



GPEDC Indicator Two:
Civil Society Operates within an
environment that maximizes its
engagement in and contribution to
development

An Assessment of Evidence
June 2016

CPDE Working Group on CSO Enabling Environment
CPDE Working Group on CSO Development Effectiveness

Table of Contents

Introduction	1 Background	4
	2 Purpose and Organizational Foundations for this Report	5
	3 The Report's Methodology and Analytical Approach	5
A Summary of Key Conclusions and Messages		6
CSO Enabling Environment Assessment	Module One	
	Question 1: Are CSOs consulted by the government?	10
	Question 2: Do CSOs have the right to access government information?	12
	Question 3: Are there resources and/or training for addressing capacity building to engage meaningfully in multi-stakeholder dialogue?	14
	Module Two	
	Question 4: In practice, are there CSO-managed processes for transparency and accountability?	15
	Question 5: Do CSO-initiated coordination processes exist to facilitate inclusive CSO representation in policy dialogue?	16
	Question 6: Do mechanisms exist to facilitate coordination on programming among CSOs and with other development actors?	17
	Question 7: Are there other significant initiatives related to CSO development effectiveness principles [Istanbul Principles and the International Framework for CSO Development Effectiveness]?	18
	Question 8: Do CSOs report annually to government?	19
	Module Three	
	Question 9: Do providers of development co-operation consult with CSOs?	20
	Question 10: Are providers promoting a CSO enabling environment?	21
	Question 11: Is the promotion of a CSO enabling environment an agenda item in providers' policy dialogue with partner governments?	23
	Question 12: Do providers share information on their CSO support with the government?	24
	Module Four	
Question 13: Is there a recognition of and respect for CSO freedom (association, assembly and expression)?	24	
Question 14: Is the legal and regulatory environment enabling for CSO formation, registration and operation?	27	
Question 15: Does the legal and regulatory environment facilitate access to resources for CSOs?	29	
Question 16: Does the legal and regulatory environment marginalise certain groups?	32	
Annex One: Global documents reviewed	35	
Annex Two: Countries indicating participation in Round Two Monitoring	38	
Annex Three: Assessed countries for each question	39	
Annex Four: Indicator Two Monitoring Framework	44	

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While this Report has been reviewed in detail and is fully endorsed by the CPDE Working Group for CSO Enabling Environment and the CPDE Working Group for CSO Development Effectiveness, the author is solely responsible for the collection and analysis of data as well as the conclusions reached for each module of Indicator Two. The Working Group members have developed the summary of key messages derived from this analysis.

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Introduction

1 Background

The [Global Partnership for Effective Development Cooperation \(GPEDC\)](#) is committed to a set of principles to guide effective development cooperation and an inclusive multi-stakeholder engagement to implement commitments related to these principles. These commitments were agreed at the Fourth High Level Forum held in Busan, Republic of Korea, in November 2011. It was also agreed following Busan that the GPEDC would implement a partner country-led monitoring process based on ten indicators documenting progress on the Busan commitments. Indicator Two focuses on the Busan commitment to enable “civil society [to operate] within an environment that maximizes its engagement in and contribution to development.”

Following a review of a first round of monitoring progress, at the April 2014 High Level Meeting in Mexico City, partner countries, providers of assistance for development cooperation, and other non-state development actors, reaffirmed

“our undertaking to implement fully our respective commitments to enable CSOs to exercise their roles as independent development actors, with a particular focus on an enabling environment, consistent with agreed international rights, that maximizes the contributions of CSOs to development and, in this context, we encourage inclusive and democratic multi-stakeholder dialogue at country level and the provision of related capacity building and supportive measures.”
[§15, Mexico High Level Meeting Communiqué, April 2014]

At this Meeting, they also affirmed, “CSOs play an important role in enabling people to claim their rights, in promoting rights-based approaches, in shaping development policies and partnerships, and in overseeing their implementation” and “in this regard, we note the relevance of the [Istanbul Principles and the International Framework for CSO Development Effectiveness](#).” [§15]

Since this first High Level Meeting, the CSO Partnership for Effective Development (CPDE) and the multi-stakeholder [Task Team for CSO Development Effectiveness and Enabling Environment](#) worked with the GPEDC Joint Support Team to develop a comprehensive approach and methodology for Indicator Two. The GPEDC Steering Committee approved this methodology at its meeting in October 2015. Indicator Two was implemented in more than 70 partner countries as part of the [Second Monitoring Round](#) from October 2015 to March 2016.

The Framework for Indicator Two is composed of four modules:

1. Space for multi-stakeholder dialogue on national development policies;
2. CSO development effectiveness: Accountability and transparency;
3. Official development cooperation with CSOs; and
4. CSO Legal and regulatory environment.

Modules 1, 3, and 4 describe essential dimensions of the legal, regulatory and policy environment in which CSOs operate and are considered the “enabling environment for CSOs.” The laws, policies and practices of partner country governments and development assistance providers directly affect these three areas. Module 2, focusing on CSO development effectiveness, relates to CSO commitments to the implementation of the Istanbul Principles, in which progress is the sole responsibility of CSOs, but which require an enabling environment in order to realize CSOs’ full potential as development actors.

The implementation of the methodology for Indicator Two in the Second Monitoring Round (October 2015 to March 2016) was led by each partner country’s National Coordinator, but also required an inclusive process for gathering relevant data and verifying this data for submission by the National Coordinator to

the JST. To enable this inclusive process, CPDE appointed a CSO Focal Point to work alongside the National Coordinator to gather and verify data from a broad representation of CSOs at the country level. A number of Trade Union Focal Points were also engaged at the country level monitoring. Country level monitoring will be analyzed by the JST in the Second Progress Report, which will summarize progress, issues and challenges for all ten indicators as a basis for forward-looking deliberations at the Second High Level Meeting, to be held in Nairobi in late November 2016. A review of the degree to which Indicator Two was implemented through an inclusive methodology is also underway.

2 Purpose and Organizational Foundations for this Report

This Report was developed by CPDE through its Working Group on CSO Enabling Environment and the Working Group on CSO Development Effectiveness, which have all contributed data and analysis. The Working Groups and its members strongly endorsed and actively supported the country-led methodology for developing evidence on indicator Two for the Second Progress Report through CPDE's CSO Focal Points. CPDE is submitting its Report to the Joint Support Team to complement partner-country level data gathering exercise for Indicator Two.

Global information and databases, which were consulted in developing evidence for the Report, are set out in Annex One, Section A. Through its Working Group members, CPDE has access to information and analysis from highly credible global sources, being organizations that monitor CSO enabling environment issues on an ongoing basis, specific to the changing situations in individual countries.

