

GLOBAL TRENDS IN NGO LAW

A quarterly review of NGO legal trends around the world

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Survey of Trends Affecting Civic Space: 2015-16

Introduction

Two key human rights instruments essential to the vibrancy of civil society—the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR)—both celebrated their fiftieth anniversaries in December 2015.¹ With this milestone as a backdrop, various multilateral initiatives took steps over the past year to strengthen the enabling environment for civil society actors around the globe.

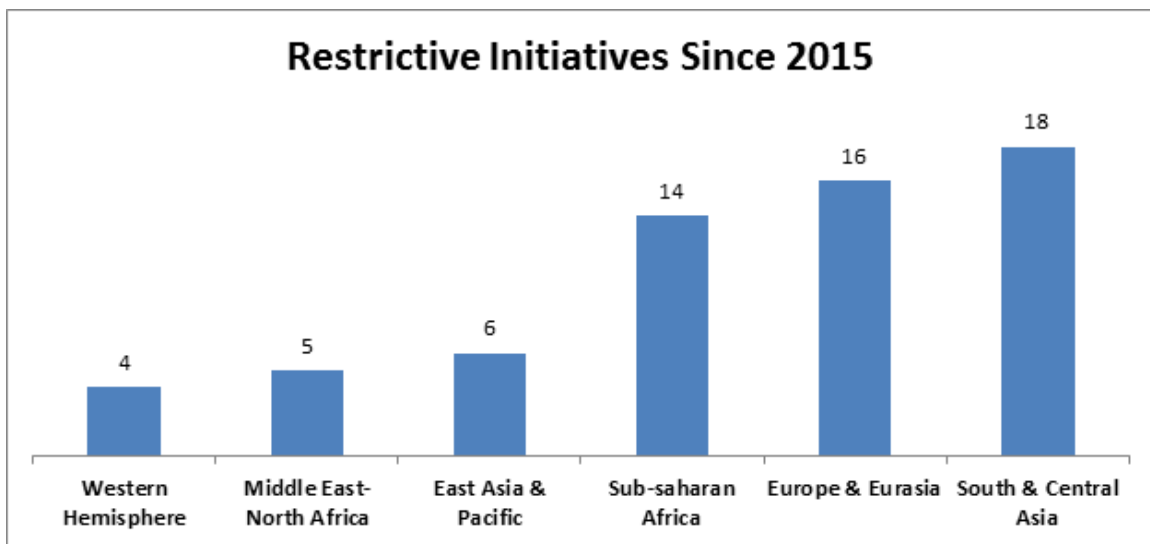
Civil society continued to play extraordinarily influential and essential roles. Civil society organizations (CSOs) and activists have been the first responders to major natural disasters, taken the lead role in resolving devastating public health crises, given voice to the marginalized and disenfranchised, distributed essential humanitarian aid in the world’s most dangerous areas, held governments to account, provided life-saving services to the ever-increasing number of global refugees, pushed for environmental protections, and alleviated the plight of the poor, among many other invaluable roles. In addition, unprecedented numbers of people from Paris to Brazil

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¹ The ICCPR has been ratified by 168 states and the ICESCR has been ratified by 164 states.

came together in large-scale protests during the past year to demand change.² In some cases, civil society's efforts led to important victories, including the overthrow of corrupt leaders,³ the repeal of restrictive laws,⁴ and the securing of equal rights for marginalized communities, such as those in the LGBTI community.⁵

At the same time, however, fearing the full extent of civil society's unleashed potential, states have continued to use a variety of tools to undermine the sector's influence. These include the adoption and manipulation of laws to restrict CSOs' abilities to register, protest, and access resources, and, in more extreme cases, the closure, de-registration and expulsion of CSOs. Indeed, data tracked by the International Center for Not-for-Profit Law (ICNL) shows that since the beginning of 2015 states have adopted sixty-four restrictive laws, regulations, and other initiatives; these initiatives spanned all major regions of the world.



Such constraints have severely narrowed the civic space that civil society actors need to flourish.

This issue of Global Trends begins by examining some of the key events occurring at the regional and international levels that affect the enabling environment for civil society during 2015-16, followed by a brief look at some of the successes achieved by civil society during the same period.

² For a discussion of the unprecedented nature of protests around the globe see UN Special Rapporteur Maina Kiai, "2015 The Year in Assembly & Association Rights," January 2016 (stating that 2015 "saw an emphatic continuation of the global trend of massive protest movements."), <http://freeassembly.net/reports/2015-year-in-review/>.

³ In Guatemala, for example, large-scale protests played a key role in forcing the President, who faced corruption allegations, to resign. See discussion below, p. 8.

⁴ See discussion below, "Repeal or defeat of restrictive CSO laws," p. 8-9.

⁵ LGBTI refers to lesbian, gay, bisexual, transgendered, and intersex individuals. For a discussion of legal developments regarding LGBTI organizations, see ICNL, "LGBTI Civil Society Organizations Around the Globe: Challenges, Successes, and Lessons Learned," *Global Trends in NGO Law*, Vol. 7, Iss. 2, May 2016.

The paper then turns to an examination of the primary ways in which civic space continues to be narrowed in many countries around the world.

Multilateral Initiatives at the Regional and International Levels

At both the regional and international levels, various multilateral initiatives took actions in 2015 and 2016 to strengthen the enabling environment for civil society.

- **International Resolutions in Support of Civil Society:** In December 2015, the UN General Assembly adopted a resolution on the protection of human rights defenders (HRDs), which calls on states to hold perpetrators of violence toward HRDs accountable and to release arbitrarily detained HRDs. Despite fourteen votes against, forty abstentions, and the inclusion of certain “regrettable concessions” according to civil rights activists, many in the human rights community hailed the resolution as an overall success.⁶

In July 2016, the UN Human Rights Council (HRC) adopted a resolution calling on states to create a safe enabling environment for civil society. It urges states to ensure that civil society actors can access resources, easily establish and register organizations, and be protected from acts of violence, among other important tasks.⁷

Also in July 2016, the HRC renewed for the second time the mandate of the UN Special Rapporteur on the freedom of peaceful assembly and of association (UNSR), an independent expert tasked with monitoring and reporting violations of the fundamental rights to peaceful assembly and association.⁸ The current UNSR, Maina Kiai, has proven critical in amplifying civil society’s concerns over ongoing restrictions and pushing for positive change.

- **The Sustainable Development Goals (SDGs):** Officially known as Transforming our world: the 2030 Agenda for Sustainable Development, the SDGs set seventeen goals aimed at ending extreme poverty and fighting inequality, injustice, and climate change.⁹ They were adopted in September 2015 by 190 world leaders and built upon the success of the

⁶ E.g. International Service of Human Rights, “General Assembly adopted important resolution on human rights defenders in face of opposition from China and Russia,” November 25, 2015, <http://www.ishr.ch/news/general-assembly-adopts-important-resolution-human-rights-defenders-face-opposition-china-and>.

