THE STATE OF CIVIC FREEDOMS

IN THE MIDDLE EAST AND NORTH AFRICA

Access to Associational Rights in Morocco, Tunisia, Lebanon, Jordan and Kuwait

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SYMBOLS AND ABBREVIATIONS USED

Morocco   Tunisia   Lebanon   Jordan   Kuwait

PPS: Public Perception Survey, **SAS**: Stakeholder Assessment Survey (CSO stakeholders)

OTHER SOURCES: COUNTRY REPORTS DATA

Civic Freedom Meters: PPS
Key Findings: Freedom of Association:
- Number of registered CSOs: Government data
- CSO registration time: SAS
- Primary sources for CSO funding: SAS
- Unannounced visits from government officials: SAS

Public attitudes towards donating to CSOs: PPS

EXECUTIVE SUMMARY

In 2016, Beyond Reform and Development (BRD) and Menapolis in partnership with the International Center for Not-for-Profit Law (ICNL) launched a two-year field research study on the environment for civil society organizations (CSOs) and civic freedoms in five Middle East and North Africa (MENA) countries. The research study, which focused on Morocco, Tunisia, Lebanon, Jordan, and Kuwait, assesses the effect of formal and informal restrictions on the functioning and viability of CSOs. This report presents the findings from that study. It begins with an overview of the legal framework for civic freedoms in each of the study countries. The report then presents regional findings from the study in a comparative analysis across the five countries. Next, the report provides the detailed findings from each country, presenting data on the impact of the laws, regulations, policies, and practices on CSOs and other civic actors. Each country section identifies opportunities for action to mitigate the legal restrictions and other challenges that the CSO sector faces.

This study finds that individuals' access to civic freedoms in Morocco, Tunisia, Lebanon, Jordan, and Kuwait follows diverse patterns of openness and restriction. Not surprisingly, a country's laws and the government's policies and practices in implementing those laws were identified as primary factors in enabling or restricting civic freedoms. However, the findings indicated that the positive effects of enabling laws could be undermined by poor implementation, while restrictive laws were in some cases less constraining due to lax enforcement. In Morocco, Lebanon, and Tunisia, where the legal frameworks are generally more conducive to the exercise of civic freedoms, restrictive government practices included lengthening and complicating basic procedures, and threatening or harassing CSOs. In Jordan and Kuwait, on the other hand, where legal frameworks are relatively more restrictive, CSOs were comparatively optimistic about their access to various rights.

> "This study finds that individuals' access to civic freedoms in Morocco, Tunisia, Lebanon, Jordan, and Kuwait follows diverse patterns of openness and restriction."

Key findings

- Surveyed CSO stakeholders associated with formal, legally-registered orga-
nizations reported that they faced various challenges during the registration
process.[1] In Morocco and Jordan, CSO stakeholders most often cited the cost
and time-intensiveness of accessing the registration office as a challenge.
In Lebanon and Tunisia, the most frequently cited challenge was a delay in
the government's response to registration applications. CSO stakeholders in
Kuwait most often cited the delay in the government's response as well as
the difficulty of obtaining information on the registration requirements.

- CSO stakeholders in Tunisia and Lebanon felt the most free to express them-
selves openly, while those in Morocco, Jordan, and Kuwait were less san-
guine about their ability to exercise freedom of expression. CSO stakehold-
ers in all five countries, however, noted that knowledge of the consequences
for discussing certain topics in public has led to self-censorship among CSO
members, activists, and journalists.

- A significant number of CSO stakeholders in all five countries had witnessed
incidents in which state or security officials dispersed public assemblies,
with the highest numbers in Tunisia (59%), followed by Jordan (41%), Kuwait
(35%), Morocco (31%), and Lebanon (25%).

- Across all countries, a majority of CSO stakeholders surveyed (95% in Jor-
dan, 80% in Tunisia, 72% in Kuwait, 63% in Lebanon, and 59% in Moroc-
co) believed the law either does not provide for CSO participation in policy
and legislative processes at the national level or only partially provides for
it. Varying shares (68% in Jordan, 42% in Tunisia, 37% in Kuwait, 30% in
Lebanon, and 20% in Morocco) believed the law does not provide for CSO
participation, while roughly a third in all countries (39% in Morocco, 38%
in Tunisia, 35% in Kuwait, 33% in Lebanon, and 27% in Jordan) believed that
the law only partially provides for such participation.

- The majority of CSOs in all five countries reported that their organization's
primary source of funding was domestic – whether donations from individu-
als, domestic government funding, private sector funding, or membership fees.
Foreign funding was most common in Lebanon, where two-fifths (40%) of the
surveyed groups in Lebanon reported that foreign funding was their primary
funding source, and another 11% reported receiving some foreign funding.

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1   Registration as a legal entity is an important step in the lifecycle of CSOs. The law in some countries—including Jordan and
Kuwait—requires that CSOs submit a registration application and receive prior permission from the government in order to
form and operate legally. In other countries—including Morocco, Tunisia, and Lebanon—organizations effectively register by
notifying the government of their existence; notification is not required by law in such countries, however, it is still necessary
in order for CSOs to open organizational bank accounts and receive donor funding. In this report, "registration" is meant to
refer to the process by which a CSO obtains legal personality, including both registration and notification.

MOROCCO

- Among CSO stakeholders, 12% indicated that it took more than three months from the time they first submitted their organization's notification of establishment and supporting documents to when they received their official registration receipt—despite the law's requirement that the receipt be delivered within 60 days. In focus group discussions and interviews, CSO representatives confirmed that registering a CSO may seem straightforward according to the law, but in practice can take months.

- While a sizeable majority (88%) of CSO stakeholders surveyed said they felt free to express their opinions in public arenas, in focus groups and discussions many noted that self-censorship is a common practice to avoid both official and informal penalties.

- Of CSO stakeholders who had applied for a permit to hold a public assembly, a majority (83%) described the application process as complex.

- Despite the country's recent legal reforms to formalize public participation, one-fifth (20%) of CSO stakeholders reported that the laws in Morocco do not provide for their organization's right to participate in national policy and legislative processes. More than a third (39%) said that the laws only partially provide for such participation.

- Although the Moroccan government has a budget to support domestic CSOs, stakeholders noted in focus groups and interviews that not many organizations know of or have access to this budget. Some focus group participants also indicated that government funds are often directed to CSOs based on their political affiliations.

TUNISIA

- Over a quarter (27%) of CSO stakeholders said that the process to register a CSO suffered from government delays beyond what is provided for by law. While the law provides for a thirty-day timeline during which a new CSO may notify the government of its establishment and acquire legal personality, 12% said that more than six months elapsed after submitting their notification of establishment before the process was complete.

- The overwhelming majority (97%) of surveyed CSO stakeholders indicated that they feel free to discuss their opinions openly in public.

- While most (78%) CSO stakeholders indicated that they had participated in a public assembly in the past five years, a minority (16%) said that they had been discouraged from participating in a assembly during that time, primarily due to security officials' dispersal of the assembly. Several interviewees said the wide-ranging powers granted to the security apparatus under Tu-

nisia's emergency law were at times used to ban or break up legitimate demonstrations.

- Among those surveyed CSO stakeholders who had tried to obtain information from the government, two out of five (40%) said that they were only to obtain the information or documentation "sometimes," while another fifth (20%) said they were successful "rarely" or "never."

- Most stakeholders described their organizations' primary funding as coming from domestic sources, whether from individual donations (35%), domestic government funding (12%), membership fees (7%), or private sector funding (6%). While the legal framework for domestic funding seems enabling, nearly half (47%) of CSO stakeholder respondents indicated that in practice the law restricts their organization's ability to access domestic funding. Interview and focus group participants cited an unfavorable tax environment for donations, the use of punitive audits, and limits on access to government funds.

LEBANON

- Among the registered CSOs that were surveyed, one-fifth (20%) reported that they had to wait more than six months to receive a receipt after submitting their notification documents.

- More than one in ten organizations (13%) reported having been discouraged by a state authority from some form of expression. This discouragement included refusing permission for the organization to hold or attend a public speaking event, and in several cases arresting individuals associated with the expression.

- More than half (56%) of the surveyed CSO stakeholders had participated in public assemblies in the past five years, and 25% reported witnessing incidents in which the state challenged or dispersed a public assembly. Those who had witnessed such incidents had seen an average of five such events.

- One-third (33%) of CSO stakeholders said their organizations had no relationship with nation-
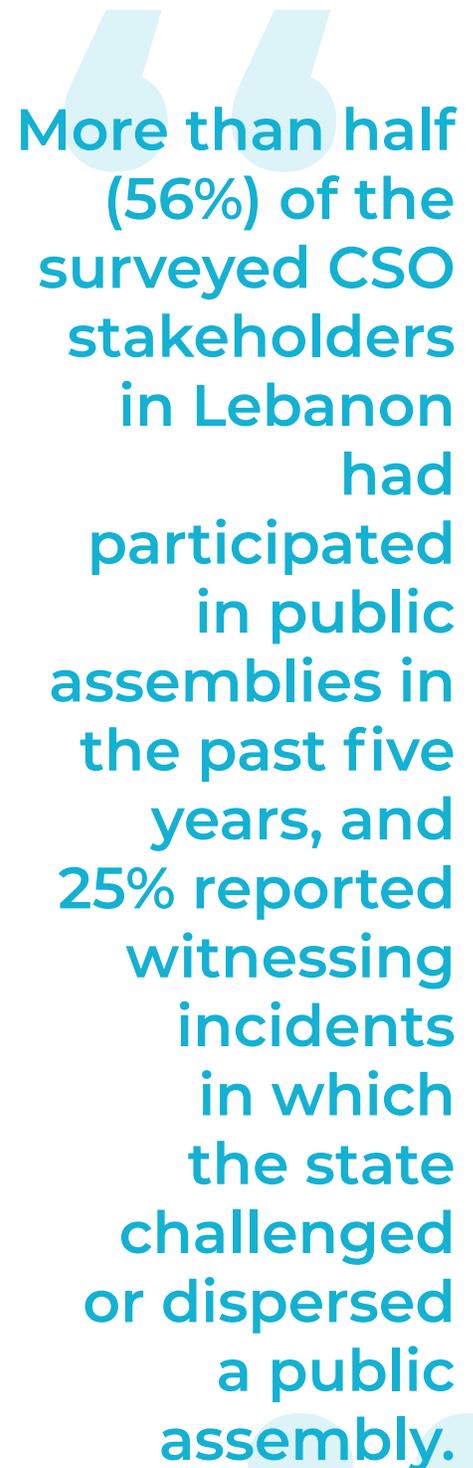
"More than half (56%) of the surveyed CSO stakeholders in Lebanon had participated in public assemblies in the past five years, and 25% reported witnessing incidents in which the state challenged or dispersed a public assembly."

al authorities. Similarly, the majority of stakeholders (68%) said that their organizations were neither influential nor even somewhat influential with regard to national policy and legislative processes.

- A plurality (41%) of stakeholders reported that their organizations' primary source of income had decreased over the past three years. Stakeholders most frequently (40%) identified foreign funds as their organization's primary source of funding.

JORDAN

- Nearly half (49%) of all surveyed CSO stakeholders reported that their organizations had received unannounced visits from government or security officials on the organization's premises or at the site of organizational activities.

- More than half (53%) of the CSO stakeholders surveyed said they felt either not free (35%) or neither free nor unfree (18%) to express their opinions in public arenas.

- More than two-fifths (41%) of stakeholders surveyed reported witnessing incidents in which the government dispersed public assemblies.

- Surveyed CSO stakeholders most commonly view their relationships with national authorities to be non-existent (44%). Most stakeholders (79%) also do not believe that their groups have any significant influence on national policy and legislative processes.

- Even though Jordan's law on societies makes the receipt of foreign funding subject to government approval, more than half (53%) of surveyed CSO stakeholders reported that their organizations did not have any difficulties trying to receive foreign funds. In focus group discussions, however, participants reported that the process for obtaining these funds is particularly lengthy and burdensome.

KUWAIT

- CSO stakeholders described the process for registering a new organization as time-consuming and costly. Among representatives of registered groups, 27% said the process took longer than six months from the first submission of registration documents to official registration.

- Nearly one-third (30%) of CSO stakeholders reported that their organizations had been discouraged by a state authority or other official actor from some form of expression.

- More than half (54%) of the CSO stakeholders surveyed said they had participated in a public assembly in the past five years. Of those, roughly a fifth (21%) stated that they had been discouraged from assembling—most frequently by

the government delaying or denying issuance of a permit to assemble, or by security forces dispersing the assemblies or closing the assembly's location.

- A significant share of stakeholders (42%) believe that their CSO can have at least some influence on national policy and legislative processes. More than a third (35%) of CSO stakeholders said that they had engaged in policy dialogue with officials at the national level within the past five years.

- More than half (53%) of CSO stakeholders reported that the laws restrict their organizations' ability to access domestic funding. Further, 18% reported that their organization had been denied permission to fundraise for donations, and another 18% reported that their organizations had been denied funding from domestic and national government sources.

Overview of the Report

This report is based on information collected through several diagnostic tools, including:

1. desktop research and analysis of the key laws, regulations, and policies affecting civic freedoms in the five project countries;

2. a survey of more than 550 CSO stakeholders about the practical impact of laws and regulations on the sector;

3. a survey of over 3,300 members of the public about their perceptions of CSOs and civic freedoms;

4. dozens of interviews with key academic, law, government, and CSO stakeholders;

5. focus group discussions that helped to refine and build out the data from other sources; and

6. a peer review meeting with CSO leaders from the five countries that gave stakeholders an opportunity to share their recommendations for future action based on the research.

The methodology is described in greater detail below.

The report is divided into four parts. The first provides an overview of the legal framework affecting civic freedoms in each the five study countries. The second contains a regional overview of research findings related to civic freedoms, including the roles of different actors and institutions, and how things have changed since the Arab uprisings. The third part presents detailed research findings for each study country, with the final component of each country section providing recommendations of mechanisms to mitigate legal and regulatory restrictions and other challenges. The report concludes with consolidated recommendations for future action to expand access to civic freedoms in the MENA region.

INTRODUCTION

Focus countries

Civil society in the MENA region has faced unprecedented challenges in the years following the Arab uprisings. In the face of political, economic, and social instability, many Arab countries have targeted civil society organizations (CSOs) as potential threats to traditional, institutionalized power structures. In some countries, governments weakened by political and economic tumult have sought to limit CSOs as de facto sources of dissent or opposition. This tendency is manifested formally through legal restrictions on the establishment, functioning, and funding of CSOs, and less formally through misapplication of those legal tools, administrative impediments, and harassment of CSOs.

At the same time, MENA countries have witnessed ongoing limitations on key "civic freedoms," namely:

- freedom of association,

- freedom of assembly,

- freedom of expression, and

- public participation.

Many of the same formal and informal restrictions that affect CSOs limit the rights of the region's people to exercise these basic freedoms.

There is a great need to understand more deeply the policies and practices that constrain civic freedoms in the region in order to identify new opportunities to improve the enabling environment for CSOs and other civil society actors. While information

exists about the various restrictions facing civil society, there is still little understanding of the nature and the actual, cumulative impact of these restrictions. Information about formal restrictions on civic freedoms often ends with the laws themselves, rather than detailing their effect on CSOs' operations. Nor is there detailed information to illuminate the public's experience of civic freedoms, whether and how the public's and CSOs' perceptions of civic freedoms align, or the extent to which the public sees civil society as helpful and trustworthy. Such information is critical to know how best to protect and promote the civil society sector. This research study originated out of a desire for this information to inform targeted and effective interventions.

Research Methodology

The methodology for this research project was developed in collaboration with the three project partners and formalized in a written research protocol. The partners refined the research protocol based on multiple rounds of feedback from an independent expert as well as review by USAID.

The research protocol set forth all stages of the research, the methodology to be used with each research tool, and the method of analyzing the data. The research began with a desk review of information about legal obstacles, regulations, and situational analyses in each of the five study countries. The research team then undertook twenty-four inception interviews with key stakeholders to identify crucial contextual information and to inform the conduct and design of future research activities. These interviews were conducted with local activists, academics, human rights defenders, and legal experts. Data collection in the field comprised two quantitative surveys: a survey of CSO stakeholders (the Stakeholder Assessment Survey, or SAS), and a public opinion survey (the Public Perception Survey, or PPS); as well as two qualitative tools: interviews of key stakeholders and focus group discussions. All data-collection tools were reviewed and refined based on feedback by an independent expert and piloted in-country prior to their use in the field.

STAKEHOLDER ASSESSMENT SURVEY

The SAS was designed to obtain information on CSO stakeholders' experiences with legal and practical restrictions on their organizations. The survey also aimed to identify methods

"The stakeholder survey targeted 100 CSO stakeholders in each country except for Morocco, where the target sample size was doubled to 200 due to the country's substantially larger population."

used by stakeholders to mitigate the impact of restrictions and address other challenges, such as financial sustainability.

The stakeholder survey targeted 100 CSO stakeholders in each country except for Morocco, where the target sample size was doubled to 200 due to the country's substantially larger population. Stakeholders included CSO founders, board members, members, employees, and volunteers. In order to obtain a relatively representative and information-rich sample, the study utilized purposeful sampling—a research technique for selecting subjects who are especially knowledgeable about or experienced with a certain topic. Accordingly, the sampling did not necessarily target a pool of respondents that was proportionally representative of the sector as a whole, but aimed to include both individuals associated with various types of CSOs, and individuals located in various parts of each country. A fixed but not over-representative percentage of the 100 respondents was also reserved for organizations working on gender, youth, and marginalized groups. A total of 552 stakeholder surveys were conducted.[2]

PUBLIC PERCEPTION SURVEY

The PPS was designed to understand how members of the public feel about their access to four key civic freedoms. It also aimed to assess the extent to which the public supports and trusts CSOs and other institutions.

The survey targeted a sample of approximately 600 citizens above the age of 18 from different regions of each country but Morocco, where again the sample size was doubled. Stratified random sampling, which involves the division of a population into smaller groups, was used in order to represent the population distribution in different regions while ensuring a 1:1 ratio of male to female residents. The survey consisted of 38 multiple-choice questions, in addition to ten questions about the respondent's identity. A total of 3,323 public surveys were conducted.[3]

FOCUS GROUP DISCUSSIONS AND KEY INFORMANT INTERVIEWS

The study also incorporated qualitative research tools to complement and elaborate on the quantitative data. Interviews were conducted with approximately ten CSO representatives in each of the five countries. These included civil society experts; lawyers; academics; government officials; and donors. The research teams also held focus group discussions in each of the five countries, bringing together groups of approximately five CSO stakeholders. The interviews and focus group discussions were conversational in style, loosely structured around a series of questions about legal restrictions and other challenges faced by CSOs, and recommended means of mitigating those restrictions and challenges. The interviews and discussions provided a venue for the researchers to probe more deeply into issues that arose in the course of the quantitative data collection.

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2   Delays and other implementation difficulties forced the research team to end the study in Kuwait before the targets had been reached. In addition, the research team reported that both members of the public and CSO stakeholders frequently declined to participate in the survey. As a result, the CSO stakeholder survey in Kuwait ended after 53 surveys had been conducted, and the public survey after 323 surveys had been conducted, resulting in the shortfalls from the overall targets.

3   See above.

CONTEXT ANALYSIS

Morocco

BACKGROUND

The operating environment for CSOs and activists in Morocco changed decisively in 2011. Widespread popular protests did not lead to an overhaul of the political establishment or descent into internal conflict. Rather, Morocco's King Mohammed VI responded by pledging a raft of constitutional reforms and appointed a committee to draft constitutional amendments.

The amendments, which were overwhelmingly approved by referendum in 2011, included changing the selection of the lower house of parliament to direct election; requiring the king to appoint the prime minister from the party that wins the most seats in parliamentary elections; and committing the king to consult the prime minister before dissolving parliament. Constitutional amendments also gave official status to the Tamazight (Berber) language, called for gender equality, and emphasized respect for human rights.

The 2011 constitution included a number of other positive changes for civil society in particular. The constitution's new terms provided for CSOs to form and carry out activities "in all freedom," and protected them from administrative dissolution and suspension. The constitution also provided CSOs with an expanded role in policymaking, via provisions granting citizens the right to present legislative motions and petitions to public officials.

Despite these changes, the constitutional reform process left the balance of power largely unchanged, and maintained the king's place at the center of political life. Further, in some cases the adoption of legislation to implement the constitutional protections proceeded at a slow pace.

There are approximately 130,000 registered associations in Morocco according to the Ministry of Interior.

LEGAL FRAMEWORK FOR CIVIC FREEDOMS

At the time of this report, the government was working on drafting or amending a number of laws affecting civic freedoms, including a new law to govern CSOs. While the research study was underway, however, the laws governing freedom of association in Morocco included the *Decree on the Right to Establish Associations* (Decree 1-58-376 of 1958,

as amended) and the *Decree to Implement the Decree on the Right to Establish Associations* (Decree 2-04-969 of 2005). Decree 2-04-969 states that anyone can form any association for any purpose; however, at the same time it imposes a vaguely-worded prohibition on the formation of associations that pursue objectives that are "illegal, contrary to good morals, [or which aim] to undermine the Islamic religion, the integrity of the national territory, or the monarchical regime, or call for discrimination" (Article 3). The decrees give the primary court jurisdiction to order the dissolution of an association if it is in violation of the law. Violations of the law can be punished with fines, prison time, or both.

Decree 2-04-969 does not require associations to be registered, stating that associations can be "freely established without prior permission" provided they notify the government of their existence (Article 2). However, by effectively requiring government approval of the notification, it functions much like a registration system. The notification must include information such as: the name and purpose of the association; the name, nationality, age, profession, residence, and national or foreign identification of its founders; and the address of the association's headquarters. The association must submit the notification to the headquarters of the local administrative authority in which the association is located. According to the Decree, once an association has submitted its complete notification, it should receive a signed and dated receipt within 60 days. If the government does not issue a receipt, the association can continue to lawfully carry out its activities (Article 5), however the receipt is necessary in order to conduct financial transactions including receipt and possession of funds to support those activities. As such, the government's discretionary decision not to issue a notification receipt can effectively deprive associations of legal entity status.

An association must apply for an additional license before it may fundraise for public donations. Foreign funding is not subject to major restrictions, however, and in practice many organizations receive funds from abroad. Moroccan law provides that associations can apply for public benefit status in order to receive tax benefits and be eligible for government funding. However, the relevant laws (including the *Decree on Public Benefit Status for Associations*, and *Ministerial Circular on the Requirements*

> In Morocco, an association must apply for an additional license before it may fundraise for public donations. Foreign funding is not subject to major restrictions, however, and in practice many organizations receive funds from abroad.

and Process of Awarding Public Benefit Status), do not clearly describe which objectives or activities qualify as public benefit, and few organizations have successfully obtained the status.

Organizations and citizens enjoy certain participatory rights under Moroccan law. Morocco's constitution provides for the right of citizens "to access information held by public authorities, elected institutions and bodies invested with a public service" (Article 27). At the time of this study the kingdom had not yet adopted a law to implement this constitutional right, though a law on freedom of information was adopted in early 2018 after data collection for this study was complete. The constitution also provides for citizens' rights to present motions in legislative matters (Article 14) and petitions to public authorities (Article 15). In 2016, Morocco adopted laws to implement these participatory rights: *Law No. 44-14 Concerning the Methods and Conditions of Exercising the Right of Submitting Petitions to the Public Authorities*, and *Law No. 64-14 on Determining the Conditions and Modalities of Practicing the Right of Presenting Motions in the Field of Legislation.*

Several laws affect Moroccans' access to freedom of expression, including laws on the press, the penal code, and the antiterrorism law. In late 2016, as this research study was getting underway, Morocco's parliament adopted a new *Press and Publications Code*. The new Code makes many important and positive changes to the 2002 Press Code, such as eliminating prison sentences as possible penalties for offenses such as reporting that is deemed critical of the monarchy or public officials. The *Penal Code*, however, continues to provide for prison sentences for certain nonviolent speech offenses, whether by journalists or non-journalists. For instance, the *Penal Code* prohibits speech that "caus[es] harm" to Islam and the monarchy, offends the king or members of the royal family, or incites against Morocco's territorial integrity. All of these offenses are to be punished by prison sentences as well as fines. Morocco's 2003 antiterrorism legislation also has implications for free speech: the law provides for heavy criminal penalties including prison sentences for vaguely-phrased offenses that include advocacy, support, or incitement to terrorism.

Law 76 on Public Assemblies governs access to freedom of assembly in Morocco. Law 76 requires that assembly organizers notify the government of planned assemblies at least 24 hours beforehand and obtain a stamped receipt of acknowledgment. Spontaneous demonstrations are not allowed. Law 76 provides that local authorities may prohibit a public assembly or demonstration that it deems likely to threaten public security; the written prohibition must be served to the organizers at their places of residence.

Tunisia

BACKGROUND

Following the 2011 Arab Spring protests, the political and social landscape in Tunisia underwent a dramatic transition leading to broader civic engagement and a proliferation of CSOs.

In 2014, Tunisia adopted a progressive constitution and held free and fair elections at the parliamentary levels, which included 70 political parties. Civil society was instrumental in the drafting of the 2014 constitution as well as Tunisia's enabling decree on associations. A group of four CSOs, the Tunisian Dialogue Quartet, also played a fundamental role in crucial compromises that avoided political conflict during the transition, work for which they won the Nobel Peace Prize in 2015.

According to the Ministry for Relations with the Constitutional Bodies, Civil Society, and Human Rights, there are nearly 21,000 CSOs in Tunisia.

LEGAL FRAMEWORK FOR CIVIC FREEDOMS

Tunisia's legal framework for civic freedoms is in some ways among the most enabling in the MENA region. Nonetheless, provisions in certain laws—particularly with regard to defamation law, the law's prohibition on spontaneous assemblies, and the repeatedly-renewed state of emergency—may unduly restrict individual and associational rights.