Several organizations or initiatives have substantial evidence relating to enabling conditions for CSOs. These include CIVICUS, the International Center for Not-for-Profit Law (ICNL), Reality of Aid Africa, the International Trade Union Confederation, ACT Alliance, and the Black Sea NGO Forum, all members of CPDE. In addition, the study draws

upon relevant documented evidence in the 2016 global reports by Amnesty International and Human Rights Watch, as well as country reports from the Civic Space Initiative, and the USAID CSO Sustainability Index for Sub-Saharan Africa. Twenty-one (21) CPDE CSO Focal Points involved in the Second Monitoring Round (listed in Annex One, Section A) provided the results of their country-level data gathering from CSOs in these countries (which were also submitted to their country National Coordinator for the monitoring exercise).

3 The Report's Methodology and Analytical Approach

The Report's main author reviewed the detailed country evidence found in the global sources in Annex One, Section A. The focus was exclusively on the countries that had identified their participation in the monitoring process by February 2016 (see Annex Two for the latest list of countries that indicated they would contribute to the monitoring exercise). It builds from evidence contributed to the April 2014 Mexico High Level Meeting and therefore covers evidence for the period 2014 to 2016. This evidence was then organized by country with respect to each of the four modules and 16 questions in Indicator Two Framework (see Annex Four). The next step was to summarize country evidence in a spreadsheet again structured by country and the module and question framework for Indicator Two.

Evidence was found in relation to approximately 50 countries through this exercise, but not for all four modules and all questions within these modules (see below).

The methodology for analyzing the data collected has been challenging on several levels, which should be taken into account when reviewing the conclusions reached for each module.

- a) The binary yes/no answer required for each of the 16 questions is quite subjective and very difficult to interpret, as conditions affecting the enabling environment for CSOs is highly complex and affect the diversity of CSOs differently in each country. CSO

Focal Points assigned a yes or no answer, but often qualified this answer through the space allowed for narrative clarifications for each question. These qualifications were also necessary when analyzing the country evidence from global sources.

- b) To accommodate the difficulties in assigning a binary answer, this Report creates a four-part matrix for each of the 16 questions in the framework – yes, yes qualified, no qualified, and no – and then offers a transparent definition of each answer. The country evidence collected was reviewed and assigned by the author to one of these four categories according to the definition. This assignment was reviewed by the CPDE Working Groups, but is clearly an informed subjective process.
- c) The gathering of evidence from global sources has unequal country coverage of the questions in the four modules. The results are good country sample sizes for analysis of trends for module one (on space for multi-stakeholder policy dialogue) and module four (legal and regulatory issues). Unfortunately, due to limitations in the focus of data sources, unequal country coverage from global sources is apparent for module two (on CSO accountability and transparency) and for module three (on provider policies for CSOs). The countries covered for each of the 16 questions are listed in Annex Three.
- d) Analysis of modules two and three have benefited from an examination of other sources, including CPDE and other documentation for the implementation of the Istanbul Principles for module two. But inevitably an analysis of overall trends is difficult where data is somewhat limited. More dedicated research may be required in future monitoring to supplement monitoring sources for Indicator Two and this research on CSO development effectiveness is planned by CPDE for 2016/17.

The main trends for each module are derived in the first instance from an examination of the evidence collected and presented. Some highlights of the

evidence are presented in boxed quotations. This evidence is also supplemented where relevant by independent analysis by organizations and academics that have undertaken their own research and presented analysis of trends. These sources can be found in Annex One, Section B.

A Summary of Key Conclusions and Messages

CPDE and its Working Groups on CSO Enabling Environment and on CSO Development Effectiveness draw attention to the following key messages, which are supported by the analysis of evidence presented in this Report.

1 Space for Multi-stakeholder Dialogue

a) Progress in dialogue opportunities

CPDE welcomes the evidence of some improvement in the number of countries engaging in multi-stakeholder dialogue with CSOs on national development plans, but cautions that major efforts are still needed to institutionalize such dialogue and improve consultation processes consistent with good dialogue practice. CPDE urges development actors, especially States, to be accountable in providing enabling policies complemented by actual implementation in ensuring institutionalized spaces where CSOs can participate in governance and decision-making.

b) Countries where no dialogue takes place still prevalent

More than one third of the countries examined still had little evidence of multi-stakeholder dialogue.

c) Correlation with enabling laws and regulations for CSOs

CPDE notes the strong correlation between

countries that have relatively positive legal and regulatory conditions affecting CSOs and those in which there are emerging multi-stakeholder dialogue processes. A strongly enabling legal and regulatory environment for CSOs is an important condition for effective and inclusive multi-stakeholder dialogue.

d) Access to information limited

Access to information is an essential pre-requisite to effective multi-stakeholder dialogue. While the majority of countries have laws granting access to information, in almost all countries examined, there are serious issues undermining CSO access to the correct, requested information on a timely basis. A quarter of the countries have no law or no practical access to information despite some legal recognition. In a sample of monitoring countries covered by the Open Budget Partnership, only half had a score ranking as “limited” or greater access to necessary budget documentation to hold governments to account. CPDE is also alarmed by increasing reports of violations of freedom of speech rights for CSOs and media practitioners, which is a critical right for a CSO enabling environment.

2 CSO Development Effectiveness

a) Importance of accountability for CSOs

Evidence from global sources point to the essential importance of accountability for CSOs wherever they operate, as well as a wide range of CSO-managed accountability processes. As a reflection of a sustained commitment on the part of CSOs to accountability and transparency, the Istanbul Principles stress the importance of their active engagement with voluntary CSO-managed accountability mechanisms, and not only government imposed regulation.

b) Wide range and diversity of CSO-managed accountability mechanisms operational at the national and global level

One World Trust has documented a wide range

of 343 self-regulation initiatives worldwide, with 309 at the national level and 34 global. These self managed mechanisms complement legal and regulatory obligations of CSOs at the national level (see [d] below).

c) Ongoing initiatives on CSO accountability

A number of important global initiatives are underway that strengthen CSO accountability mechanisms, including a CPDE campaign to document CSO accountability mechanisms in different contexts, the development of a global standard for CSO accountability by eight leading civil society accountability networks, the International NGO Accountability Charter to which 25 of the largest CSOs report annually, and the Sphere Project which guide many of the most effective humanitarian CSOs.

d) Accountability through legal and regulatory reporting obligations in many countries

In a vast majority of countries, CSOs have legal and regulatory obligations to report financial and programmatic information to government bodies overseeing CSO operations in their country.

e) CSOs highly trusted as development actors

In 2016, for the ninth year running, NGOs received the highest rating of trust in comparison to media, government and business from both the “informed public” and the “general population” in the Edelman Trust Barometer. Public trust of CSOs is in part derived and “earned” by CSO accountability and transparency.

f) Stronger coordination for policy dialogue, but more diffuse mechanisms for programmatic coordination

Overall, CSOs have developed effective coordination mechanisms (usually through national CSO platforms) for engagement in policy dialogue; however, for program coordination it is more challenging given the diversity of CSOs in any given country context. The latter are more common at the sector level.