⁷ UN General Assembly, Human Rights Council: Resolution/ Adopted by the General Assembly, July 1, 2016, A/HRC/32/L.29.

⁸ UN General Assembly, Human Rights Council: Resolution/ Adopted by the General Assembly, July 1, 2016, A/HRC/32/L.32.

⁹ UN General Assembly: Resolution / Adopted by the General Assembly, “Transforming our world: the 2030 Agenda for Sustainable Development,” September 25, 2015, A/RES/70/. The seventeen goals are supported by 169 targets.

Millennium Development Goals, an earlier set of eight goals that addressed the needs of the world's poorest populations. The SDGs, which officially came into force in January 2016, request the participation of all states, large and small, and establish as a target that governments “protect fundamental freedoms, in accordance with national legislation and international agreements.”¹⁰

The SDGs also include a target for governments to “encourage and promote effective... civil society partnerships,” recognizing the need for such partnerships to implement these ambitious goals.¹¹ However, the target for protecting fundamental freedoms only covers the extreme abuses against human rights advocates, journalists, and others, such as killings and enforced disappearance, and does not cover the more insidious ways governments suppress civil society freedoms, such as restricting CSOs’ access to resources or arbitrarily prohibiting peaceful assembly.¹² Similarly, the target for civil society partnerships measures only the amount of funding committed to such partnerships, and does not consider their quality. Moreover, while the 2030 Agenda considers CSOs to have a role in implementing and monitoring the SDGs, this role remains ambiguous and not institutionalized. Nevertheless, the SDGs—which were designed with input from organizations and millions of people all over the world— provide CSOs the opportunity to monitor these indicators and to try to hold governments to account for the milestones they set for these civic-space related targets. The implementation of the SDGs might also provide an opportunity to highlight impediments that undermine CSOs’ contributions to these development goals.

- **Policy Changes by the Financial Action Task Force (FATF):** The FATF, an influential inter-governmental organization focused on money laundering and terrorist financing, highlighted non-profit organizations (NPOs) as “particularly vulnerable” to terrorism in the aftermath of the September 11, 2001 terrorist attacks in the United States. This concern was codified in a number of influential FATF documents, including the forty FATF Recommendations that purport to reflect “the internationally endorsed global standards” on money laundering and terrorist financing, which are followed by 180 jurisdictions. A number of governments adopted laws restricting civil society and cross-border philanthropy in part as a result of these recommendations and other FATF policies. The Global Coalition of NPOs on FATF, an international coalition consisting of over 130 CSOs

¹⁰ Id., Goal 16.10, p. 26.

¹¹ Id., Goal 17.17, p. 27.

¹² Tier Classification for Global SDG Indicators, September 21, 2016, p. 26, <http://unstats.un.org/sdgs/files/meetings/iaeg-sdgs-meeting-04/Tier%20Classification%20of%20SDG%20Indicators%20Updated%202023-09-16.pdf>.

from forty-six countries,¹³ successfully encouraged the FATF to revise its policies and statements on NPOs, including its influential recommendations. Key changes made in June 2016 include the deletion of language describing NPOs as “particularly vulnerable” to terrorism and the inclusion of new language calling on states to respect fully the fundamental rights to freedom of association, assembly and expression, among others. Because of the work of the coalition, and the changes made by the FATF, appropriate international norms are emerging pertaining to the regulation of civil society and cross-border philanthropy in the context of countering terrorism.¹⁴

- **Development Effectiveness Monitoring Bodies:** In 2011, over 100 countries and CSOs endorsed the Busan Partnership Agreement, following several high-level fora on how to maximize the impact of development assistance. The Busan Partnership Agreement affirmed the role of CSOs as independent development actors and referred to them as equal partners in this high-level agreement designed to make aid work better. The Agreement includes a commitment (known as Indicator Two) that “civil society operates within an environment which maximizes its engagement and contribution to development.” The monitoring of this commitment has been an important source of data, as well as an advocacy tool for more enabling environments in the partner countries.

Two monitoring bodies—one that is CSO-only¹⁵ and another that includes governments, donors, and CSOs¹⁶—contribute their expertise on enabling environments and conduct annual research on the status of the Indicator Two commitment in countries around the world. They also lobby for enabling environments to be prioritized within the Global Partnership for Effective Development Cooperation (GPEDC), the global platform that officially tracks all Busan commitments and sets the agenda on development effectiveness.

These monitoring bodies provide valuable insight into the status of the environment for CSOs around the world. They have brought to light the fact that, despite the commitment to Indicator Two, governments are continuing to narrow civic space.¹⁷ These bodies are therefore preparing for the GPEDC’s second High-Level Meeting (HLM), scheduled for late

¹³ The Global Coalition of NPOs on FATF’s efforts are spearheaded by the European Center for Not-for-Profit Law, ICNL, the Human Security Collective, the European Foundation Center, the Charities and Security Network among others. Its website can be accessed at <http://fatfplatform.org/>.

¹⁴ European Center for Not-for-Profit Law, “A String of Successes in Changing Global Counter-Terrorism Policies that Impact Civic Space,” July 2016, <http://ecnl.org/a-string-of-successes-in-changing-global-counter-terrorism-policies-that-impact-civic-space/>.

¹⁵ The website of the CSO Partnership for Development Effectiveness can be accessed at www.csopartnership.org.

¹⁶ The website of the Task Team on Civil Society Organization (CSO) Development Effectiveness and Enabling Environment can be accessed at www.taskteamcso.com.

¹⁷ CSO Partnership for Development Effectiveness, “GPEDC Indicator Two: Civil Society operates within an environment that maximizes its engagement in and contribution to development, An Assessment of Evidence,” June 2016, <http://csopartnership.org/wp-content/uploads/2016/07/GPEDC-Indicator-Two.pdf>.

2016 in Nairobi, Kenya, to highlight this issue and advocate for a renewed promise by GPEDC countries to advance progress on the enabling environment commitment.

- **The Open Government Partnership’s Civil Society Response Policy & Commitment to Creating an Enabling Environment for CSOs:** The Open Government Partnership (OGP) is a multilateral initiative launched in 2011. OGP member states, of which there are currently sixty-nine, commit to becoming more transparent, accountable and responsive to their citizens. Member states must adopt the OGP Declaration, in which they commit to “protecting the ability of not-for-profit and civil society organizations to operate in ways consistent with our commitment to freedom of expression, association, and opinion.”¹⁸ In September 2014, the OGP Steering Committee adopted a policy for raising concerns with member states that are taking measures to restrict civic space, in contravention of OGP principles.¹⁹ So far, concerns have been submitted for four countries, including Azerbaijan, which has been deemed “inactive.” This status strips the designated country of voting rights within the OGP and limits its participation in OGP events.²⁰ Additionally, the OGP in coordination with ICNL is drafting a new chapter in its Open Governance Guide, a key source of information for OGP member states when formulating and understanding their commitments, entitled An Enabling Environment for Civil Society Organizations. This chapter is intended to help OGP member states include enabling environment-related commitments in their two-year National Action Plans, which will decisively shape the environment for CSOs in those countries.²¹
- **Hearings before the Inter-American Commission on Human Rights (IACHR) on Freedom of Association:** The IACHR convened two hearings on the right to freedom of association during its 157th Session of Public Hearings in April 2016: one on legal barriers to freedom of association requested by CSOs from four countries, and one on restrictions on the rights of indigenous associations in Ecuador. The Commissioners heard testimony of the many challenges faced by organizations across Latin America, including onerous, discriminatory, and arbitrary registration requirements, and vague dissolution orders.²²

¹⁸ Open Government Partnership, “Open Government Declaration, September 2011,” <http://www.opengovpartnership.org/about/open-government-declaration>.

