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***The following practice examples have been proposed based on the success within the specific country context where they are implemented. Their successful implementation in another country highly depends on broader circumstances and environment for civil society activities. Therefore, when they are considered and adapted to reflect and respond to specific local contexts and needs, the factors that will guarantee their success must also addressed.***

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| **KEY TOPICS FOR DISCUSSION** | **PARTICIPANT'S EXAMPLES FOR GOOD PRACTICE** |
| **1. Creating political, public and legal environment that supports basic rights and civil society values** | **Government structure to support CSOs**  Good practice in building infrastructure to support civil society by governments in some countries includes establishing separate units, offices or departments which help institutionalize the cooperation between CSOs and the government. These units can be involved with the management of a national fund or foundation, but can also expand their activities to coordinating strategies and initiatives that affect the sector as a whole. Example is such Government's Office for NGOs in Croatia, <http://int.uzuvrh.hr/page.aspx?pageID=73> Governments may also adopt policy documents, such as programs for cooperation or targeted strategies that set out the core principles of good partnership between the state and CSOs and include priorities and commitments for future. Such policy documents were developed, e.g. in the United Kingdom or in Hungary.  **Models of co-regulation/self-regulation for operating environment for CSOs**  Good practice in the Netherlands – looking at environment of CSOs and willingness from government to give leeway to CSOs but contact/liaison with government. Umbrella organisations have reporting systems - Dutch public benefit organisations have to publish their annual reports and can do this on umbrella organisations websites. There has been agreed testing phase for self-regulation by the civil society sector. If it does not work, hard law will be drafted.  Example from Norway – no hard law regulation for associations has long tradition and works well. New self-regulatory schemes developed over past years.  **Facilitating right to freedom of assembly**  Good practice includes notification to government body (not permission) for holding an assembly. For example, in South Africa, any member of the police who receives information on a proposed gathering bears a responsibility to act properly on this information and facilitate the assembly by assisting the organizers. According to section 3(5) of the Regulation of Gatherings Act, 1993:  (a) When a member of the Police receives information regarding a proposed gathering and if he has reason to believe that notice [in terms of subsection (1)] has not yet been given to the responsible officer concerned, he shall forthwith furnish such officer with such information.  (b) When a responsible officer receives information other than that contemplated in paragraph (a) regarding a proposed gathering of which no notice has been given to him, he shall forthwith furnish the authorized member concerned with such information.  (c) Without derogating from the duty imposed on a convener by subsection (1), the responsible officer shall, on receipt of such information, take such steps as he may deem necessary, including the obtaining of assistance from the Police, to establish the identity of the convener of such gathering, and may request the convener to comply with the provisions of this Chapter.  In addition, some countries do not even require notification for holding an assembly for small number of participants. In Moldova, notification is only required for assemblies with over 50 participants (Law No. 26-XVI of 2008). Spontaneous assemblies are also recognized in laws, and are exempt from the requirement of prior notification, for example, within legislation of Armenia, Estonia, Germany, Moldova and Slovenia.  **Independent media involved as watchdog (either local or international if no free media exists)**  For example, The Guardian NGO alerts  <http://www.theguardian.com/global-development-professionals-network/series/ngo-alert>  It informs and enables CSOs and raises awareness of civil sector issues. Finding stories: within community tipping off, local newspapers, social media. Usually reach out to 4-5 people, CSOs and get expert inputs to set it within a context. Helps to create archive of what is going on in a specific country to feed into the stories being written, even on other issues. What is the follow-up of implications and add info to original article to illustrate the recent developments.  **Mobilising citizens/business /students to volunteer in/for civil society organisations**  Example from Hungary – practice introduced in 2015 includes mandatory public services for high school students to spend 50 hours with a national human rights organisations. It has potential to raise awareness among youth about the work of CSOs.  