

REALISING THE POTENTIAL OF GOAL 16 OF THE 2030 AGENDA TO PROMOTE AND PROTECT CIVIC SPACE



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Realising the potential of Goal 16 of the 2030 Agenda to promote and protect Civic Space

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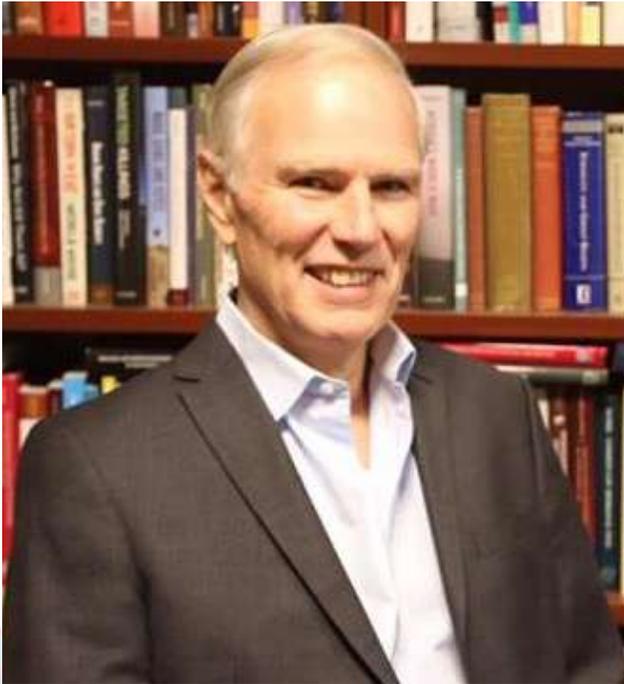


Foreword





Foreword



In 2015, when the United Nations General Assembly adopted the Sustainable Development Goals (SDG) and the 2030 Agenda, it did so in a resolution entitled “Transforming our World”. The resolution reflected the depth and breadth of the ambitions that were encapsulated in the agenda. Governments went further in the Preamble to the resolution by declaring that they were “determined to take the bold and transformative steps which are urgently needed to shift the world onto a sustainable and resilient path.”

In the five years since their adoption, the SDGs have become the dominant framework through which poverty eradication efforts and development policy are structured at the global level. They have been a “game-changer” and used to very good

effect in many settings. In particular, they increased awareness, galvanized support, and framed the broader debate around poverty reduction. They have been especially valuable in contexts where they provide the only available entry point for discussions of contentious issues.

But the SDGs cannot implement themselves. Governments and corporate actors cannot be expected to suddenly reverse course on issues of major importance to them unless the assumptions surrounding empowerment and partnership are taken seriously.

This excellent report by the [Forus](#) and [Asia Development Alliance](#) civil society networks hone on two of the most important provisions relating to these dimensions. They are Goal 16 which focuses on the need to “promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels,” and Goal 17 under which governments commit to “strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development”.

The SDGs repeatedly use language related to transformation, empowerment, collaboration, and inclusion. But these concepts are illusory if people are unable to exercise their human rights. Despite almost 20 mentions of human rights in the text of the SDGs, there is not a single reference to any specific civil and political right. Human rights in general remain marginal and often invisible in the overall SDG context. At the country level, I saw first-hand in the many official visits I conducted in my capacity as the United Nations Special Rapporteur on extreme poverty and human rights between 2014 and 2020 how many governments side-lined or even reject the inclusion of rights in their SDG programming.

Most SDG reports by the UN and World Bank pay little or no attention to rights, with the exception of gender. They rarely discuss the impact of discrimination, the absence of rights-respecting

institutional decision-making structures, or the development consequences of egregious rights violations.

One of the most important contributions that this report makes is to highlight the extent to which civil society is under sustained attack in many countries around the world, and space for meaningful participatory engagement is shrinking dramatically. This report provides numerous examples of the dire situation in which many civil society organizations seeking to promote the 2030 Agenda find themselves. And the responses to COVID-19 in many countries has only made the situation worse as governments have opportunistically used the pandemic as a justification to further clamp down on the forms of civil society engagement that are indispensable for the SDGs to be promoted effectively.

The report also highlights how much more commitment is needed to promote genuine partnerships beyond the superficial refrain of partnering with the private sector and tackle directly those challenges to ensure those whose rights to an adequate standard of living and political participation are being upheld.

Finally, the major contributions of this report have been to point out the glaring inadequacy of the current indicators used in monitoring of Goal 16 and spell out clearly the crucial steps needed to be taken for this Goal to achieve its full potential. In particular, it has brought a giant leap in the development of civic space indicators which can systematically measure states' efforts in protecting fundamental freedoms in line with international human rights standards.

The SDGs, which many actors now acknowledge are at serious risk of failing, would be immensely strengthened if the recommendations contained in this report were to be adopted by all stakeholders, especially by Governments.

Philip Alston,
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Former UN Special Rapporteur on extreme poverty and human rights (2014-2020)





Authors and Acknowledgements

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Case Studies

- ◆ SLOGA — NGO Platform for Development, Global Education and Humanitarian Aid, Slovenia
- ◆ VANI, India
- ◆ Nigeria Network of NGOs
- ◆ NGO Federation Nepal
- ◆ Associação Brasileira de Organizações Não-Governamentais — ABONG, Brazil
- ◆ INFID, Indonesia
- ◆ Cooperation Committee for Cambodia
- ◆ Lithuanian NGDO Platform
- ◆ ICCL & Dochas, Ireland
- ◆ Samoa- PIANGO and SUNGO, Pacific
- ◆ Bond, UK
- ◆ Confederación Colombiana de ONG -CCONG, Colombia
- ◆ ANC - Asociación Nacional de Centros, Peru
- ◆ Coordinadora - NGO Coordinator for Development Spain
- ◆ Zambia Council for Social Development
- ◆ Denmark
- ◆ Singapore
- ◆ Madagascar



Forus and ADA hosted a series of online consultations to seek feedback on this Goal 16 report. The inputs from members were incorporated before formulating the questionnaire for the national case studies. The national and global Goal 16 indicators were suggested by the contributing members as part of their case studies. The authors and organisations from some countries have not been mentioned to protect their anonymity because of the sensitive nature of the content of the case studies and their recommendations.





Executive Summary

Executive Summary

- ❖ The 2030 Agenda is the main international mechanism for guiding sustainable development in all UN member states until 2030.
- ❖ Civil society will face significant challenges in fulfilling the role it has been mandated by the 2030 Agenda without access to adequate civic space, and an enabling environment in which to operate.
- ❖ Current research suggests that civil society in over half of the countries of the world is facing serious restrictions on its freedom to engage, express itself and be heard ('Civicus Monitor 2019').¹
- ❖ A recent analysis by a Danish civil society platform demonstrates that closing civic space has negative consequences for achieving all of the 17 SDGs, as clarified in a graphic illustration.²
- ❖ Civil society must be proactive in advocating for adequate civic space at multiple levels to allow it to play its part in realising the 2030 Agenda's positive vision of multi-stakeholder participation.
- ❖ In particular, SDG 16 of the 2030 Agenda can provide important leverage for civil society everywhere in its efforts to create and defend civic space, and to be more effective in monitoring and implementing the agenda.
- ❖ Target 16.10 of SDG 16 aims to promote civic space by advancing the protection of fundamental freedoms and committing UN member states to "*Ensure access to public information and protect fundamental freedoms*".
- ❖ These freedoms include basic rights to associate and assemble peacefully and to express views and opinions. These are fundamental human rights, protected under international human rights law and are essential to the creation and maintenance of civic space.
- ❖ Despite the clear aim of Target 16.10 to protect fundamental freedoms, global-level indicators adopted to date by the international community to assess progress do not adequately measure the extent to which such freedoms are being protected.
- ❖ There is an urgent need for the international community to develop additional global indicators for this purpose, linked to Target 16.10 of SDG 16 and specifically measuring the efforts of states to "*protect fundamental freedoms*" in accordance with international human rights standards and national human rights laws.
- ❖ [Forus](#) and the [Asia Development Alliance \(ADA\)](#) are global and regional civil society networks which empower civil society for effective social change. They have collected 18 national civic space case studies from their members in different countries around the world. (**Brazil, Cambodia, Colombia, Denmark, India, Indonesia, Ireland, Lithuania, Madagascar, Nepal, Nigeria, Peru, Slovenia, Spain, Samoa, Singapore, United Kingdom and Zambia**).

1 <https://monitor.civicus.org/>

2 See http://www.globalfokus.dk/images/Civic_space_conference/SDG_Wheel_CivicSpace.pdf





- ❖ The case studies collected describe the civic space restrictions currently being experienced by civil society organisations in many different national contexts, and highlight the considerable challenges faced by CSOs everywhere in trying to realise their fundamental rights and freedoms. The case studies use broadly accepted parameters of civic space, including freedom of association, assembly and expression.
- ❖ The case studies are summarised in this **joint Forus/ADA** report entitled “***Realising the potential of Goal 16 of the 2030 Agenda to promote and protect civic space***” and key recommendations for tackling the shrinking space for civil society organisations in different parts of the world are developed, drawing on the case studies.
- ❖ These recommendations include a call for the international community to develop “civic space indicators” to allow for the systematic review of the efforts by UN member states to protect the fundamental freedoms of their people, in accordance with Target 16.10 of the SDGs and in line with international human rights standards and national human rights laws.
- ❖ Forus and ADA will now collaborate with interested civil society networks and other key stakeholders as part of a broad global advocacy campaign calling for key civic space indicators to be adopted as official Goal 16 indicators, and become part of national, regional and global Goal 16 review processes of the 2030 Agenda.



Chapter One: Introduction



Introduction



[Forus](#) and the [Asia Development Alliance \(ADA\)](#) are global and regional civil society networks which empower civil society for effective social change. The membership of Forus includes 69 national development platforms from around the world which bring together civil society organisations (CSOs) in their country working on a wide range of thematic areas linked to development. These national platforms are mandated by their members to represent the sector and to act as key interlocutors where national governments are concerned. ADA has pan Asia membership across 20 countries having 28 national CSO coalitions / multi-sectoral independent civil society platforms or umbrellas organisations grouped into different geographic regions of Asia, namely South, Southeast and Northeast Asia and Central Asia as its members.

As global and regional civil society networks, Forus & ADA support their members to monitor and implement the 2030 Agenda.³ This agenda is the main international mechanism for guiding sustainable development in all UN member states until 2030. This global agenda includes a wide range of goals and targets including peace and prosperity, poverty alleviation, economic growth and environmental objectives to be achieved globally. It is clear that national governments alone cannot realize these ambitious universal goals. Indeed the 2030 Agenda calls for the broad involvement of other key stakeholders, including civil society, in the implementation, follow up and review of the agenda.

Civil society's ability to fulfil the role envisaged for it by Agenda 2030 will depend on the extent to which adequate civic space is available to it at local, national regional and global levels. Unfortunately, the current reality is that civil society in over half of the countries of the world is facing serious restrictions on its freedom to engage, express itself and to be heard.

Forus and ADA used their positions as global and regional civil society networks to jointly request their national members to submit national case studies to assess the adequacy of the civic space that is available to them in their countries. The report subsequently based on the case studies submitted **will raise the awareness of members of the potential of Goal 16 of the 2030 Agenda to be used as a lever for creating greater political space for civil society, and to enable it to contribute more effectively to monitoring and implementing the 2030 Agenda.**

Finally the results of these case studies are likely to contribute to the development of new civic space indicators which will measure the efforts of UN Member States to “protect fundamental freedoms” in accordance with international human rights standards and national human rights laws.

Civil society engagement with the 2030 Agenda

Civil society clearly has a key role to play in monitoring and supporting the implementation of the 2030 Agenda at all levels. Goal 17 of the 2030 Agenda establishes a central role for civil society during implementation, follow up and review activities, as part of a renewed “Global

3 <https://sustainabledevelopment.un.org/post2015/transformingourworld>

Partnership”. The agenda itself mandates civil society, along with other key stakeholders, to play a key role in the implementation, follow up and review activities.⁴

A vibrant and independent civil society is vital for an open civic space, a healthy democracy and social justice as it allows people to organise themselves, amplify their voices and be heard at local, national and supranational levels. The terms ‘civil society organisations’ (CSOs) and ‘non-governmental organisations’ (NGOs) are often used interchangeably to identify the key collective actors in civil society. The activities in which CSOs typically engage in, are essential to the full implementation of the 2030 Agenda. These may include informing and raising public awareness, enabling public dialogue and communication, and organising and mobilising people to work together. CSOs often design and deliver services to groups or areas not covered by public services. They also represent group interests in consultations, public debates while trying to inform political decision-making. They defend human rights, scrutinize and monitor the effects of public policy, hold public authorities to account for their performance and advocate policy agendas and programmes. CSOs have also been described as “change agents” who promote new ideas and strategies to address challenges.⁵ *This catalysing role for civil society as promoters of change in their societies is crucial in all stages of social and economic development and is particularly relevant for the ambitious and universal 2030 Agenda.*

A helpful analysis carried out by Danish CSO Globalt Fokus demonstrates that “closing civic space” for civil society has negative consequences for achieving all of the 17 SDGs.⁶ Another study commissioned by the Community of Democracies in 2017 examined the linkages between an enabling environment for civil society and the successful realization of the SDGs, particularly SDG16.⁷ Key findings of this study reinforced the assumption that a thriving civil society is key to achieving long-term sustainable development. They highlighted the fact that civil society’s contributions range from: producing and analysing data, reviewing and shaping development policies based on technical expertise, ensuring that the voices of marginalized and vulnerable populations are taken into account, providing access to remote locations and underserved populations, shedding light on ignored or underserved Goals, pushing for action, raising awareness and bringing stakeholders together to tackle development challenges, including the SDGs.⁸

In order to ensure effective delivery of the 2030 Agenda, governments must be committed to a follow up and review process that would be “robust, voluntary, effective, participatory, transparent, and integrated”. Monitoring and accountability on progress would be based on data that is “high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory

4 The Declaration of the 2030 Agenda states at point 39: “We reaffirm our strong commitment to the full implementation of this new agenda. We recognize that we will not be able to achieve our ambitious Goal and targets without a revitalised and enhanced Global Partnership and comparably ambitious means of implementation. The revitalised Global Partnership will facilitate an intensive global engagement in support of implementation of all the Goals and targets, bringing together Governments, civil society, the private sector, the United Nations system and other actors and mobilising all available resources”.

5 See <https://concordeurope.org/blog/2018/03/13/civic-space-enabling-environment-paper/>

6 See the helpful illustration at http://www.globaltfokus.dk/images/Civic_space_konference/SDG_Wheel_CivicSpace.pdf

7 <https://community-democracies.org/app/uploads/2016/09/Study-Enabling-Environment-and-SDGs.pdf>

8 See previous footnote.





status, disability, geographic location and other characteristics relevant in national contexts”. In order to ensure these objectives are achieved there is a critical need to engage civil society and to enable all voices to be heard.

The 2030 Agenda & Civic Space

Unfortunately the VNRs submitted by UN Member States to date (2016-2019) have not addressed the issue of closing civic space or tackling systemic barriers to achieve SDGs. Between the years 2017-2019, VNR reports have been largely silent on this issue despite increasing calls for action by civil society organizations and others around the world to address the deteriorating human rights situation in many countries and protect human rights defenders and environmentalists.

Several global CSOs have been consistently monitoring civic space in different parts of the world through the use of a civic monitor (CIVICUS) and built global alliances to promote greater transparency on the parts of governments and stronger participation by civil society in policy and decision making (TAP Network). This current study by Forus and Asia Development Alliance involves collaboration with their national CSO platforms and coalitions to contribute 18 national case studies that highlight the issues of shrinking civic space in different parts of the world. The aim of this report, is to call for the development of new civic space indicators linked to Goal 16 (Target 16.10) of the SDGs. The national CSO platforms and coalitions proposed civic space indicators as part of their national case studies. A global advocacy campaign, will be developed in collaboration with other interested actors, calling for the adoption of key civic space indicators as official Goal 16 indicators, and their integration into national, regional and global Agenda 2030 review processes.

Civil society must be proactive in advocating for adequate civic space at all levels, allowing them to realise the positive vision of multi-stakeholder participation set out in Goal 17 of the 2030 Agenda.

Goal 16 of the 2030 Agenda

Goal 16 of the 2030 Agenda aims to promote peaceful and inclusive societies for sustainable development, provide access to justice for all, and build effective accountable and inclusive



UN_Photo - Pernaca_Sudhakar

institutions at all levels. These aspirations have not yet been fully realized by any society in the world. SDG 16 is an extremely important foundational goal and its effective implementation at local, national, regional, and international levels is an essential precondition for the realising of many other Agenda 2030 goals and targets.

SDG 16 targets include the development of inclusive, participatory and representative decision-making at all levels and the protection of fundamental freedoms in accordance with international human rights standards and national human rights laws. Target 16.10 of Goal 16 commits states to: “*Ensure access to public information and protect fundamental freedoms*” These freedoms include fundamental rights to associate, assemble peacefully and to express views and opinions. These civil and political rights are protected in international agreements and national legislation in many countries and are integral to the concepts of “civic space” and “enabling environment” for civil society.

Two global-level indicators have been adopted by the international community to measure progress with Target 16.10⁹ Indicator 16.10.1 covers “*the number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months*”. Indicator 16.10.2 covers “*the number of countries that adopt and implement constitutional, statutory and /or policy guarantees for public access to information*”.

Unfortunately these global-level indicators do not directly measure the extent to which fundamental freedoms are being protected, even though these freedoms are essential to creating a healthy, functioning civic space, and enabling civil society to be an effective contributor to the monitoring and implementation of the 2030 Agenda.

Threats to civic space

It is widely recognised that civil society will face significant challenges in fulfilling the role it has been mandated by the 2030 Agenda in the absence of adequate civic space and an enabling environment in which to operate. Civil societies in over half of the world’s countries are facing serious restrictions on its freedom to engage, express itself and be heard.¹⁰ In 2016, the non-governmental organisation (NGO) Freedom House, which monitors political and civil liberties, noted for the tenth consecutive year the ‘decline in global freedom’ — a trend going counter to the many previous years of improvements.¹¹

With increased surveillance, persecution and even violence against civil society, many civil CSOs have come under attack, particularly those advocating on behalf of excluded groups and minorities, for democratic rights and in defence of the environment. Human rights defenders in Africa, Latin America and Asia and in other parts of the world have been targeted and attacked. It is estimated that more than 150 human rights defenders were killed or died in detention in 2015. Worryingly, a

9 https://unstats.un.org/sdgs/indicators/Global%20Indicator%20Framework_A.RES.71.313%20Annex.pdf

10 <https://monitor.civicus.org/>

11 Freedom House, Freedom in the World 2016, *Anxious Dictators, Wavering Democracies: Global Freedom under Pressure* (2016)





trend of attacking and threatening family members of defenders is becoming common.¹² Technology advances have brought increased surveillance on civil society and creates new risks for civic space.

Indeed, according to CIVICUS, the international NGO which monitors civic space around the world: “The values that underpin our ability to generate an internationally coordinated response to the sustainable development challenge are increasingly being questioned, undermined and even overruled by leaders who promote narrow, self-serving interpretations of national interest. Report after report from civil society organisations across the globe highlight what we have called in our “State of Civil Society” report this year a trend towards “presidential sovereignty” that aims to undermine or override the mandate of constitutions, national rights preserving institutions and international agreements”.¹³

The European Civic Forum, which focuses on civic space in Europe, assessed the growing threats in Europe to fundamental rights and freedoms that are integral to civic space as follows: “As regressive forces are becoming more vocal, economic and corporate interests more heavily represented and security policies on top of the political agendas, human rights and fundamental freedoms are side-lined or disregarded. Not only restrictive mis-targeted legislation weakens civil society’s ability to operate, but also civil society representatives are increasingly becoming the target of legal, physical and verbal harassment due to the values and the causes they fight for. However, shrinking civic space is not only the result of an illiberal turn in some countries, but it is also the consequence of a neoliberal vision of society as a sum of individuals which discards the responsibility of public policies to ensure social justice and inclusion, thereby de-legitimizing democracy in the eyes of many”.¹⁴



In an important and useful article “Squeezing civic space- restrictions on civil society organisations and the linkages with human rights” author Antoine Buyse states: “Civic space — the layer between state, business, and family in which citizens organise, debate and act — seems to be structurally and purposefully squeezed in a very large number of countries”.¹⁵ The former United Nations (UN) Special Rapporteur on the Right to Freedom of Peaceful Assembly and of Association, Maina Kiai, noted that the closing of civic space was not only occurring at the national level but has become a problem within the UN, where some governments are increasingly hostile to civil society engagement in the work of the global organisation.¹⁶

Referring to the underlying mindset that sees CSOs as enemies rather than allies of the state, the UN Special Rapporteur on the Promotion and Protection of Human Rights and

12 Antoine Buyse “Squeezing Civic Space: Restrictions on Civil Society Organizations and the Linkages with Human Rights” (2018) 22 International Journal of Human Rights 966

13 <https://www.civicus.org/index.php/media-resources/op-eds/3903-civic-space-is-shrinking-yet-civil-society-is-not-the-enemy>

14 <http://civic-forum.eu/publication/view/towards-an-enabling-environment-for-civil-society-in-europe>

15 See footnote 12 above.

16 UN Special Rapporteur on Freedom of Peaceful Assembly and of Association (2016), The Year in Assembly and Association Rights (2016), www.freeassembly.net

Fundamental Freedoms while Countering Terrorism, Ben Emmerson, spoke of a worrying ‘ideological pandemic’.¹⁷

Recognising the various challenges currently confronting civil society globally, Forus published a position paper in 2018 calling for a new “Global Initiative” for civil society to strengthen its power, capacity, independence and future impact. The paper calls for the creation of essential institutional infrastructure and supportive political and social eco-systems for civil society everywhere to enable it to participate effectively in multiple levels of governance from local to global (ie the 2030 Agenda). The Global Initiative outlined eight key pillars of action for civil society in the 21st Century including a specific pillar of action to promote an enabling environment for CSOs globally.¹⁸

Differentiating civic space from an enabling environment for civil society

It is essential that sufficient civic space is available for civil society around the world to enable it to fulfil the role envisaged for it as part of a multi-stakeholder approach to the implementation, follow up and review of the universal 2030 Agenda. As the UN High Commissioner for Human Rights has stated, ‘according space to civil society is not optional’ since for most countries human rights are part of internationally agreed upon obligations.¹⁹

It will be necessary, however, to develop precise and common definitions that can be used by CSOs and like-minded partners and allies to protect and promote civic space in the context of the 2030 Agenda monitoring and implementation. These common definitions can then be used to support the development of suitable indicators to measure the extent of civic space and an enabling environment for civil society at all levels.

The terms “civic space” and “enabling environment” are often used interchangeably in the official literature. This is because the two concepts significantly overlap. The term civic space describes the space required for people to



exercise their basic civil and political rights and fundamental freedoms, while the concept of enabling environment is viewed as “the varied array of conditions — economic, political, social, cultural, legal, and otherwise — that affect the capacity of citizens, whether individually or collectively, to voluntarily participate in civil society”.²⁰

An enabling environment has increasingly come to be viewed as key to assessing civil society’s health. It covers a broader array of issues such as the funding environment for civil society, its

17 UN News Centre, ‘Lawful Civil Society Groups “Are Not Enemies of Democracy, But Key Allies”, Says UN Expert’, 29 October 2015, www.un.org/news

18 See <http://forus-international.org/en/news/forus-a-positive-agenda>

19 Report of the United Nations High Commissioner for Human Rights, UN Doc. A/HRC/32/20, 11 April 2016, Practical recommendations for the creation and maintenance of a safe and enabling environment for civil society, based on good practices and lessons learned

20 http://www.horizont3000.at/wp-content/uploads/2016/07/WB_PolicyBrief_EnablingEnvironment.pdf





relations with government, and the public narrative surrounding organised civil society amongst other issues.²¹ The 2017 report published by CIVICUS and based on its Enabling Environment National Assessment study 2013-2016 provides a useful definition of enabling environment for civil society: “The enabling environment refers to the conditions within which civil society operates: if civil society is an arena, the environment is made up of the forces that shape and influence the size, extent and functioning of that arena”.²² Other useful definitions of enabling environment for civil society have been provided by other organizations, including the European Center for Not-for-Profit Law (ECNL) and in the advocacy paper of the European confederation of development NGOs, CONCORD on an Enabling Environment for civil society.²³

The challenge of developing enabling environment indicators

A range of methodological risks and challenges apply in the development of indicators attempting to measure the concept of an enabling environment for civil society, and to the data-gathering methodologies which support them. In 2016 the Global Partnership for Effective Development Co-operation (GPEDC) initiated a review of its monitoring framework in light of the SDGs and Agenda 2030, including the continued relevance of its indicator on Enabling Environment.²⁴ The review concluded that the aim of collecting data over time about the enabling environment for CSOs was important and relevant. The review process highlighted concerns about the efficiency and inclusiveness of the methodology envisaged for data gathering and considered it “too voluminous” in light of its member’s capacities.

Concerns were also expressed in the review about how inclusive the indicator and its data-gathering process would be in practice. A number of risks were identified relating to the use

21 Civic Forum’s work on civic space and enabling environment suggests that in the widest sense, the term “enabling environment” refers to a conducive political, cultural and socio-economic environment for civil society. This is often a product of historical legacy and political culture, and combined with socio-economic structures and contingent events profoundly shape the public’s understanding of the role of civil society, the values it embodies, the activities it pursues, thus influencing public trust and support.: see <http://civic-forum.eu/publication/view/towards-an-enabling-environment-for-civil-society-in-europe>.

22 See “Contested and under pressure: a snapshot of the enabling environment of civil society in 22 countries” https://www.civicus.org/images/EENA_Report_English.pdf. Between 2013 and 2016, civil society in 22 countries carried out an Enabling Environment National Assessment (EENA). The EENA is a civil society-led process that analyses the extent to which national conditions enable the work of civil society. The EENA analysis explores in particular how laws and regulations relating to civil society are implemented in practice, and how they impact on civil society. The assessments, led by national civil society partners, employed a common methodology that encompassed interviews with key stakeholders, consultations, focus groups and desk research. In every country, six core dimensions were assessed: (i) the ability of civil society groups to (i) form (ii) operate and (iii) access resources - all aspects of the freedom of association - plus the freedoms of (iv) peaceful assembly and (v) expression, and (vi) relations between civil society and governments.

23 CONCORD has produced an advocacy paper which holds that an Enabling Environment for civil society must respect the rights to freedom of association and assembly, and other related fundamental freedoms and rights in: (i) Values norms and attitudes in society (ii) Legal framework (iii) Regulatory Environment (iv) Access to funding and (v) Meaningful participation in decision-making. See <https://concordeurope.org/blog/2018/03/13/civic-space-enabling-environment-paper/>

24 “Civil society operates within an enabling environment which maximizes its engagement and contribution to development”, <http://effectivecooperation.org/wp-content/uploads/2018/02/Indicator-2-Final-for-consultation.pdf>

of this indicator, but the following conclusion was reached: “The MAG observes that unlike Busan, there is no recognition in the SDG process that CSOs are development actors in their own right with various roles in achieving the SDGs, both as individual organizations and as diverse partnerships. Therefore, this indicator is an important complement to whatever indicator framework emerges for measuring the “means of implementation” for the SDGs”.²⁵ Unfortunately as no such indicator has yet been adopted as part of the Global Indicator Framework for the 2030 Agenda / SDGs.

The pre-eminent international organisation which systematically monitors and measures the civic space and enabling environment available to civil society in different countries around the world is the international NGO CIVICUS.²⁶ It uses its own comprehensive and well-established methodologies for this purpose.²⁷ The scale and complexity of this work, and this organisation’s obvious expertise in the area, has had the effect of encouraging other CSOs to leave the issue of indicator development, and the monitoring and measurement of civic space and enabling environment in its hands.

Despite the obvious importance of encouraging civil society’s full engagement with the effective monitoring and implementation of the 2030 Agenda, a range of methodological challenges linked to the measurement of an enabling environment for civil society, combined with the political sensitivity of the issue, has resulted in the lack of a broader mobilisation of civil society behind the adoption of a global SDG indicator (or set of indicators) to measure the health of an enabling environment for civil society everywhere.

Some CSOs have advocated for the adoption of new global SDG indicators that would partially contribute to supporting the development of a more enabling environment for civil society globally. For example in 2017, Forus advocated for “*the development of national, regional and global-level indicators in consultation with civil society which will measure the extent to which the capacity development of civil society has been enabled at each of these levels*”.²⁸ This paper called for the development of an indicator linked to SDG Goal 17 (on the “means of implementation”) to measure the financial resources dedicated to the capacity development of civil society each year and the sustainability of these resources over time.

Civic Space Indicators

Other organisations have focused on trying to develop indicators to measure the ‘narrower’ concept of civic space. This may be because there are clear legal definitions of the fundamental human rights and freedoms — including expression, assembly and association — that partly constitute civic space. Organisations that have been involved in this work have included the Transparency and Accountability Initiative (T/AI), a donor collaboration involving the Ford Foundation, Hivos, the International Budget Partnership, the Natural Resource Governance Institute, the Omidyar network,

25 <https://effectivecooperation.org/wp-content/uploads/2016/08/Indicator-2-Final-MAG-Draft-Feb-16-Comments.pdf>

26 www.civicus.org

27 See Civicus Monitor: <https://monitor.civicus.org/> and the Civicus EENA study https://www.civicus.org/images/EENA_Report_English.pdf

28 See Forus Position Paper “Developing the Capacities of Civil Society for a Successful Implementation of the 2030 Agenda at <http://forus-international.org/en/resources/7>





the Open Society Foundations, the United Kingdom Department for International Development (DFID), the William and Flora Hewlett Foundation,²⁹ and the Mo Ibrahim Foundation (MIF) which is an African foundation focusing on the importance of governance and leadership in Africa.³⁰

CIVICUS itself has been very active in calling for proper civic space indicators to correspond with some of the provisions of Goals 16 & 17 of the 2030 Agenda. A statement prepared by the Civic Space Initiative, and implemented in partnership with a number of other organizations including ARTICLE 19, the International Center for Not-for-Profit Law, and the World Movement for Democracy has argued that “the aspirational language of paragraph 17 and target 16.10 should be the basis of the development of robust indicators to protect fundamental freedoms, including the freedoms of association, assembly, and expression, in accordance with international law.”³¹ Civicus has also published its own Methodology paper on measurement.³²

Given the considerable challenges confronting any attempt to develop global indicators to measure the broader concept of an enabling environment for civil society, the prospect of adopting a narrower focus on the concept of civic space appears more realistic and politically feasible. This is because the fundamental rights and freedoms which correspond to popular definitions of civic space are enshrined in international treaties, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, as well as regional instruments such as the European Convention on Human Rights and the American Convention on Human Rights, and in national constitutions and legislation. They are also specifically mentioned in Target 16.10 of Goal 16 of the 2030 Agenda.