¹⁹ Open Government Partnership, “Response Policy,” <http://www.opengovpartnership.org/how-it-works/response-policy>.

²⁰ Id.

²¹ Open Government Partnership, OGP Support Unit, “What’s Open Government Got to Do with Civic Space?” (20 April 2016), <http://www.opengovpartnership.org/blog/ogp-webmaster/2016/04/20/what%E2%80%99s-open-government-got-do-civic-space>.

²² However, the IACHR faces a severe financial crisis; it is unclear whether upcoming semi-annual sessions of public hearings will be convened, and dozens of staff positions may be eliminated. These financial constraints could reduce the capacity of the IACHR to promote and defend civil society rights. See Organization of American States, “Severe

The Commission's attention to these issues signifies their growing importance in Latin America.

- **The African Commission on Human and Peoples' Rights (ACHPR) Releases Landmark Report and Adopts Critical Guidelines:** In May 2015, the ACHPR released a report on freedom of association and assembly in Africa. The report lays out the key international laws, norms and jurisprudence, and provides illustrative examples from across the region, which will equip local advocates to defend and enforce their fundamental rights to freely associate and peacefully assemble.²³

In January 2016, the ACHPR officially released new principles and guidelines on protecting human and peoples' rights while countering terrorism, which aim to help member states comply with regional and international human rights norms when implementing their domestic counterterrorism and security policies.²⁴ The guidelines explicitly call on states not to use the fight against terrorism as a pretext to restrict fundamental freedoms, including "in particular" the freedoms of assembly, expression, and association.²⁵ Human rights activists and experts hailed their adoption.²⁶

Positive Developments

Throughout 2015-2016, civil society has proven the decisive influence that it can have when given the space and opportunity to act. Given the ongoing shrinking of civil society's civic space, as described further below, these successes are all the more impressive.

- **Historic and unprecedented peaceful demonstrations:** In **France**, for example, the largest public gatherings in the country's history were organized in response to the terrorist attacks in January 2016.²⁷ In **Lebanon**, massive rallies protesting the

Financial Crisis of the IACHR Leads to Suspension of Hearings and Imminent Layoff of Nearly Half its Staff," Press Release, May 23, 2016, http://www.oas.org/en/iachr/media_center/PReleases/2016/069.asp.

²³ African Commission on Human & Peoples' Rights, Report of the Study Group on Freedom of Association and Assembly in Africa, 2014, <http://www.icnl.org/research/resources/ACHPR%20English%20REPORT%2021.05.2015.pdf>.

²⁴ The African Commission on Human and Peoples' Rights, Principles and Guidelines on Human and Peoples' Rights while Countering Terrorism in Africa, January 29, 2016, http://www.achpr.org/files/special-mechanisms/human-rights-defenders/principles_and_guidelines_on_human_and_peoples_rights_while_countering_terrorism_in_africa.pdf.

²⁵ Id. at p. 10.

²⁶ United Nations Office of the High Commissioner for Human Rights, "What is permissible and what is not when countering terrorism? UN experts welcome new African guidelines," April 7, 2016, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=19790&LangID=E>.

²⁷ Ashley Fantz, "Array of world leaders joins 3.7 million in France to defy terrorism," CNN, January 12, 2015, <http://www.cnn.com/2015/01/11/world/charlie-hebdo-paris-march/>.

government's failure to dispose of accumulated garbage saw the unprecedented gathering of individuals of all political and religious affiliations to demonstrate peacefully together.²⁸ In **Moldova**, some 100,000 individuals gathered to condemn corruption in the country in September 2015, in what some described as the largest demonstration ever held in the country's history.²⁹

In some cases, peaceful protests led to the overthrow, impeachment, or arrest of allegedly corrupt politicians. In **Guatemala**, President Otto Pérez Molina resigned in September 2015 after street protests erupted demanding his resignation following revelations of corruption.³⁰ Similarly, in **Iceland**, the prime minister resigned after large-scale demonstrations broke out following discovery of his substantial offshore accounts.³¹ In **Brazil**, millions of protesters took to the streets in 2015 and 2016 to denounce corruption and the government (and later, the predecessor) of President Dilma Rousseff. These protests led the government to introduce anti-corruption legislation, and contributed to the impeachment of President Rousseff, and the arrest of her predecessor, President Lula da Silva.³²

- **Repeal or defeat of restrictive CSO laws:** In **Kenya**, for example, civil society successfully thwarted the government's attempts to amend the Public Benefit Organizations Act of 2013 to include additional restrictions. CSOs engaged in a "spirited campaign," which involved presenting petitions to the Public Benefit Organizations Taskforce, participating in key hearings, and publicizing their criticisms of the proposed amendments in the media.³³ In **Kyrgyzstan**, civil society's efforts contributed to parliament's rejection of the "Foreign Agents" law in May 2016. CSOs headed an advocacy campaign, which included meeting with key parliamentarians, conducting interviews with the media, educating the public on the important roles played by non-governmental organizations, and contributing analyses of the draft law highlighting the ways in which it violated the

²⁸ "Thousands Join Largest Protest Yet in Lebanon's Garbage Revolt," *Huffington Post*, August 29, 2015, http://www.huffingtonpost.com/entry/lebanon-garbage-protest_us_55e21685e4b0aec9f3538636.

²⁹ Alec Luhn, "Moldova protesters take to streets criticising 'mafia' government," *Guardian*, September 6, 2015, <https://www.theguardian.com/world/2015/sep/06/moldova-protesters-take-to-streets-criticising-mafia-government>.

³⁰ Elisabeth Malkin, "Guatemalans Ousted President Otto Pérez Molina. Now What?," *New York Times*, September 5, 2015, <http://www.nytimes.com/2015/09/06/world/americas/guatemalans-ousted-the-president-now-what.html>.

³¹ Jon Henley, "Iceland PM steps aside after protests over Panama Papers revelations," *Guardian*, April 5, 2016, <https://www.theguardian.com/world/2016/apr/05/iceland-prime-minister-resigns-over-panama-papers-revelations>.

³² Daniel Flynn, "Record Brazil protests put Rousseff's future in doubt," *Reuters*, March 14, 2016, <http://www.reuters.com/article/us-brazil-rousseff-protests-idUSKCN0WF0IX>.