At the time of this report, Tunisian authorities were discussing a new law to govern CSOs and taking steps to include civil society in the process of its development. During the research study, however, CSOs in Tunisia were primarily governed by *Decree 88 of 2011 on Associations*. The Decree was adopted following a national consultation with civil society and unprecedented meetings between CSOs and legislators to discuss draft provisions. It provides broad protections for the exercise of freedom of association and support for a free and independent civil society sector, including provisions for public funding and prohibitions on state interference in organizations' operations. Under the Decree, an association in Tunisia is legally established once it has submitted a registered letter of notification to the prime minister's office and a copy of the letter to the Official Gazette of Tunisia for publication. The prime minister's office is located in Tunis, and has no branch offices, so CSOs outside of Tunis must travel to the capital in order to convey the notification letter. The letter must contain extensive information about the applicant organization and its founders. If the registered letter receipt is not returned within thirty days of the date of its mailing, it is deemed legally served. According to the Decree, an association is considered legally established on the date the notification letter is submitted, however it only acquires legal personality once the notification is published in the Gazette, and the Decree requires that the Gazette publish the notification within fifteen days of receiving it. Until all these steps are completed, an association may not open a bank account, enter into contracts or agreements, or undertake activities.

Decree 88 does not significantly restrict associations' activities. Indeed, the law specifically guarantees associations' rights to engage in other activities, including the right to access information; evaluate state institutions and submit recommendations to improve their performance; organize meetings, demonstrations, conferences, workshops, and engage in "all types of civil activities"; publish reports and other information materials; and conduct opinion polls (Article 5).

Per Decree 88, associations that receive donations or grants from foreign entities must inform the Secretary General of the source, value, and purpose of the funding within one month of the decision to request or accept the funding. Associations may not receive funding from a country that does not have diplomatic relations with Tunisia, or from organizations that "defend the interests and policies" of such countries (Article 35). Decree 88 also provides that the state will allocate funds from the public budget to assist and support associations; *Decree 5183 of 2013 pertaining to the Control of the Standards, Procedures, and Criteria for Public Funding of Associations* governs this system of public funding.

Associations and individuals enjoy access to official information pursuant to *Law 2016-22 on the Right of Access to Information*, which was adopted in March 2016. The law provides citizens and associations with the right to access information from the presidency, the prime minister's office, the judiciary, the parliament, local and regional governorates, as well as all publicly-funded organizations, including CSOs that receive state subsidies.

Freedom of expression is governed by several laws and legal provisions. Decree 88 does not create barriers to speech or advocacy by CSOs, including on political issues. On the contrary, the Decree expressly protects the right of an association "to express its political opinions and positions vis-à-vis issues of public affairs" (Article 4). Other Tunisian laws, however, prohibit certain speech that is critical of public authorities. Article 125 of the *Tunisian Civil Penal Code* calls for up to one year in prison and a fine for insulting public officials who are executing their duties, while the *Tunisian Code of Military Justice* broadly prohibits the defamation of the military, attacks on its honor, and the undermining of morale (Article 91). A new antiterrorism law passed in July 2015 included some protections for journalists, including a measure to strengthen the right of journalists to shield their sources, but also authorized expansive new surveillance powers for state security and intelligence forces.

Tunisia's *Law 69-4 of 1969* requires prior notification for any assembly at least three days before it takes place. Unplanned protests for which authorities have not received notification are not allowed. The Law allows authorities to prevent any protest that is expected to "disturb the peace or public order." The Law sets forth a punishment of three months in jail for those who
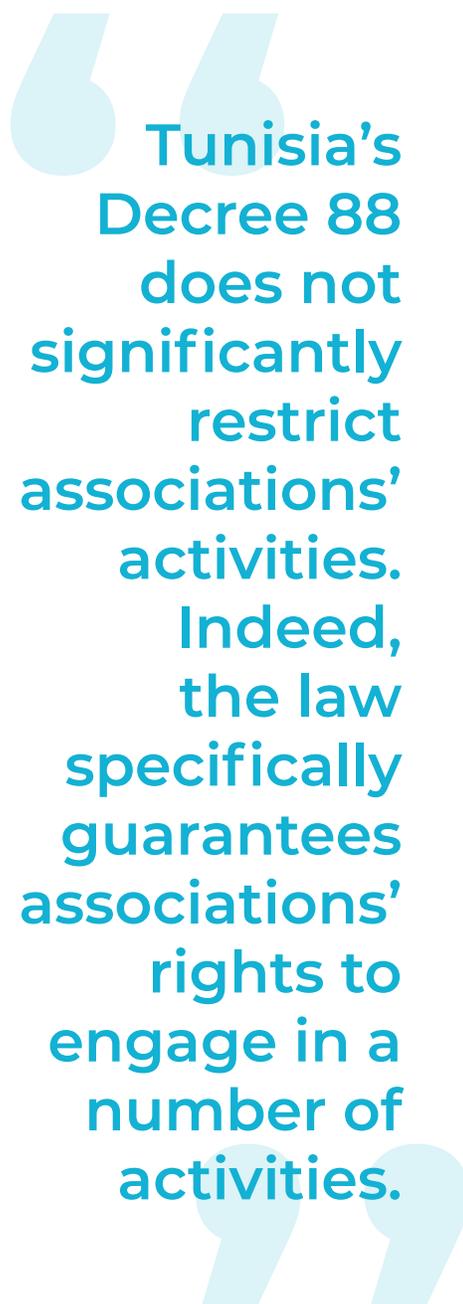
> **Tunisia's Decree 88 does not significantly restrict associations' activities. Indeed, the law specifically guarantees associations' rights to engage in a number of activities.**

hold protests without government notification and up to two years in jail for those who hold protests despite authorities' rejection of a proposed protest. In addition, Tunisia has been under a state of emergency since November 2015. The emergency law—repeatedly extended through the time of this report—gives authorities expanded powers to prohibit demonstrations or other public gatherings, and to set curfews.

Lebanon

BACKGROUND

Lebanon witnessed large-scale protests during the Arab uprisings in 2011, with protesters calling for the abolition of Lebanon's sectarian system among other reforms. While the country is often perceived as more liberal in comparison to its neighbors, with more expansive civic freedoms, aspects of the law and its implementation challenge this perception.

In the summer of 2015, another wave of widespread protests erupted in response to the accumulation of trash in the streets following the closure of a major landfill. Authorities responded to these protests with rubber bullets and tear gas, assaults on protesters, and in many cases, arrests. In an example of the deteriorating environment for freedom of expression, police arrested a student in 2016 for criticizing the country's officials on social media.

Nonetheless, civil society in Lebanon remains vibrant and active, with a crucial role in the country's social and political landscape. According to the Ministry of Interior, there are least 8,500 CSOs in Lebanon as of 2017, including at least 200 local branches of international organizations.

LEGAL FRAMEWORK FOR CIVIC FREEDOMS

CSOs in Lebanon are governed by the *Law on Cooperative Societies 1325/1909*, which was established under Ottoman rule and most recently amended in 2006. As in Morocco, the law provides for a notification regime for CSOs: Law 1325/1909 as amended states that "no permit is initially needed to found an association" (Article 2), but that CSOs must notify the Ministry of Interior of their establishment. "Secret" or undeclared associations are prohibited and subject to dissolution by authorities (Article 6). Upon receiving a CSO's notification, the Ministry issues a receipt which allows the organization to prove its legal status, entitling it to rights such as the ability to open bank accounts; to manage and disburse funds in the name of the organization; to be before a court; to accept donations, grants, and aid; and to enter into contracts with officials and employees, among other rights. Complicating the process somewhat, the Ministry of Interior has adopted circulars requiring that relevant ministries and the General Security Directorate review each CSO's file before accepting its notification and issuing a receipt.

Law 1325/1909 is otherwise relatively enabling with regard to CSOs' activities and their internal affairs.

CSOs do not face any significant legal obstacles when seeking to obtain funding, whether foreign or domestic. CSOs do not need government approval to receive funding from outside Lebanon, for instance; they are also able to fundraise for donations inside the country without prior permission. The legal framework does not encourage private or public support for CSOs, however. The law does not provide individuals with deductions for donations made to CSOs. Corporations are technically able to take deductions for such donations, but the amount they are able to deduct is extremely limited. While the law provides CSOs the opportunity to obtain public benefit status—allowing them to receive public funds, bid for government contracts, and receive tax benefits—there is no formal process for doing so, and no CSOs have been awarded public benefit status in recent years.

The legal framework also does not provide formal mechanisms for CSOs to participate in public policy and lawmaking processes, though there are no legal barriers to lobbying and other advocacy. In January 2017, while the research study was underway, Lebanon's parliament passed a Right to Access to Information law that was drafted with civil society feedback. The law requires certain government agencies to publish information regularly, and provides for a process by which any individual can request information from the government, with exceptions for national security and personal information.

Lebanon's constitution guarantees the freedom of opinion and expression through speech and writing, "within the limits established by law" (Article 13). As noted above, the law allows CSOs to engage in advocacy activities and otherwise speak freely and critically about issues of public concern. The government has used libel and defamation law, however, to sanction members of civil society for expressing their opinions, including online. In 2006, the government established a Cybercrime and Intellectual Property Rights Bureau, which has relied on Lebanon's *Audio-Visual Media Law* to arrest activists and political opponents who criticize public figures on social media. At the time of this writing, Lebanon had not yet adopted a cybercrimes law.

The right to peaceful assembly in Lebanon is governed primarily by the *Public Assemblies Law of 1911* (as amended), as well as government directives such as *Ministry of Interior Decree 4082 of*
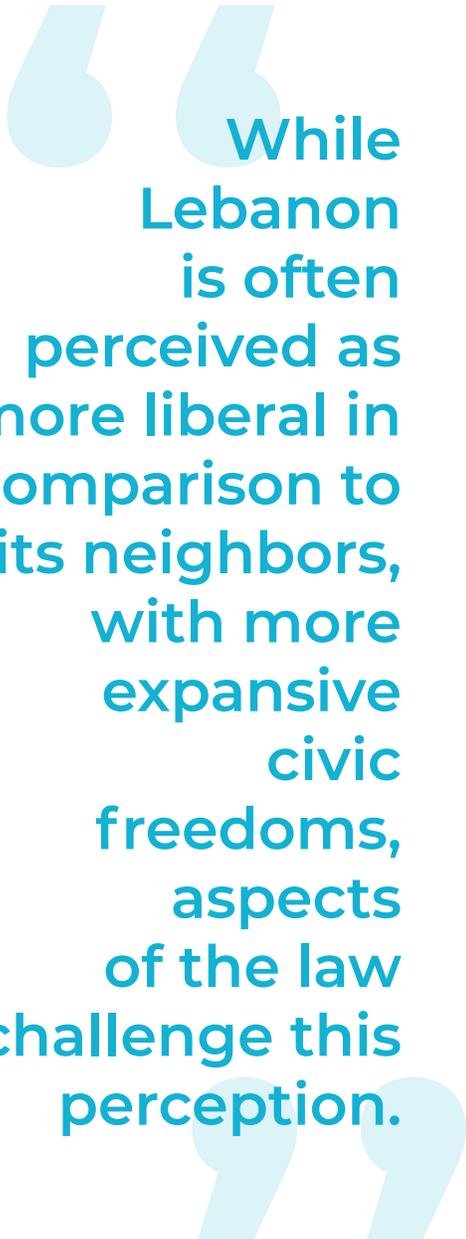
> **While Lebanon is often perceived as more liberal in comparison to its neighbors, with more expansive civic freedoms, aspects of the law challenge this perception.**

2000 and provisions of the Penal Code that criminalize riots. The *Public Assemblies Law* requires organizers of an assembly to submit notification of the assembly's location and purpose to officials at least 48 hours in advance. According to the law, the government may prevent a public assembly that would disturb public security, public order, public morality, or public interests. Assemblies that proceed may not take place in public roads, or within three kilometers of the presidential palace or parliament building. Violations of the law may result in significant prison time, monetary fines, or both.

Jordan

BACKGROUND

While Jordan largely avoided the major unrest that marked the Arab uprisings in other countries, the kingdom did witness popular protests in 2011 and 2012 calling for an end to government corruption, greater economic opportunity, and more political rights. The protests helped lead to limited political reforms, including 42 constitutional amendments and new laws on elections and political parties. Among other things, these reforms limited the possibility for emergency laws and the use of national security courts, established a constitutional court and an independent electoral commission, and prohibited torture.

According to the Ministry of Social Development, there were 5,966 registered CSOs in Jordan as of January 2018.

LEGAL FRAMEWORK FOR CIVIC FREEDOMS

The *Societies Law 51 of 2008* and its amendments govern freedom of association in Jordan. In early 2016, the Ministry of Social Development released draft amendments to Law 51 that would impose additional restrictions on CSOs; however, as of the time of this writing, the amendments had not been adopted.

CSOs in Jordan are required to register. Jordan's *Penal Code 16 of 1960* stipulates that unregistered societies are illegal, and that individuals who conduct activities with unregistered groups or become members therein are subject to a penalty of up to two years' imprisonment. Societies must submit their registration applications either to the Ministry of Social Development headquarters in Amman, or in one of the Ministry's branch offices. The Registry Council—an entity within Jordan's Ministry of Social Development responsible for registering CSOs under Law 51—has expansive discretion to reject registration applications without justification. Not-for-profit companies and certain other CSOs register with the Ministry of Trade and Industry under the *Companies Law 73 of 2010*.

The law restricts CSOs' access to both foreign and domestic funding. CSOs in Jordan must apply for and obtain government approval before they may receive foreign funding. In October 2015, the Ministry of Social Development directed CSOs to submit extensive application forms, including supporting documents providing detailed information about the source of funds and the project to be funded, to receive foreign funds. According to a

government directive issued in April 2017, CSOs are also subject to the provisions of Jordan's *Anti-Money Laundering and Counter-Terrorism Financing Law 46 of 2007*, which imposes further constraints on CSOs' financial transactions and creates steep penalties for non-compliance.

Law 51 also requires CSOs to obtain licenses before they may collect donations from the public. CSOs may apply for up to two licenses per year to organize domestic fundraising events. The legal framework creates limited incentives for domestic philanthropy: individuals and businesses can deduct donations up to 25 percent of their taxable income but only if the CSO they are donating to is registered as a charitable organization. Obtaining charitable status requires CSOs to undergo a lengthy and often unsuccessful application process. The law allows CSOs to compete for government contracts to provide specific services.

The law creates barriers to CSO lobbying and other forms of political advocacy. Law 51 provides that CSOs may not pursue any political objectives that are governed by Jordan's *Law on Political Parties*, but the definition of "political" is not defined by either the *Law on Political Parties* or Law 51.

Although Jordan adopted an access to information law in 2007, the *Right to Information Act*, the government has not fully implemented it. Responses to public requests for information are subject to lengthy delays, and limited by the *State Secrets and Documents Law*.

Several laws restrict freedom of expression in Jordan, including penal code provisions that criminalize defamation and the denigration of government. Parliament amended Jordan's *Press and Publications Law* in 2012. The amendments introduce new restrictions on electronic publications, require websites to register with the government, and make the owners of websites responsible for all content on their sites.

Jordan's *Public Assemblies Law 7 of 2004* and its implementing instructions govern freedom of assembly. It affirms the right of Jordanians to take part in public assemblies, but fails to protect the right of non-Jordanians. Law 7 requires organizers to notify the administrative governor at least 48 hours prior to holding an assembly. Assemblies that proceed without notifying

> CSOs in Jordan are required to register. The penal code stipulates that unregistered societies are illegal, and that individuals who conduct activities with unregistered groups or become members therein are subject to a penalty of up to two years' imprisonment.

the government, including spontaneous demonstrations, are unlawful and participants may be punished with jail time and fines. Jordan's *Instructions Regulating Public Assemblies and Demonstrations* of 2011 prohibit slogans, cheers, pictures, or symbols that "compromise state sovereignty, national unity or law and order" (Article 2(c)). Vague language in Law 7 also grants the administrative governor the right to disperse an assembly "if the assembly or demonstration's objectives change" (Article 7).

Kuwait

BACKGROUND

Kuwait experienced unprecedented protests during the 2011 Arab uprisings, but these did not lead to revolutionary change. Calls for greater political freedom intensified in 2012 after the electoral law was changed to disadvantage the political opposition. The move resulted in a series of political crises and further protests, but Kuwait's ruling structure remained in place.

Civil society plays a significant role in the country's political and social landscape, despite certain legal and practical restrictions on civic freedoms. There are approximately 120 officially licensed CSOs in the country, including a bar association, other professional groups, and scientific bodies.

LEGAL FRAMEWORK FOR CIVIC FREEDOMS

Several laws govern freedom of association, as CSOs can be established using one of several organizational forms. *Law 24 of 1962 on Clubs and Public Welfare Societies* governs the formation of nonprofit clubs and public benefit associations. Public benefit associations have objectives that are cultural, social, or religious in nature and in practice tend to be closest to what are called non-governmental organizations elsewhere. CSOs can also form as public charities pursuant to *Ministerial Decision No.48\A of 2015 on Public Charities Executive Regulations*, or nonprofit companies under Kuwait's *Law 1 Companies Act of 2016*.

Historically, the registration of CSOs has been difficult, as it required the approval of the Minister of Social Affairs and Labor and was subject to political influence, however the process has reportedly become more liberal. For the most part, sanctions for violating the law related to freedom of association are administrative.

Almost all associations registered as public benefit entities receive government funding. However, many CSOs primarily depend on their own fundraising to sustain their activities. Domestic CSOs may not receive foreign funding without approval from the Ministry of Social Affairs and Labor, and the Ministry has absolute discretion to approve or reject such funding. In addition, concerns about terrorism financing led the government to pass *Law 106 of 2013 on Anti-Money Laundering and Combating the Financing of Terrorism*, which creates additional constraints on CSO funding from outside Kuwait.

Public charities can receive authorization to engage in public fundraising and campaigns; accordingly, most organizations that intend to raise money from the public

choose to register as public charities. Once an organization is designated as a public charity, it must get specific approval to engage in public fundraising and must report on the funds it collects. CSOs not registered accordingly may not engage in public fundraising, but may solicit private donations at private functions. There are currently no rules governing the activity of donors; if violations occur, the recipient of the funding is the entity that is subjected to sanction.

Kuwait is a constitutional emirate in which the elected National Assembly shares power with the hereditary head of state, the Emir. The system limits individuals' and CSOs' opportunities for political participation, as political parties are prohibited and the royal family wields the most power. Electoral participation is barred for anyone convicted of blasphemy or insulting the Emir. The government has also punished political opponents and dissidents by stripping them of their Kuwaiti citizenship. Kuwait does not have any law guaranteeing the right to access official information.

There are several significant legal barriers to free expression in Kuwait. While the *2006 Press and Publications Law* provides some protections for the media, it also contains some restrictions, such as a prohibition on criticism of the Emir. Kuwait's Criminal Code includes a similar provision that criminalizes insulting the Emir. In June 2015, the parliament passed *Law 63 on Cybercrime*, which entrenches restrictions on online expression, including prison sentences for insulting religious figures in any Internet forum, including social media.

Freedom of assembly in Kuwait is primarily governed by the *1979 Public Gatherings Law* and the Penal Code. The law requires that public meetings, assemblies, demonstrations, and other public gatherings of more than twenty people obtain prior authorization from the authorities. It prohibits non-Kuwaitis from participating in public gatherings altogether. In late 2017, more than 60 people were convicted for participating in an unlicensed public assembly and given jail sentences. The government has on occasion leveed temporary bans on public gatherings: In October 2012, following the popular protests described above, the government barred all public assemblies of more than 20 people.

> "In Kuwait, almost all associations registered as public benefit entities receive government funding. However, many CSOs primarily depend on their own fundraising to sustain their activities."

REGIONAL FINDINGS

Access to Civic Freedoms: Regional Overview

This section provides a regional summary of the restrictions on civic freedoms identified by CSOs and the public in the five study countries. The findings are primarily comparative in nature and assess how restrictions on civic freedoms are experienced across the five countries. More detailed assessments of the findings within each country are found in the Country Reports.

Restrictive laws and regulations constitute clear barriers to civic freedoms. However, even when legal policies are enabling, the government's implementation of laws and regulations through informal practices and procedures can hinder the rights of individuals and CSOs. For instance, a CSO law that provides for a clear and speedy registration process may in practice present lengthy delays if officials do not carry out the law correctly. In some cases, restrictive procedures are the result of poor government capacity, while in others they may be more intentional.

Limitations on civic freedoms also result from power imbalances that allow political actors to oppress or control civic actors without repercussion. Without sufficient checks

Figure 1

NATURE OF THREATS TO CIVIC FREEDOMS AS PERCEIVED BY CSO STAKEHOLDERS

	Morocco	Tunisia	Lebanon	Jordan	Kuwait
Laws, rules & regulations	16%	28%	30%	40%	44%
Government practices & procedures	39%	0%	69%	50%	60%
Imbalance of political power	69%	45%	*81%	49%	60%
Corruption & nepotism	*84%	*78%	79%	*82%	*93%
Military & security oppression	12%	17%	8%	30%	32%
Other	0%	10%	3%	3%	5%

* = country high

Figure 2

PUBLIC PERCEPTION OF CIVIC FREEDOMS

AN = Association   **AS** = Assembly   **E** = Expression   **P** = Participation   ● = Not free   ● = Neutral   ● = Free

Morocco

	AN	AS	E	P
Not free	22%	29%	23%	37%
Neutral	25%	24%	25%	27%
Free	53%	47%	52%	36%

Tunisia

	AN	AS	E	P
Not free	18%	9%	25%	30%
Neutral	21%	25%	17%	16%
Free	61%	66%	58%	53%

Lebanon

	AN	AS	E	P
Not free	23%	22%	21%	58%
Neutral	18%	19%	9%	18%
Free	60%	59%	70%	27%

Jordan

	AN	AS	E	P
Not free	30%	34%	33%	46%
Neutral	24%	23%	20%	23%
Free	46%	43%	47%	31%

Kuwait

	AN	AS	E	P
Not free	15%	29%	13%	23%
Neutral	26%	23%	18%	22%
Free	59%	49%	69%	55%
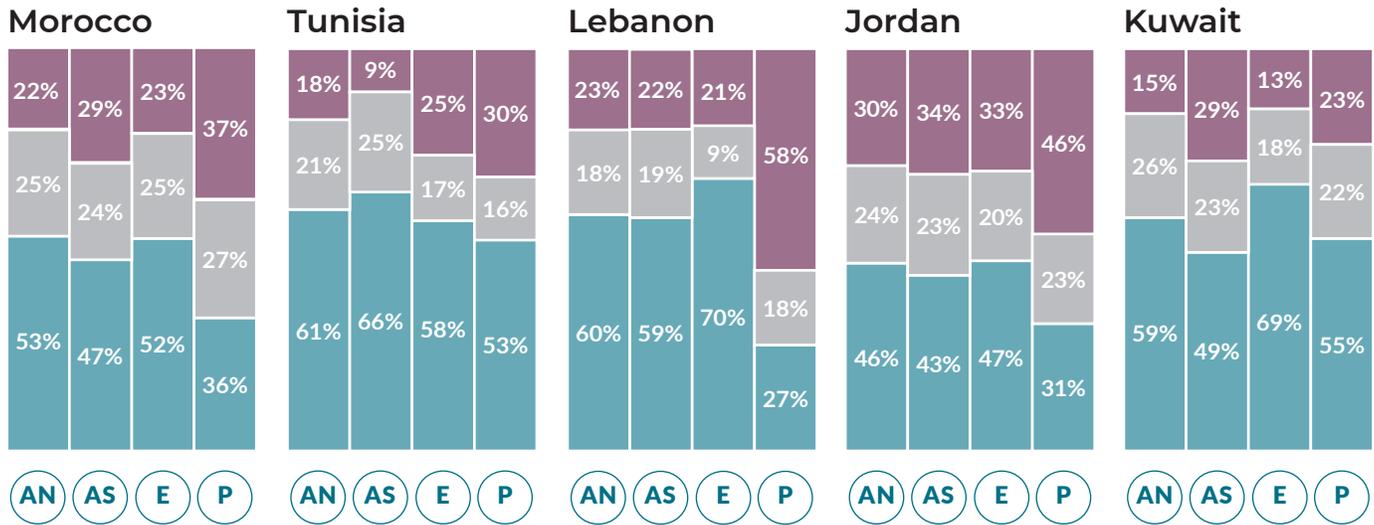
on their power, for example, the military and security forces can be a restrictive element, using force to shut down public assemblies or persecute civic actors.

Corruption and nepotism present an additional facet of restrictions; they can compound the challenges of informal practices (e.g., the taking of bribes) as well as power imbalances (e.g., cementing power structures through nepotism). Corruption may also disable civic actors who are coopted by political actors.

A sizeable majority (83%) of surveyed CSO stakeholders across the five countries responded that they view corruption and nepotism to be the biggest threat to civic freedoms in the region. In nearly all countries, stakeholders identified inequality in political power as the second largest threat. Laws, rules, and regulations were generally seen by CSO stakeholders as less of a threat than the practices and procedures used by government officials in carrying out legal instruments.

Despite these perceived threats, the public in the five study countries expressed cautious optimism with regard to their access to civic freedoms. Freedom of association and expression were seen as the strongest freedoms. Across the five countries, public perception identified individuals' ability to freely participate in policymaking and governance as the weakest civic freedom.

