

ICNL 2023 ANNUAL REPORT

Strength in Solidarity

ICNL
INTERNATIONAL CENTER
FOR NOT-FOR-PROFIT LAW

Strength in Solidarity

For more than three decades, the International Center for Not-for-Profit Law has worked with partners across the world to foster more inclusive and sustainable societies. We focus on cultivating an environment for civil society to join together, engage, and take action to improve their communities.

The 2023 Annual Report offers a few highlights of this work. Whether advocating for AI governance grounded in human rights, safeguarding civic freedoms in Georgia, or helping civil society in exile, ICNL and our partners have found strength in solidarity.

We invite you to explore ICNL's work by visiting www.icnl.org.

THANK YOU

We extend our gratitude to ICNL's dedicated staff, partners, board, advisory council, and donors whose expertise and support underpin the impact in this report.



Table of Contents

03

Charting the Course
Promoting Rights-Based AI Governance

10

Defending Democracy
Upholding Civic Freedom in Georgia

06

Building a Better Digital Future
The Africa Digital Rights Hub

11

Beyond Borders
Supporting Civil Society in Exile

07

Setting the Standard
Inter-American Principles for Civil Society

13 ICNL By The Numbers

14 Research Spotlight

15 Our Finances

16 Board & Advisory Council

Photo credits (in order of appearance): Reuters/Kevin Mohatt (cover photo), iStock/Suriya Phosri, Emmanuel Ikwuegbu, Davide Locatelli, AFP via Getty Images, and Alesia.

Report design and layout: Jeff Vize

Charting the Course

Promoting Rights-Based AI Governance

Malicious actors have unleashed disinformation campaigns to undermine elections. Authoritarian governments are using technology to censor free speech. These types of anti-democratic tactics have been enabled by recent advances in artificial intelligence (AI).

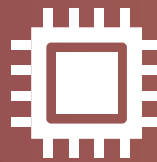
As the world grapples with the capabilities of AI, ICNL is playing a leading role in shaping human rights-centered standards to govern the evolving technology. Working both at the international and country levels, we help civil society organizations (CSOs) and policymakers understand and address the threats AI can pose.

We promote the development of rights-based international norms that can serve as a reference point for national-level regulations. As the Co-Chair of the Freedom Online Coalition's Task Force on Artificial Intelligence and Human Rights, along with the Government of Germany, we share best practices, advocate for AI good governance, and engage with international policy discussions.

ICNL also supports efforts at the national level to ensure that proposed

OUR ROLE

ICNL is at the forefront of efforts to develop human rights-centered standards to regulate AI, both internationally and at the country level.



AI regulations do not encroach on civic freedoms. In Brazil, a local partner asked us to review several heavily criticized draft AI laws. Our analysis highlighted shortcomings that could expose Brazilians to potential human rights violations. A commission took these observations and other public input into account when drafting a new, more enabling law. We shared lessons from Brazil to show how a collaborative process could be designed to develop rights-respecting AI legislation in Indonesia.

As AI is poised to transform humanity, ICNL is steadfast in supporting our partners' efforts to ensure that technological advancements align with the principles of democracy and human rights.





Building a Better Digital Future

The Africa Digital Rights Hub

As individuals increasingly exercise their rights online, threats to digital civic space have been on the rise across Africa. In the past three years, at least fifteen countries have introduced or enacted legislation restricting civic freedoms online. Tactics include digital surveillance, limited or cut-off internet access, disinformation, and hate speech. To effectively overcome these challenges requires a combination of tech, legal, and civic space advocacy expertise.

To build civil society's capacity to push back against rising digital authoritarianism, ICNL and its partner—Collaboration on International ICT Policy for East and Southern Africa (CIPESA)—helped create the Africa Digital Rights Hub. The Hub brings together civil society organizations (CSOs), lawyers, human rights defenders, and tech experts from across the continent. Together, they work to champion digital civic space and counter threats to digital rights.

