I am concerned about a series of separate measures by the Government - some implemented and others proposed - which, put together, suggest that the Government has a negative view of civil society. These moves have, in many instances, been subtle and gradual, but they are unmistakable and alarming,” said the expert.

The Government’s focus on countering “non-violent extremism” without a narrow and explicit definition was worrisome, Mr Kiai noted. He specifically referred to the *Prevent* strategy which focuses on individuals and groups that appear contrary to the “British Values” of democracy, pluralism and tolerance, and who are seen as being predisposed to respond to terrorist ideologies.

“The lack of definitional clarity, combined with the encouragement of people to report suspicious activity, have created unease and uncertainty around what can legitimately be discussed in public,” said the expert. Mr. Kiai referred to the case of families who are afraid of even discussing the negative effects of terrorism in their own homes, fearing that their children would talk about it at school and have their intentions misconstrued.

“It appears that *Prevent* is having the opposite of its intended effect: by dividing, stigmatising and alienating segments of the population,” Mr Kiai said.

The Special Rapporteur also shared his concerns at the planned Counter-Extremism Bill, which may authorise the issuance of civil orders to ban “non-violent extremist groups”. If defined in vague terms, this could open the door to arbitrary interpretation and tread into the territory of policing thought and opinion, the expert warned.

“It is the duty of the Government – and indeed all States – to do all it can to prevent, limit and mitigate potential terrorist attacks that could arise from extremism. But I believe that the existing legal framework is robust enough to deal with any issues of extremism and related intolerance that could give rise to terrorism,” Mr Kiai said.

The human rights expert also regretted what he termed the chilling effect of the Lobbying Act on the work of charities during election periods, with many opting for silence on issues they work on. The announcement that a clause will be inserted in all Government grant agreements, prohibiting these funds from being used to lobby Government has also caused confusion and uncertainty within the sector, he said.

“It is far from clear what mischief the clause intends to address or what activities are envisioned as constituting ‘influence or attempting to influence government’, but it is clear that this is being read by Charities as an effort to further silence them if they receive Government funds,” said the Special Rapporteur.

Noting that the Trade Union Bill is now in Parliament for review, the human rights expert said he shared many of the concerns highlighted in a report recently released by the International Labour Organization, including the new threshold requirements regarding industrial action by unions in “important public services” and provisions which would allow the replacement of some striking workers.

[Home](#)
[Frequently Asked Questions](#)
[OHCHR on Social Media](#)
[OHCHR Memorial](#)
[Employment](#)

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