Defining Civic Space

Following the inception of its Civic Space Initiative in 2011 the international NGO CIVICUS defines the term civic space as follows: “the place, physical, virtual, and legal, where people exercise their rights to freedom of association, expression, and peaceful assembly. By forming associations, by speaking out on issues of public concern, by gathering together in online and offline fora, and by participating in public decision-making, individuals use civic space to solve problems and improve lives. A robust and protected civic space forms the cornerstone of accountable, responsive democratic governance and stable societies”.³³

Civil society internationally has collectively attempted to agree common definitions of civic space and fundamental freedoms. In November 2015, at a meeting in Bangkok, a number of CSOs decided to work together to launch the Civic Charter in order to secure the space for civic participation for civil society everywhere. The development of the Civic Charter was coordinated by the International Civil Society Centre and a steering group consisting of colleagues from CIVICUS, ICNL, ActionAid,

29 <https://www.transparency-initiative.org/archive/wp-content/uploads/2015/05/TAI-Civic-Space-Study-v13-FINAL.pdf>

30 <https://mo.ibrahim.foundation/news/2016/measuring-civil-society-space>

31 <https://www.icnl.org/wp-content/uploads/Zero-Draft-Post-2015-Agenda-Highlights-the-Need-for-Robust-Civic-Space-Indicators-1.pdf>

32 <https://www.civicus.org/documents/civicus-monitor-methodology-paper.pdf>

33 <https://www.civicus.org/index.php/what-we-do/defend/civic-space-initiative>

Amnesty International, Oxfam, Rendir Cuentas, VANI, The Africa Platform, The Oak Foundation, the Wallace Global Fund, the Heinrich Böll Foundation and the Open Society Foundations.³⁴ The Civic Charter identifies key civil and political rights “which must be respected, protected, promoted and fully implemented everywhere and without any discrimination:” These civil and political rights include (i) Freedom of Expression, (ii) Freedom of Information, (iii) Freedom of Assembly (iv) Freedom of Association.³⁵

A Wikipedia definition of the term “civic space” describes it as: “a *basic set of rights and freedoms that are encoded in international and national legislation. Civic space is created by a set of universally-accepted rules, which allow people to organise, participate and communicate with each other freely and without hindrance, and in doing so, influence the political and social structures around them. It is a concept central to any open and democratic society and means that states have a duty to protect people while respecting and facilitating the fundamental rights to associate, assemble peacefully and express views and opinions*”.³⁶

Legal scholar Antoine Buyse has defined civic space as: “*the practical room for action and manoeuvre for citizens and CSOs. It operationalises this space by the extent to which these organisations can enjoy the freedoms of association, peaceful assembly and expression. It relates both to negative obligations for the state, non-interference, as well as to positive ones, protecting*

CSOs against threats and more generally creating enabling conditions”.³⁷ He continues: “*Which rights then are most at stake in many processes of squeezing civic space? Three specific rights seem to be the most crucial ones for civic space: the freedom of association, the right to peaceful assembly and the freedom of expression. According to Civicus, it is these rights in particular that have come ‘under renewed and sustained assault’. One may add that the freedom of expression in this regard also includes rights of access to state-held information of general interest, as that enables civil society to perform its role as watchdog*”.³⁸ Buyse also highlights the important linkages between human rights and civic space: “*The three rights most clearly at stake are the freedom of association, the freedom of assembly and the freedom of expression. At the same time, human rights discourses and mechanisms are some of the very arenas in which the contestation over civic space occurs. And, finally, human rights procedures — both domestically and internally — can serve as tools to counter pressure on this space*”.³⁹ Finally the author makes an important reflection about the dynamic nature of civic space and the role which the agency of civil society itself plays in creating this space: “*When studying the extent of civic space, it should*

34 Action Aid has since assumed responsibility for promoting and campaigning on the Civic Charter.

35 <https://civiccharter.org/full-charter-text/>

36 https://en.wikipedia.org/wiki/Civic_space

37 See footnote 12 above.

38 Buyse cites to his own previous work on this topic: Antoine Buyse, “The Truth, the Past and the Present: Article 10 ECHR and Situations of Transition”, in *Transitional Jurisprudence and the ECHR. Justice, Politics and Rights*, Antoine Buyse and Michael Hamilton (editors, CUP, 2011), 131.

39 Buyse, footnote 12 above.





be emphasised that this is not solely dependent on external pressures exerted upon it. This space is never a given, but is created in the interactions between CSOs and others. They thus have agency themselves to shape civic space, as the whole notion of a zone of action beyond the state implies”.⁴⁰

Fundamental rights and freedoms as legal guarantees of civic space

Central to most established definitions of civic space are the rights of civil society to associate, assemble and to freely express views and opinions. These well-established definitions also imply that states have a duty to protect people while respecting and facilitating these rights. Article 20 of the Universal Declaration of Human Rights, prescribes the right to freedom of peaceful assembly and association, which is essential to sustain a democratic society. This is closely related to Article 19 of the Declaration on the right to freedom of expression, as well as other fundamental rights contained in the Declaration.

These rights are further included in the International Covenant on Civil and Political Rights. UN member states have obligations to respect, protect and fulfil these rights. Their obligations go beyond merely refraining themselves from interfering in citizens’ enjoyment of these rights and it also places responsibility on states to actively take steps to protect and promote these rights if other actors violate them (e.g. if organizations are exposed to pressure by local governments, extremist groups, and authoritarian religious or political leaders) According to the UN Guiding Principles on Business and Human Rights, states have the duty to protect against human rights abuses by third parties such as business enterprises by fostering an environment conducive for human rights, e.g. providing appropriate legislation, policies and ensuring stakeholder participation in state-business engagements.

National legal and political environments, which play a critical role in determining the civic space available to civil society, vary considerably across countries. Freedom of association, assembly and expression are often legally guaranteed and included in the constitutions of many countries, but these freedoms may exist only on paper. Some countries have established independent agencies (eg National Human Rights Institutions) to monitor the observance of these constitutional/legal guarantees.

Nationally based CSOs experience greater restrictions on these civil and political rights when they raise concerns which governments disagree on, or work on issues that are contested or are perceived as controversial. CSOs experience most restrictions on these fundamental rights and freedoms when they seek democracy, good governance and human rights, express dissent or engage in advocacy against the governments or their politics, as compared to when they prioritise charitable or social welfare activity. In the worst cases, restrictions in the environment for CSOs suggest deliberate attempts by governments to limit the roles that CSOs can play and the topics they can work on, to constrain their autonomy and to hinder their effectiveness.

⁴⁰ Buyse, [footnote 12](#) above.

Freedom of Association

The freedom of civil society to establish organisations, and the laws and regulations which govern the formation and registration of CSOs falls within the scope of the “freedom to associate” protected under international human rights law. The right to freely associate includes the right of every person without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, sexual orientation or other status,⁴¹ to establish a civil society organisation and also



to freely join one or choosing not to participate. Individuals may operate civil society organisations and participate in their activities without fear or unwarranted interference. Freedom of association also encompasses the right to establish branches, recruit staff, raise funds freely,⁴² to fair taxation levels and to affiliate and cooperate with other organisations locally, nationally or internationally.⁴³ It also includes the right to form and join trade unions for the protection of common interests.⁴⁴

International law protects the freedom of association and obligates states not to interfere with this right other than where intervention by the state is necessary in the interests of national security, public safety or public order; the protection of public health or morals; or the protection of the rights and freedoms of others.⁴⁵ The margin for restricting this right is very limited. State actions must lean in favour of permitting civil society activities and creating an enabling environment for civil society to function and thrive.

The laws and regulations that govern the rights of CSOs to establish themselves and associate can be complex, unwieldy, expensive and, in some cases, out-dated. Smaller, rural and less formal CSOs in particular can struggle with these regulations. In some countries CSOs must register, and there are many concerns about the predictability and neutrality of registration procedures, and the ways in which they can be politicised against CSOs working on contested or sensitive issues. A lack of capacity of government agencies concerned with civil society regulation can present a further challenge. In some countries governments insist that CSOs align with their priorities and programmes. This undermines the autonomy of CSOs.

41 Articles 2 and 20 of the Universal Declaration on Human Rights.

42 According to Antoine Buyse, see [footnote 12](#) above, “more than 50 countries currently have enacted restrictions on foreign funding for civil society. This can range from outright prohibitions (Mauretania) to mandatory channelling through designated banks (Uganda and Belarus) or bans on certain organisations receiving foreign funding (Muslim religious organisations in Austria). Even organisations working largely with volunteers need some funding and therefore access to finances may serve as a lifeline.

43 See OSCE Guidelines on Freedom of Association, <https://www.osce.org/odihr/132371?download=true>

44 See OSCE Guidelines, previous footnote.

45 Article 22 of the International Covenant on Civil and Political Rights.





Freedom of Assembly

The freedom of civil society to hold peaceful assemblies, and the laws and regulations which govern these assemblies fall within the scope of “freedom to assemble”. The right to freely assemble “assures civil society the freedom to exercise legitimate dissent through peaceful forms of protest as well as organise meetings and hold demonstrations to forward matters of common interest.”⁴⁶ International law places the same limitations on the restriction of this right as in the case of freedom of association.



Moreover, international standards limit the use of force by the authorities in managing public assemblies.

Even in contexts in which CSOs are supposed to be free to hold peaceful assemblies, state agencies and security forces can abuse their powers and intervene to prevent or disrupt assemblies. Decisions on whether assemblies can proceed may be made on political grounds, and penalties for assembly organisers can be excessive. In several countries, laws have been tightened in order to make it harder for citizens to hold public protests. Spontaneous assemblies can be prohibited, gatherings in certain places restricted and local governments allowed to define the locations for public assemblies. In some cases citizens do not have the right to assemble without the obligation for prior notification of the authorities. Limited training is provided to police forces on appropriate means for dispersing crowds, avoiding the excessive or indiscriminate use of force and avoiding attacks on journalists and reporters. There is often little or no right to appeal the restrictions imposed by authorities. In many countries cases of the fundamental freedoms of civil society organisations to assemble being violated are not officially investigated after being reported.

Across the 22 countries involved in the CIVICUS [Enabling Environment National Assessment \(EENA\)](#) 2013-2016 study, civil society’s assessment was that the laws and regulations that affect civil society are often dis-enabling.⁴⁷ Such laws and regulations were seen to frequently undermine the provisions in national constitutions that claimed to recognise the importance of citizens’ participation. In a number of countries, laws were passed that worsened the environment for civil society by introducing restrictions made on grounds such as the protection of national security and public order, and the prevention of terrorism. These restrictions had the effect of making it harder for CSOs to form and function.

Freedom of Expression

The freedom of civil society to publicly express its views and positions, and the laws and regulations which govern these activities fall within the scope of “freedom of expression”. The right to freedom of expression entails, according to the Universal Declaration of Human Rights, the “freedom to hold

46 See CIVICUS Compendium of international legal instruments concerning core civil society rights http://www.civicus.org/images/stories/Compendium_International_Legal%20Instruments_Et_Al_2014.pdf

47 https://www.civicus.org/images/EENA_Report_English.pdf

opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”.⁴⁸

The right is fundamental to the existence of civil society. It includes “the right to access information, critically evaluate and speak out against the policies and actions of state and non-state actors, as well as publicly draw attention to and carry out advocacy actions to promote shared concerns, without fear of retribution from any quarter”.⁴⁹ Civil society organisations are also assured the freedom to carry out investigations and document their findings under this right. Under international law, such as under Article 20 of the ICCPR, freedom of expression can only be restricted in certain limited circumstances, provided by law and where it is necessary to protect the rights and reputations of others and to safeguard national security, public order, public health and morals.

In contexts where civic space are shrinking, targeting free speech can take various forms. As the media plays a crucial role in disseminating information, states often overregulate media in order to limit, control or prevent critical and dissenting voices to express. In some cases, the pluralistic views are also undermined by media concentration in just a few private corporations. Criminalisation of dissent by using defamation provisions is also commonly used to restrict freedom of expression. Acts of violence against journalists and media workers for reasons related to their professional work often occurs and limits the right to freedom of expression and access to information as it also prevents the public from accessing that information.

The activism of civil society globally has been greatly enhanced by the opportunities that the internet and social media offer. They enable people to organise more structurally, over greater distances and in greater numbers. They offer quick possibilities for information exchange among civil society actors, access to other information and for the raising of awareness concerning virtually any issue. They have enabled civil society to create new online civic spaces and more efficiently defend offline space.⁵⁰

The internet and social media have enhanced civil society’s ability to share its points of view, but internet freedom is fast becoming more contested, and subject to new legislation that is often not empowering. The internet is particularly targeted by authorities to curtail dissent. Some governments restrict the dissemination of content on certain sensitive issues by blocking access to social media platforms, deleting certain pages or content and even arresting people for disseminating sensitive information. As Human Rights Watch puts it in its 2016 World Report, the rise in use of social media by CSOs has also increased the number of verbal attacks by ‘purveyors of hate as well as “trolls” funded or inspired by governments to reinforce official propaganda.’⁵¹



48 Article 19 of the Universal Declaration on Human Rights

49 CIVICUS Compendium, [footnote 42](#) above.

50 See Buyse, [footnote 13](#), above.

51 See Human Rights Watch World Report, 2016, https://www.hrw.org/sites/default/files/world_report_download/wr2016





According to Buyse: “Various methods can be used by the state and others to close down arenas of contestation. For example, if an organisation is very active online, websites may be closed or blocked, accounts may be hacked, content may be filtered or even the whole internet in a region or country may be taken down for some time. As

a result some organisations move their content to web servers abroad or take their case to an international judicial institution. In states where greater citizen empowerment and transparency are not seen as desirable goals but rather as threats, online CSO activities have merely become a new arena for backlash and restrictions. Both privacy rights and freedom of expression have come under direct threat in this domain”.⁵²



**COVID-19
RESPONSE**

Constitutional guarantees on the freedom of expression can often be undermined by the introduction of anti-terrorism laws in some countries. Laws on defamation, libel and slander can impose heavy sanctions on those who are found to be in breach of them, and these laws are likely to be subject to political manipulation. Non-state actors, including extremist and criminal groups and large corporations, can also threaten freedom of expression.

The impacts of the COVID-19 Pandemic on Civil Society and Civic Space

The global Coronavirus pandemic has a life changing impact on people around the world, and on their experience of civic space in their local and national contexts. Since the virus was first discovered in December 2019, it has infected millions of people around the globe. The pandemic has also highlighted the critical relationship of accountability between a state and its citizens, with government responsiveness to its citizens more important than ever before.

[The Rome Civil Society Declaration on SDG16+](#), addressed the issue of progress made with implementation of the SDGs over the first five years since their adoption in 2015 and declared that progress towards the SDGs has not been encouraging. It pointed out that the international community has found itself well behind in its goals to achieve the 2030 Agenda — with SDG16 progress stagnating or even backsliding on many fronts in many countries around the world

Unfortunately with increasing threats to public health because of the COVID-19 pandemic, governments are permitted, and often required, to take more restrictive measures than they would in normal times.⁵³ The impacts of COVID-19 on civil society is well described by [Saskia Brechenmacher](#) and [Thomas Carothers](#) in a summarised Oxfam blog.⁵⁴

[web.pdf](#)

52 See Antoine Buyse, [footnote 13](#) above, citing Sarah Mendelson, Why Governments Target Civil Society, available at https://csis-prod.s3.amazonaws.com/s3fs-public/legacy_files/files/publication/150422_Mendelson_GovTargetCivilSociety_Web.pdf

53 <https://impakter.com/covid-19-and-conflict-is-peace-the-cure/>

54 <https://oxfamblogs.org/fp2p/how-is-covid-affecting-civil-society-worldwide-how-is-it-responding>

“Government responses to the new coronavirus pandemic are certainly disrupting civil society globally. Lockdowns and physical distancing measures are confining people to their homes and upending their ability to meet, organize, and advocate. Many civil society organizations have been forced to put planned activities on hold; others are scrambling to shift their work online. More worryingly, illiberal leaders in a number of countries are taking advantage of the crisis to tighten their political grip by weakening checks and balances, imposing censorship, and expanding state surveillance—all at a time when civil society groups are less able to fight back. Such measures pose a significant threat to civic activism. In many countries, restrictive laws already had been [squeezing](#) civil society before the crisis hit. The pandemic provides a convenient cover for governments to further tilt the balance of power in their favor.

Foreboding though this picture is, the crisis is also catalyzing new forms of civic mobilization. Civil society actors in many countries, democratic and nondemocratic alike, are rising to the pandemic challenge in myriad small and large ways. They are filling in gaps left by governments to provide essential services, spread information about the virus, and protect marginalized groups. In some places they are partnering with businesses and public authorities to support local communities strapped for economic relief. They are also forging new coalitions to hold stumbling or recalcitrant governments to account.”

The eighteen civic space case studies submitted by Forus and ADA members in May 2020 highlight many of the challenges faced by civil society organisations since the onset of the COVID-19 pandemic in late 2019 and the early months of 2020. The case studies illustrate clearly that some of the most immediate impacts of the pandemic have exacerbated and deepened the prevailing problems faced by CSOs in terms of civic space and enabling environment.





Chapter Two:

National Civic Space Case Studies

Introduction

This chapter provides a summary overview of the diverse national civic space case studies submitted in May 2020 by members of the Forus global CSO network and its regional coalition partner, the Asia Development Alliance (ADA). The case studies were submitted by Forus and ADA members from the following countries: **Brazil, Cambodia, Colombia, Denmark, India, Indonesia, Ireland, Lithuania, Madagascar, Nepal, Nigeria, Peru, Slovenia, Spain, Samoa, Singapore, United Kingdom and Zambia.**⁵⁵

Forus members include 69 National NGO Platforms and 7 Regional Coalitions from Africa, America, Asia, Europe and Pacific. National platforms bring together NGOs and CSOs in their country across a wide variety of thematic areas. The platforms are mandated by their members to represent the sector and to act as a key interlocutor of the state. As a result, national platforms are often at the forefront of defending civil society space in their countries. ADA has pan Asia membership across 20 countries having 28 national CSO coalitions / multi-sectoral independent civil society platforms or umbrellas organisations grouped into different geographic regions of Asia, namely South, Southeast and Northeast Asia and Central Asia as its members.

A key trend in almost all of the eighteen case studies submitted is unwarranted state restriction on civic space- on the freedom of expression, assembly and association of civil society in many countries around the world, in both developed and developing states. Many case studies also focus on the negative impacts and civic space restrictions introduced by governments in response to the COVID-19 pandemic.

The indiscriminate civic space restrictions introduced by governments following the onset of the pandemic happened despite the active and important role that CSOs currently play in terms of national responses to the COVID-19 pandemic. CSOs from many countries describe their roles as integral to official COVID-19 responses including supporting the provision of healthcare equipment and associated paraphernalia such as masks, and sanitizers to those who need them, and as frontline responders providing critical support to poor and marginalised sections of the population affected by the lockdown.⁵⁶ It would appear that many CSOs have voluntarily joined with local, province and national governments and networks to support the management of quarantine, isolation, and relief responses to the pandemic. CSOs have appealed for solidarity and expressed their willingness to work with governments to deal with the COVID-19 pandemic through mobilizing their resources, members, and volunteers. The authors of the case studies have called on governments and other relevant actors to protect human rights, including the right to free expression and association, as part of efforts to combat the COVID-19 pandemic.

What is clear from the civic space case studies submitted is that in order to overcome the current crisis, there is an urgent need to frame official responses to COVID-19 through the framework of SDG16 and especially SDG 16+, as the international community looks towards recovery and building

55 For more in-depth information on case studies than is included in the summaries below, including specific links and references relevant to individual countries, please refer to the full case studies in Annex 2

56 Weaker and poorer, NGOs still the best bet in delivering COVID-19 relief https://www.business-standard.com/article/companies/weaker-and-poorer-ngos-still-the-best-bet-in-delivering-covid-19-relief-120042800370_1.html





resilience in the future.⁵⁷ Additionally, as populations turn to their leaders for an effective response to this crisis, there is an even greater need for transparency and comprehensive accountability for those in power. Ultimately, leveraging SDG16+ is the key to ensure an effective, inclusive, and just public health response — a necessity even more evident in conflict-affected and fragile states.⁵⁸

Summaries of Civic Space Case Studies

Freedom of Expression

Spain

There is a shrinking of civic space, criminalisation of protests and persecution of human rights defenders in Spain. This trend was confirmed five years ago amidst a climate of strong social response to the austerity measures adopted during the 2008 financial crisis, when the Law for the Protection of Citizen Security, known as the “Gag Law”, was approved.



The Gag Law reconfigured the possibilities of protesting in public space. The law contains many undefined legal concepts. Added to this ambiguity was the authorities’ subjectivity in establishing sanctions. Much of it was often excessive and disproportionate in implementation. The greatest concern was the absence of any mechanisms for appeal to prevent abuses. This allows the State Security Forces greater discretion in their interventions as it reduces citizens’ protection. These uncertainties in the law affect all citizens negatively.

The law was approved only with the votes of the conservative party. All the opposition parties were against it, along with several parliamentary groups, and promised to repeal the law. Sadly after successive elections, it remains unchanged. The derogation has not come, nor has the reform of the articles that undermine the exercise of fundamental rights and freedoms. During the first four years of its implementation, 104,601 sanctions were imposed, according to the Ministry of the Interior (and more than 37 million euros were collected), punishing the exercise of civil rights in public space: freedom of assembly, expression and access to information.

Another major criticism of the law, in relation to the Criminal Code reform carried out in parallel, is that it has eliminated misdemeanours and converted them, in most cases, into administrative offences, depriving alleged offenders of access to effective and immediate judicial protection, the principle of presumption of innocence and other guarantees associated with criminal proceedings. Infringement may result in a penalty of up to 30,000 euros. A disproportionate and exorbitant amount for those who are forced to carry out their daily activities in the street, especially vulnerable segments like sex workers and the homeless.

⁵⁷ <https://tapnetwork2030.org/sdg16-matters-now-more-than-ever/>

⁵⁸ <https://impakter.com/covid-19-and-conflict-is-peace-the-cure/>

The fact that misdemeanours become crimes, with penalties that can be replaced by economic sanctions, will drag into prison those who, due to insolvency, cannot afford to pay for them. A year ago, the director of Amnesty International Spain, Esteban Beltrán, declared: *“The Gag Law is a real threat in Spain to freedom of expression and the rights to peaceful assembly and access to information. For four years it has been used against hundreds of journalists as they attempt to document abuses, thousands of activists defending the right to housing or the environment and tens of thousands of people who have been fined for peaceful demonstrations or protests.”*

In response to a vision of public safety that leads to a deterioration of freedoms and rights by restricting civic and democratic spaces, Futuro en Comun appealed to the concept of human security, which seeks to ensure the safety of people through the respect of freedoms and the absence of fear. Insecurity is also prevalent when vulnerable parts of the population do not have its basic needs met (housing, a decent residence for the elderly, quality health care, an uncontaminated environment or a guaranteed minimum income) or when threats or repression invade civic spaces.

Indonesia

On 22 May 2019, the Government of Indonesia restricted the use of social media, especially the sending of pictures and videos on Facebook, Instagram, Twitter, and WhatsApp. This was to prevent uncontrolled misinformation which was circulating because of the riots on 21-22 May 2019 due to the announcement of the 2019 presidential election results. Even though the restriction



was finally lifted after Jakarta’s condition was considered normalized on 25 May, it violated citizens’ rights to freedom of expression and caused many economic losses.

On 22 May 2019, the Indonesian Ministry of Communication and Informatics informed that it had found hate speech and hoaxes spreading through social media and instant messages. Responding to this, in a press conference on the same day, The

Coordinating Minister for Political, Legal, and Security Affairs, Wiranto stated.

“Restricting social media access aims to prevent undesirable things. We want people to get accurate information. So, sacrificing 2-3 days not to see the picture does not matter; this is solely for national security.”

The Minister of Communication and Information, Rudiantara, also added.

“So, for the time being, we prioritize not activating videos and images, because video could psychologically affect a person’s emotions. It will be done temporarily and gradually. Hopefully, we can end it immediately.”





The legal basis for this action is the Law Number 19 of 2016 concerning Information and Electronic Transactions (ITE), as it is the basis to increase public literacy on digital technology and content management, including imposing restrictions.”

This case is compelling because the media plays a crucial role in disseminating information and states often regulate the media beyond what is necessary to maintain national security. Their ultimate aim is really to control or prevent critical and dissenting voices from being given expression. Opposition to this policy include: 1) This policy does not comply with Article 28 of the 1945 Constitution which stated “The freedom to associate and to assemble, to express written and oral opinions, etc., shall be regulated by law” and Article 19 of the International Covenant on Civil and Political Rights; 2) This policy was decided unilaterally by the government because there was potential for disintegration in society that can interfere with national security and the public interest 3) Generalizing access limitations temporary to all internet users is inappropriate. Citizens use social media with different goals, such as getting information, education, economic purposes, and others; 4) The government did not give advance notice and suddenly limited the access to social media. Based on the Law on ITE, the government is obliged to conduct socialization on how to use the internet and social media to filter against harmful content or destructive hoaxes. In the end, the government did not involve the community from the outset as is required in Chapter III Article 7 of Regulation No. 19 of 2014 on Controlling Internet Websites Containing Negative Content.

Besides the trying process, the effects of the policy was also detrimental to society at large. Firstly, according to Bhima Yudhistira, Economist of the Institute of Economics and Development, the potential loss of online trading by blocking social media features for three days is approximately 681 billion IDR.^[7] Secondly, it restricted public access to alternative information and opinions through social media. Thirdly, it limited the press’s ability to listen and gather information from various sources, angles, and perspectives. It also limited the coverage of verified information produced by professional journalists to the general public, and damaged press freedom.

Cambodia

The Chief Executive Officer of the digital media network TVFB, Mr. Sovann Rithy, was arrested at night in early 2020 by the Cambodian authorities for having accurately quoted comments made in a speech by Prime Minister Hun Sen in relation to the official response to the COVID-19 pandemic. On his personal Facebook page, Mr. Sovann Rithy used an excerpt from the Prime Minister’s speech: *“If motorbike-taxi drivers go bankrupt, sell your motorbikes for spending money. The government does not have the ability to help.”* The Prime Minister admitted that the government was unable to help informal workers, but the police claimed that the words of the Prime Minister were intended as a joke.

Mr. Rithy remains in jail for pre-trial detention for being accused of “inciting to commit crimes” under article 494 and 495 of the Penal Code by Phnom Penh Municipal Court. In addition, the Ministry of Information revoked the online TVFB’s media license because Mr Sovann Rithy’s broadcast information “generate(d) an adverse effect on the security, public order and safety of society.” Mr. Sovann Rithy was awarded the 2020 Deutsche Welle (DW) Freedom of Speech Award along

with 17 journalists from 14 countries. The award he received represents all journalists worldwide who have been arrested or threatened because of their reporting on the COVID-19 pandemic.

The Cambodian authorities have arrested a number of people based on allegations that they had spread “fake news” about the COVID-19 pandemic. The Ministry of Information claimed that 47 Facebook accounts and pages had spread misinformation about the virus with the intention of causing fear in the country and damaging the government’s reputation. Similarly, the Minister of Interior warned that anyone who spreads misinformation about COVID-19 “to stir chaos” would face legal action. The recently promulgated “Law on the Management of the Nation in State of Emergency” is vaguely worded and ambiguous, as stipulated in Article 5, subsection 11, that: “Prohibition or limitation of the distribution or dissemination of information that could cause fear,” which allowed the government to curtail press freedom and freedom of expression.

Civil society organizations, especially media organizations, reporters, editors and rights groups etc., have expressed serious concern over the restrictive environment and curtailment of freedom of expression for Cambodian citizens. Fundamental freedom, especially the freedom of expression, is a key principle in protecting citizens and allows for the proper functioning of a democratic society. In this regard, everyone must have the right to freely express their concern and opinions without interference from the government. This right is explicitly guaranteed in article 41 of the Constitution of the Kingdom of Cambodia. Cambodia citizens must have freedom of expression, press, publication and assembly.

Nigeria

Chapter 4, Section 39 of the constitution of Nigeria (1999) guarantees the freedom of expression and the press wherein “every person shall be entitled to freedom of expression, including the freedom to hold opinions and to receive and impart ideas and information without interference”. Although federal and state governments recognise this right, freedom of expression has been under increasing attacks. There are reported cases in which the right to speech and other expression have been curtailed, with press freedom described as “partly free” due to the intimidation, harassment and detainment by the security services of journalists and individuals who criticize the government. Since 2015, the Nigerian civic space has experienced various forms of restrictions which have stirred concerns. These restrictions are imposed on journalists, human right activists, members of the opposition and citizens.

The increasing growth in internet users has made people more vocal on social media. This has resulted to legislations aimed to control speech, such as - the Digital Rights and Online Freedom bill (2017), the Protection from Internet Falsehood and Manipulation Bill -2019 (Social Media Bill) and National Commission for the Prohibition of Hate Speeches Bill -2019 (Hate Speech Bill). These laws have all triggered heated discontent across the polity, with strong objections coming from civil society organisations. With increased monitoring of social media posts, concerns also grew about the powers provided by the Cybercrimes Act of 2015, which can be used to arrest opponents and critics for alleged hate speech.

The whereabouts of a government critic (also a lecturer) remains unknown after his abduction from his home in Kaduna in August, 2019. An undercover journalist went underground and vacated his





residence on October 22, 2019, to avoid arrest by the Nigerian government after his investigation reports that exposed the rot in Nigeria police cells and prisons. During the 2019 elections, journalists were detained, harassed, and assaulted by security services while covering state elections, with some denied access to report on polling stations and forced to delete photographs. Also, they were attacked when covering the rerun elections.

A journalist and founder of a news outlet was arrested and detained by the Department of State Security on August 3, 2019, after he called for a nationwide protest against the government. He was released on bail on December 24, 2019, after disobeying two court orders that granted him bail.



The press has experienced attacks as a result of publications and their offices raided. On March 13, 2018, the police abducted a journalist working with Daily Trust, for allegedly publishing an advertorial, he was later released that same day. Another journalist with Daily Independent was arrested by the State Security Service on February 28 and released on March 6 without explanation. On December 17, 2018, the Nigerian Army called for the closure of the Amnesty International offices in Nigeria, alleging

that the organisation is working hard to destabilise the country. On January 6, 2019, armed soldiers invaded two offices of the Daily Trust newspaper in Abuja and Maiduguri, arrested the regional editor and a reporter, and carted away computers and laptops for allegedly publishing a story on military operations in the North East. They were later released without charge. On August 14, 2019, the police arrested a journalist alleged to have published a confidential report, forcing him to disclose the source of the article. He was later released on bail. The same month, a week later, a journalist and publisher of an online newspaper was arrested and faced trial over a publication alleging the Cross-River State Governor of funds diversion. He was released on bail on February 13, 2020.

On October 25, 2019, a journalist was released on bail after his detention on May 22, 2019, for alleged links to armed militancy in the Niger Delta. The publisher with the weekly source newspaper was first arrested in 2016 by the Bayelsa state security service and released two years after an intense campaign by activists and the media after he was denied contact with his family or lawyer. Others have been killed - As at January 15, 2020, a reporter working with the Federal Radio Corporation of Nigeria (FRCN) was found dead with his hands bound and his body macheted behind his office fence, after abduction from his home in Adamawa state.

With the outbreak of the COVID-19, there have been increasing cases of attacks on journalists covering the pandemic. On March 26, 2020, the Rivers State government sacked the general manager of the state's Newspaper Corporation because of a publication reported about the first COVID-19 case in the state without the approval of the Taskforce.

On March 28, 2020, security officers manhandled a Leadership newspaper correspondent covering an enforcement scene in a hotel. On March 29, 2020, within the border between Rivers and Bayelsa state, the circulation vehicle of The Punch Newspapers was attacked and its tyres punctured on its way to distribute one of its titles to states in the south-south region. On April 28, 2020, an online journalist covering violent enforcement of lockdown order was arrested by security officers and arraigned before a mobile court in Abuja on charges of obstructing the work of the task force.

On April 2, 2020, police raided Journalists' Union Secretariat in Adamawa state and arrested 12 journalists including the state chairman of the union on the accusation of breaking the lockdown order. They were taken to the Special Anti-Robbery Squad's (SARS) detention facility and released within two hours with an apology as directed by the commissioner of police.

Human right agencies in Nigeria such as — the National Humans Right Commission (NHRC), Amnesty International and other civil society organisations, networks and coalitions; have been instrumental in tracking violations, creating awareness and seeking redress from the government, in collaborations with international agencies to ensure a free civic space. Also, helplines have been made available to the public especially during this pandemic to facilitate report of violations and hasten interventions by these agencies.

Denmark

On the 1st of August 2018, the Danish government adopted a law that made it illegal to wear pieces of clothing that cover the face barring a cause “worthy of recognition”. Doing so can result in a fine or up to six months in prison ([Danske lov](#)). Notably, religious headdress is not exempted from this law. In fact, the masking ban was introduced to prevent the wearing of niqabs and burkas in Danish public spaces ([Retsinformation](#)).



This law has been widely discussed as it can be viewed as a break with Danish constitutional law and Denmark's human rights commitments. Forbidding the wearing of religious headdress is clearly a break with the freedom of religion and covering of your face can in many cases be an expression of opinion or conviction. As such, outlawing a form of material expression is also out of line with the freedom of expression ([Institut for Menneskerettigheder](#)). The law against masking represents a worrying tendency in Danish politics to pass laws that restrict personal freedoms for particular groups of people. Due to this new trend, Danish civil society must be wary of the restrictions made to civic space and we have concretely suggested that the number of people charged under this law, is used as a national indicator for monitoring target 16.10.

On the other hand the newest Danish financial law 2020 reflected a heightened attention towards the protection of civic space in its external relations. The financial law prioritized civic space with an allocation of 36 million DKK for the protection of freedom of association, assembly and expression





not just in traditional sense but— also digitally. The protection of human rights defenders globally was also made a priority. The enhanced governmental focus on civic space in its development aid is a positive step and Danish civil society is in close communication with the Foreign Ministry to ensure that the funds are used in the best possible manner ([Finansloven 2020](#)).

Samoa – Pacific Islands

Samoa is the first Pacific Island country to achieve its independence in 1967 with an estimated population of 200,000. Samoa is a unitary state and has been a member of the United Nations since 1976.