- g) Istanbul Principles actively being promoted with major CPDE campaign in 2016 and 2017

At a more general level, familiarization workshops on the implications of the Istanbul Principles continue to be organized at the country and regional level, by both CPDE and the Trade Union Development Cooperation Network (with their closely related trade union development effectiveness principles). There is significant attention in some countries on elaborating an effective CSO-managed accountability mechanism as part of a commitment to the Istanbul Principles.

3 Official Development Cooperation with CSOs

- a) Consultations with providers remain uneven, with the EU providing an example of good practice

Evidence suggests that provider consultations with CSOs occur in many countries; however, it is very uneven with regard to engagement with all providers and with respect to the quality of these consultations. CSOs highlight the importance of the EU Roadmaps for Engagement with CSOs as a positive experience in provider-CSO engagement. With EU delegations in the field, CONCORD found that “participation in structured, long term dialogue is still a challenge, but improvements have been noted by many actors around the world.”

- b) Providers need to step up bilateral and joint consultations with CSOs

Providers, other than the EU, need to step up both bilateral and joint provider consultations with CSOs on a regular and systematic basis at the country level on their development policies and programming, taking lessons from the EU experience.

- c) Issues remain in provider enabling environment for CSOs

The majority of the countries reviewed have evidence that most providers are promoting elements of a CSO enabling environment in

their policies and practices, but all answers are qualified. Qualifications included inter alia, long-standing issues such as fear of creating dependencies on foreign sources, bias against local CSOs in favour of INGOs in some countries, little responsiveness to CSO priorities, CSO need to chase donor priorities in seeking funding, lack of harmonization of funding terms and contractual conditions, providers’ difficulty in funding capacity building work with CSOs, and CSO difficulties in receiving grants for sustaining core operations.

4 CSO Legal and Regulatory Environment

- a) A global trend towards shrinking civic space, which must be reversed

CPDE global evidence, along side these global analyses, clearly demonstrate a global trend of “shrinking civic space” for civil society organizations as measured by laws, regulations and practices by government to restrict the freedoms of association, assembly and expression.

- b) Widespread constitutional recognition of rights

Recognition of CSO freedoms (association, assembly and expression) can be found in the Constitutions and Laws of almost all countries (more than 90% of the 44 sample countries in this review), but respect for these rights is a major issues as many fail in fully translating this recognition into practice.

- c) Continued and increasing degrees of unreasonable restrictions in law and practice

In a majority of the sample countries (70%), there continues to be varying degrees of restrictions on these constitutional rights remain in laws and regulations and through their implementation. Evidence points to arbitrary arrests, detentions and killings, unreasonable limits on peaceful assembly, targeting of human rights defenders and activist citizens’ organizations, arbitrary and extensive use of national security legislation, controls over social media and the internet, and

constitutional and legal deadlock in conflict affected countries.

d) Proliferating numbers of restrictive laws since 2012

According to an analysis published by the International Center for Not-for-Profit Law (ICNL) in March 2015, based on their tracking database of 55 countries, more than 90 laws constraining freedoms of association and assembly have been proposed or enacted since 2012. These restrictive initiatives are located in countries across the globe, irrespective of region. In 2014, CIVICUS drew attention to 96 significant restrictions on the rights of civil society in the period between June 2014 and May 2015.

e) Systematic violations of trade union's right to organization and expression

The International Trade Union Confederation (ITUC) 2015 Global Rights Index found that 99 countries (out of 141 countries) exhibited systematic and pervasive violations of trade union rights – 36 countries with regular violation of rights, 27 countries with systematic violations of rights, 27 countries with no guarantee of rights, and 9 countries where there were no guarantee of rights due to the breakdown of the rule of law.

f) High levels of disabling conditions for CSO formation, registration and operations

Only one-third (34%) of the countries in the sample of 58 had evidence that CSOs experienced a generally enabling legal and regulatory environment for CSO formation, registration and operations. At the other end of the spectrum, almost a quarter of the sample (24%) indicated that there were major legal and regulatory barriers for the formation and operation of CSOs in these countries. In the remaining 42% of countries CSOs faced varying degrees of legal and regulatory obstacles.

g) Growing restrictions on access to funding for CSOs in increasing numbers of countries

Restrictions on access to resources, and particularly

foreign funding, have become a growing and crucial issue contributing to a profoundly disabling environment for CSOs around the world. In the sample for this study, close to one third of countries had placed significant legal and regulatory restrictions on access to funding. An additional quarter of the sample countries drew attention to other important non-legal issues that seriously affect CSOs' access to the resources required to fulfill their mandate as independent development actors. Consistent with this finding, Thomas Carothers, from the Carnegie Endowment, calls attention to "the mushrooming trend of governments blocking external actors from aiding civil society within their territories," and this trend has only intensified since 2014.

h) Providers' responses to restrictions on foreign funding should be expanded and elaborated

Providers of development assistance have been responding to this closing cross-boarder philanthropic space in a variety of ways – research on financing CSOs in difficult circumstances, monitoring of international norms through GPEDC and the Community of Democracies, emergency funding for quick action for individuals facing imminent threats, and diplomatic initiative, among others. These should be expanded and further elaborated.

i) Significant barriers continue to exist for organizations representing marginalized and vulnerable populations

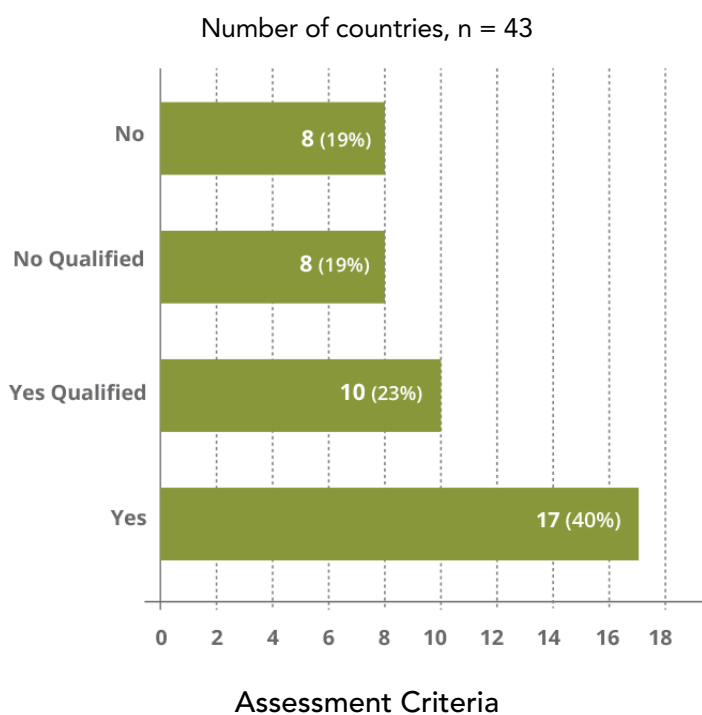
The true test of an enabling environment for CSOs, consistent with international rights, is whether the rights of CSOs working in more politically sensitive areas, often critical of government, are fully respected and protected. In most countries surveyed, significant barriers often exist for CSOs that represent the views of marginalized and vulnerable populations as well as for select groups critical of government policy and/or advocate for policy change. Among those with a high level of vulnerability are human rights defenders, and women human rights defenders in particular, environmentalists, sexual minorities and trade unionists and land rights activists.