Public perceptions varied significantly by country and type of freedom, however. Public respondents in Tunisia were the most likely to report feeling able to freely access the five areas of civic freedoms. Public respondents in Lebanon likewise tended to have positive perceptions of their ability to access civic freedoms, with the exception of their ability to participate in governance and policymaking, about which they were very pessimistic. Public respondents in Morocco and Kuwait had slightly less positive percep-

tions of their access to civic freedoms overall while Jordanians had the bleakest assessment of their access to civic freedoms.
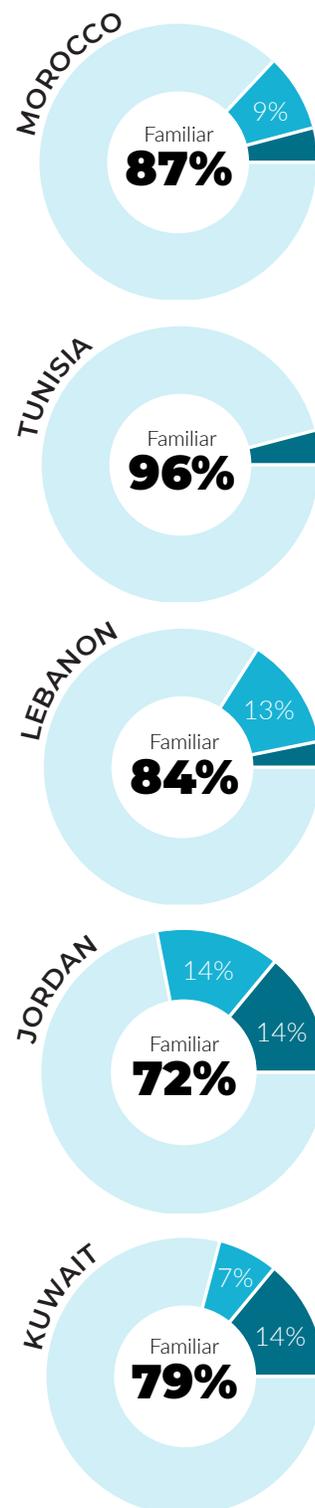
Jordanian and Lebanese public perceptions towards freedom of participation were the least optimistic, with just 31% of Jordanians and 27% of Lebanese indicating they feel able to affect their country's public policies.

Freedom of Association

LAWS AND REGULATIONS

Surveyed CSO stakeholders, including those associated with formal, registered CSOs as well as informal groups, reported being aware of and familiar with the laws related to freedom of association. In Tunisia, over 96% of CSO stakeholders attested to their knowledge of those laws. The percentages were also high in the other countries: 87% in Morocco, 83% in Lebanon, 79% in Kuwait, and 72% in Jordan.

IMPLEMENTATION PRACTICES

CSO stakeholders across the five countries reported their experiences with restrictive practices and procedures by government officials.

The duration of the CSO registration process (including registration by "notification") reflects a common restriction on the freedom of association. While registering as a formal CSO or other organizational form is necessary in all five countries in order for a CSO to perform certain actions as a legal entity, such as opening a bank account to fund activities, it is required by law only in Jordan and Kuwait. As such, a number of the stakeholders surveyed in Morocco, Tunisia, and Lebanon were associated with unregistered CSOs that operated informally. Representatives of registered groups, however, reported that the registration process took between 16 and 90 days on average for the five countries.

Only a small percentage of respondents (6% or less) in Morocco, Kuwait, Lebanon, and Tunisia reported that the registration process took fewer than 15 days. In contrast, 27% of respondents in Jordan indicated that the registration period took 15 days or fewer. However, a number of interview and focus group participants cited challenges and frequent delays associated with Jordan's registration process, possibly indicating the survey respondents' lack of familiarity with their organizations' registration experience.

Figure 3

FAMILIARITY WITH LAWS RELATED TO FREEDOM OF ASSOCIATION

As reported by CSO stakeholders

Familiar =   Neither =   Unfamiliar =

MOROCCO
Familiar
87%
9%

TUNISIA
Familiar
96%

LEBANON
Familiar
84%
13%

JORDAN
14%
Familiar
72%
14%

KUWAIT
7%
Familiar
79%
14%

Figure 4

NUMBER OF DAYS REQUIRED TO REGISTER A CSO

	Morocco	Tunisia	Lebanon	Jordan	Kuwait
Longer than 180 days	4%	12%	20%	1%	*27%
Between 91-180 days	8%	3%	9%	1%	3%
Between 31-90 days	*39%	29%	*24%	7%	16%
Between 16-30 days	26%	*33%	14%	18%	3%
15 days or less	5%	6%	5%	*27%	0%

* = country high

CSO survey respondents associated with formal, registered organizations reported that they faced various challenges during the registration or notification process. In Morocco and Jordan, CSO stakeholders most commonly cited the cost and time-intensiveness of getting to the relevant office, which is usually located only in the national capital or major urban areas, as a challenge. In Tunisia and Lebanon, the most frequently cited challenge was a delay in the government's response to registration applications beyond what the law allowed. In Kuwait, CSO stakeholders were equally likely to cite either a delay in the government's response or the difficulty of obtaining information about registration requirements as the most common challenges. It is important to note, however, that a significant number of respondents in each country responded "not applicable" when asked about challenges to registration, either because their organizations were not registered or because they were not aware of any challenges faced.

Administrative impediments and government harassment also restrict freedom of association. A significant minority of surveyed CSO stakeholders reported that their organizations had, for instance, experienced unannounced visits from government or security officials at the organization's premises or the site of the organization's activities. Such visits can interrupt and interfere with a CSO's daily functioning; they can also threaten the free and independent operation of CSOs and cause them to avoid activities that they believe might earn unwanted government attention. Jordanian CSOs had the most experience with unannounced visits: 49% of respondents indicated that government or security officials had visited their organizations without advance notice.

On the other hand, survey results indicated that few respondents across the five countries had experience with the government actively preventing their organization from carrying out activities such as advocacy, fundraising, public events, field research, hu-

Figure 5

SPECIFIC CHALLENGES DURING CSO REGISTRATION

	Morocco	Tunisia	Lebanon	Jordan	Kuwait
Request denied	0%	2%	4%	0%	3%
Unlawful delay in response	7%	*27%	*15%	7%	*14%
Payment requested beyond lawful fee	0%	1%	0%	0%	0%
Additional documents required beyond what is provided by law	4%	11%	2%	3%	5%
Information on requirements difficult to obtain	9%	13%	1%	8%	*14%
Registration office time consuming/difficult to visit	*13%	18%	2%	*19%	11%

* = country high

man rights work, or monitoring and reporting. One exception to this was Kuwait where, as discussed further in the Country Report below, CSOs more frequently reported problems related to the government preventing their fundraising attempts.

PUBLIC PERCEPTION

While CSO stakeholders reported certain challenges to the freedom of association, according to public opinion freedom of association was generally found to be among the most accessible of civic freedoms across the five study countries. In Tunisia, Lebanon, and Kuwait, approximately three out of five people surveyed indicated that they consider themselves free to join and participate in political and civic movements (61%, 60%, and 59% respectively). In Morocco and Jordan respondents reflected somewhat greater constraint: only about half the population (53% and 46% respectively) indicated that they felt free to join and participate in political and civic movements.

Freedom of Expression

With the exception of Jordan, CSO stakeholders were generally positive when asked about their ability to express their opinions in public fora. CSO respondents in Tunisia, Lebanon, and Morocco felt the most free to express themselves openly. Respondents in Jordan and Kuwait were less sanguine about their ability to exercise freedom of expression. According to survey respondents, challenges to CSOs' freedom of expression most often arise in the form of CSOs' self-censorship.

LAWS AND POLICIES

In interviews and focus group discussions, CSO stakeholders in Kuwait, Jordan, Lebanon, and Morocco cited laws on cybercrimes as the biggest legal threats to freedom of expres-

sion in their countries. Respondents noted that the laws provide the government with a tool to harass and persecute activists and journalists for critical or politically-sensitive comments.
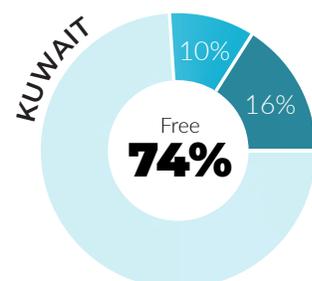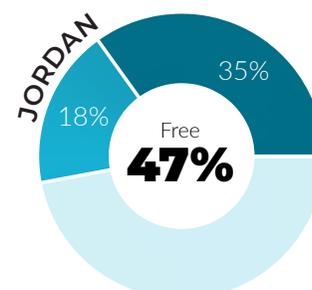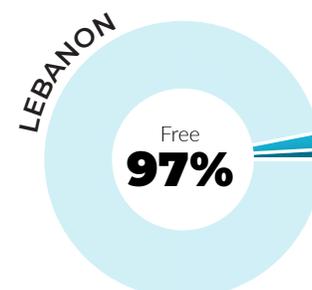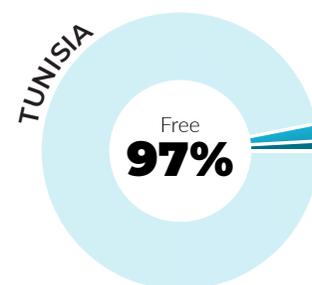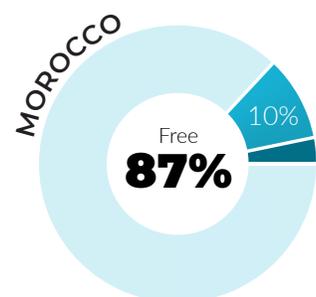
IMPLEMENTATION PRACTICES

CSO stakeholders across the five countries did not identify officials' implementation practices as a major barrier to freedom of expression. Few survey respondents indicated that their organization's expression of opinion had been discouraged by, e.g., the government requiring the retraction of a publication, refusing permission to hold a public speaking event, or preventing the display of a sign, banner, flag, or other visual representation.

On the other hand, both in surveys and focus groups, CSO stakeholders in all five countries identified self-censorship as a major concern, noting that knowledge of the consequences for discussing certain topics in public has led to self-censorship among CSO members, activists, and journalists. In Jordan, for instance, stakeholders repeatedly mentioned that they carefully choose their words, making sure they do not cross the red lines set by the government on issues such as the royal family or religion. Stakeholders from Lebanon mentioned that activists who criticized politicians were subjected to informal threats as well as lawsuits.

RELATIONSHIP WITH THE MEDIA

In all five countries, a significant majority of CSO stakeholders surveyed said they had conducted media outreach during the past five years. This percentage was highest in Jordan (90%) and lowest in Morocco (65%). During focus group discussions, CSO stakeholders stressed that social media and on-line blogs have helped to fill gaps in coverage by traditional media, as well as to expose young people to issues related to civic freedoms and social activism. Even when the traditional media fails or refuses to cover news related to CSOs, stories can circulate on social media, which in some cases have greater reach. Stakeholders in Kuwait, however, cited legal restrictions on these online spaces in the form of the cybercrime law, which among other things imposes prison sentences and fines for insulting religion or religious figures in any Internet forum.

CSO stakeholders surveyed also cited barriers to media access. Among these, CSOs most frequently noted the need to pay for access, media outlets' lack of responsiveness, and media's re-

Figure 6

ABILITY TO EXPRESS OPINIONS IN PUBLIC

As reported by CSO stakeholders

Free = ⬤   Neutral = ⬤   Not Free = ⬤

MOROCCO
Free
87%
10%

TUNISIA
Free
97%

LEBANON
Free
97%

JORDAN
35%
18%
Free
47%

KUWAIT
10%
16%
Free
74%

fusal to cover the particular event, activity, or issue requested. A key barrier to media access was the media's lack of responsiveness; this was cited most often by CSO stakeholders in Tunisia (39%) and Jordan (38%), followed by Kuwait (26%), Lebanon (20%), and Morocco (15%). The media's refusal to cover certain stories, as well as payment requirements, were additional challenges to access noted by CSO stakeholders in Jordan.

PUBLIC PERCEPTION

The public's perceptions of freedom of expression across the five countries varied significantly from that of civil society. While 97% of CSO stakeholders surveyed in Tunisia said they felt free to express their opinions in public forums, only 58% of public respondents said that they felt free to express opinions regarding political affairs. In Morocco, 87% of CSO stakeholders felt free, compared to 52% of the public. In Lebanon, the numbers dropped from 97% to 70%. While the question posed to the public respondents was slightly different (targeting expression about political affairs, rather than expression of opin-

Figure 7

CSO STAKEHOLDERS' ASSESSMENT OF THEIR OWN ACCESS TO MEDIA

= Hard to access   = Somewhat accessible   = Easily accessible

Morocco   Tunisia   Lebanon   Jordan   Kuwait

> The public's perceptions of freedom of expression across the five countries varied significantly from that of civil society. In Morocco, for example, 87% of CSO stakeholders felt free to express their opinions in public forums, compared to 52% of the public.
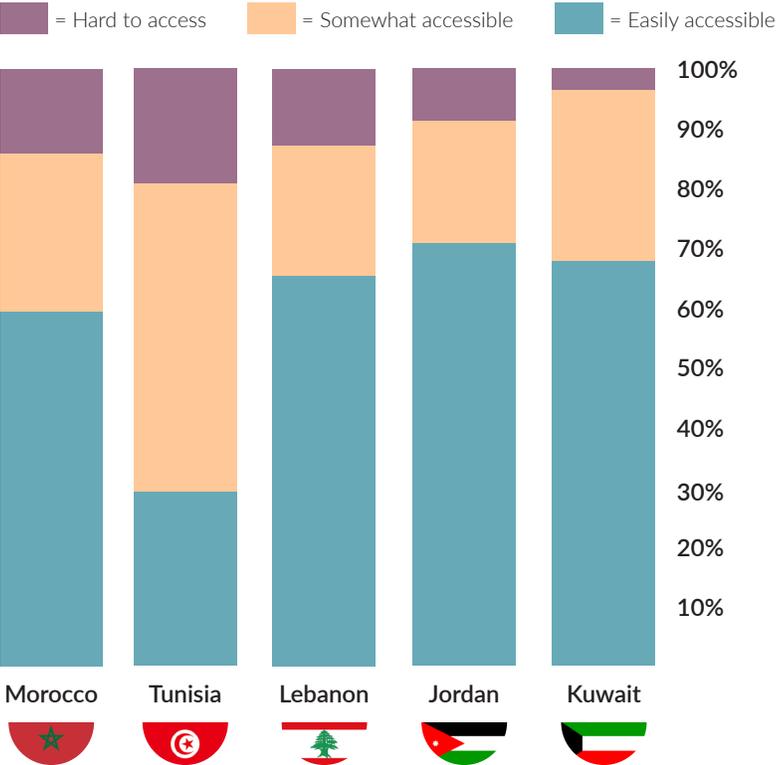
Figure 8

CSO STAKEHOLDERS: RESTRICTIONS ON ACCESS TO MEDIA

	Morocco	Tunisia	Lebanon	Jordan	Kuwait
CSOs needed to pay media outlets for access	5%	11%	13%	28%	7%
Media outlets did not respond to CSO outreach	15%*	39%*	20%*	38%*	26%*
Media refused to cover CSO events, activities, or issues	9%	14%	3%	27%	5%

* = country high

ions in public arenas), the findings reflect an important disconnect in the perception of rights and freedoms between CSOs and their constituents.

Qualitative data also supports the notion that certain communities feel more restricted in their ability to freely express their views. In focus group discussions and interviews, representatives of commonly marginalized groups, such as LGBT communities and—in Jordan, Morocco, and Tunisia—Islamists, attested to feeling more restricted than free in their expression. Further, in all the countries surveyed, respondents identified "red lines" that dictated what can and cannot be expressed and challenged in public discourse. These red lines often extend to social media as well, and tend to relate to religion, political and royal leaders, and the security apparatus. Such red lines result in varying degrees of self-censorship among activists and journalists.

Public surveys showed more varied perceptions of media freedoms across the five study countries. Only 41% of surveyed individuals in Morocco expressed confidence that the media in their country were free to criticize political and social issues. Roughly half of Jordanian, Kuwaiti, and Lebanese respondents attested to their media's freedom. In contrast, a striking 81% Tunisians perceive their media to be free to criticize political and social issues.

Freedom of Assembly

Large portions of the CSO stakeholders surveyed in the five study countries had participated in a public assembly in the past five years. In Tunisia, despite provisions in the law that restrict assembly rights, such as penalties for assemblies that authorities have not been notified of, nearly four out of five (78%) stakeholders had participated in an assembly during this timeframe. Participation was less common in the other countries, ranging from 60% in Jordan to 44% in Morocco.

In focus group sessions across the five countries, stakeholders said challenges to freedom of assembly most often came in the form of lengthy procedures to obtain assembly permits, or through political actors (government officials, decision makers, and political parties) restricting specific assemblies that threaten their interests.

LAWS AND REGULATIONS

Large majorities of the CSO stakeholders surveyed attested to being familiar or somewhat familiar with the laws governing the freedom of peaceful assembly.

Tunisia had the highest rate of familiarity among CSOs, with 85% of CSO stakeholder respondents claiming to be familiar or somewhat familiar with the laws. Kuwait's rate was the lowest but still represented a strong majority, at 72% of the stakeholders surveyed.

IMPLEMENTATION PRACTICES

A minority of the CSO stakeholders surveyed said that they had been discouraged from participating in a public assembly in the past five years—either by an inability to obtain the required permit for the assembly; closure of the planned assembly location by state officials beforehand; dispersal by security officials after it had begun; violence; or another reason. Across the five countries, the fewest respondents were discouraged from assembling in Morocco (4%) and Tunisia (16%), while the greatest shares were discouraged from assembling in Kuwait (21%), Lebanon (23%), and Jordan (24%). However, stakeholders in Lebanon were least likely to have witnessed an incident in which state or security officials challenged or dispersed a public assembly (25%). In contrast, 59% of CSO respondents in Tunisia reported having witnessed such an incident.

The most common forms of restriction reported in the stakeholder survey were: organizers of a planned assembly were unable to obtain a required permit to proceed; security officials dispersed the assembly after it had begun; and security or other state officials closed off the planned location of the assembly before it took place. In focus group discussions and key informant interviews, stakeholders identified other forms of restrictions on the right to freedom of assembly: In Kuwait, for instance, officials assigned a specific location for protests. In Lebanon, stakeholders mentioned common cases of physical confrontations and violence by individual disruptors representing opposing political interests. Individuals in Morocco cited long delays by the government in providing permits to hold public assemblies.

A significant number of respondents had witnessed incidents when state or security officials dispersed public assemblies,

Figure 9

FAMILIARITY WITH LAWS RELATED TO PEACEFUL ASSEMBLY

As reported by CSO stakeholders

Familiar = ⭕ Neither = ⭕ Unfamiliar = ⭕

MOROCCO
Familiar 82% 13%

TUNISIA
Familiar 85% 14%

LEBANON
Familiar 82% 13%

JORDAN
Familiar 74% 14% 11%

KUWAIT
Familiar 72% 11% 17%
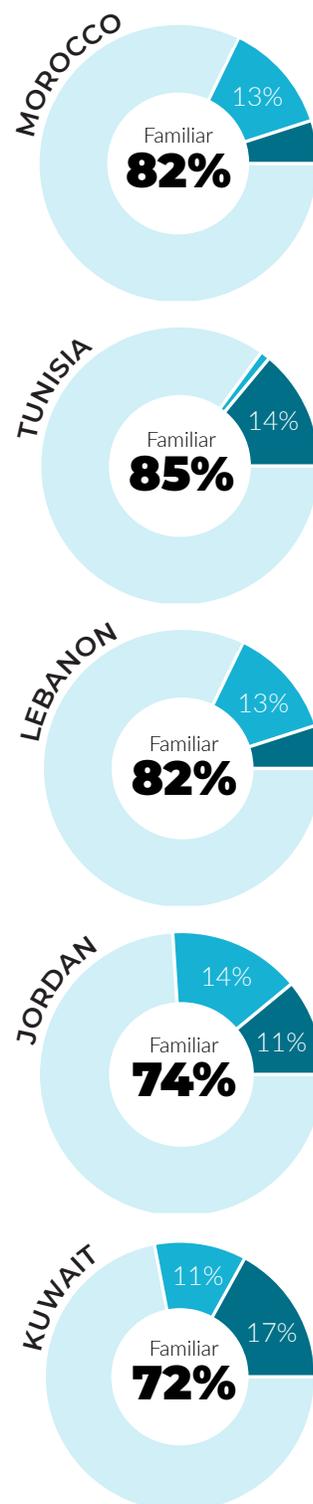
Figure 10

CSO STAKEHOLDERS: WITNESSED INCIDENTS OF GOVERNMENT PROTECTING VS. DISPERSING ASSEMBLIES
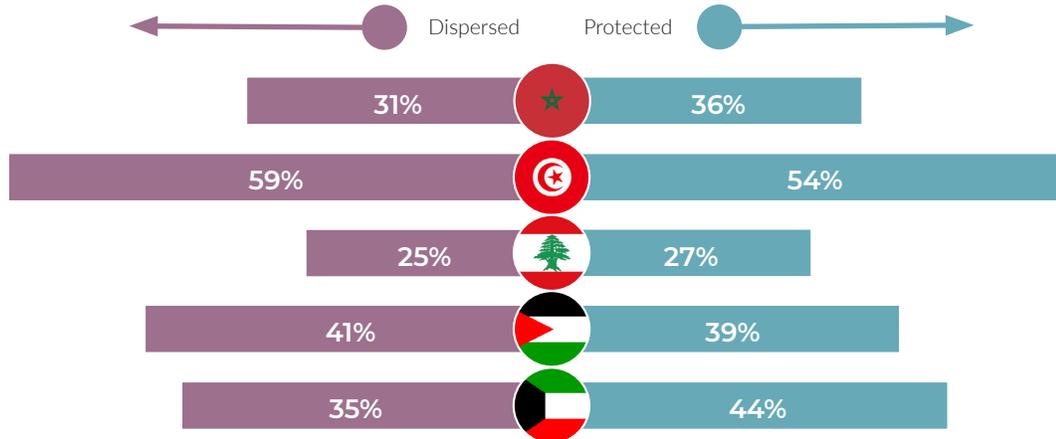
with the highest numbers in Tunisia (59%), followed by Jordan (41%), Kuwait (35%), Morocco (31%), and Lebanon (25%). Of those that had witnessed such incidents, however, respondents in Morocco had witnessed the greatest number of incidents: On average, those who witnessed such incidents in Morocco reported to have witnessed 8 incidents. In comparison, respondents in Kuwait had witnessed an average of 6 incidents; in Lebanon, 5; and in Jordan and Tunisia, 4.

Interestingly, in all five countries, the number of respondents who said they witnessed state challenges to public assemblies were roughly equal to the number who reported to have witnessed incidents where the government took steps to *protect* public assemblies. Such steps could include, e.g., providing a buffer from counter-protests, or separating non-peaceful elements from peaceful elements within an assembly.

PUBLIC PERCEPTION

In public opinion surveys, individuals across the five study countries attested to feeling more restricted in their freedom to participate in political or civic demonstrations, such as rallies or protests, as compared to other rights. In Jordan, Kuwait, and Morocco, more than one-quarter of respondents (34%, 29%, and 28%, respectively) indicated that they did not feel free to participate in political or civic demonstrations. In Lebanon, this sentiment was shared by 22%, while only 9% indicated the same in Tunisia.

Public Participation

Both CSO stakeholder and public perception data across the five study countries reflected significant concern about individuals' access to governance and policymaking. CSO stakeholders expressed their lack of trust in traditional means of public participation – national and local elections – due to corruption. Stakeholders were also pessimistic about other channels for engaging in policy and legislative dialogues and processes

at the national and local levels. Stakeholders in Morocco and Tunisia were the most confident about CSOs' ability to influence policy and legislative processes, while those in Jordan expressed the most pessimism.

LAWS AND REGULATIONS

The majority of CSO stakeholder respondents across the five countries viewed the law as not helpful, or only partially helpful, to CSOs' participation in national policy and legislative processes

Across all countries, a majority of CSO stakeholders surveyed (95% in Jordan, 80% in Tunisia, 72% in Kuwait, 63% in Lebanon, and 59% in Morocco) believed the law either does not provide for CSO participation at the national level or only partially provides for it.

The trend is similar regarding CSOs' views towards civic participation at the *local* level, but there is more optimism about avenues for engagement. In Tunisia, for instance, the percentage of

Figure 11

DO LAWS PROVIDE FOR THE RIGHT TO PARTICIPATE IN NATIONAL POLICY & LEGISLATIVE PROCESSES?

As reported by CSO stakeholders

= Don't know = No = Partly = Yes

Morocco | Tunisia | Lebanon | Jordan | Kuwait

Figure 12

RELATIONSHIP BETWEEN CIVIL SOCIETY ORGANIZATIONS AND NATIONAL AUTHORITIES

Morocco

Collaborative **72%** | No relationship **18%** | Threatening or adversarial **>1%**

Tunisia

Collaborative **64%** | No relationship **18%** | Threatening or adversarial **4%**

Lebanon

Collaborative **56%** | No relationship **33%** | Threatening or adversarial **4%**

Jordan

Collaborative **27%** | No relationship **44%** | Threatening or adversarial **8%**

Kuwait

Collaborative **42%** | No relationship **42%** | Threatening or adversarial **6%**

CSO stakeholders who believe that the law provides for their participation in policy and legislative processes increases from 13% at the national level to 41% at the local level.

Only very small shares of the CSO stakeholders surveyed said that their relationships with national government authorities were adversarial or threatening. Most CSO stakeholders described the relationship between their respective organizations and national authorities as collaborative (positive) or non-existent. In Morocco, Tunisia, and Lebanon, 72%, 64%, and 56% respectively described their relationship as collaborative. In Kuwait, 42% described it as collaborative, though the same share said there was no relationship. In Jordan, only 27% described the relationship as collaborative, while 8% said it was either adversarial or threatening.