Pro bono lawyers are able and willing to protect and defend freedom of association, assembly and expression and freedom of information in court proceedings, either to assist the defendant CSOs or bring cases as a part of strategic litigation efforts. For example, PricewaterhouseCoopers organizes annually a volunteer day when consultants’ professional services are available for one-day for CSOs.  Some companies realize it is needed to counter closing civil space measures that are often taken to create an enabling environment for businesses. Good practice includes companies making decision about whether to do business in a given country based on whether CSOs have an enabling environment and can hold authorities to account (this is usually not a public decision though). This article lists cases when businesses spoke out on behalf of CSOs:  <https://www.opendemocracy.net/openglobalrights/mauricio-lazala-joe-bardwell/%E2%80%9Cwhat-human-rights%E2%80%9D-why-some-companies-speak-out-while>  **Human rights and civic education**  Stigmatisation of human rights work and civil society activities need to be addressed through educational activities in order to provide sufficient information and promote a healthier civic space. Good practice is governments including human rights and civic education in general school curriculum (United Kingdom, Burkina Faso)  See: <https://www.amnesty.org/en/human-rights-education/human-rights-friendly-schools/>  **Good practice in applying counter-terrorism measures**  When implementing counter-terrorism measure, it is good practice for governments to conduct quality domestic review of the entire civil society sector. It's final result should determine which CSOs fall within the scope of the Financial Action Task Force (FATF) definition of a non-profit organisation, to which the counter-terrorism measures should apply, as well as the nature of those measures. It should clarify if the laws, regulations, and other measures already implemented are appropriate and sufficient, or additional measures are needed to mitigate a potential risk. In addition, FATF Recommendation 8 does not require countries to apply the same measures to all CSOs. Such “one size fits all” approach is not consistent with Recommendation 1 and required implementation of a risk-based approach. Countries should implement measures that are "commensurate with the risks identified through their domestic review of the NPO sector and their understanding of the TF risks facing the sector, and should apply enhanced measures where the TF risks are higher".[[1]](#footnote-1) For example:   * The UK does not mandate a compulsory registration for charities with an income under 5,000 GBP and charities with an income under 10,000 GBP can use simplified registration and reporting process. * In France, regulations increasing accountability and transparency (the requirement to publish executive compensation) target associations with annual budgets of over 150,000 Euros. * In Croatia, development of a unified CSO national registry and making registration data easily accessible for the public added to the transparency of CSOs sector. However, the publicly available register protects personal data of CSO members and beneficiaries. * Norway encourages voluntary registration of CSOs by providing incentives such as preferential taxation treatment. CSOs are also required to register in order to open a bank account. * The Netherlands is testing out an innovative type of contract (co-regulatory model) between the sector and the government. Some transparency and accountability issues are left to the sector to organise through self-regulation and only if an assessment concludes that this does not work, would legislation be considered. * Ireland adopted a co-regulatory model of fundraising, which includes fundraising administration and operation to be regulated by Codes of Good Practice developed by the charity sector and approved by government. * Poland introduced a Public Benefit Organizations and Volunteering Act 2003 with a new (voluntary) status of CSOs, imposing strict standards of accountability and transparency in exchange for more favourable tax treatment and other financial benefits. Significant investigation and supervision powers have been vested in the authority; however, inspections can only be undertaken on public benefit organization with regards to the fulfilment of its public tasks and the use of privileges described in the Law. * Audit requirements are also often linked to the size of an organisation. This is the case for audits in public benefit foundations in Belgium, Bulgaria, Hungary, Poland, Ireland, Spain, Sweden and UK.   See more good practice examples here: <http://fatfplatform.org/wp-content/uploads/2015/10/FINAL_Good-practice-in-applying-FATF-standards-Paper-1.pdf> |
