

Protecting Civic Freedom



International Center for Not-for-Profit Law
Annual report 2015-16



Our Mission

The International Center for Not-for-Profit Law

Stockholm, Sweden

May 10 - 12

#ICNLforum2015



We share a vision in which people are empowered to work together to improve their lives.

ICNL works to strengthen the legal environment for civil society, philanthropy and public participation around the world.



<http://icnl.org/> • <https://facebook.com/ICNLDC/> • <https://twitter.com/ICNLAlliance>

Cover photo: A march to celebrate International Human Rights Day in Phnom Penh, Cambodia, in 2012 (photo: Jeff Vize)

Report design: Jeff Vize • Report text: India Adams

Geographic Scope

Empowering people throughout the world



Afghanistan	Dominican Republic	Libya	Senegal
Albania	Ecuador	Macedonia	Serbia
Argentina	Egypt	Malawi	Sierra Leone
Armenia	El Salvador	Malaysia	Slovakia
Australia	Ethiopia	Maldives	Slovenia
Azerbaijan	France	Mexico	Somalia
Bangladesh	Georgia	Moldova	South Africa
Belarus	Germany	Mongolia	South Sudan
Bolivia	Ghana	Montenegro	Sri Lanka
Bosnia-Herzegovina	Guatemala	Morocco	Sudan
Brazil	Guyana	Myanmar	Sweden
Bulgaria	Haiti	Namibia	Tajikistan
Burkina Faso	Honduras	Nepal	Tanzania
Burundi	Hungary	Nicaragua	Tunisia
Cambodia	India	Nigeria	Turkey
Canada	Indonesia	Pakistan	Turkmenistan
Chile	Iraq	Palestine	Uganda
China	Ireland	Panama	Ukraine
Colombia	Israel	Paraguay	United Kingdom
Croatia	Japan	Peru	USA
Cuba	Jordan	Philippines	Uzbekistan
Cyprus	Kazakhstan	Poland	Venezuela
Czech Republic	Kenya	Romania	Vietnam
Democratic Republic of the Congo	Kosovo	Russia	Yemen
Denmark	Kyrgyzstan	Rwanda	Zambia
	Lebanon	Saudi Arabia	Zimbabwe

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Inside the Report:

International Center for Not-for-Profit Law 2015-16

p2

Message from ICNL's Chair and President

p3

I. Global Advocacy:

Engaging with FATF to reverse harmful restrictions on civil society

p4

II. Kyrgyzstan:

Reversing a regional trend to defeat a restrictive 'foreign agent' law

p5

III. Benin:

Working with grassroots groups to encourage respect for association rights

p6

IV. Afghanistan:

Overcoming historical limits to ensure an enabling environment for volunteering

p7

V. Morocco:

Working with the government and civil society to encourage public participation

p8

VI. Latin America:

Using research and dialogue to move stalled reform processes forward

p8

VII. Bulgaria:

BCNL celebrates its 15th birthday

p9

VIII. Cambodia:

Supporting civil society in the face of a restrictive new law on associations

p10

IX. Research & Resources:

Explore ICNL's extensive collection of online tools to learn more

p12

Financial overview / Board and Advisory Council

Message

From ICNL's Chair and President



Oonagh Breen, ICNL Chair

Over the past year, ICNL has worked to confront the challenges facing civic freedoms around the world. To address the global trend of closing space for civil society, we are undertaking activities at the global, regional, and national levels.

At the global level, ICNL engaged with the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, the 2030 Agenda for Sustainable Development, the Open Government Partnership, and the Community of Democracies.

ICNL also engaged with and supported regional bodies, working with partners such as the Inter-American Commission on Human Rights to help protect freedoms and establish norms at the regional level. At the national level, ICNL has engaged with partners in over 100 countries from every corner of the globe. For example, in this report, you will read about our work in Kyrgyzstan to defeat restrictive legislation, in Morocco to support public participation, and in Afghanistan to help establish an enabling legal environment for volunteering.

ICNL continues to maintain an extensive collection of online resources and this year we launched our updated and enhanced Civic Freedom Monitor and Civic Freedom Resources. In addition, we continue to maintain an online library with over 3400 documents from 205 countries and territories.