ICNL and CIPESA began collaborating on the intersection of digital tech and civic space in 2020. Together, we enhanced the tech and legal capacity of leading CSOs from over a dozen African countries. We also facilitated research on digital

OUR ROLE

With our partner CIPESA, we created a space where civil society, lawyers and tech experts can come together to exchange ideas and tackle emerging legal challenges.



legal frameworks and fostered regional networking to encourage knowledge-sharing among partners and their networks.

This multi-year initiative culminated in the Africa Digital Rights Hub launch in September 2023. In the Hub's outcome statement, members committed to collaborate to promote enabling legal frameworks for digital rights, push back against restrictions, and enhance civil society's ability to exercise their rights online. ICNL will continue to support the Hub and its members to shape digital civic space in Africa.

Inset photo: Participants at the the Africa Digital Rights Hub launch in September 2023, held in Dar es Salaam, Tanzania.

Setting the Standard

Inter-American Principles for Civil Society

Although the freedom of association is enshrined in constitutions across the Americas, restrictions to this right are common. Compounding this issue, government officials shaping civil society organization (CSO) regulations often replicate flawed laws from neighboring countries, perpetuating bad practices. To address this problem and present positive models instead, ICNL joined forces with Ramiro Orias of the [Inter-American Juridical Committee \(IAJC\)](#)—an advisory body of the [Organization of American States \(OAS\)](#)—to create enabling standards for CSO regulations in the region.

Through a participatory process involving more than 100 CSO practitioners and legal experts from across the Americas, ICNL and Orias developed the [Inter-American Principles on the Creation, Operation, Financing, and Dissolution of Not-for-Profit Civil Entities](#). Adopted in March 2023, the twelve straightforward principles set a benchmark for OAS member states' regulation of CSOs, from establishment to dissolution.

Advocates across the region are already using this document to challenge constraints on civic space. In Guatemala, our local partner used the Principles to initiate discussions with government

OUR ROLE

With more than 100 civil society and legal experts from across the Americas, we helped develop new Principles that set a benchmark for OAS member states' regulation of CSOs.



officials on improving the country's highly restrictive laws. After these meetings, officials carried out an initial assessment of Guatemalan regulations in light of the principles and pledged to use them to guide future revisions.

The principles are also being used as regional standards to promote accountability for governments that enact restrictive policies. In September, the Inter-American Commission on Human Rights invoked them in a [report](#) on shrinking civic space in Nicaragua, where thousands of CSOs have had their legal status revoked since 2018.

ICNL is committed to supporting our partners and government officials in harnessing these principles to champion and safeguard the right to freedom of association across the Americas.



“I would like to extend my sincere thanks for the invaluable guidance that ICNL provided throughout our journey of developing the Principles. The support you gave us will have a lasting impact on our endeavors to promote and protect civic space in the region.”

- Civil society participant in the process of developing the Principles



Defending Democracy

Upholding Civic Freedom in Georgia

In early 2023, Georgians took to the streets to protest a highly restrictive draft foreign agent law. If adopted, the law would have required civil society organizations (CSOs) that receive more than 20 percent of their income from abroad to register as foreign agents. Branding these organizations as such would have implied that they were spies, discrediting their work and undermining civil society more broadly. The draft also granted enforcement at the government's discretion, thereby allowing the prosecution of opponents.

Within days of the draft's release, ICNL and ECNL developed and disseminated an analysis of the flaws. It highlighted contradictions with European Union (EU) laws and Georgia's international law obligations. Given Georgia's EU aspirations, these were powerful arguments against the bill. Furthermore, our analysis demonstrated the clear parallels between the draft law and the Russian law on which it was based. This became a central message in civil society and media campaigns against the bill, which referred to the draft as the "Russian Law," highlighting its potential authoritarian implications.

OUR ROLE

Our analysis of Georgia's draft foreign agent law helped partners add their voice to the campaign which effectively ended the government's consideration of this damaging legislation.