Evidence for Progress in a CSO Enabling Environment

1 Space for Multi-stakeholder Dialogue

Module One

Question 1: Are CSOs consulted by the government in the design, implementation and monitoring of national development policies?



No	No consultations with CSOs and/or very infrequent consultations with a few government selected CSOs
No Qualified	No consistent consultation, but a few episodic consultations by government with small numbers of government-selected CSOs, on specific topics and not on the design of national policies.
Yes Qualified	Consultations with CSOs may be held on national development policies, but not consistent, with limited engagement of a range of CSOs, and often poor consultation practice.
Yes	Consultations with CSOs are regular and may be institutionalized.

See Annex Three for a list of countries assessed.

Assessment Analysis:

In the 43 countries examined, 40% of the countries had evidence of regular consultations on national development policies, and an additional 23% had evidence of more limited consultations on these policies. For this set of countries (63%), evidence of somewhat regular consultation between government and CSOs is encouraging and consistent with the Busan/Mexico commitment. Nevertheless, for more than a third of the countries in this sample (38%) there was no evidence of systematic consultation with CSOs. Moreover, the evidence from many countries points to significant limitations in the institutionalization of consultation and in the qualities of consultations in current practice.

- Positive benefits from consultations highlighted

Evidence on consultations suggest that positive outcomes include inter alia mutual learning among stakeholders, greater access to information for better informed programs, and greater opportunities for government to learn about innovative programming from CSO experience on the ground [e.g. Cameroon, CPDE Global Synthesis Report, 2015].

- Positive correlation between countries with strong CSO enabling environment and countries with CSO/government dialogue

Of 37 countries examined for both module one, question one (multi-stakeholder dialogue) and module four, question fourteen (legal and regulatory environment), 23 countries (62%) had a consistent yes or no answer for questions in both modules. More than two-thirds of the countries with a positive enabling environment also had a positive answer for multi-stakeholder dialogue.

- Sometimes tokenistic to fulfill conditions for provider funding

In some cases, CSOs perceived that consultations were mere requirements for provider funding, and may not be sustainable as they were not embedded in government policy [e.g. The Gambia, USAID CSO Sustainability Index for Sub-Saharan Africa, 2015].

- Can be guaranteed in the constitution, but not in practice

In some countries citizen participation in decision-making processes may be guaranteed in the constitution, but in practice there are no consultations on policies or there are show-piece consultations with a select few government-favoured CSOs [Black Sea NGO Forum, 2015].

Broad engagement of CSOs in El Salvador

“CSOs were strongly engaged in the development of the recent plan and have several mechanisms for monitoring the implementation of this plan. These include joint bodies with government (National Literacy Commission, Open Government Partnership Observatory). The government has created a number of mechanisms for ongoing dialogue. A law was adopted in 2014 on Citizen Participation recognizing the rights of citizens and organizations to participate in the design, implementation and evaluation of social programs.”

[El Salvador, CSO Focal Point, 2016]

- Opportunities at the local level, where national consultation practices may not be strong

“The last two decades have seen countries such as Brazil, Colombia, Guatemala, Mexico, Paraguay, and Peru develop new mechanisms, ... locally referred to as “local councils.” These are institutional spaces where citizens, represented by civil society or community-based organizations, academics, and the private sector, come together

with municipal authorities to discuss and make decisions on local development and governance issues. In particular, by allowing greater participation of groups that were historically left out of decision making processes, such as women, youth, and indigenous populations, these local councils have made local governance more inclusive and representative.” [Peru, CPDE Global Synthesis Report 2015]

- Issues in the quality of consultations

Where consultations on national policies are the practice, it is often the case that the process of consultation has not been institutionalized – with no clear procedures for CSO engagement and for the transparent selection of CSOs; a lack of access to relevant information for the consultation on a timely basis; exclusion of local CSOs outside capitals; and no feedback mechanisms following the consultations. CSOs report that seldom are there clear standards defining CSOs’ access to and role in consultative processes, in order to provide timely input to development policies as equal partners in policy dialogue [e.g. Kyrgyz Republic, CSO Focal Point, 2016].

CSOs engage in aid effectiveness group meetings in Kenya

“The growing debate around aid effectiveness called for a broader engagement with CSOs. Now through the monthly aid effectiveness group meetings, the government is increasingly playing its leadership role, with the continued participation of development partners and CSOs, in an effort to promote aid and development effectiveness through improvements in harmonisation, alignment and coordination in Kenya. Reality of Aid Africa Network is one of two CSOs that are represented in these meetings and has been instrumental in the development of the Mutual Accountability Framework, and in pushing for CSOs to be recognised and included in the aid architecture, among other things.”

[Kenya, CPDE Global Synthesis Report, 2015]

- Avoiding sensitive issues

While there may be good opportunities for CSO input into overall directions for government development policies at the national level and in technical bodies, “CSOs involved in sensitive issues such as land and natural resources are often viewed negatively” and are marginalized [Cambodia, CPDE Global Synthesis Report].

- Mechanisms for social dialogue involving trade unions are weak

While some countries have elaborated legislation for social dialogue involving the trade unions, in particular cases like that of Ghana, “institutions of social dialogue created by such legislation are weak and unable to effectively execute their mandate.” [Ghana, ITUC Case Study on Social Dialogue, 2015]

Need for a guiding and regulatory framework for participation – Mozambique

“Although one cannot properly speak of the existence of a regulatory legal framework for the relations between the State /Government and CSOs, there are established mechanisms through which these relationships take place. An important aspect of this dimension is that there is recognition in the law on the role of CSOs in promoting democracy and citizen participation in political affairs. However, the existence and availability of these spaces for dialogue is still not effective and CSOs’ participation in them is generally limited due to factors such as the lack of sharing of necessary information which is necessary for a proper preparation by CSOs, and also due to the absence of an adequate guiding and regulatory framework that enables and facilitates CSO participation and ensures that these spaces for dialogue indeed work.”