³³ ICNL, "Civic Freedom Monitor; Kenya," last updated May 12, 2016; Trevor Analo, "NGOs in Kenya urge taskforce not to alter sector law," *The East African*, March 21, 2015, <http://www.theeastafrican.co.ke/news/NGOs-in-Kenya-urge-taskforce-not-to-alter-sector-law--/2558-2661474-brfni3z/index.html>.

fundamental rights to freedom of association.³⁴ According to one eyewitness report, the “key” factor in the law’s defeat was “the solidarity of civil society organizations and activists.”³⁵ In **Kazakhstan**, a draft regulation that would have imposed extensive and burdensome information requirements on all CSOs, including a requirement to reveal sensitive employee data, was successfully revised to simplify the reporting requirements following advocacy efforts by CSOs.³⁶ In **Swaziland**, the country’s highest court ruled that portions of the Suppression of Terrorism Act and the Sedition and Subversive Activities Act are unconstitutional because they violate the freedoms of expression and association.³⁷

- **Acquittal of those wrongly accused or convicted of participating in peaceful gatherings:** In **Turkey**, twenty-six people who had been arrested for not receiving permission to hold a peaceful demonstration during the 2013 Gezi Park protests were acquitted; the court also ruled that official permission is not required for peaceful demonstrations. In **Bahrain**, a vocal human rights defender, and the founder and former president of the Bahrain Youth Society for Human Rights, was acquitted for his involvement in demonstrations against government-related human rights violations.³⁸ In the **United Kingdom**, there has been a string of recent acquittals for individuals engaged in peaceful protests, including those demonstrating against an international arms fair, growing income inequality, and a nuclear weapons program.³⁹
- **Legal victories for LGBTI CSOs and activists:** Though many challenges remain, the LGBTI community has experienced a string of successes in 2015 and 2016. In a number of countries, including **Kazakhstan**, and **Uganda**, activists succeeded in convincing courts to

³⁴ Dinara Oshurahunova, “Resilience of Kyrgyzstan CSOs Pays Off as Parliament Throws out ‘Foreign Agents’ Bill, CIVICUS, 2016, <http://www.civicus.org/index.php/en/about-us-125/brief-history/63-uncategorised/2420-resilience-of-kyrgyzstan-csos-pays-off-as-parliament-throws-out-foreign-agents-bill>.

³⁵ Id.

³⁶ ICNL, “Civic Freedom Monitor: Kazakhstan,” last updated September 1, 2016.

³⁷ AllAfrica, “Swaziland: Court – Terror Act Unconstitutional,” September 16, 2016, <http://allafrica.com/stories/201609190180.html>.

³⁸ Front Line Defenders, “Case History: Mohamed Al-Maskati,” January 6, 2016, <https://www.frontlinedefenders.org/en/case/case-history-mohamed-al-maskati>. Note that many human rights defenders, however, remain imprisoned in Bahrain; it is estimated that at least 4,000 political prisoners remain in Bahraini prisons. See Freedom House, “Bahrain Continues Harassment and Imprisonment of Human Rights Defenders, August 12, 2016, <https://freedomhouse.org/article/bahrain-continues-harassment-and-imprisonment-human-rights-defenders>.

³⁹ E.g., Katie Sands, “Men accused of violent disorder after confrontation during protest at Cardiff bank are cleared,” Wales Online, January 14, 2016, <http://www.walesonline.co.uk/news/wales-news/men-accused-violent-disorder-after-10733879>; “Protesters who blockaded London arms trade fair acquitted after judge sees evidence of illegal weapons on sale,” *Independent*, April 15, 2016, <http://www.independent.co.uk/news/uk/politics/dsei-protesters-acquitted-london-arms-fair-illegal-weapons-sales-a6985766.html>; BBC, “Trident Devonport Naval Base protest pair acquitted of aggravated trespass,” September 8, 2015 <http://www.bbc.com/news/uk-england-devon-34184200>.

overturn laws limiting LGBTI association and expression. Additionally, in **Botswana**, **Kenya**, and **Zimbabwe**, CSOs engaged in LGBTI advocacy had their registration denials reversed, or their registration applications finally reviewed and approved following lengthy delays. In other countries, such as **Tunisia**, **South Korea**, and **Hungary**, LGBTI organizations and advocates successfully overturned attempts by their governments to shut down their operations or prevent planned activities.⁴⁰

Key Domestic Challenges for Civil Society in 2015-2016

Many recent reports have noted the diminishing space for civil society to operate in recent years.⁴¹ Our review of global state practice revealed five common constraints used by states to narrow the space for civil society to operate, including:

- the proposal and adoption of restrictive CSO laws;
- the proposal and adoption of anti-protest laws;
- the closure, de-registration and expulsion of CSOs;
- the adoption and manipulation of counterterrorism laws and policies; and,
- the adoption of laws and policies that restrict access to resources, notably including foreign funding and affiliations.

The following discussion and examples illustrate the primary ways in which the space for civil society has been narrowed in 2015-16.

Adoption or Proposal of Restrictive CSO Laws.

States around the globe have adopted or proposed laws imposing new or additional restrictions on the ability of CSOs to form, operate, organize, and express themselves over the past year. Such laws have profound effects on the ability of CSOs to carry out their missions, and likely deter many would-be CSOs from officially registering with the state altogether. This is complicated in some states by requirements that all groupings of individuals formally register with the state, thereby

⁴⁰ For more detailed information on this topic see, ICNL, “LGBTI Civil Society Organizations Around the Globe: Challenges, Successes, and Lessons Learned,” *Global Trends in NGO Law*, Vol. 7, Iss. 2, May 2016.

⁴¹ E.g., Global Forum 2015: Shaping Civic Space, Convened by ICNL, Stockholm, Sweden, May 10-12, 2015 (one of the key themes of this forum was exploring the closing of civic space and the ways to reverse this trend); 2015: The Year in Assembly & Association Rights, UN Special Rapporteur on the rights to freedom of peaceful assembly and association, Maina Kiai, January 2016 [“The UNSR Report on The Year in Assembly & Association Rights”]; “2015: State of Civil Society Report,” CIVICUS, [StateOfCivilSocietyFullReport2015-2.pdf](#) [“Civicus State of Civil Society Report 2015”]; Open Society Foundation, “Video: Shrinking Civic Space,” December 21, 2015; Meg Davis, “The Perfect Storm: the closing space for LGBT civil society in Kyrgyzstan, Indonesia, Kenya, and Hungary,” Global Philanthropy Project, April 2016, <http://globalphilanthropyproject.org/2016/04/22/perfectstormreport/>; Harriet Sherwood, “Human rights groups face global crackdown ‘not seen in a generation,’” *Guardian*, August 26, 2015, <https://www.theguardian.com/law/2015/aug/26/ngos-face-restrictions-laws-human-rights-generation>.

forcing people wishing to coordinate on the basis of shared concerns to operate within restrictive bureaucratic systems.