This year, Betsy Buchalter Adler completed her distinguished service as ICNL's Chair and we thank her for her significant contributions. Oonagh Breen was elected our new Chair and Suneeta Kaimal and Emile van der Does de Willebois joined ICNL's Board of Directors.

We close by expressing our appreciation of ICNL's staff, partners, and funders. We are privileged to be able to work with such a dedicated group of partners and we look forward to continuing our work to protect civic freedom and enhance civic space around the world.



Doug Rutzen, ICNL President

Oonagh Breen,
ICNL Chair

Doug Rutzen,
ICNL President

Global Advocacy

Engaging with FATF to reverse harmful restrictions on civil society

Under India's Foreign Contributions Regulation Act (FCRA), CSOs must either be registered to receive foreign funds or receive prior permission for each overseas contribution. Over the past year, the Indian government has cancelled the FCRA registrations of thousands of CSOs, cutting off their ability to receive foreign funding.

The government has justified these cancellations by citing the failure of CSOs to adhere to new and burdensome renewal requirements under the FCRA. These changes to the FCRA were the result of policy recommendations from [the Financial Action Task Force \(FATF\)](#), which have been the catalyst for similar actions by governments around the world.

Prior to June 2016, FATF's key policy documents singled out CSOs as "particularly vulnerable" to terrorist abuse. This has led to the over-regulation and restriction of CSOs by governments claiming to be adhering to official counter-terrorism policy. Since 2013, ICNL and ECNL have been working with our Global Coalition of CSOs to advocate for the FATF to take steps to address this problematic characterization.

The Coalition's past year of intensive research and advocacy was met with success when, in June 2016, the FATF revised its key documents and removed the previous language.

Official FATF policy now includes a call on governments to respect fundamental rights and humanitarian law, and to avoid overregulation of the CSOs. While more work remains to be done to revise global counter-terrorism policy, these changes were a substantial success for the Global Coalition and civil society.

ICNL and ECNL have been working with a Global Coalition of CSOs to persuade the FATF to change the characterization of CSOs as being 'particularly vulnerable' to terrorist abuse.

Factbox:

Financial Action Task Force (FATF)

Purpose: Inter-governmental task force created to provide policy guidance to states on combating money laundering and terrorist financing, and other related threats to the integrity of the international financial system.

What it does: FATF sets standards through its Recommendations; promotes effective implementation of legal and regulatory measures; and conducts evaluations of the countries' effectiveness in combating terrorist financing and money laundering.

Key concern: The FATF regime, specifically its Recommendation 8 relating to NGOs, is misinterpreted or misapplied in a number of countries, leading to overregulation and restrictions on civil society organizations and civic space.



II. Kyrgyzstan

Reversing a regional trend to defeat a restrictive ‘foreign agent’ law

In 2012, Russia passed controversial legislation requiring CSOs organizations that receive foreign donations and engage in “political activity” to register as foreign agents (a term that implies “foreign spy” in Russian). Even more troubling, the law started a trend: several countries have enacted similar legislation since 2012.

In May 2014, Kyrgyzstan looked as if it was next in line when a draft foreign agent law was introduced in parliament. Just like in Russia, the law would have exposed civil society organizations to a number of burdensome requirements and would have granted broad powers to the state authorities to interfere in their internal affairs.

ICNL recognized Kyrgyzstan as a potential turning point for pushing back against the ongoing wave of “foreign agent” laws. We worked closely with civil society to mobilize the local and international community to fight against the passage of the draft law.

Immediately after the public introduction of the law, ICNL developed a comparative analysis analyzing the draft’s potential negative impact on civil society and assisted civil society groups during the advocacy campaign. ICNL also served as a resource for civil society, parliamentarians, and government officials who were interested in learning more about international practices.

With ICNL’s support, the civil society campaign was successful, and on May 12, 2016, Parliament voted against adoption of the draft Foreign Agent law.