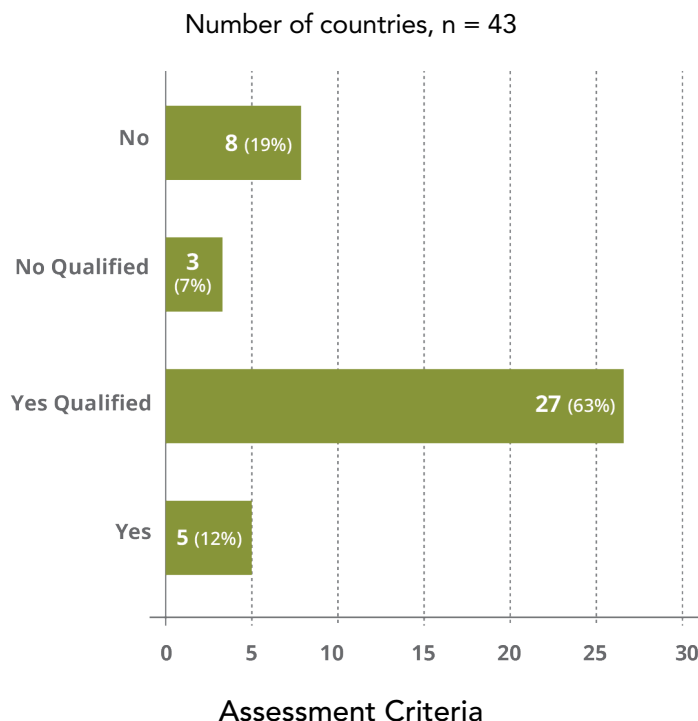
[Mozambique, Civic Space Initiative National Assessment, 2015]

- Capacities to undertake dialogue

A number of CSOs at the country level have identified capacity issues among CSOs to fully take advantage of invited policy spaces that may exist with government [Uganda, Reality of Aid Africa, 2014; Angola, USAID 2015].

Module 1

Question 2: Do CSOs have the right to access government information?



No	No laws exist and access to information is very difficult.
No Qualified	Right to access may exist in law, but very significant limitations in the law and/or practice, excluding access in practice.
Yes Qualified	Law exists, but mixed experience in compliance with law, or only recent law with no time for assessment of practice.
Yes	Law exists, reasonable practice in accessing information.

See Annex Three for a list of countries assessed.

Assessment Analysis:

In nearly three-quarters of the countries with evidence (74%), a law exists governing access to information. However, in the vast majority of these countries with such laws (84%), there are serious issues qualifying access to the right information as requested on a timely basis. A quarter of the countries (26%) have no law or no practical access to information despite some legal recognition.

The Open Budget Partnership has created an index that measure government budget transparency. The index focuses on whether the government provides the public with timely access to comprehensive information contained in eight key budget documents in accordance with international good practice standards. Among the 80 countries that volunteered for the GPEDC monitoring round, 48 are covered by this index. In 2015, only 5 (10%) register a score indicating sufficient transparency. Another 23 countries (48%) provided "limited" access to necessary budget documents to hold a government to account. The remaining 20 countries (42%) registered very low scores in the index, suggesting minimal or scant access to budget documents. (Open Budget Partnership, 2016)

Among the issues that limit access to information in practice are the following:

- Varying interpretations of existing laws by government agencies

Access to information will vary by government department depending on the familiarity of staff with the law. [Bolivia, Civic Space Initiative, 2014; Tanzania, KEPA Study 2015; Niger, CSO Focal Point, 2016]

- Arbitrary and un-transparent basis for access in practice

In the Philippines, for example, government responses to CSOs requests for information can be uneven, selective and varied on a case-to-case basis, rendering the system opaque especially for key and potentially controversial information (e.g. specific budget items, government public private partnership contracts, audit reports). [Philippines, CSO Focal Point, 2016]

- Intimidation of the media

The right to access information is not only denied by the absence of a law, but is further undermined in many countries by intimidation of journalists, arbitrary arrests, shootings, assault, and seizure of materials and property. [Mozambique, ICNL, 2015] Other countries include Sudan, Ethiopia and Vietnam. According to the [Committee to Protect Journalists](#), 143 journalists have been killed worldwide since 2014 in the course of carrying out their journalistic mandate. An additional 420 journalists are currently imprisoned and 452 journalists have been forced into exile since 2010.

Mongolia - Limited access on critical issues of mining

"The law on Information Transparency and Right to Information 263 was adopted in 2011 and it includes 42 articles on the need for state organizations to be transparent about their operations, budgetary and procurement protocols. ... However significant gaps remain in implementation of the law on transparency. [CSOs] have faced intimidation by representatives of mining companies as well as by the Mineral Resources Authority of Mongolia, the agency responsible for the issuance of mineral mining licenses. ... An official of the Mineral Resources Authority ... threatened to report their activities to the police."

[Mongolia, CPDE, Global Synthesis Report, 2015]

- Existing laws that affect access to information

While a law allowing access to information may exist and be functional, a culture of secrecy often prevails alongside more recent laws that give the government control over social media and the publication of data (e.g. a statistics law that criminalizes publication of "unofficial" data). [Tanzania, KEPA Study, 2015; Cameroon, CSO Focal Point, 2016; Zimbabwe, CIVICUS Forum Briefing 2016]

- Vague definition of exceptions

Most laws allow for exceptions based on Cabinet

privilege or national security concerns, but these areas are loosely defined, giving wide discretion on information to withhold. [Bolivia, Civic Space Initiative, 2014]

Honduras – Vague provisions create arbitrary access/denial to information

The Honduran Congress ... approved broad government secrecy legislation that civil society groups have denounced. A key provision of the law, states: Any information, documentation or material relating to the internal strategic framework of state agencies and whose revelation, if made publicly available, could produce undesirable institutional effects on the effective development of state policies or the normal functioning of public sector entities, is restricted. The power to impose this classification lies with the representative of each state entity.

[Freedom of Information.org, 2014, www.freedominfo.org/2014/01/honduran-congress-oks-strict-secrecy-law/]

- High costs borne by those requesting information

While ministries may make information accessible, it is accompanied by the regulation that those requesting the information shall bear the (often high) costs involved. [Rwanda, Reality of Aid Africa, 2015]

Module One

Question 3: Are there resources and/or training opportunities for addressing capacity building of all stakeholders (including government, CSOs and co-operation providers) to engage meaningfully in multi-stakeholder dialogue?

Information for this question is very limited for a detailed analysis. The database includes only 15 countries, with information mostly provided by CSO Focal Points. The global literature and databases for the most part do not cover this question. (See Annex Three for a list of countries.)

Assessment Analysis:

Among the 15 countries where evidence was found, the majority (9) indicated there are no resources and training for these purposes, and 6 indicated yes that some resources and/or training was available, but mainly for government through donor programs (Kenya, Cambodia, Kosovo). All replied that existing resources were far from sufficient to improve the capacities to engage in multi-stakeholder dialogue.

