

ANNUAL REPORT 2020-2021

# A PATH FORWARD

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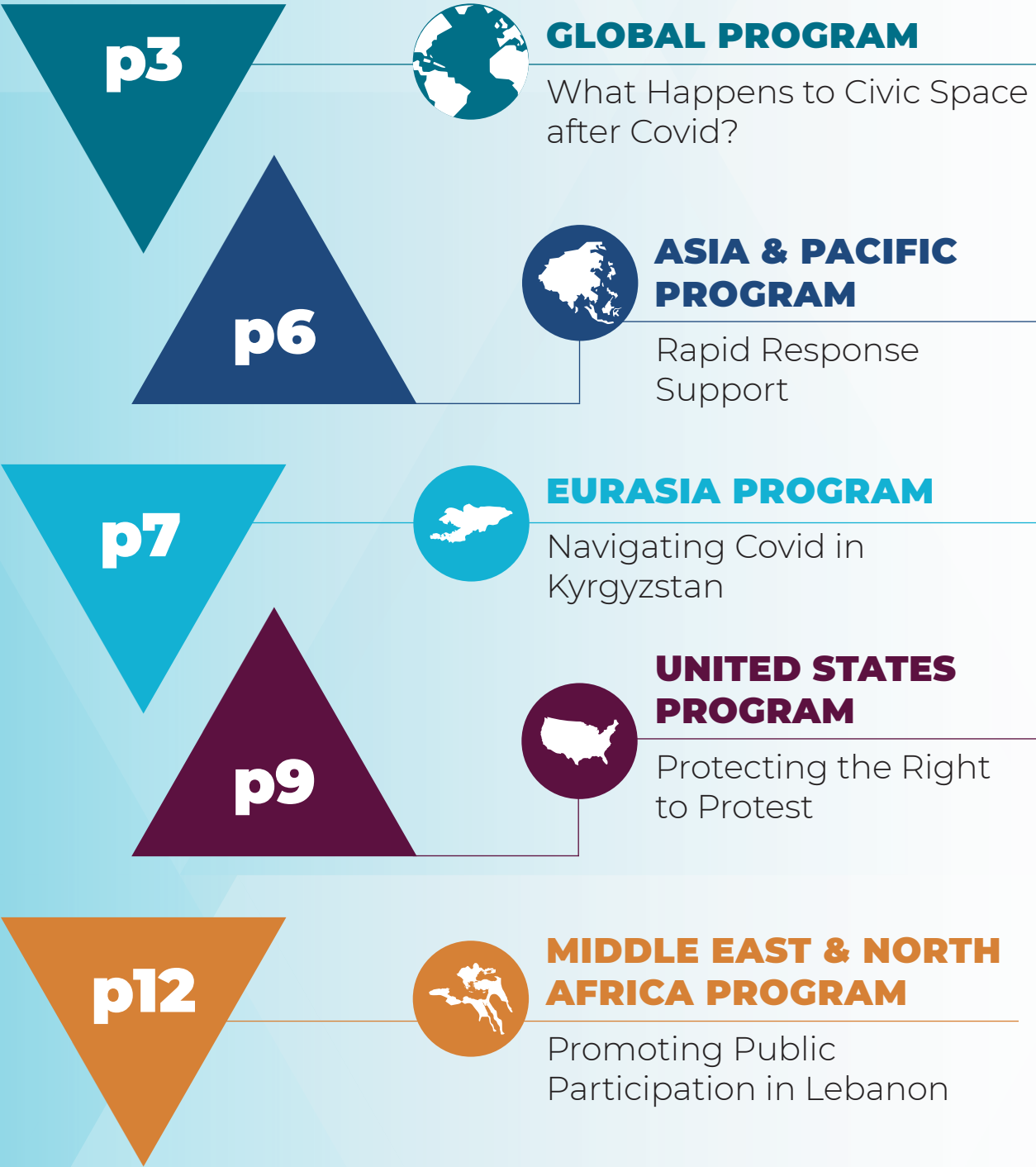
We live in an era of converging challenges. The ongoing COVID crisis has emboldened authoritarian leadership and given rise to misuse of emergency powers, on top of already widespread restrictions on civic space. Our 2020-2021 Annual Report focuses on how ICNL supports civil society to meet these challenges and create a path forward, rooted in resilience.