Generally, CSO survey respondents had mixed perceptions of their ability to influence national policy and legislative processes. In Tunisia and Morocco, 62% and 60% of respondents respectively consider their organizations to be influential or somewhat influential with regard to national policy and legislative processes. In contrast, only 20% of respondents in Jordan perceived any national influence on the part of their organizations, with Lebanon and Kuwait falling in the middle at 31% and 42% respectively.

CORRUPTION AND NEPOTISM

In focus group discussions and interviews, CSO stakeholders reflected skepticism about the potential effectiveness of participatory mechanisms, even when the law provides for them, due to corruption. Stakeholders expressed concern that corruption and vested interests drowned out the voice of the people. For example, an activist in Tunisia said about the electoral system: "You feel that it's a circus… you know what the results will be."

Figure 13

INFLUENCE OF CSOs ON NATIONAL POLICY AND LEGISLATIVE PROCESSES

Figure 14
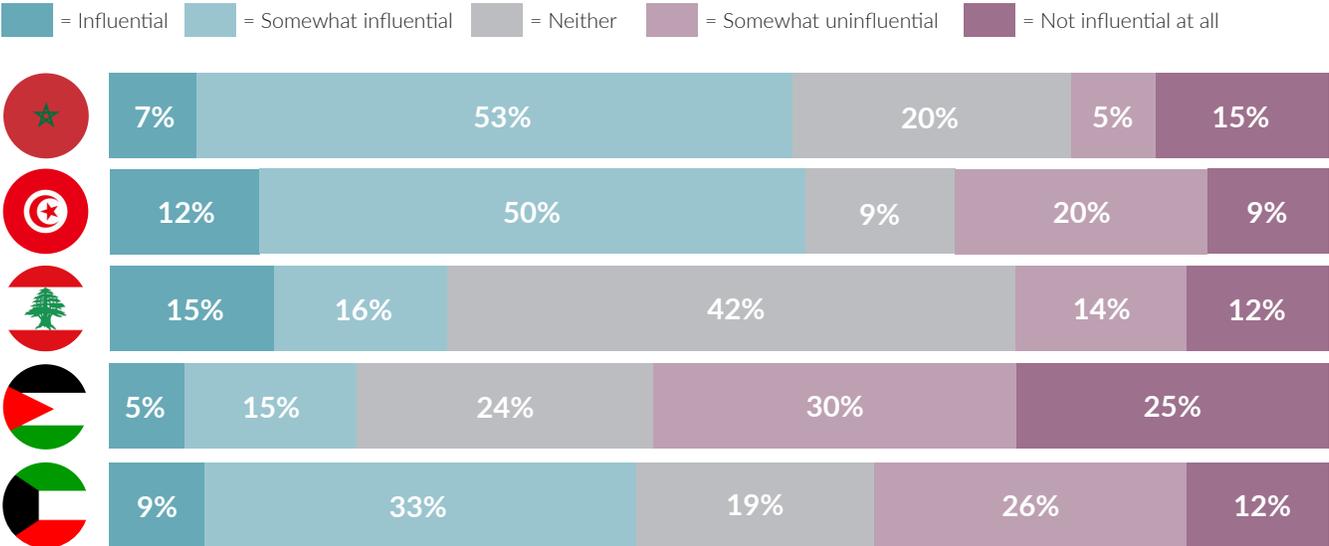
PUBLIC PERCEPTION

Across the region, public survey respondents expressed pessimism similar to that of CSOs as to their access to governance and policymaking. In all five countries, as discussed further in the Country Reports, this was found to be the most vulnerable freedom.

Resource Mobilization

PRIMARY FUNDING SOURCE

According to CSO stakeholder surveys, the primary sources of funding for CSOs are donations from domestic individuals, domestic public/government funding, foreign donors, membership fees, and—to a smaller degree—income-generating activities.

The primary sources of funding as reported by the CSO stakeholders surveyed indicate that the largest share of organizations are dependent on donations from individuals and foreign funders. From 2014 to 2017, CSOs across the five countries indicated that the income from their primary income source largely remained the same. The exception is Lebanon, where CSO stakeholders reported a decrease in their primary source of income.

OTHER FUNDING SOURCES

The survey data reflects organizations' efforts to diversify their funding sources. Most organizations reported receiving funding from a variety of places, and certain sources may be common across many CSOs despite not being a primary source of funding for most organizations. For instance, 71% of Lebanese CSOs reported receiving funding through donations from individuals; only 36% of those surveyed, however, said that this funding served as their primary source of income. Similarly, 52% of Moroccan CSOs reported receiving membership fees, but only 24% said that the fees were their organization's primary funding source.

ACCESS TO DOMESTIC FUNDING

According to the data, many CSOs in the five countries receive funding from a domestic source, be it donations from the public, domestic government funding, fundraising campaigns, business funds, or membership fees. Public donations are the most common domestic source of funds across organizations in the five countries. Further, roughly one-third of the surveyed CSO stakeholders in Lebanon (36%), Tunisia (35%), and Morocco (30%) reported that public donations were the organization's *primary* source of income.

PRIMARY SOURCES OF FUNDING FOR CSOs

Morocco

Local indiv. donations	Membership fees	Domestic government
30%	24%	20%

Tunisia

Local indiv. donations	Foreign donors	Domestic government
35%	24%	12%

Lebanon

Foreign donors	Local indiv. donations	Income generating
40%	36%	8%

Jordan

Income generating	Foreign donors	Local indiv. donations
28%	22%	16%

Kuwait

| Membership fees	Local indiv. donations	Local private sector
21%	19%	14%
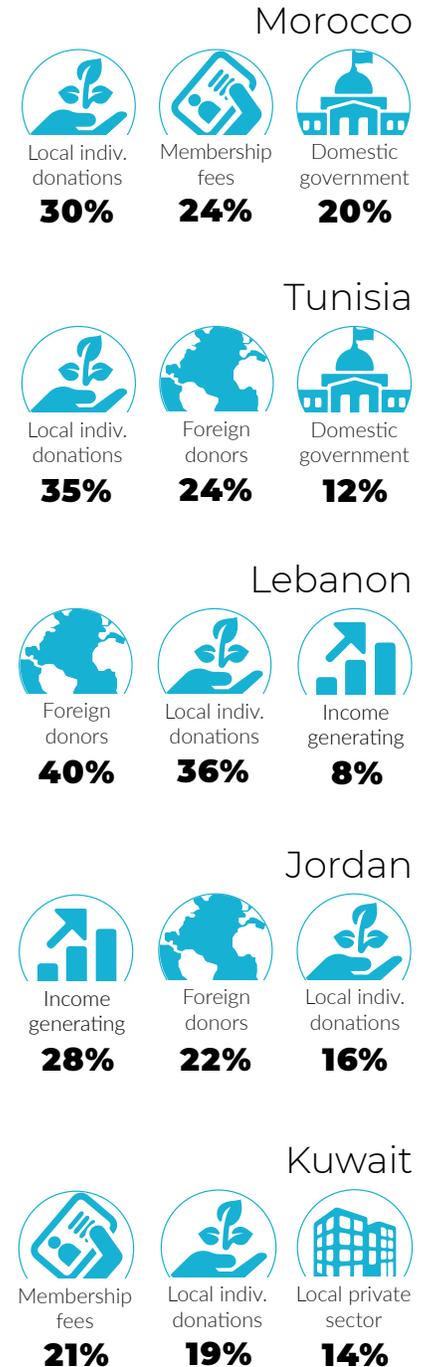
Figure 15

CSOs' INCOME FROM PRIMARY SOURCE – CHANGE OVER THE PAST THREE YEARS

■ = Increased   ■ = Decreased   ■ = Stayed the same   ■ = Don't know
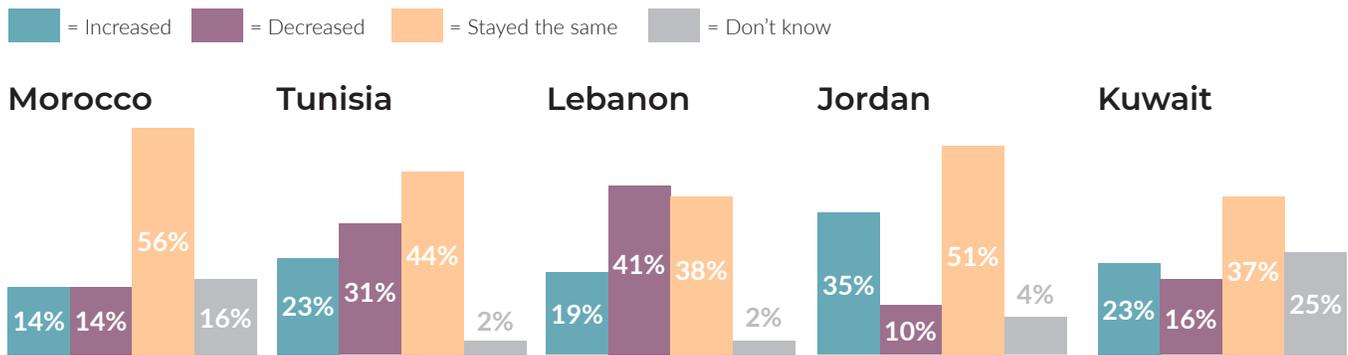
Domestic government funding is less common, but substantial shares of CSOs reported receiving some funding from the government. In Morocco, 42% of organizations receive domestic government funds; Moroccan respondents were also the most likely to indicate that their organizations *primarily* depended on government funding. One-fifth (20%) of Moroccan CSO stakeholders said that government funds are the organization's primary source of income, as compared with Jordan (13%), Tunisia (12%), Kuwait (5%), and Lebanon (2%).

In focus group discussions and interviews, CSO respondents from Jordan and Kuwait indicated that the laws in their countries require that the government provide funding for CSOs, but that the government does not allocate its budget accordingly. The CSO stakeholders theorized that this was due to mismanagement of funds and corruption, as well as limited resources stemming from the country's economic and financial challenges.

Funding from the domestic private sector was more rarely cited as organizations' primary funding source: the highest proportions of CSOs primarily relying on domestic business funds were in Kuwait (14%) and Jordan (9%).

ACCESS TO FOREIGN FUNDING

Large shares of CSOs in all five countries reported receiving funding from foreign sources. Around half of the surveyed groups in Lebanon (51%) and Jordan (47%) reported that their organizations receive foreign funding. The percentages were somewhat smaller in Tunisia (38%), Morocco (21%), and Kuwait (18%). Among the groups that received foreign funding, only a few reported facing difficulties in receiving those funds. Despite the existence of significant legal restrictions on foreign

> **Moroccan respondents were the most likely to indicate that their organizations primarily depended on government funding.**

Figure 16

THE PUBLIC'S PREFERRED SOURCES OF FUNDING FOR CSOs

	Morocco	Tunisia	Lebanon	Jordan	Kuwait
Government taxes	*30%	*30%	*49%	*26%	*50%
International organizations	14%	17%	9%	14%	7%
Donations	25%	22%	23%	*26%	12%
Private sector	17%	23%	11%	21%	19%
Waqf endowment	7%	0%	4%	7%	8%
Foreign government	6%	6%	4%	6%	4%
Other	1%	2%	<1%	0%	<1%

* = country high

funding in Jordan and Kuwait, reported difficulties in receiving such funding were most common in Tunisia and Lebanon, with 12% and 11% of respondents in these countries reporting challenges.

PUBLIC PERCEPTION

While CSOs commonly reported receiving individual donations, results of the public survey indicate that individual donations to CSOs are not the norm, with the majority of public respondents indicating that they have never donated money to CSOs. At the same time, the rate of such donations is not insignificant. Jordan and Lebanon had the highest positive responses in this regard: 33% of Jordanians and 30% of Lebanese surveyed claimed to have donated to a CSO in the past. This compares to the 21% of Moroccans, 13% of Kuwaitis, and 12% of Tunisians who indicated that they have given money to CSOs. The small share of Tunisians who indicated a past donation to a CSO is particularly surprising given surveyed CSOs' stated reliance on domestic donations; this discrepancy may be due to the pool of CSOs that were surveyed.

Further, while only a minority of respondents attested to making donations in the past, larger shares of respondents indicated their willingness to donate to CSOs in the future. Some 69% of Jordanians, 54% of Moroccans, 35% of Lebanese, and 28% of Kuwaitis said that they were likely to donate to a CSO at some time in the future. The share remained small for Tunisians, at 15%.

When probed further about the likelihood of future donations, the majority of respondents surveyed indicated that they were most likely to donate to social development

and charitable activities.[4] Focus group discussions confirmed the survey findings, as participants commonly indicated that social problems, poverty reduction, and local economic development were among their highest priorities for reform.

In surveys, when asked how they believed CSOs should be funded, public respondents identified domestic government funding first, followed by individual donations and funding from the private sector.

CSO Perception of Change Since the Arab Uprisings

Popular uprisings beginning in earnest in 2011 precipitated a process of transition and change in a number of Arab countries. In some countries, such as Tunisia and Morocco, popular protests led to reforms that more broadly protect civic freedoms and enlarged the space for civic action and engagement. Other countries, such as Jordan and Kuwait, also witnessed protests and an activated opposition movement but experienced little to no major positive change in their own political systems and rights. In examining the longer-term impacts of these historical events on the potential for sustained, positive expansion of civic freedoms, the study asked civil society leaders about their views of institutions and civic freedoms after the uprisings, and whether they perceived positive or negative changes.

In surveys, CSO stakeholders in Morocco and Tunisia cited improvements after the Arab uprisings in constitutional provisions and to laws and regulations affecting civil society. In Jordan and Kuwait, on the other hand, CSO stakeholders primarily cited positive changes to civil society mobilization and networking. Lebanon and Kuwait were arguably the least affected by the Arab uprisings, and hence when asked where there were positive changes, the highest response rate by CSO stakeholders was for "none" [of the proposed options].

When CSO stakeholders were asked in surveys about negative changes that arose after the Arab uprisings, the most common answer in every country was that negative changes had occurred at the level of government implementation of laws and
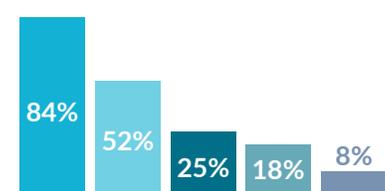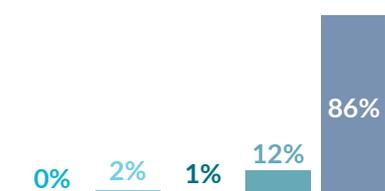
4   Survey question: What types of projects/activities are you likely to support with your donations? Possible answers: Social development, charitable activities; civic movements; local economic development; religious endowments; other [specify]. Source: PPS

Figure 17

POSITIVE CHANGES AFTER THE ARAB SPRING ACCORDING TO CSO STAKEHOLDERS

Percentages based on five response categories. Respondents could name more than one response.

The Constitution =
Laws & regulations =
Gov't implementation of laws & regulations =
Civil society mobilization & networking =
None of the above =

Morocco — 84%, 52%, 25%, 18%, 8%

Tunisia — 59%, 38%, 19%, 40%, 13%

Lebanon — 0%, 2%, 1%, 12%, 86%

Jordan — 25%, 22%, 20%, 53%, 28%

Kuwait — 2%, 11%, 11%, 33%, 54%

regulations. This finding is consistent with this study's major finding that restrictions on civic freedoms mostly arise from implementation practices—particularly in Jordan, Morocco and Tunisia. CSO stakeholders in Jordan and Kuwait also frequently cited negative changes at the level of laws and regulations following the Arab uprisings.

Public Perceptions of State and Civil Society Actors

Beyond perceptions and experiences of restrictions on specific civic freedoms, the research study inquired into opinions about state institutions and civil society groups. Members of the public were asked a series of questions related to their trust of these actors and how they perceived each to function in the protection and promotion of civic freedoms.

STATE INSTITUTIONS

Respondents to the public perception survey in the five study countries revealed an overall lack of trust in state institutions other than the military, particularly with regard to the institutions' role in protecting individuals' civic and political rights.

In public surveys, respondents in all five study countries reported high levels of trust in the military to protect individuals' rights and freedoms, but trust was particularly pronounced in Tunisia, Lebanon, and Jordan. Strikingly, both Tunisia and Lebanon show relatively low levels of confidence in all institutions other than the military.

Military and Police: The military and police are the most trusted institutions with regards to protecting individuals' rights and freedoms across all assessed countries. Reported levels of trust in the military ranged from a high of 92% of respondents in Lebanon to a low of 73% in Morocco, with Jordan (89%), Tunisia (79%), and Kuwait (76%) in between. With regards to the police, respondents in Jordan reported the highest level of trust (80%), followed by Kuwait (73%), Morocco (58%), Tunisia (52%), and Lebanon (40%).

Local Government: Of all state institutions, the public on average trusts local governments the least to protect individuals' rights and freedoms. Around 40% of respondents in Jordan, Kuwait, and Morocco indicated that they trusted local govern-

Figure 18

# NEGATIVE CHANGES AFTER THE ARAB SPRING ACCORDING TO CSO STAKEHOLDERS

Percentages based on five response categories. Respondents could name more than one response.

The Constitution =
Laws & regulations =
Gov't implementation of laws & regulations =
Civil society mobilization & networking =
None of the above =

Morocco — 1% · 12% · 43% · 12% · 40%

Tunisia — 6% · 14% · 43% · 12% · 36%

Lebanon — 0% · 10% · 15% · 3% · 76%

Jordan — 11% · 27% · 45% · 6% · 43%

Kuwait — 9% · 30% · 32% · 21% · 40%
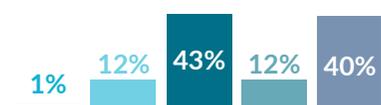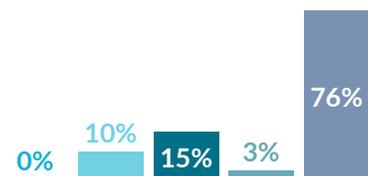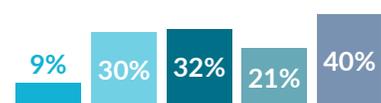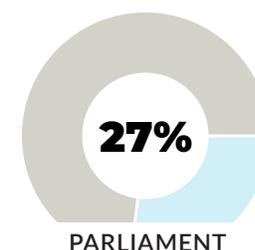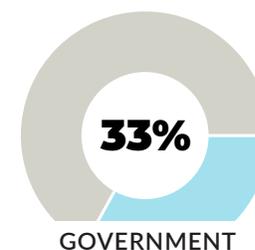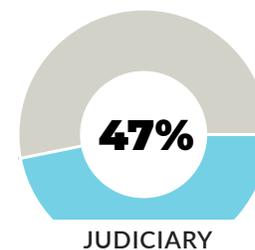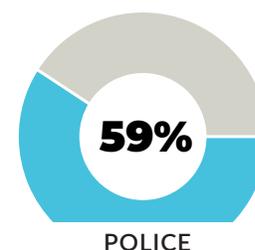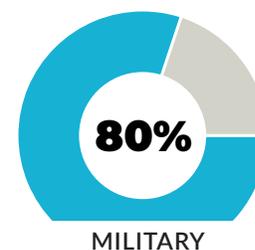
ment authorities to protect individual rights and freedoms, while in Lebanon and Tunisia the percentages were 24% and 15% respectively.

Legislature: The legislature is the second least-trusted state institution in protecting individuals' rights and freedoms. Members of the public in Kuwait were most likely to trust their parliament (48%), while the Lebanese and Jordanians were the least likely (16% and 23% respectively).

Judiciary: Trust in the judicial system to protect individuals' rights and freedoms varies widely across the five countries. The largest share of respondents trusting the judiciary were in Kuwait (65%), Jordan (60%), and Morocco (52%). Meanwhile, in Lebanon and Tunisia, only 25% and 35% of the surveyed individuals respectively indicated that they trust the judiciary to protect individuals' rights and freedoms.

CIVIL SOCIETY ORGANIZATIONS

Public survey data revealed divergence in the public's perception of CSOs across the five countries. Respondents were asked how much they trusted different types of CSOs to protect individuals' rights and freedoms;[5] they were also asked which types of CSO best represented them in terms of sharing the same goals and desires.[6]

In general, the public in Jordan, Kuwait, and Morocco were more likely to trust CSOs to protect their rights and freedoms than in Lebanon and Tunisia. In Jordan, Kuwait, and Morocco, members of the public were two and a half times more likely to trust CSOs than to distrust them. Conversely, public respondents in Tunisia and Lebanon were two times more likely to *distrust* CSOs than to trust them. These findings are discussed in greater detail in the Country Reports below.

Levels of public trust for particular kinds of CSOs differed across the five countries. In Lebanon and Morocco, individuals were more likely to say that they trusted non-governmental organizations (NGOs) than other kinds of groups. Individuals in Jordan and Tunisia, on the other hand, were most likely to

5   Survey question: How much do you trust [NGOs/Faith-based organizations/Unions and syndicates/Social enterprises/Cooperatives/Informal Groups] in terms of seeking to protect your rights and freedoms?

6   Survey question: Among these actors, who best represents you in terms of sharing the same goals and desires? Possible answers: NGOs/Faith-based organizations/Unions and syndicates/Social enterprises/Cooperatives/Informal Groups/Other [specify].

Figure 19

PUBLIC TRUST IN STATE INSTITUTIONS TO PROTECT RIGHTS AND FREEDOMS

Percentage of respondents in all five countries combined stating that they "completely" or "somewhat" trust the following institutions.

80%
MILITARY

59%
POLICE

47%
JUDICIARY

33%
GOVERNMENT

27%
PARLIAMENT

cite unions and syndicates as civic entities that they trusted. Kuwaitis were most likely to cite faith-based organizations as trustworthy. In all countries, respondents were the least likely to trust social enterprises; active *distrust* of social enterprises was also high in all five countries.

In addition to feelings of trust, members of the public were asked which kinds of groups they felt best represented them in terms of sharing the same goals and ideals. Respondents in all five countries were most likely to identify NGOs as most representative: In Morocco, 54% of the public said NGOs best represented their interests as compared to other kinds of CSOs; 45% in Kuwait; 42% in Jordan, 38% in Lebanon, and 34% in Tunisia. Respondents in Kuwait, Jordan, and Lebanon were also likely to cite informal groups as being representative entities, at rates of 38%, 37%, and 32% respectively. Informal groups, such as student coordination bodies and protest mobilizers, have played an integral role within the various street-based movements that have, to varying degrees, reshaped the political and social landscape in the study countries in recent years.

Unions, the traditional representative bodies of the working class, were embraced as representative by the largest share of respondents in Jordan and Tunisia, at 23% and 28% respectively. Faith-based organizations were most commonly cited as being representative of individuals' goals and desires in Morocco (at a rate of 23%), and Jordan (19%). Social enterprises were the least likely to be perceived as representative, with only 4% of public respondents in Lebanon and 1% in Tunisia identifying them as representative organizations.

Differences between trust and representativeness levels shows that people might trust certain actors to possess the capacity and willingness to defend their rights against state incursions while disagreeing with their values and political message. Qualitative data from key informant interviews and focus group discussions suggested that formally registered NGOs have the highest representative capacity in terms of their ability to reflect people's aspirations and values, for instance, although people have doubts about their ability to actually protect freedoms and rights.
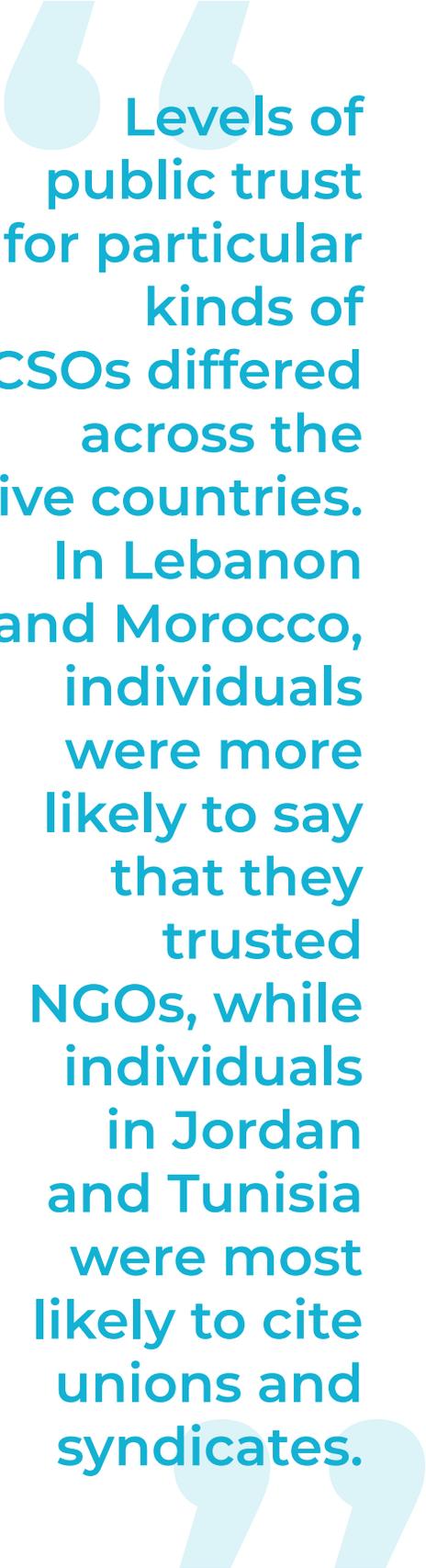
" Levels of public trust for particular kinds of CSOs differed across the five countries. In Lebanon and Morocco, individuals were more likely to say that they trusted NGOs, while individuals in Jordan and Tunisia were most likely to cite unions and syndicates. "

Figure 20

PUBLIC TRUST IN CIVIL SOCIETY INSTITUTIONS TO PROTECT RIGHTS AND FREEDOMS

Percentage of respondents in all five countries combined stating that they "completely" or "somewhat" trust the following types of civil society institutions.