We widely disseminated the briefer to our partners, human rights lawyers, youth activists, and international bodies. Georgian civil society representatives used our analysis to submit comments to ruling party committee members during the hearing. Additionally, our analysis garnered significant local media coverage, including on critical TV channels, independent online platforms, and influential English-language outlets.

By focusing on the draft's broader implications, our analysis helped our partners add their voices to the massive campaign against the draft law, effectively ending the government's consideration of this damaging legislation.

"The information and analysis from ICNL and ECNL on the foreign influence transparency draft law played a crucial role in assisting civil society organizations opposed to its adoption. The comprehensive insights and arguments presented in the analysis clearly outlined the potential harm to Georgian civil society and democracy, providing credible and persuasive reasoning."

- Tamuna Karosanidze, EWMI Chief of Party based in Georgia

Supporting Civil Society in Exile

In Myanmar, civic space drastically contracted after the February 2021 coup. Stringent registration and operating constraints, as well as threats of arrest and violence, forced many organizations into exile. ICNL worked with our partner, a leading network of local organizations providing humanitarian aid, to relocate to Thailand. From its new base, our partner was able to use its experience and ICNL's guidance to support over 1,500 grassroots and community-based organizations in Myanmar, helping them navigate the restrictive environment and continue providing critical humanitarian aid.

In Belarus, escalating political persecution has driven hundreds of thousands of activists to other countries. To ensure they could continue their important civil society work, ICNL and local partners developed guides for activists relocating to Lithuania and Georgia, common destinations for many Belarusians. These guides cover essential information about how organizations and activists can continue their work in exile, including registering organizations, obtaining work permits, and complying with tax laws. Additionally, we developed a user-friendly

OUR ROLE

By supporting relocation for partners in countries like Myanmar and Belarus, ICNL enabled the continuation of their crucial work and made it possible for them to support others confronting similar challenges.



Telegram bot to help organizations quickly navigate the guides, which over 500 activists have used. While these tools were initially designed for civil society escaping repression in Belarus, they have also proven valuable for activists relocating from Russia and other countries in the region.

In both of these cases, ICNL's assistance has had ripple effects far beyond our direct partners. By supporting relocation, ICNL enables our partners to continue their crucial work safeguarding civic space and makes it possible for them to help other organizations confronting similar challenges.