- In **Cambodia**, in August 2015, the controversial Law on Associations and Non-Governmental Organizations (LANGO) was signed into law despite widespread domestic and international condemnation. The law provides the Ministry of Interior unfettered discretion over the registration and affairs of CSOs, requires all domestic and international associations to register, and prohibits any organizations that are not deemed “politically neutral,” among other restrictions. Despite assurances that LANGO would not apply to small, community-based organizations (CBOs), several CBOs have reported being barred from meeting on grounds that they lack registration under the new law.⁴²
- In **China**, a new law adopted in April 2016 amidst widespread international criticism imposed tighter control over foreign CSOs operating, or applying to operate, in the country, as well as foreign donors that fund projects in the country. Under the new law, foreign charities and non-profit organizations are required to locate an official Chinese sponsor in order to officially register with the state. Once a sponsor is found, they then must register with the police, which is granted broad supervisory powers over their internal affairs. Civil society leaders working in China fear that foreign CSOs working on sensitive issues, such as gender equality or land rights, will face an uphill battle locating an official sponsor and that the law will deter foreign CSOs from applying to register in the country in the first place.⁴³
- In **South Sudan**, two bills - the NGO Bill and the Relief and Rehabilitation Commission Bill – were reportedly passed by parliament in early 2016. These laws impose additional restrictions on NGOs operating in South Sudan by, for example, requiring written approval to engage in any activities or in any geographical area not explicitly mentioned in the NGO’s registration certificate, and by imposing costly criminal sanctions for “any individual who makes, signs or utters false statements or declaration in violation of any provision of the Bill.” They also narrow the scope of permissible activities that NGOs can engage in; for example, the laws do not seem to allow CSOs to engage in advocacy.⁴⁴ They also increase the fines for violations of the law two-fold, remove those provisions contained in earlier versions detailing the legal protections for NGOs if their registration status is denied or revoked, and require all expatriates to secure work permits prior to entering the country.⁴⁵

⁴² ICNL, “Civic Freedom Monitor: Cambodia,” last updated June 21, 2016.

⁴³ Stuart Leavenworth, “China battles foreign influence with new NGO law,” *Christian Science Monitor*, April 28, 2016, <http://www.csmonitor.com/World/Asia-Pacific/2016/0428/China-battles-foreign-influence-with-new-NGO-law>.

⁴⁴ ICNL, “Civic Freedom Monitor: South Sudan,” last updated September 6, 2016.

⁴⁵ Id.

- In **Uzbekistan**, a new regulation that came into effect in June 2016 will further encumber and complicate the ability of CSOs to access foreign funds. The law already requires CSOs to obtain the permission of two different bodies before receiving foreign aid; the new regulation adds a third level of permission, by the Ministry of Justice, for any assets received from foreign sources. Another law adopted in April 2016 requires CSOs to notify the government about planned trips by CSO representatives to foreign countries, among other burdensome obligations.⁴⁶
- In **Uganda**, in November 2015, parliament passed a controversial new NGO law, which the president assented to in January 2016. The new law grants broad powers to the government to refuse to register a CSO, to issue or revoke permits, and to restrict the employment of foreign nationals. In the law's introduction, NGOs are described as engaged in "subversive methods...which in turn undermine accountability and transparency in the sector."⁴⁷ Before the bill was signed into law, a local Ugandan human rights CSO warned that the law would threaten the existence of 11,500 NGOs, each of which will be required to re-register within six months of the law's passage or face dissolution. Under the law, the government is permitted to refuse registration if deemed in the "public interest," which is left undefined.⁴⁸
- In **Jordan**, in March 2016, the Ministry of Social Development released a draft NGO law that would replace the existing 2008 Law on Societies. If passed, it would significantly complicate and restrict the ability of CSOs to form and operate in Jordan. For example, the draft law requires at least fifty founders to establish a CSO, grants excessive discretion to the government to dissolve CSOs, creates new requirements on branch offices of international CSOs, and imposes constraints on foreign funding.⁴⁹
- In **Mauritania**, a draft law approved by the Council of Ministers in July 2015 will, if passed by the parliament, require explicit government approval before any association, foundation or network can begin operating, impose strict punishments for vaguely

⁴⁶ ICNL, "Civic Freedom Monitor: Uzbekistan," last updated June 30, 2016.

⁴⁷ Bill No. 10, Non-Governmental Organisations Bill, 2015, April 10, 2015, at Memorandum, §2.

⁴⁸ "Uganda: Over 11,500 NGOs face deregistration if NGO Bill is not amended," ChapterFourUganda.com, no date provided, <http://chapterfouruganda.com/articles/2015/07/08/uganda-over-11500-ngos-face-deregistration-if-ngo-bill-not-amended>

⁴⁹ ICNL, "Civic Freedom Monitor: Jordan," last updated August 29, 2016.

worded offenses, and limit the scope of permissible associational work narrowly to development work.⁵⁰

Anti-Protest Measures.

The 2015-16 period witnessed the continuation of widespread global protests, a trend that some civil society observers trace back to the eruptions of frustration that exploded throughout the Middle East and North Africa beginning in 2011.⁵¹ As the number, size and intensity of protests have risen, so too have the intensity and number of legal and extralegal measures states have used to contain them. This phenomenon was seen in all parts of the globe, including in long-standing democracies, as the examples below reflect.

- In **Angola**, existing laws have been manipulated to crack down not only on protesters, but also on small groups of individuals who gather to discuss political reform. In June 2015, fifteen young activists were arrested after participating in a meeting to discuss democracy and the failure of good governance in their country. They were convicted of engaging in the “preparatory acts of rebellion” and of “criminal conspiracy,” and given prison sentences ranging from two to eight and a half years. Others suspected of involvement in the meeting had their computers, documents and cameras searched or seized without warrants.⁵²
- In **Western Australia**, a March 2016 law criminalizes protests and any other activities that disrupt business operations. The new law imposes draconian punishments, including prison sentences and hefty fines, and gives new, more robust powers to the police to limit protests. The Law Society of New South Wales described the law as an attempt to “limit fundamental rights to assemble and protest,” and as “an erosion of long-standing democratic institutions and individuals rights.”⁵³
- In **France**, following the massive terrorist attack in Paris on November 13, 2015 that killed 130 people, the government declared a state of emergency and banned all demonstrations, defined as “more than two people sharing a political message.” This ban was used to prohibit climate activists from protesting during the 2015 Paris Climate

⁵⁰ “Mauritania: UN rights expert urges Parliament to repeal NGO Bill that threatens civil society,” UN Human Rights Office of the High Commissioner, August 10, 2015,

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16302&LangID=E>.

⁵¹ CIVICUS State of Civil Society Report 2015, at 35.

⁵² “Angola: conviction of 17 peaceful activists an affront to justice,” Amnesty International, March 29, 2016, <https://www.amnesty.org/en/press-releases/2016/03/angola-conviction-of-17-peaceful-activists-an-affront-to-justice/>.