Whether gathering global leaders to discuss phasing out COVID-inspired emergency measures; providing critical information to our partners on how to navigate restrictive environments in Asia; or laying the foundation for robust public participation in Lebanon, ICNL works to ensure our partners have the necessary tools to weather new challenges.

The stories in this report provide a snapshot of our work. ICNL is dedicated to working alongside our partners to build a path towards a safe legal environment in which all people are free to join together to improve their lives and communities.

## THANK YOU

ICNL's work would not be possible without the dedication and commitment of our staff, partners, Board, Advisory Council, and donors. The impact described in this report is the result of your dedication, skill, and support. Thank you!



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# WHAT HAPPENS TO CIVIC SPACE AFTER COVID?

In early 2020, as COVID began to spread globally, ICNL recognized the repercussions of states' emergency responses on fundamental freedoms and civil society. In Sri Lanka, organizations faced harassment from intelligence agencies under the guise of contact tracing. In Bangladesh, 'fake news' laws led to arrests of doctors, activists, and students who criticized the government's pandemic response. In Chile, pandemic regulations have been used to suppress demonstrations and justify police violence against peaceful protests.

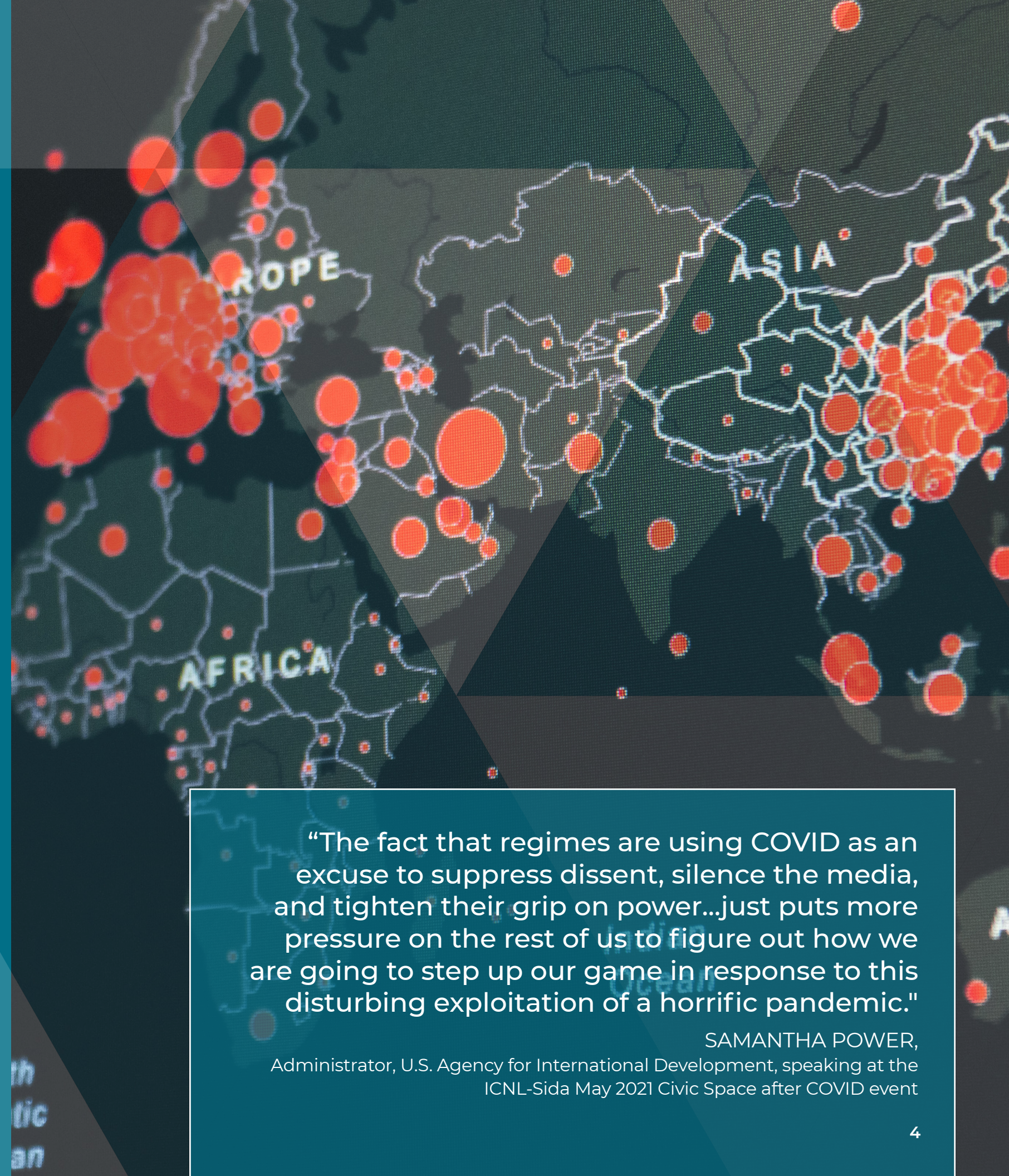
In March 2020, we launched the ICNL-ECNL COVID-19 Civic Freedom Tracker to document this global trend. Our tracker shows that 175 countries have enacted emergency pandemic measures. As we saw after 9/11, these measures seep into legal frameworks and may remain in place even after the initial threat subsides.