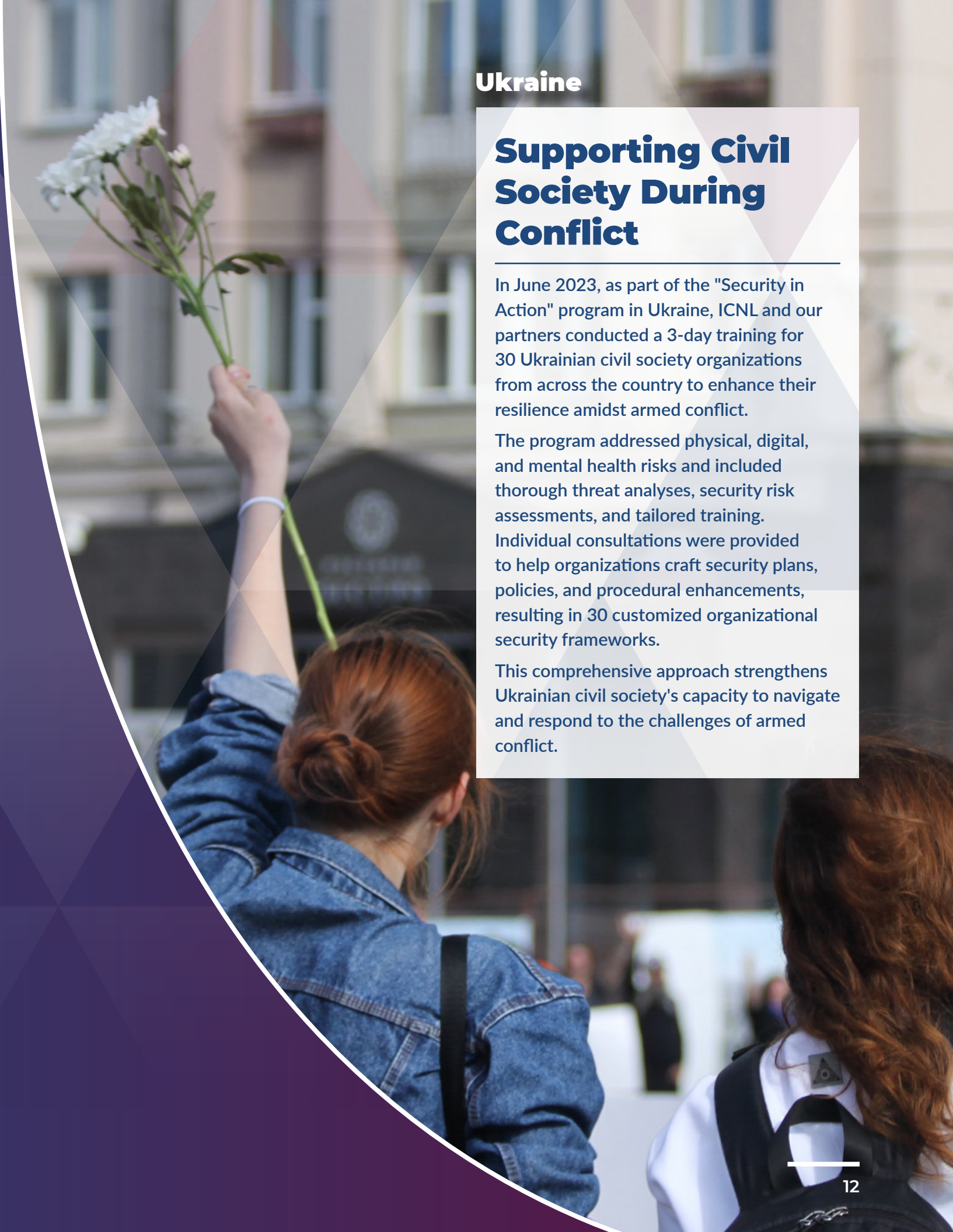
Ukraine

Supporting Civil Society During Conflict

In June 2023, as part of the "Security in Action" program in Ukraine, ICNL and our partners conducted a 3-day training for 30 Ukrainian civil society organizations from across the country to enhance their resilience amidst armed conflict.