⁵³ Michael Slezak, “NSW anti-protest laws an attack on democracy, say legal experts,” *Guardian*, March 16, 2016, <http://www.theguardian.com/australia-news/2016/mar/15/nsw-anti-protest-laws-attack-democracy-law-groups>.

Conference, though many openly violated the ban.⁵⁴ Despite widespread condemnation, the state of emergency laws have been repeatedly extended and remain in effect at the time of this writing. The prime minister is on record as stating that they will continue to be extended as “long as necessary.”⁵⁵

- In **Spain**, in July 2015, amendments to the Law on the Protection of Public Security, otherwise known as the “gag law,” went into effect, imposing fines of over \$34,000 for “serious disturbances of public safety” near government buildings, and over \$686,000 for unauthorized protests held near key infrastructure sites such as nuclear power plants, refineries, transportation hubs, and telecommunications installations. Decried by civil society supporters all over the world, the law severely restricts the ability of individuals to assemble peacefully in front of certain government buildings and to monitor the actions of the police with film and photography. It was passed in the wake of several years of massive demonstrations by Spaniards, who have risen up in unprecedented numbers to protest, inter alia, the government’s crippling austerity measures and attempts to roll back the country’s abortion laws.⁵⁶
- In **Thailand**, the military government charged fourteen student activists who held a peaceful pro-democracy protest at Bangkok’s Democracy Monument in June 2015 with sedition, a national security offense that carries a sentence of up to seven years in prison. The case is being handled by a military court, which conducts closed hearings and offers no right to appeal. As such, the status of these fourteen is still unknown.⁵⁷
- In **Turkey**, in March 2015, a controversial series of amendments to laws related to the powers and duties of the police broadened police powers, giving them the authority to use firearms against demonstrators and applying steep prison sentences to protesters found carrying items such as Molotov cocktails. Since the law’s passage, protesters have routinely faced obstacles or violence while carrying out their activism.⁵⁸

⁵⁴ Martin Lucas, “Activists to defy protest ban with giant civil disobedience at end of Paris climate talks,” *Guardian*, December 10, 2015, <http://www.theguardian.com/environment/true-north/2015/dec/10/activists-to-defy-protest-ban-with-giant-civil-disobedience-against-paris-climate-pact>.

⁵⁵ Anealla Safdar, “France state of emergency extended on ‘slim evidence’,” *Aljazeera*, February 18, 2016, <http://www.aljazeera.com/news/2016/02/france-state-emergency-extended-slim-evidence-160217174759408.html>.

⁵⁶ Ashifa Kassam, “Spain puts ‘gag’ on freedom of expression as senate approves security law,” *Guardian*, March 12, 2015, <http://www.theguardian.com/world/2015/mar/12/spain-security-law-protesters-freedom-expression>.

⁵⁷ “EU slams sedition charges against Thai anti-coup student activists,” *The Strait Times*, June 30, 2015, <http://www.straitstimes.com/asia/se-asia/eu-slams-sedition-charges-against-thai-anti-coup-student-activists>.

⁵⁸ E.g., “Turkish police fire rubber bullets to break up Women’s Day Rally,” *Reuters*, March 6, 2016, <http://www.reuters.com/article/us-turkey-women-idUSKCN0W80WW>; “Turkish police tear-gas Kurds protesting crackdown in country’s southeast,” RT, March 2, 2016, <https://www.rt.com/news/334352-turkey-police-kurds->

- In the **United States**, a report issued by the Department of Justice in March 2015 found that police in Ferguson, Missouri responded to protests in an uncoordinated manner that sometimes violated assembly rights, antagonized crowds with military-style tactics, and shielded officers from being held to account.⁵⁹

Closure, Suspension and Expulsion of CSOs.

States have enacted policies or issued pronouncements that result in the shuttering of CSOs, particularly those involved in political reform, including democracy promotion, or otherwise involved in advocating for changes to the status quo.

- In **Burundi**, in November 2015, the interior minister temporarily suspended and froze the assets of ten CSOs, including the country's leading human rights organizations. They were accused of fueling widespread violence and being involved in "insurrection" after participating in anti-government protests. This decision was part of a broader crackdown on civil society that began in the wake of a failed coup attempt by an army general in May 2015, which came on the heels of large-scale protests erupting in the streets of the capital in opposition to the president's announcement to run for a third term.⁶⁰
- In **Ecuador**, in September 2015, the government ordered the involuntary dissolution of Fundamedios, a human rights CSO devoted to protecting the freedom of expression. The organization was accused of disseminating messages with "indisputably political" overtones, allegedly in contradiction of its bylaws and Ecuadorian law governing civic organizations.⁶¹ The government ultimately abandoned the dissolution order, but the organization remains under scrutiny and pressure.⁶²
- In **Egypt**, in early 2016, the government reopened a sensitive and highly controversial case from 2011, in which seventeen individuals from a dozen Egyptian organizations faced charges of illegally receiving foreign funding and harming national security. The first phase

[protests/](http://www.rudaw.net/english/middleeast/turkey/30042015); "Police use excessive measures to prevent May Day celebrations," Rudaw, April 30, 2015, <http://www.rudaw.net/english/middleeast/turkey/30042015>.

⁵⁹ Wilson Andrews, Alicia Desantis, and Josh Keller, "Justice Department's Report," New York Times, March 4, 2015, http://www.nytimes.com/interactive/2015/03/04/us/ferguson-police-racial-discrimination.html?_r=0.

⁶⁰ Elsa Buchanan, "Burundi: Rights activists condemn 'concerning' government ban on local NGOs," International Business Times, November 26, 2015, <https://uk.news.yahoo.com/burundi-rights-activists-condemn-concerning-174119705.html>; CIVICUS, "Burundi on a Downward Spiral: Prevalence of Violence and Impunity," A Policy Action Brief, July 2016, p. 10, <http://www.civicus.org/index.php/en/media-centre-129/reports-and-publications/2469-burundi-on-a-downward-spiral-prevalence-of-violence-and-impunity>.

⁶¹ Freedom House, "Ecuador: Government orders NGO Fundamedios Closed," September 9, 2015, <https://freedomhouse.org/article/ecuador-government-orders-ngo-fundamedios-closed>.