| **2. Safeguarding freedom of information and expression** | **Specific legislation to protect freedom of expression on matters of public interest**  Protection of Public Participation Act, 2015, Ontario (Canada) - Bill 52 (amending Court of Justice Act and Libel and Slander Act)  <http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&Intranet=&BillID=3087>  The purpose of the Bill 52 is prevention of proceedings that limit freedom of expression on matters of public interest (Gag Proceedings), to encourage individuals to express themselves on matters of public interest; to promote broad participation in debates on matters of public interest; to discourage the use of litigation as a means of unduly limiting expression on matters of public interest; and to reduce the risk that participation by the public in debates on matters of public interest will be hampered by fear of legal action. A judge can dismiss any proceedings on libel and slander brought against any person if that person satisfies the judge that the proceeding arises from an expression made by the person that relates to a matter of public interest.  **Good practice in facilitating implementation of access to information legislation**  Access to information legislation recognizes requests made to public bodies via email as official (United Kingdom, Serbia, Canada, Slovenia, Uruguay, Israel, Romania, Ireland, Croatia, Malaysia, Paraguay, Macedonia, Nicaragua, Norway, etc.). It is useful to create and maintain online platform for or making public freedom of information requests to public bodies. (such as Alaveteli, <http://alaveteli.org> ). Its purpose is to facilitate and help citizens request and receive information, and view and comment on other people’s requests. All requests and their responses are published online for everyone to see and search. In addition, it contains a database of public bodies and their contacts. An online request is automatically sent to the chosen public body via email and citizens can track the progress and deadlines online. In many countries, such platform is created and maintained by CSOs, in some countries in cooperation with national enforcement or oversight bodies (such as Information Commissioners). Examples of more than 20 local (national level) platforms are here: <http://alaveteli.org/deployments/> .  Good practice includes trainings and education of public officials on how to successfully implement access to information legislation. This can be done through a) a public oversight or enforcement body (such as Information Commissioners) which develop a training program/curriculum for different levels of public officials (e.g. Slovenia, Croatia, Ireland, Scotland, Canada, England), or b) CSOs working directly with public officials, especially on local level (e.g. in Turkey, Article 19 with cooperation of local CSOs).  **Judicial protection of FOE and FOI**  There are good examples of independent judiciary protecting the right to expression and information, such as case in Turkey - in 2014, the Constitutional Court found violation of freedom of expression due to a blanket ban on accessing YouTube and Twitter (<http://www.ft.com/cms/s/0/12ef52aa-dc52-11e4-a6f7-00144feab7de.html>). It is important to stress the value of independent judiciary and the safeguards they provide.  **Regional initiatives for protection and promotion of FOE and FOI**  African Commission on Human and Peoples' Rights Special Rapporteur on Special Rapporteur on Freedom of Expression and Access to Information is very active and efficient in implementing it's mandate. (<http://www.achpr.org/mechanisms/freedom-of-expression/> ) For example, the SR used a grant for working on access to information legislation in cooperation with governments and CSOs, helping to improve legislation. The SR made a draft model access to information law, after consultations with legal experts, academics, CSOs. (<http://www.achpr.org/instruments/access-information> ) The model law was adopted by African Commission in 2013 and the SR has since encouraged government leaders to adopt it. Good country examples include Malawi, Seychelles, and Mozambique. The SR is also looking at legislation hindering access to information and has launched a campaign on decriminalizing defamation. Good practice example and result of such campaign is Ghana, which decriminalized defamation and has not introduced high fines for defamation in civil procedures.  Inter American Commission on Human Rights has a mechanism that can "suspend" a sentence in case of human rights breach. In serious and urgent situations, the Commission may, on its own initiative or at the request of a party, request that a State adopt precautionary measures to prevent irreparable harm to persons or to the subject matter of the proceedings in connection with a pending petition or case, as well as to persons under the jurisdiction of the State concerned, independently of any pending petition or case. For example, in case of a journalist from Honduras, the Commission issued an order to suspend a sentence from 2014, banning him to work as journalist. Although Honduras has not yet complied, the Commission has been very vocal about it and continued holding hearings and putting pressure on Honduras to comply.  **Online CSO activism and protecting online space**  Good practice on encryptions includes allowing everyone as a tool to protect their privacy and the right to privacy. Countries should not interfere in using encryption by imposing a blanket ban on encryption, as the current legal framework in countries provides enough mechanisms to lift someone's encryption with court orders, based on reasonable doubt and rule of law requirements, including a proportionality test. Moreover, if use of encryption is allowed for business purposes, there is no reason to limit it for CSOs or citizens, as a principle of sectoral equity.  Principles of human rights must be enshrined in any surveillance efforts. A positive model would be a safeguarding system for exporting personal data to other countries - having human rights impact assessment before exporting any personal data, in consultations with human rights experts.  Good practice example on safeguarding online activism from online surveillance is ban or refusal of ICT companies to sell surveillance equipment to countries which use them for online surveillance. In 2012, upon a bid by Pakistani government to build a program for the "development, deployment and operation of national-level URL filtering and blocking system", CSOs called on big tech companies not to bid. Websense, Sandvine, Verizon and Cisco committed publicly not to submit bids, citing human rights concerns as their reason.  Good practice in crowdsourcing by CSOs and interested communities includes building data up and posting it online - for example, "I paid a bribe" campaign in India (<http://www.ipaidabribe.com> ). In this way, ownership of information goes from government to citizens, as citizens create information about government and use it for awareness raising and advocacy.  **Protection for whistleblowers**  Good practice on regional level is to identify whistleblowers as human rights defenders. For example, the Council of Europe adopted Recommendation CM/Rec(2014)7 on the protection of whistleblowers, which sets out a series of principles to guide member States when reviewing their national laws or when introducing legislation and regulations or making amendments in the context of their legal systems.  <http://www.coe.int/t/dghl/standardsetting/cdcj/CDCJ%20Recommendations/CMRec(2014)7E.pdf>  Good practice on national level is governments preparing and publishing guidance for whistleblowers, explaining legal protection and process, such as United Kingdom (<https://www.gov.uk/whistleblowing/what-is-a-whistleblower> ). Guidance includes help in case of unfair treatment at work after disclosing information as a whistleblower. |
| **3. Sustainable environment and resources for civil society** | **Lottery funds for funding civil society organizations**  There is good practice in the United Kingdom, Sweden and the Netherlands where the funds are allocated to various civil society activities ii an open and transparent process from state or private lottery. Usually, 50% of the lottery revenue is distributed to civil society cause. United Kingdom example: http://data.ncvo.org.uk/a/almanac14/how-is-national-lottery-funding-distributed/  Netherlands example: <http://www.novamedia.nl/web/Charity-lotteries/The-Netherlands/NPL-tekst.htm>  **National State Foundations**  Good practice example of a national state-established foundation is the National Foundation for Civil Society Development in Croatia. It was established to promote and develop civil society sector through funding and support programs. The Foundation is financed from state budget funds, from part of the income from games of chance and competitions and from the founding capital, donations and other income. <http://zaklada.civilnodrustvo.hr/category/180/subcategory/182>  **Government financial support not conditioned by restricting CSO**  Good practice is that governments (either local or central) do not insert "gagging clauses" or conditions on funding for CSOs which would prevent organisations from doing policy or advocacy work or holding the authorities to account. Example of such practice was a case of CSO YUCOM in Serbia, when the mayor of Belgrade (capital town) decided to approve the use of town's office space to YUCOM, which had previously filed a lawsuit against the town (and the mayor, as its representative).  **Tax effective cross-border philanthropy and pluralistic approach to public benefit**  Good practice example is the Netherlands, where a system that is favourable for cross-border philanthropy taxation is set up. Foreign CSOs can be included in a list to get a tax exempt status in the country and be eligible beneficiary for Dutch taxpayers to donate to them. For more on this topic see: <http://www.efc.be/publication/taxation-of-cross-border-philanthropy-in-europe-after-persche-and-stauffer-from-landlock-to-free-movement/>  **Tax incentives**  Ideally, governments should allow full credit or deductibility of donations up to 100% of tax liability. In practice, governments might have legitimate concerns about the affordability of such an incentive and wish to cap the incentive. In this case, the cap should be a percentage cap, rather than a value cap to avoid creating a disincentive for wealthy individuals and large corporations. There should be no lower limit for claiming incentives as this could create the impression those incentives are merely for the rich. Tax incentives should be simple – one system for all (deduction or credit) and the same rate of incentive and cap for all causes and claimants. |
