Protect Civil Society Space!

- Worldwide, civil society organisations (CSOs) are facing more and more risks and restrictions. Speaking out about social injustice to defend the human rights of others often puts the lives of CSO staff at risk. In fact, many CSOs and human rights defenders continue to experience increased restrictions on their activities and funding, intimidation, excessive use of force, arbitrary detention, enforced disappearances and extrajudicial killings.

- The faith-based networks, ACT Alliance and CIDSE, through their presence in the field and direct contact with organisations on the ground, have been monitoring these developments in the space for civil society and recently published reports on their findings: “Shrinking Political Space for Civil Society Action” (2011), “Democracy in Action: Protecting Civil Society Space” (2012) and a broader survey carried out between 2009 and 2013 in Malawi, Rwanda, Colombia and Zimbabwe involving more than hundred organisations: “How to Protect and Expand an Enabling Environment. Space for Civil Society” (2014).

While the nature of the restrictions on civil society varies from country to country, the following key trends can be identified

1. **Limitation and exclusion from funding**
   A strong tendency for states to restrict foreign funding of CSOs makes the future of CSOs involved in advocacy uncertain. Restrictions on the ability to access resources often target foreign funding, but international law makes no distinction between the sources of funding or resources, whether domestic, foreign or international. If a state imposes undue restrictions on funding, it is a violation to the right of freedom of association under Art. 22 of the International Covenant on Civil and Political Rights.

2. **Restriction through legislation**
   Restrictive legislation that governments may use include: requiring CSOs to obtain government approval prior to receiving funding; requiring the transfer of funds to a centralised government fund; banning or restricting foreign-funded CSOs from engaging in human rights or advocacy activities; stigmatising or delegitimising the work of foreign-funded CSOs by requiring them to be labelled as “foreign agents” or other pejorative terms; initiating audit or inspection campaigns to harass CSOs; and imposing criminal penalties on CSOs for failure to comply with the foregoing constraints on funding.

3. **Exclusion from participation in development policies and plans**
   It has long been acknowledged that a strong and vibrant civil society is a key component of sustainable and legitimate development. Without it, development plans are less likely to achieve their objectives and people are more likely to suffer from policies that fail to address their needs. The findings of the studies show that organisations demanding more participation and a rights based approach to development are seen as blocking economic growth and development by governments.

4. **Feeling unsafe and stigmatised**
   In some countries, CSOs working in rural areas feel more vulnerable than their urban counterparts. People in almost all the countries said their fear of being labelled “political opposition” or “partisan” was inhibiting their freedom of expression.

5. **Restrictions on peaceful protest**
   The freedom to peacefully assembly is becoming more and more restricted in almost all the countries studied. In some countries, it is not even considered a possibility.
Recommendations

General Recommendations

- EU institutions and Member States should develop a coherent and systematic policy approach on shrinking space in their diplomatic and economic relations including in development cooperation with all third countries.

- Delegations should monitor laws globally and systematically. Information should be assessed regularly to follow up on individual cases and develop a deeper knowledge on trends.

- The EU should urge governments to repeal all laws/articles that violate the rights to freedom of association and assembly and thus the ability of local civil society to cooperate and affiliate themselves with national, regional and international networks.

- The EU should give support to the multiple roles of civil society, and EU Delegations’ efforts to put that approach into practice through country roadmaps on engagement with CS are very welcome. However, more efforts are needed to make sure that a structured and effective dialogue between EUD, MS embassies and CS is taking place and that CS concerns are fully reflected in EU and MS cooperation programmes and in their political and policy dialogue with partner governments. Building on the experiences with the CSO roadmaps, EU Guidelines and monitoring tools should be developed on the freedom of association and peaceful assembly to reinforce and promote an enabling environment for civil society.

- EU institutions and EU delegations should support and protect CSOs especially in restrictive environments and have a focus on most vulnerable groups and those in remote areas.

Recommendations to the EU as a donor and development cooperation actor

- EU institutions and member states should maintain and reinforce their support to civil society in all countries even where bilateral cooperation is phased out. This should be done in close cooperation with EU organisations working in partnership with CSOs worldwide. Cuts in CS budgets recently decided by several Member States are particularly concerning at a time when civil society space and its role are in danger.

- Funding policies of the EU and its member states should adapt to the specific situation of CSOs in a repressive and stigmatising environment:
  - Review current donor rules and regulations around planning and reporting together with civil society partners whose space is shrinking.
  - Ensure that EU funding is available and used to fund both long-term support and emergency interventions when civil society activists, including human rights defenders, are at risk. Ensure that funding is prioritised and reaches independent civil society actors in countries where their freedom to operate independently and effectively is most curtailed.
  - Actively monitor blanket counter-terrorism measures and aspects of anti-money laundering legislation and take action to ensure that they do not indirectly limit the funding of civil society organisations.
  - Develop communication strategies to counter stigmatization.

- Development policy making must systematically involve CSOs and indigenous and minority groups, thus representing the affected population. Moreover, states and state donors have the obligation to protect and facilitate the rights to freedom of peaceful assembly and of association including in the context of natural resource exploitation and, in particular by ensuring that business interests do not violate these rights.
Specific Recommendations to MEPs

- The EP should be more vocal and address political responsibilities both at EU and partner country levels each time the rights, liberty and dignity of human rights defenders and the freedom of expression, association and/or peaceful assembly are put in danger in the European Union or in third countries.

- EP delegations and missions to specific regions and countries should systematically raise the issue of CS space and the importance of civil society for democratic societies in their interactions with MPs and governments or local authorities' officials. MEPs on missions in partner countries should look for opportunities for meeting and engaging with local civil society and promote exchanges between local MPs and civil society at the occasion of their visit (for example when regional parliamentary assemblies are organised between MEPs and MPs from the region). In the case of difficult political environments, EU CSOs can play a facilitating role in connecting MEPs with local civil society.

- Through their scrutiny role and their co-decision, MEPs have the responsibility to hold EU institutions and EU delegations accountable for their support to civil society through EU cooperation instruments and programmes as well as in the annual budget. The EP should also oversee the implementation of the current HR Action Plan and push for its better implementation and systematic monitoring.

- MEPs should put the topic of civil society space and enabling environment on the agenda of the relevant EP Committees (AFET, DEVE, DROI) to develop a better understanding of it and develop a more strategic approach. A common hearing on shrinking space involving AFET, DEVE, DROI with different affected civil society representatives would contribute to a better analysis of challenges and strategies.

- A yearly EP report on shrinking space of civil society should be adopted to improve the EP's assessment of challenges related to civil society space and to develop future strategies.