

TIME TO ACT

PROTECT CIVIL SOCIETY SPACE

Across the world, 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. CSO staff working in countries where people's human rights are denied on a daily basis are sometimes the only people who have the courage to stand up and demand that their governments and policy makers uphold the basic freedoms and rights to which everyone is entitled.

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. Both networks have published recent reports on this issue: "Shrinking Political Space for Civil Society Action" (2011) and "Democracy in Action: Protecting Civil Society Space" (2012). In 2013, they decided to collaborate on research in Malawi, Rwanda, Colombia and Zimbabwe. The aim was:

- to explore local civil society organisations' own views on developments in their enabling environments between 2009 and 2013
- to better understand the strategies they use to engage and protect civil society space, even in restrictive environments.

The overall finding of this joint research is that CSOs continue to face considerable restrictions, particularly if they are critical of government policy and action. In all four countries, governments are failing to meet their commitments to effectively protect civil society space and to meaningfully involve CSOs in the design of development policies and plans. In Malawi, where some improvements were reported, the trauma of the past and recent developments suggests that these changes are not deep-rooted. While the nature of the restrictions on civil society space varies from country to country, some key trends were highlighted.

Exclusion from participation in development policies and plans

One of the strongest indicators to emerge from the survey is the limited extent to which the CSOs interviewed feel involved in the drafting and implementing of development plans and the low levels of government effort to involve CSOs and communities in these decisions. The picture is of top down development. By excluding community voices and perspectives in this way, development efforts are likely to deliver weak, non-durable results.

Feeling unsafe and stigmatised

Many CSO staff in the countries studied feel unsafe some or all of the time due to their work. In some countries, organisations working

in rural areas feel more vulnerable than their urban counterparts in this regard. People in almost all the countries said their fear of being labelled as "political opposition" or "partisan" was inhibiting freedom of expression, leading at times to self-censorship. CSOs that mobilise against entrenched cultural and religious norms that undermine human rights protection are stigmatised and criminalised. Country-level mechanisms for protecting human rights defenders are seen as reactive with few examples of long-term and institutionalised strategies. Where there is an independent judiciary, this has played an important role in protecting the enabling environment for civil society.

Peaceful protest restricted

The freedom to peacefully assemble is becoming more and more restricted in almost all countries studied. In some countries, it is not even considered a possibility. Since the study highlights how vital peaceful protest is for providing space for expressing public discontent and advocating for reform, this development is of extreme concern.

Limitations and exclusion from funding

Reductions and restrictions on access to funding also contribute to shrinking civil society space. CSOs engaged in advocacy, human rights or other "sensitive" issues report feeling these restrictions more acutely. Some CSOs reported that donor policies and enforced priorities are exacerbating polarisation within civil society and are taking them away from their core work thereby weakening their accountability to their own constituencies. The combination of the financial crisis and a tendency for states to restrict foreign funding make the future of critical CSOs uncertain. Interviewees perceived this as being tied to the aid and development effectiveness agenda. They were concerned that the role of CSOs would be "narrowed" and that they would be forced to become implementers of development agendas rather than development actors in their own right. To overcome issues of diminishing availability of funding, funding with too many donor restrictions and requirements, and funding that undercuts the long-term sustainability of CSOs, some organisations have developed independent revenue streams to compensate. However, such streams remain elusive and insufficient, especially in countries where human rights challenges are prevalent.

Restrictions through legislation

Legislation governing CSOs' operations has become increasingly restrictive in countries where new laws are being introduced or amended that seriously hamper CSOs' work. Some countries are introducing administrative processes that are either prohibitively expensive or burdensome or force organisations to compromise their autonomy. For smaller CSOs in particular, capacity is an issue in terms of engaging with government, accessing funding and making their voice heard.

POLICY BRIEF

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ACT Alliance and CIDSE present the following recommendations based on the study's interviews with CSOs together with the views expressed during a CSO consultation with mainly African CSOs, carried out in Malawi in November 2013, with some 90 participants:

RECOMMENDATIONS

For UN

- Clarify further the normative content of the right to freedom of peaceful assembly and association. This could be done via general discussion days, guidelines, general comments etc.
- Monitor and assess the impact of the aid effectiveness agenda on the right to participate, including the freedom of peaceful assembly and association

For international donors

- Enhance the protection of CSOs and human rights defenders (HRDs) who face everyday security risks and support them to protect themselves and their organisations and to manage the accompanying stress
- Regularly update context analyses and consult with a wide variety of CSOs who represent different interests, using channels like the development of the European Union CSO roadmaps. This would help achieve a more meaningful engagement with civil society in policy making at the country level
- Monitor the aid/development effectiveness agenda to determine the degree to which it either provides leverage for meaningful CSO participation in development processes or limits the role of an independent civil society
- Strengthen CSOs' capacity to gather and analyse information relevant for their programmes and the communities they work with. This would enable them to contribute more effectively to national planning and policy making processes, and to challenge government policies and actions
- Support learning across countries in relation to the experiences of formal mechanisms for civil society dialogue and other means to influence change
- Strengthen CSO capacity to operate independently. CSO/donor partnerships should be based on equality
- Re-examine current demands around planning and reporting and adapt them to enable organisations to be more accountable to local communities

For national governments

- Repeal or amend all laws that restrict civil society activity, thereby ensuring CSOs the independence, participation and freedoms to which they are entitled as per international human rights obligations
- Involve CSOs in the design, content and implementation of development plans. In particular, indigenous groups and other marginalised and disadvantaged groups in society should be able to meaningfully participate in policy making processes and be consulted regarding decisions that affect them, as per the principles of free prior and informed consent
- Protect human rights defenders and CSOs from intimidation, harassment or attacks while they are performing their legitimate and public duties. Safeguard the right to peaceful assembly and investigate and prosecute attacks or repression of HRDs or CSOs
- Adopt policies to help CSOs generate local and independent revenue streams. For example, tax reprieves, trade discounts and incentives for philanthropists and businesses to engage in corporate social responsibility

For CSOs, including Faith-Based Organisations

- Build alliances between CSOs and faith-based organisations to protect civil society space. Bridge the gap between those who work on 'development' and those who work on human rights and social justice
- Build capacity to gather and analyse information from communities and from other sources. Pool information and knowledge, in order to contribute effectively to national planning and policy making processes
- Ensure accountability towards communities, sustaining close linkages with them through the use of participatory and popular education methodologies that promote genuine participation and empowerment of men, women and children
- Work together to strengthen security and protection mechanisms for CSO leaders and HRDs at risk, including those advocating for the rights of women, sexual minorities and indigenous groups