There have been calls for a national commission of inquiry into the measles outbreak in Samoa in October 2019. In January 2020, the Prime Minister Tuilaepa Sailele Malielegaoi slammed the Samoa Observer newspaper for criticizing the Legislative Assembly because a blogger was jailed for insulting the Prime Minister. An anti-vaccination critic has also been arrested for labelling vaccination as the greatest crime against Samoan people.



At the end of December 2019, Samoa lifted a six-weeks state of emergency after the infection rate from a measles outbreak that swept the country. The nation had been gripped by the epidemic killing 83 people, most of which were babies and young children and affected more than 5,600 others. There have been calls for a national commission of inquiry into how the measles epidemic had spread so quickly across the country. Among those making the call included Mata’afa Keni Lesa, editor of the Samoa Observer. He said: *“In any normal democracy hit by a crisis of this magnitude where lives are lost, a Commission of Inquiry naturally follows. It’s part of good governance; it’s about accountability and transparency.”* The Samoan Opposition parliamentarian Olo Fiti Va’ai also demanded an inquiry, saying that “the government did not have an epidemic plan in place before the outbreak in October Medical academic Toleafoa Dr Viali Lameko, from Oceania University of Medicine, said he believed most doctors were backing this call.

Health workers, government and ministry of health sources — including those involved in the measles emergency response programme — told *The Guardian* newspaper that the situation was mishandled from the start. Many did not wish to be named for fear of losing their jobs, however Samoa’s Prime Minister Tuilaepa Sailele Malielegaoi has rejected these calls as a waste of time and a waste of government’s money In January 2020, the prime minister attacked the Samoa Observer, accusing the daily newspaper of being “nosy,” spreading “lies” and employing “kids” whose writing, he said, is misleading the public. The Prime Minister issued his attack in response to the Samoa Observer’s coverage of the Legislative Assembly’s decision to ban the media from pre-Parliament briefings. Tuilaepa said the Samoa Observer newspaper “liked to meddle in things it had no business being involved in”. The Prime Minister also accused “newspapers” of spreading misinformation and stated that the media was only interested in negative stories.

A Samoan blogger was jailed for seven weeks for defaming the Prime Minister. Malele Atofu Paulo, popularly known as King Faipopo, was sentenced in the Apia District Court on 25th October 2019.

His lawyer, Unasa Iuni Sapolu, said the judgement was unfair because King Faipopo had only called Prime Minister Tui'laepa Sailele Malielegaoi a coward. As previously documented, in 2017 the Samoan parliament unanimously voted to revive its criminal libel law after the prime minister said it is needed "to fight ghostwriters and troublemakers" despite opposition from media freedom advocates.

Madagascar

Madagascar is in the Indian Ocean, separated from the Mozambique Channel 400 km east of the African continent. It measures 590,000km² and is populated by 25 million people with a density of 46.50 inhabitants per km².

The current state of health emergency in Madagascar due to COVID-19 is characterized by a strong centralization of political power, a political recovery by the ruling political party, a severe restriction of public freedoms, a total opacity of information on the COVID-19 and on the management of public aid received from the various partners, discrimination in the implementation of the social emergency plan, the absence of an economic recovery plan that gives no visibility on how to manage the post-COVID-19 period, and increased tensions in neighborhoods due to hunger, injustice and corruption in the distribution of food to alleviate the social impacts of confinement.

Civil society in Madagascar also experiences restrictions on its right to association and expression. Long-time environmental activist and president of the civil society platform of the Ambanja district in northern Madagascar. In September 2017, he was indicted in connection with his activities to defend the rights of communities affected by the Tantalum Rare Earths Madagascar (TREM) rare earths mining project in Ampasindava, Ambanja district. This charge stems from a complaint filed against him by the Chief of the Environment, Ecology and Forests Cantonment of Ambanja who unjustly accused him of public defamation and usurpation of office for having taken the initiative to mobilize grassroots communities to challenge the exploitation of rare earths to protect the environment and preserve the local population from the health effects of radiation. He was released very quickly thanks to the mobilization of Malagasy civil society. The TREM company had to withdraw.

Thomas RAZAFINDREMAKA, a human rights defender in Madagascar, was arrested on 16 February 2020. President of the association GTZ, member of the Regional Platform of Civil Society of Ihorombe in southern Madagascar, he has a lot of information on acts of corruption, violence, bursts and banditry in which some senior officials and law enforcement agencies are complicit. In 2019, he filed a complaint with the Anti-Corruption Coordination of the Secretariat of State in charge of the National Gendarmerie on acts of corruption and torture allegedly perpetrated by the head of the gendarmerie of Tritriva, Soamatasy district. This led the DPI (*Direction de la Promotion de l'Intégrité*) at the Ministry of Justice to investigate at the local court level in January 2020. Reprisals were not long in coming. On Sunday 16 February 2020, he was arrested by the gendarmerie, accused of extortion, usurpation of office and fraud. In defence of Thomas, both national and international CSO networks, including Front Line Defenders, rose to press for his immediate and unconditional release. Thomas has been provisionally released and is currently awaiting his hearing in Antananarivo. His case appears to be dragged out due to COVID-19 while court services are not closed.



Slovenia



Freedom of assembly, association and expression are constitutionally guaranteed rights in Slovenia. Slovenia is enjoying “open civic space” according to the CIVICUS Monitor. The report states that “Slovenia has an extensive civil society, with relatively high levels of volunteering”. It further establishes that “there are institutionalised processes to involve CSOs, particularly trade unions, in policy-making in several fields; however, guidelines that relevant CSOs should always be involved in policy formulation seem to be ignored more than they are observed”. Participation in legislative processes is ensured by the Resolution on Legislative Regulation (2009) which provides that each draft regulation should be subject to a public discussion for a period of minimum 30 days. The national NGO umbrella network, CNVOS, monitors on a weekly basis the implementation of the aforementioned Resolution. According to the non-compliance monitor (Števec kršitev), the current Government (which assumed its function on 13 March 2020) has not complied with the Resolution provisions in 43 out of 67 regulation processes (data of 8 June 2020).

In 2013, the Strategy for the Development of NGOs and Volunteering until 2023 was adopted, with its main aims being the establishment of supportive, enabling environment for development of NGOs, including long-term funding for NGOs, to strengthen the role of NGOs in policy formulation and policy implementation processes. Already in 2012, the Government Council for the Promotion of the Development of Volunteering, Voluntary Organizations and NGOs (advisory body with membership of CSOs and ministries representatives) was established. The NGOs Act (2018) outlines the enabling environment for NGOs, to strengthen the contribution of NGOs to social well-being, cohesiveness, solidarity, democratic pluralism and sustainable development. The Act also defines the horizontal NGO network (CNVOS), regional NGO hubs and thematic NGO networks (SLOGA being among them) as subjects of a supportive civil society environment. With the exemption of two thematic NGO networks, the majority of them do not have long-term, programmatic public funding ensured. The challenge of limited financial and human resources is identified also by the CIVICUS Monitor.

In the field of international development cooperation, development NGOs (NGDOs) are recognized by relevant bodies as a partner in planning, implementing and monitoring the development cooperation and humanitarian aid policies, as well as in awareness raising and global (citizenship) education. To further strengthen and coordinate the collaboration, Ministry of Foreign Affairs, the Guidelines on Cooperation between the Ministry of Foreign Affairs of the Republic of Slovenia, NGOs and the Network of NGOs in the field of International Development Cooperation and Humanitarian Aid have been developed in 2013, certainly representing a good practice.

Despite the assessment of Slovenia as enjoying an “open” civic space by the CIVICUS Monitor, there have been instances of pressure on NGOs. Environmental defenders and environmental NGOs advocating for quality environmental impact assessment processes in the case of Canadian automotive giant Magna Steyr building a paint shop near Maribor in 2016 have been publicly labelled as eco-terrorists by the then (and current) economy minister Zdravko Počivalše. A human rights NGO (Legal Information Center for Non-Governmental Organizations

— Pravno-informacijski center nevladnih organizacij — PIC) was in 2018 targeted by the then minister of internal affairs Vesna Györkös Žnidar. The environmental NGOs have been under attack of the current Government also during the current COVID-19 crisis, with their right to take part in procedures involving integrated building permits being limited under the legislation package to tackle the corona crisis — despite the fact that “these specific provisions have no direct effect on coping with the COVID-19 crisis”. There have been other instances of pressure of the current Government on civil society, attempts to withdraw already guaranteed funding for NGO projects, hate campaigns against critical journalists, and restricted spaces for cultural civil society organisations.

Freedom of Assembly

Lithuania

In 2016 a well-known Lithuanian journalist Andrius Tapinas was visiting various cities and districts throughout the country. The journalist found himself in a situation he did not believe could exist in a free and democratic Lithuania. Having arranged in advance an auditorium for meeting with citizens, he was contacted just before the visit and told that the municipality of Kaunas city could not grant him access anymore and, more importantly, no reasonable excuse was provided.

Not only was the event prohibited by the district municipality, but a woman organizing the meeting with A. Tapinas was told that if she did not obey the order to refuse him access to the city, she might lose her job. Andrius Tapinas is ranked among TOP 100 most impactful people in Lithuania. He has great authority among Lithuanian journalists and his work is well appreciated and respected by politicians, businessmen and a civil society. Astonished by the behavior of an executive of Kaunas municipality — Valerijus Makūnas — A. Tapinas decided to organize an event for the citizens outside in the open air, on the grass, so people could still have an opportunity to meet him and talk. This is how “A Freedom Picnic” was born and has become an annual event, gathering Lithuanian politicians, journalists and civil society workers to encourage free speech and debates, providing a space to exchange ideas and share good practices on various topics: civil participation, active citizenship, human rights, culture, environment, global education, development cooperation, youth and etc.

The large area is covered by civil society actors organizing debates and activities, and the main stage includes panels with various Lithuanians. “A Freedom Picnic” was branded a non-political event and there was no politicking, it drew leading Lithuanian political figures. The first “A Freedom Picnic 2016” was also attended by a former Lithuanian President Dalia Grybauskaitė, who expressed her support and belief in this event. Picnic’s ambition to empower civil society and active citizenship has been acknowledged country-wide. Last year “Freedom Picnic 2019” was attended by around 25 000 Lithuanians, who came to an event to enjoy this free and democratic political festival. “A Freedom Picnic” has become one of the most unexpected and biggest public events, in which at least 20 000 people participate each year.



United Kingdom

The UK is one of the oldest parliamentary democracies in the world, yet over the past decade successive UK governments have introduced a series of restrictions on the right to freedom of association and assembly that have made it harder for civil society organisations to campaign.

These include increased restrictions on campaigning during elections, the introduction of anti-advocacy clauses in government grants and contracts, changes to judicial review making it harder for organisations to hold the powerful to account through the courts, and constraints on public protest. Together, these restrictions have created a climate where people are more reluctant to speak out.

Over the past year, several restrictions have been placed on public protest in the UK. In 2019, a wave of environmental protests took place, led by the campaign group Extinction Rebellion, which brought parts of central London and other major cities to a standstill. In October 2019, the Metropolitan Police introduced a blanket ban across London to prohibit any assembly of more than two people linked to Extinction Rebellion, under Section 14 of the Public Order Act. Two senior judges later ruled that the decision to impose the ban was unlawful.

In January 2020, it was revealed that police forces had added Extinction Rebellion and several other legitimate campaign and protest groups, working on issues such as climate change and animal welfare, to a counter-terror list alongside neo-Nazi organisations. The document was used as part of the Prevent programme, an anti-radicalisation scheme designed to identify those at increased risk of involvement in terrorism.

Police forces and private companies are increasingly using live facial recognition technology to monitor people at protests and events such as football matches and music festivals. These cameras scan personal biometric data without consent and may discourage people from taking part in legitimate activities such as peaceful protests. There is no law regulating its use, and an

independent review of one trial criticised police for failing to consider the impact of the technology on human rights.



The Government is also considering changing the law on trespass in England, turning it from a civil to a criminal offence. The proposed law would give the police new powers to arrest and seize property and vehicles. The biggest impact will be on the Gypsy and Traveller community in the UK, but

it will also criminalise protest camps, such as those at fracking sites. This follows the increased use of wide-ranging injunctions by private companies designed to stop peaceful protests against the fracking industry, many of which have been found to be unlawful on human rights grounds.

Civil society organisations have successfully challenged many of these restrictions through the courts. However, the government is considering further changes to judicial review, which will make it harder for ordinary people and the charities and other organisations that support them to use the courts to defend rights such as the right to freedom of association and assembly.

Colombia

Colombia faces great challenges at present in terms of civic space and enabling environment for civil society. There has been a systematic weakening of the enabling environment for CSOs to exercise their social, political and developmental role, evidenced in the development of a regulatory framework that limits social and political rights (freedom of assembly, right to organize, peaceful protests, access to public resources, among others) and an institutional framework that limits the space for political dialogue. There is an alarming rate of criminalization, persecution and murder of CSO leaders, especially those who expose or raise their voices to guarantee rights (343 leaders according to the Ombudsman's Office). There is also the escalation of violence by illegal actors and territories are disputed with the consequent forced displacement of local and indigenous communities. Levels of corruption are high and there is a peace agreement in place that lacks the political will of the current government for its effective implementation and the due process required to guarantee access to justice, truth, and reparation.

Singapore

Local social worker and human rights activist Jolovan Wham was summoned to the Police Station on the afternoon of 24 May 2020 to assist in the investigation into his alleged infringement of the Public Order Act. He was found to be holding up a cardboard placard with a drawing of a smiley — two dots and a curve underneath outside the Toa Payoh Central Community Club about 2 months ago. He took the photo of himself doing it and uploaded it to his social media account. He explained that he did this to express solidarity with a climate action activist who had posed and posted photos of himself with cardboard placard earlier and was subsequently “taken into police custody for questioning and had his phone and laptop seized in the process”. Jolovan left immediately after taking the photo of himself.



The Public Order Act (Chapter 257A) defines “assembly” to mean a gathering of meeting (whether or not comprising any lecture, talk, address, debate or discussion) of persons the purpose (or one of the purposes) of which is—

- (a) to demonstrate support for or opposition to the views or actions of any person group of persons or any government;





- (b) to publicise a cause or campaign; or
- (c) to mark or commemorate any event,

and includes a demonstration by a person alone for any such purpose referred to” in the above contexts.

This effectively curtails any practical form of expression of an individual, even when it is done alone and without participation from anyone. Jolovan’s “assembly” was probably over in a few seconds, what public impact could that have? Even if he puts it on his social media, how is it different from the millions of people who take selfies in public places to express an opinion or advance a point of view? The laws define what constitutes publicity for a cause or campaign too broadly and puts excessive restrictions on citizens. The caveat at the end that defines “assembly” to include “a demonstration by a person” goes against any natural understanding of what an assembly is — a person just cannot assemble by her/himself.

Such restrictions go against the right to freely associate and prevents like-minded people from expressing solidarity and empathy for each other. If (a) was applied as it stands, does it mean that any person who express outrage at the Third Reich is also punishable by the same law? Citizens cannot then communicate support for the atrocities of despots or condemn the outrage of humanity committed by any government?

International law, like the Article 22 of the International Covenant on Civil and Political Rights (ICCPR), has provisions for when intervention by the state is justified in acting to restrict the freedom of citizens on grounds of national security, public safety or public order; the protection of public health or morals; or the protection of the rights and freedoms of others. As can be seen in the case of Jolovan, none of the scenarios or conditions for intervention applies.

Zambia

Zambia has earned a reputation as one of the continent’s most stable democracies ever since the emergency of multi-party democracy over 30 years ago. However, in the recent past, various stakeholders have indicated that this tradition is now under serious threat, with attacks on freedoms of expression, associations and peaceful assembly increasing rapidly. This is even more when heading towards an election year and during as well as post-election periods

Civic space in Zambia is reported to be heavily contested by power holders, who impose a combination of legal and practical constraints on the full enjoyment of fundamental rights. The most violated fundamental right that has been experienced by civil society organisations in Zambia is the **Freedom of peaceful assembly**. Although civil society organisations exist, State authorities undermine them, including using illegal surveillance, bureaucratic harassment and demeaning public statements. The government of the republic of Zambia has to a greater extent abused the Public Order Act which is often used as a tool to deter Civil Society Organisations and other non-state actors that are perceived to dissent from the government from gathering. These infringe on citizens’ right to assembly, to share information and express their views. One case in point, on 19th October 2018, five pastors and three NGO staff members were arrested by the police in the

Copperbelt Province of Zambia using the Public Order Act provisions for unlawful assembly. It was reported that, “the arrested had convened an indoor meeting of faith leaders to discuss the 2019 National Budget and debt crisis in Zambia.”



The militarization of political party cadres has led to major human rights violations in relation to freedom of assembly in Zambia. Ruling party cadres have committed crimes with impunity which includes assault, property grabbing and

disruptions of legally convened meetings and gatherings. In the recent past, in February, 2020 Patriotic Front cadres stormed Intercontinental Hotel and brought to an abrupt end a Law Association of Zambia-organised public discussion on Constitutional Amendment Bill number 10 of 2019. Bill 10 has been a subject of discussion for some time now owing to its wide rejection by many stakeholders for its draconian nature and an alleged attempt to tamper with the constitution in what is widely believed by many stakeholders to be the government’s move to safeguard its interest for the 2021 elections. For example, the Law Association of Zambia contended that “Parliament must not hold proceedings on the Constitution Amendment Bill no. 10”. However, at the height of the COVID-19 pandemic and following the national statutory instruments issued by the Ministry of Health to restrict gatherings to not more than 50 people, the Minister of Justice swiftly took the bill to parliament for second reading. ZCSD, the national CSO development platform, alongside other interest groups were prevented by parliament from following the proceeding through the stranger’s gallery with the same SI cited as the reason for preventing the public from entering parliament. Instead the public was advised to follow proceedings through radio and television. Previously, Chapter One Foundation had petitioned the Constitutional Court to declare that “the Constitution Amendment Bill 10 of 2019 a violation of national values and principles in the Constitution.” However, the court threw out the petition.

Another case of supposed “unlawful assembly” in Zambia involves the arrest of Fumbe Chama and Bornwell Mpundu in Livingstone who were conducting community civic education activities. This led to a further arrest of another activist Laura Miti who had gone to visit the two colleagues who were arrested and denied bond. Meanwhile, a number of stakeholders raised concern over the arrest of the trio. A joint CSO statement demanding their immediate release, and asserted that, “*Their arrest was unwarranted, illegal and an assault not only to the constitutionally guaranteed fundamental freedoms and liberties enshrined in the bill of rights of the Zambian constitution but also to the survival of democracy. The constitution amendment act number 2 of 2016 under article 193 (e) mandates the police to uphold the bill of rights which include article 20 and 21 providing for freedom of expression, association and assembly respectively. Clearly, the police have also veered from its constitution functions and responsibilities of upholding the bill of rights. This is unacceptable*” read the joint statement.





The lack of clarity on what constitutes unlawful assembly has been used by governments to deter people's enjoyment of peaceful assembly to discuss matters of national interest and other development related issues.

Freedom of Association

Nepal

Civic space became a relatively positive thing in Nepal after the re-establishment of democracy in 1990. NGOs/CSOs flourished subsequently and have contributed to political awareness and to social and economic development in the country. The Constitution of Nepal, promulgated by the constituent assembly in 2015, further ensured the fundamental rights in an unprecedented way along with freedom of association, freedom of assembly and freedom of expression, with good potential for civil space in Nepal.

However, disappointingly, the mindset of the political leaders and the governments in Nepal has not yet been as progressive as the constitution. NGOs/CSOs continue to be governed by Associations Registration Act, 1977; The Social Welfare Act, 1992; and National Guidance Act, 1961 which were promulgated under undemocratic regime. It has been over a decade since CSOs demanded progressive, relevant and integrated legal provisions to govern the CSOs/NGO sector. Yet, this has not been realized.

Ironically, the contribution that CSOs/NGOs have made in developing political awareness, social transformation, service delivery and economic development in Nepal, particularly during the decade-long Maoist insurgency and the People's Movement in 2006, have been largely undervalued. When public trust on the political parties was weak, the then king was moving ahead with his autocratic regime and the Maoist insurgency was at the peak, Nepalese CSOs, led by NGO Federation of Nepal, supported the political parties to lead the decisive political movement in 2006 for federal democracy in Nepal.

Without recognition of this and against the spirit of the constitution, the present government, under the influence of bureaucracy, has made multiple attempts to restrict civil society, discouraged NGO activists and created multiple hurdles in registration and renewal of NGOs/CSOs.

After the federal restructuring of the country, confusions ensued over overlapping roles to govern NGOs/CSOs. The Local Government Operation Act, 2017 requires NGOs/CSOs to work in close coordination with each local government by getting approved and aligning their activities with that of the concerned local governments. The NGOs/CSOs which work in multiple local government levels and districts have to go through multiple requirements and obligations. Besides, International Development Cooperation Policy, 2019 and other policies have largely constricted funding to CSOs in Nepal.

More recently, the Ministry of Home Affairs was assigned the responsibility of drafting an integrated law for social organizations to the Nepal Law Commission which came up with a draft bill that undermined international principles and disregarded the spirit of the Constitution and of Nepalese

civil society. Although CSOs/NGOs should come under the constituency of the Ministry of Women, Children and Senior Citizens, the Ministry of Home has been taking control of the bill drafting process.

To this, Nepalese CSOs/NGOs have expressed their serious concern as the draft CSO Act requires anyone willing to register NGOs/CSOs to furnish character reports from Nepal Police, income details, etc. The bill has envisaged of multiple control mechanisms; this is ill-intended to control rather than facilitate civil society. In addition to this draft bill, the government is also in the process of introducing Nepal Media Council Bill and Bill on Mass Communications, and Information Technology Bill. They also reveal the government's intention to restrict freedom of association, assembly, expression and press, and civic space in general.

However, civil society campaign, lobby and advocacy has continued; as a result, the government has not yet been successful in introducing the legal acts as it intends. Hopefully, civil society campaigns in Nepal will be able to push the government for legal frameworks that foster human rights, support to implement the fundamental rights granted by the constitution and create an enabling and favorable environment for civil society. And, Nepalese CSOs/NGOs are determined to fight for what they want.

Peru

There are restrictions on the right to freedom of association in Peru that affect civil society organizations, as a result of regulations and policies implemented by the Government of Peru on the prevention of money laundering and terrorism funding, which go against SDG16 aimed at "protecting fundamental freedoms"; in accordance with international human rights standards and national human rights laws.



According to the latest Mutual Evaluation Report prepared by the Mission of the Financial Action Task Force for Latin America for the period 2017/2018 within the framework of the IV Round of Mutual Evaluation, the current regulations for non-profit organisations in Peru cover this entire sector, which goes beyond those required by the recommendations of the Financial Action Task Force (FATF). In 2012, the FATF issued 40 recommendations which constitute a scheme of measures or standards that countries should implement to combat money laundering and financing of terrorism by means of measures adapted to their particular circumstances. In fact, FATF Recommendation 8 applies only to those non-profit organisations which fall within the definition of the term established by the FATF. It does not apply to the entire spectrum of non-profit organisations.

In this sense, the recent amendments introduced in the regulations in Peru through the Legislative Decree 1249 and its regulations are not compatible or proportional to Recommendation 8 or to the risks identified through a risk-based approach as indicated by the international standards. It is





therefore necessary to complement and establish new legislative measures in order to comply with Peru's obligations under the United Nations Charter, especially with respect to the right to freedom of association.

India

India contains almost 3 million non-profit organizations out of which it is estimated that close to 1,00,000 are civil society organizations that work on various aspects of development. Freedom of Association has been recognized as a fundamental right, guaranteed under article 19(1)(C) of the Indian constitution. Based on this right, individuals can freely form associations to pursue various endeavors but are subject to reasonable restrictions such as those that may harm national interests, public order and erode national sovereignty. Civil Society Organizations derive their purpose and existence from this article which signals them to work on various paradigms of social development. However, lately a consistent erosion has been witnessed in the freedom to association primarily springing from the changes introduced in the regulatory framework. Increased compliance and reporting have been visited upon Civil Society Organizations which demonstrably affected their work-output and indirectly caused hardships to millions of beneficiaries that rely on support provided by civil society. Importantly, these regulatory changes introduced via different laws pose a great threat to protecting 'freedom to associate' for grassroot civil society organizations working in 60% of India which are rural areas.

There has been a wave of regulatory changes in recent years in provisions of Income Tax and Corporate Social Responsibility, that pose potential disruption in normal work functions of civil society organizations and infringe the philosophy of freedom of association. The regulatory framework discussed here is enumerated below—

a) **Amendments in Income Tax**

Through successive finance bills passed in 2019 and 2020, the government of India, introduced amendments in income tax provisions. In 2019, it increased the authority of the Commissioner of Income Tax (CIT) to arbitrarily cancel charitable licenses of organizations under section 12AA of the Income Tax Act, 1961. In 2020, made it mandatory for annual renewal of 12A licenses and 80G (license to receive individual donations) for non-profits every year as opposed to a lifetime certification.

Impact: Both these amendments together highly restrict the space for civil society organization as revocation of charitable licenses can instrumentally render cessation of development and relief work. Similarly, renewal of charitable licenses digitally will be difficult for civil society organizations working at the grassroots as internet literacy is poor in India and be an unnecessary and duplicated compliance given that civil society organizations are filing returns to assessing officers from tax departments.

b) **Amendments in Corporate Social Responsibility Policy**

In 2020, the Ministry of Corporate Affairs floated a public draft inviting public comments for amending the corporate social responsibility policy. The amended version specifically sought to change Rule 4 of the policy that allowed civil society organizations to

implement social development projects of private sector falling under the corporate social responsibility criteria to only international development agencies and corporate non-profits

Impact: If adopted, civil society organizations will face a major resource crunch considering that corporate social responsibility has elevated and replaced traditional sources of funding. Exclusion of civil society organizations from being implementing agencies can potentially lead to existential crisis of an already resource-starved sector.

Brazil

Brazil is going through a context of political instability motivated by a growing advance of anti-rights and anti-democratic conservatism, punctuated by two recent events. The impeachment of President-elect Dilma Rousseff in 2016 and a transitional government marked by austerity actions, such as the ceiling on public spending — which mostly affected social policies such as public education and health; and the election of Jair Bolsonaro, built on the basis of an intense campaign based on



a religious, arms and anti-popular and anti-democratic discourse. The government of Jair Bolsonaro appears in a context of global advancement of conservatism and attacks on democracy, having in Brazil — a country with a young democracy, weakened institutions and wide social and economic inequality — fertile ground for its rooting and transformation of this discourse in public policies.

On the first day of its mandate, the new federal government presented Provisional Measure 870/2019, whose article 5 submitted to the Government Secretariat the attribution of “supervising, coordinating, monitoring and following the activities and actions of international organizations and non-governmental organizations in the national territory”

The measure was seen as the government’s “visiting card” in relation to Brazilian civil society organizations. Although, due to pressure from civil society and a wide articulation of parliamentarians, this point was removed from Provisional Measure 870/2019 2 , the government continued to attack social organizations in different ways. In April 2019, the government signed Decree 9.759/19 which aimed at the extinction of 734 popular participation councils at the national level , making it impossible for civil society organizations to participate in public policy decision-making. In August 2019, the president blamed environmental organizations for the large-scale fires in the Amazon rainforest, reinforcing his government’s; position against civil society organizations.

In early 2020, the government communicated to organizations that releases of contractual financing installments from the National Development Bank had been blocked, requiring a declaration of non-political participation by the leaders of social organizations, in a clear attempt to exclude popular





organizations that express opposition to the government or its actions. The intention to exclude non-aligned forces from civic spaces is clear from the constant praise from central government figures to the military dictatorship that occurred in Brazil between 1964-84 and their stance in relation to the criminalization of organizations, social movements and political parties. The president personally attended a demonstration that called for the closure of Congress and the dissolution of the Superior Federal Court, in a clear nod to dictatorial policies, which caused a strong reaction from civil society and democratic sectors.

Ireland

In Ireland the Electoral Act 1997 was introduced to uphold the integrity of elections by severely limiting the size and sources of donations to election candidates and political parties, and by requiring donations to be transparent. In 2001, provisions were inserted into section 22 of the Electoral Act 1997, extending these same funding restrictions to any “third party” based in Ireland for “political purposes”: (1) donations from international sources, (2) anonymous donations of more than 100, (3) cash donations of more than 200, and (4) donations of more than 2,500 from one source.

These restrictions prohibit any person or organisation based in Ireland from accepting sizeable or any international donations to assist them in influencing public policy. According to the wording of the Electoral Act, these donation restrictions can apply to civil society advocacy work all of the time, and not just when advocating an election or referendum result. In addition, the Electoral Act 1997 (as amended) imposes onerous tracking and reporting requirements on CSOs that receive small domestic donations.

In 2003, the statutory body tasked with ensuring compliance with the Electoral Act- The Standards in Public Office Commission (SIPOC)- raised concerns that the definition of “political purposes” in Section 22 of the Electoral Act 1997 (as amended) could impact civil society freedom in Ireland in a manner that was unintended by the legislature. Although these concerns have proven to have been prescient, they remain unaddressed.

The Irish Electoral Act in its current form violates numerous civil and political rights guaranteed by the Irish Constitution, European law, and international human rights law. The restrictions placed by the Section 22 provisions on CSOs engaged in legitimate advocacy have been raised by The Irish Human Rights and Equality Commission (IHREC) in 2019 and the European Union Fundamental Rights Agency in 2017. Both bodies note reports of a broader application of this law in recent years.

SIPOC has directed CSOs to register as “third parties”, deeming them to be in receipt of funds for “political purposes” where they are not engaged in election or referendum activity. This has had the effect of submitting these CSOs to the funding and reporting restrictions of the Electoral Act for general advocacy work. Other CSOs have been threatened with prosecution. The criminal offences created by the Electoral Act are significant; the possible penalties on ‘third parties’ and corporate donors for failing to comply with the Electoral Act are as much as a €25,394 fine and three years’ imprisonment. SIPOC has also directed or advised CSOs to return funds which SIPOC has deemed

to be “prohibited” (as being for “political purposes” and in excess of the statutory limit). advocacy and campaign work.

There is a need to reform the Electoral Act to bring Irish domestic law into line with Irish Foreign Policy and International Human Rights Standards. Since 2013, Ireland has sponsored the Human Rights Council Resolution A/HRC/C/L.29 on Civil Society Space. While the leadership role played by Ireland in the context of widespread repression of civil society in many parts of the world is both welcome and significant, Irish foreign policy is currently completely at odds with its own domestic legislation i.e. the Electoral Act 1997 (as amended).





Chapter Three: **Conclusions**

Conclusions

Challenges faced

The national civic space case studies submitted by Forus and ADA civil society organisations from eighteen different countries around the world, highlight the considerable challenges faced by CSOs in trying to realise their fundamental rights and freedoms. Despite the fact that international law, and national law in many cases, enshrines a set of freedoms and rights which are essential to the creation and maintenance of a healthy civic space (in particular the rights to freedom of expression, of association and assembly), their observance by a growing number of states remains highly problematic. Governments continue to disregard the legal obligations which they have assumed, and in many cases act with relative impunity where the rights of organised civil society are concerned. The onset of the COVID-19 pandemic has only exacerbated these trends. Many CSOs are extremely concerned about the sweeping emergency measures introduced following the pandemic and rightly question the legitimacy, proportionality and likely duration of these measures.

Contestation and challenge

On the other hand, there is a growing awareness amongst CSOs internationally that the realisation of their fundamental rights — to organise, to assemble, to protest, to have a voice and to be heard and taken seriously by those in power — will not be achieved without sustained contestation and proactive advocacy on their part. Civil society needs to strategise more effectively about the opportunities available to it to promote and protect the realisation of critically important fundamental rights and freedoms. As global and regional civil society networks, Forus and ADA believe that the UN's 2030 Agenda can play a role in what must become a defining struggle of this century. The struggle should concern not just renewed efforts by civil society towards the universal realisation of the fundamental rights and freedoms enshrined in the UN's Universal Declaration of Human Rights, but should also aim to achieve a strengthened role for civil society in emerging and inclusive models of governance.

Emerging and inclusive models of governance

Assuming that the forces of political illiberalism internationally can be held in check, these emerging models of governance (eg experimentalist, responsive, pluralist and networked forms of governance) can better support and eventually transform traditional and increasingly discredited formal systems of representative democracy. These new and emerging models of transnational governance would also afford civil society greater opportunities to exercise larger influence, alongside other stakeholder groups, in addressing many of the serious challenges facing humanity today, including dangerous climate change, growing social and economic inequalities, and environmental degradation.