Cambodia – Limited donor resources for public service, but not CSOs

“Public administrative reform and donor programs provide training and resources for supporting multi-stakeholder dialogue, improved communication and stakeholder consultation. Domestic CSOs have very limited resources themselves to improve staff capacities. INGOs are better able to train their staff with the needed skills.”

[Cambodia, CSO Focal Point, 2016]

Several commentators suggested that resident International NGOs were much more able to resource themselves for multi-stakeholder dialogue than local CSOs in a given country, which in some cases marginalizes the latter.

In the case of Gabon, the CSO Focal Point pointed to the urgent need for training for CSOs, as “the data collected in this module show that the space for multi-stakeholder dialogue on national development policies is fragile...”

CSO Development Effectiveness

Module Two

Question 4: In practice, are there CSO-managed processes in place to address transparency and multiple accountabilities in CSO operations?

Information in the database for this question is somewhat limited for a detailed analysis. The database includes 17 countries, mostly provided by CSO Focal Points and the CPDE Working Group on Development Effectiveness. (See Annex Three for a list of countries.) The analysis however is supplemented with some comprehensive information from global sources on CSO-managed accountability processes.

Assessment Analysis

Among the 17 respondents, there were 8 positive answers pointing to CSO managed processes to address CSO transparency and accountability. Of these 8 countries, 5 should be qualified in that they do not refer to a broad CSO managed accountability process, but rather to individual network initiatives that may not have comprehensive coverage.

There were 9 countries that responded in the negative, with one qualified in that a CSO platform is currently working to develop an accountability mechanism.

Global sources however point to the importance of accountability for CSOs wherever they operate as well as a wide range of CSO-managed accountability processes.

As development actors, CSOs enjoy significant trust on the part of the public and local stakeholders. In 2016, for the ninth year running, globally NGOs still [receive the highest rating of trust](#) in comparison to media, government and business from both the “informed public” and the “general population” [66% among the informed

public]. Transparency and multiple dimensions of accountability are critical elements behind this sustained level of trust. Through the [Istanbul Principles](#), CSOs committed to “demonstrate a sustained organizational commitment to transparency, multiple accountability, and integrity in their internal operations.”

Most CSOs attempt to put in place high standards of management and probity in carrying out their missions. Accountability is at the heart of their legitimacy and is an essential driver of their effectiveness. Most organizations are highly compliant with government reporting regulations. But in order to strengthen a sustained commitment on the part of CSOs to accountability and transparency, the Istanbul Principles stress the importance of CSO active engagement with voluntary CSO-managed accountability mechanisms, and not only government-imposed regulation. Given the wide diversity of CSOs worldwide, voluntary mechanisms have the requisite flexibility to safeguard CSO autonomy, independence and effectiveness as development actors.

CSOs face a natural bias in their multiple accountabilities towards “upward,” contractual, and regulatory reporting and accountability to governments and providers of funding for their operations. The essential “downward” accountability to their constituencies, particularly populations that are vulnerable and/or living in poverty, is more challenging. The latter is shaped, not by legal obligations, but by the moral authority of the organization’s mandate and mission, which are fulfilled with varying means and degrees of accountability and transparency.

CSO-managed accountability mechanisms assume many forms. One World Trust has documented a wide range of 343 self-regulation initiatives worldwide, with 309 at the national level and 34 global [Lloyd, 2010, slide 12; Laybourn, 2011]. There are a number of important global and regional initiatives underway to strengthen both the mechanisms for accountability and extend the range of organizations meeting accountability standards.

- In 2014 and 2015, CPDE's Working Group on CSO Development Effectiveness conducted trainings on CSO development effectiveness and accountability in several countries. Among the results of these trainings are CSO-created roadmaps for creating CSO National Accountability Charters. In 2016 the Working Group is undertaking a number of ongoing initiatives to continue research among the platform's 1600 members and [document CSO accountability initiatives in different contexts](#). The #iamaccountable campaign has been launched with the goal of engaging up to 500 organizations over the next year on the Istanbul Principles and their commitment to CSO accountability.
- The [Global Standard for CSO Accountability](#) is an initiative launched in 2015 by eight well-established civil society accountability networks from around the world, ranging from the Cooperation Committee for Cambodia, the INGO Accountability Charter (Europe), the NGO Quality Assurance Certification Mechanism (Uganda), Rendir Cuentas (Latin America) and InterAction (USA), among others, representing nearly 1500 CSOs. Within the framework of the Istanbul Principles, the Global Standard will be built taking account of existing mechanisms, focusing and agreeing on the core parameters and mutually-recognized reporting requirements for CSO accountability.

Strengthening Global North South Relations through Accountability

"Having successfully established a standard for CSO accountability and transparency in eight Latin American countries, it is crucially important for Rendir Cuentas to move things forward by cooperating with partner organisations globally to establish a common standard outside our region. (...) The Global Standard is a great opportunity to strengthen the relationship among leading CSOs' networks and platforms from the Global South and North."

Rosa Inés Ospina, Co-Chair, Rendir Cuentas

- [Rendir Cuentas](#) is a long-standing regional

Latin American initiative involving 25 major Latin American CSOs in 10 Latin American and Caribbean countries, representing in turn over 900 organizations. This network is working to promote the implementation of self-regulation through mutual learning, dissemination and adoption of voluntary standards. In 2014, for example, CSOs in Uruguay held their fourth public accountability exercise involving 116 organizations, a 50% increase from the first exercise four years earlier.

- The International NGO Accountability Charter is the only global, cross-sectoral accountability framework for International CSOs, self-managed by CSOs. The 25 Charter Members are among the largest global NGOs, including ActionAid, Oxfam, World Vision, Plan, and Amnesty. Respected independent experts vet annual public reports by members, against the requirements of the Charter, for feedback on performance.
- Many humanitarian CSOs are guided by the Sphere Project, with its Humanitarian Charter and Minimum Standards in Humanitarian Response. The Sphere Project, working since 1997, is not a membership organization, but brings together a wide range of humanitarian practitioners around detailed considerations of quality and accountability in the planning, management and implementation of humanitarian response. Other humanitarian actors beyond CSOs, including governments, local authorities, the private sector and the military, have seen its Standards as very useful and effective.

Module Two

Question 5: Do CSO-initiated coordination processes exist to facilitate consolidated and inclusive CSO representation in policy dialogue (e.g. umbrella organisation, CSO network, consultation practices)?

Information for this question from the database is very limited for a detailed analysis. Information is available for only 18 countries, mostly provided by CSO Focal Points and the CPDE Working Group on Development Effectiveness. (See Annex Three for a list of countries.)

Uganda National NGO Forum

“The Uganda National NGO Forum is an inclusive national platform for NGOs. It is an important focal point for collective efforts that influence policies and practices of government. It has played a lead role in consolidation of voices for improved coherence, articulation and presentation to government and other stakeholders at national level on multi-sectoral policy processes.”