48%	**42%**	**40%**
NGOs	INFORMAL GROUPS	FAITH BASED
37%	**34%**	**23%**
UNIONS	COOPERATIVES	SOCIAL ENTERPRISES
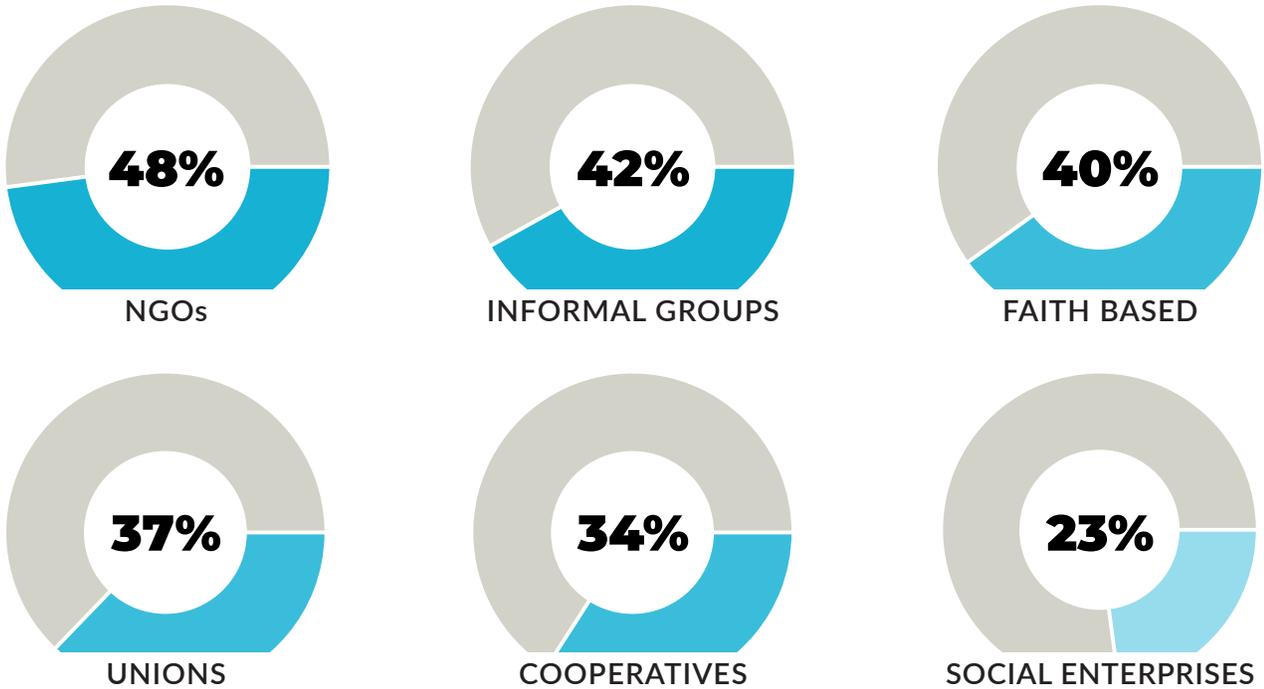
Figure 21

PUBLIC PERCEPTION OF WHICH CSO BEST REPRESENTS THEIR INTERESTS

Percentage of respondents in all five countries combined stating that the following institutions represent their interests.

43%	**27%**	**18%**
NGOs	INFORMAL GROUPS	FAITH BASED
17%	**12%**	**6%**
UNIONS	COOPERATIVES	SOCIAL ENTERPRISES
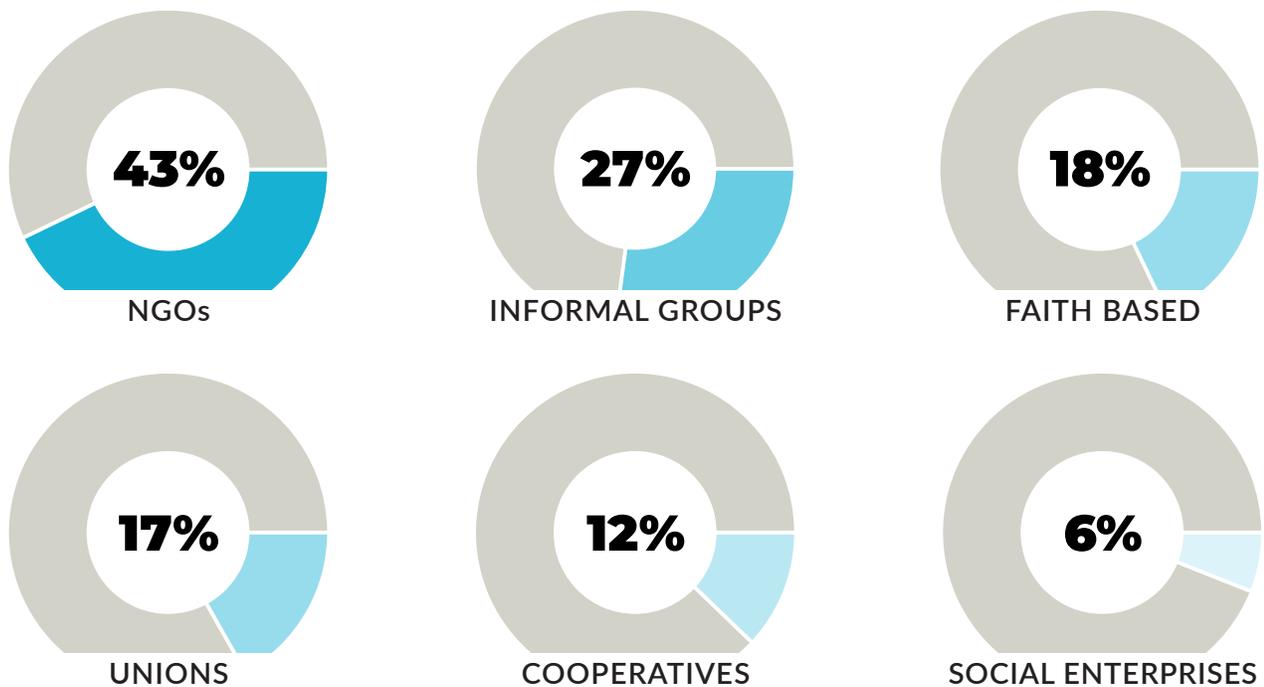
MOROCCO

Overview

Surveys of CSO stakeholders and the public reflect the optimism of Moroccans regarding their access to civic freedoms, and the role of the government in largely supporting enabling reforms. However, challenges remain. In particular, laws and regulations could be better implemented so as to fully enable civic freedoms.

Participants in the CSO stakeholder survey in Morocco comprised 204 stakeholders primarily representing registered organizations (94%), mainly working at the local (52%) or national (32%) levels (as opposed to regional or international levels). The survey respondents were mainly board members (39%), founders (38%), or organizational members (30%) of the groups that they represented. The respondents had an average of twelve years of experience in civil society. More than half of the respondents reported that they were involved in informal groups as well, and 2% participated in faith-based organizations or social businesses.

The majority of respondents described their organizations as working in social development (73%) or arts and culture (64%), with smaller shares active in environmental work (29%), and human rights (22%). The organizations' activities most commonly comprised training and capacity building (76%) or awareness raising (73%), while nearly half (45%) were involved in service provision; roughly one-fifth (22%) engaged in monitoring, and slightly fewer (18%) in lobbying and advocacy.

CSO stakeholders consistently cited CSOs as the main actors expected to protect civic freedoms (73%) and the most helpful in doing so (88%). CSO stakeholders also expressed the expectation that government institutions at all levels (73%) should protect civic freedoms, although a significantly smaller share said that national institutions (40%) or local institutions (35%) actually fulfill this role. At the same time, CSO stakeholders most commonly cited political parties (34%) and security forc-

CIVIC FREEDOM METER

Percentage of public respondents in Morocco who said that they felt "free" to exercise the following core civic freedoms:

Association
53%

Assembly
47%

Expression
52%

Participation
36%

CSOs' PERCEPTION OF PROTECTIVE vs. RESTRICTIVE ROLES OF VARIOUS ACTORS IN MOROCCO

Respondents' expectations of whether institutions should protect rights measured against their perception of whether they actually do

■ = % expecting that institution should protect rights   ■ = % believing that institution is actually protecting rights   ■ = % believing that institution is actually restricting rights
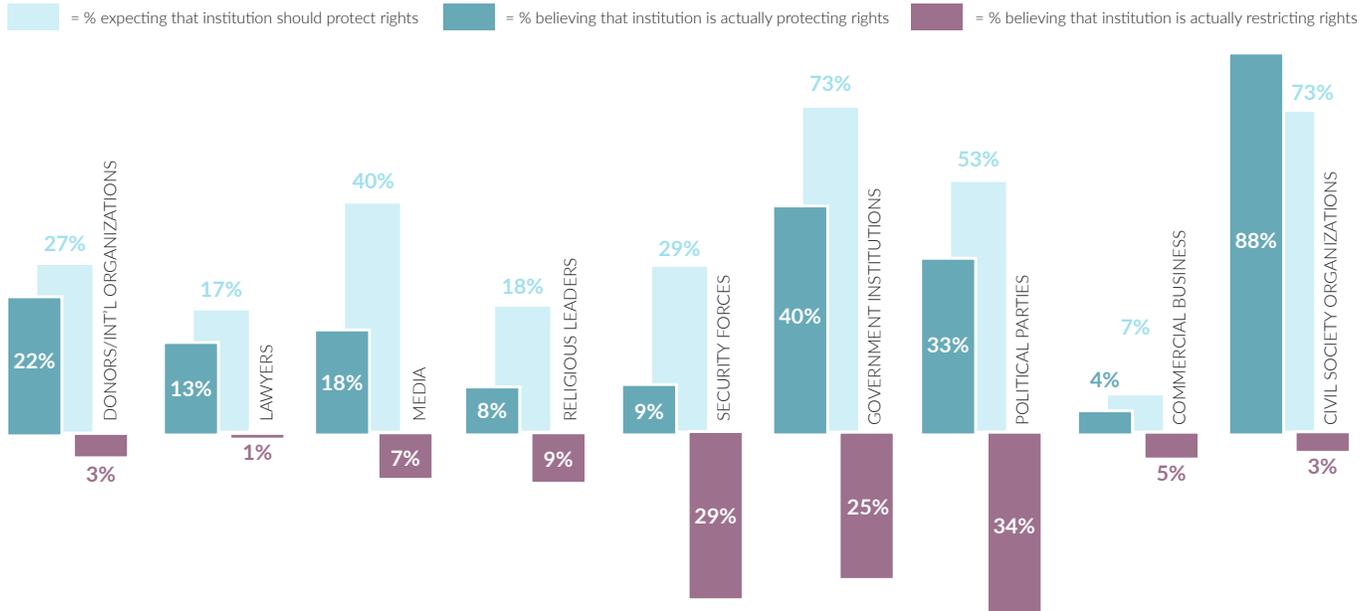
es (29%) as being harmful to their access to civic freedoms. Data also shows that some Moroccan CSO stakeholders believe that security forces should play a protective role, but in their experience security forces play a harmful role instead.

PUBLIC PERCEPTION

The survey of the Moroccan public indicates that NGOs, faith-based organizations, and informal groups were the most trusted: 57%, 49%, and 44% of respondents respectively indicated that they trust those actors to protect their rights and freedoms.[7]

With regard to state institutions, 73% of those surveyed indicated that they somewhat or completely trust the military to protect their rights. Following the trend in other study countries, the police (58%) was the second-most trusted institution.

Moroccan respondents to the public perception survey were more divided with regards to the judiciary's role in protecting individuals' rights and freedoms. Just over half of respondents (52%) responded favorably about the judicial system in this regard. One of the most salient complaints raised in focus group discussions and interviews was the issue of political interference in the judiciary, particularly from the Ministry of Interior.

Fewer survey respondents expressed trust in local government authorities (42%) and parliament (30%). The low trust levels may be explained by the relative weakness of these two institutions in Morocco's system at the time of the survey. Focus groups indicated that the majority see the king as the true executive, with the government and

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7   Survey question: How much do you trust [NGOs/Faith-based organizations/Unions and syndicates/Social and political movements/cooperatives] in terms of seeking to protect your rights and freedoms?

the parliament being auxiliaries with limited authority. The Moroccan king, as opposed to the military, was also seen as the guarantor of social and political stability: Several interview subjects referred to the king as the "balancer," or "the one who holds the stick from the middle."

Freedom of Association

A large majority (87%) of surveyed CSO stakeholders reported that they were familiar (46%) or somewhat familiar (41%) with the laws governing freedom of association.

Respondents affiliated with registered CSOs reported facing challenges during the notification process to formally establish their organizations. Surveyed CSO stakeholders most frequently noted that the relevant government office was time-consuming or expensive to get to; the second most-cited challenge was the difficulty in acquiring information about the registration requirements. Additionally, 39% of respondents reported that it took between one to three months from submission of the notification documents to delivery of an official registration receipt; 12% indicated that it took more than three months.

In focus group discussions and interviews, CSO representatives likewise indicated that registering a CSO may seem straightforward according to the law, but in practice can take months. Many representatives cited difficulties satisfying the requirements of the law's notification system. For instance, some representatives said that their notifications were rejected if any founding members had criminal records, while others said their notification was rejected because all founders were not able to provide original birth certificates; neither criterium is required by the law, however. Religiously-affiliated organizations in particular reported that they were likely to face problems: One participant, for example, said that his organization had not received its registration receipt yet because the name of the organization indicated some relation to Islamist groups in the country. In such cases, an association can operate, but cannot open a bank account or receive significant funds, including from the government or international donors.

CSO stakeholder survey respondents reported minimal governmental monitoring of their activities. Only a small group of respondents (9%) said that their organizations had received

KEY FINDINGS: FREEDOM OF ASSOCIATION IN MOROCCO
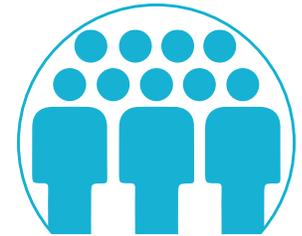
Approximate number of registered civil society organizations nationwide

130,000*
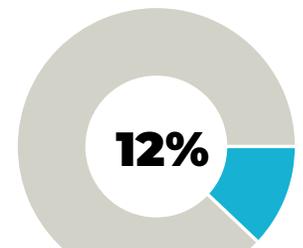
12%

Percentage of CSOs for which registration took more than 90 days

Most common source of CSO funding: Individual donations

* = Based on official government statistics

unannounced visits from the government. A sizeable majority (80%) of respondents reported that the government had not prevented their activities; when there were specific government restrictions on activities, field research was the most commonly prevented type of activity.

Surveyed CSO stakeholders described the time-consuming nature of reporting to the government. Among those respondents who knew how much time the organization spent on activity and financial reports to the government, the majority said that it took an average of 16-24 hours every month. Approximately one-fifth (18%) said that it took more than 32 hours monthly. A significant percentage of respondents (42%) reported that they use legal or other expert assistance to complete activity and financial reports.

In focus group discussions, CSO stakeholders said that, although the government had moved towards more openness, official processes, such as changing or adding board members, remain burdensome and lengthy. Such changes often entail detailed background checks, especially when it comes to board members or organizational founders who have been involved in political activism. While there is greater space, e.g., to establish new CSOs, stakeholders in interviews noted that constraints remain in place against "effective voices that can disturb the status quo."

Freedom of Expression

A majority (85%) of surveyed CSOs reported being familiar (53%) or somewhat familiar (35%) with the laws governing freedom of expression. A sizeable majority (88%) also felt free (34%) or somewhat free (53%) to express their opinions in public arenas. Only a small minority of respondents reported that they had been discouraged from expressing an opinion by a state authority or other official (3%) or from expressing an opinion critical of the government (2%).

In focus groups and interviews, participants who said they felt less free to express their opinions were often more vocal about their political views against the monarchy, or otherwise outspoken against the status quo. Self-censorship to avoid official and non-official threats was noted to be a common practice. "I am very careful what to write on social media and what not," said one participant who self-identified as an Islamist.

When it comes to accessing online information, only a small minority (2%) of surveyed CSO stakeholders reported facing challenges accessing Internet content due to websites or applications being blocked or taken down. CSOs stakeholders also reported positive experiences when it comes to media outreach. The large majority (86%) of CSO survey respondents that tried to contact the media or conduct media outreach activities in the past five years had very easy or somewhat easy access. Those who did face challenges mainly reported a lack of responsiveness as the reason for the difficult media access, followed by the media refusing to cover the organization's event.

In focus group discussions, many Moroccan CSO stakeholders indicated that there are constraints on expression—and other civic freedoms—flowing from the "sacred trinity": religion, country, and king. Qualitative data affirms that this trinity is understood by Moroccans to include societal and political red lines that cannot be transgressed. For example, the Brotherhood of Charity and Justice is legally prohibited because it openly questions the religious and political legitimacy of King Mohammed VI. Atheists reported being particularly targeted in Morocco, along with Shiites, leftist activists, women's rights activists, Sahara people, and Amazigh.[8]

Freedom of Assembly

CSO stakeholders were largely optimistic about their access to freedom of assembly in Morocco. A majority of survey respondents (82%) reported being familiar (45%) or somewhat familiar (37%) with laws governing freedom of assembly, and 44% reported to have participated in a public assembly in the past five years. Only a small minority (4%) reported having been discouraged from participating in public assemblies. Of these, the most commonly reported method of discouraging a public assembly was security officials dispersing the assembly after it had begun.

Permits are required by all those who organize public assemblies. A majority (83%) of CSO stakeholders who had applied for permits described the application process as complex. However, only a small minority (3%) reported that they were prevented from organizing a public assembly. Further, while 31% of CSO stakeholder respondents reported having witnessed incidents when state or security officials challenged or dispersed public assemblies, 36% witnessed incidents where the government took steps to *protect* peaceful assemblies.

While granted by law, freedom of assembly is limited in practice by the government's implementation policies. For instance, in focus group discussions and interviews, CSO stakeholders reported that in some cases government employers cut protesters' monthly pay as a penalty for participating in demonstrations. This is based on a controversial 2012 decision by the government under former Prime Minister Benkirane deducting the wages of government workers who went on strike.

"CSO stakeholders were largely optimistic about their access to freedom of assembly in Morocco, with 44% reporting that they had participated in a public assembly in the past five years."

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8   The Amazigh, also known as Berbers, are a separate ethnicity in Morocco and were granted enhanced language and cultural rights in the 2011 Constitution.

Public Participation

CSO stakeholders assessed various facets of freedom of participation in Morocco differently. When it comes to access to information, the majority of CSO survey respondents that requested information from government agencies reported having been able to get information and documentation "most of the time" (61%), with 19% able to get the information "every time." Only a small minority of respondents (5%) reported "never" or "rarely" being able to get information or documentation from the government.

There is a somewhat more pessimistic trend when it comes to the legal environment for public participation in national policy and legislative processes. Despite the country's recent legal reforms, such as enacting laws that allow individuals and CSOs to submit motions and petitions to parliament, one-fifth (20%) of CSO stakeholders reported that the laws in Morocco do not provide for their organization's right to participate in national policy and legislative processes.[9] More than a third (39%) said that the laws only partially provide for such participation. At the local level, stakeholders were more sanguine: More than a quarter (26%) said that the law provides for organizations' participatory role in local policy processes, with nearly half (44%) saying that the law only partially provides for that role.

At the same time, the majority of CSO respondents reported their organizations to be influential (7%) or somewhat influential (53%) on national policy and legislative processes. Nearly three-quarters (72%) of CSO stakeholders also reported that the relationship between their organizations and national authorities is collaborative, as opposed to adversarial, threatening, or nonexistent. Dialogue with national authorities appears to be not only possible, but practiced: Nearly half (44%) of respondents reported to have participated in policy dialogue with national authorities in the past five years.

At the same time, it could be noted that small-scale local efforts when combined and built upon can potentially lead to major changes in national policies. The changes made to the constitution providing more room for public participation in the form of motions and petitions surely had a positive impact on the relationship between individuals and both national and local authorities, as shown in the survey results. However, focus group discussions and interviews revealed objections to what was termed "democratic unbalance in the system," citing the fact that activists need 25,000 signatures to petition the parliament, while parliamentarians can enter the parliament with as little as 5,000 votes.

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9   The laws on motions and petitions, *Law No. 44-14 Concerning the Methods and Conditions of Exercising the Right of Submitting Petitions to the Public Authorities*, and *Law No. 64-14 on Determining the Conditions and Modalities of Practicing the Right of Presenting Motions in the Field of Legislation*, were published in the Official Gazette in August 2016. The stakeholder surveys were conducted in January 2017, when the laws had not yet been fully implemented and CSOs may not have utilized them. This may help to explain CSO stakeholders' responses.

Resource Mobilization

Surveyed CSO stakeholders described their ability to mobilize financial resources as a challenge. The most common primary source of funding for Moroccan CSOs were donations from individuals (30%), domestic government funding (20%), and membership fees (24%); other CSOs named funding from foreign donors (6%) and income-generating activities (6%) as their primary source of funding. Roughly one-fifth (21%) of CSO stakeholders reported receiving foreign funding, even if it was not the organization's primary funding source, and only 6% reported that their organizations had ever faced difficulty in receiving funding from foreign sources. Similarly small minorities reported having ever been denied permission to fundraise for public donations (2%), or having been denied funding from a local or national domestic government source (4%).

Although the Moroccan government has a budget to support domestic CSOs, according to focus groups and interviews, not many organizations know of or have access to this budget. Focus group participants in Rabat also indicated that government funds are often directed to CSOs based on their political affiliations. While survey respondents indicated that they faced few difficulties accessing international funding, some participants in focus groups and interviews reported that some foreign-funded organizations receive government inquiries about their funding sources and their relationships to foreign donors. As a result of this monitoring, CSOs have felt pressure to think of alternative sources of funding and more income-generating activities.

Mitigation Mechanisms for Restrictions on Civic Freedoms in Morocco

When asked about the priority areas that need to be addressed in order for CSOs to effectively overcome restrictions on civic freedoms in Morocco, surveyed stakeholders most frequently (74%) cited the need for internal capacity building to strengthen organizations. More than half (59%) also cited advocacy for legal and policy reform as a priority area, and over a third (36%) identified greater engagement with the media. During focus group discussions and interviews, CSOs proposed the following mitigation mechanisms to limit the impact of legal restrictions and other challenges to civic freedoms in Morocco:

MOROCCO: PUBLIC ATTITUDES TOWARDS DONATING TO CSOs
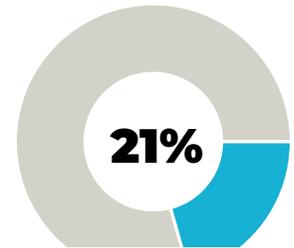
21%

Percent reporting that they have donated to a CSOs in the past

54%

Percent reporting that they are likely to donate in the future

PROJECTS PEOPLE ARE MOST LIKELY TO SUPPORT WITH THEIR DONATIONS:

33%
Charitable activities

31%
Social development
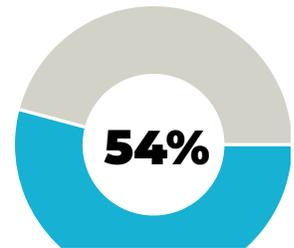
15%
Economic development

MITIGATING RESTRICTIONS TO FREEDOM OF ASSOCIATION: SIMPLIFYING REGISTRATION PROCESSES

A common restriction to the freedom of association is the timely and complex process CSOs go through to get registered. Steps to streamline this process could include:

- Creating platforms that provide individuals with easy access to information regarding the establishment of associations.

- Working closely with the Ministry of Interior to build the capacity of its staff and support it with the necessary technological infrastructure to make the process easier and more efficient.

- Engaging with the e-Government initiative to automate the registration process, allowing for a tracking option so that CSOs can track the progress of their registration.

MITIGATING RESTRICTIONS TO FREEDOM OF EXPRESSION: FOCUSING ON INDEPENDENT AVENUES

In general, there is a need for more independent voices and platforms to enable and protect civil society's freedom of expression. For instance:

- Create more online independent media platforms including blogs, Facebook pages, YouTube channels, and online TVs as alternatives to the traditional politically-controlled media.

- Increase collaboration with journalists to cover events, gatherings, and other activities organized by CSOs.

MITIGATING RESTRICTIONS TO FREEDOM OF ASSEMBLY: CAPITALIZING ON EXISTING SPACES AND NETWORKS

- Moroccans report enjoying a wide range of spaces for cultural, religious, and sports events. These spaces could be leveraged for expanded activities and events to further enhance familiarity with and respect for assembly rights.

- CSOs could also engage military and security officials who are seen as potential protectors of civic freedoms, in order to help them better understand Moroccans' assembly rights and how best to align their implementation practices.

MITIGATING RESTRICTIONS TO PUBLIC PARTICIPATION: THINK NATIONALLY, ACT LOCALLY

- Raise awareness about existing mechanisms for public participation, such as the process for individuals and organizations to submit motions and petitions to parliament.

- Expand CSOs' national-level influence by building and expanding coalitions with other organizations. CSOs can leverage this collaboration to link local initiatives to national campaigns, pushing for bigger changes and greater engagement at the national level.

- Develop CSO constituencies to enhance public participation. For instance, CSOs can engage and partner with local and municipal authorities to hold public meetings and other events, including using government facilities, to directly engage individuals. This will also increase trust in CSOs and individuals' ownership in law- and policy-making processes that CSOs are involved in.

- Engage with parliamentarians to organize more public debates around national policies, opening them up to the public rather than only stakeholders working on policy development.

MITIGATING RESTRICTIONS TO RESOURCE MOBILIZATION: LEVERAGING MECHANISMS FOR SUSTAINABLE FUNDING

- Educate CSOs about how to access the government budget to support their activities.