To address this, ICNL partnered with the Swedish International Development Cooperation Agency (Sida) to convene a high-level meeting in May 2021 on protecting civic space and ending unnecessary emergency measures.

Panelists from international organizations, states, and civil society shared first-hand accounts of the impact of emergency responses on their work and communities. UN Special Rapporteur Fionnuala Ní Aoláin, the moderator, remarked, "in some contexts, the measures taken are worse than the pandemic itself."

The event's takeaways have been reflected on international and regional stages. At the UN Human Rights Council, states, including Sweden, have spearheaded resolutions highlighting the impacts of emergency measures and their human rights obligations. UN Secretary-General António Guterres advised "safeguarding democracy means phasing out emergency powers and laws as the worst of the pandemic subsides." Additionally, the African Commission for Human and Peoples' Rights is developing a framework on government observance of human rights during emergencies.

While there is still a long way to go, this collective and high-level recognition will be key to developing actionable strategies for repealing emergency measures and protecting civic space in a post-pandemic world.



"The fact that regimes are using COVID as an excuse to suppress dissent, silence the media, and tighten their grip on power...just puts more pressure on the rest of us to figure out how we are going to step up our game in response to this disturbing exploitation of a horrific pandemic."

SAMANTHA POWER,  
Administrator, U.S. Agency for International Development, speaking at the  
ICNL-Sida May 2021 Civic Space after COVID event



# RAPID RESPONSE SUPPORT

It has been a tumultuous year for civil society across Asia, as many governments fast-tracked repressive agendas in the face of the pandemic. In Thailand, the government introduced a draconian nonprofit registration law following pro-democracy activism; in Myanmar, the military seized power and violently quelled protests; and in India, crackdowns on donations from abroad obstructed the pandemic response. These measures constrained civic space and, in some cases, had dire public health consequences.

Throughout the year, ICNL rapidly developed legal analyses to support civil society under pressure, including practical resources to navigate evolving environments.