| **4. Space for dialogue and collaboration** | **Practices, tools and mechanisms for various and interlinked levels of dialogue**  Good practice examples of Brazilian civil society that advocated for transparency of municipal budgets and involvement of decision-making on local budgeting (participatory budgeting) for services which became exemplary for other countries and led to greater budget transparency of the Brazilian government. In Porto Alegro case, it has proved that the democratic and transparent administration of the resources is the only way to avoid corruption and mishandling of public funds. in addition, popular participation has provided efficient spending, effective where it has to be and with results in public works and actions of great importance for the population. Since its beginning, the projects decided by the participatory budgeting method represent investments over 700 million dollars, mainly in urban infra-structure and upgrading the quality level of the population. <http://www.unesco.org/most/southa13.htm>  Examples of developing Open Government Partnership action plans (*different countries*). Every country that wishes to join the Open Government Partnership needs to accept partnership with civil society and to adopt a country action plan developed through public consultation with civil society actors. At the national level, governments work with civil society organizations to develop and implement their OGP national action plan. Countries are encouraged to institutionalize a mechanism for ongoing dialogue and collaboration between government and civil society.  <http://www.opengovpartnership.org/how-it-works/civil-society-engagement> <http://www.opengovpartnership.org/how-it-works/develop-a-national-action-plan>  Good practice in piloting innovative programs to enhance citizens participation is NHS Citizen, pilot in United Kingdom (<https://www.nhscitizen.org.uk> ). Beginning in September 2015, NHS Citizen was commissioned by the board of England's National Health Service and designed to bring the views of patients, service users and the general public into the policymaking process. One leading academic has described it as "the most exciting participation initiative in Europe in twenty years". Facilitated by a team of CSOs, NHS Citizen has created an innovative online deliberation space where participants anywhere in the country can propose policy and debate ideas, then vote on which proposals are the most interesting and relevant to them. The proposals with the most support are then discussed by an in-person assembly of citizens and referred directly to the national board of the NHS.  **Partnership between governments and CSOs**  Partnership includes shared responsibility on each level of the political decision-making process – from developing the agenda, drafting proposals and decision-making to the implementation. Good practice includes signing non-binding documents (official recommendations, guidelines, compacts, etc.) defining minimum standards for public participation between the government on national or local level and civil society organizations. United Kingdom example: [www.compactvoice.org.uk](http://www.compactvoice.org.uk) / - the government and non-governmental organisations have signed an agreement (The Compact: The Coalition Government and civil society organisations working effectively in partnership for the benefit of communities and citizens in England), which also covers main principles of public consultation. As an Annex to the Compact, the government adopted a Code of Practice on Consultation in 2000. In addition, the government issued a special guide on improvement of consultations with the third sector (Better together: improving consultation with the third sector, <http://www.involve.org.uk/wp-content/uploads/2011/03/Better-together-interactivehandbook.pdf>. ). Estonia example of agreement: [www.ngo.ee/arhiiv/www.ngo.ee/1030.html](http://www.ngo.ee/arhiiv/www.ngo.ee/1030.html)  **Legislation defining minimum standards for public participation**  Good practice example is governments adopting legislation for public participation that is binding on public authorities, such as Estonian Regulation on Good Legislative Practice and Legislative Drafting and the Rules of Procedure of the Government. Both documents refer to the Good Public Engagement Code of Practice, which obliges the public body to prepare a plan of public involvement at the beginning of the drafting process, including: the identification of key stakeholders and the stages of draft preparation, expected dates for the beginning of consultation, length and final deadline for submission of comments, forms and methods of inclusion, information channels and methods for evaluating the process. These documents require public involvement in decision-making at an early stage.  <https://www.riigiteataja.ee/akt/H%C3%95NTE>  <https://www.riigiteataja.ee/akt/VVR>  <https://riigikantselei.ee/en/supporting-government/engagement-practices>  <http://www.ngo.ee/node/278>  **Provision of feedback on consultation from the government**  Providing feedback to participants in consultation process is crucially important to keep the high level of transparency of the entire process as well as to encourage participants for their future efforts and engagement in the process. Good practice includes preparing prepared a feedback report on each consultation process which includes a summary report and a table of received comments. For example, in Croatia, the summary report contains: a name list of representatives of the interested public which were included in the working group for the preparation of the proposal, list of websites on which the proposal was published, names of everyone who got engaged in e-consultations; it is specified who only expressed general support or opposition to the proposal, and who submitted concrete, substantial suggestions for amendments; how many comments were received from persons who wished to stay anonymous; expenses of the execution of consultations. The table includes information on each comment: proposer, provision (article) which it referred to, text of the comment, statement about whether the comment was accepted or rejected, and, in case of rejection, reasons for it. It is easier to compile the information if the government also offers standardised templates for comments, that allow later comparison and compilation of reports. Example: <https://uprava.gov.hr/UserDocsImages//Savjetovanja%20sa%20zainteresiranom%20javno%C5%A1%C4%87u/2013/zivotno_partnerstvo//111213-1Tablica%20Zakon%20o%20%C5%BEivotnom%20partnerstvu.pdf>  **Use of ICT for effective and systematic national consultation processes**  Good practice is governments developing unified web page, where all draft laws and acts for discussion are published for online consultation. Citizens can easily register and comment on any of the published drafts. All comments are being reviewed and summary of adopted/or rejected comments is prepared for each draft law, to be included in the official legal proposal.  Croatia, <https://savjetovanja.gov.hr>  Estonia, http://eelnoud.valitsus.ee, <https://e-estonia.com/component/e-law/>  In addition, the government can actively promote pubic participation in decision-making through targeted campaigns, such as video-spots on national TV: <https://savjetovanja.gov.hr/vijesti/video-spot-e-savjetovanja/1135>; |

**Other recommendations by civil society to OHCHR, UN and UN Country Teams**

1. To build up interactive dialogue around this report so that it does gets attention that it deserves, and is discussed with wider stakeholders. The UN should discuss this upcoming report with their country missions and flag opportunities how to support civic space in the field.
2. In light of the increased restrictions on the FOAA, there is a pressing need to effectively encourage the Human Rights Committee to prioritize adopting General Comments on Articles 21/22 of the International Covenant on Civil and Political Rights (ICCPR).
3. In addition, resolution addressing specific areas for protection of civic space and guidance on protecting civic space should be a follow up activity of the HRC after the adoption of this report and recommendations to provide material for concrete steps countries should take (having in mind the long-term process of adopting new General Comments).
4. Better communication within the UN: the UN field missions should coordinate more and start understanding civic space better. It would be useful for the UN field missions to identify a few elements or measures how to protect civic space within their field work. There is quite a big gap between what is happening in Geneva vs. activities on the ground.
5. Various UN institutions should communicate more with each other, building on each other’s consultation outcomes. There are already a lot of recommendations on civil society space by various UN mechanisms regardless of their thematic focus.
6. Further scholarly applied research needed in certain areas, e.g.: 8 elements for safe and enabling environments for civic space (Margaret Sekaggya)

1. The [Best Practices Paper (BPP)](http://www.fatf-gafi.org/topics/fatfrecommendations/documents/bpp-combating-abuse-npo.html) [↑](#footnote-ref-1)