ICNL’s support for civil society advocacy campaigns played a critical role in helping defeat restrictive and harmful legislation in Kyrgyzstan

Learn more:

Cross-Border Funding

In recent years, a growing number of countries have passed laws restricting the ability of civil society organizations to access cross-border philanthropy. Russia’s ‘foreign agent’ law is but one example; others include Bangladesh’s Foreign Donations (Voluntary Activities) Regulation Act and a law in Ethiopia which severely restricts foreign funding to NGOs working on certain human rights issues.

To learn more about the issue, see our Civic Freedom Resources page on cross-border funding:

<http://www.icnl.org/research/resources/foreignfund/index.html>



Civic Freedom
Resources
International Center for Not-for-Profit Law

III. Benin

Working with grassroots groups to encourage respect for association rights



The work of ICNL's partners in Benin over the past year illustrates the level of success that is possible when ICNL supports partners on the ground to apply international norms on a local level.

CSOs in Benin have been working since 2013 to help create a legal environment in the country where association rights are respected and where civil society can flourish. In June 2015, ICNL began working with a representative of the Ministry of Justice, Hermann Kekere, who then left the Ministry and joined the CSO [Groupe d'Action Pour Le Progres et La Paix \(GAPP\)](#), acting as a liaison between the government and civil society.

GAPP focused on aligning the outdated 1901 Law on Associations more closely with international norms and standards on the freedom of association. ICNL aided Mr. Kekere's and GAPP's effort by supporting public consultations in three cities across the country on the law. The result was a new draft Association Law and more than 100 CSOs trained on the right to freedom of association as it relates to Beninese law.

The presence of local CSOs who are familiar with international standards and norms is a positive development for the legal environment for civil society in Benin. ICNL will continue to work with our partners on the ground to strengthen the right to freedom of association in the country.

ICNL will continue to work with partners in Benin to ensure that international norms are applied at the local level



Participants at a June 2015 workshop on the reform of the 1901 Associations Law in the Republic of Benin. Photo: GAPP

IV. Afghanistan

Overcoming historical limits to ensure an enabling environment for volunteering



Many people in Afghanistan view volunteerism as an obligatory social requirement due to the history of “voluntary” activities mandated by the communist government in the 1980s.

In addition to this history, Afghan law fails to provide a clear legal space for volunteerism. Many perform voluntary activities, but do so without any incentive or legal support.

To address this gap, over the past year ICNL has been working with civil society organizations to develop a regulation on volunteerism. The draft regulation seeks to ensure an enabling environment for volunteering in Afghanistan. It includes an affirmation that no one can be mandated to provide voluntary services as well as a guarantee of the rights of volunteers and the obligations of host organizations.

The regulation is under review by the Ministry of Labor, and will then be sent to the Ministry of Justice in the next 2 months. Once reviewed by both Ministries, the regulation will then be passed sometime in mid-2017. According the Working Group advocating for its approval, the passage of the regulation will both encourage citizens to perform voluntary services and help to develop a culture of volunteerism in Afghanistan.

Many in Afghanistan view volunteerism as an obligatory social requirement due to the history of ‘voluntary’ activities mandated in the 1980s. ICNL is working with civil society to ensure a more enabling legal environment for volunteerism.



A civil society activist at ICNL workshop in Herat, Afghanistan. Photo: Maqsood Hamid

Learn more:

- Civic Freedom Monitor: In depth analysis of the legal environment for civil society in Afghanistan: <http://www.icnl.org/research/monitor/afghanistan.html>

Civic Freedom
Monitor
International Center for Not-for-Profit Law

V. Morocco

Working with the government and civil society to encourage public participation

The adoption of Morocco's current constitution in 2011 was a positive step for civil society, as it includes a number of mechanisms to support public participation and civil society's role in national governance. In the past year, these mechanisms have begun to be implemented on the national level and ICNL has played a supportive role throughout this process, engaging with both the government and civil society.

In 2016, ICNL held a meeting for civil society to discuss Morocco's draft Access to Information Law in both a local and international context. The result: a document authored by local CSOs with specific suggestions on how to improve the draft. One partner praised the meeting for contributing to the "dynamic civic advocacy" which led to the development of the recommendations.