The potential of the 2030 Agenda

The 2030 Agenda is the main international mechanism for guiding sustainable development in all its member states until 2030. Goal 17 of the Agenda 2030 establishes a central role for civil society as a key stakeholder in implementation and follow up & review activities, as part of a renewed





“Global Partnership”. But civil society will face a significant challenge in fulfilling its role mandated by the 2030 Agenda in the absence of adequate civic space and an enabling environment in which to operate. Current research suggests that CSOs in over half of the countries of the world are facing serious restrictions on its freedom to engage, express themselves and be heard. An analysis carried out by Danish CSO Globalt Fokus demonstrates that the closing of civic space also has negative consequences for achieving all of the 17 SDGs.

Goal 16 as an important lever in defending civic space

Civil society must be proactive in advocating for adequate civic space at all levels to allow it to play its part in realising the positive vision of multi-stakeholder participation envisaged in Goal 17 of the 2030 Agenda. Specifically, Goal 16 of the 2030 Agenda can serve as an important lever to support civil society’s attempts to create and defend civic space, and to enable CSOs everywhere to be effective in monitoring and implementing the agenda. Target 16.10 of Goal 16 aims to promote civic space by advancing the protection of fundamental freedoms in accordance with international human rights standards and national human rights laws. This target commits UN member states to “Ensure access to public information and protect fundamental freedoms”. These fundamental freedoms include basic rights to associate and assemble peacefully, and to express views and opinions. These are fundamental human rights which are protected under international human rights law, and are essential to the creation and maintenance of civic space.

The need for global and national civic space indicators

Despite Target 16.10’s clear aim to protect fundamental freedoms, the global-level indicators adopted by the international community to assess progress towards achieving this target do not at present adequately measure the extent to which they are being protected. There is an urgent need for the international community to develop additional global indicators linked to Target 16.10 of SDG 16 to measure the efforts of states to “protect fundamental freedoms” in accordance with international human rights standards and national human rights laws. The aim of this report, informed by the eighteen national civic space case studies submitted by Forus and ADA members, is to call for the development of new civic space indicators linked to Target 16.10 of the 2030 Agenda. The national CSO platforms and coalitions who developed these case studies have proposed civic space indicators which could be used at global and national levels. These indicators will form the basis of a global advocacy campaign, to be developed by Forus and ADA in collaboration with other interested actors, calling for the adoption of official Goal 16 civic space indicators and their integration into national, regional and global Agenda 2030 monitoring and review processes.

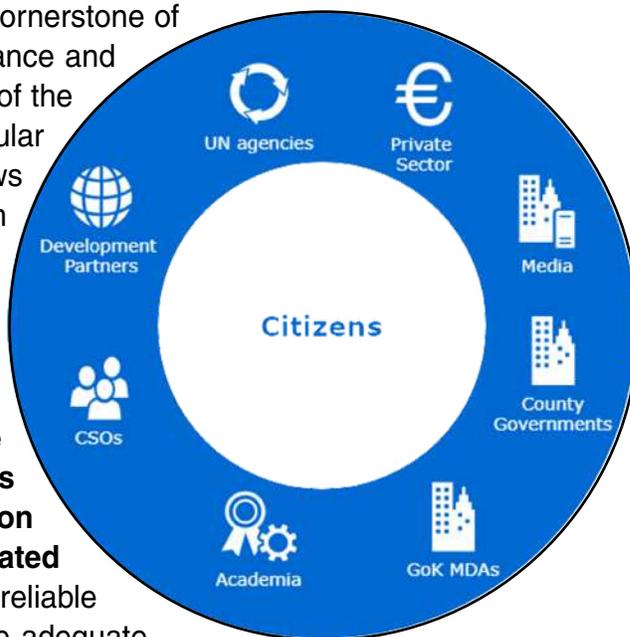
Recommendations

The case studies submitted by Forus and ADA members propose a range of recommendations about the kind of global and national level indicators which could be developed to measure and promote civic space. Our networks are interested in sharing these potential civic space indicators with other interested actors with a view to building as wide as possible a coalition to advocate for their adoption at global and national levels.

The recommendations from the national case studies submitted include the following:

Recommendations for the international level

- (i) **The international community, institutions of global governance, donors of development assistance and philanthropic organisations and foundations should play a stronger role in efforts to preserve civic space.** Preserving civic space is about helping citizens learn how to stand together in the same public space, free of hostility and persecution. A robust and protected civic space forms the cornerstone of accountable, responsive democratic governance and stable societies which is the aim of Goal 16 of the SDGs. The flow of global aid, and in particular an increased percentage of ODA flows should be targeted at funding the promotion and protection of human rights and civic space, increasing the sense of security for communities everywhere, and promoting fair access to the law and to information.
- (ii) **A formal space should be established at the international level to facilitate governments and other diverse stakeholders to focus on monitoring and consultation activities related to civic space.** This work should be based on reliable and publicly available information to facilitate adequate measurement of civic space in different countries of the world.
- (iii) **In the context of the data provisions of Goal 17 of the SDGs, there is a need for inclusive access to data and information collection relevant to civic space to be supported at national regional and global levels,** especially in areas where such data capacity or access is limited. It is also important for different stakeholder organizations to be encouraged to share data and information relevant to civic space.
- (iv) **Human rights and fundamental freedoms awareness-raising should be strengthened at all levels, from the international to the local level.** Human rights defenders, and victims of repression and harassment should receive maximum protection as required by SDG16.
- (v) **In order to promote the active participation of civil society and the defence of its voice, activists need to strengthen themselves and their groups, look to new ways of working and build alliances between different movements and between relevant local, national, regional and global actors.**
- (vi) **The fostering of collective solidarity between civic space activists in different parts of the world and the mutual provision of support will provide a sense of comfort to all,**





and will promote the energy, voice and safety of these activists, all of which are critical to those who are often on the receiving end of harassment, intimidation, violence and arbitrary detention.

- (vii) **The meaningful participation of poor and marginalised constituencies in civic space monitoring and activism should be strongly encouraged at every level.** Every effort should be made to ensure that the realities of these marginalised groups are not overlooked or excluded in online consultations or virtual meetings as a result of a “digital divide” .
- (viii) **Key international bodies, including the UN and its agencies, should encourage national governments to enact laws which regulate in a fair way the relationship between governments and civil society**, ensuring the existence of healthy civic and democratic spaces. In this regard, the adoption of civic space indicators as part of the monitoring framework of SDG 16 would provide important leverage for civil society organisations to maintain pressure on their governments to demonstrate progress on the promotion and protection of civic space nationally as part of annual review processes.
- (ix) **International donors should simplify and expand their financing processes, especially in countries where governments are attempting to control the finances and overall structuring of civil society organizations** because they work with particular constituencies or on specific issues and are implicitly or explicitly critical of government policies. A greater level of international resourcing should be provided to support civil society working on civic space in these countries.
- (xi) **The UN’s HLPF should promote continued accountability by governments where the implementation of Goal 16+ of the SDGs is concerned and this goal and its targets should continue to be reviewed by it on an annual basis.**
- (xii) **A specific mechanism should be established within the UN where reports of civic space violations and actions taken can be recorded.**

Recommendations for the national level

- (i) **At a national level, governments should ensure equality between government institutions and ministries**, particularly where public institutions such as Corruption Eradication Commissions, General Election Commissions, and the National Human Rights Commissions are concerned. The ongoing performance of these national level institutions should be included in Goal 16 monitoring activities.
- (ii) **National governments should adopt a fair and proportionate approach to efforts to prevent the spread of hoaxes and hate speech**, and should ensure that these efforts do not violate the rights of citizens to express their opinions and to access information.
- (iii) **Appropriate legislation and effective protection mechanisms for human rights and environmental defenders and whistle— blowers should be developed at a national level**, to ensure the full implementation of the Declaration on Human Rights Defenders (General Assembly Resolution A/RES/53/144).

- (iv) An active and well-developed civil society represents a crucial element of democratic societies. Therefore national governments should ensure adequate and sustainable programmatic funding of civil society support mechanisms (horizontal NGO networks, thematic NGO coalitions and regional NGO hubs), to promote the further development of civil society and to strengthen civic dialogue.
- (v) Civil society's operating environment is becoming increasingly constrained by regulatory and administrative burdens imposed by governments, while businesses are being provided with more flexible regulatory frameworks. The increase in regulatory compliance imposed on civil society organisations will adversely affect them. As such there is a need for action on the part of governments everywhere to provide a fair and just regulatory environment for civil society.
- (vi) **Civil society organisations should be provided by governments with appropriate roles, responsibilities and access to policy and decision-making spaces**, and treated as partners rather than as rivals or opponents of governments.
- (vii) **National policing and security services and other law enforcement agencies should be properly educated about the need to comply with the fundamental rights and freedoms provisions of national constitutions and to respect other international and regional human right laws and standards.**
- (viii) **Independent National Human Rights Commissions should be established in countries where this has not yet happened.** These commissions play an important role in the upholding of human rights standards and values at all times.
- (ix) **In certain national contexts, governments should issue resolutions for banks to comply with protocols to reduce the financial "risk aversion" to non-profit organizations such as NGOs.**
- (x) **There is a need to reform many national level Electoral Acts to enable CSOs to continue to engage in advocacy and fundraising for the public good without fear of being subject to investigation for breaking existing laws.**
- (xi) **The roll out of live facial recognition technology in all countries that are doing so should be halted, and adequate and transparent legislation introduced governing its use**
- (xii) **All National Statistics Agencies should work towards recognizing 'citizen generated data' particularly in the context of SDG implementation (nb Goal 16 +).** A challenge currently facing those monitoring the national implementation of the SDGs is that only officially generated data is recognised for these purposes and there are significant gaps and shortcomings in relation to this data.
- (xiii) **Additional international civic space indicators linked to Goal 16 and/or supplementary nationalised indicators should be underpinned by the relevant human rights standard on the rights to freedom of association, assembly and expression.** They should be further





informed by OHCHR's methodology for developing human rights indicators, as reflected in their publication: "*Human Rights Indicators: A Guide to Measurement and Implementation*".

- (xiv) **The national contextualisation of such indicators should be further guided, inter alia, by the relevant recommendations and concluding observations from international and regional human rights mechanisms,** and data collected by mandated and independent international, regional and international human rights bodies and mechanisms.

Civic Space Indicators

Selection of Proposed Global Level Indicators from Case Studies

- Political Freedom Index showing the number of restrictions for diverse groups to register as unions, societies, organisation etc. of groups like LGBTIQ, migrant workers unions, executives, part timers.
- Number of countries that adopt and implement constitutional, statutory and / or policy measures that promote and protect the right for citizens to engage in peaceful protest.
- Number of countries where national civil society organisations report that peaceful protests have taken place without undue interference by police and security forces or other state bodies.
- Number of countries that adopt and implement constitutional, statutory and / or policy guarantees for public access to information.
- Extent to which the public has access to information is ensured and fundamental freedoms protected in accordance with national legislation and international agreements.
- Number of statements issued by intergovernmental or international bodies expressing concern about measures negatively affecting civic space.
- Country assessments in Amnesty International's Annual Report.
- Right to freedom of expression index.
- CIVICUS Monitor rating.



Selection of proposed National Level Indicators from Case Studies

- Number of victims of reprisals, arrests or killings perpetrated by the ruling power on ordinary citizens, journalists, members of civil society organizations, and human rights defenders who express their opinions on the governance of public affairs or who denounce human rights violations.
- Availability of national policy/legal frameworks which enable civil society space and participation.
- Existence of independent national human rights institutions in compliance with the Paris Principles.
- Number of amended regulations at the national level affecting civic space.
- Extent to which individual states progressively expand their public spending until 2030 on actions related to the framework of the Pact on Economic, Social and Cultural Rights.
- Percentage of responses received to correspondence sent by CSOs to members of government, elected representatives & government officials / civil servants. *(This could be done every three months -by calendar quarter. Substantive responses would constitute a response -even if not a satisfying response. Confirmations of receipt would not be counted).*
- Timeliness & ease of access by civil society to relevant legal instruments on the Statute book
- Average time taken and fee charged by public bodies in response to freedom of information requests (OHCHR)
- Number of registered CSOs per 100,000 inhabitants (UNDP)
- Participation of CSOs/NGOs in institutional mechanisms and multi-stakeholder dialogue platforms with independent monitoring roles.
- Number of Goal 16 reports from national governments submitted to the United Nations .
- Number of victims of civic space related violations.
- Frequency with which constraining regulations are introduced for Civil Society Organizations





Supplementary Note on OHCHR work on Civic Space Indicators

(The OHCHR is the custodian for 16.10.1 together with UNESCO and the ILO. In this regard, if there is an intention to try to structurally influence the indicators and data collection, it would be important to discuss this further with these organisations to learn what stage they are also at in the process. See for example the guidance that has been produced for 16.10.1, including the metadata ([SDG indicators under OHCHR's Custodianship and Goal 16 metadata](#)).

The “outcome indicator” SDG 16.10.1 could be used and then structural and process indicators developed that could be nationalised depending on the gaps identified at the national level)

| Type of Indicator | Proposed International Indicators |
|--|---|
| Structural | <ul style="list-style-type: none"> <input type="checkbox"/> International human rights treaties relevant to the rights to freedom of association, assembly and expression ratified by the State <input type="checkbox"/> Existence and coverage of domestic laws protecting the rights to freedom of association, assembly and expression, including judicial review of any decision taken by the state to restrict it. <input type="checkbox"/> Number of registered civil society organisations involved in the promotion and protection of human rights |
| Process | <ul style="list-style-type: none"> <input type="checkbox"/> Proportion of received complaints on the rights to freedom of expression, association, and assembly investigated and adjudicated by courts or other competent national mechanisms in the last 12 months <input type="checkbox"/> No of civil society actors who have reported sanctions or political or corporate attacks for legitimate activities in the last 12 months |
| Outcome | <ul style="list-style-type: none"> <input type="checkbox"/> Reduction in number verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months |
| <p><i>All indicators should be disaggregated by prohibited grounds of discrimination, as applicable.</i></p> | |

The recommendations and concluding observations from international human rights mechanisms could also be used to identify some of these gaps. One example can be seen in the SDG explorer on Kenya which could be linked to some of the above indicators ([Institut for Menneskerettigheder](#)).



ANNEX ONE:
**FORUS / ADA Civic Space
Member Survey**





Guidelines on how to complete the survey:

A. General Information:

Name:

Platform :

Position:

Country:

Member of CIVICUS: Yes/No

Does your platform work directly on issues of civic space: Yes/No *(Please provide more information)*

B. General questions on civic space in your country: *(3 questions approx)*

1. **How was the civic space in your country rated in the most recent Civicus Monitor:?**
2. **What are the key issues which undermine civic space in your country?** *(3 issues maximum)*
3. **In what way have these issues undermined CSOs and their activities in your country?**

C. Other Survey Questions: *(Approx 3-4 questions to be used per section)*

1. **Access to Information:**

Has your country adopted and implemented constitutional, statutory and/or policy guarantees for public access to information? *(measured by Target 16.10 of the SDGs)*

Yes _____ No _____ Other _____

2. **Please provide any supporting information:**

3. **Do civil society organisations in your country have access to transparent and timely public information?**

YES _____ NO _____ OTHER _____

4. **Please provide any supporting information:**

Freedom of Association:

1. Are constitutional / legal guarantees of freedom of association in place in your country?
2. Are there clear and impartial procedures in place in your country for the registration or re-registration of civil society organisations?
3. Is sufficient domestic/ state / public funding made available for organised civil society in your country?
4. Is the public funding available for CSOs in your country allocated according to transparent and impartial criteria?
5. Are sufficient and predictable resources available to allow for civil society capacity-building, independence, long-term strategic planning and the delivery of services which the state is not providing?
6. Have any civil society organisations in your country been publicly branded as “foreign agents” by the public authorities?
7. Are limits placed on the amount of “overseas funding” that civil society organisations in your country can accept?
8. Has foreign funding of CSOs been targeted by authorities in your country through vilification statements, restrictive legislation or punishing regulations?
9. In your experience are individuals, groups or corporations who use threats or violence against civil society organisations or their members pursued and brought to justice by the relevant authorities in your country?
10. Do governing bodies in your country have the duty to refrain from, investigate and discipline actions which attempt to smear or undermine the work of civil society / NGOs?
11. Has your organisation’s right to privacy been violated in any way by public authorities or has it been subject to unwarranted surveillance by the state?
12. In your opinion are disproportionate restrictions in place in your country linked to anti-terrorism, anti-money laundering or transparency legislation initiated by the state which make it difficult for CSOs to function?
13. Is the tax treatment of CSOs in your country fair and supportive?
14. Are excessive administrative rules in place in your country that overburden average civil society organisations and hinder their work?
15. Is your government’s public narrative about civil society / NGOs broadly positive?
16. Are you aware of any examples of inappropriate state interference in the internal matters of civil society organisations in your country?





17. Do disadvantaged groups in your country enjoy the basic political right of association?
18. Have Non-state actors (e.g., corporations, extremist groups, conservative groups) been harming civic activism in your country and playing a growing role in restricting civil society space?

Freedom of Assembly

1. Are legal / constitutional guarantees of freedom of peaceful assembly in place in your country?
2. Do disadvantaged groups in your country enjoy the basic political right to freedom of assembly?
3. Are spontaneous public assemblies permitted in your country (i.e. without obligation for prior notification or approval of the public authorities)?
4. Are civil society organisations in your country free to organise meetings and events without any need for prior notification of, or approval by the authorities?
5. Are you aware of any incidents of disproportionate or indiscriminate use of force targeting civil society activists by the police during peaceful assemblies?
6. Have demonstrations alongside gatherings of international leaders been banned or marginalised by the police or other public authorities.?
7. Have anti--terror strategies led to a transfer of powers from the independent judiciary to prefects and police authorities, who now have more discretion in regulating assemblies in public spaces?
8. Have public order arguments been used to outlaw public gatherings in your country?
9. Are reported violations of guaranteed freedoms during public assemblies investigated fully by the authorities?
10. Have journalists or media personnel been subject to verbal or physical attacks or intimidation linked to public assemblies in your country?
11. Have restrictive regulation and policing arrangements been put in place that limit the collective right to assembly and protest (eg limitations of time, places or content, disproportionate sanctions for failing to notify the police; discrimination between cyclic assemblies and spontaneous gatherings)?

Freedom of Expression

1. Are legal / constitutional guarantees of freedom of expression in place in your country?
2. Do you have reason to believe that funding conditionalities have been used by public authorities to silence civil society organisations in your country?
3. Is there meaningful civic participation in public decision-making in your country?
4. Do disadvantaged groups in your country enjoy the basic political right to expression?

5. Do CSOs in your country have the opportunity to be consulted on national development priorities?
6. Are civil society organisations invited to participate in relevant institutional structures linked to the SDGs in your country?
7. Do structured and systematic dialogue mechanisms exist between government and civil society that include the participation of CSOs representing the full diversity of civil society?
8. Have government organised non governmental organisations (GONGOs) taken over any dialogue processes in your country, pushing out the voices of independent civil society organisations?
9. Has legislation been used in your country to impact CSOs working on issues deemed 'political' or sensitive, including migration, environment and social issues, and to deter them from being publicly active on these issues?
10. Have civil society organisations been stigmatised and criminalised through: smear campaigns against civic actors working on sensitive issues, human rights defenders and journalists? Who has led these campaigns?
11. Has legislation aiming at stigmatizing and criminalizing civic actors working on sensitive issues been passed in your country?
12. Has the dissemination of content on certain sensitive issues been blocked in your country by denying access to certain social media platforms, deleting certain pages or content, taking down the entire internet and even arresting people for disseminating sensitive information online?
13. Has the number of verbal attacks by "trolls" including those funded or inspired by the state been increasing in your country as part of an attempt to reinforce official propaganda?





ANNEX TWO:
FORUS / ADA Civic Space
Case Studies

Brazil Case Study

- ✦ **Title of Case Study:** “Attacks by the Brazilian government on civil society organizations and national civic spaces”
- ✦ **Membership of International / Regional organisations working on civic space issues:** Yes
- ✦ **Own platform working directly on civic space issues:** Yes
- ✦ **Most recent CIVICUS Monitor rating for your country:** Obstructed

Case Study

Brazil is going through a context of political instability motivated by a growing advance of anti-rights and anti-democratic conservatism, punctuated by two recent events. The impeachment of President-elect Dilma Rousseff in 2016 and a transitional government marked by austerity actions, such as the ceiling on public spending — which mostly affected social policies such as public education and health; and the election of Jair Bolsonaro, built on the basis of an intense campaign based on a religious, arms and anti-popular and anti-democratic discourse.

The government of Jair Bolsonaro appears in a context of global advancement of conservatism and attacks on democracy, having in Brazil — a country with a young democracy, weakened institutions and wide social and economic inequality — fertile ground for its rooting and transformation of this discourse in public policies. On the first day of its mandate, the new federal government presented Provisional Measure 870/2019, whose article 5 submitted to the Government Secretariat the attribution of “supervising, coordinating, monitoring and following the activities and actions of international organizations and non-governmental organizations. in the national territory”.⁵⁹ The measure was seen as the government’s “visiting card” in relation to Brazilian civil society organizations.

Although, due to pressure from civil society and a wide articulation of parliamentarians, this point was removed from Provisional Measure 870/2019,⁶⁰ the government continued to attack social organizations in different ways. In April 2019, the government signed Decree 9.759/19 which aimed at the extinction of 734 popular participation councils at the national level,⁶¹ making it impossible for civil society organizations to participate in public policy decision-making. In August 2019, the president blamed environmental organizations for the large-scale fires in the Amazon rainforest,⁶² reinforcing his government’s position against civil society organizations.

59 “Governo Bolsonaro: por que decisão de estabelecer ‘monitoramento’ de ONGs pode parar no STF”. BBC Brasil, available in: <<https://www.bbc.com/portuguese/brasil-46742940>>

60 “Vitória da Sociedade Civil: comissão especial retira monitoramento de ONGs da MO 870/2019”. GT Agenda 2030, available in: <<https://gtagenda2030.org.br/2019/05/10/comissao-especial-retira-monitoramento-da-atividade-de-ongs-da-mp-870-2019/>>

61 “Decreto do governo Bolsonaro mantém apenas 32 conselhos consultivos”. O Globo, available in: <<https://oglobo.globo.com/brasil/decreto-do-governo-bolsonaro-mantem-apenas-32-conselhos-consultivos-23773337>>

62 “Bolsonaro diz que ONGs podem estar por trás de queimadas na Amazônia para ‘chamar atenção’ contra o governo”. G1, available in: <<https://g1.globo.com/politica/noticia/2019/08/21/bolsonaro-diz-que-ongs-podem-estar-por-tras-de-queimadas-na-amazonia-para-chamar-atencao-contra-o-governo>>





In early 2020, the government communicated to organizations that releases of contractual financing installments from the National Development Bank had been blocked, requiring a declaration of non-political participation by the leaders of social organizations,⁶³ in a clear attempt to exclude popular organizations that find in opposition to the government. The intention to exclude non-aligned forces from civic spaces is clear from the constant praise from central government figures to the military dictatorship that occurred in Brazil between 1964-84⁶⁴ and their stance in relation to the criminalization of organizations, social movements and political parties. The president personally attended a demonstration that called for the closure of Congress and the dissolution of the Superior Federal Court, in a clear nod to dictatorial policies, which caused a strong reaction from civil society and democratic sectors.⁶⁵

Brazil, therefore, is experiencing a moment of profound decrease in civic and democratic spaces, with direct attacks on civil society organizations, the closure of public institutions and against the goals defined in Agenda 2030 and the indicators proposed in SDG-16. The Brazilian example reinforces the need to incorporate the theme of shrinking civic spaces into these indicators, so that governments are charged internationally for their anti-democratic actions.

Recommendations

1. That international bodies can produce a consensus for governments to enact laws that regulate the relationship between governments and civil society, ensuring the existence of healthy civic and democratic spaces. In this sense, we reinforced the Forus campaign by inserting indicators on civic spaces in the SDG 16 frameworks;
2. International donors should simplify and expand their financing processes, mainly in countries (such as Brazil) where the State aims to control the finances and the structure of civil society organizations, especially those that work with the most fragile sectors of society.

Proposed Civic Space Indicator(s)

1. Extent to which states progressively expand their public spending on actions related to the framework of the Pact on Economic, Social and Cultural Rights until 2030.
2. Extent to which states and international organizations implement mechanisms for social participation and democratization of civic spaces through international agreements and national laws.

[queimadas-na-amazonia-para-chamar-atencao-contra-o-governo.ghtml](#)>

63 “Procuradoria quer explicações do BNDES por politizar liberação de recurso”. Rede Brasil Atual, available in: <<https://www.redebrasilatual.com.br/politica/2020/02/procuradoria-explicacoes-bndes-politizar-liberacao-recursos/>>

64 “Doze vezes em que Bolsonaro e seus filhos exaltaram e acenaram à ditadura”. Veja, available in: <<https://veja.abril.com.br/politica/doze-vezes-em-que-bolsonaro-e-seus-filhos-exaltaram-e-acenaram-a-ditadura/>>

65 “Todas e todos pela democracia”. Abong, available in: <<https://abong.org.br/2020/02/27/todas-e-todos-pela-democracia-nota-publica-da-abong>> These sectors organized several actions, including a diary of attacks by the federal government on democracy, which can be accessed through the link: <<https://www.diariodeataques.org/>>

Summary of COVID-19 Emergency Measures impacting on civic space in your country and CSO/government relations following the onset of the pandemic

In the case of Brazil, the COVID-19 pandemic reinforced that there are no political conditions to deal with a health problem of this magnitude. This is due to several factors, especially the systematic scrapping process of the Unified Health System (SUS), which was accentuated by the fiscal austerity measures, added to the Federal Government's position to disregard the gravity of the situation and the vulnerability of the Brazilian population, adopting discourse and policies contrary to the recommendations of the World Health Organization and the Ministry of Health itself. The COVID-19 pandemic also brought drastic repercussions for Brazilian civil society organizations: 67% of the organizations had a drop in their tax revenues. revenues above 50% after the start of the pandemic, and 83% foresee concrete risks of closing their doors in the short term or having to substantially reduce their activities if the current situation is not reversed quickly.⁶⁶

Cambodia Case Study

- ✦ **Name of Country:** Cambodia
- ✦ **Membership of International/Regional organisations working on civic space issues:** Yes
- ✦ **Own platform working directly on civic space issues:** Yes
- ✦ **Most recent CIVICUS Monitor rating for your country:** Repressed
- ✦ **Title of Case Study:** *"Sovann Rithy Remains in Jails for Quoted Comments Made by Prime Minister Hun Sen in COVID-19 Coverage"*

General Information

The Cooperation Committee for Cambodia (CCC) is a membership based organization with nearly 200 local and international non-governmental organizations (NGO) as members that are working in different sectors for sustainable development. CCC has also established formal collaboration with 15 provincial NGOs networks out of 24 provinces in Cambodia and is closely engaged with thousands of community based organizations across the country.

CCC is the leading civil society organization working closely on monitoring the SDG 16. We have key role in raising awareness via public sensitization programs, promoting inclusive partnership with stakeholders (government, private sector and civil society) on financing for development and SDGs related policies prioritization and coherence including SDG 16, and monitoring of SDGs, Cambodian SDGs, and SDG 16 through public feedback and voluntary national review. We are active in holding policy-makers to account for the commitments they have made.

66 "Impacto do Coronavírus no terceiro Setor", pesquisa realizada entre os dias 3 e 7 de abril de 2020, com 231 diretores de entidades brasileiras. Available in: <https://institutophi.org.br/ongs-esperam-ser-incluidas-em-medidas-de-apoio-dos-governos/?fbclid=IwAR3lCr57_a5lC3xpyCyP4txujXTcTdlXW1xpJs9P5DCYnVMiW7iH9AIEwk>



Case Study



Mr. Sovann Rithy, the Chief Executive Officer of the digital media network TVFB, was arrested at night by the Cambodian authorities for having accurately quoted comments made in a speech by Prime Minister Hun Sen. On his personal Facebook page, Mr. Sovann Rithy excerpted the Prime Minister's speech: *"If motorbike-taxi drivers go bankrupt, sell your motorbikes for spending money. The government does not have the ability to help."* The Prime Minister admitted that the government was unable to help informal workers, but the police claimed that the words of the Prime Minister were intended as a joke.

He remains in jail for pre-trial detention for an accusation of the "inciting to commit crimes" under article 494 and 495 of the Penal Code by Phnom Penh Municipal Court. In addition, the Ministry of Information revoked the online TVFB's media license on the ground that Mr. Sovann Rithy broadcast information *"which was to generate an adverse effect on the security, public order and safety of society."*

Mr. Sovann Rithy has been awarded the 2020 Deutsche Welle (DW) Freedom of Speech Award along with 17 journalists from 14 countries. The award he received represents all journalists worldwide who have been arrested or threatened because of their reporting on the COVID-19 pandemic.

The Cambodian authorities have arrested and called for education a number of people alleging that they had spread "fake news" about the COVID-19 pandemic. The Ministry of Information claimed that 47 Facebook accounts and pages had spread misinformation about the virus with the intention of causing fear in the country and damaging the government's reputation. Similarly, the Minister of Interior warned that anyone who spreads misinformation about the COVID-19 "to stir chaos" would face legal action. The recently promulgated Law on the Management of the Nation in State of Emergency is vaguely worded and open for interpretation, as stipulated in Article 5, subsection 11, that: "Prohibition or limitation of the distribution or dissemination of information that could cause fear," which paved way for the government to curtail press freedom and freedom of expression.

Civil society organizations, especially media organizations, reporters, editors and rights group, etc., have expressed serious concern over the restriction environment and curtailment of freedom of expression for Cambodian citizens. Fundamental freedom, especially the freedom of expression, is a key principle to foster important roles of citizens and the functioning of democratic society. Within this regard, everyone shall have the right to freely express their concern and opinions without interference from the government. As explicitly guaranteed in article 41 of the Constitution of the Kingdom of Cambodia, Cambodia citizens must have freedom of expression, press, publication and assembly.

Recommendations

1. The Cambodian authorities should consider dropping all accusations immediately against Mr. Sovann Rithy and others detained for expressing their opinions or fears about COVID-19, and also restore the license of TVFB, which was summarily revoked accordingly.

2. Cambodia's government should ensure fundamental freedom, the freedom of expression in particular, to strengthen active participation of its citizens and democratic culture in the society, even in the period of COVID-19 pandemic. Within this regard, the Law on the Management of the Nation in State of Emergency should not be implemented but to be amended as soon as possible within the spirit of the Cambodian Constitution and CCPR to guarantee the right of citizens to have freedom of expression, press, publication and assembly freely without interference from the government.
3. Out of 12 Targets of the SDG 16's global goal, the Cambodian government localized only three targets into its CSDGs. Those targets are: 16. 3, 16.5, and 16. 9. In this regard, Civil Society Organizations (CSOs) recommend that the Government of Cambodia further localize the global SDGs by integrating their targets and indicators, especially SDGs 16.10, into the Cambodia Sustainable Development Goals (CSDGs).

Summary of COVID-19 Emergency Measures introduced in Cambodia

The Government of Cambodia adopted the Law on the Management of the Nation in State of Emergency which mandates unfettered power to the executive to safeguard national security and public order, to protect citizens' lives and public health, and to protect properties and environment by using restrictive measures including restriction on traveling, freedom of assembly and work, quarantine, information monitoring and other measures deemed necessary.

Cambodia has imposed strict measures in three different fronts: 1) preventing imported cases into Cambodia, 2) preventing local transmission within Cambodia, and 3) treating COVID-19 infected patients.

Cambodia has allowed the Westerdam cruise ship, loaded with more than 2,200 passengers, to dock in Cambodia, after being rejected by 5 countries including the US owned Island.

All schools, universities, KTV, sport clubs, theatres, concerts, etc., are closed.

Travel restriction— suspension of visa exemption policy, e-visa and visa on arrival to nationals from Iran, the U.S. Italy, Germany, Spain, and France. In addition, the foreigners who travel to Cambodia require medical certificates and insurance.

Cambodia has decided to postpone the celebration of the Cambodian New Year, and imposed a ban on interprovincial movement of people.