(CPDE Working Group on CSO Development Effectiveness)

Coordination of CSOs in Fiji

“Coordination is through the Fiji Council of Social Services (FCOSS), as well as sector coordination for women, youth, faith-based organizations. FCOSS took leadership of the NGO CSO Disaster Coordination Center to ensure that CSO disaster relief work relating to Cyclone Winston was properly coordinated and reported to the Fiji Government’s National Disaster Management Council.”

(Fiji CSO Focal Point)

Coordination of consultations in Viet Nam

“There are several processes for coordination existing in Viet Nam that are initiated by CSOs to participate in policy dialogues, among them the CSO-TAI network focusing on a transparent enabling environment for the operation of Vietnamese CSOs.”

(CPDE Working Group on CSO Development Effectiveness)

Module Two

Question 6: Do mechanisms exist to facilitate coordination on programming among CSOs (collaboration to optimise impact and avoid duplication), and with other development actors?

Information for this question is also very limited for a detailed analysis. The database includes only 18 countries, mostly provided by CSO Focal Points and the CPDE Working Group on Development Effectiveness. (See Annex Three for a list of countries.)

Assessment Analysis

Of the 18 responding countries, half (9) were positive about coordination mechanisms for CSO programming; all of these mechanisms are at the sector level. There were 4 qualified positive answers in that coordination in these countries were currently seen as not very effective.

There were 9 negative answers, with one qualified answer for a country that had coordination mechanisms in which CSOs were mainly passive.

At the global level, the Trade Union Development Cooperation Network has established the Trade Union Development Projects Directory, a website where the different trade union development cooperation projects can be found. This website is used to promote coordination and coherence, and avoid duplication among trade union initiatives in development cooperation. In addition, regional seminars are undertaken to promote coordination and coherence among trade union actors that engage in development cooperation.

Cambodia – Issue based networks

“There are broad issue based networks in health, education and human rights. There have been examples of NGOs forming partnership agreements with each other to enable better outreach to beneficiary populations.”

(Cambodia CSO Focal Point)

Cameroon – Coordination through the Global Fund

“We have a good example with the Global FUND concerning Tuberculosis, Malaria, and HIV/AIDS, where a multi actors mechanism has been put in place, and where CSO representatives are elected by their constituencies to have a seat in this mechanism.”

(Cameroon CSO Focal Point)

Kenya –Pooled Funding Mechanisms

“In the last couple of years, donor agencies operating in Kenya have established pool funding, or what has increasingly become known as baskets from which individual CSOs and networks apply for funding. This is another mechanism that ensures that there is minimal duplication in CSO interventions. But this approach has also been criticized for not making provisions for the institutional support that organizations need, instead focusing on activities without paying much attention to the continuity and sustainability of benefiting organizations.”

(CSO Working Group on CSO Development Effectiveness)

Module Two

Question 7: Are there other significant initiatives related to CSO development effectiveness principles [Istanbul Principles and the International Framework for CSO Development Effectiveness] being implemented at the country level?

Information for this question from the database is very limited for a detailed survey of initiatives relating to the Istanbul Principles. Reference can be made to only 16 countries, mostly provided by CSO Focal Points and the CPDE Working Group on Development Effectiveness. (See Annex Three for a list of countries.) Additional information is available from CPDE’s Global Secretariat.

Assessment Analysis

Of the 16 countries with data, 6 referenced activities related to the Istanbul Principles. Three of these responses put forward general approaches of selected national CSOs consistent with the CSO development effectiveness principles (Istanbul Principles), but not specific initiatives. The three unqualified positive responses had initiatives related to implementation of codes of conduct for CSOs by national platforms.

There were 10 countries in which there was no mention of initiatives relating to the Istanbul Principles.

Through CPDE, several of country and regional initiatives were initiated to familiarize CSOs with the Istanbul Principles in 2015 (Cameroon and DRC). In 2014 and 2015, for example, the Japan NGO Center for International Cooperation (JANIC) conducted capacity development workshops with its members, on human rights based approaches and on equitable partnerships. VANI developed and promoted “Model Policies on Internal Good Governance in Voluntary Organizations” with Indian CSOs. In the Czech Republic, the FoRS Gender Working Group in 2014 prepared a manual for mainstreaming gender in evaluating ODA projects. The Canadian Council for International Cooperation published case studies of Canadian CSOs and the implementation of the Istanbul Principles. CCIC also worked with the government

in developing a government policy on partnering with CSOs, which makes important references to the Istanbul Principles as the framework for assessing CSO development effectiveness.

In Africa, in 2014 and 2015, the CPDE Working Group conducted training on CSO Development Effectiveness and Accountability in several countries. Among the output of these trainings are CSO-created roadmaps for creating CSO National Accountability Charters. The Working Group also conducted country-level workshops on familiarizing CSOs with the Istanbul Principles in Indonesia, Bangladesh, Mongolia, and Nepal.

At the global level, CPDE organized a CSO Exchange in late 2015, enabling the participants to share experiences on the implementation of Istanbul Principles from different countries, across the 3 global regions. This provided the space for the participants to understand the different country contexts wherein CSOs are doing work on the implementation of the Istanbul Principles.

The International Trade Union Confederation (ITUC) has developed a specific tool called the [Trade Union Development Effectiveness Profile \(TUDEP\)](#) to work with its members on [trade union development effectiveness principles](#), adopted by the ITUC in 2011. These principles are consistent with the Istanbul Principles but adapted to the trade union movement. Since 2014, the ITUC's Trade Union Development Cooperation Network has held a series of workshops in Latin America and Africa promoting the principles and the use of the tool (see the box). The tool has been used effectively between organizational partners in 6 African countries, 3 Latin American and Caribbean countries and 3 Asian countries.

The Trade Union Development Effectiveness Profile (TUDEP)

“The TUDEP was created to encourage discussions amongst trade union partners for more effective development cooperation that will promote more balanced partnerships. The focus is therefore on the partnership between supporting partners and receiving partners, to hold each other accountable to common

principles approved by the trade union movement. The tool is used bilaterally between two partners on the basis of a questionnaire that they use to assess compliance with the eight trade union development effectiveness principles in their cooperation. Once each partner completes the questionnaire, the different views are reflected on a chart that helps to visualise the different appreciations of compliance with each principle. On the basis of the outcomes of the chart, both partners discuss their partnership, the reasons for the different perceptions and specific measures to improve compliance with the principles.”

(Trade Union Development Cooperation Network)

Module Two

Question 8: Do CSOs report annually to government on the basic finances, sectors of support, and main geographic areas of involvement in development?

Information from the database for this question is very limited for a detailed analysis. The database includes responses from CSO Focal Points in only 15 countries. (See Annex Three for a list of countries.)