- Encourage the creation of clear criteria and transparent processes in the administration of government funding for CSOs

- Engage with local councils (municipalities) in their budget processes and encourage them to prioritize spending for CSOs and the protection of civic freedoms.

- Enhance links between CSOs and the private sector to tap into an underutilized source of funding for CSOs.

- Support the creation of social business as a self-sustaining form of CSO.

- Improve the legal environment to enable CSOs to use online crowdfunding to financially sustain themselves.

TUNISIA ⬤

Overview

Civil society has played a leading role in pushing for constitutional and legal reforms in Tunisia, with the parliament and government largely playing supportive roles. While restrictions persist, only 28% of CSO stakeholders identified laws, rules, and regulations to be among the main threats to civic freedoms; larger shares pointed to corruption (78%) and political inequality (45%) as the biggest threats.

The CSO stakeholders' survey in Tunisia was conducted with 100 stakeholders, representing civil society groups working at the local and national levels. All but one of the CSOs represented was a registered organization. Most of the organizations were active in the fields of social development (42%), arts and culture (40%), environment (31%), and human rights (30%). The activities conducted by the sampled organizations most commonly comprised raising awareness (64%), training and capacity building (57%), as well as lobbying and advocacy (37%) and service provision (35%). The respondents to the survey were mainly founders (51%) and board members (44%) who had been active in civil society for an average of 11 years, mostly participating in membership associations and CSOs involved in social, scientific, and cultural issues.

Two-thirds (65%) of civil society stakeholders said that they view CSOs as responsible for advancing civil and political freedoms, with an even larger majority (86%) indicating that CSOs are helpful in protecting these freedoms in practice. While large shares of CSOs also perceive political parties (51%) and government institutions (42%) to bear responsibility for advancing civil and political freedoms, 39% of respondents indicated that in practice political parties harmed or prevented access to civil and political rights.

PUBLIC PERCEPTION

Public surveys reflected a striking lack of trust in civic actors in Tunisia. The majority of those surveyed distrusted all forms of civic actors. Distrust was particularly widespread (96% of respondents) regarding social enterprises.

CIVIC FREEDOM METER

Percentage of public respondents in Tunisia who said that they felt "free" to exercise the following core civic freedoms:

Association
61%

Assembly
66%

Expression
58%

Participation
53%

Respondents' expectations of whether institutions should protect rights measured against their perception of whether they actually do

- = % expecting that institution should protect rights
- = % believing that institution is actually protecting rights
- = % believing that institution is actually restricting rights

DONORS/INT'L ORGANIZATIONS
33%
24%
5%

LAWYERS
21%
27%
3%

MEDIA
23%
15%
13%

RELIGIOUS LEADERS
12%
2%
23%

SECURITY FORCES
8%
13%
20%

GOVERNMENT INSTITUTIONS
42%
21%
20%

POLITICAL PARTIES
51%
24%
39%

COMMERCIAL BUSINESS
6%
6%
9%

CIVIL SOCIETY ORGANIZATIONS
86%
65%
5%

As for state institutions, Tunisians expressed the most widespread trust in the military and police to protect their freedoms; 80% said they trusted the military, while over half (52%) expressed trust in the police. Only 15% of respondents expressed trust in local government authorities to protect their rights and freedoms—the lowest level of trust in any of the institutions across the five assessed countries. Respondents also expressed low levels of trust in the legislature (27%) and judiciary (35%).

In focus groups and interviews, Tunisians expressed disillusionment in the country's post-Revolution trajectory and concern that economic elites were adapting and re-emerging as the wielders of power. The government's inability to enact tangible reforms—particularly with regard to eradicating corruption—led to respondents' deteriorating expectations in both parliament and the executive. Study respondents also expressed concern about the lack of judicial independence. A number of interviewees highlighted the fact that Tunisia remains under the emergency law that existed before the revolution, which leaves individuals subject to wide-ranging government powers that can be employed arbitrarily to curtail rights and freedoms.

Freedom of Association

A substantial majority (96%) of surveyed CSO stakeholders reported that they were familiar (67%) or somewhat familiar (29%) with the laws governing freedom of association.

Despite the country's enabling CSO law, CSO stakeholders identified some restrictions on the freedom of association related to implementation practices and procedures. The

most frequently cited challenge to registration, noted by 27% of stakeholders, was delayed government responses beyond what is provided for by law; 12% said that it took more than six months from the time that their organization first submitted its notification documents and when the organization was officially registered. Approximately one-fifth (18%) of CSO stakeholders also described access to the registration office as time-consuming and costly; this may be due to the need for CSOs outside of Tunis to travel to the capital to submit their notification documents at the Prime Ministry. Nearly one-quarter of surveyed stakeholders (24%) said that their organization had received unannounced visits from government or security officials, either on the organization's premises or at the site of organization activities.

The public opinion survey indicates that freedom of association is perceived to be widely accessible: Three out of five (61%) public respondents in Tunisia consider themselves free or partly free to exercise their right of association—the highest rate among the study countries.

In focus group discussions and interviews, however, stakeholders noted that the authorities have blocked associations dealing with sensitive matters like state transparency, corruption, sexuality, or drugs from registering. Interviewees also indicated that the process of registration in Tunisia is hindered by low institutional capacity among registration officials, and that insufficient human and technical resources often result in registration delays. Nonetheless, the majority agreed that CSOs had proliferated in Tunisia since the revolution. Many interviewees viewed the proliferation of CSOs as a challenge rather than an advantage to the political effectiveness of Tunisian civil society, noting that Tunisians are weary of the foreign aid that is flooding the country and supplanting a more organic civil society sector.

Freedom of Expression

A majority (91%) of surveyed CSO stakeholders in Tunisia reported being familiar (47%) or somewhat familiar (44%) with the laws governing freedom of expression. The overwhelming majority (97%) of surveyed CSO stakeholders indicated that they feel free (72%) or somewhat free (25%) to discuss their opinions openly in public. Unlike their counterparts in Morocco and Jordan, Tuni-

KEY FINDINGS: FREEDOM OF ASSOCIATION IN TUNISIA
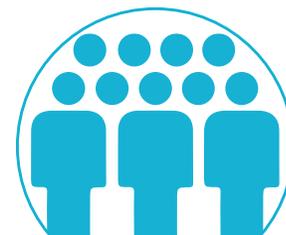
Approximate number of registered civil society organizations nationwide

120,000*
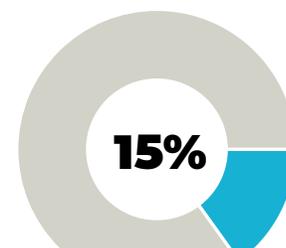
15%

Percentage of CSOs for which registration took more than 90 days

Most common source of CSO funding: Individual donations

* = Based on official government statistics

sian stakeholders did not identify clear-cut red lines as to what cannot be discussed publicly. However, they did indicate that topics related to homosexuality, drugs, and corruption of elites connected to the old regime remain sensitive. The majority seemed to agree that former red lines were officially abolished, but the gains in expressive freedom have not been fully consolidated.

Only a small share of surveyed stakeholders (9%) said that their organizations had been discouraged from expressing opinions by a state or government authority. Most organizations (88%) represented in the stakeholder survey had tried to conduct media outreach activities in the past five years. The majority (81%) of surveyed stakeholders described access to the media in Tunisia as "easily accessible" or "somewhat accessible"; 19% said it was difficult to access to media as a CSO. One of the main challenges to accessing media in Tunisia was the lack of responsiveness from the side of media outlets. Stakeholders also noted challenges related to the media being politicized and presenting politically biased views.

Freedom of Assembly

Most CSO stakeholders in Tunisia had participated in a public assembly, yet they also described their access to freedom of assembly as more restricted than other civic freedoms, largely by means of implementation practices such as the issuance of assembly permits or police threats.

Most stakeholders surveyed (85%) said they were familiar (41%) or somewhat familiar (44%) with the law governing public assemblies, and most (78%) had participated in a protest, demonstration, or other public assembly in the past five years. Among those that had organized or attempted to organize an assembly (34%), and had applied for a permit, all described the process of obtaining a permit as complex or very complex. Roughly one in six (16%) said that they had been discouraged from participating in a public assembly in the past five years, primarily due to security officials' dispersal of the assembly. However, similar shares of stakeholders reported having witnessed incidents in which the government dispersed public assemblies (59%) as those who witnessed the government protecting public assemblies (54%). Thus, despite instances in which it hinders freedom of assembly, the government is still perceived to protect

97% of surveyed CSO stakeholders said that they feel free to discuss their opinions openly in public. Unlike their counterparts in Morocco and Jordan, Tunisian stakeholders did not identify clear-cut red lines as to what cannot be discussed publicly.

assemblies in many cases. Further, the relatively large number of those who witnessed either kind of incident may reflect the large number who were able to participate in an assembly in the first place.

The views expressed by stakeholders in discussions and interviews were varied as well: Some activists lauded the almost complete freedom in this area, citing the fact they only need to give notice three days in advance to the Ministry of Interior specifying the time and place of the protest, while others were more concerned, stating that the freedom depends on the topic and location of the protest. As noted above, there is still an emergency law in place in Tunisia and several interviewees said the wide-ranging powers this gives to the state security apparatus were at times used to ban or break up legitimate demonstrations.

Public Participation

CSO stakeholders in Tunisia reported obstacles to their access to public participation. Among those survey respondents who had tried to obtain information from the government, two-fifths (40%) said that they were only able to obtain the information or documentation "sometimes," while another fifth (20%) said they were successful "rarely" or "never."

Around 80% of respondents to the CSO stakeholder survey answered that the law either does not allow (42%) or only partially allows (38%) for their participation in policy and legislative processes at the national level, with 13% stating that it does allow them to participate. Those perceptions change significantly, however, when addressing participation at the local rather than national level: more than two-fifths (41%) of stakeholders stated that the law allows their groups to participate in local policy and legislative processes, or partially allows (29%) for such participation. According to focus groups and interviews, a sense of political alienation, as described above with regards to distrust of government institutions, is particularly common among younger Tunisians, and continues to undermine advancements with regards to civic participation.

Despite the fact that most respondents said that the law does not allow or only partially allows for their participation in national policy and legislative processes, most CSO stakeholders said their organization was able to play an influential (12%) or somewhat influential (50%) role in national policy and legislative processes. Most (64%) also described their organization's relationship with national authorities as collaborative. Fewer than one-fifth (18%) described the relationship as non-existent, and almost none (4%) described their relationship with the government as adversarial or threatening.

Nearly half of all CSO stakeholders (45%) said that their organizations had participated in dialogue of some kind with national authorities in the past five years. Fewer than one-fifth of Tunisian CSO stakeholders (17%) said they had been discouraged from participating in policy dialogues or otherwise engaging with national authorities; of these,

the majority said they were not informed of public meetings or events beforehand. In focus groups and interviews, however, stakeholders indicated that engagement does not always occur through official, formal dialogue; for instance, they said that parliament had at times organized informal open houses and invited civil society representatives to engage in discussions with parliamentarians.

Resource Mobilization

CSO stakeholders identified certain obstacles to their ability to mobilize financial resources. Most stakeholders described their organization's primary funding as coming from domestic sources, whether from individual donations (35%), domestic government funding (12%), or domestic private sector funding (6%). According to nearly half (47%) of CSO stakeholder respondents, however, the law restricts their organization's ability to access domestic funding. Around one-fifth (19%) of respondents said that the organization had been denied funding from a domestic government source, for instance; 7% said that their organization had been denied permission to fundraise for public donations.

Roughly two-fifths (38%) of CSO stakeholders said their organization receives foreign funding, and for roughly a quarter (24%) foreign funding is their primary funding source. In interviews and focus groups, stakeholders were less concerned about legal restrictions on foreign funding, such as the requirement that registered organizations publicly declare any funding they receive from outside Tunisia. Rather than finding this problematic, interviewed stakeholders saw this as a positive step to enhance accountability and transparency among CSOs.

Mitigation Mechanisms for Restrictions on Civic Freedoms in Tunisia

When asked about the priority areas that need to be addressed in order for CSOs to effectively overcome restrictions on civic freedoms in Tunisia, most (68%) identified a need for internal capacity building among organizations. More than half (55%) cited the need to increase advocacy for legal and policy reform, and roughly half (48%) said that greater CSO engagement with

TUNISIA: PUBLIC ATTITUDES TOWARDS DONATING TO CSOs
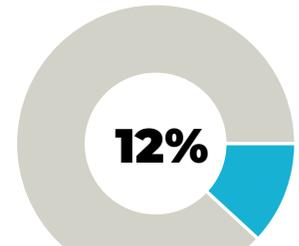
12%

Percent reporting that they have donated to a CSOs in the past

15%

Percent reporting that they are likely to donate in the future

PROJECTS PEOPLE ARE MOST LIKELY TO SUPPORT WITH THEIR DONATIONS:

35%
Charitable activities

24%
Social development
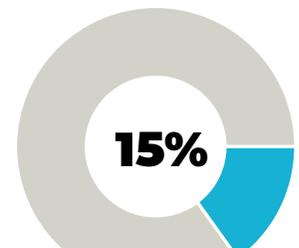
21%
Civic movements

the media was also a priority. During focus group discussions and interviews, CSOs proposed the following mitigation mechanisms to limit the impact of legal restrictions and other challenges to civic freedoms in Tunisia:

MITIGATING RESTRICTIONS TO FREEDOM OF ASSOCIATION: HELP ORGANIZE THE REGISTRATION PROCESS

Many CSOs identified challenges related to the registration process. Efforts to mitigate these challenges could include:

- Making information on the registration process and requirements clearer and more readily available and accessible. Include information on how CSOs may appeal in case their registration notifications are denied.

- Building the capacity of ministry staff involved in the registration process to make the process faster and less complex.

- Moving the registration process online to help CSOs avoid time-consuming and sometimes multiple visits to a Ministry office.

MITIGATING RESTRICTIONS TO FREEDOM OF EXPRESSION: CAPITALIZING ON THE SUPPORTIVE AND ENABLING ENVIRONMENT

Tunisian CSOs and members of the public feel broadly positive about their access to free expression in Tunisia. Ideas to consolidate the gains in expressive freedom might include:

- Supporting the creation of independent media platforms both online and in print.

- Leveraging Tunisia's engaged and active cultural scene to begin addressing remaining sensitive topics, such as politics, religion, and sexuality.

MITIGATING RESTRICTIONS TO FREEDOM OF ASSEMBLY: ENABLE AND PROTECT PEACEFUL ASSEMBLIES

- Engage with authorities at the local level to work on the creation of public spaces that would allow for more accessible arenas for assembly.

- Work with the police and security authorities to enhance their knowledge about their responsibilities to protect assemblies and the limited instances in which an assembly may be halted or dispersed.

MITIGATING RESTRICTIONS TO PUBLIC PARTICIPATION: ACCESS TO INFORMATION AND COALITION-BUILDING

- Build CSO and public awareness about Tunisia's right to information law. Support the creation of new mechanisms to facilitate the process of responding to information requests, and build the capacity of government officials to fully and justly implement the law.

- Form coalitions of CSOs to support engagement in and impact on national-level policy and legislative processes.

- Leverage existing relationships between CSOs and officials at the local and municipal levels to push for national-level change.

MITIGATING RESTRICTIONS TO RESOURCE MOBILIZATION: EXPLORE ALTERNATIVE INCOME GENERATION AVENUES

- Include private sector organizations in strategic planning sessions and project plans to increase their ownership of and contributions to the protection of civic freedoms.

- Work with local and national government officials to advocate for an expansion of public funds for CSOs. Where opportunities for government funding exist, raise CSO awareness about such opportunities and build CSOs' capacity to obtain such funding.

- Enhance links between CSOs and grassroots constituencies, and increase focus on projects that address people's aspirations and needs, rather than donor agendas.

- Take advantage of the expanding social entrepreneurship scene to revive engagement of local communities.

LEBANON

Overview

Surveys of CSO stakeholders and the public in Lebanon reflected concern about their access to civic freedoms, particularly freedom of association and freedom of assembly. CSO stakeholders also expressed pessimism about the ability of their organizations to meaningfully participate in policy and legislative processes and influence real change.

The survey sample in Lebanon comprised 91 CSO stakeholders, who were founders (56%), board members (41%), or employees (23%) of the organizations they represented. Nearly all of their organizations were registered (91%) and most worked either at the national level (57%) or local level (33%). The majority of respondents reported that their organizations were active in fields related to social development (76%) and human rights (56%), with a smaller group of respondents working in arts and culture (23%). The organizations' activities most commonly included awareness raising (89%), training and capacity building (84%), and service provision (63%); less common were lobbying and advocacy (25%), and monitoring work (16%).

A sizeable majority of stakeholders (82%) viewed CSOs as the primary protectors of civic rights and freedoms; government institutions (38%), donors/international organizations (31%), and lawyers (21%) were also cited as protectors of these rights.

On the other hand, political parties were seen to be a restrictive force by 71% of respondents. In focus group discussions and interviews, stakeholders said that political parties play a restrictive role in cases where CSOs or activists attempt to challenge the status quo. In the past, parties have intervened to disrupt organized movements, for instance, by discrediting the activists and organizations behind those movements. Stakeholders' survey responses reflected contradictory observations about the role of governmental institutions in general, however, with roughly equal percentages of respondents considering governmental institutions restrictive (35%) and enabling (38%). Security forces were the least likely to be cited as a threat to civic freedoms.

CIVIC FREEDOM METER

Percentage of public respondents in Lebanon who said that they felt "free" to exercise the following core civic freedoms:

Association
60%

Assembly
59%

Expression
70%

Participation
27%

CSOs' PERCEPTION OF PROTECTIVE vs. RESTRICTIVE ROLES OF VARIOUS ACTORS IN LEBANON

Respondents' expectations of whether institutions should protect rights measured against their perception of whether they actually do

■ = % expecting that institution should protect rights　■ = % believing that institution is actually protecting rights　■ = % believing that institution is actually restricting rights
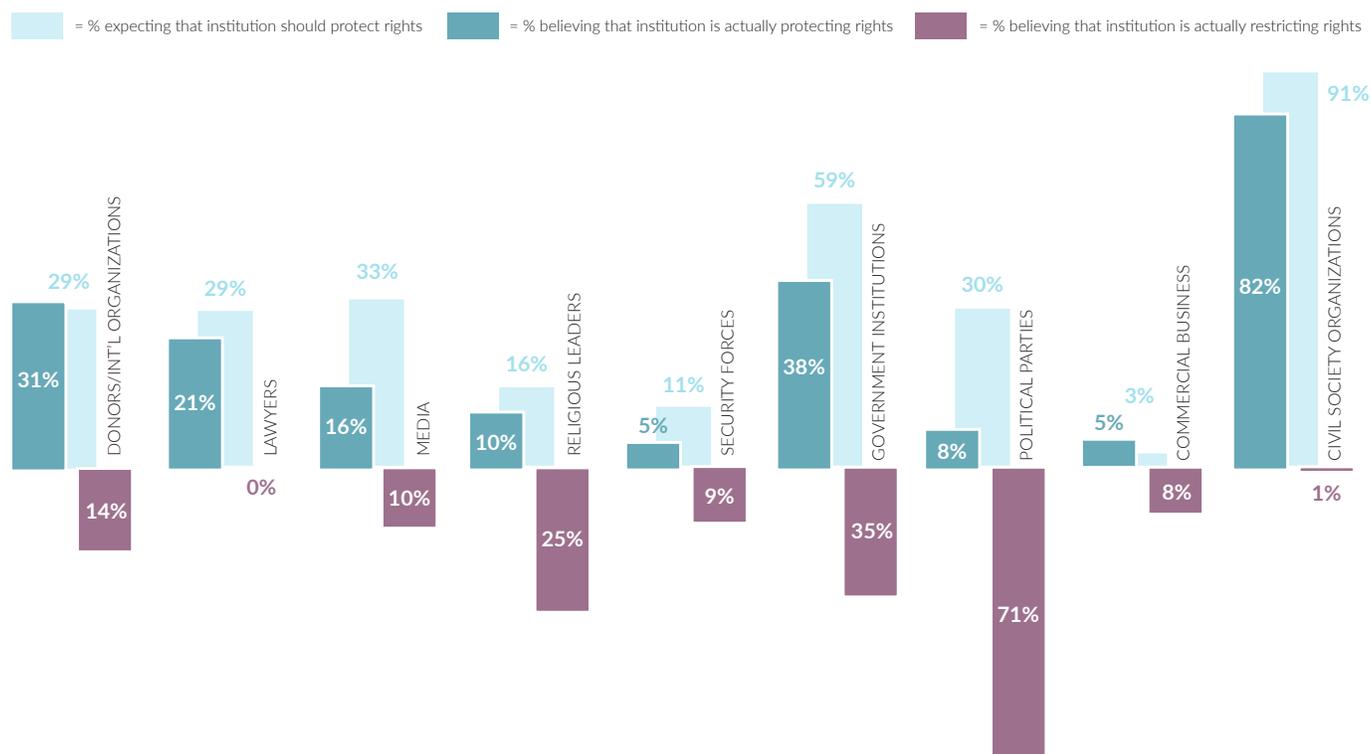
According to survey data, stakeholders in Lebanon most commonly perceived the nature of restrictions and threats to their activity to be related to inequality in political power (81%), followed by corruption and nepotism (79%) and official practices and policies (69%). Roughly one-third (30%) of respondents cited laws, rules, and regulations as among the biggest threats to civic freedoms.

PUBLIC PERCEPTION

Public survey respondents in Lebanon expressed widespread distrust of civic actors. NGOs and informal groups were considered the most widely trusted institutions, but only half of those surveyed indicated that they trust NGOs (48%) and informal groups (47%) to defend their rights and freedoms. Results also indicate that the Lebanese public has the highest levels of distrust of faith-based organizations, unions, and social enterprises: roughly half indicated that they actively distrust faith-based organizations (54%), unions (51%), social enterprises (51%), and cooperatives (48%).

While the majority of the public believes that it enjoys significant freedoms of association, expression, and assembly, survey results indicate a widespread lack of trust in state institutions other than the military to protect these rights. Levels of trust in the state's legislature, judiciary, and local authorities, are all below 25%.

The military remains the only institution with widespread public trust, with 92% of respondents indicating that they trust the military to protect their civic and political rights.

Although the police are the second most widely trusted state institution in Lebanon (trusted by 40%), the Lebanese still have the lowest trust in police compared to the other study countries.

Freedom of Association

A large majority (84%) of CSO stakeholders reported that they were familiar (65%) or somewhat familiar (19%) with the laws governing freedom of association.

Both survey data and qualitative findings reveal that CSO stakeholders face restrictions on their freedom of association. Survey responses, interviews, and focus group discussions indicate that these restrictions primarily relate to implementation practices and procedures.

Similar to the challenges noted in other countries, CSO stakeholders in Lebanon described the process for establishing a formal CSO as time-consuming and costly, making it difficult for new organizations to form. Among the registered groups that were surveyed in Lebanon, one-fifth (20%) reported that they had to wait more than six months between when they first submitted their documents notifying the government of their establishment and when their organizations received their registration receipts. In keeping with that finding, when asked about challenges faced during the notification process, the most frequent inconvenience reported by stakeholders was a delay in the government's response to the notification beyond what is allowed by law. Despite a legal obligation that the Interior Ministry return registration receipts to CSOs within 30 days of receiving their notifications, stakeholders noted that in some cases the Ministry delays issuing the receipts.

In focus group discussions and interviews, stakeholders indicated that delays in the registration process are often linked to investigations of an organization's activities and its founders. According to stakeholders, registering a CSO became harder after the Syrian crisis due to the government's concerns about illicit groups registering and smuggling money. With the presence of Syrian activists in the country as well, additional measures were put in place for volunteers, paid staff, and board members who are not Lebanese citizens. For instance, these individuals are now required to undergo additional bureaucratic procedures in order to obtain work permits.

KEY FINDINGS: FREEDOM OF ASSOCIATION IN LEBANON
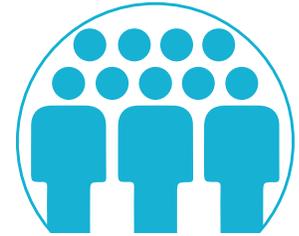
Approximate number of registered civil society organizations nationwide

8,500*
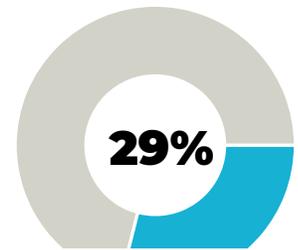
29%

Percentage of CSOs for which registration took more than 90 days

Most common source of CSO funding: Foreign funding

* = Based on official government statistics

Approximately one-sixth (16%) of surveyed stakeholders reported that their organizations had received unannounced visits from government officials at their organizational premises. In an interview, a member of a CSO that has long worked with Lebanese civil society reflected that, while rarer now than in the past, it was still not uncommon to have authorities show up at CSOs' workshops and other events. In addition, CSOs spend significant time preparing and submitting activity and financial reports to the government. A quarter (25%) of respondents reported spending more than 32 hours on such reporting every month, the highest among the five study countries. Nearly half (46%) indicated that their organizations require legal or other expert assistance in order to complete their official activity and financial reports.

Freedom of Expression

Freedom of expression in Lebanon, particularly when compared to the four other countries, is well-protected. The majority (84%) of surveyed CSO stakeholders in Lebanon reported being familiar (60%) or somewhat familiar (24%) with the laws governing freedom of expression, and the overwhelming majority (97%) of CSO stakeholder respondents said that they felt free (69%) or somewhat free (27%) to express their opinions in public. Nonetheless, 13% of organizations reported having been discouraged by a state authority from expressing themselves. This discouragement took the form of refusing permission for the organization to hold or attend a public speaking event, or in several cases arresting individuals associated with their expression.