In Myanmar, we developed primers on civil disobedience and authoritarian edicts, raising awareness of the military's obstruction of humanitarian and COVID relief efforts. In Thailand, we analyzed the potential impact of the proposed registration bill, elevating these concerns to the government. In India, we supported efforts to oppose burdensome foreign funding restrictions, which impeded the ability to receive desperately needed medical equipment.

ICNL also worked to connect local partners with international actors, foreign governments, and donors. In Myanmar, we helped our partners access emergency protection and provided ongoing legal updates. In Thailand, we submitted comments on the registration bill to the global Financial Action Task Force (FATF), which will increase pressure on the government to better adhere to international standards. Our analyses, and subsequent conversations between key stakeholders supported by ICNL, led to a deeper understanding among local partners of governments' use of security measures against civil society and, more importantly, how to push back.

In the face of restrictive COVID measures and increased authoritarianism, our ability to respond rapidly with in-depth and actionable resources helps ensure our partners have the tools they need to navigate and reshape restrictive environments.


## TOOLS FOR CIVIL SOCIETY UNDER PRESSURE

### Thailand




ICNL published rapid analyses critiquing the outdated anti-money laundering principles in the Thai government's draft Act on Operations of Not-for-Profit Organizations. Our analyses increased local awareness of international standards on freedom of association, anti-money laundering, and counterterrorism-inspired legislation. They served as useful resources for civil society partners in their own advocacy, as well as for progressive Thai government actors, such as human rights officers pushing for more enabling provisions.

### Myanmar



In Myanmar, ICNL's legal briefers helped local and international organizations navigate the flurry of restrictive military edicts, and improve understanding of their rights under international law – including peaceful protest, assembly, and civil disobedience. Sharing up-to-date information on new military laws, including a potential mandatory registration law, enabled civil society partners to plan and adapt their operations within an extremely challenging environment.

### India



In September 2020, India amended the Foreign Contribution (Regulation) Act (FCRA), further constricting domestic nonprofit organizations' access to foreign funding. These restrictions created hurdles for critical aid deliveries during the spring 2021 COVID wave ([learn more here](#)). In response, ICNL quickly developed resources to inform local advocacy, which achieved several positive changes, including exceptions for medical equipment.



# NAVIGATING COVID IN KYRGYZSTAN

COVID hit Kyrgyzstan hard, overwhelming an already fragile healthcare system. There was a shortage of essential workers, medical equipment was difficult to access, and vital services were unable to reach those in need.

In the face of these challenges, Elim Barsynby, a charitable foundation in Bishkek, assembled a large-scale volunteer movement to support the local community. It raised funds, solicited donations, transported patients to hospitals, and supplied food to medical staff working long shifts.

To meet the need for oxygen and life-saving medicine, Elim Barsynby had to import items from abroad, and quickly. To do so, however, it needed to navigate unfamiliar laws, regulations, and procedures. These challenges threatened to slow down its response to the growing crisis. Time was running out, but Kanykei Sharapova, Elim Barsynby's attorney, knew where to find help.

With ICNL's assistance, Sharapova was able to streamline the organization's ability to receive aid by working through the medical supply distribution process and the bottlenecks of import and customs documentation. Armed with knowledge on how to navigate import and customs regulations, Elim Barsynby was able to document equipment and medicine orders as humanitarian freight. This allowed them to be exempt from customs payments and distribute supplies in accordance with the law.

Sharapova's commitment to ensuring that the organization's work was transparent and efficient assured people and businesses that they could trust the charity with their donations. Many local entrepreneurs started reaching out during the nation-wide lockdown, providing much needed financial support.

The impact of Elim Barsynby's work demonstrates the critical role civil society plays in responding to global crises, both current and future.

"ICNL's support ensured we were able to streamline the process of importing vital medical supplies and help the most affected communities during the peak of the pandemic."