In a success for civil society, legislators in the lower house of Parliament adopted a number of the recommendations into the final version of the law, which is currently pending approval in the upper house. Among the recommendations included in the draft law were a requirement for the government to respond to requests for information within 20 days and the right to appeal the rejection of a request.

This success was an important step in strengthening public participation in Morocco as access to information is critical to an informed, engaged citizenry.

ICNL is planning to hold a consultative meeting with the upper house in early 2017 and we will continue to work with the government and CSOs to strengthen public participation in Morocco.



Learn more: legal issues affecting NGOs

ICNL's *Global Trends in NGO Law* synthesizes key developments relating to the legal and regulatory issues that affect non-governmental organizations (NGOs). Drop us a line at trends@icnl.org to subscribe, or check out the latest issue at the following link: <http://www.icnl.org/research/trends/index.html>

Global
Trends
in NGO law



Moroccans rally for reform in 2011 in a series of protests that led to the adoption of the new constitution in 2011. Photo: Magharebia/Flickr

In 2015, ICNL held a meeting for civil society to discuss Morocco's draft Access to Information Law in the context of international law and standards. The result: a document authored by local CSOs with specific suggestions on how to improve the draft.

VI. Latin America

Using research and dialogue to move stalled reform processes forward



Civil society advocates have been working in Argentina for decades toward reforms to open up civic space in the country, but the efforts were uncoordinated and progress was slow. CSOs lacked unity and did not possess the information necessary to substantiate their calls for reform. ICNL's 2015 Regional Study helped to fill this important gap in knowledge and provided the space for CSOs to come together and find success.

The study involved six countries in Latin America (Mexico, Panama, Bolivia, Chile, Brazil, and Argentina) and part of its aim was to provide support for CSOs in each country to perform a systematic assessment of the legal environment for civil society, focusing on regulation of CSO lifecycles, their capacity to engage in public policymaking, and their access to public funding. In Argentina, this assessment was the catalyst for national dialogues between CSOs, public officials, academics, and professionals who support civil society. Members from the civil society teams in Mexico, Chile, and Brazil participated in the dialogues and shared their perspectives regarding norms and reforms in their respective countries, which provided additional supportive data to the Argentine activists.

The result of the dialogues was the consolidation of a working group that helped to bring together many civil society leaders who had been working in isolation for years. The group has found a willing partner in the newly-elected government and the two sectors are currently engaged in a collaborative effort to produce draft civil society reforms expected to be presented to Congress by the President. ICNL will continue to support these efforts in Argentina, with the goal of moving reforms forward at a faster pace and with more productive results than in the past.

Civil society lacked unity and did not possess the information necessary to substantiate their calls for reform. ICNL's 2015 Six-Country Regional Study helped to fill these gaps.

VII. Bulgaria

BCNL celebrates its 15th birthday



In April 2016, the [Bulgarian Center for Not-for-Profit Law \(BCNL\)](#) celebrated its 15th anniversary.

BCNL was established in 2001 as a legacy to the ICNL Program in Bulgaria, focused on the sole objective of adopting and implementing a new CSO law. Since then, BCNL has grown into a multifaceted organization that helps legal reform in all areas affecting CSOs (e.g., social contracting, fundraising, volunteering) and supports the Bulgarian civil society sector through information and capacity building services. In the past 15 years, BCNL has achieved many important milestones for civil society in Bulgaria, including the adoption of the first national strategy to support CSOs, the creation of the largest NGO portal in the country, and the provision of legal advice and training for over 3,000 organizations.

ICNL applauds these successes and looks forward to our continued partnership with the dedicated staff at BCNL.



The BCNL team and Board after planting 15 trees to commemorate the 15th anniversary of the organization in April 2016. Photo: BCNL

VIII. Cambodia

Supporting civil society in the face of a restrictive new law on associations



Activists in Cambodia were arrested while circulating a petition calling for the release of human rights defenders. The leader of a CSO was summoned to court for making t-shirts for a protest campaign. Community members were forced to conduct protest meetings in barns instead of the village meeting hall in order to avoid the authorities.

All of these examples from the past year are the realities of life in Cambodia under the Law on Associations and NGOs (LANGO), passed in July 2015.