Colombia Case Study

- ✦ **Name of Country:** Colombia
- ✦ **Membership of International / Regional organisations working on civic space issues:** Yes
- ✦ **Own platform working directly on civic space issues:** Yes
- ✦ **Most recent CIVICUS Monitor rating for your country:** Repressed





Colombia faces great challenges

- i. Systematic weakening of the enabling environment for CSOs to exercise their social, political and developmental role, evidenced in the development of a regulatory framework that limits social and political rights (freedom of assembly, right to organize, peaceful protests, access to public resources, among others) and an institutional framework that limits the space for political dialogue.
- ii. The alarming number of criminalization, persecution and murder of CSO leaders, especially those who expose or raise their voices to guarantee rights (343 leaders according to the Ombudsman's Office). El recrudecimiento de la violencia por parte de actores ilegales y que se disputan los territorios con el consecuente de desplazamiento forzado de las comunidades.
- iii. The high levels of corruption
- iv. A peace agreement that lacks the political will of the current government for its effective implementation and the due process required to guarantee access to justice, truth, reparation and non-repetition.

Overall, the National Government established through a Presidential Decree the Inter-Institutional Commission for the Elaboration and Effective Implementation of the Post-2015 Agenda and its Sustainable Development Goals in February 2015. However, when following up on the fulfilment of the Commission's functions, the results and decisions resulting from the sessions and decisions taken there are not visible and publicly available. Likewise, the work plan or timelines are not public. Only three Minutes are available, from the first semester of 2016.

In addition, the CONPES document "SDGs implementation strategy in Colombia" was approved on March 15, 2018. This is a long-term social and economic policy document that establishes the adoption of the SDGs as the sustainable development strategy, making it mandatory for governments to go beyond their implementation and become mandatory public policy actions. Through this public policy, the National Government established the creation of a multi-stakeholder platform "as a space for constant official dialogue between this commission and non-governmental actors and as the maximum instance of participation for the steps associated with the development of Agenda 2030"; which has not been implemented to date.

With the change of administration in August 2018, a new national development plan 2018-2022 was established, entitled "Pact for Colombia-Pact for Equity", which defines "the long-term national goals and objectives, the goals and priorities for State action in the medium term and the strategies and general guidelines for economic, social and environmental policy to be adopted by the government". This Development Plan was approved by Congress on May 15, 2019.

In the introduction of the Development Plan 2018-2022, you will find the following text:

“*Pacto por Colombia, pacto por la equidad* traza el camino para lograr el país que queremos. Por esta razón es un plan de desarrollo que trasciende un gobierno y se constituye en una propuesta de país construida de manera participativa, que recoge las aspiraciones de las regiones y está alineado con los Objetivos de Desarrollo Sostenible a 2030. ”

A review of the bases of the Development Plan, allows us to observe the correlation that the national government is making with the SDGs, an example is the “*Pact for Lawfulness: effective security and transparent justice so that we all live in freedom and democracy*” whose goals and indicators are intended to contribute to the achievement of SDGs 10 and 16. This initiative allows for continuity in the commitment and leadership that the previous government has had within the framework of the Sustainable Development Agenda.

From late 2012 to date, the Colombian Confederation of NGOs, together with a network of more than 150 Civil Society Organizations in Colombia, set an advocacy agenda based on three key actions, which seeks to strengthen its political role by actively participating in the reflection, analysis, contribution building and monitoring of Agenda 2030.

The three advocacy actions carried out by the CCNGO together with a group of CSOs are:

(i) Information development

In this sense, recommendations to the National Government for the implementation of the agenda were collectively and participatively developed and delivered in 2015 (see [here](#)). These recommendations are a reference that encourage action; the mobilization of strategies and resources; and the involvement of all actors in Colombian society to guarantee human rights and development.

In 2018, these recommendations were updated recognizing that, for Colombia, the challenge for the implementation of Agenda 2030 and in particular of SDG16, is framed in a new political, economic, legal and institutional context, resulting from the peace process and reconciliation. (see [here](#)).

(ii) Social monitoring

For three consecutive years (2016,⁶⁷ 2017⁶⁸ and 2018⁶⁹), the CCNGO has carried out three Social Monitoring of the compliance with the “Recommendations presented to the National Government for the implementation and compliance with the Development Agenda”, which are framed in SDG 16, in order to assess progress. The methodology is based on recognizing the government’s strategies based on the political and civil rights: access to information, participation in the definition of public policies, social control and citizen monitoring.

67 Primer monitoreo social— CCONG, julio de 2016. Consultar aquí— infografía consultar aquí

68 Segundo monitoreo ciudadano— CCONG, junio de 2017. Consultar aquí— infografía consultar aquí

69 Tercer monitoreo ciudadano— CCONG, mayo de 2018. Consultar aquí— infografía consultar aquí





It is very important to emphasize that Social Monitoring is done for the rights that we have in order to fulfill our political role and has served to make the Government recognize that trust and dialogue can only be built through visible and participatory actions.

Social Monitoring allows us to focus on social control action and avoid doing what we are not supposed to do and what we cannot do. Indeed, the participating CSOs have learned that we cannot compete with the development of technical information on the fulfillment of the goals in each of the SDGs, since this is a specialized and costly action that is the responsibility of the State. In contrast, we can have complementary (or contrasting) information produced by the different sectors.

(iii) Political and social dialogue

The results of Social Monitoring have been the instruments that guide this advocacy action. In this sense, three multi-stakeholder meetings have been held (2016, 2017 and 2018) with the participation of the National Government, the business sector and academia, where the presentation of the results of the Social Monitoring carried out by the CCNGO is promoted, and especially the reflection and presentation of proposals so that, from the perspective of civil society, they are complied with.

This dialogue with the government, allowed that in the second voluntary national report of Colombia presented last year at the High Level Political Forum, the social monitoring of the CCNGO was recognized as a good practice of social control, see [here](#) — page 91.

For the Colombian civil society, it is very important to continue advancing in a systematic way the Citizen Monitoring, as a tool that allows in a qualified, orderly way and with an annual traceability; to obtain results to continue building trust scenarios from the Dialogue, the work between peers and the multi-actor meetings, both at national level, as well as in the territories.

Similarly, CSOs have assumed a social role based on assessing the contribution of their contribution to the Sustainable Development Goals, which is why these CSOs are beginning to recognize themselves as co-responsible actors in development and not as executors of projects and resources.

Denmark Case Study

- ★ **Country:** Denmark
- ★ **Membership of civic space platforms:** Yes
- ★ **Globalt Fokus work on civic space:** yes
- ★ **CIVICUS Monitor Rating:** Open
- ★ **Title of Case Study:** “*Deep-dive: Denmark’s Anti-Masking Law (also referred to as the Burka Ban)*”

Case Study

On the 1st of August 2018, the Danish government adopted a law that made it illegal to wear pieces of clothing that cover the face barring a cause “worthy of recognition”. Doing so can result in a fine

or up to six months in prison ([Danske lov](#)). Notably, religious headdress is not exempted from this law. In fact, the masking ban was introduced to prevent the wearing of niqabs and burkas in Danish public spaces ([Retsinformation](#)). This law has been widely discussed as it can be viewed as a break with Danish constitutional law and Denmark's human rights commitments. Forbidding the wearing of religious headdress is clearly a break with the freedom of religion and covering of your face can in many cases be an expression of opinion or conviction. As such, outlawing a form of material expression is also out of line with the freedom of expression ([Institut for Menneskerettigheder](#)). The law against masking represents a worrying tendency in Danish politics to pass laws that restrict personal freedoms for particular groups of people. Due to this new trend, Danish civil society must be wary of the restrictions made to civic space and we have concretely suggested that the number of people charged under this law, is used as a national indicator for monitoring target 16.10.

The newest Danish financial law 2020 reflected a heightened attention towards the protection of civic space in its external relations. The financial law prioritized civic space with an allocation of 36 million DKK for the protection of freedom- of association, assembly and expression — also digitally. The protection of human rights defenders globally was also made a priority. The enhanced governmental focus on civic space in its development aid is a positive step and Danish civil society is in close communication with the Foreign Ministry to ensure that the funds are used in the best possible manner ([Finansloven 2020](#)).

One important outcome that has followed the prioritization of civic space in the financial law has been the plans for allocating funds for a Danish Rapid Response Mechanism to protect human rights defenders put at risk globally as a result of their work. The design of the Rapid Response Mechanism has been developed by Global Focus and is currently awaiting final approval from the Minister of Foreign Affairs and the Minister of Development Cooperation. The Rapid Response Mechanism will be maintained by Global Focus once it is expected to be set in motion in the fall of 2020.

The 2030 Agenda in Denmark

In Denmark, multi stakeholder collaborations have been the way in which the government and other stakeholders have engaged in monitoring the SDGs. Several stakeholders such as the Danish Parliament's All Party Coalition for the Sustainable Development Goals (The 2030-Network), its multi-stakeholder advisory body, the 2030-Panel, the national statistics agency (Statistic Denmark), the consultancy firm, Deloitte, the national human rights institution, the Danish civil society and many other have been active in these collaborations.

Global Focus acts as a secretariat for the 2030-Panel and assists it in facilitating meetings and events, coordinating visits, providing contact with relevant actors, knowledge sharing, etc.

Globalt Fokus also coordinates a SPOTLIGHT-report with focus on the implementation of the 2030 Agenda every year together with its 80 civil society members.

The 2030-Network is a cross-party network currently consisting of 69 parliamentarians from differing Danish political parties. Representatives from all registered Danish parties are eligible to





be part of the network. It is a fundamental criterion for the network to have a wide span of political representation ([Folketinget](#)).

The 2030-Panel is an advisory body established by the 2030-Network. The aim of the advisory body is to support the 2030-Network in its context-sensitive learning and action for impactful national sustainable development policy-making in Denmark. The 2030-Panel consists of [23 strong and diverse stakeholder profiles](#) designated by The 2030-Network as representatives of key players in the Danish society.

The 2030-Panel has initiated the development of national specific indicators for monitoring the implementation of the Sustainable Development Goals in a Danish context. This set of indicators is referred to as “Our Goals”. The collection and development of Our Goals has been carried out by Statistic Denmark on behalf of the 2030-Panel. As the first country in the world, Denmark has strived to include the general population in the process of giving suggestions for indicators. This has been done through an online platform, workshops and hearings. Global Focus has provided inputs on goal 16.10 to specific civic space monitoring. The “Our Goals” project will result in a report of at least 169 indicators. These will be passed on to the government in the summer 2020 ([Vores mål](#)).

Proposed Civic Space Indicators

1. Number of laws passed limiting freedom of speech, assembly and association adopted in the last 12 months. (Can be calculated via Parliament’s overview of passed legislation with reference to the sections of the Constitution on freedom of expression, assembly and association.)
2. Number of persons punished on the basis of the Penal Code §134 b, also known as the masking ban. (Can be calculated via Statistics Denmark “Sentenced persons”)

Other Recommendations

1. In the Danish context, we recommend that the Danish Statistics Agency recognizes citizen generated data. A challenge with the current Our Goals project is that most consist of officially generated data.
2. An additional international indicator or supplementary nationalised indicators should be underpinned by the relevant human rights standard on the rights to freedom of association, assembly and expression. It should be further informed by OHCHR’s methodology for developing human rights indicators, as reflected in their publication: “Human Rights Indicators: A Guide to Measurement and Implementation”.
3. The national contextualisation of indicators should be further guided, inter alia, by the relevant recommendations and concluding observations from international and regional human rights mechanisms and data collected by mandated and independent international, regional and national human rights bodies and mechanisms.

Proposed Global Civic Space Indicator

In order to develop the best global indicator we suggest using [OHCHR's methodology](#).

As can be seen from the above, the indicators are developed based on the attributes of the particular human rights according to international human rights law. Based on this, structural, outcome and process indicators are developed to monitor the implementation process.

The OHCHR is the custodian for 16.10.1 together with UNESCO and the ILO. In this regard, if one wishes to structurally influence the indicators and data collection, it would be important to discuss this further with them to learn where they are also in the process. See for example the guidance that they have produced for 16.10.1, including the metadata ([SDG indicators under OHCHR's Custodianship](#) and [Goal 16 metadata](#)).

Example of the Use of the OHCHR methodology

Below we give an example or possible inspiration as to how these supplementary indicators under 16.10.1 might look like in this regard. However, note that this would require more discussion and analysis, including with relevant actors.

One could relate to the “outcome indicator” SDG 16.10.1 and then look at developing structural and process indicators that could be nationalised depending on the gaps identified at the national level in this regard.

| Type of Indicator | Proposed International Indicators |
|--|---|
| Structural | <ul style="list-style-type: none"> <input type="checkbox"/> International human rights treaties relevant to the rights to freedom of association, assembly and expression ratified by the State <input type="checkbox"/> Existence and coverage of domestic laws protecting the rights to freedom of association, assembly and expression, including judicial review of any decision taken by the state to restrict it. <input type="checkbox"/> Number of registered civil society organisations involved in the promotion and protection of human rights |
| Process | <ul style="list-style-type: none"> <input type="checkbox"/> Proportion of received complaints on the rights to freedom of expression, association, and assembly investigated and adjudicated by courts or other competent national mechanisms in the last 12 months <input type="checkbox"/> No of civil society actors who have reported sanctions or political or corporate attacks for legitimate activities in the last 12 months |
| Outcome | <ul style="list-style-type: none"> <input type="checkbox"/> Reduction in number verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months |
| <i>All indicators should be disaggregated by prohibited grounds of discrimination, as applicable</i> | |





One could further use the recommendations and concluding observations from international human rights mechanisms to identify some of these gaps.

One example can be seen in the SDG explorer on Kenya which could be linked to some of the above indicators ([Institut for Menneskerettigheder](#)).

Summary of COVID-19 emergency measures impacting civic space in Denmark

Following the pandemic Danish government initiated an extensive shut down of institutions and businesses. The legal restrictions of public life also extended to restrictions on the freedom of expression. The Danish government has also introduced restrictions to the freedom of assembly. Since the beginning of the lockdown it was only legal to gather in groups of up to 10 people. However, in Denmark, political gatherings have been exempt from this restriction. It has thus been legal throughout the course of the pandemic to gather at demonstrations or other politically motivated gatherings. On June 8th, the association ban was increased to 50 persons. The exclusion of political gatherings from the restriction to assembly lessens our worries with regard to the consequences of the pandemic to this fundamental right. The restriction to assembly has been deemed necessary due to the severity of the situation. However, it is imperative that restrictions such as this one are continually evaluated and are only upheld as long as is absolutely necessary. All restrictions must have a direct function to public health. In addition, definitions in connection with the restrictions to assembly have been unclear. For example, it is not made sufficiently clear what constitutes a “crowd” which leaves the police with too much freedom for interpretation ([Institut for Menneskerettigheder](#)).

During COVID-19, the 2030-Panel has been an active voice to promote and motivate the “building back better” mindset politically and in the public debate. It is especially in times of crisis that they have the opportunity to rethink and choose new pathways, and the Panel’s goal is to convince and qualify Danish politicians to dare to choose the sustainable pathway out of the crisis.

Sources

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8. OHCHR ”Goal 16 metadata”: <https://unstats.un.org/sdgs/metadata/files/Metadata-16-10-01.pdf>
9. OHCHR ”SDG Indicators under OHCHR Custodianship”: <https://www.ohchr.org/EN/Issues/Indicators/Pages/SDGindicators.aspx>

India Case Study

- ✦ **Title of Case Study:** “Operational impediments for Civil Society Organizations affects productivity, performance, and participation in the development of India”
- ✦ **Name of Country:** INDIA
- ✦ **Membership of International / Regional organizations working on civic space issues:** Yes
- ✦ **Own platform working directly on civic space issues:** Yes
- ✦ **Most recent CIVICUS Monitor rating for your country:** Repressed
- ✦ **Freedom of Association and Civil Society in India:** Context

India contains almost 3 million non-profit organizations⁷⁰ out of which it is estimated that close to 1,00,000⁷¹ are civil society organizations that work on various aspects of development. Freedom of Association has been recognized a fundamental right, guaranteed under article 19(1)(C) of the Indian constitution.⁷² Based on this right, individuals can freely form associations to pursue various endeavors but are subject to reasonable restrictions such as those that may harm national interests, public order and erode national sovereignty.⁷³ Civil Society Organizations derive their purpose and existence from this article which signals them to work on various paradigms of social development.⁷⁴ However, lately a consistent erosion has been witnessed in the freedom to association primarily springing from the changes introduced in the regulatory framework. Increased compliance and reporting have been visited upon Civil Society Organizations which demonstrably affected their work-output and indirectly caused hardships to millions of beneficiaries⁷⁵ that rely on support provided by civil society. Importantly, these regulatory changes introduced via different laws pose a great threat to protecting ‘freedom to associate’ for grassroot civil society organizations working in 60% of India which are rural areas.

Examining the changes in regulatory framework

There are waves of changes in recent years in provisions of Income Tax and Corporate Social Responsibility, that pose potential disruption in normal work functions of civil society organizations and infringe the philosophy of freedom of association. The regulatory framework discussed here is enumerated below—

70 India has 31 lakh NGOs, more than double the number of schools. August, 1st, 2015, <https://indianexpress.com/article/india/india-others/india-has-31-lakh-ngos-twice-the-number-of-schools-almost-twice-number-of-policemen/>

71 Data from Government of India’s policy think tank-NITI Ayog’s Darpan Portal which records details of development CSOs <https://ngodarpan.gov.in/>

72 The Constitution of India, Fundamental Rights, Page 9 https://www.india.gov.in/sites/upload_files/npi/files/coi_part_full.pdf

73 Dr. Durga Das Basu, Introduction to the Constitution of India, 2008, Butterworths Wadhwa, Nagpur

74 Raj Bhandi, Social Work Practices And Services: A Compendium, 2005, Mittal Publications, Delhi

75 Deborah Doane, 'The Indian government has shut the door on NGOs', Sept 7, 2016 <https://www.theguardian.com/global-development-professionals-network/2016/sep/07/the-indian-government-has-shut-the-door-on-ngos>





i. **Amendments in Income Tax**

Through successive finance bills passed in 2019 and 2020, the government of India, introduced amendments in income tax provisions. In 2019, it increased the authority of the Commissioner of Income Tax (CIT) to arbitrarily cancel charitable licenses of organizations under section 12AA of the Income Tax Act, 1961.⁷⁶ In 2020, made it mandatory for annual renewal of 12A licenses and 80G (license to receive individual donations) for non-profits every year as opposed to a lifetime certification.⁷⁷

Impact: Both these amendments, in conjunction highly restrict the space for civil society organization as revocation of charitable licenses can instrumentally render cessation of development and relief work.⁷⁸ Similarly, renewal of charitable licenses digitally will be difficult for civil society organizations working at the grassroots as internet literacy is poor in India⁷⁹ and be an unnecessary and duplicated compliance⁸⁰ given that civil society organizations are filing returns to assessing officers from tax departments.

ii. **Amendments in Corporate Social Responsibility Policy**

In 2020, the Ministry of Corporate Affairs floated a public draft inviting public comments for amending the corporate social responsibility policy. The amended version specifically sought to change Rule 4 of the policy that allowed civil society organizations to implement social development projects of private sector falling under the corporate social responsibility criteria to only international development agencies and corporate non-profits.⁸¹

Impact: If adopted, civil society organizations will face a major resource crunch considering that corporate social responsibility has elevated and replaced traditional sources of funding. Exclusion of civil society organizations from being implementing agencies can potentially lead to existential crisis of an already resource-starved sector.

Recommendations

Civil society's operability is becoming highly constrained while businesses are provided an eased regulatory framework. The increase in regulatory compliance imposed by the government will adversely affect civil society organizations that are implementing crucial socio-economic-environmental projects. As such there is a need for advocacy that challenges this discrimination and provides a fair and just regulatory environment for civil society.

76 India Philanthropy Report, 2019, Page 3, International Centre for Non-Profit Law, Washington

77 Charitable Institutions to Reapply for 12AA and 80G <https://capindia.in/charitable-institutions-to-reapply-for-12aa-and-80g/>

78 Govt tightens rules for NGOs, again <https://www.civilsocietyonline.com/governance/govt-tightens-rules-for-ngos-again/>

79 A look at India's deep digital literacy divide and why it needs to be bridged <https://www.financialexpress.com/education-2/a-look-at-indias-deep-digital-literacy-divide-and-why-it-needs-to-be-bridged/1323822/>

80 Having to reapply for IT registration, NGOs say Finance Bill MHA-inspired <https://www.outlookindia.com/newsscroll/having-to-reapply-for-it-registration-ngos-say-finance-bill-mhainspired/1725207>

81 Potentially Hazardous Changes Proposed under CSR Rules <https://www.moneylife.in/article/potentially-hazardous-changes-proposed-under-csr-rules/59739.html>

Proposed Indicators

1. National Level: Frequency of introduction of constraining regulations for Civil Society Organizations
2. Global Level: Measurement of 'Ease of Operations' for Civil Society Organizations

Indian Civil Society response to COVID-19 and challenges

Indian civil society organizations are actively responding to the COVID-19 pandemic drawn into action because of two factors- providing healthcare facilities, associated paraphernalia such as masks, sanitizers and being frontline respondents in supporting poor population affected by the lockdown.⁸² The lockdown imposed by the government to slow the infection spread quickly in creating economic challenges for daily breadwinners and labor classes due to temporary suspension of factory work. This caused en-masse migration of factory workers, daily bread winners to go back on foot to their villages because public transportation stands closed for the duration of the lockdown. Many civil society organizations have undertaken extensive meal distribution, ration facilitation, shelter provision in cities and major highways of the country.⁸³

Challenges: The government appreciated the efforts of civil society and requested their assistance for relief work.⁸⁴ However, while assistance has been provided by civil society organizations there is limited mutual support⁸⁵ in terms of funding or grants that help in mitigating COVID-19 and associated challenges. In some states of India, civil society organizations have not been allowed to work during the lockdown period even though the government has issued an electronic pass to them for travel and relief work.

Indonesia Case Study

- ✦ **Title of Case Study:** *Countering hoaxes and hate speech by not violating rights to express opinions and the right to information*
- ✦ **Membership of International / Regional organizations working on civic space issues:** Yes
- ✦ **Own platform working directly on civic space issues:** Yes
- ✦ **Most recent CIVICUS Monitor rating for your country:** Obstructed
- ✦ **SDGs target violated:** 16.10 Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

82 Weaker and poorer, NGOs still the best bet in delivering COVID-19 relief https://www.business-standard.com/article/companies/weaker-and-poorer-ngos-still-the-best-bet-in-delivering-covid-19-relief-120042800370_1.html

83 Coronavirus in India: In 13 states, NGOs fed more people than govt did during lockdown <https://www.indiatoday.in/india/story/in-13-states-ngos-fed-more-people-than-govt-during-coronavirus-lockdown-1665111-2020-04-09>

84 COVID-19: Niti Aayog CEO writes to NGOs for assistance in relief measures <https://economictimes.indiatimes.com/news/economy/policy/covid-19-niti-aayog-ceo-writes-to-ngos-for-assistance-in-relief-measures/articleshow/74994183.cms?from=mdr>

85 Helping hand: How NGOs are trying to ease the suffering caused by coronavirus lockdown <https://www.newslandry.com/2020/05/01/helping-hand-how-ngos-are-trying-to-ease-the-suffering-caused-by-coronavirus-lockdown>



Case Study



On 22 May 2019, the Government of Indonesia restricted the use of social media, especially for sending pictures and videos on Facebook, Instagram, Twitter, and WhatsApp. This effort aimed to prevent uncontrolled hoax due to riots on 21-22 May 2019 related to the announcement of the 2019 presidential election results.^[1] Even though the restriction was finally lifted after Jakarta's condition was considered conducive on 25 May, it violated citizens' rights to freedom of expression and caused economic losses.

On 22 May 2019, the Indonesian Ministry of Communication and Informatics informed that it had found several contents of hate speech and hoaxes spread through social media and instant messages.^[2] Responding to this, in a press conference on the same day, The Coordinating Minister for Political, Legal, and Security Affairs, Wiranto stated:^[3]

“Restricting social media access aims to prevent undesirable things. We want people to get accurate information. So, sacrificing 2-3 days not to see picture does not matter; this is solely for national security.”

Minister of Communication and Information, Rudiantara, also added.

“So, for the time being, we prioritize not activating videos and images, because video could psychologically affect a person's emotions. It will be done temporarily and gradually. Hopefully, we can end it immediately.”

The legal basis for this action is the Law Number 19 of 2016 concerning Information and Electronic Transactions (ITE), as it is the basis to increase public literacy on digital technology and content management, including imposing restrictions.”

This case is compelling because as the media plays a crucial role in disseminating information, states often overregulate the media to limit, control or prevent critical and dissenting voices to express, with reasons to maintain national security. Some issues regarding this policy include: 1) This policy does not comply with Article 28 of the 1945 Constitution which stated “The freedom to associate and to assemble, to express written and oral opinions, etc., shall be regulated by law” and Article 19 of the International Covenant on Civil and Political Rights; 2) This policy was decided unilaterally by the government because there was potential for disintegration in society that can interfere with national security and the public interest;^[4] 3) Generalizing access limitations temporary to all internet users is inappropriate. Everyone uses social media with different goals, such as getting information, education, economic purposes, and others;^[5] 4) The government did not give advance notice and suddenly limited the access to social media. Based on the Law on ITE, the government is obliged to conduct socialization on how to use the internet and social media to filter against harmful content or destructive hoaxes. Yet in this case, the government did not involve community participation at the beginning as stated in Chapter III Article 7 of Regulation No. 19 of 2014 on Controlling Internet Websites Containing Negative Content.^[6]

Besides the problematic process, the aftermath of the policy was also detrimental. *First*, according to Bhima Yudhistira, Economist of the Institute of Economics and Development, the potential loss

of online trading by blocking social media features for three days is approximately 681 billion IDR.^[7] *Second*, it restricted public access to alternative information and expressed opinions through social media.^[8] *Third*, it limited the press's ability to listen and gather information from various sources, angles, and perspectives. It also limited the reach of verified information produced by journalists to the general public, and potentially damaging press freedom.^[9]

Thus, the government needs to comply with the agreed procedure between freedom of expression of a citizen that is guaranteed by the constitution and the interests of the state.

Recommendations

- Efforts to prevent the spread of hoaxes and hate speech should not violate citizens' right to express their opinions and right of citizens to access information.
- International communities, global governance, development assistance and donors should focus more on the effort to preserve civic space. Preserving civic space is also about helping citizens learn how to stand together in the same public space free of hostility and persecution. Moreover, a robust and protected civic space forms the cornerstone of accountable, responsive democratic governance and stable societies. In this way, increasing the flow of global aid, the percentage of ODA and funding, with particular emphasis on the context of the most vulnerable, handling human rights and civic space, increasing the sense of security for the community, and promoting fair access to law and information.
- Build a formal space between the government and multi-stakeholders for monitoring and consultative activities related to the management of civic space is based on publicly available information that can be measured.
- The government must ensure equality between government institutions and ministries, especially public institutions such as Corruption Eradication Commission, General Election Commissions, and the National Human Rights Commission.
- Support inclusive access to data and information collection, especially in areas where data capacity or access is limited. It is also important to encourage multi-stakeholder organizations to be willing to share data and information.
- Strengthen human rights awareness and fundamental freedoms at all levels. So that human rights defenders, victims of repression and harassment can get maximum protection as required by SDG16.

Summary of COVID-19 Emergency measures impacting on civic space

Under international human rights law, governments should protect the right to freedom of expression, including the right to seek, receive, and impart information of all kinds, regardless of frontiers. However, the Indonesian government is considered failing to provide transparency and access to information to battle the COVID-19 outbreak, especially for people with disabilities. Moreover,





Amnesty International Indonesia has recorded 52 cases of alleged violations of free expression during the pandemic. One of the examples is the arrest of an independent researcher and government critic, Rasio Patra, whose WhatsApp number was alleged to have been used to spread a message of incitement.^[10]

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- [1] www.cnnindonesia.com/nasional/20200522051704-20-505747/22-mei-setahun-yang-lalu-jakarta-membara-di-masa-pemilu
- [2] www.katadata.co.id/berita/2019/05/22/bendung-hoaks-kerusuhan-22-mei-pemerintah-batasi-akses-media-sosial
- [3] www.cnbcindonesia.com/tech/20190522152020-37-74313/whatsapp-cs-dibatasi-ini-pernyataan-lengkap-pemerintah
- [4] www.news.detik.com/kolom/d-4562045/mengevaluasi-pembatasan-akses-medsos-pada-22-mei
- [5] www.news.detik.com/kolom/d-4562045/mengevaluasi-pembatasan-akses-medsos-pada-22-mei
- [6] www.news.detik.com/kolom/d-4562045/mengevaluasi-pembatasan-akses-medsos-pada-22-mei
- [7] www.republika.co.id/berita/ekonomi/korporasi/przngo370/pemblokiran-medsos-rugikan-jualbeli-online-rp-681-miliar
- [8] www.cnnindonesia.com/teknologi/20190525140102-185-398324/pemerintah-cabut-pembatasan-akses-media-sosial?
- [9] theconversation.com/aksi-demo-22-mei-pembatasan-akses-media-sosial-lukai-hak-rakyat-untuk-berekspresi-dan-mendapat-informasi-117602
- [10] <https://www.thejakartapost.com/news/2020/04/29/komnas-ham-records-eight-potential-human-rights-violations-by-police-during-pandemic.html>
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Ireland Case Study

- ★ **Membership of International / Regional organisations working on civic space issues:** Yes
- ★ **Own platform working directly on civic space issues:** Yes (*but case study developed by Irish Council for Civil Liberties*)
- ★ **Most recent CIVICUS Monitor rating for your country:** Open
- ★ **Title of Case Study:** “*The case for reform: The Electoral Act 1997 (as amended)*”

The Electoral Act 1997 was introduced to uphold the integrity of elections by limiting the size and sources of donations to election candidates and political parties, and by requiring donations to be transparent. In 2001, provisions were inserted into section 22 of the Electoral Act 1997, extending these same funding restrictions to any “third party” based in Ireland for “political purposes”: (1) donations from international sources, (2) anonymous donations of more than 100, (3) cash donations of more than 200, and (4) donations of more than 2,500 from one source.

These restrictions prohibit any person or organisation based in Ireland from accepting sizeable or any international donations for general advocacy work, even outside of the electoral context. According to the broad definition of “political purposes” in section 22 of the Electoral Act 1997 (as amended), these donation restrictions have been interpreted as applying to general civil society advocacy work. In addition, the Electoral Act 1997 (as amended) imposes onerous tracking and reporting requirements on CSOs that receive small domestic donations.

In 2003, the independent statutory body tasked with regulating compliance with the Electoral Act—The Standards in Public Office Commission (SIPOC)—had raised concerns that the broad definition of “political purposes” in Section 22 of the Electoral Act 1997 (as amended) could impact civil society freedom in Ireland in a manner that was unintended by the legislature. Although these concerns have proven to have been prescient, they remain unaddressed.

The Irish Electoral Act in its current form violates numerous civil and political rights guaranteed by the Irish Constitution, European law, and international human rights law. The restrictions placed by the Section 22 provisions on CSOs engaged in legitimate advocacy have been raised by The Irish Human Rights and Equality Commission (IHREC) in its “Policy Statement on the Electoral Acts and Civil Society Space in Ireland” in 2019 and by the European Union Fundamental Rights Agency (EU FRA) in its “Challenges facing civil society organisations working on human rights in the EU” report in 2018. Both bodies express concerns that the Electoral Act’s third party provisions have been increasingly interpreted as applying to CSOs’ general advocacy work in recent years.

SIPOC has directed CSOs to register as “third parties”, deeming them to be in receipt of funds for “political purposes” where they are not engaged in election or referendum activity. This has had the effect of submitting these CSOs to the funding and reporting restrictions of the Electoral Act for general advocacy work.

Other CSOs have been threatened with prosecution. The criminal offences created by the Electoral Act are significant; the possible penalties on ‘third parties’ and corporate donors for failing to comply with the Electoral Act are as much as a €25,394 fine and three years’ imprisonment. SIPOC has also directed or advised some CSOs to return funds which SIPOC has deemed to be “prohibited” (as being for “political purposes” and in excess of the statutory limit).

There is a need to reform the Electoral Act to bring Irish domestic law into line with Irish Foreign Policy and International Human Rights Standards. Since 2013, Ireland has sponsored the Human Rights Council Resolution A/HRC/C/L.29 on Civil Society Space. While the leadership role played by Ireland in the context of widespread repression of civil society in many parts of the world is both welcome and significant, Irish foreign policy is currently at odds with domestic legislation i.e. the Electoral Act 1997 (as amended).

Recommendations

(i) Reform of the Electoral Act 1997 (as amended)

There is a need to reform the Electoral Act to enable CSOs to use funding for legitimate advocacy work without fear of being subject to investigation for breaking the law.