In focus groups, participants noted numerous cases of persecution in other forms such as libel lawsuits against individuals who critiqued public officials and the Lebanese military. In addition, a member of an organization that works against censorship brought up the common practice of the government banning movies, music, or any cultural work that addresses "sensitive topics," including Lebanese politics, religion, sectarianism, and sexuality. Journalists, activists, and others may face repercussions for statements that offend religious or political party leaders. The vast majority of media outlets are affiliated with political parties, creating an additional layer of pressure on political speech.

In interviews, stakeholders also expressed concern over Lebanon's creation of the Cybercrime and Intellectual Property Bureau, and said it has been used as a tool to pressure activists and curtail freedom of speech. Some participants referred to the bureau as "the Lebanese anti-speech office" or "Lebanese repression office," noting that it had summoned several activists for questioning and forced them to sign pledges not to criticize certain politicians.

Roughly seven in ten (71%) CSO respondents reported that their organizations have conducted media outreach activities in the past five years, with most reporting their access as easy (65%) or somewhat easy (22%).

Freedom of Assembly

CSO stakeholders did not express optimism about their access to freedom of assembly. The majority of respondents (83%) reported being familiar (54%) or somewhat familiar (29%) with the laws governing freedom of assembly in Lebanon. More than half of the respondents (56%) had participated in public assemblies in the past five years, and a significant number (25%) reported witnessing incidents in which the state challenged or dispersed a public assembly. Those who had witnessed such incidents had seen an average of five such events.

In interviews and focus group discussions, CSO stakeholders frequently pointed to measures taken against protesters during the summer 2015 demonstrations in response to the garbage crisis in Lebanon: security forces used water trucks and tear gas against protesters, in addition to arresting several protesters who were subsequently tried by military courts. One activist had his camera confiscated by security forces during the protests and has yet to get it back. Particularly vocal individuals were threatened, faced with heavy fines and imprisonment, and forced to take urine tests.

In addition to limitations imposed by the state, stakeholders reflected on the impact of Lebanon's sectarian division of powers. Stakeholders noted that political parties frequently send out agitators to disturb and even instigate violence within demonstrations. Furthermore, protesters cannot criticize a political party in a geographical area where it holds power, severely curtailing the actual physical space in which demonstrations can be organized. This issue arises particularly when movements cut across traditional ideological or sectarian lines.

Public Participation

CSO stakeholders expressed significant concern about facets of civic participation. A majority of stakeholders surveyed perceived the law to either not provide (30%) or only partially provide (33%) for the participation of CSOs in national policy and legislative processes. Stakeholders reported similar results for local policy and legislative processes: 26% said the law does not provide for their participation at the local level, and 41% said that it only partially provides for such participation.

Individuals' access to information also presents a challenge. While only a minority of respondents had requested information or documents from the government, more than one-fifth (22%) of those were never able to receive the documents they requested. This finding was corroborated in focus group discussions, in which participants noted that the Access to Information Law had not yet been fully implemented.

More than half (56%) of respondents described their relationship with national authorities as collaborative, while only 4% described it as either adversarial or threatening. In addition, more than half of respondents (52%) reported that they had participated in dialogues with national authorities in the past five years; only a few reported having

been discouraged from doing so, citing primarily a lack of information about public meetings and events.

On the other hand, one-third (33%) of stakeholders said they had no relationship with national authorities at all. A majority of stakeholders (68%) said that their organizations were not influential or even somewhat influential with regard to national policy and legislative processes.

In focus group discussions and interviews, participants noted several national campaigns that successfully connected with grassroots networks to advance change at the local level. This included the campaign for Law 174 to ban smoking in public spaces; the campaign against Article 522 of the penal code allowing alleged rapists to avoid penalty by marrying their victims; and the advocacy around Decree 220/2012 granting accessibility within public institutions. While these restored some hope among CSOs about space for civic participation, many described disappointment with the government's failure to implement or only partially implement the new initiatives. They reflected that CSOs are free to play active roles in political and civic movements, express their opinions, and demonstrate, yet they ultimately feel that their voices do not count and they are unable to enact or influence meaningful change. One focus group participant summarized the views of former Prime Minister Selim el Hoss, saying, "We have a lot of freedom, but no democracy."

Resource Mobilization

Surveyed CSO stakeholders cited major challenges in mobilizing resources. A plurality (41%) of stakeholders reported that their organization's primary source of income had decreased from 2014 to 2017, which is the highest rate among the five countries. Stakeholders most frequently (40%) identified foreign funds as their organization's primary source of funding; donations from individuals were the second most common primary source of funds, cited by 36% of stakeholders. Oft-used sources of additional, non-primary funds came from membership fees (24%) and domestic government funds (20%). In focus group discussions, stakeholders noted that several CSOs who rely on foreign funding sources have struggled to maintain funding for their activities as a result of changes in foreign donors' priorities. Moreover, stakeholders reported that banks

LEBANON: PUBLIC ATTITUDES TOWARDS DONATING TO CSOs
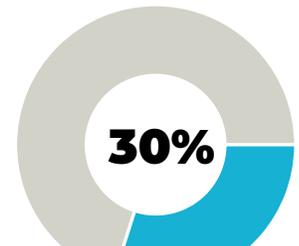
30%

Percent reporting that they have donated to a CSOs in the past

35%

Percent reporting that they are likely to donate in the future

PROJECTS PEOPLE ARE MOST LIKELY TO SUPPORT WITH THEIR DONATIONS:

50%
Charitable activities

26%
Social development
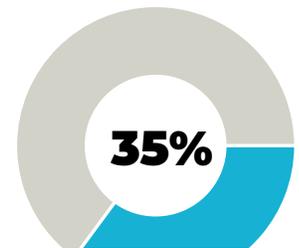
11%
Economic development

are imposing new funding-related rules and requirements on CSOs and activists, requesting more documents to prove their sources of funding and requiring extensive paperwork in order to open bank accounts and conduct bank transactions.

Mitigation Mechanisms for Restrictions on Civic Freedoms in Lebanon

When asked about the priority areas that need to be addressed in order for CSOs to effectively overcome restrictions on civic freedoms in Lebanon, most (84%) surveyed CSO stakeholders said that CSOs needed more-developed internal capacity. Majorities also cited advocacy for legal and policy reform (60%) and building stronger support among the public (54%) as priority interventions. During focus group discussions and interviews, CSOs proposed the following mitigation mechanisms to limit the impact of legal restrictions and other challenges to civic freedoms in Lebanon:

MITIGATING RESTRICTIONS TO FREEDOM OF ASSOCIATION: ADDRESSING REGISTRATION CHALLENGES

- Given challenges in the registration process, it may be more appropriate for some CSOs to avoid formal establishment and operate informally instead, using online platforms to facilitate day-to-day operations.

- CSO coalitions can exert greater pressure on the government to reform restrictive associational laws and implementation practices.

MITIGATING RESTRICTIONS TO FREEDOM OF EXPRESSION: RELYING ON INDEPENDENT MEDIA

- Establish and support independent media groups that support evidence-based journalism in order to navigate constraints on political speech and other sensitive topics.

MITIGATING RESTRICTIONS TO FREEDOM OF EXPRESSION: EXPANDING COALITIONS AND DOCUMENTING CHALLENGES

- Take advantage of existing coalitions working against restrictions on and violations of freedom of expression, in order to build on their lessons learned to advocate on a national scale.

- Document the government's aggressive measures against vocal activists and advocates to support a movement against restrictive legal provisions and practices.

MITIGATING RESTRICTIONS TO FREEDOM OF ASSEMBLY: IMPROVED NETWORKING AND SUPPORT AMONG CSOs

- Engage with a greater number of CSOs to increase the pressure against actors who restrict assembly rights. For instance, invest in a coordinating body that engages various CSOs working in the country.

- Create a platform that monitors all civil society events as a reference point for civil society actors for more effective mobilizing.

- Reactivate unions and syndicates as platforms to discuss and challenge ideas, and push forward change.

MITIGATING RESTRICTIONS TO PUBLIC PARTICIPATION: FOSTERING PUBLIC ENGAGEMENT

- Develop public participation mechanisms that give individuals greater ownership of the democratic process and increase the potential for greater pressure against restrictive actors. For instance, include civic education in school curriculums and create public forums to inform individuals of their rights and duties.

MITIGATING RESTRICTIONS TO PUBLIC PARTICIPATION: TAKING ADVANTAGE OF EXISTING LAWS

- Build public awareness of the 2005 Access to Information Law, which creates a legally binding requirement for government agencies to submit information when requested and is essential to the public participation process.

- Develop the capacity of local officials and, where necessary, put in place enabling regulations and polices to guide implementation of the Access to Information Law.

- Encourage political engagement by pushing for a more proportional electoral law that expands representation, particularly of vulnerable and minority communities.

MITIGATING RESTRICTIONS TO RESOURCE MOBILIZATION: SHIFTING TO ALTERNATIVE, FINANCIALLY SUSTAINABLE MODELS

- Diversify CSO sources of income, rather than relying on a single source, to increase sustainability of CSO funding.

- Address legal restrictions that constrain CSOs' abilities to engage in income-generating activities.

- Build awareness about social enterprises as an alternative, potentially more sustainable form for CSOs to support their activities. Work with CSOs and government officials to ensure social enterprises have an enabling legal framework.

- Partner with the private sector to develop potentially sustainable funding solutions, particularly through Corporate Social Responsibility (CSR) activities or other innovative partnership models.

JORDAN

Overview

Surveyed CSO stakeholders in Jordan identified implementation of the law, particularly with regard to freedoms of expression and assembly, as the main restrictions to civic freedoms. In the years since the Arab uprisings, Jordanian authorities have used counterterrorism and anti-extremism to justify heightened monitoring and other practices that constrain CSOs' work.

The stakeholders' survey in Jordan comprised 101 stakeholders, mainly representing registered organizations (64%) but also more loosely-organized social or political movements that are not required to register. Most of the represented entities work on the local (59%) or national (29%) levels. Respondents had been active in civil society for an average of nine years. The majority of organizations represented in the Jordan sample were active in social development (71%), human rights (46%), and arts and culture (45%), with smaller shares engaged in political (24%) or economic (23%) development. The sampled organizations' main activities included awareness raising (73%), training and capacity building (67%), and service provision (45%). Most respondents were founders, members, or volunteers with their organizations.

Most (70%) of the surveyed stakeholders viewed CSOs as helpful in protecting individuals' access to civil and political rights. Other actors identified as enablers of civic freedoms were the media (32%), donors/international organizations (32%), and local governmental authorities (32%). This was corroborated in key informant interviews with CSO stakeholders, who described CSOs as the actors most effective in protecting civic freedoms in Jordan. Interviewees also mentioned organizers of the Jordanian Hirak—the popular mobilization movement that emerged during the Arab uprisings—as major enablers of civic freedoms. Interestingly, in comparison to other countries, stakeholders placed greater emphasis on the role of physical space—particularly cultural centers and social hubs such as coffee shops—as civic space, as well as the importance of art-

CIVIC FREEDOM METER

Percentage of public respondents in Jordan who said that they felt "free" to exercise the following core civic freedoms:

Association
**46%**

Assembly
43%

Expression
47%

Participation
31%

CSOs' PERCEPTION OF PROTECTIVE vs. RESTRICTIVE ROLES OF VARIOUS ACTORS IN JORDAN

Respondents' expectations of whether institutions should protect rights measured against their perception of whether they actually do

= % expecting that institution should protect rights   = % believing that institution is actually protecting rights   = % believing that institution is actually restricting rights
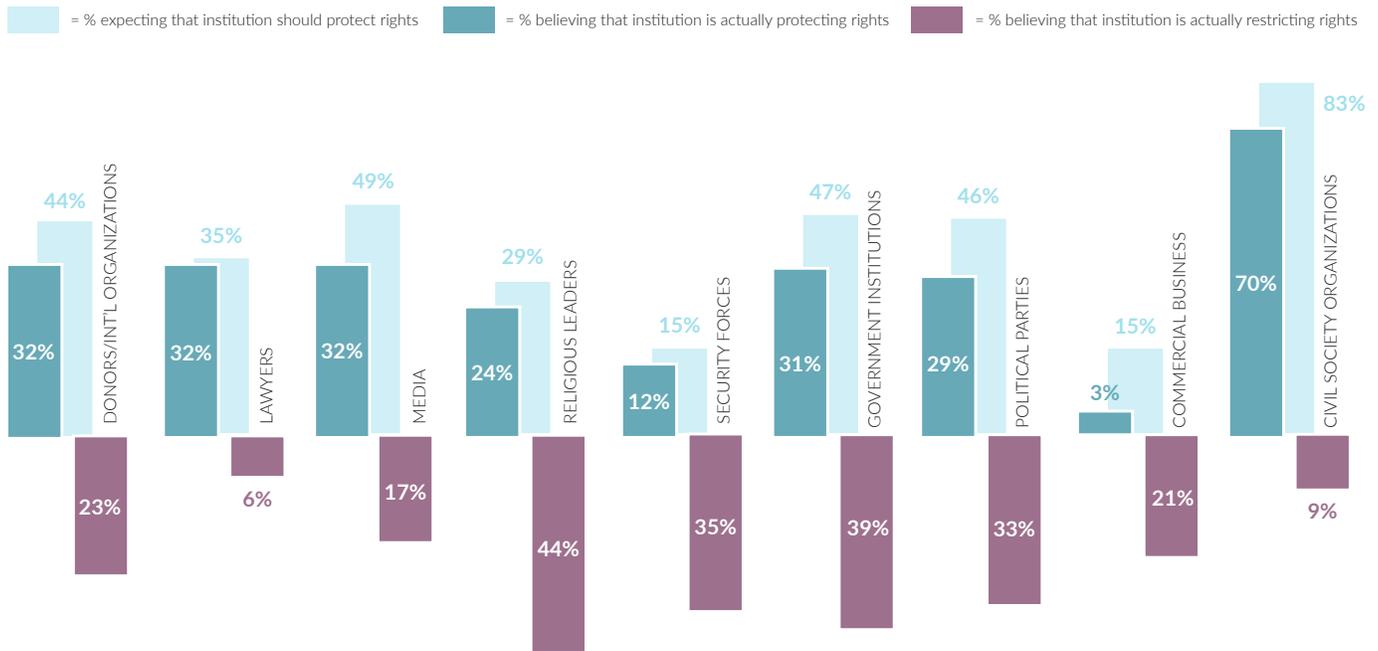
ists in enabling and protecting civic freedoms. The interviewees also identified civil society actors' private residences as important spaces for civic mobilization.

As for actors who harm or prevent access to civic freedoms, 44% of surveyed CSO stakeholders cited religious figures to be major contributors to restrictions on freedoms, followed by government institutions (39%), security forces (35%), and political parties (33%). In interviews and focus groups, stakeholders mentioned the groups run by the Muslim Brotherhood, specific religious figures (Sheikhs), and specific tribal groups as disabling forces. One interviewee described all governmental institutions "without any exceptions" to be restrictive of CSOs. Interviewees also described universities as simultaneously enabling (a space to exchange ideas, mobilize, and organize) and restrictive (rife with administrative and bureaucratic constraints, potentially influenced by the government).

A large majority (82%) of CSO stakeholder survey respondents cited "corruption and nepotism" to be the greatest threat to civic freedoms in Jordan. Roughly half of all stakeholders cited official practices and procedures (50%) and inequality of political power (49%) as primary threats to civic freedoms; rules and regulations (40%) were also cited by many.

PUBLIC PERCEPTION

Survey responses reflected that the Jordanian public has mixed feelings about different types of CSOs. Respondents were most likely to respond that they trusted unions (58%), informal groups (53%), and NGOs (50%) to protect individuals' rights and freedoms. Unions and informal groups in addition to retired military personnel were leaders in Jordan's Hirak movement, which might help explain the popular perceptions of these actors.

As in the other study countries, respondents in Jordan expressed widespread trust in the military and police, with 89% of respondents stating that they trust the military and 80% indicating trust in the police to protect their rights and freedoms. Participants in focus group discussions suggested that the civil war in neighboring Syria could help explain such high trust levels, as fears of spillover lead many to see the kingdom's security forces as a guarantor of stability.

More than half (60%) of the public surveyed expressed trust in the judiciary to protect their rights and freedoms. On the other hand, the same percentage of the public surveyed (60%) expressed a marked distrust of the local government authorities. The parliament had the lowest levels of trust, with only 23% of public stakeholders indicating that they trust the parliament to protect their rights and freedoms.

Freedom of Association

Surveyed CSO stakeholders in Jordan were less familiar with the laws governing freedom of association than those in the other study countries; just over one-third indicated that they were familiar (36%) and a similar share reported that they were somewhat familiar (37%) with the relevant legal framework.

The research study revealed discrete limitations on freedom of association in Jordan. As noted above, Jordan's Penal Code prohibits unregistered societies, and provides that individuals who engage in activities with unregistered groups are subject to up to two years' imprisonment. Of the 64% of surveyed CSO stakeholders who represented registered CSOs, most had not faced extensive delays in the registration process. Only 2% said it took more than 90 days to receive the official registration notice from the time they submitted their registration documents. The most commonly cited challenge to registration was that accessing the registration office, whether in the capital or one of the branch offices, was time-consuming and expensive (19%).

These sanguine survey results, however, were contradicted by the insights shared by stakeholders during focus group discussions and interviews. During these conversations, CSO stakeholders frequently complained that the registration process is complicated and that activists face extensive questioning and background checks. One interviewee said that in order "to reg-

KEY FINDINGS: FREEDOM OF ASSOCIATION IN JORDAN
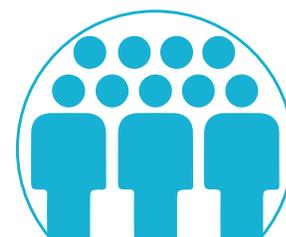
Number of registered civil society organizations nationwide

5,966

49%
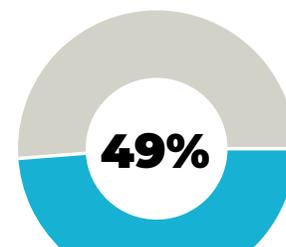
Percentage of CSOs who received unannounced visits from government officials

Most common source of CSO funding: Income-generating activities

ister a local civic community space, it took us four years and we still have not completed the process." The challenges were described as "something CSOs are simply used to and expect." Another interviewee indicated that the government may deliberately "lose" the registration papers of associations that are seen as troublesome, which stalls the registration process for an undetermined time. Furthermore, once registered, CSOs must notify the government of any planned activity; in practice, the government must approve the activity for it to proceed. Unannounced visits from government or security officials were also more common in Jordan than in the other study countries: nearly half (49%) of all surveyed stakeholders reported that their organizations had received unannounced visits on the organization's premises or at the site of organizational activities.

Freedom of Expression

Compared to the other study countries, CSO stakeholder respondents in Jordan reported less familiarity with the legal framework governing freedom of expression. Slightly more than one-third (37%) reported being familiar, and 33% reported being only somewhat familiar with the relevant laws and regulations.

The research study findings reflected ways in which expressive freedoms are constrained. Roughly half (53%) of the CSO stakeholders surveyed said they felt not free (35%) or neither free nor unfree (18%) to express their opinions in public arenas. Stakeholders cited instances in which the government had discouraged their organization's free expression by sending authorities to visit the organization's offices (13%), refusing permission to hold a public speaking event (8%), and requiring the retraction of a publication (7%).

Study respondents reported that restrictions to the freedom of expression occur primarily at the level of implementation practices. In focus group discussions and interviews, CSO stakeholders described a constant need to self-censor what they are expressing, particularly when it comes to the royal family and religion. As one interviewee said, "We can't express our opinions about all the things that matter." In several interviews and focus groups, participants reported that journalists, high-ranking former public officials in Jordan, and other individuals were arrested for criticizing the king and the Islamic
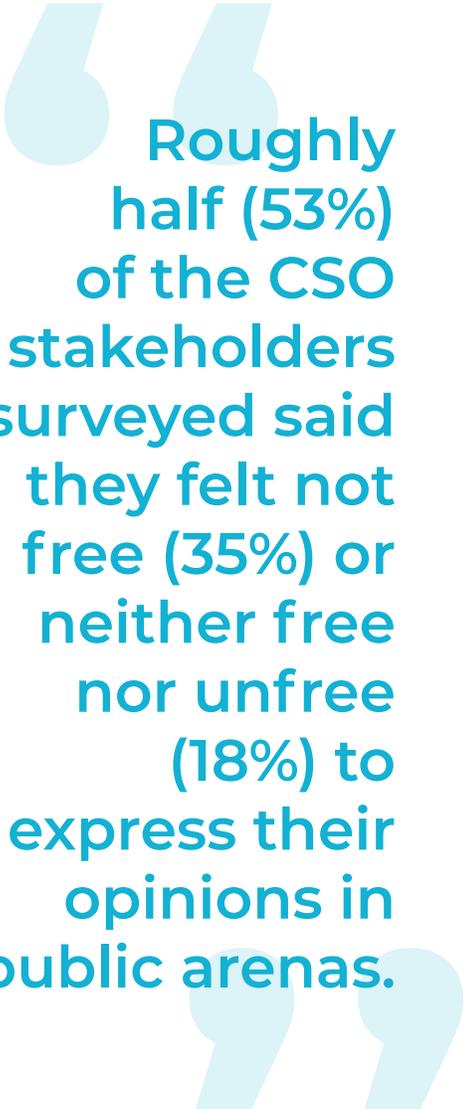
> **Roughly half (53%) of the CSO stakeholders surveyed said they felt not free (35%) or neither free nor unfree (18%) to express their opinions in public arenas.**

faith. They noted that enforcement of laws on expressive conduct, such as the cyber-crime law, appears to be ad hoc, with some activists arrested and interrogated based on comments made on Facebook while others are never questioned.

Most stakeholders (90%) reported that their organization had tried to contact or conduct media outreach in the past five years, and 71% found their access to the media to be either very easy (47%) or easy (24%). Only a few stakeholders (7%) regarded access to media to be difficult, and this was mainly due to the lack of responsiveness. Despite the accessibility of the media, focus group participants described the Jordanian media as "super biased." Most channels are state-run, and those that are not have donors with their own agendas. Focus group participants noted that events are omitted altogether or not covered as objectively as they should be. In addition, journalists have been threatened and intimidated (through questioning or physical force) by police forces and private actors as a consequence of critical media coverage. Participants also claimed that intelligence officers are usually present at events such as gallery openings and lectures, and that intelligence services heavily monitor social media channels like Facebook and Twitter.

The results of the CSO stakeholder survey and focus group and interview feedback are corroborated by the findings of the public survey. Jordanians possess the most negative perception of their freedom of expression in comparison to other countries in the region, with fewer than half of public respondents (47%) indicating that they felt able to express their political views freely, and 33% saying that they did not feel free to do so.

Freedom of Assembly

Restrictions to freedom of assembly in Jordan appear to be mainly at the level of implementation practices, as well, primarily with regard to the challenging process for acquiring assembly permits. CSO stakeholders also noted that security forces often intervene to disperse assemblies or close assembly locations. Three-quarters of CSO stakeholders (76%) indicated that they were either familiar (40%) or somewhat familiar (36%) with the laws governing freedom of assembly, and the majority (60%) reported that they had participated in a public assembly in the past five years. Nearly one-quarter (24%) reported to have been discouraged from doing so, however, either because security officials dispersed an assembly after it had begun (24%); security officials closed the assembly location before it began (11%); or the assembly became violent (11%). Overall, more than two-fifths (41%) of stakeholders surveyed reported witnessing incidents in which the government dispersed civic assemblies.

Roughly one-quarter (24%) of stakeholders reported to have organized or led a public assembly. All of those who did so (100%) reported that the process for obtaining an assembly permit was either complex, or very complex.

In interviews and focus groups, participants described other practices used to restrict freedom of assembly in Jordan. One interviewee reported that a public official called

half an hour before an approved protest was to take place, informing the organizers of alleged security threats in an apparent attempt to demotivate protesters from participating. In other cases, governors who had previously signed permits to demonstrate called shortly before the protests to annul their permission.

Public Participation

Public participation is widely perceived to be non-existent or impeded in Jordan. According to the overwhelming majority (95%) of CSO stakeholders surveyed, the law does not provide (68%) or only partially provides (27%) for CSOs' participation in national policy and legislative processes. Slightly smaller shares (57% and 33%, respectively) said that the same is true in regard to participation in policy and legislative processes at the local level.

Study findings reflected a widespread sense that CSOs are isolated from government decision- and policy-makers, particularly at the national level, and that they feel unable to affect change. Surveyed CSO stakeholders most commonly viewed their relationships with national authorities to be non-existent (44%); though just over a quarter (27%) of respondents described the relationship as collaborative. Additionally, more than half (52%) of stakeholders reported that they had not participated in policy dialogues with either national or local authorities in the past five years. Most stakeholders (79%) believe that their groups do not have any significant influence on national policy and legislative processes

With regard to access to information, few CSOs (15%) reported having tried to access information. Among those that did, 73% reported that they were rarely or only sometimes able to get the information or documents requested. A handful of different interviewees and focus group participants described particular challenges accessing information related to sensitive issues or individual government officials. The government's refusal to share such information is often justified on grounds of being necessary to protect "honor" and "private information."

In interviews and focus group discussions, participants pointed to a lack of transparency, scarcity of information, absence of communication channels, and a cumbersome bureaucracy all working to significantly curtail access to public participa-

> **Study findings reflected a widespread sense that CSOs are isolated from government decision- and policy-makers, particularly at the national level, and that they feel unable to affect change.**

tion by individuals and CSOs. Even for lawyers and journalists, access to critical information is regularly suppressed, hindering the ability of concerned parties to investigate, challenge, or even share in government activities. A not uncommon sentiment expressed during focus group discussions and interviews was that Jordan was and remains a police state with a strong security apparatus, and the CSO sector is comparatively weak. According to CSO stakeholders, an absence of women in civil society and political life is a major problem as well; stakeholders cited informal restrictions within families and communities that serve to constrain women's civic participation.