Kanykei Sharapova, Lawyer for Elim Barsynby

## About Elim Barsynby

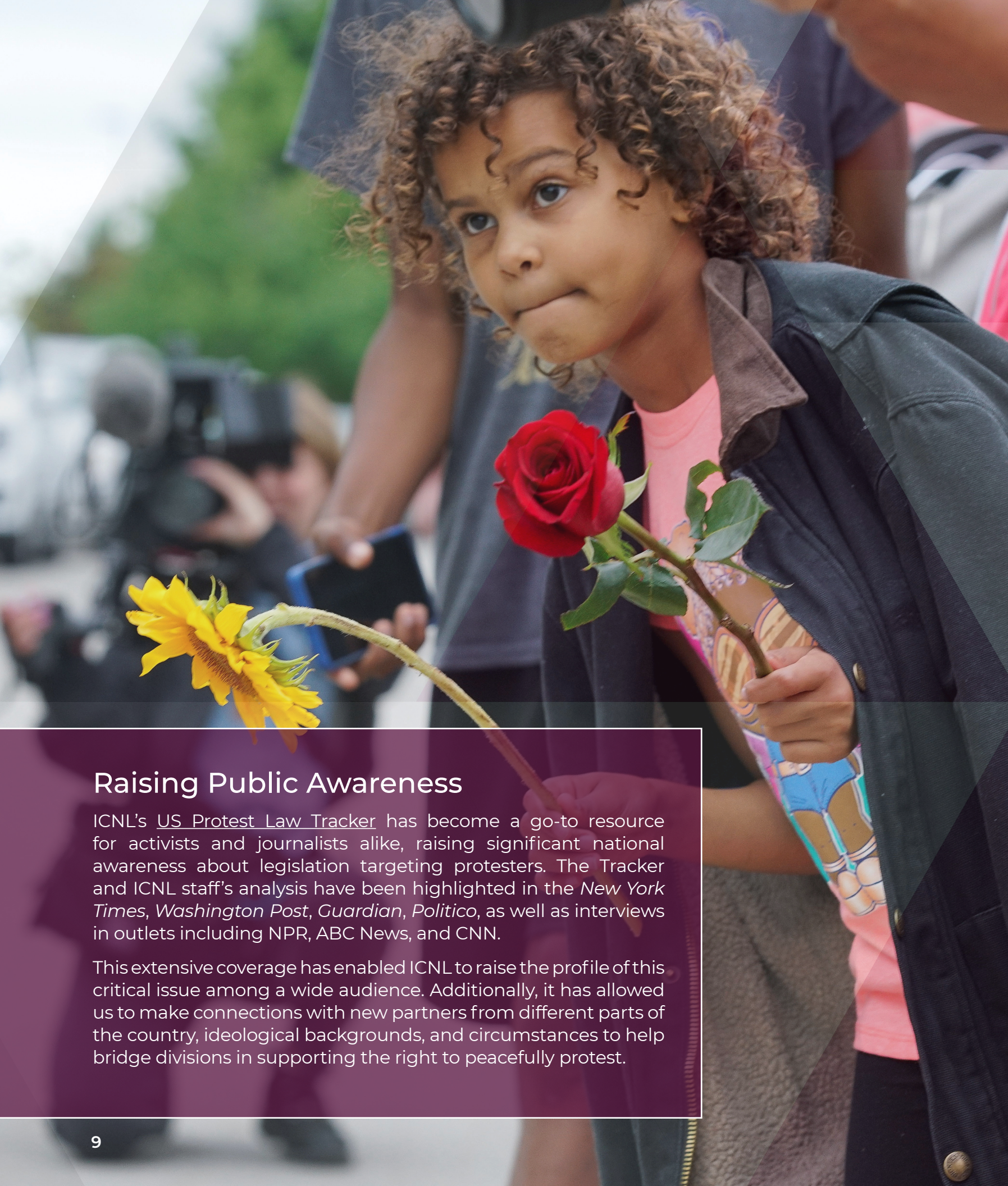
Elim Barsynby was established in 2008 and supports low-income families and individuals, the seriously ill, disabled, and other vulnerable groups during economic and social crises.