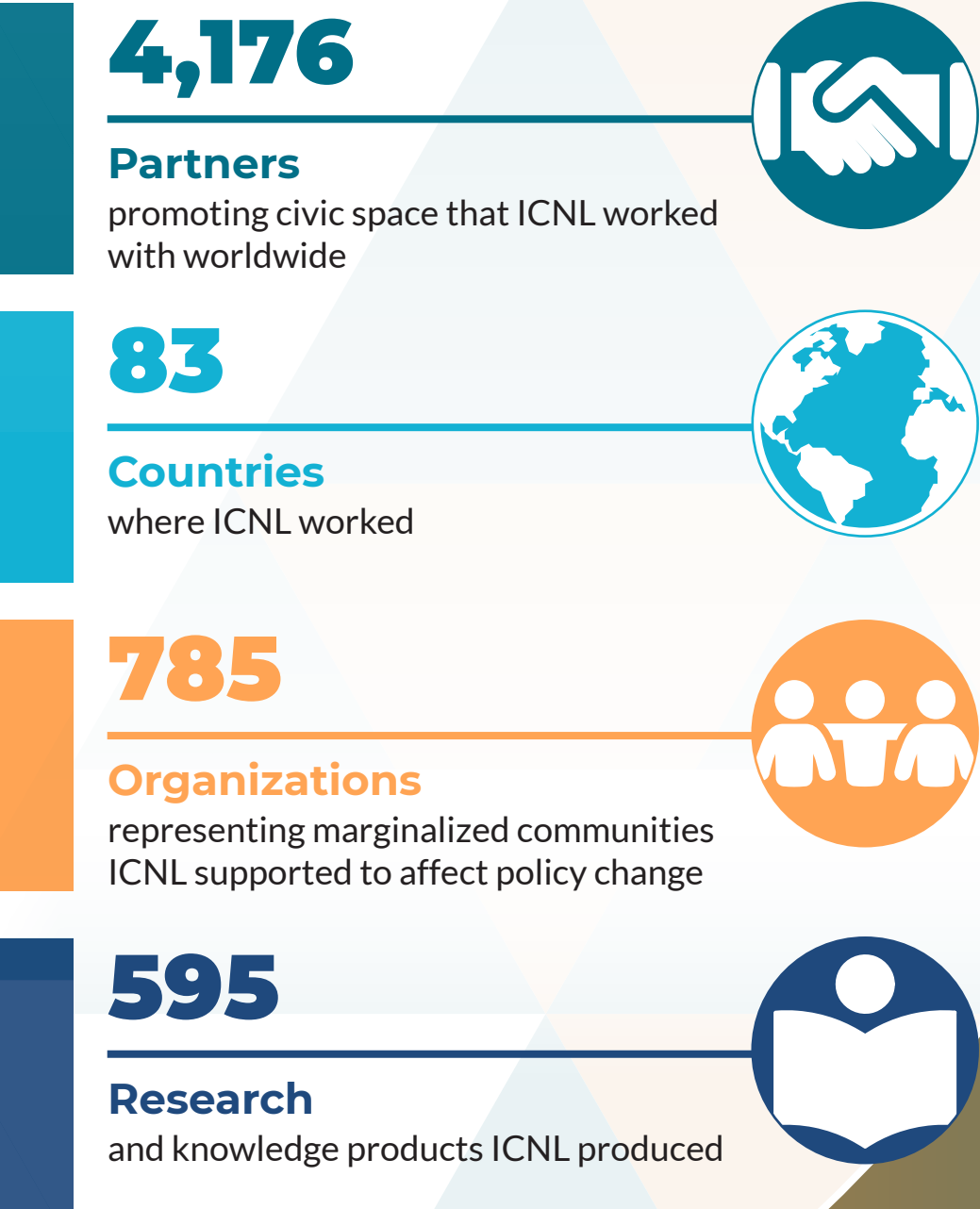
The program addressed physical, digital, and mental health risks and included thorough threat analyses, security risk assessments, and tailored training. Individual consultations were provided to help organizations craft security plans, policies, and procedural enhancements, resulting in 30 customized organizational security frameworks.

This comprehensive approach strengthens Ukrainian civil society's capacity to navigate and respond to the challenges of armed conflict.



ICNL by the Numbers

We work alongside civil society organizations, governments, and global stakeholders to foster civil society, civic engagement, and philanthropy across the world. Together, we aim to safeguard the rights of association, assembly, and expression, as well as the right to public participation, both off and online.



The above numbers are from our 2022 annual monitoring and evaluation data.

Research Spotlight

Online Gender-based Violence and Women’s Rights

Although digital technologies have enhanced opportunities to exercise civic freedoms, online gender-based violence (OGBV) has hindered the meaningful participation of women in these spaces. Women human rights defenders (WHRDs) who challenge patriarchal norms and structures are particularly vulnerable to OGBV, which includes trolling, gendered hate speech, and online sexual harassment. [Our report](#) documents the impact of OGBV on WHRDs in the Indo-Pacific and recommends actions to protect them from this type of harassment.

Counterterrorism and Civic Space

Over the past two decades, civil society's concerns about counterterrorism were sidelined in security discussions. Past abuses are seen as isolated incidents, and any negative impact on civil society and human rights is minimized. To counter this, Fionnuala Ní Aoláin, the former UNSR on the promotion and protection of human rights and fundamental freedoms while countering terrorism, launched the [Global Study on Counterterrorism's Impact on Civil Society](#) in June 2023. The study, supported by ICNL, refutes the 'bad apple' presumption, unpacks the systematic nature of harm counterterrorism measures can cause, and recommends ways to mitigate these challenges.