(ii) Reform of the Charities Act 2009

The promotion of human rights as a charitable purpose should be included under the Charities Act 2009 so that human rights CSOs are afforded the same recognition for the purpose of registration, taxation and fundraising as other charities. The promotion of human rights is currently not included





as a legitimate “charitable purpose” under Section 3 of the Charities Act 2009. Consequently, many CSOs in Ireland cannot avail of the protections attached to charitable status under the Act.

Summary of COVID-19 Emergency measures impacting on civic space in your country and CSO / government relations following the onset of the pandemic

Organisations report difficulties in engaging with public representatives during the pandemic. Numerous CSOs have expressed frustration with the lack of space available to them to advocate and to access decision making processes which directly impact their organisation’s work. CSOs have invaluable expertise, through regular and direct experience and engagement on the ground, that has not been drawn on by the authorities. Engagement with CSOs could inform and shape the development of targeted and effective policy responses. A regressive backslide to a more community service and ‘charity’ model of the CSO sector has also been observed. CSOs have observed a concerning pattern with regards to an absence of transparency around the extension of regulations. Regulations have not been easily accessible or available to the public. The public’s ability to access and to review legal instruments in a timely manner is protected under international human rights law and is essential in ensuring good public / government relations.

Proposed Civic Space Indicator(s)

SDG 16.10 Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements

Proposed Civic Space National Indicators

1. Indicator to gauge State engagement with CSOs:

Percentage of responses received to correspondences sent to members of government, elected representatives & government officials/civil servants by CSOs. This could be done every three months (by calendar quarters). Substantive responses would constitute a response (even if not a satisfying response). Confirmations of receipt would not be counted.

2. Indicator of ease of access to legal instruments:

Timely & easy access to legal instruments on Statute book and relevant government websites (i.e. were new legal instruments easily available & accessible when they came into force?).

Proposed Civic Space Indicators

1. Average time taken and average fee charged by public bodies to respond to freedom of information requests (OHCHR)
2. Number of registered CSOs per 100,000 inhabitants (UNDP)

Lithuania Case Study

✪ **Title of Case Study:** “*From a Restricted Access to an Annual Festival*”

✪ **Member of Regional and International organisations working on civic space:** Yes

- ✦ **Own platform working directly on civic space issues:** Yes
- ✦ **Most recent CIVICUS Monitor rating for your country:** OPEN

Case Study

When in 2016 a well-known Lithuanian journalist Andrius Tapinas was visiting various cities and districts throughout the country, he found himself in a situation he did not believe could exist in a free and democratic Lithuania. Having arranged an auditorium for meeting citizens in advance, he was reached out just before the visit and told that the municipality of Kaunas city could not grant him access anymore and, more importantly, no reasonable excuse was provided. Not only was the event prohibited by the district municipality, but a woman organizing the meeting with A. Tapinas was told that if she did not obey the order, she might lose her job.

Andrius Tapinas is ranked among TOP 100 most impactful people in Lithuania, he holds an authority among Lithuanian journalists and his work is well appreciated and respected by politicians, businessmen and a civil society. Astonished by the behavior of an executive of Kaunas municipality - Valerijus Makūnas - A. Tapinas decided to organize an event for the citizens outside, simply on the grass, so people could still have an opportunity to meet him and have a talk. This is how “A Freedom Picnic” was born and has become an annual event, gathering Lithuanian politicians, journalists and civil society workers to encourage free speech and debates, providing a space to exchange ideas and share good practices on various topics: civil participation, active citizenship, human rights, culture, environment, global education, development cooperation, youth and etc. The large area is covered by civil society actors organizing debates and activities, and the main stage includes panels with various Lithuanians.

“A Freedom Picnic” was branded — a non-political event and there was no politicking, it drew leading Lithuanian political figures. The first “A Freedom Picnic 2016” was also attended by a former Lithuanian President Dalia Grybauskaitė, who expressed her support and belief in this event. Picnic’s ambition to empower civil society and active citizenship has been acknowledged country-wide. Last year “Freedom Picnic 2019” was attended by around 25 000 Lithuanians, who came to an event to enjoy this free and democratic political festival. “A Freedom Picnic” became one of the most unexpected and biggest events, in which at least 20 000 people each year.

Recommendations

- To promote its active participation and the defense of its voice, civil society activists need to strengthen themselves and their groups and to look to new ways of working and to build alliances which are critical in this fight to protect civil society, both between different movements and also between local and national actors.
- Having many actors to support each other will provide a sense of comfort, shared energy, collective voice and greater safety, which are very much needed for activists and defenders dealing with restrictions or imposed limitations.





Madagascar Case Study

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| Case study title | <i>Harassment against human rights defenders and journalists; attacks and killings of journalists.</i> |
| General information | <p>Madagascar is in the Indian Ocean, separated from the Mozambique Channel 400 km east of the African continent. It measures 590,000km² and is populated by 25 million people with a density of 46.50 inhabitants per km².</p> <p>The Big Island has gone through several political crises since its independence in 1960 (1971-1972, 1991-1992, 2001-2002, 2009-2013). These crises, the last of which is the longest (five years), have been devastating economically and socially, and constitute obstacles to growth and the fight against poverty. Despite sustained growth in recent years, poverty is estimated to have declined only slightly from 77.6 percent in 2012 (the latest official measure) to an estimated 74.1 per cent in 2019, well above the regional average of 41 per cent (WB, Oct. 2019). With the health crisis requiring containment, even partial, and causing economic activities to slow down or even stop, the impact on the growth and purchasing power of Malagasy people, especially the most vulnerable, is catastrophic. The economic growth rate for 2020 is revised to 1.5% against an initial forecast of 5.5%, while the inflation rate is revised to 7.2% against a forecast of 6.6%. (Ministry of Economy and Finance, April 2020).</p> <p>The state of health emergency is characterized by a strong centralization of political power, a political recovery by the ruling political party of the COVID-19, a severe restriction of public freedoms, a total opacity of information on the COVID-19 and on the management of public aid received from the various partners, discrimination in the implementation of the social emergency plan, the absence of an economic recovery plan that gives no visibility on how to manage the post-COVID-19 period, and increased tensions in neighborhoods due to hunger, injustice and corruption in the distribution of food to alleviate the social impacts of confinement.</p> |
| Name of the country | Madagascar |
| Membership in inter-national/ regional organizations working on civic space issues: Yes | ACP Civil Society Forum (Africa, Caribbean, Pacific) SADC-CNGO PFOSC-OI |
| Your own platform works directly on issues related to civic space: Yes | The PFNOSCM challenges the authorities whenever the fundamental freedoms allowing all non-state actors to express themselves and be heard are threatened. The PFNOSCM is always present and participates in the elaboration of texts and in the pleas made, for example concerning human rights defenders or the law on access to information. |
| Latest CIVICUS evaluation (Monitor rating) for your country | Repressed |

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| <p>Case study which illustrates a concrete example of the restriction of civic space that civil society has experienced over the past five years.</p> | <p>★ A gold mine in Amboanjobe, commune of Manampatrana, district of Ikongo, in the south-east of Madagascar:</p> <p>In 2008, an economic operator, Jaquie Quine, was granted a permit to prospect for gold over an area of several hectares for about 20 years.</p> <p>Contrary to what was promised at the start, the project has become a source of problems for the local population. The bed of the Faraony River is diverted while it is used to irrigate rice fields, rice being the staple food. The river is polluted because chemical waste is dumped there as well as household garbage, leading to an increase in diarrheal diseases. The river has a cultural value insofar as the traditional authorities ask for the blessing of the river for the well-being of the population. Faced with these problems, Apollinaire, president of the local civil society platform, and the former mayor have filed a lawsuit in the Ikongo court of first instance. They won their case because the court's decision is in favour of stopping the work. The economic operator ignored the ruling and continued gold mining until 2019, after ten struggles, when the local authorities finally took the initiative to stop mining for non-compliance with the specifications.</p> <p>★ Case of MANDIGNY Raymond:</p> <p>Long-time environmental activist and president of the civil society platform of the Ambanja district (part of the PFNOSCM) in northern Madagascar. In September 2017, he was indicted in connection with his activities to defend the rights of communities affected by the Tantalum Rare Earths Madagascar (TREM) rare earths mining project in Ampasindava, Ambanja district. This charge stems from a complaint filed against him by the Chief of the Environment, Ecology and Forests Cantonment of Ambanja who unjustly accused him of public defamation and usurpation of office for having taken the initiative to mobilize grassroots communities to challenge the exploitation of rare earths to protect the environment and preserve the local population from the health effects of radiation. He was released very quickly thanks to the mobilization of Malagasy civil society. The TREM company had to withdraw.</p> <p>★ Case Thomas RAZAFINDREMAKA: reprisals against this human rights defender, arrested on 16 February 2020.</p> <p>President of the association GTZ, member of the Regional Platform of Civil Society of Ihorombe in southern Madagascar (dismemberment of the PFNOSCM), he has a lot of information on acts of corruption, violence, bursts and banditry in which some senior officials and law enforcement agencies are complicit. In 2019, he filed a complaint with the Anti-Corruption Coordination of the Secretariat of State in charge of the National Gendarmerie on acts of corruption and torture allegedly perpetrated by the head of the gendarmerie of Tritriva, Soamatasy district. This led the DPI (<i>Direction de la Promotion de l'Intégrité</i>) at the Ministry of Justice to investigate at the local court level in January 2020.</p> <p>Reprisals were not long in coming. On Sunday 16 February 2020, he was arrested by the gendarmerie, accused of extortion, usurpation of office and fraud. In defense of Thomas, both national and international CSO networks, including Front Line Defenders, rose to press for his immediate and unconditional release. Thomas has been provisionally released and is currently awaiting his hearing in Antananarivo. His case appears to be dragged out due to COVID-19 while court services are not closed.</p> |
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| <p>Summary of any new restrictions on civic space that have been put in place as part of the emergency measures introduced since the beginning of the COVID-19, global pandemic.</p> | <p>The entire territory of Madagascar has been under a state of health emergency since 21 March 2020. We are currently at the fifth stage of containment because it is renewed every 15 days. The objective, like the countries of the world, is to better control the spread of the coronavirus.</p> <p>With the state of public health emergency status, civil liberties are put on hold. Private radios and televisions are requisitioned at noon and in the evening for the broadcasting of official programs on the coronavirus. Broadcasts with programmed telephone calls by private radio stations are prohibited. The communication code is muted, and a special commission has been set up in the gendarmerie to track down in the media and social networks any inappropriate comments against the head of state and the style of governance, particularly the fight against the spread of COVID-19.</p> |
| <p>Recommendations that target national governments, regional organizations, international donors, the UN system, or civil society itself, whichever is most relevant to the national context.</p> | <ol style="list-style-type: none"> 1. Advocate for transparency in the management of the health crisis. Information on the pandemic remains opaque: the number of deaths from the coronavirus is kept secret while hearsay proves otherwise. Similarly, the management of funds allocated to the health crisis by different partners is not published, even though the state of health emergency makes it easier to award contracts. The non-publication of the economic recovery strategy and corruption in public aid, which creates unequal treatment of the most vulnerable in the capital and other regions, undermines the population's confidence in the public authorities. Hence the disobedience to barrier gestures. 2. Stop any politicization of the fight against the spread of the coronavirus. This divides citizens and fuels social tensions and does not favor the mobilization of all who must be the keyword to effectively combat the pandemic. This politicization is reflected, for example, in the use of the color code (orange) of the majority party for furniture (ambulances), stickers, communication and awareness tools, etc., or when the leaders of opposition parties are excluded from all decisions on the fight against the pandemic and the measures taken to limit the spread of the virus respond more to political concerns (fears that the deterioration of socio-economic conditions could turn into a social crisis) than to priority health concerns. |
| <p>Proposals for civic space indicators that could be used to measure progress towards achieving SDG 16.10</p> | <p>National indicator:</p> <p>Number of victims of reprisals, arrests or physical elimination perpetrated by the ruling power on ordinary citizens, journalists, members of civil society organizations, human rights defenders who express their opinions on the governance of public affairs, who denounce human rights violations during the health crisis and post-COVID-19.</p> <p>Global Indicator:</p> <p>Number of advocacy actions taken at the level of international bodies such as the United Nations by civil society coalitions such as FORUS to expand civic space in poor countries where democracy is limited during the health crisis and post-COVID-19.</p> |

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| <p>COVID-19 summary: Emergency measures impacting civic space in your country and CSO/ government relations after the onset of the pandemic</p> | <p>The state of health emergency adopted to cope with the fight against the global pandemic COVID-19 very quickly had negative impacts on the civic space of our country Madagascar. code 2016-029 does not provide for a custodial sentence but rather for a fine.</p> <p>There is also the requisitioning of the private media but:</p> <ol style="list-style-type: none"> 1. Freedom of expression was the first to be flouted. Journalists, the media as well as critical citizens through social networks were the first victims. As in the case of RAHELISOA Arphine, Journalist and Publishing Director of the VALOSOA newspaper, who was arrested on charges of "incitement to hatred" likely to disturb public order after having written on her website remarks saying that Mr. Rajoelina, President of the Republic, "is a murderer" in the management of COVID-19. This arrest is illegal because the law on the communication sometimes includes reprisals to reinforce the national radio and television in the transmission of information and official health instructions during a specific period. Sometimes it also serves as a political settling of scores, a means of partisan propaganda and psychological pressure for confinement by the various threats conveyed by some officials. 2. A one-way democracy that does not favor plurality. All those who do not espouse the decisions of power are accused of being enemies of power. The measures taken to control the spread of the virus and to alleviate the social and economic impact of containment are neither inclusive nor consensual, and do not take into account the national and local impact, the different socio-professional and civil society components, top-downs not concerted with those concerned, not involving all the living forces of the Nation. 3. Favouritism towards the association "Fitia" belonging to the wife of the President of the Republic in order to put itself in the forefront and monopolizing social actions in the face of the fight against COVID-19, in order to ensure its visibility. This is akin to political propaganda. <p>Similarly, some Civil Society Organizations (CSOs) that consider themselves as service providers of the Ministry of Health do not consider the other CSOs that have a rather critical view on the management of the health crisis as their allies. This attitude hinders the sharing of information and coordination of actions that should be undertaken together and does not facilitate the intervention of other CSOs for a better outcome.</p> |
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Nepal Case Study

- ★ **Title of Case Study:** “*Policy Framework of CSOs and Shrinking Civic Space in Nepal*”
- ★ **Membership of International / Regional organisations working on civic space issues:**
Yes
- ★ **Own platform working directly on civic space issues:** Yes
- ★ **Most recent civic space rating of your country by CIVICUS Monitor:** Obstructed





After 1990, Nepal entered the multiparty democracy system following the success of People's Movement for Democracy (PMD). The Constitution of 1990 was regarded as one of the most liberal constitutions extant, as it guaranteed a number of rights and basic freedoms, such as the right of association and freedom of expression in Nepal. This phase witnessed a vibrant flourishing of International Non Government Organizations and Non Governmental Organizations (I/NGOs) underlined by the government in the importance of joint efforts by I/NGOs, private sector and locally elected bodies in development of the entire nation.

The change in the policies and practices brought certain impacts to bear on CSOs and their expectation in a positive way. It has reduced the role of the government and brings civil society into the developmental agenda. Thus, there were two forces which led to the proliferation of civil society groups in the country: political as well as developmental discourse. This encouraged civic activism in the political sector and increased the pace of service delivery through CSOs/I/NGOs in the initial years of 1990s which had started to form networks in various sectors for political, social, and developmental efforts. After enforced policies and Acts, the relations between CSOs and government became more polarized- from competitive, complementary, oppositional, to neutral. Nepal witnessed multiple regime changes over the years, and most of the time civil society organisations were part of making their voices heard against the government for civic space and instrumental in pressurizing it.

After the formation of a majority government (Two thirds) in Nepal, the government announced a slogan "Prosperous Nepal, Happy Nepali" to bring all people, CSOs, media, human rights organizations and private sectors in a single chain to put their efforts into translating government announcements into reality. The relevant recent laws, policies and act were drafted and made public during 2019/2020 by the government for civil society, media and human rights organizations. These included: a) Nepal Media Council Bill and Bill on Mass Communications b) Information Technology Bill c) Nepal Media Council Bill and Mass Communication d) CSOs Act e) Amendment of National Human Rights Commission (NHRC) Act, 2012.

CSOs welcomed the Acts framed to unify and amend the laws relating to establishment, registration and operation of social organisations' in order to establish one umbrella Act and regulate them. There is no doubt that these are essential laws required for the regulation of CSOs in order to bring efficiency and accountability of the government towards the public by having division of appropriate roles and responsibilities among different tiers of the government. It is commendable that the one window policy to be continued named 'social development direction council' under which the central level registrar will function and regulate CSOs which are most needed to be registered at federal, provincial and local level. As provisioned in CSOs draft Acts, CSOs should sign agreements with the federal, provincial and local governments for the same project which might create confusion and duplication as well as consume additional resources, therefore, CSOs advocated strongly for the government to consider only one agreement instead of three.

The activities operated by CSOs are supposed to complement the government's responsibilities towards its public. It would be appropriate to have provisions in the Act to establish the synergy with the principles of Sustainable Development Goals (SDGs) and to commit to open government partnership that the non government sector could accommodate in order for the overall development of the nation and the realisation of international commitments made by the government.

The purpose of framing the laws are to reduce the discretionary power of the regulator or decision maker and to bring about more transparency and uniformity in regulating and implementing the laws. CSOs in Nepal therefore advocated for the removal of the provisions relating to discretionary powers and they have argued that the government should be committed by its Constitution to protect the freedom of association and freedom of expression where civil society is concerned.

The government formed and engaged a separate authority to draft laws, policies and Acts. The draft proposed to monitor the activities, budget and to control NGOs activists including whether they can receive grants from international donors projects related to human rights and freedom of expression and association. Nepalese CSOs are currently protesting the government's moves in view of the fact that they are likely to control and shrink civic space. This is a big concern and worry for CSOs as it may affect their smooth registration, operation, and impact on their ability to sustain services to rural communities.

Nevertheless, the Acts, policies and operating guidelines perceived to be directed at curtailing civic space in Nepal have not been passed by the Parliament. The government realized that the need of CSOs to contribute towards strengthening democratic federal governance is important in the present situation and recognised the need for working with provincial and local government during COVID-19 pandemic in Nepal.

The struggle for better civic space goes on

Civic space became relatively positive in Nepal after the re-establishment of democracy in 1990. NGOs/CSOs flourished subsequently and have contributed to political awareness and to social and economic development. The Constitution of Nepal, promulgated by the constituent assembly in 2015, further ensured the fundamental rights in an unprecedented way along with freedom of association, freedom of assembly and freedom of expression, with good potential for civil space in Nepal.

However, disappointingly, the mindset of the political leaders and the governments in Nepal has not yet been as progressive as the constitution. NGOs/CSOs continue to be governed by Associations Registration Act, 1977; The Social Welfare Act, 1992; and National Guidance Act, 1961 which were promulgated under undemocratic regime. It has been over a decade since CSOs demanded progressive, relevant and integrated legal provisions to govern the CSOs/NGO sector. Yet, this has not been realized.

Ironically, the contribution that CSOs/NGOs have made in developing political awareness, social transformation, service delivery and economic development in Nepal, particularly during the decade-long Maoist insurgency and the People's Movement in 2006, have been largely undervalued. When public trust on the political parties was weak, the then king was moving ahead with his autocratic regime and the Maoist insurgency was at the peak, Nepalese CSOs, led by NGO Federation of Nepal, supported the political parties to lead the decisive political movement in 2006 for federal democracy in Nepal.

Without recognition of this and against the spirit of the constitution, the present government, under the influence of bureaucracy, has made multiple attempts to restrict civil society, discouraged NGO activists and created multiple hurdles in registration and renewal of NGOs/CSOs.





After the federal restructuring of the country, confusions ensued over overlapping roles to govern NGOs/CSOs. The Local Government Operation Act, 2017 requires NGOs/CSOs to work in close coordination with each local government by getting approved and aligning their activities with that of the concerned local governments. The NGOs/CSOs which work in multiple local government levels and districts have to go through multiple requirements and obligations. Besides, International Development Cooperation Policy, 2019 and other policies have largely constricted funding to CSOs in Nepal.

More recently, the Ministry of Home Affairs was assigned the responsibility of drafting an integrated law for social organizations to the Nepal Law Commission which came up with a draft bill that undermined international principles and disregarded the spirit of the Constitution and of Nepalese civil society. Although CSOs/NGOs should come under the constituency of the Ministry of Women, Children and Senior Citizens, the Ministry of Home has been taking control of the bill drafting process.

To this, Nepalese CSOs/NGOs have expressed their serious concern as the draft CSO Act requires anyone willing to register NGOs/CSOs to furnish character reports from Nepal Police, income details, etc. The bill has envisaged of multiple control mechanisms; this is ill-intended to control rather than facilitate civil society. In addition to this draft bill, the government is also in the process of introducing Nepal Media Council Bill and Bill on Mass Communications, and Information Technology Bill. They also reveal the government's intention to restrict freedom of association, assembly, expression and press, and civic space in general.

However, civil society campaign, lobby and advocacy has continued; as a result, the government has not yet been successful in introducing the legal acts as it intends. Hopefully, civil society campaigns in Nepal will be able to push the government for legal frameworks that foster human rights, support to implement the fundamental rights granted by the constitution and create an enabling and favorable environment for civil society. And, Nepalese CSOs/NGOs are determined to fight for what they want.

References: a) NFN documents b) AIN reports c) COS engagement and state of civil society in Nepal — Mukti Pokhrel d) ICNL Nepal reports e) Enhancing civic space in Nepal Dev Raj Dahal and f) Article — Dhaulagir vol 10. 2016

Recommendations:

1. Government should ensure the effective participation of CSOs during law making process and should follow the spirit of the new constitution
2. CSOs should be provided with roles, responsibilities and space as partners rather than being treated as rivals of governments.
3. The government should utilize the expertise of CSOs in service delivery, relief, recovery, social transformation, and economic development.

Proposed Civic Space Indicator(s)

National Indicators:

1. Extent of participation of CSOs/NGOs in institutional mechanisms and multi-stakeholder dialogue platforms with independent monitoring roles.
2. Availability of national policy / legal frameworks that enable civil society space and participation.

Global Indicator:

Availability of international policy / legal frameworks that enable civil society space and participation.

Summary of COVID-19 Emergency measures impacting on civic space in your country and CSO / government relations following the onset of the pandemic

The government has not adequately welcomed the CSOs to be a part of the response and relief program in Nepal. However, many CSOs have joined hands voluntarily together with local, provincial and national governments and networks to support the management of quarantine, isolation, relief and immediate responses. The CSOs have appealed for solidarity and are ready to work with the government to cope with the COVID-19 pandemic by mobilizing their resources, members, and volunteers.

It appears that Nepal Government has some realization of the need of CSOs/NGOs and their mobilization and has accordingly allowed these organizations to divert up to 50% of their ongoing program budget to COVID-19 response. Project approval for COVID-19 response process has been expedited. Apart from this, headed by National Human Rights Commission (NHRC), a multi-stakeholder human rights monitoring network has been established at the national level to monitor the human rights situation during the period of response against COVID-19 pandemic. Similar networks/committees are set up at the province and district levels. NGO Federation of Nepal, Federation of Nepali Journalists and Nepal Bar Association are also members of the network at all levels — national, province and district.

Nigeria Case Study

- ★ **Title of Case Study:** “*CIVIC SPACE REALITIES IN NIGERIA: Concerns about freedom of expression and the role of human right agencies in curbing the situation*”
- ★ **Membership of International / Regional organisations working on civic space issues:** Yes
- ★ **Own platform working directly on civic space issues:** Yes
- ★ **Most recent CIVICUS Monitor rating for your country:** Repressed (*as of December 4, 2019*)



General Information

Chapter 4, Section 39 of the constitution of Nigeria (1999) guarantees the freedom of expression and the press. Therein, “every person shall be entitled to freedom of expression, including the freedom to hold opinions and to receive and impart ideas and information without interference”. Although federal and state governments recognise this right, freedom of expression has been under attack. There are reported cases in which the right to speech and other expression have been abridged, with press freedom described as “partly free” due to the intimidation, harassment and detainment of journalists and individuals who criticize the government, mainly perpetrated by security services.

Case Study

The government of Nigeria has to protect the rights of its citizens as enshrined in chapter 4 of the constitution of Nigeria (1990). Since 2015, the Nigerian civic space has experienced various forms of restrictions which have stirred concerns. These restrictions are imposed on journalists, human rights activists, members of the opposition and citizens.

The increasing growth in the internet population has made people more vocal on social media. This has resulted to legislations aimed to control speeches, such as— the Digital Rights and Online Freedom bill (2017), the Protection from Internet Falsehood and Manipulation Bill-2019 (Social Media Bill) and National Commission for the Prohibition of Hate Speeches Bill-2019 (Hate Speech Bill) — have all triggered heated discontent across the polity, with repulse from civil society organisations. Also, with increased monitoring of social media posts, there are concerns on the powers provided by the Cybercrimes Act of 2015, used to arrest opponents and critics for alleged hate speech.

The whereabouts of a government critic (also a lecturer) remains unknown after his abduction from his home in Kaduna on August, 2019.⁸⁶ An undercover journalist went underground and vacated his residence on October 22, 2019, to avoid arrest by the Nigerian government after his investigation reports that exposed the rot in Nigeria police cells and prisons.⁸⁷

During the 2019 elections, Journalists were detained, harassed, and assaulted by security services while covering state elections, with some denied access to report on polling stations and forced to delete photographs.⁸⁸ Also, they were attacked when covering the rerun elections.⁸⁹

A journalist and founder of a News Outlet was arrested and detained by the Department of State Security on August 3, 2019, after he called for a nationwide protest against the government. He was released on bail on December 24, 2019, after disobeying two court orders that granted him bail.⁹⁰

86 <https://advox.globalvoices.org/2019/08/16/apprehension-rises-over-the-abduction-of-a-nigerian-government-critic/>

87 <https://guardian.ng/news/nigerian-authorities-plan-to-arrest-fisayo-soyombo-over-undercover-investigations/>

88 <https://cpj.org/2019/03/journalists-in-nigeria-detained-harassed-and-assau/>

89 <https://www.mfwa.org/country-highlights/two-journalists-attacked-during-polls-as-election-coverage-turns-dangerous-for-nigerias-media/>

90 <https://guardian.ng/news/fg-orders-sowore-dasukis-release-from-detention/>

The press has experienced attacks as a result of publications and their offices raided. On March 13, 2018, the police abducted a journalist working with Daily Trust, for allegedly publishing an advertorial, he was later released that same day. Another journalist with Daily Independent was arrested by the State Security Service on February 28 and released on March 6 without explanation.⁹¹ On December 17, 2018, the Nigerian Army called for the closure of the Amnesty International offices in Nigeria, alleging that the organisation is working hard to destabilise the country.⁹² On January 6, 2019, armed soldiers invaded two offices of the Daily Trust newspaper in Abuja and Maiduguri, arrested the regional editor and a reporter, and carted away computers and laptops for allegedly publishing a story on military operations in the North East. They were later released without charge.⁹³ On August 14, 2019, the police arrested a journalist alleged to have published a confidential report, forcing him to disclose the source of the article. He was later released on bail.⁹⁴ The same month, on 22nd a journalist and publisher of an online newspaper was arrested and faced trial over a publication alleging the Cross-River State Governor of funds diversion. He was released on bail on February 13, 2020.⁹⁵

On October 25, 2019, a journalist was released on bail after his detention on May 22, 2019, for alleged links to armed militancy in the Niger Delta. The publisher with the weekly source newspaper was first arrested in 2016 by the Bayelsa state security service and released two years after an intense campaign by activists and the media due to denied contact with his family or lawyer.⁹⁶

Some have been killed — As at January 15, 2020, a reporter working with the Federal Radio Corporation of Nigeria (FRCN) was found dead with his hands bound and his body macheted behind his office fence, after abduction from his home in Adamawa state.⁹⁷

With the outbreak of the COVID-19, there have been increasing cases of attacks on journalists covering the pandemic. On March 26, 2020, the Rivers State government sacked the general manager of the state's Newspaper Corporation because of a publication reported about the first COVID-19 case in the state without the approval of the Taskforce.⁹⁸

On March 28, 2020, security officers manhandled a Leadership newspaper correspondent covering an enforcement scene in a hotel.⁹⁹ On March 29, 2020, within the border between Rivers and Bayelsa state, the circulation vehicle of The Punch Newspapers was attacked and its tyres punctured on its way to distribute one of its titles to states in the south-south region.¹⁰⁰ On April 28, 2020, an online

91 <https://www.premiumtimesng.com/news/more-news/261678-how-nigeria-police-abducted-our-journalist-daily-trust.html>

92 <https://www.vanguardngr.com/2018/12/breaking-get-out-of-nigeria-army-warns-amnesty-international/>

93 <https://www.dailytrust.com.ng/breaking-armed-soldiers-invade-daily-trust-head-office-move-computers.html>

94 <https://www.premiumtimesng.com/news/headlines/280119-developing-story-nigerian-police-detain-premium-times-journalist-ask-him-to-disclose-his-source.html>

95 <https://allafrica.com/stories/202002180042.html>

96 <https://www.premiumtimesng.com/news/top-news/359466-breaking-sss-releases-nigerian-journalist-jones-abiri.html>

97 <https://punchng.com/gunmen-abduct-kill-adamawa-journalist/>

98 <https://www.pmnewsnigeria.com/2020/03/27/wike-sacks-states-newspaper-general-manager/>

99 <https://www.dailytrust.com.ng/journalist-attacked-as-security-seals-off-owerri-hotel-suspected-for-covid-19.html>

100 <https://punchng.com/soldiers-attack-the-punch-vehicle-stop-newspaper-circulation-to-ssouth-states/>





journalist covering violent enforcement of lockdown order was arrested by security officers and arraigned before a mobile court in Abuja on charges of obstructing the work of the task force.¹⁰¹

On April 2, 2020, police raided Journalists' Union Secretariat in Adamawa state and arrested 12 journalists including the state chairman of the union on the accusation of breaking the lockdown order. They were taken to the Special Anti-Robbery Squad's (SARS) detention facility and released within two hours with an apology as directed by the commissioner of police.¹⁰²

Human right agencies in Nigeria such as— the National Humans Right Commission (NHRC), Amnesty International and other civil society organisations, networks and coalitions; have been instrumental in tracking violations, creating awareness and seeking redress from the government, in collaborations with international agencies to ensure a free civic space. Also, helplines have been made available to the public especially during this pandemic to facilitate report of violations and hasten interventions by these agencies.

Recommendations:

1. Security services and other law enforcement agencies should be properly enlightened on the need to comply with the stipulations of the Nigerian constitution and other human right laws and standards in the enforcement of directives
2. The government should consult and enable civil society participation in the decision-making process especially in the promulgation of legislation
3. Awareness-raising should take place amongst citizens about their rights and responsibilities in a democracy

Proposed Civic Space Indicator(s)

- Amnesty International Annual Report
- Right to freedom of expression index and update
- Annual Press freedom index
- CIVICUS rating

Summary of COVID-19 Emergency measures impacting civic space in your country and CSO/ government relations following the onset of the pandemic The Nigerian government has imposed restrictive and mitigating measures to contain the spread of the disease. Social distancing policies were introduced and the ban of mass gathering of over fifty (50) persons,¹⁰³ the state governments enforce this policy at various levels.¹⁰⁴ Alleged press restriction trail as the Presidency barred certain media houses from covering its activities to limit the number of people at a gathering.¹⁰⁵

101 <https://dailytimes.ng/lockdown-abuja-mobile-court-convict-journalist-to-6hours-community-service/>

102 <https://guardian.ng/news/sars-invade-adamawa-nuj-brutalise-journalists/>

103 <https://fmic.gov.ng/speech-by-boss-mustapha-sgf-presidential-task-force-on-covid-10-pandemic/>

104 <https://www.vanguardngr.com/2020/03/covid-19-lagos-bans-gatherings-of-over-20/>

105 <https://www.theexpressng.com/2020/03/25/punch-others-barred-from-covering-presidential-villas-activities/>

On March 29, 2020, a presidential order was given on a 14-day cessation of movement in Abuja, Lagos and Ogun State to reduce the spread of COVID-19. Although, hospitals and medical institutions and some commercial establishments in the food, energy, petroleum, and security sectors were exempted from the lockdown.¹⁰⁶ Other state governors instigated lockdown in their various capacities and further agreed on a ban of interstate movement on April 23, 2020, permitting only essential services,¹⁰⁷ as further contained in the proclamation order signed by the president on April 27, 2020.¹⁰⁸ On April 13, 2020, the lockdown was extended by two weeks,¹⁰⁹ and was eased in some states on May 4, 2020, with the imposition of overnight curfews and other implementation guidelines.¹¹⁰

Notably is the excessive use of force by State agents to enforce the lockdown. The security forces were deployed for contact tracing of persons suspected to have contacted the virus but do not voluntarily show up for testing.¹¹¹ Also, these security forces (police, army and task force) were deployed at various states to enforce various lockdown regulation.¹¹² However, this enforcement has unfortunately led to increased human right violations at both National and state level, ranging from extra-judicial killings, violation of the right to freedom of movement, unlawful arrest and detention, seizure / confiscation of properties, discrimination, torture, inhumane and degrading treatment and extortion, among others as captured by the National Human right Commission — NHRC.¹¹³

In reaction to the human right violations, the Presidency urged security agencies to continue to maintain utmost vigilance, firmness as well as restraint in enforcing the restriction orders while not neglecting statutory security responsibilities.¹¹⁴ Also, help lines to report violation cases were made available to the public by the army / police and the National Human Rights Commission.