When COVID hit, the organization went into overdrive, with volunteers handling hundreds of calls around the clock from people desperately in need of assistance.

With help from ICNL, Elim Barsynby was able to quickly acquire vital aid for hospitals and medical staff countrywide, including 60 oxygen concentrators, 500 pulse oximeters, 2,000 protective suits, and 10,000 bags of groceries.







## United States Program

# PROTECTING THE RIGHT TO PROTEST

In the aftermath of the 2020 racial justice protests that swept across the United States, legislators in 36 states introduced over 100 bills that would undermine the right to peaceful assembly. Eleven have been enacted.

These bills create extreme penalties for peaceful activities related to protests, such as blocking sidewalks and roads; contain expansive definitions of “rioting” that criminalize legitimate and peaceful activities; and even include new types of civil and criminal immunity for drivers who hit protesters.

ICNL is working with a broad coalition of civil liberties, racial justice, environmental, and other groups to address these measures. We are supporting local partners by providing rapid legal analysis and facilitating informal peer learning to help activists from across the country learn from each other.

Using this information, local activists in Tennessee were able to stop the passage of a bill that would have created felony penalties for obstructing a sidewalk or street, as well as given new immunity to drivers who hit protesters. In Alabama, our partners were able to defeat a bill that would have expanded the definition of rioting to include protesters that did not engage in any violence. This bill also redefined “incitement to riot” in way that would allow nonprofits and activists who organized peaceful protests to be charged if the protest became violent.

The ability to press for social change is a foundational right in the United States. These victories are critical to ensuring peaceful protests continue to be protected in the future.

## Raising Public Awareness

ICNL’s [US Protest Law Tracker](#) has become a go-to resource for activists and journalists alike, raising significant national awareness about legislation targeting protesters. The Tracker and ICNL staff’s analysis have been highlighted in the *New York Times*, *Washington Post*, *Guardian*, *Politico*, as well as interviews in outlets including NPR, ABC News, and CNN.

This extensive coverage has enabled ICNL to raise the profile of this critical issue among a wide audience. Additionally, it has allowed us to make connections with new partners from different parts of the country, ideological backgrounds, and circumstances to help bridge divisions in supporting the right to peacefully protest.



## Public Participation Across the Middle East and North Africa

Public participation is the least protected civic freedom in the region, as shown by an [ICNL survey](#) of over three-thousand citizens and civil society leaders.

To tackle this issue, ICNL launched a MENA Hub for Public Participation. We are supporting partners in Lebanon, Morocco, Palestine, Jordan, and Tunisia to empower and educate the public on this issue.

Hub participants engage in diverse activities: using podcasts to enhance public participation; engaging young people to design social, economic, and educational policies; improving the implementation of access to information laws; and promoting the participation of marginalized groups in municipal strategic plans. ICNL also convened partners online to exchange experiences and strategies for strengthening public participation across the region.

## Middle East & North Africa Program

# PROMOTING PUBLIC PARTICIPATION IN LEBANON

The [UN Development Programme](#) estimates that corruption costs Lebanon \$5 billion a year, or nearly 10% of its gross domestic product. Corruption, coupled with flawed policies and a good governance deficit, has created a desperate need for independent Lebanese civil society to engage in policymaking and push for government accountability. Yet, no legal framework requires the government to consult with civil society, or the public, during policy development.

To address this, ICNL partnered with the Lebanese Oil and Gas Initiative (LOGI), a civil society organization promoting transparent management of oil and gas resources, in drafting a model public consultations law.

Public understanding of and support for the model law is critical for its passage. With ICNL's support, LOGI organized a series of online dialogues, consultations, and webinars on the importance of public participation in policy development and pushed for stronger legal protections.

Simultaneously, LOGI launched a robust digital campaign using engaging graphics and [short videos](#) with notable Lebanese experts and activists that reached a diverse audience of almost 500,000 people.