ChatGPT and Civic Space

By generating credible misinformation that can be spread rapidly and used to sow doubt, smear opponents, and influence public debate, generative AI systems such as ChatGPT pose serious threats to civic space and democracy. [Our article](#) explains these concerns and outlines steps civil society can take to ensure these new technologies protect democratic principles, human rights, and civil society.

State Domestic Terrorism Laws in the United States

In the United States, thirty-two states and Washington D.C. have laws criminalizing the act of domestic terrorism. However, many of these laws are broadly written and can cover activities related to peaceful protests and advocacy, raising clear First Amendment concerns. To help our partners push back against this overreach, ICNL launched an in-depth [database of all state laws that cover the crime of domestic terrorism](#) in October 2023. This resource, the first of its kind, includes a summary of each law and links to the relevant statutes.

ICNL's Income, Expenses, and Assets

	Without donor restrictions	With donor restrictions	Total
PUBLIC SUPPORT & REVENUE			
U.S. government grants	\$7,508,362	--	\$7,508,362
Other government grants	--	\$1,346,302	\$1,346,302
Foundation grants	\$10,764	\$1,999,061	\$2,009,825
Investment income, net	(\$136,806)	--	(\$136,806)
Other revenue	(\$2,191)	--	(\$2,191)
Net assets released from donor restrictions	\$6,103,236	(\$6,103,236)	--
Total revenue	\$13,483,365	(\$2,757,873)	\$10,725,492
EXPENSES			
Program services	\$10,813,061	--	\$10,813,061
General and administrative	\$2,621,539	--	\$2,621,539
Total expenses	\$13,434,600	--	\$13,434,600
NET ASSETS			
Beginning of year	\$2,646,457	\$11,676,676	\$14,323,133
End of year	\$2,695,222	\$8,918,803	\$11,614,025
Change in net assets	\$48,765	(\$2,757,873)	(\$2,709,108)

The above reflects our financial information for the 2022 fiscal year. For more on ICNL's finances, please see our 2022 IRS Form 990 [here](#).

ICNL Board and Advisory Council

BOARD OF DIRECTORS

Bindu Sharma Chair Singapore/India	Mark Sidel Treasurer USA	Saskia Brechenmacher Germany
Mary Beth Goodman Vice-Chair USA	Catherine Anite Uganda	Ruth Madrigal USA
Oyebisi B. Oluseyi Secretary Nigeria	Juan Auz Ecuador	Douglas Rutzen Ex-Officio USA

ADVISORY COUNCIL

Safa’ Al Jayoussi Jordan	Emile van der Does de Willebois Netherlands	Suneeta Kaimal USA	Debra Morris UK
Fionnuala Ní Aoláin Ireland	Nizar El Fakih Venezuela	Adam Kolker USA	Elisa Peter UK
Murray Baird Australia	Luke Fletcher United Kingdom	Gustaf Lind Sweden	Emilie Palamy Pradichit Thailand
Oonagh Breen Ireland	Natasha Gaber-Damjanovska North Macedonia	Halima Mahomed South Africa	Feliciano Reyna Venezuela
Guillermo Canova Argentina	Amine Ghali Tunisia	Caroline McCarthy USA	Julia Sanchez Canada
Thomas Carothers USA	Befekadu Hailu Ethiopia	Myles McGregor-Lowndes Australia	Krystian Seibert Australia
Erica Chenoweth USA	Barbara Ibrahim Egypt	Guadalupe Mendoza Mexico	Aline Souza Brazil
Noshir Dadrawala India	Florian Irminger Switzerland	Ingrid Mittermaier USA	W. Aubrey Webson Antigua and Barbuda
Shamini Darshni Kaliemuthu Thailand	Waruguru Kaguongo Kenya	Alice Mogwe Botswana	Cori Zarek USA