Peru Case Study

- ✦ **Title of Case Study:** “*RESTRICTIONS ON THE FREEDOM OF ASSOCIATION OF CIVIL SOCIETY ORGANIZATIONS IN PERU IN THE AREA OF FINANCIAL PROVISIONS*”
- ✦ **Platform working directly on civic space:** Yes
- ✦ **Membership of international pr regional organisations working on civic space:** Yes
- ✦ **Most recent Civic Space monitoring of your country:** Obstructed

106 <https://www.today.ng/opinion/president-buharis-speech-coronavirus-pandemic-full-text-288983/amp>

107 <https://www.voanews.com/africa/nigerian-governors-ban-interstate-movement-contain-coronavirus>

108 <https://punchng.com/covid-19-buhari-signs-fresh-proclamation-order/>

109 <https://www.cnbcfrica.com/coronavirus/2020/04/13/covid-19-nigeria-extends-lockdown-by-two-weeks-in-lagos-abuja-ogun-states/>

110 <https://www.premiumtimesng.com/coronavirus/390166-just-in-buhari-extends-lockdown-in-lagos-abuja-ogun-by-one-week.html>

111 <https://www.vanguardngr.com/2020/03/coronavirus-we-will-use-army-police-for-contact-fg/>

112 <https://punchng.com/lagos-rivers-six-others-to-use-force-to-compel-partial-lockdown-as-soldiers-airforce-men-naval-officers-police-begin-patrol/>

113 https://www.nigeriainights.gov.ng/nhrc-media/press-release/104-report-of-alleged-human-rights-violations-recorded-between-13th-april-to-4th-may-2020-following-the-extension-of-the-lockdown-period.html?fbclid=IwAR0pMV95R-JBG_XvKqgMK3phY1-01nOTpyHxEPZCf6IOPT5I778ndKTE0nQ

114 <https://twitter.com/MBuhari/status/1249763351183470592?s=20>



Case Study



There are restrictions on the right to freedom of association in Peru that affect civil society organizations, as a result of regulations and policies implemented by the Government of Peru on the prevention of money laundering and terrorism funding, which go against SDG16 aimed at “protecting fundamental freedoms” in accordance with international human rights standards and national human rights laws.

According to the latest Mutual Evaluation Report prepared by the Mission of the Financial Action Task Force for Latin America for the period 2017/2018 within the framework of the IV Round of Mutual Evaluation, the current regulations for non-profit organisations in Peru cover this entire sector, which goes beyond those required by the recommendations of the Financial Action Task Force (FATF).

In 2012, the FATF issued 40 recommendations which constitute a scheme of measures or standards that countries should implement to combat money laundering and financing of terrorism by means of measures adapted to their particular circumstances. In fact, FATF Recommendation 8 applies only to those non-profit organisations which fall within the definition of the term established by the FATF. It does not apply to the entire spectrum of non-profit organisations.

In this sense, the recent amendments introduced in the regulations in Peru through the Legislative Decree 1249 and its regulations are not compatible or proportional to Recommendation 8 or to the risks identified through a risk-based approach as indicated by the international standards. It is therefore necessary to complement and establish new legislative measures in order to comply with Peru’s obligations under the United Nations Charter, especially with respect to the right to freedom of association.

Any new regulation should not disrupt or discourage the activities of non-profit entities. Legal measures to be undertaken to this end should, to the extent reasonably possible, avoid causing negative impacts on the beneficiaries of the activities.

According to the survey conducted by ANC between August and September 2019, in relation to the financial risks suffered by civil society organizations due to bank practices, it was found that:

- ❖ 67% of nonprofit organizations are required to fill out more forms or affidavits to open a bank account.
- ❖ 57% require original institutional documentation from their donors to open a bank account.
- ❖ 41% are also required to have documentation from their donors to authorize bank transfers.
- ❖ 61% are subjected to long waiting times for the opening of a bank account.
- ❖ 34 % of them require the approval of various Bank departments just to open a bank account

Furthermore, banks do not respond in writing to complaints. None of the identified issues have been overcome so far. For one sector of nonprofit organizations, financial risk-averse practices by banks have meant a paralysis of projects and a real threat to contract closure due to the damage caused to donors.

Recommendations:

1. The Peruvian government should amend, by means of a legislative decree, sub-paragraph 2 of Article 3.2 of Act No. 29038, as amended by Legislative Decree 1249, to bring the definition of a non-profit organisation into line with FATF Recommendation 8.
2. The Peruvian Superintendency of Banks, Insurance and Private Pension Funds should modify paragraph 36 of Article 3 of Superintendent's Resolution 789-2018, adapting the definition of a non-profit organisation to FATF Recommendation 8; and abrogate Article 43 of the same Superintendent's Resolution 789-2018.

In addition, it must issue a Resolution for banks to comply with certain protocols to reduce the financial risk aversion of non-profit organizations.

Recommended Indicators for Civic Space:

1. Number of amended regulations at the national level negatively impacting civic space.
2. Number of statements issued by intergovernmental or international bodies against measures affecting civic space.

Spain Case Study

- ★ **Title of Case Study:** “*Five years of the Gag Law*”
- ★ **Member of international / regional organizations working on civic space issues:** Yes
- ★ **Platform working directly on civic space issues:** Yes
- ★ **Civicus Monitor rating of your country:** Narrowed

Case Study

There is a shrinking of civic space, criminalisation of protests and persecution of human rights defenders in Spain. As confirmation of this trend, five years ago, in the midst of a climate of strong social response to the austerity measures adopted during the 2008 crisis, the Law for the Protection of Citizen Security, known as the Gag Law, was approved.

The Gag Law has reconfigured the possibilities of protesting in public space. The law contains many undefined legal concepts, which, added to the authorities' subjectivity in establishing sanctions - which are often excessive and disproportionate - and the absence of mechanisms to prevent abuses, increases the margin of discretion of the State Security Forces in their interventions regarding citizens' protection, and leads to significant legal uncertainties that directly affect all citizens.

Despite the fact that it was approved only with the votes of the conservative party, with all the opposition against it, and that several parliamentary groups had promised to repeal the law, after successive elections, it remains unchanged. The derogation has not come, nor has the reform of the articles that undermine the most the exercise of fundamental rights and freedoms.





During the first four years of its implementation, 104,601 sanctions were imposed, according to the Ministry of the Interior (and more than 37 million euros were collected), punishing the exercise of civil rights in public space: freedom of assembly, expression and access to information.

Another major criticism of the law, in relation to the Criminal Code reform carried out in parallel, is that it has eliminated misdemeanors and converted them, in most cases, into administrative offences, depriving alleged offenders of access to effective and immediate judicial protection, the principle of presumption of innocence and other guarantees associated with criminal proceedings.

This law may impose a penalty of up to 30,000 euros on those who, for various reasons, are forced to carry out their daily activities in the street, such as people who engage in prostitution or the homeless.

The fact that misdemeanors become crimes, with penalties that can be replaced by economic sanctions, will drag into prison those who, due to insolvency, cannot afford to pay for them.

A year ago, the director of Amnesty International Spain, Esteban Beltrán, declared: “The Gag Law is a real threat in Spain to freedom of expression and the rights to peaceful assembly and access to information. For four years it has been used against hundreds of journalists as they attempt to document abuses, thousands of activists defending the right to housing or the environment and tens of thousands of people who have been fined for peaceful demonstrations or protests.

In response to a vision of public safety that leads to a deterioration of freedoms and rights by restricting civic and democratic spaces, Futuro en Comun appeals to the concept of human security, which seeks to ensure the safety of people through the respect of freedoms and the absence of fear. Insecurity is also generated when part of the population does not have its basic needs covered (housing, a decent residence for the elderly, quality health care, an uncontaminated environment or a guaranteed minimum income) or when it is afraid of threats or repression when taking part in civic spaces.

Recommendation

Ensure people’s safety through respecting freedoms without any fear

Recommended civic space indicators:

1. Number of people who have been arrested during a year due to restrictive laws,
2. Number of fines / penalties imposed on people who were protesting on the street in a given year

The Impact of COVID-19 on civic space in Spain

The great impact of the COVID-19 pandemic in Spain has justified the declaration of a state of alarm and the extraordinary measures adopted to try to stop it, including restrictions on rights and freedoms. However, according to official data, since the beginning of the state of alarm and until the beginning of May, more than 740,000 sanctions had been registered under the Gag Law (almost

as many as in its first four years of enforcement), and groups such as No Somos Delito report that there have been numerous complaints from social networks, organizations and social movements of disproportionate, unnecessary and discriminatory practices by the authorities, having increased police controls by racial profiling in the neighborhoods where the immigrant population rate is higher. As an example of this, we can highlight what has happened in the San Francisco district of Bilbao, in the Lavapiés district of Madrid or in the Gothic district of Barcelona.

Slovenia Case Study

- ✦ **Title of Case Study:** “*Slovenia: enabling or disabling environment for civic dialogue?*”
- ✦ **Membership of International / Regional organisations working on civic space issues:**
Yes
- ✦ **Own platform working directly on civic space issues:** Yes
- ✦ **Most recent CIVICUS Monitor rating for your country:** Open

Case Study

Freedoms of assembly, association and expression are constitutionally guaranteed rights¹¹⁵ in Slovenia. Slovenia is considered as open civic space according to the CIVICUS Monitor.¹¹⁶ The CIVICUS monitor assesses that “Slovenia has an extensive civil society, with relatively high levels of volunteering.” It further establishes that “There are institutionalised processes to involve CSOs, particularly trade unions, in policy-making in several fields; however, guidelines that relevant CSOs should always be involved in policy formulation seem to be ignored more than they are observed.” Participation in legislative processes is ensured by the Resolution on Legislative Regulation¹¹⁷ (2009) which provides that each draft regulation should be subject to a public discussion for a period of minimum 30 days. The national NGO umbrella network, CNVOS, monitors on weekly basis the implementation of the aforementioned Resolution.¹¹⁸ According to the non-compliance monitor (*Števec kršitev*), the current Government (which assumed its function on 13 March 2020) has not complied with the Resolution provisions in 43 out of 67 regulation processes (data of 8 June 2020).¹¹⁹

In 2013, the Strategy for the Development of NGOs and Volunteering until 2023¹²⁰ was adopted, with its main aims being the establishment of supportive, enabling environment for development of NGOs, including long-term funding for NGOs, to strengthen the role of NGOs in policy formulation and policy implementation processes. Already in 2012, the Government Council for the Promotion of the Development of Volunteering, Voluntary Organizations and NGOs (advisory body with

115 Official Gazette of the Republic of Slovenia, Nr. 33/91-I, 42/97, 66/00, 24/03, 69/04, 68/06, 47/13 and 75/16.

116 Available at: <https://monitor.civicus.org/updates/2017/01/01/slovenia-overview/>.

117 Official Gazette of the Republic of Slovenia, Nr. 95/09.

118 CNVOS: *O števcu kršitev*. Available at: <https://www.cnvos.si/nvo-vseved/stevec-krsitev/o-stevcu-krsitev/>.

119 CNVOS: *Števec kršitev*. Available at: <https://www.cnvos.si/stevec-krsitev/>.

120 Available at: <https://www.gov.si/assets/ministrstva/MJU/SNVO/Prostovoljstvo/b54fd6b72e/Strategija-razvoja-NVO-in-prostovoljstva.pdf>.





membership of CSOs and ministries representatives) was established.¹²¹ The NGOs Act¹²² (2018) outlines the enabling environment for NGOs, to strengthen the contribution of NGOs to social well-being, cohesiveness, solidarity, democratic pluralism and sustainable development. The Act also defines the horizontal NGO network (CNVOS), regional NGO hubs and thematic NGO networks (SLOGA being among them) as subjects of a supportive civil society environment. With the exemption of two thematic NGO networks, the majority of them do not have long-term, programmatic public funding ensured. The challenge of limited financial and human resources is identified also by the CIVICUS Monitor.¹²³

In the field of international development cooperation, development NGOs (NGDOs) are recognized by relevant bodies as a partner in planning, implementing and monitoring the development cooperation and humanitarian aid policies, as well as in awareness raising and global (citizenship) education. To further strengthen and coordinate the collaboration, Ministry of Foreign Affairs, the Guidelines on Cooperation between the Ministry of Foreign Affairs of the Republic of Slovenia, NGOs and the Network of NGOs in the field of International Development Cooperation and Humanitarian Aid¹²⁴ have been developed in 2013, certainly representing a good practice.

Despite the assessment of Slovenia as open civic space by CIVICUS Monitor, there have been instances of pressure on NGOs. Environmental defenders and environmental NGOs advocating for quality environmental impact assessment processes in the case of Canadian automotive giant Magna Steyr building a paint shop near Maribor in 2016 have been publicly labelled as eco-terrorists by the then (and current) minister of economic Zdravko Počivalšek.¹²⁵ A human rights NGO (Legal Information Center for Non-Governmental Organizations — *Pravno-informacijski center nevladnih organizacij* — PIC) was in 2018 targeted by the then minister of internal affairs Vesna Györkös Žnidar.¹²⁶ The environmental NGOs have been under attack of the current Government also during the current COVID-19 crisis, with their right to take part in procedures involving integrated building permits¹²⁷ being limited under the legislation package to tackle the corona crisis — despite the fact that “these specific provisions have no direct effect on coping with the COVID-19 crisis”.¹²⁸

121 More information available at: <https://www.gov.si/zbirke/delovna-telesa/svet-vlade-republike-slovenije-za-spodbujanje-razvoja-prostovoljstva-prostovoljskih-in-nevladnih-organizacij/>.

122 Official Gazette of the Republic of Slovenia, Nr. 21/18.

123 Available at: <https://monitor.civicus.org/updates/2017/01/01/slovenia-overview/>.

124 Available at: https://www.gov.si/assets/ministrstva/MZZ/Dokumenti/multilateral/razvojno-sodelovanje/e97207a3df/Smernice_za_sodelovanje_z_NVO-na-podrocju-MRS.pdf.

125 See SloveniaTimes, <http://www.sloveniatimes.com/daily-vecer-magna-investment-hostage-to-political-games>; and Delo (2016): Omejiti ekoteroriste in državne bedarije. Available at: <https://www.delo.si/gospodarstvo/podjetja/omejiti-ekoteroriste-in-drzavne-bedarije.html>.

126 The minister accused NGOs of “extremely controversial practices” of allegedly supporting migrants to irregularly enter Slovenia. The allegations stemmed from PIC alerting the Human Rights Ombudsman about the police returning asylum-seekers en masse to Croatia without their application for asylum having been properly examined. See: Civic Space Watch (2018): SLOVENIA: New government open to civil society, pressure on CSOs working with migrants persist. Available at: <https://civicspacewatch.eu/slovenia-new-government-open-to-civil-society-pressure-on-csos-working-with-migrants-persist/>.

127 Only environmental NGOs with obtained status of public interest for environmental protection and nature conservation (granted and regularly assessed by the line ministry) have the right to participate in the procedures.

128 Civic Space Watch (2020): SLOVENIA: new government takes rights from environmental and nature conservation NGOs. Available at: <https://civicspacewatch.eu/slovenia-new-government-takes-rights-from-environmental-and-nature->

There have been other instances of pressure of the current Government on civil society, attempts to withdraw already guaranteed funding for NGO projects,¹²⁹ hate campaigns against critical journalists,¹³⁰ and restricted spaces for cultural civil society organisations.¹³¹

Recommendations:

Slovenia should develop legislation and effective protection mechanisms for human rights and environment defenders and whistle blowers, to ensure full implementation of the Declaration on Human Rights Defenders (General Assembly Resolution A / RES / 53 / 144).

Vital and well-developed civil society represents a crucial part of democratic societies, therefore Slovenia should ensure adequate and sustainable programmatic funding for civil society support mechanisms (horizontal NGO network, regional NGO hubs and thematic NGO networks), to promote further development of the civil society sector and strengthen the civic dialogue.

Proposed Civic Space Indicator(s)

National level indicator: share of legislative / policy development processes with CSO engagement.

Global level indicator: number of countries with legislation and effective protection mechanisms for human rights and environment defenders and whistle blowers.

Summary of COVID-19 Emergency measures impacting on civic space in your country and CSO / government relations following the onset of the pandemic

Budget cuts are expected in the aftermath of the pandemic, likely manifesting in budget cuts for NGOs. Simultaneously with the outset of the COVID-19 epidemic in Slovenia, a new Government has assumed its position. The Prime Minister Janez Janša has previously been critical of NGO funding and of journalists.¹³² There have been instances of pressure of the current Government on civil society, including limiting the right of environmental NGOs to take part in procedures involving integrated building permits,¹³³ attempts to withdraw already contracted funding for NGO

[conservation-ngos/](#).

129 Liberties (2020): Slovenia: New Government Targeting NGOs and the Media. Available at: <https://www.liberties.eu/en/news/new-slovenian-government-targeting-ngos-and-media/19141>.

130 Reporters without Borders (2020): Slovenia: Trump's disciple attacks journalists and introduces a systemic change. Available at: https://rsf.org/en/news/slovenia-trumps-disciple-attacks-journalists-and-introduces-systemic-change?fbclid=IwAR1nDeV_NQIWNsjmRmm1yPeFu2KO-vsKZT-WDDiWksNKWySld6OOy4wSoc.

131 Monitor (2020): Centre-right party leader becomes Prime Minister raising concerns for civic space. Available at: <https://monitor.civicus.org/updates/2020/03/17/centre-right-party-leader-becomes-prime-minister-raising-concerns-civic-space/>.

132 Monitor (2020): Centre-right party leader becomes Prime Minister raising concerns for civic space. Available at: <https://monitor.civicus.org/updates/2020/03/17/centre-right-party-leader-becomes-prime-minister-raising-concerns-civic-space/>.

133 Civic Space Watch (2020): SLOVENIA: new government takes rights from environmental and nature conservation NGOs. Available at: <https://civicspacewatch.eu/slovenia-new-government-takes-rights-from-environmental-and-nature-conservation-ngos/>.





projects,¹³⁴ hate campaigns against critical journalists,¹³⁵ restricted spaces for cultural civil society organisations.¹³⁶

Singapore Case Study

- ✦ **Title of Case Study:** “*Jolovan Wham’s infringement of the Public Order Act*”
- ✦ **Membership of International / Regional organisations working on civic space issues:** Yes
- ✦ **Own platform working directly on civic space issues:** Obstructed

Local social worker and human rights activist Jolovan Wham was summoned to the Police Station on the afternoon of 24 May 2020 to assist in the investigation into his alleged infringement of the Public Order Act. He was found to be holding up a cardboard placard with a drawing of a smiley — two dots and a curve underneath outside the Toa Payoh Central Community Club about 2 months ago. He took the photo of himself doing it and uploaded it to his social media account. He explained that he did this to express solidarity with a climate action activist who had posed and posted photos of himself with a cardboard placard earlier and was subsequently “taken into police custody for questioning and had his phone and laptop seized in the process”. Jolovan left immediately after taking the photo of himself.

The Public Order Act (Chapter 257A) 2 defines “assembly” to mean a gathering of meeting (whether or not comprising any lecture, talk, address, debate or discussion) of persons the purpose (or one of the purposes) of which is—

- (a) to demonstrate support for or opposition to the views or actions of any person group of persons or any government;
- (b) to publicise a cause or campaign; or
- (c) to mark or commemorate any event,

and includes a demonstration by a person alone for any such purpose referred to” in the above contexts.

This effectively curtails any practical form of expression of an individual, even when it is done alone and without participation from anyone. Jolovan’s “assembly” was probably over in a few seconds, what public impact could that have? Even if he puts it on his social media, how is it different from the millions of people

134 Liberties (2020): Slovenia: New Government Targeting NGOs and the Media. Available at: <https://www.liberties.eu/en/news/new-slovenian-government-targeting-ngos-and-media/19141>.

135 Reporters without Borders (2020): Slovenia: Trump's disciple attacks journalists and introduces a systemic change. Available at: https://rsf.org/en/news/slovenia-trumps-disciple-attacks-journalists-and-introduces-systemic-change?fbclid=IwAR1nDeV_NQIWnsjsmRmm1yPeFu2KO-vsKZT-WDDiWksNKWySld6OOy4wSoc.

136 Monitor (2020): Centre-right party leader becomes Prime Minister raising concerns for civic space. Available at: <https://monitor.civicus.org/updates/2020/03/17/centre-right-party-leader-becomes-prime-minister-raising-concerns-civic-space/>.

who take selfies in public places to express an opinion or advance a point of view? The laws define what constitutes publicity for a cause or campaign too broadly and puts excessive restrictions on citizens. The caveat at the end that defines “assembly” to include “a demonstration by a person” goes against any natural understanding of what an assembly is — a person just cannot assemble by her/himself.

Such a restriction goes against the right to freely associate and prevents like-minded people from expressing solidarity and empathy for each other. If (a) was applied as it stands, does it mean that any person who express outrage at the Third Reich is also punishable by the same law? Citizens cannot then communicate support for the atrocities of despot or condemn the outrage of humanity committed by any government?

International law, like the Article 22 of the International Covenant on Civil and Political Rights (ICCPR), has provisions for when intervention by the state is justified in acting to restrict the freedom of citizens on grounds of national security, public safety or public order; the protection of public health or morals; or the protection of the rights and freedoms of others. As can be seen in the case of Jolovan, none of the scenarios or conditions for intervention applies.

Recommendations:

Proposed Civic Space Indicator(s)

Media Freedom Index: Index showing the number of restrictions in place for diverse groups to register as unions, societies, organisations etc. including groups like LGBTIQ, and migrant worker’s unions/representative organisations

Samoa Case Study

Samoa is the first Pacific Island country to achieve its independence in 1967 with an estimated population of 200,000. Samoa is a unitary state and has been a member of the United Nations since 1976.

- ✦ **Title of Case Study:** “*Demands for Accountability and Transparency*”
- ✦ **Most recent civic space rating for country by Civicus Monitor:** Open
- ✦ **Member of national or regional organisations working on civic space:** Yes

Case Study

There have been calls for a national commission of inquiry into the measles outbreak in October 2019. In January 2020, the Prime Minister Tuilaepa Sailele Malielegaoi slammed the Samoa Observer newspaper for criticizing the Legislative Assembly to which a blogger was jailed for insulting the Prime Minister. An anti-vaccination critic has been arrested for labelling vaccination as the greatest crime against Samoan people.



Freedom of Expression



Calls for inquiry into disease outbreak rejected

At the end of December 2019, Samoa lifted a six-weeks state of emergency after the infection rate from a measles outbreak that swept the country. The nation had been gripped by the epidemic killing 83 people, most of which were babies and young children and affected more than 5,600 others. There have been calls for a national commission of inquiry into how the measles epidemic had spread so quickly across the country. Among those making the call included Mata'afa Keni Lesa, editor of the Samoa Observer. He said: *"In any normal democracy hit by a crisis of this magnitude where lives are lost, a Commission of Inquiry naturally follows. It's part of good governance; it's about accountability and transparency."*¹³⁷

Samoaan Opposition parliamentarian Olo Fiti Va'ai also demanded an inquiry, saying that "the government did not have an epidemic plan in place before the outbreak in October"¹³⁸. Medical academic Toleafoa Dr Viali Lameko, from Oceania University of Medicine, said he believed most doctors were backing this call.

Health workers, government and ministry of health sources — including those involved in the measles emergency response programme - told *The Guardian* the situation was mishandled from the start. Many did not wish to be named for fear of losing their jobs, however Samoa's Prime Minister Tuilaepa Sailele Malielegaoi has rejected these calls as a waste of time and a waste of government's money.

Prime Minister attacks newspaper over criticism of media ban

In January 2020, the prime minister attacked the Samoa Observer, accusing the daily newspaper of being "nosy,"¹³⁹ spreading "lies"¹⁴⁰ and employing "kids"¹⁴¹ whose writing, he says, is misleading the public.

Tuilaepa issued his attack in response to the Samoa Observer's coverage of the Legislative Assembly's decision to ban the media from pre-Parliament briefings. Tuilaepa said the Samoa Observer liked to meddle in things it had no business being involved in. He said that the newspaper wanted to be the first to report on laws.

Tuilaepa also accused "newspapers"¹⁴² of spreading misinformation and stated that the media was only interested in negative stories. A Samoan blogger was jailed for seven weeks for defaming the Prime Minister. Malele Atofu Paulo, popularly known as King Faipopo, was sentenced in the Apia District Court on 25th October 2019.

137 <https://monitor.civicus.org/updates/2020/01/31/demands-accountability-and-transparency-over-measles-outbreak-samoa/>

138 ibid

139 ibid

140 ibid

141 ibid

142 ibid

His lawyer, Unasa Luni Sapolu, said the judgement was unfair because King Faipopo had only called Prime Minister Tui'laepa Sailele Malielegaoi a coward.¹⁴³ As previously documented, in 2017 the Samoan parliament unanimously voted to revive its criminal libel law after the prime minister said it is needed “to fight ghostwriters and troublemakers,”¹⁴⁴ despite opposition from media freedom advocates.

Police arrest vaccination critic

In December 2019, the authorities arrested an anti-vaccination campaigner. Edwin Tamasese who was charged with incitement against a government order. The measles outbreak since October 2019 is in part blamed on people spreading false information, claiming vaccinations are dangerous. Samoa declared a state of emergency and made vaccinations compulsory.

Tamasese had spoken out against vaccines on Facebook, instead promoting the use of ineffective remedies such as papaya leaf extract to treat the deadly illness. Before his arrest, he had described the government's mass vaccination programme as “the greatest crime against our people”,¹⁴⁵ and falsely claimed vitamin C could cure the infected children. He has since been released on bail.

Recommendations:

1. It is recommended that the Government of Samoa invokes a commission of Inquiry to be able to give a transparent answer to the questions raised by the public.
2. It is recommended that Samoa establishes an independent human rights commission that would assure the upholding of human rights values at all times.

Proposed Civic Space Indicator(s)

Indicator 16.10.2: Number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information — The government should work towards a bill of rights that ensures the rights of all Samoans upheld with human rights based approaches.

Indicator 16.a.1: Existence of independent national human rights institutions in compliance with the Paris Principles- Samoa should immediately create a National Human Rights Commission.

Summary of COVID-19 Emergency measures impacting on civic space in your country and CSO/government relations following the onset of the pandemic

After the 2018 measles outbreak in Samoa which resulted in the loss of 83 lives. The government of Samoa took stringent measures to curb the Coronavirus, while still dealing with the intense criticism

143 ibid

144 ibid

145 ibid





of its handling the measles epidemic. The first measure was when the Samoan Government ramped up security measures at ports and prevented 8 of its citizens from entering Samoa and into forced quarantine in Fiji.

On 21 March, 2020 “COVID-19 State of Emergency Orders”, which came into force. On 20th April, 2020 Radio New Zealand reported that approximately 300 people were arrested for violating the orders in Samoa. The order also closed the Samoan border to all foreigners except returning Samoan citizens. Restrictions were placed on public gatherings to a total of five.

United Kingdom Case Study

- ✦ **Title of Case study:** “*Restrictions on public protest in the UK*”
- ✦ **Membership of international and regional organisations working on civic space:** Yes
- ✦ **Most recent rating by Civicus Monitor for your country:** Narrowed

Case Study

The UK is one of the oldest parliamentary democracies in the world, yet over the past decade successive UK governments have introduced a series of restrictions on the right to freedom of association and assembly that have made it harder for civil society organisations to campaign.

These include increased restrictions on campaigning during elections, the introduction of anti-advocacy clauses in government grants and contracts, changes to judicial review making it harder for organisations to hold the powerful to account through the courts, and constraints on public protest. Together, these restrictions have created a climate where people are more reluctant to speak out.

Over the past year, several restrictions have been placed on public protest in the UK. In 2019, a wave of environmental protests took place, led by the campaign group Extinction Rebellion, which brought parts of central London and other major cities to a standstill. In October 2019, the Metropolitan Police introduced a blanket ban across London to prohibit any assembly of more than two people linked to Extinction Rebellion, under Section 14 of the Public Order Act. Two senior judges later ruled that the decision to impose the ban was unlawful.

In January 2020, it was revealed that police forces had added Extinction Rebellion and several other legitimate campaign and protest groups, working on issues such as climate change and animal welfare, to a counter-terror list alongside neo-Nazi organisations. The document was used as part of the Prevent programme, an anti-radicalisation scheme designed to identify those at increased risk of involvement in terrorism.

Police forces and private companies are increasingly using live facial recognition technology to monitor people at protests and events such as football matches and music festivals. These cameras scan personal biometric data without consent and may discourage people from taking part in legitimate activities such as peaceful protests. There is no law regulating its use, and an

independent review of one trial criticised police for failing to consider the impact of the technology on human rights.

The Government is also considering changing the law on trespass in England, turning it from a civil to a criminal offence. The proposed law would give the police new powers to arrest and seize property and vehicles. The biggest impact will be on the Gypsy and Traveller community in the UK, but it will also criminalise protest camps, such as those at fracking sites.

This follows the increased use of wide-ranging injunctions by private companies designed to stop peaceful protests against the fracking industry, many of which have been found to be unlawful on human rights grounds.

Civil society organisations have successfully challenged many of these restrictions through the courts. However, the government is considering further changes to judicial review, which will make it harder for ordinary people and the charities and other organisations that support them to use the courts to defend rights such as the right to freedom of association and assembly.

Recommendations

To UK government:

- Scrap proposed changes to trespass laws, halt the roll out of live facial recognition technology and introduce legislation governing its use.

To UN member states

- Take measures to ensure police and security forces protect the right to freedom of association and assembly, and to make judicial review accessible to all.

Proposed civic space indicators

- Number of countries that adopt and implement constitutional, statutory and/or policy measures that promote and protect the right for citizens to engage in peaceful protest.
- Number of countries where national civil society organisations report that peaceful protests have taken place without undue interference by police and security forces or other state bodies.

Impact of COVID-19 on Civic Space

In March 2020, the UK Government passed the Coronavirus Act, which gives the police powers to detain and hold people they think could be infectious, restrict public events and gatherings, and impose travel restrictions. The Act includes a sunset clause, which requires the measures to be reviewed after six months, and can then be renewed for a further six months. This review must be informed by expert evidence on the public health situation and is an important safeguard.

However, UK human rights groups have called for further clarity on what is law and what is public health advice. They have pushed for an amendment stating that the use of these powers must





always remain ‘necessary, proportionate and non-discriminatory’ and to place a duty on the relevant ministers to provide a statement including detailed, robust reasons for the exercise of the powers within where they impact on human rights.

Zambia Case Study

- ✦ **Membership of international / regional organisations working on civic space issues:** Yes
- ✦ **Own platform working on civic space issues:** Yes
- ✦ **Most recent Civicus monitor rating for your country:** Obstructed

Case Study

Zambia has earned a reputation as one of the continent’s most stable democracies ever since the emergency of multi-party democracy over 30 years ago. However, in the recent past, various stakeholders have indicated that this tradition is now under serious threat, with attacks on freedoms of expression, associations and peaceful assembly increasing rapidly. This is even more when heading towards an election year and during as well as post-election periods

Civic space in Zambia is heavily contested by power holders, who impose a combination of legal and practical constraints on the full enjoyment of fundamental rights. The most violated fundamental right that has been experienced by civil society organisations in Zambia is the ***Freedom of peaceful assembly***. Although civil society organisations exist, State authorities undermine them, including using illegal surveillance, bureaucratic harassment and demeaning public statements. The government of the republic of Zambia has to a greater extent abused the Public Order Act which is often used as a tool to deter Civil Society Organisations and other non-state actors that are perceived to dissent from the government from gathering. These infringe on citizens’ right to assembly, share information and express their views. One case in point, on 19th October 2018, five pastors and three NGO staff members were arrested by the police in the Copperbelt Province of Zambia using the Public Order Act provisions for unlawful assembly. It was reported that, “the arrested had convened an indoor meeting of faith leaders to discuss the 2019 National Budget and debt crisis in Zambia.”