As a result, public consultation, including the need for civil society organizations to engage in legislative processes and hold the government accountable, is now a prominent topic of debate. Increasingly, members of parliament, citizens, and civil society are bringing forth an array of issues for public consultation. Partially due to this public pressure, the Lebanese parliament has started [publishing laws](#) it has passed, an important step toward increased transparency.

With growing public and political support, the law could create a pathway to ensure all Lebanese people can participate and oversee the government that represents them.

"Greater public participation and involvement in the development of a robust and much needed legislative framework will ensure that Lebanese citizens are part of and own the reform process."

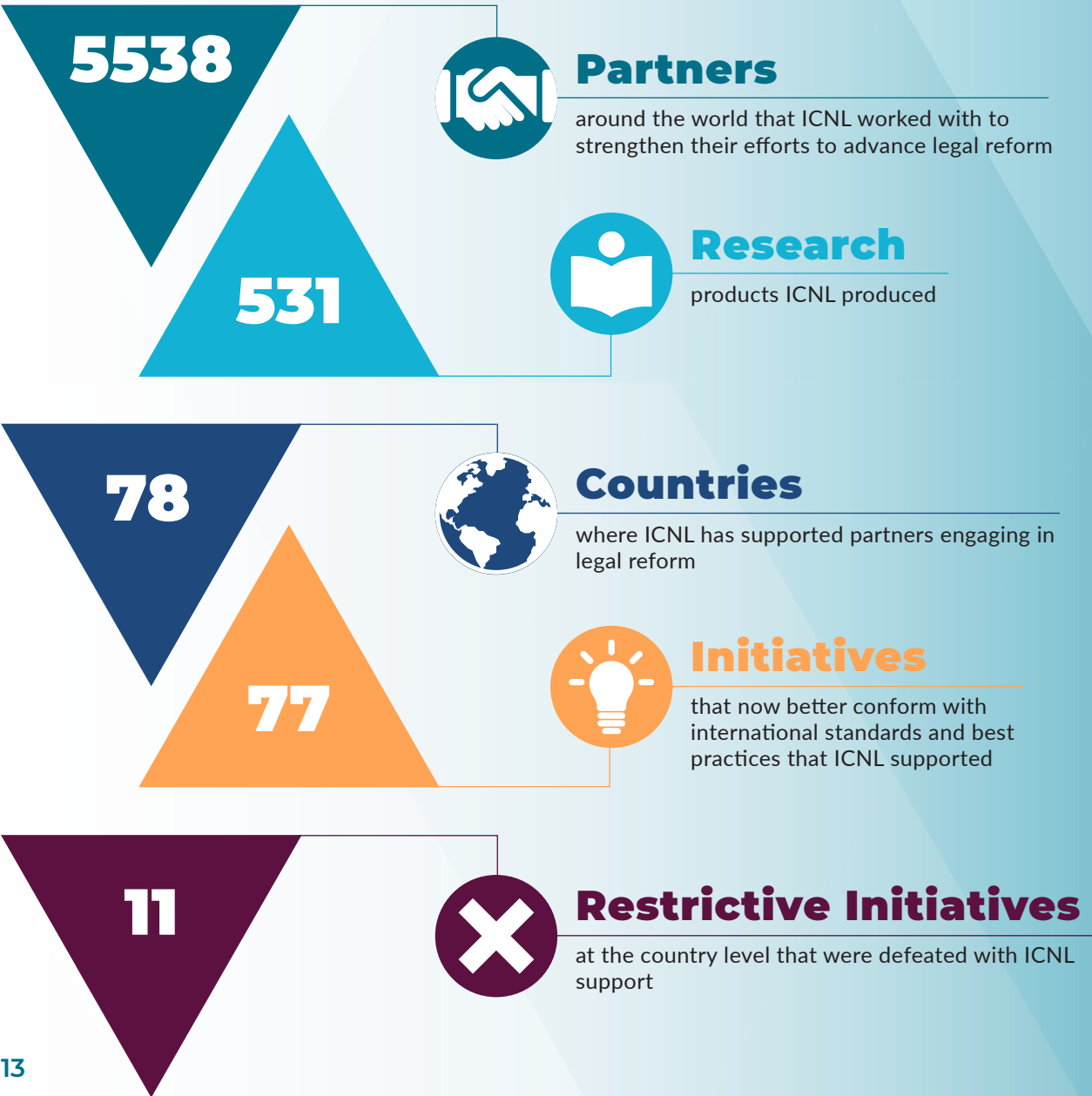
LOGI



# ICNL BY THE NUMBERS

## OUR IMPACT

We partner with civil society organizations, governments, and members of the international community to build a safe legal space for people to come together and improve their lives. We do this by developing long-term relationships with our partners to advance reforms that keep civic space healthy. Here is a snapshot of our work from 2020-2021:



# RESEARCH SPOTLIGHT

## ICNL-ECNL COVID-19 Civic Freedom Tracker

Our [tracker](#), launched in March 2020, monitors government responses to the pandemic that affect civic freedoms and human rights, focusing on the use of emergency powers. In the past year, it has been visited by nearly 40,000 people and cited in 11 media pieces, including on [CNN](#) and in the [Washington Post](#).

## US Protest Law Tracker

The tracker continues to be a critical tool for both our partners and the US media. In the past year, it was visited by over 45,000 people and cited in nearly 90 news articles. We have also developed an accompanying [analysis page](#), that provides in-depth information on trends reflected in the tracker's data.