After the passage of the LANGO, local partners in the country reached out to ICNL to assist with a monitoring project aimed at surveying the effect of the LANGO on civic space in Cambodia. ICNL worked with three CSOs on the ground to develop a project to monitor the freedom of association and other related freedoms. The team designed a tool comprised of approximately 70 indicators that correspond to four key milestones: compliance with international standards; proper enforcement of the laws; citizens' knowledge of their rights; and the relationship between civil society and the government.

The data gathered so far provides important insights into the current state of these freedoms and shows a prevalence of extra-legal restrictions on civil society, as well as numerous cases where laws affecting the freedoms of association, expression, and assembly were misapplied. Moving forward, data collected from the monitoring will be used to provide evidence to support domestic and international advocacy efforts. The goal is for the project to systematically capture and report on positive and negative developments, supporting and strengthening civil society in the process. ICNL will continue to work with its partners on the ground to monitor the situation and help reverse the trend of closing space in Cambodia.

ICNL worked with three local partners to develop a project to monitor association rights and other civic freedoms that could be affected by Cambodia's new Law on Associations and NGOs.



A demonstration against Cambodia's proposed Law on Associations and NGOs in 2011; the law was ultimately enacted in 2014. Photo: Jeff Vize

IX. Research & Resources

Explore ICNL's extensive collection of online tools to learn more

Civic Freedom Monitor

The Civic Freedom Monitor is the most comprehensive source for updates and analysis on civil society law. It covers 50 countries and 8 multilateral institutions (such as the African Union and the League of Arab States) and provides up-to-date information on legal issues affecting NGOs around the world.

www.icnl.org/research/monitor



Global Trends in NGO Law

This periodical report draws on ICNL's global expertise to provide a unique perspective of legal trends around the world affecting civil society. www.icnl.org/research/trends



International Journal of Not-for-Profit Law (IJNL)

You can read about Not-for-Profit Law and Culture in Asia in the latest issue of the IJNL, the first journal of its kind, which publishes pioneering research by legal experts on cutting edge global civil society topics. www.icnl.org/research/journal



Civic Freedom Resources

The thematic portal section of our website, offering access to essential materials on twelve leading topics in civil society law. Topics include freedom of assembly, foreign funding, and counter-terrorism. www.icnl.org/research/resources



Online Library

ICNL offers the only global legal database that contains more than 3400 key civil society legal materials in over 60 languages from every UN Member State. www.icnl.org/research/library



United Nations Special Rapporteur

ICNL continues to work with the Special Rapporteur on the rights to freedom of peaceful assembly and of association and provide support to the development of his thematic reports.

www.freeassembly.net



2015 Financial Overview

PUBLIC SUPPORT & REVENUE

	Unrestricted	Temp. Restricted	Total
US & other government grants	-	\$6,839,690	\$6,839,690
Foundation & corporate grants	\$18,000	\$1,347,573	\$1,365,573
Contributions	\$1,500	-	\$1,500
Contracts	\$339,268	-	\$339,268
Interest & dividend income	\$14,841	-	\$14,841
Net depreciation of investments	(\$27,272)	-	(\$27,272)
Other revenue	\$16,553	-	\$16,553
Net assets released from restrictions	\$11,522,676	(\$11,522,676)	-
Total public support & revenue	\$11,885,566	(\$3,335,413)	\$8,550,153

EXPENSES

Program services	\$10,036,155	-	\$10,036,155
General & administrative	\$1,808,730	-	\$1,808,730
Total expenses	\$11,844,885	-	\$11,844,885

Changes in net assets before other item	\$40,681	(\$3,335,413)	(\$3,294,732)
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NET ASSETS

Net assets at beginning of year	\$1,815,651	\$13,939,664	\$15,755,315
Net assets at end of year	\$1,856,332	\$10,604,251	\$12,460,583

Board and Advisory Council

Board of Directors

Oonagh Breen, Chair
Ireland

Natasha Gaber-Damjanovska, Vice-Chair
Vice Chair, Macedonia

Adam Kolker, Secretary & Treasurer
United States

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