Resource Mobilization

The survey reflected a mixed picture of CSOs' ability to mobilize financial resources. Over a quarter (28%) of Jordanian CSO stakeholders reported that their organizations' primary source of income was income-generating activities; 22% indicated that funding from foreign donors was their primary source of funding and 16% cited donations from individuals. Among additional, non-primary sources of funds, 35% cited fundraising events, 20% cited local private sector funding; and 18% cited partnerships with the government.

Despite known legal limitations on CSOs' access to donations, described in Jordan's context section above, nearly two-thirds (65%) of respondents in the CSO stakeholder survey responded that the laws do not restrict their organization's access to domestic funding. While a small percentage (5%) reported having been denied permission to fundraise for domestic donations, more than half (54%) reported never having been denied permission to fundraise. More than half (54%) of respondents also reported never being denied funding from local or national domestic government sources.

Almost half (47%) of surveyed stakeholders noted that their organizations receive foreign funding. Even though Jordan's law on societies makes foreign funding subject to the government's approval, more than half (53%) of surveyed CSO stakeholders reported that their organizations had no difficulties trying to receive foreign funds.

In key informant interviews, however, CSO members expressed a more negative perspective on resource mobilization, describ-

JORDAN: PUBLIC ATTITUDES TOWARDS DONATING TO CSOs
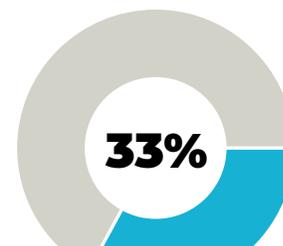
33%

Percent reporting that they have donated to a CSOs in the past

69%

Percent reporting that they are likely to donate in the future

PROJECTS PEOPLE ARE MOST LIKELY TO SUPPORT WITH THEIR DONATIONS:

34%
Charitable activities

27%
Social development
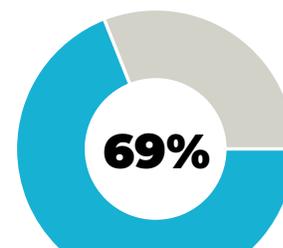
16%
Religious endowment

ing their income as "barely able to cover expenses." Significant foreign funding has flowed into Jordan in connection with the Syrian crisis, but the government controls the funds through the Ministry of Planning and International Cooperation (MoPIC). Discussion participants reported that the process for obtaining these funds is particularly lengthy and burdensome.

Mitigation Mechanisms for Restrictions on Civic Freedoms in Jordan

When asked about the priority areas that need to be addressed in order for CSOs to effectively overcome restrictions on civic freedoms in Jordan, similar majorities of surveyed CSO stakeholders cited the need for stronger public support for CSOs (73%) and internal capacity building for CSOs (69%). Roughly half (51%) cited the need for advocacy for legal and policy reform. During focus group discussions and interviews, CSOs proposed the following mitigation mechanisms to limit the impact of legal restrictions and other challenges to civic freedoms in Jordan:

MITIGATING RESTRICTIONS TO FREEDOM OF ASSOCIATION: ENHANCE THE LEGAL FRAMEWORK

A more enabling legal environment for CSOs is essential to protect freedom of association in Jordan. Work on the legal framework should include the following:

- Amend Jordan's Law on Societies to make the registration process simpler and faster. In addition to advocating for enabling amendments to the law, CSOs should advocate for increasing government officials' capacity to process registration requests.

- Widely disseminate information to national and foreign organizations on how to register and comply with other CSO legal provisions in Jordan.

- Build the capacity of lawyers in Jordan to advise CSOs of their legal rights and obligations.

MITIGATING RESTRICTIONS TO FREEDOM OF EXPRESSION: GUARANTEE SAFETY AND PROTECTION

Engage with lawyers and the media to protect civic freedoms through the following:

- Support the creation of a legal bureau that provides guidance, defends, and advises activists and organizations on matters related to their freedom of expression.

- Establish an independent, politically unaffiliated news agency or online platforms.

- Engage with a human rights monitor to document any violations to this right and support defenders through the legal bureau.

MITIGATING RESTRICTIONS TO PUBLIC PARTICIPATION: FACILITATING PUBLIC ENGAGEMENT AND PARTICIPATION

- Mobilize to push for fuller implementation of the access to information law.

- Conduct a public awareness campaign about the importance of access to information and how individuals can submit information requests.

- Increase dialogue and policy debates at the local level and link them to similar discussions at the national level.

- Make use of the decentralization law to better engage with local communities and increase public participation at the local level.

- Work closely with local authorities as perceived protectors of civic freedoms to develop local policies and public engagement programs.

MITIGATING RESTRICTIONS TO RESOURCE MOBILIZATION: DIVERSIFY FUNDING SOURCES

- Diversify CSO funding sources to encourage sustainability rather than reliance on a single source.

- Register as not-for-profit companies as opposed to NGOs as a means to receive funds.

- Coordinate closely with the Ministry of Planning and International Cooperation (MoPIC) and the Ministry of Social Development (MSD) to be better informed about funding processes.

KUWAIT

Overview

CSO stakeholders in Kuwait identified legal restrictions as well as implementation policies and practices as constraints on their access to civic freedoms.

The CSO stakeholders' survey in Kuwait was conducted with 57 stakeholders, mainly representing civil society groups that are not registered (60%), including informal groups, social movements, and membership associations, among other types of organizations. The organizations worked primarily at the local (44%) and international (23%) levels, with significant minorities also working at the national (19%) and regional (14%) levels. They were primarily active in the fields of social development (63%), human rights (40%), and arts and culture (30%). The most common activities of the surveyed stakeholders' organizations included raising awareness (70%), training and capacity building (51%), as well as lobbying and advocacy (38%). The respondents had been active in civil society for an average of ten years.

When asked which actors actively protect individuals' civic freedoms, CSO stakeholders pointed to civil society organizations (79%), media figures (44%), donors and international organizations (39%), and lawyers (33%). The most commonly identified forces restricting civic freedoms, on the other hand, included religious leaders (63%), government institutions (49%), security forces (35%), and political parties (32%). At the same time, a large number of respondents pointed to government institutions (60%) and political parties (60%) as actors responsible for the protection of civil rights and freedoms, revealing a contradiction between the protective role that is expected from those actors and the restrictive role that they are perceived to play in practice.

In survey responses, nearly all CSO stakeholders (93%) pointed to corruption and nepotism as one of the biggest threats to civic freedoms. Stakeholders cited political inequality (60%), implementation practices and procedures (60%), and restrictive laws and regulations (44%) as major threats as well.

CIVIC FREEDOM METER

Percentage of public respondents in Kuwait who said that they felt "free" to exercise the following core civic freedoms:

Association
**59%**
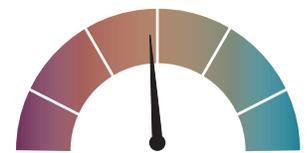
Assembly
49%

Expression
69%
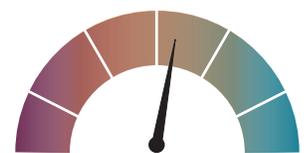
Participation
55%

CSOs' PERCEPTION OF PROTECTIVE vs. RESTRICTIVE ROLES OF VARIOUS ACTORS IN KUWAIT

Respondents' expectations of whether institutions should protect rights measured against their perception of whether they actually do

■ = % expecting that institution should protect rights ■ = % believing that institution is actually protecting rights ■ = % believing that institution is actually restricting rights

DONORS/INT'L ORGANIZATIONS: 32%, 39%, 4%
LAWYERS: 39%, 33%, 5%
MEDIA: 58%, 44%, 19%
RELIGIOUS LEADERS: 21%, 5%, 63%
SECURITY FORCES: 23%, 2%, 35%
GOVERNMENT INSTITUTIONS: 60%, 19%, 49%
POLITICAL PARTIES: 60%, 28%, 32%
COMMERCIAL BUSINESS: 14%, 18%, 12%
CIVIL SOCIETY ORGANIZATIONS: 77%, 79%, 9%

PUBLIC PERCEPTION

Public survey respondents indicated that the most widely-trusted kinds of civil organizations are faith-based organizations (64%), cooperatives (59%), and informal groups (58%). Focus group discussions and interviews suggested that popular support for religious endowments and charity in Kuwait underlies public trust in faith-based organizations.

Consistent with the regional trend, the Kuwaiti public most commonly cited the military (76%) and the police (73%) as trustworthy in terms of seeking to protect individual rights and freedoms. Trust in the judiciary is also widespread (65%), while fewer than half of respondents expressed their trust in the parliament (48%) or local government officials (41%).

In general, qualitative findings from discussions and focus groups corroborate the survey results showing widespread trust in certain state bodies to protect individuals' rights and freedoms. According to their comments, Kuwaitis also feel less restricted in terms of public participation than individuals in the other study countries. Several activists indicated that they have enjoyed positive dialogue with members of parliament. Participants cited former MP Ahmad Al Khateeb, for instance, as having actively engaged with Kuwait's youth, discussing cultural and societal topics on a weekly basis. What is more, semi-public discussions in diwaniyas—casual gatherings for conversation run by families or tribes—were mentioned as forms of informal political participation stemming

from Kuwaiti tribal tradition. Participants also noted that the government has been working to cultivate youth engagement by providing funds and spaces to groups and collectives.

However, discussions and interviews also uncovered concerns. Participants mentioned incidents of censorship originating from the Ministry of Information and the Ministry of Awqaf, and a parliament that often drafts bills with conservative religious influence. Participants also expressed concern over the banning of political parties and a lack of true democratic procedures, as almost a third of parliament and the prime minister are not elected by the public but appointed by the emir or former members of parliament.

Freedom of Association

Surveyed CSO stakeholders identified substantial restrictions to the freedom of association, largely related to the implementation practices of government officials. Approximately two-fifths (42%) of stakeholders indicated that they were familiar with the laws governing freedom of association in Kuwait, while a slightly smaller share (37%) said they were somewhat familiar. Stakeholders described the process for registering a new organization as time-consuming and costly. Among representatives of registered groups, 27% said the process took longer than six months from the first submission of registration documents to official registration; 41% said they did not know the amount of time. In describing challenges faced during the registration process, 14% of stakeholders said that the government delayed its response beyond what is mandated by laws and regulations and 14% said that information on registration requirements was difficult to obtain.

Both the surveys and qualitative data indicate that there are numerous unregistered, less formal groups in Kuwait, potentially due to the burdensome registration process and CSO law. While technically illegal, participants said that informal, unregistered groups provide a way of avoiding the lengthy and cumbersome registration process as well as circumventing other restrictions. Of the roughly two-thirds (60%) of stakeholder respondents who were affiliated with unregistered organizations, nearly one-fifth (18%) said that their organization did not register because it was difficult to comply with the law

Number of registered civil society organizations nationwide

120

30%

Percentage of CSOs for which registration took more than 90 days

Most common source of CSO funding: membership fees

on registered CSOs, while 16% indicated that it was too time-consuming. Registered organizations can also be more easily monitored and targeted by the state, for instance. In contrast, informal groups such as social campaigns have been able to remain active on social and economic issues with fewer significant obstacles. The "Abolish 153" campaign is one example cited by study participants: run by Kuwaiti feminists, Abolish 153 advocates for amendments to the Penal Code to remove Article 153, which substantially reduces the penalty for men who commit murder and other violent acts if the act occurred after finding one of their female relatives in the act of adultery.

While unregistered CSOs are less constrained in their activities and reporting requirements, their lack of official status leads to legal ambiguity that gives rise to other challenges, including with regard to obtaining funding. Stakeholders reported that the courts have on occasion recognized such CSOs—despite their technical illegality—in cases regarding disputes between what are otherwise unrecognized entities, making their legal status additionally uncertain.

Freedom of Expression

The majority (90%) of surveyed CSO stakeholders in Kuwait reported being familiar (51%) or somewhat familiar (39%) with the laws governing freedom of expression. In practice, CSO stakeholders said that they felt free (30%) or somewhat free (44%) to express themselves in public arenas. At the same time, however, nearly one-third (30%) of respondents reported that they had been discouraged by a state authority or other official actor from expressing themselves.

When it comes to accessing online media and other information online, 14% of stakeholders said that they had encountered blocked websites and 11% indicated that specific content had been removed from a website. Most organizations (84%) included in the survey had tried to conduct media outreach in the past five years, and largely regarded the media in Kuwait to be easy or very easy to access (67%), or somewhat easy to access (29%). Only a few stakeholders (4%) regarded access to media to be difficult to access and none said it was impossible.

In focus group discussions and interviews, participants identified issues pertaining to the monarchy, Islamic faith, and sexuality as taboo or red lines that cannot be crossed. In addition to citing formal restrictions such as the cybercrime law, several reported informal practices including official messaging that advises against discussing certain topics, and officials prohibiting CSOs' national campaigns. The Kuwaiti government took serious measures against the popular opposition movement Hirak, including in 2014 stripping the citizenship of activists who took part in it. According to participants in interviews and focus group discussions, this measure was not widely exercised, but the threat itself was enough to create fear among activists and push them to be more cautious. In this and other instances, self-censorship is common among Kuwaiti activists, leading them to address social and economic issues in a more delicate and careful

manner. This can be clearly seen through the increasingly close collaboration with the government in advocacy campaigns and reduction in public criticism of state actors.

Stakeholders identified the use of English in their public communications as another way that activists have sought to avoid official harassment and other restrictions. By publicly communicating in English, advocates and activists feel less visible or prone to attack by people on social media. Opponents of certain causes are usually more easily able to get the attention of the government when the issue is highlighted on social media. Most online interventions against specific campaigns criticize the government for not taking any actions or measures against these activists and their campaigns. For this reason, using English in campaigns has become very common, as this allows activists to avoid attention from conservatives and the government, while still reaching out to young bilingual Kuwaitis.

Freedom of Assembly

Stakeholders in Kuwait identified the state's implementation practices as particularly challenging to the freedom of assembly, particularly the process of issuing assembly permits and the practice of security forces dispersing assemblies or closing assembly locations.

A majority of the stakeholders said they were either familiar (46%) or somewhat familiar (26%) with the laws governing freedom of peaceful assembly. Further, more than half (54%) of the CSO stakeholders surveyed said they had participated in a public assembly in the past five years. Of those, roughly a fifth (21%) stated that they had been discouraged from assembling—most frequently by the government delaying or denying issuance of a permit to assemble, or by security forces dispersing the assemblies or closing the assembly's location. Due to the small sample size for the survey, the data on applying for a permit and experience of the permitting process was inconclusive.

Approximately the same share of surveyed stakeholders had witnessed incidents in which the government dispersed civic assemblies, as incidents in which the government protected assemblies (approximately 40% of respondents for each). This seemed to indicate that despite its disabling practices in hindering the freedom of assembly, the government is still seen as protecting assemblies in some cases. In focus groups and interviews, however, stakeholders described incidents in which private owners bowed to fear of government retribution and refused to host CSOs' events and assemblies on their premises. Activists mentioned that they are only allowed to demonstrate at a designated place next to the parliament. It was also noted that people are generally scared of participating in public gatherings, meaning that demonstrations are usually small.

Public Participation

Restrictions on public participation are mainly at the level of legislation. Survey data shows that a majority of stakeholders perceive the law to either not allow (37%) or only partially allow (35%) for their organizations' right to participate in national policy and

legislative processes. At the local level, stakeholders were even more pessimistic: nearly half (47%) said the law does not allow for local-level participation, and a quarter (25%) said it only partially allows for it. Only a small share of the surveyed respondents had requested a document or other information from the government; most said that their requests were satisfied sometimes (25%), rarely (25%), or never (17%).

Nonetheless, more than two-fifths of stakeholders (42%) believe that their CSO is able to have at least some influence on national policy and legislative processes. More than a third (35%) of CSO stakeholders said that they had engaged in policy dialogue with officials at the national level within the past five years, and 42% described their organization's relationship with national authorities as collaborative. The same number described having no relationship with national actors, while only a few reported having an adversarial or threatening relationship with the government.

In discussions and interviews, Kuwaiti stakeholders cited a lack of major engagement by CSOs in policy dialogues over the past five years. Some stakeholders reported that there are no relevant mechanisms for public participation and that their groups are not informed about public meetings and events related to policy dialogues.

Resource Mobilization

CSO stakeholders cited the legal framework as the primary constraint on CSOs' ability to mobilize financial resources, particularly domestic funding. More than half (53%) of the survey respondents believed that the laws restrict their organization's ability to access domestic funding. Further, 18% reported that they had been denied permission to fundraise for donations, and another 18% reported that they had been denied funding from local or national government sources.

The surveyed CSO stakeholders said that the primary source of funding for their organizations came from membership fees (21%), donations from individuals (19%), private sector funding (14%), and income-generating activities (11%).

Fewer than one-tenth (9%) of stakeholders said that foreign funding was the primary source of organizational funding,

KUWAIT: PUBLIC ATTITUDES TOWARDS DONATING TO CSOs
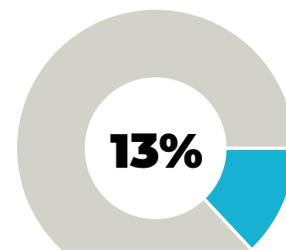
13%

Percent reporting that they have donated to a CSOs in the past

38%

Percent reporting that they are likely to donate in the future

PROJECTS PEOPLE ARE MOST LIKELY TO SUPPORT WITH THEIR DONATIONS:

46%
Charitable activities

19%
Social development
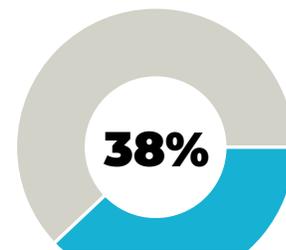
17%
Religious endowment

and only 18% said that they receive foreign funds at all. During the survey no stakeholders reported having faced difficulty receiving funds from foreign sources, however this may be due to the small sample size. In discussions and interviews, stakeholders indicated that international funding is restricted—especially by Kuwait's counterterrorism law—but that international agencies and organizations nonetheless play a positive role in protecting and promoting civic freedoms. A number of international agencies are active in Kuwait and provide support to formal, registered CSOs to implement activities, whether through capacity-building programs or awareness-raising events, particularly focused on young people in Kuwait. According to stakeholders, despite the very limited foreign funding that CSOs receive compared to other study countries, foreign funding still negatively affects the public's perception of CSOs and reduces the civic engagement of Kuwaiti youth.

CSO stakeholders also noted that the private sector has played a significant role in supporting CSOs and civic freedoms in Kuwait. In surveys, nearly a third (32%) of stakeholders said that their organizations had received domestic private sector funding. According to their comments in focus group discussions and interviews, the growth of sponsorships and the culture of corporate social responsibility (CSR) has had a positive impact on the protection of civic freedoms, but private sector support is not unconditional. Business owners seek to avoid sensitive issues and possible disputes with authorities that would cause them to lose business. Stakeholders said that this means CSOs do not benefit from private sector support when seeking to advocate around controversial issues.

Mitigation Mechanisms for Restrictions on Civic Freedoms in Kuwait

When asked about the priority areas that need to be addressed in order for CSOs to effectively overcome restrictions on civic freedoms in Kuwait, surveyed CSO stakeholders most frequently cited advocacy for legal and policy reform (74%), and internal capacity building for CSOs (67%). During focus group discussions and interviews, CSOs proposed the following mitigation mechanisms to limit the impact of legal restrictions and other challenges to civic freedoms in Kuwait:

MITIGATING RESTRICTIONS TO FREEDOM OF ASSOCIATION: ADVOCACY EFFORTS TO REFORM THE LAW ON ASSOCIATIONS

- Capitalize on the high Internet penetration and the increased use of social networks to create more online-based associations to avoid legal restrictions and have a freer environment for collaboration.

- Convene a working group of lawyers, civil society experts and activists to develop a long-term advocacy strategy to push for reforming the law on associations.

MITIGATING RESTRICTIONS TO FREEDOM OF EXPRESSION: CAPITALIZE ON THE WELL-ESTABLISHED DIGITAL MEDIA COMMUNITY

- Leverage Internet access to exercise civic freedoms by hosting online meet-ups over encrypted platforms.

- Create platforms that gather civic actors from different professional backgrounds (lawyers, professors, public servants, and others) to better support the network in case of restrictions. This will multiply the impact of any restriction, especially on freedom of expression, expose it, and facilitate the process of resolving it.

MITIGATING RESTRICTIONS TO FREEDOM OF EXPRESSION: UTILIZE THE POSITIVE PERCEPTION OF THE KUWAITI PUBLIC TOWARDS THE JUDICIAL SYSTEM

- Establish more legal clinics that connect and empower active lawyers to provide activists with direct and professional legal support in cases of restrictions on freedom of expression.

MITIGATING RESTRICTIONS TO FREEDOM OF ASSEMBLY: CAPITALIZE ON AVAILABLE FORUMS FOR PUBLIC GATHERINGS

- Encourage and engage more diwaniyas that can gather representatives from civic actors and mobilize over social networks to create a wider conversation about different issues of concern all over the country. Using this traditional, effective platform can help engage more Kuwaiti youth in conversations in settings that cannot be easily restricted due to its cultural significance.

- Utilize available youth spaces, such as parks, universities, and privately-owned venues, to host events and activities and engage a wider audience to raise awareness on social, economic, and political issues.

- Support and participate in public gatherings such as cultural events and markets, to claim more space and indirectly create more familiarity with the idea of people assembling in public. This can help encourage activists and public interest groups to connect and engage with a wider audience.

MITIGATING RESTRICTIONS TO PUBLIC PARTICIPATION: PROMOTE PUBLIC ENGAGEMENT THROUGH SCHOOLS AND UNIVERSITIES

- Engage with public and private school students in civic engagement programs to promote active citizenship and social responsibility.

- Promote more social entrepreneurship activities and initiatives as a tool for public engagement and strengthen civic groups' abilities to tackle issues from a solution-perspective within a business-like setting and environment. The impact of this can include raising awareness on current issues, engaging a wider audience in conversations with nationwide implications, and increasing financial freedom which decreases the possibility of self-censorship.

MITIGATING RESTRICTIONS TO PUBLIC PARTICIPATION: PROMOTE DIALOGUE WITH GOVERNMENTAL ACTORS AND PRIVATE SECTOR

- Involve governmental and parliamentary actors in events and initiatives, by inviting them to sponsor or participate, which will help these events to gain more legitimacy and avoid restrictions. It will also allow activists to engage in conversations with decision makers to highlight reform issues, and likely garner more media coverage of the initiative.

- Involve private businesses in campaigns that might be of mutual benefit for both civil society and the private sector, to increase the sector's interest and leverage support in advocating for reform issues.

MITIGATING RESTRICTIONS TO RESOURCE MOBILIZATION: UTILIZE ANY OPPORTUNITY FOR GOVERNMENTAL SUPPORT

- Encourage youth to take part in governmental youth programs and benefit from their grants and technical support. It is evident that these initiatives have contributed to engaging youth in Kuwait and making them more active and engaged.

- Connect and collaborate with international agencies in Kuwait that have agreements and close collaboration with the government to raise funds for CSO activities.

MITIGATING RESTRICTIONS TO RESOURCE MOBILIZATION: UTILIZE ANY OPPORTUNITY FOR GOVERNMENTAL SUPPORT

- Expand engagement with the private sector to continue benefiting from its financial support for activities and events and the legitimacy that comes with it, especially in the case of unregistered, informal groups.

- Collaborate and coordinate with the private sector even if not benefiting from financial support. This can help activists increase their chances of support in the future and widen their networks of supporters.

- Invite more private business owners and employees to take part in registered or unregistered groups as their ability to express themselves freely is greater than those who work for or benefit from the public sector, who are more likely to self-censor.

CONCLUSION

This study is aimed at highlighting common restrictions to four key freedoms: freedom of association, freedom of assembly, freedom of expression, and freedom of public participation in five Arab countries. The study provides country-specific recommendations on ways to mitigate the restrictions to and facilitate access to civic freedoms.

Along with the guidance that it provides for actors within civil society, this report also aims to provide the necessary data, analysis, and input for governments, CSOs, the private sector, and international organizations among others to be able to play a more positive and constructive role in the protection or provision of civic freedoms. Therefore, it could be best put into action if it serves as a guide in the creation and development of future programs tackling this topic.

Based on the data presented, the following suggests the potential target audiences to be engaged in workshops, discussions, and projects to ensure greater access to civic freedoms in each country:

Civil society organizations

- Build the capacity of CSOs on the laws and regulations affecting civic freedoms, to help them comply with the law as well as recognize and navigate legal obstacles.

- Support the development of lawyers trained in the laws affecting civic freedoms who can provide legal assistance to CSOs when necessary.

- Support CSOs in organizing effective coalitions and developing common goals and agendas to advance civic freedoms.

> **This report aims to provide the necessary data, analysis, and input for various actors to play a more positive and constructive role in the protection or provision of civic freedoms.**

Government and public institutions

- Develop the capacity of public officials to better understand existing laws and regulations affecting civic freedoms.

- Support teaching and training for public officials on the proper administration of laws affecting civic freedoms.

- Help agencies and institutions to develop more efficient and effective processes to facilitate proper, timely implementation of the law.

Military and security forces

- Develop the capacity of military and security institutions and officials to better understand existing laws and regulations affecting civic freedoms.

- Introduce and promote community policing to engage the community with security forces and together develop mechanisms to protect civic freedoms.

Private sector

- Facilitate partnerships between CSOs and the private sector to advance policies and reforms based on shared interests.

- Encourage businesses to support innovative, socially-driven activities and initiatives implemented by CSOs.

Media

- Empower and support non-traditional, independent, and innovative media outlets and initiatives.

- Strengthen partnerships between CSOs and media outlets to support expanded coverage of CSOs' contributions to society.

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