## ACHPR Checklists

In 2017, the African Commission on Human and People's Rights (ACHPR) adopted its groundbreaking [Guidelines on Freedom of Association and Assembly in Africa](#). In mid-2021, we created [two checklists](#) based on this resource to aid law reform advocates working to protect freedom of association and assembly. These tools have helped our partners to assess proposed bills, identify restrictions, and advocate for laws and practices that are in line with continental standards.

## Countering Online Gender-Based Violence

Women and girls face increasing violence online. Harassment, defamation, and threats of physical attacks limit their ability to exercise civic freedoms in digital spaces. In the last year, ICNL supported partners [Fe-Male](#) and [Ciberseguras](#) to document cases and train activists to defend themselves against online gender-based violence. Our recent [briefing](#) describes this important work and outlines a path forward to protect the rights of women and girls online.



# OUR 2020 FINANCES

	Without donor restrictions	With donors restrictions	Total
<b>PUBLIC SUPPORT &amp; REVENUE</b>			
U.S. and other government grants	\$3,849,758	\$3,040,778	\$6,890,536
Foundation and corporation grants	--	\$1,669,500	\$1,669,500
Contracts	\$3,000	--	\$3,000
Interest and dividend income	\$23,358	--	\$23,358
Net appreciation of investments	\$97,417	--	\$97,417
Other revenue	\$1,175	--	\$1,175
Net assets released from donor restrictions	\$6,442,621	(\$6,442,621)	--
<b>Total revenue</b>	<b>\$10,417,329</b>	<b>(\$1,732,343)</b>	<b>\$8,684,986</b>
<b>EXPENSES</b>			
Program services	\$8,198,899	--	\$8,198,899
General and administrative	\$2,090,183	--	\$2,090,183
<b>Total expenses</b>	<b>\$10,289,082</b>	<b>--</b>	<b>\$10,289,082</b>
<b>Change in net assets</b>	<b>\$128,247</b>	<b>(\$1,732,343)</b>	<b>(\$1,604,096)</b>
<b>NET ASSETS</b>			
Beginning of year	\$2,417,273	\$7,782,268	\$10,199,541
End of year	\$2,545,520	\$6,049,925	\$8,595,445

For more information on ICNL’s finances, please see our 2020 IRS Form 990 [here](#).

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# ICNL

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