The militarization of political party cadres has led to major human rights violations on freedoms of assembly in Zambia. Ruling party cadres have committed crimes with impunity which includes assault, property grabbing and disruptions of legally convened meetings and gatherings. In the recent past, in February, 2020 Patriotic Front cadres stormed Intercontinental Hotel and brought to an abrupt end a Law Association of Zambia-organised public discussion on Constitutional Amendment Bill number 10 of 2019. Bill 10 has been a subject of discussion for some time now owing to its wide rejection by many stakeholders for its draconian nature and an alleged attempt to tamper with the constitution in what is widely believed by many stakeholders to be the government’s move to safeguard its interest for the 2021 elections. For example, the Law Association of Zambia contended that “Parliament must not hold proceedings on the Constitution Amendment Bill no. 10. However, at the height of the COVID-19 pandemic and following the national statutory instruments

issued by the ministry of health to restrict gatherings to not more than 50 people, the minister of Justice swiftly took the bill to parliament for second reading. ZCSD alongside other interest groups were prevented by parliament from following the proceedings through the stranger's gallery with the same SI cited as the reason for preventing the public from parliament. Instead the public was advised to follow proceedings through radio and television. Previously, Chapter One Foundation had petitioned the Constitutional Court to declare that "the Constitution Amendment Bill 10 of 2019 a violation of national values and principles in the Constitution." However, the court threw out the petition.

Another case of unlawful assembly involves the arrest of Fumbe Chama and Bornwell Mpundu in Livingstone who were conducting community civic education activities. This led to a further arrest of another activist Laura Miti who had gone to visit the two colleagues who were arrested and denied bond. Meanwhile, a number of stakeholders raised concern over the arrest of the trio. A joint CSO statement demanding their immediate release asserted that, "Their arrest was unwarranted, illegal and an assault not only on the constitutionally guaranteed fundamental freedoms and liberties enshrined in the bill of rights of the Zambian constitution but also to the survival of democracy. The constitution amendment act number 2 of 2016 under article 193 (e) mandates the police to uphold the bill of rights which include article 20 and 21 providing for freedom of expression, association and assembly respectively. Clearly, the police have also veered from its constitution functions and responsibilities of upholding the bill of rights. This is unacceptable" read the joint statement.

The lack of clarity on what constitutes unlawful assembly has been used by governments to deter people's enjoyment of peaceful assembly to discuss matters of national interest and other development related issues.

Recommendations

1. We recommend that the United Nations and governments be held accountable and report on goal 16 of the SDGs. where resources are required they must be provided for civil society working on civic space.
2. There should be a mechanism within the UN for reports of civic space violations and actions taken.

Proposed civic space indicators

1. Number of reports from national governments submitted to the United Nations and the United Nations reports on goal 16.
2. Number of victims of civic space related violations.

COVID-19 Emergency measures impacting civic space in Zambia

Zambia through the Ministry of health issued statutory instruments 21 and 22 which provide emergency measures to fight the pandemic. However, the enforcement of these emergency measures has led to victimization of people perceived to be violating the guidelines. These include;





the minister of Lusaka province in the company of police and others going round the city beating people found to be violating the guidelines, this has received backlashes from various stakeholders calling for respect for human rights during the enforcement of the guidelines. Cancellation of gatherings despite adhering to guidelines for gathering which include wearing masks, washing and sanitizing hands and observing social distance. The arrest and detention of youths who had gone to request for permission from the police station to conduct a peaceful protest on the corruption, abuse of office and many other issues affecting the youths and citizens in the country. Whilst measures have been put in place for parliament to open, they have failed to make provision for the public to participate in the parliamentary proceedings.



ANNEX THREE:
ADA Mapping on Goal 16





(Prepared by the trainees of ADA's Glocal Advocacy Leadership in Asia Program-GALA over past two years)

These indicators were prepared by trainees from Asia, and Pacific and as part of ADA's GALA training programs. The development of these draft indicators took place during the training courses and were then consolidated under various targets of Goal 16. (We thank all our trainees from GALA South Asia (Nepal -2017), GALA East Asia (Cambodia- 2017), GALA Mekong (2018) GALA Central Asia (2018) GALA Mongolia (2019) GALA Bhutan (2019)) These indicators were subsequently shared with Forus and ADA members, including the 18 countries participating in the Goal 16 Civic Space report as reference indicators related to Goal 16.10 and adaptations.

| Goal 16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels | |
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| Actions by governments | |
| Actions by CSOs | |
| 16.1 Significantly reduce all forms of violence and related death rates everywhere | |
| Global indicators by UN | 16.1.1 Number of victims of intentional homicide per 100,000 population, by age group and sex 16.1.2* Conflict-related deaths per 100,000 population (disaggregated by age group, sex and cause) 16.1.3 Percentage of the population subjected to physical, psychological or sexual violence in the previous 12 months 16.1.4* Proportion of people that feel safe walking alone around the area they live |
| Suggested national indicators by CoD | Supplemental indicators: <ol style="list-style-type: none"> Suggested indicator: Total number of refugees by country of origin, due to conflict and violence Suggested indicator: Firearm-related injuries per 100,000 populations Suggested indicator: Total number of extra-judicial killings |
| Indicators by CSOs/ADA | <ul style="list-style-type: none"> ❖ Number of victims who died and threaten be died due to gender, religion, race and ethnic background in the past year ❖ Percentage of women and men subjected to physical, psychological or sexual violence in the past year ❖ Number of people who died due to excessive use of force by government authority or community people in the past year ❖ Number of children who died due to sexual violence 16.1.1 Number of direct deaths or disappearances/missing person caused by conflict and armed forces (disaggregated by age group, sex and cause) |

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| <p>Indicators by CSOs/ADA</p> | <p>16.1.2 Number of cases that have received justice in post conflict and post-emergency situations</p> <p>16.1.3 Displaced people due to armed and violent conflict (number)</p> <p>16.1.4 Percentage of the population subjected to physical, psychological or sexual violence in the previous 12 months</p> <p>16.1.5 Proportion of people that feel safe in the area in which they live and work</p> <p>To be decided if relevant: Proportion of illegal arms and ammunitions that are recorded and traced, in accordance with international standards and legal instruments</p> <ul style="list-style-type: none"> ❖ Ratification and implementation (including timely design of action plan, taking actions, monitoring) of ICCPR, CEDAW, CRC and CAT ❖ Percentage change in public confidence in the ability of justice and security providers to contribute to security and safety effectively and fairly (Amnesty International) ❖ Score on the annual Global Peace Index (positive/negative peace) (UNDP) ❖ Political refugees and internal displacement caused by conflict and violence (UNDP) ❖ Reported disappearances (UNDP) ❖ Violence and torture related death (including suicide) per 100000 population disaggregated by age, ethnicity, gender, disability, geographical etc. ❖ Proportion of people that safe at their work place. ❖ Number of case of sexual violence during conflict and number of case having access of justice in 12 months. |
| <p>Actions by CSOs</p> | |
| <p>Remarks or other information</p> | |
| <p>16.2 End abuse, exploitation, trafficking and all forms of violence against and torture of children</p> | |
| <p>Global indicators by UN</p> | <p>16.2.1 Percentage of children aged 1-17 who experienced any physical punishment and/or psychological aggression by caregivers in the past month</p> <p>16.2.2 Number of victims of human trafficking per 100,000 population, by sex, age group and form of exploitation</p> <p>16.2.3* Percentage of young women and men aged 18-24 who experienced sexual violence by age 18</p> |
| <p>Suggested national indicators by CoD</p> | <p>Supplemental indicators:</p> <ol style="list-style-type: none"> 1. Suggested indicator: Number of child soldiers in state and non-state armed groups 2. Suggested indicator: Number of children out of school due to conflict and violence 3. Suggested indicator: Number of children in detention per 100,000 population |





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| <p>Indicators by CSOs/ADA</p> | <ul style="list-style-type: none"> ❖ Proportion of children who have experienced bullying in the past year ❖ Proportion of children who have experienced any violence and exploitation online in the past ❖ Percentage of children aged 1-17 who experienced any physical punishment and/or psychological aggression by non-caregivers (ex, peers, teachers etc) in the past year ❖ Percentage of children aged 1-17 who were forced to labor in the past year ❖ Percentage of early child marriage in the past year-disaggregated data by gender ❖ Percentage of girls and boys aged below 18 who experienced sexual violence in the past year <p>16.2.1 Percentage of children who experienced any corporal punishment (physical or psychological) in all settings.</p> <p>16.2.2 Number of victims of human trafficking per 100,000 population, disaggregated by sex, age, group and form.</p> <p>16.2.3 Percentage of women and men aged 18-24 who experienced sexual violence by age 18</p> <p>Ratification and implementation of ICCPR; CRC; CAT; and CEDAW</p> <p>Implementation of UPR recommendation</p> <ul style="list-style-type: none"> ❖ Ratification of Palermo Protocol ❖ Date of entry into force and coverage of legal frameworks that guarantee the right to education for all children for early childhood and basic education, and that guarantee a minimum age of entry to employment not below the years of basic education (Amnesty International) ❖ Implementation of Inclusive Education Policy ❖ Child Labour Indicators, by sex (as percentage of children in the relevant age group) (UNDP) ❖ Number of child-friendly police procedures (UNDP) ❖ Reported number of victims of trafficking (within and across countries), slavery, exploitation and forced labour (OHCHR) (NHRC) ❖ Child Protection Policy and Procedure (UNICEF) |
| <p>Actions by CSOs</p> | |
| <p>Remarks or other information</p> | |

| 16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all | |
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| Global indicators by UN | <p>16.3.1* Percentage of victims of violence in the previous 12 months who reported their victimization to competent authorities or other officially recognized conflict resolution mechanisms (also called crime reporting rate)</p> <p>16.3.2 Unsented detainees as a percentage of overall prison population</p> |
| Suggested national indicators by CoD | <ol style="list-style-type: none"> 1. Proportion of people that believe, in their country, that people are treated unequally under the law 2. Percentage of people who experienced a dispute and had access to a formal or informal dispute mechanism, and feel it was just 3. Percentage of criminal cases in which the defendant does not have legal representation or other 4. The accessibility, affordability, impartiality, and effectiveness of civil justice systems |
| Indicators by CSOs/ADA | <p>Police:</p> <ul style="list-style-type: none"> ❖ Police per population ratio disaggregated by sex ❖ No. of police personnel per police station disaggregated by sex ❖ Budget allocation and utilization of funds for police training on national and international laws and investigation procedures ❖ Proportion of detainees, physical injury, tortured and died in police custody ❖ No. of human right violations and procedural complaints registered against police personnel ❖ Proportion of people whose complaints are registered, charge sheeted, prosecuted and concluded, disaggregated by sex ❖ No. of investigation officers per police station ❖ Budget allocation and utilization on training of judicial medical officers in investigating procedure ❖ Budget allocation and utilization on forensic facilities for investigating procedure <p>Judiciary:</p> <ul style="list-style-type: none"> ❖ Number of judges at all levels per population ratio ❖ Judge to case load ratio at all levels by category (criminal, civil and family) ❖ Budget allocation and utilization towards computerization/ digitalization of courts judicial supporting staff ❖ Court infrastructure: Square feet per capita; judicial remand facilities per capita; accessibility of people with a special needs; and no. of translator/interpreter per court |





Indicators by CSOs/ADA

- ❖ Average length of civil and criminal trial
 - ❖ Budget allocation and utilization on training and capacity building of judges and
- Legal Aid:**
- ❖ Annual per capita spending in legal aid
 - ❖ No. of legal aid lawyers/paralegal per population ratio
 - ❖ No. of people accessing legal aid as proportion of the number of people below poverty line
 - ❖ Budget allocation and utilization of funds for legal aid
- Prosecutor:**
- ❖ Annual per capita spending on public prosecutor
 - ❖ No. of public prosecutors as per population ratio
 - ❖ No. of people represented by public prosecutor as proportion of the number of people below poverty line
 - ❖ Budget allocation and utilization of funds for public prosecutor
 - ❖ Budget allocation and utilization on training and capacity building of public prosecutors
- Prisons:**
- ❖ Proportion of overstay population in prison, disaggregated by age, sex, and population groups
 - ❖ Proportion of under trial detainees to the total prison population, disaggregated by age, sex, and population groups
 - ❖ Average period of detention of under trial prisoners
 - ❖ No. of prison oversight mechanism visits in previous 12 months
 - ❖ Square feet space per capita of prison population
 - ❖ Budget allocation and utilization of resources per capita prison population
 - ❖ No. of recommendations complied according to UN Bangkok Rules and UN Nelson Mandela Rules
 - ❖ Budget allocation and utilization of resources towards rehabilitation of prisoners
- Number of international human rights treaties ratified by the national government**
- ❖ Whether international human rights treaties have been localized into national laws
 - ❖ Proportion of international human rights treaty violations have reached conclusion in courts of law
 - ❖ Proportion of national laws pertained to rule of law and access to justice in accordance with international standards

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| <p>Indicators by CSOs/ADA</p> | <p>More...</p> <ul style="list-style-type: none"> ❖ Ratification and implementation of ICCPR& CEDAW ❖ Proportion of those who have experienced a dispute in the past 12 months who have accessed a formal, informal, alternative or traditional dispute resolution mechanism and who feel it was just (UNDP) ❖ Incidence of death or physical injury during arrest or apprehension or in custody (OHCHR) ❖ Average period of pre-trial detention (OHCHR) ❖ Date of entry into force and coverage of legislation guaranteeing nondiscriminatory access to courts (Amnesty International) ❖ Proportion of people whose human rights related to the 2030 Agenda are protected under the national law and have access to an available effective remedy (Amnesty International) ❖ Proportion of people who have physical access to a relevant national mechanism (Amnesty International) ❖ Proportion of people for whom a national mechanism is affordable (Amnesty International) ❖ Percentage of criminal cases in which the defendant/people does not have legal or other representation in court (UNDP) ❖ Proportion of justice sector budget allocated for provision of free legal aid services (UNDP) ❖ Average time to resolve [civil] disputes (UNDP) ❖ Percentage of people who trust the police/courts (UNDP) ❖ Number of people who die in state custody (UNDP) |
| <p>Actions by CSOs</p> | |
| <p>Remarks or other information</p> | |
| <p>16.4 By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime</p> | |
| <p>Global indicators by UN</p> | <p>16.4.1* Total value of inward and outward illicit financial flows (in current United States dollars)</p> <p>16.4.2 Percentage of seized small arms and light weapons that are recorded and traced, in accordance with international standards and legal instruments</p> |
| <p>Suggested national indicators by CoD</p> | |





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| <p>Indicators by CSOs/ADA</p> | <ul style="list-style-type: none"> ❖ Number of countries that have beneficial ownership legislation ❖ Number of Countries that have money laundering laws ❖ Number of Countries that have asset recovery policies ❖ Report mechanisms in place for asset recovery ❖ Number of instances that successfully recover assets in a country ❖ Ratification and implementation of the UN Convention against Trans-National Organized Crime ❖ Ratification and implementation of the UN Arms Trade Treaty ❖ Suggest to use the language “trade mis-invoicing”; the 16.4.1 indicator does not make it clear if the total value should be provided at national level or just aggregated at global level as well as the frequency (TAP) ❖ Recovered stolen assets as a percentage of illicit financial flows (TAP) ❖ Percentage of businesses who believe organized crime imposes costs on business in their country (TAP) ❖ Assets and liabilities of the Bank for International Settlements (BIS), reporting banks in international tax havens (as per OECD definition), by country in US\$ (SDSN) ❖ Proportion of legal persons and arrangements for which beneficial ownership information is publicly available (SDSN) ❖ Value of illicit production and trafficking of natural resources, as a total and percentage of GDP (UNDP) ❖ Global volume of money laundering (UNDP) ❖ Volume of money laundering at national level ❖ Asset frozen and returned to foreign jurisdictions as reported by countries (OECD) |
| <p>Actions by CSOs</p> | |
| <p>Remarks or other information</p> | |
| <p>16.5 Substantially reduce corruption and bribery in all their forms</p> | |
| <p>Global indicators by UN</p> | <p>16.5.1* Percentage of persons who had at least one contact with a public official, who paid a bribe to a public official, or were asked for a bribe by these public officials, in the previous 12 months, disaggregated by age group, sex, region and population group</p> |
| <p>Global indicators by UN</p> | <p>16.5.2 Proportion of businesses that had at least one contact with a public official and that paid a bribe to a public official, or were asked for a bribe by those public officials during the previous 12 months</p> |
| <p>Suggested national indicators by CoD</p> | <ol style="list-style-type: none"> 1. Proportion of people who believe corruption is widespread in their country 2. Extent of corruption in the country |

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| <p>Indicators by CSOs/ADA</p> | <ul style="list-style-type: none"> ❖ CPI ❖ GCB ❖ Number of countries that have foreign bribery laws ❖ Percentage of corrupt officials prosecuted in the court of law. ❖ Revenues, expenditures, and financing of all central, provincial and local government entities are presented on a gross basis in public budget. ❖ Effective Implementation of revenue collection and monitoring system ❖ Strengthening of domestic anti-corruption and bribery agency/laws and commitments ❖ Enactment of special laws to control corruption at private/ CSOs level ❖ Corruption Perception Index (Transparency International) <p>More...</p> <ul style="list-style-type: none"> ❖ Revenues, expenditures, and financing of all central, provincial and local government entities are presented on a gross basis in public budget documentation and authorized by the legislature (SDSN) ❖ Effective Implementation of revenue collection and monitoring system (Compulsory enrollment of PAN, VAT) ❖ Implementation of National Plan of Action of UN-Convention against (NVC) Corruption ❖ Existence of domestic anti-corruption and bribery laws and commitments ❖ Autonomy of CIAA (Recruitment and staff mobilization) ❖ Concerns: definitions of “persons” and “public official” (TAP) ❖ Enactment of special laws to control corruption at private/ CSOs level ❖ Perception of public sector corruption (SDSN) ❖ Corruption Perception Index (Transparency International) |
| <p>Actions by CSOs</p> | |
| <p>Remarks or other information</p> | |
| <p>16.6 Develop effective, accountable and transparent institutions at all levels</p> | |
| <p>Global indicators by UN</p> | <p>16.6.1 Primary government expenditures as a percentage of original approved budget, disaggregated by sector (or by budget codes or similar)</p> <p>16.6.2* Proportion of the population satisfied with their last experience of public services</p> |





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| <p>Suggested national indicators by CoD</p> | <ol style="list-style-type: none"> 1. Degree of civilian and parliamentary oversight of security institutions and budgets 2. To what extent are the legislature and government agencies (e.g. Controller General, General Prosecutor, or Ombudsman) capable of questioning, investigating, and exercising oversight over the Executive? 3. Extent to which elections are free and fair? 4. Extent to which elections are monitored by independent and / or international election monitors |
| <p>Indicators by CSOs (ADA)</p> | <ul style="list-style-type: none"> ❖ Revenues, expenditures, and financing of all central government entities are presented on a gross basis in public budget documentation and authorized by the legislature (SDSN) ❖ Revenues, expenditure and financing are decentralized up to a district level. ❖ Corruption Perception Index (Transparency International) ❖ Percentage of participatory budgeting and role of civil society in budget recommendations ❖ Regulatory framework for e-participation that protects citizen data ❖ Level of transparency & accessibility to public information and statistics ❖ Self-certification of the national independent Human Rights Institution and nationalization of the Paris Principles ❖ Number of governmental institutions established that are responsive to the needs of citizens ★ Global Indicators of Regulatory Governance: transparency of the rulemaking process & how the different stakeholders can give their inputs in its formulation (World Bank) ★ Degree of civilian and parliamentary oversight of security institutions and budgets ★ To what extent are the legislature and government agencies (e.g. Controller General, General Prosecutor, or Ombudsman) capable of questioning, investigating, and exercising oversight over the Executive? ★ To what extent are elections free and fair? ★ Are elections monitored by independent and / or international election monitors? <p>More...</p> <ul style="list-style-type: none"> ❖ Effective implementation of ICESCR ❖ Revenues, expenditures, and financing of all central government entities are presented on a gross basis in public budget documentation and authorized by the legislature (SDSN) ❖ Open Budget Index Score (TAP) ❖ Corruption Perception Index (Transparency International) ❖ Quality of public financial management and internal oversight mechanisms at national, province and local level (UNDP) ❖ Level of disclosure of private interests and public availability in information (OECD) |

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| Actions by CSOs | |
| Remarks or other information | |
| 16.7 Ensure responsive, inclusive, participatory and representative decision-making at all levels | |
| Global indicators by UN | <p>16.7.1 Proportions of positions (by age group, sex, persons with disabilities and population groups) in public institutions (national and local legislatures, public service, and judiciary) compared to national distributions</p> <p>16.7.2* Proportion of countries that address young people’s multisectoral needs within their national development plans and poverty reduction strategies</p> |
| Suggested national indicators by CoD | <ol style="list-style-type: none"> 1. Election turnout as a share of voting-age population in national elections 2. Are major civil society organizations (CSOs) routinely consulted by policymakers |
| Indicators by CSOs/ADA | <ul style="list-style-type: none"> ❖ Proportional representation between groups sitting in parliament (lower house) and groups existing in the total population both at the lower and upper houses → same as IAEG: 16.7.1 Proportions of positions (by GENDER, persons with disabilities and population groups) in public institutions (national and local legislatures, public service, and judiciary) compared to national distributions ❖ Youth participation in elections (since it is the group with the lowest participation worldwide). ❖ Existence of a multi-stakeholder dialogue platform with the participation of CSOs ❖ Existence of an independent monitoring and feedback/correction mechanism with the participation of civil society → DIHR ❖ CSO participating in a regular basis in the decision-making processes, being able to make propositions and having its propositions taken into account * Changes the electoral law so that persons who have been appointed a guardian under the Guardianship Act section 6 will retain the right to vote and to stand for election (electoral system in place that is representative for all sections of society, no double voting)---- DHIR * Proportion of population who believe decision-making is inclusive and responsive, by sex, age, disability and population group * Election turnout as a share of voting-age population in national elections <p>More...</p> <ul style="list-style-type: none"> ❖ Ratification and implementation of ICCPR & ICESCR ❖ The percentage of laws that have been subject to public consultation and parliamentary scrutiny prior to coming into force (Amnesty International) |





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| Indicators by CSOs/ADA | <ul style="list-style-type: none"> ❖ Proportion of public service positions held by women and members of target groups (OHCHR) ❖ Turnout as a share of voting-age population in national election (UNDP), (OHCHR) ❖ Legislature conducts public hearings during budget cycle (UNDP) ❖ Proportion of non-governmental organizations, trade unions or other associations consulted about government decisions, strategies and policies in their sector (UNDP) ❖ Proportion of people who believe last national election was free and fair, by sex (UNDP) |
| Actions by CSOs | |
| Remarks or other information | |
| 16.8 Broaden and strengthen the participation of developing countries in the institutions of global governance | |
| Global indicators by UN | 16.8.1 Percentage of members and voting rights of developing countries in international organizations |
| Suggested national indicators by CoD | * Number of NGOs in developing countries that hold consultative status with UN ECOSOC |
| Indicators by CSOs/ADA | <ul style="list-style-type: none"> ❖ Number of international official events realized in each sub-region worldwide ❖ Representation and diversity of CSOs, incl. grassroots movements at the UN level/ ECOSOC ❖ ENSURE AN EQUAL participation of developing countries in the global governance MULTILATERAL FORA and international institutions and in their DECISION-MAKING PROCESSES * 16.8.1 Percentage of members and voting rights of developing countries in international organizations <p>More...</p> <ul style="list-style-type: none"> ❖ Proportion of General Assembly and Security Council resolutions formally initiated/ led by developing countries (UNDP) ❖ Share of senior UN positions (permanent fie and above) occupied by nationals of developing countries, by sex (UNDP) ❖ Percentage of voting rights in international organizations of developing countries, compared to population or GDP as appropriate (UNDP) |
| Actions by CSOs | |

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| Remarks or other information | |
| 16.9 By 2030, provide legal identity for all, including birth registration | |
| Global indicators by UN | 16.9.1 Percentage of children under 5 whose births have been registered with a civil authority, disaggregated by age |
| Suggested national indicators by CoD | |
| Indicators by CSOs/ADA | <ul style="list-style-type: none"> ❖ Proportion of the people over 5 years of age who do not have a birth certificate but received a legal identity ❖ Proportion of the population with a national identity document <p>16.9.1 Proportion of legal birth registration under 5 years of age</p> <p>16.9.2 * Proportion of people who have received National Identity Document/ Citizenship, disaggregated by gender, social groups, and status of migration</p> <p>* The eligible age to receive national identity document/citizenship depends upon rule of the country.</p> <p>More...</p> <ul style="list-style-type: none"> ❖ Ratification and implementation of ICCPR & CRC & ICMW (International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families) ❖ Absence of late fees, fines or judicial procedures for late registration (Amnesty International) ❖ Existence of a fair, transparent and accessible process for obtaining legal identification (UNDP) ❖ Percentage of the population in possession of a birth certificate, citizenship disaggregated by age, sex, region and population group, displacement and migratory status (including statelessness) (UNDP) ❖ Implementation of Prevalent legal provisions regarding citizenship; implementation of court orders; necessary reforms on citizenship laws, data regarding easy access to citizenship |
| Actions by CSOs | |
| Remarks or other information | |





| 16.10 Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements | |
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| Global indicators by UN | <p>16.10.1*Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months</p> <p>16.10.2 Number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information</p> |
| Suggested national indicators by CoD | <p>Supplementary indicators:</p> <ol style="list-style-type: none"> 1. Suggested indicator: Proportion of people that report they are free to say what they think 2. Suggested indicator: Proportion of the people that report feeling free to join civil society organizations 3. Suggested indicator: The extent to which the government respects press and media freedom, the freedom of ordinary people to discuss political matters at home and in the public sphere, as well as the freedom of academic and cultural expression? |
| Indicators by CSOs/ADA | <ul style="list-style-type: none"> ❖ Press freedom index by the Reporters without borders ❖ Global Right to Information Rating by the Center for Law and Democracy ❖ Whistle blowing and witness protection legislation in place ❖ Constitutional indicator that guarantees the right to information ❖ Number of human rights violations which have been reported and solved ❖ Number of women's right violence cases which have been reported and solved ❖ Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months ❖ Endorsement and effective implementation of concerned international instruments (UDHR, ICCPR, ICERD,CRC CRPD etc..) and existence of constitutional and statutory guarantee for public access to information based on international standards. ❖ Proper implementation mechanism (<i>such as Independent Information commission, nodal agency, government efforts to promote right to information, capacity of public bodies to provide information to the public</i>) in place ❖ Disclosure ratio and types of public information, ❖ Number of appointment of Public Information Officer (PIOs) ❖ Proportion aware of citizen's right to information ❖ Proportion of accepted information requests ❖ Proportion of provided information to the requesters ❖ Proportion of satisfied information requesters ❖ Average time and fee taken by public entity while providing information ❖ Existence and implementation of whistleblower and witness protection act ❖ Number of cases reported by information requested and resolved on time |

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| <p>Indicators by CSOs/ADA</p> | <ul style="list-style-type: none"> ❖ Global RTI Rating (CLD/AIE) ❖ Press freedom/ journalist safety Index (RSF, Freedom House, CPJ,IFJ) ❖ Number of cases reported by journalist and resolved on time ❖ Percentage of population who believe they can express political opinion without fear (UNDP)/join CSO without distress ❖ Status of Internet Freedom (<i>Numbers of Blocked websites by internet service providers on requests from governments</i>) (UNDP) ❖ Proportion of people having access to internet and affordability ❖ UNESCO Media Development Indicator <p>More...</p> <ul style="list-style-type: none"> ❖ Ratification and implementation of ICCPR & ICECSR & CRC ❖ Average time taken and average fee charged by public bodies to respond to freedom of information requests (OHCHR) ❖ Existence and implementation of a national law and/or constitutional guarantee on the right to information (SDSN) ❖ Proportion of people with a legal entitlement to information held by public bodies provided within 30 days without arbitrary barriers (Amnesty International) ❖ Proportion of people who apply to access information, and whose requests are accepted (Amnesty International) ❖ Existence of laws requiring companies to disclose information, policies and processes relating to the human rights impacts of their operations, including those caused by their subsidiaries, as they relate to the Agenda 2030 framework (Amnesty International) ❖ Extent to which the rights to freedom of expression, association, and peaceful assembly are guaranteed in law and practice (TAP), (UNDP) ❖ Percentage of population who believe they can express political opinion without fear (UNDP) ❖ World Press Freedom Index (Reporters Without Borders), (UNDP) ❖ Proportion of people who perceive freedom of speech is granted in their country (UNDP) ❖ Numbers of websites blocked and of data users provided by internet service providers on requests from governments (UNDP) ❖ Number of registered CSOs per 100,000 inhabitants (UNDP) ❖ Literacy rate of youth and adults, urban and rural literacy rate (UNDP) |
| <p>Actions by CSOs</p> | |
| <p>Remarks or other information</p> | |





| 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 | |
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| Global indicators by UN | 16.a.1* Percentage of victims who report physical and/or sexual crime to law enforcement agencies in the previous 12 months, disaggregated by age group, sex, region and population group 16.a.1 Existence of independent national human rights institutions in compliance with the Paris Principles |
| Suggested national indicators by CoD | |
| Indicators by CSOs/ADA | <ul style="list-style-type: none"> ❖ National Anti-Corruption Commission in compliance of the Jakarta Principle /UNCAC ❖ Indonesia need to have proper mechanisms for handling human rights violence and have data collections of human rights violence victims ❖ Data collection of human rights violence from other countries for the comparison. ❖ Number of people from minority groups who get threatened or killed by the majority religion groups. ❖ Number of victims due to the genocide which has been done by the government in the past year ❖ Percentage of requests for international co-operation (law enforcement cooperation, mutual legal assistance and extraditions) made through existing conventions that were met during the reporting year (UNDP) ❖ Percentage of population who express confidence in the impartiality of the security forces, police and judicial mechanisms (both formal and informal) in treating people fairly regardless of their race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (UNDP) ❖ Percentage of victims of violence in the previous 12 months who reported their victimization to competent authorities or other officially recognized conflict resolution mechanisms (also called crime reporting rate) (TAP) |
| Actions by CSOs | |
| Remarks or other information | |
| 16.b Promote and enforce non-discriminatory laws and policies for sustainable development | |
| Global indicators by UN | 16.b.1 Percentage of the population reporting having personally felt discriminated against or harassed in the previous 12 months on the basis of a ground of discrimination prohibited under international human rights law, disaggregated by age group and sex |

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| <p>Suggested national indicators by CoD</p> | <ol style="list-style-type: none"> 1. Supplemental indicator: 2. Suggested indicator: The Constitution, or other basic law, has a clause that prohibits discrimination as a fundamental human right |
| <p>Indicators by CSOs/ADA</p> | <ul style="list-style-type: none"> ❖ Number of discriminating regulations for women ❖ Number of people in the minority religions and beliefs who get discriminated by the regulations. ❖ Endorsement and effective implementation of International HR Instruments (UDHR, ICESCR ,ICCPR ,CEDAW, ICERD,CRPD CRC etc) ❖ Proportion of people felt equal and fair treatment of law and practice in all spheres of governance ❖ Formulation /Effective implementation of anti-discrimination law ❖ Proportion of the population who believe that state institutions are treating people of all groups fairly, equitably and without discrimination (UNDP) ❖ Existence of domestic laws for implementing non-discrimination (UNDP) ❖ Number of responses on reported complaints / register cases related untouchability and discrimination. ❖ Existence of an independent, accountable body for promoting and protecting the right to non-discrimination and untouchability with situation monitoring and evaluation mandate. ❖ Strengthening the capacity of law enforcement agencies for timely and fair treatment of the complaint/cases related to discrimination and untouchability. ❖ Reduce the number of complaints/ cases related to discrimination and untouchability ❖ Ratification and implementation of ICESCR & ICCPR & CEDAW ❖ Proportion of the population who believe that state institutions are treating people of all groups fairly, equitably and without discrimination (UNDP) ❖ Existence of domestic laws for implementing non-discrimination (UNDP) ❖ Existence of an independent body responsible for promoting and protecting the right to non-discrimination (UNDP) |
| <p>Actions by CSOs</p> | |
| <p>Remarks or other information</p> | |