⁶² The UNSR Report on The Year in Assembly & Association Rights, p. 13.

of this case resulted in the raiding of seventeen NGOs in Cairo, the closure of five international organizations, and the conviction of forty-three individuals. In early 2016, the government once again began interrogating, freezing the assets of, and imposing travel bans on many of those involved with the affected NGOs; a closure order was issued on at least one NGO.⁶³

- In **India**, the environmental organization Greenpeace India has repeatedly had its registration canceled and its access to foreign funds and domestic bank accounts blocked by the Ministry of Home Affairs. Despite the fact that the government's attempts to shut the organization down are generally reversed by court order, the routine nature of these cancellations has created a climate of fear and insecurity for many environmental groups, sending a strong warning to those that venture too far afield from, or who challenge too vociferously, the government's policy positions.⁶⁴
- In **Kuwait**, the Social Affairs and Labor Ministry issued a decree in May 2015 dissolving the board of directors of the Kuwaiti branch of Transparency International, a global CSO focused on ending corruption. The Ministry replaced the board members with government appointees, sold the organization's assets, terminated staff members' contracts, and notified the landlord that the organization would vacate its rental office by the end of June, effectively dissolving the organization altogether. In response, the head of Transparency International announced a full suspension of its Kuwaiti branch, disassociating itself from the actions of the government-appointed board.⁶⁵
- In **Russia**, new amendments signed into law in May 2015 authorize the prosecutor's office to label any foreign or international organization as "undesirable" if it decides that the organization threatens the foundation of the constitutional order of the Russian Federation, the country's defense capability, or the security of the state.⁶⁶ Any activities performed by an organization deemed "undesirable" are strictly prohibited and anyone found maintaining ties with such an organization is subject to harsh administrative and criminal penalties, including up to six years in prison. In July of 2015, the Upper Chamber of the Russian Parliament sent a so-called "patriotic stop-list" of twelve foreign CSOs to the Prosecutor's Office to determine if they should be deemed "undesirable." Seven of

⁶³ ICNL, "Civic Freedom Monitor: Egypt," last updated September 20, 2016.

⁶⁴ "India orders Greenpeace to shut down," *The National*, November 6, 2015, <http://www.thenational.ae/world/south-asia/india-orders-greenpeace-to-shut-down>.

⁶⁵ Transparency International, "Kuwait chapter of Transparency International under threat," June 11, 2015, http://www.transparency.org/news/pressrelease/kuwait_chapter_of_transparency_international_under_threat.

⁶⁶ Federal Law No. 129-FZ, Federal Law of the Russian Federation on Amending Certain Legislative Acts of the Russian Federation, 2015.

the organizations on this list—the National Endowment for Democracy, the Open Society Institute Assistance Foundation, the Open Society Foundation, the US Russia Foundation for Economic Advancement and the Rule of Law, the National Democratic Institute for International Affairs, the International Republican Institute, and the Media Development Investment Fund—have since been declared “undesirable.” Other organizations, including the MacArthur Foundation and the Charles Stewart Mott Foundation, have voluntarily shut down operations.⁶⁷ This law further compounded the existing difficulties of foreign-funded CSOs operating in Russia. In 2015, closely coinciding with passage of the so-called Undesirable Organizations law, the Russia government continued its efforts to apply and enforce the 2012 Foreign Agents law, with various organizations receiving substantial fines for extremely minor or technical violations of the law.⁶⁸

- In **Yemen** over the past year and a half, Houthi rebels, who control the capital, have raided, forcibly shut down and seized the assets and equipment of dozens of CSOs, and detained and forcibly disappeared many activists affiliated with their rival political party, Islah.⁶⁹

Counterterrorism Laws and Policies.

Harsh counterterrorism laws have had negative implications for CSOs, particularly those working in areas where extremist groups are present, such as Syria. Moreover, states have manipulated counterterrorism laws to silence critics, including protesters.

- In **Egypt**, new counterterrorism laws, enacted in August 2015 by executive decree, employ a broad definition of terrorism that can be interpreted to encompass acts of civil disobedience. The Sisi government has routinely used the laws to imprison protesters and critics of the state, including those peacefully expressing their opinions. In April 2016, for example, Egyptian security forces arrested hundreds of protesters peacefully demonstrating against the government’s decision to cede two islands in the Red Sea to Saudi Arabia and charged them with violating the counterterrorism law, among other laws. In May 2016, five members of a satirical performance group were arrested after posting videos online mocking the president. They were charged with “incitement of terrorism,” among other charges.⁷⁰

⁶⁷ USAID, Bureau for Europe and Asia, *2015 CSO Sustainability Index for Central and Eastern Europe and Eurasia*, Washington, DC 2016, pp.3 and 203-204.

⁶⁸ *Id.* at p. 204.

⁶⁹ “Yemen: Houthis Shut Groups, Detain Activists,” Human Rights Watch, December 13, 2015, <https://www.hrw.org/news/2015/12/13/yemen-houthis-shut-groups-detain-activists>.

⁷⁰ Declan Walsh, “Egypt sentences 152 to prison for protest over transfer of Islands,” *New York Times*, May 14, 2016, http://www.nytimes.com/2016/05/15/world/middleeast/egypt-sentences-51-to-prison-for-protest-over-transfer-of-islands.html?_r=0.

- In **Ethiopia**, the last of the so-called “Zone 9 Bloggers” was released from prison in October 2015 after being imprisoned for 539 days on terrorism charges. The six bloggers were charged under the 2009 Anti-Terrorism Proclamation with “working with foreign human rights organizations and inciting violence through social media to create instability in the country.” The bloggers, along with several journalists, were arrested for their connection to Zone 9, a blogging platform formed in May 2012 in response to the narrowing of space for free expression. Despite ultimately being acquitted of all charges, the bloggers’ lengthy imprisonment likely sent a threatening message to other civil society activists hoping to voice their frustration with the erosion of fundamental human rights in Ethiopia.⁷¹
- In **Kenya**, shortly after a terrorist attack in the city of Garissa in April 2015 that left 147 people dead, the government raided the offices and froze the bank accounts of two prominent human rights organizations after accusing them of supporting terrorism. A month later, the NGO Board officially deregistered the two organizations.⁷²
- In **Nicaragua**, the Sovereign Security Act came into effect in December 2015, but neither the president nor legislature have issued its implementing regulations, leaving the law vulnerable to arbitrary and restrictive interpretation. The law’s purpose is to “preserve, promote, and maintain sovereign security” against threats that include international terrorism, among others, and it creates the National Committee of Sovereign Security (NCSS), an executive-level committee with the enforcement backing of the military. The law defines security violations to include “any risk, threat, or conflict that puts itself against sovereign security” as well as “any other factor that creates danger to the security of the people, life, family, and community, as well as the supreme interests of the Nicaraguan nation.” Human rights groups have expressed strong concerns that the law narrows the space for them to operate.⁷³
- In **the Palestinian Territories**, particularly the Gaza Strip where Hamas remains in control, humanitarian aid and development support offered by international CSOs has significantly diminished in recent years due to counterterrorism legislation adopted in their or their donors’ countries of origin. One CSO was unable to distribute food to 2,000

⁷¹ Danny O’Brien, “The Zone 9 Bloggers are Free: but Ethiopia still thinks Digital Security is Terrorism,” Electronic Frontier Foundation, October 26, 2015, <https://www.eff.org/deeplinks/2015/10/zone-9-bloggers-are-free-ethiopia-still-thinks-encryption-terrorism>.

⁷² “Shrinking Civic Space Defining Human Rights Issue of 2015,” Charity & Security Network, March 3, 2016, http://www.charityandsecurity.org/2015_Year_in_Review_Special_Rapporteur.

⁷³ “2015 Human Rights Reports: Nicaragua,” US Department of State, April 13, 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>.

families because its primary donor prevented it from sharing its beneficiary list with the Ministry of Social Affairs, which was considered too close to engaging Hamas directly. Another NGO could not proceed with its plans to launch a psychosocial project in Palestinian schools because the headmaster of the school was perceived as too closely affiliated with Hamas.⁷⁴

- In **Syria**, a survey of twenty-one international and national CSOs cited counterterrorism legislation as significantly impeding their ability to operate in the areas most affected by conflict. According to one such CSO, “[a]nti-terrorism legislation and licensing requirements reduce our nimbleness and slow down our effectiveness in reaching vulnerable people because of onerous reporting [requirements].” CSOs are being forced to cancel projects, operate in truncated geographical areas, and abide by extensive auditing and financial reporting requirements. The Syrian NGO Alliance, a consortium of ninety CSOs working in Syria, noted that its members were having to cancel projects because they could not keep up with the paperwork required by their donors, who were trying to ensure compliance with all relevant counterterrorism laws. Another charity reported that the costs of compliance reporting have doubled since March 2014. While understanding and appreciating the need for counterterrorism laws, the CSOs interviewed lamented the contradictory results of some of these laws, notably including that populations are left vulnerable to radicalization when they do not have access to vital supplies.⁷⁵

Restrictions on Resources.

According to the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, CSOs’ ability to “access resources, including foreign funding, is a fundamental part of the right to freedom of association under international law, standards and principles...”⁷⁶ Nonetheless, governments continue to restrict CSOs’ access to foreign resources and affiliations.

- In **Azerbaijan**, implementing regulations for the NGO Law came into force in February 2016, adding to an already restrictive legal landscape for CSOs. Under the new regulations, the government has broad powers to inspect and punish NGOs with few guarantees protecting against violations of their fundamental rights.⁷⁷ Moreover, various

⁷⁴ Study on Impact of Counter-Terrorism Measures at p. 97.

⁷⁵ Tom Esslemont, “Exclusive - Syrians suffer as anti-terrorism laws squeeze charities - survey,” *Reuters*, February 24, 2016, <http://news.trust.org/item/20160224000357-rtjoh>.

⁷⁶ “India: Special Rapporteur’s Legal Analysis Argues Restrictions on Foreign Funding Contrary to International Law,” UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, April 22, 2016, <http://freeassembly.net/news/india-fcra-info-note/>.

⁷⁷ ICNL, “Civic Freedom Monitor: Azerbaijan,” last updated August 24, 2016.

amendments adopted between 2012 and 2016 have complicated the NGO sector's ability to access domestic and foreign funding. Amendments adopted in 2015 grant the Minister of Justice broad discretion in determining whether to grant NGOs access to foreign and domestic grants and donations, as well as foreign contracts, and impose extensive documentation and information requirements on their registration.⁷⁸ Under the new amendments, NGOs must now apply to the government to approve all funded projects, and foreign donors must request licenses. The situation led the UN Special Rapporteur on the situation of human rights defenders to state, "The already challenging environment for NGOs has turned into a total crisis."⁷⁹

- In **Tajikistan**, amendments to the Law on Public Associations restricting access to foreign funding were signed into law in August 2015. Under the new amendments, public associations are required to notify the Ministry of Justice of all grants and other aid received from foreign sources and to record receipt of such aid in a special registry administered by the Ministry of Justice.⁸⁰
- In **Bangladesh**, the Foreign Donations (Voluntary Activities) Regulations Act 2014 (FDRA), which was approved by the Cabinet of Ministers in June 2014 but still awaited parliamentary approval at the time of this writing, will (if passed) strengthen the government's already tight grip over foreign organizations and foreign donations to the nonprofit sector. The law grants the NGO Affairs Bureau broad supervisory powers over foreign-funded or affiliated CSOs, whose activities they can "inspect, monitor, and assess" with few if any checks, and it requires prior government approval for all foreign-funded projects. The law also requires all individuals affiliated with voluntary organizations to receive prior government approval before traveling outside the country for any reason connected to their work.⁸¹
- In **Russia**, the "foreign agents" law, passed in June 2012, labels any Russian CSO that accepts foreign funding and engages in "political activity" a "foreign agent," complicating or stigmatizing the ability of CSOs to receive foreign funding. This law has led to the closure of many CSOs and the decision by others to stop accepting foreign funding to

⁷⁸ USAID, Bureau for Europe and Eurasia, *The 2015 CSO Sustainability Index for Central and Eastern Europe and Eurasia*, Washington, DC, 2016, p. 34.

⁷⁹ United Nations Human Rights Council, Office of the High Commissioner, "End of mission statement by Special Rapporteur on the situation of human rights defenders," news release, September 22, 2016, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20544&LangID=E>.

⁸⁰ ICNL, "Civic Freedom Monitor: Tajikistan," last updated September 28, 2015.

⁸¹ Human Rights Watch, "Bangladesh: Withdraw Restrictive Draft Law on NGOs," July 5, 2014, <https://www.hrw.org/news/2014/07/05/bangladesh-withdraw-restrictive-draft-law-ngos>.

avoid closure, a decision that naturally affects their influence and scope of activities. As of September 2016, the “foreign agents’ registry” included 140 CSOs, eighteen of which entered the registry voluntarily, generally to avoid huge penalties. Thirty-six organizations have been excluded from the registry, including twenty-three that liquidated and thirteen that were removed from the list after choosing to stop accepting foreign funds.⁸²

- In **the Palestinian Territories**, in July 2015, the Council of Ministers approved new restrictions on funding for nonprofit organizations, which require government approval before an organization can accept any gifts, donations, aid, or funding.⁸³

Conclusion

The narrowing of civic space for civil society continues to deprive individuals and groups of critical rights as well as freedom to carry on their important work to improve their communities and alter the status quo. Indeed, according to the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, it is no longer relevant to talk about the “shrinking” of civic space because, simply put, “that space is long gone.”⁸⁴

Nonetheless, multilateral initiatives at the regional and international levels are finding new ways to hold states accountable for their obligation to protect their citizens’ fundamental rights to peacefully assemble, associate and express themselves; and civil society in countries around the world continue to work to reverse the trend towards closing space.

⁸² Human Rights Watch, “Russia: Government vs Rights Groups,” September 22, 2016, <https://www.hrw.org/russia-government-against-rights-groups-battle-chronicle>. Other countries have adopted similar laws limiting access to foreign funding and affiliations. For a report detailing the many states that have followed Russia’s lead by adopting laws similar to those passed in Russia to restrict CSOs’ ability to operate, access foreign resources and maintain foreign affiliations, see Melissa Hooper with assistance from Grigory Frolov, “Russia’s Bad Example,” Free Russia Foundation and Human Rights First, February 2016, <http://www.humanrightsfirst.org/blog/russia-s-bad-example>.

⁸³ ICNL, “Civic Freedom Monitor: Palestine,” last updated May 3, 2016.

⁸⁴ 2015: The Year in Assembly & Association Rights, UNSR Maina Kiai (January 2016), at p. 2.