Assessment Analysis

The vast majority of countries (13) have requirements for CSOs to report financial and programmatic information to government. In several instance (3) there were qualifications about the compliance of CSOs to report, the quality of these reports, and the informal nature of the reporting process (on request from a ministry). Only two countries did not have any requirements for CSO reporting to government. In Cambodia, for example, NGOs share online information twice yearly with the government on their activities in a publicly accessible database of funding and activities. The recent 2015 Law on Non-Government Organizations requires disclosure of funding, activities and sector/geographic areas of involvement. INGOs must provide annual reports and budgets within one year, each February. The law will make it very difficult for independent CSOs to function, which may be critical of government policies. (CCC, 2016)

In Kenya, CSOs registered with the NGO Coordinating Board must report to this Board, but other forms of CSOs, not registered with the Board, report to other ministries, as the law requires. Whereas in Myanmar, given the current period of transition, many CSOs are not registered with the government, and others do not report. Those that do report, find that their reports do not reach the ministries involved in planning and development coordination.

Official Development Cooperation with CSOs

Module 3

Question 9: Do providers of development co-operation consult with CSOs on their development policy/programming in a systematic way?

Information from the database for this question is somewhat limited for detailed analysis. The database includes evidence from only 17 countries, including mostly CSO Focal Points, but also global sources. (See Annex Three for a list of countries.)

Assessment Analysis

Thirteen (13) countries had indications that providers of development assistance consult with CSOs on policies and programs in a systematic way. Of these, 6 were qualified due to high dependency on donors, consultations with very specific CSOs related to donor programs, or quite limited process (for example little feedback).

There were four (4) countries where a negative answer was indicated, with three (3) of these qualified by some very minimal engagement, one-on-one with CSOs or with just one donor (often the EU).

Some issues that were identified among the countries where consultations occurred:

- Difficulties in the selection of CSOs to be included

In Armenia, for example, almost half of CSOs reported that they had not been consulted on donor funding priorities.

- Only certain providers engage CSOs in consultations

In Kyrgyzstan only the World Bank has engaged CSOs in open and systematic consultations.

Mali – Consultations build relationships of trust

“The Forum of CSOs, the National Council of Civil Society and the Forum of International NGOs in Mali led advocacy campaigns directed at EU as a donor in Brussels. Their intensity grew during the preparation and meetings with the Government of Mali, financial and technical partners including the World Bank, the EU Delegation in Mali, various U.N. agencies and CSOs. The result of this advocacy was twofold: 1) inclusion of CSOs in the inter-ministerial committee to monitoring actions with Brussels; and 2) trusting CSO leaders to prepare for the fifth meeting of this monitoring committee.”

[Mali – USAID 2015]

- Documentation often not in local languages
While documentation in language accessible to local CSOs is an issue, often basic documentation on provider projects and policies are not available (Kyrgyzstan, Mongolia, Tanzania).

Tanzania – Transparency in provider policies

“The most pressing issues for the Tanzanian CSOs are the need for greater transparency in funding policies, procedures and donor–receiver relationships, and the need to reduce the dependency on external funding and building stronger local ownership over the priorities and focus areas of the development in the South.”

[Tanzania – KEPA 2016]

European Union Roadmaps

Several CSO Focal Points highlight the importance of the EU Roadmaps for Engagement with CSOs as a highly positive experience in provider-CSO engagement. In an assessment of the roadmap process by CONCORD, the CSO Platform for the European Union, most CSOs consulted at the country level said that “issues highlighted in the roadmap were subject of discussion between EU delegation and civil society organizations for a number of years” and that “CSO inputs are largely reflected in the roadmaps.” (CONCORD, 2015b) Critical reflection related to uncertainty about the role of CSOs in implementation of the roadmaps’ action plans, the degree to which CSO input is taken on board in consultations, and the place of local level and smaller CSOs in efforts to strengthen CSO capacities.

In another survey of CSO engagement with EU delegations in the field, CONCORD found that “participation in structured, long term dialogue is still a challenge, but improvements have been noted by many actors around the world.” They also found that more focus was needed on proactive roles by EU delegations in promoting the advocacy roles of CSOs as development actors and in situations where CSOs were at risk (CONCORD 2015a).

While acknowledging this generally positive experience with the European Union, other providers of development assistance have a less systematic and consistent approach to consultation at the country level. They need to step up both bilateral and joint provider engagement with CSOs on a regular and systematic basis at the country level on their development policies and programming, taking lessons from the EU experience.

EU Delegation – CSO Dialogue

“EUD-civil society dialogue is increasing. In some countries, a well-organised consultation on the programming of EU cooperation was established, and coordinated contributions by civil society were facilitated through national or thematic civil society coalitions and platforms. Major challenges remain, however: existing ad hoc consultation processes need to be transformed into more permanent dialogue mechanisms that allow for genuine coordination on relevant matters, and the range of civil society actors and the issues addressed need to be broadened.”

(CONCORD 2015a)

Module Three

Question 10: Are providers promoting a CSO enabling environment in their co-operation with civil society?

Information for this question from the database is limited for a detailed analysis. The database includes 24 countries, including both CSO Focal Points and global sources. (See Annex Three for a list of countries.)

Assessment Analysis

The majority of the countries (19) have evidence that most providers are promoting elements of a CSO enabling environment in their policies and practices, with 5 indicating a negative answer. But it is important to note that all of the answers have been qualified by CSO respondents, both yes and no. The negative answers were somewhat concentrated in Latin America where changing donor priorities for the region have significantly affected resources available for CSOs in the region.

Qualifications by CSOs included inter alia, fear of creating dependencies on foreign sources, bias against local CSOs in favour of INGOs in some countries, little responsiveness to CSO priorities, the need for CSOs to chase donor priorities in seeking funding, difficulty in funding capacity building work with CSOs and sustaining core operations, and difficulty in providing grants for sustaining core operations, etc.

While most DAC providers have a global civil society policy, one country survey indicated that less than 50% of providers had a country-level policy relating to CSOs at the country-level. On the other hand, some also mentioned innovative opportunities in basket funds for smaller NGOs and open and fair application and decision-making.

A persistent concern is the degree to which CSOs must align their programs, developed in the context of their mandate and particular country realities, with changing donor priorities. For example, in Burkina Faso, due to such pre-determined priorities, often it is only larger CSOs that are able to compete effectively in specific donor-determined calls-for-proposals (Civic Space Initiative, Enabling Environment National Assessment, 2014).

Access to resources for smaller CSOs was also identified as an issue in Cambodia: "Because donors prefer to fund short-term projects with clear measurable results, and are not as supportive of non-project costs such as staff benefits or training, many CSOs are not able to develop their institutional capacity or build stronger organisations. Furthermore, funding continues to be on time-bound projects, limiting CSOs' ability to plan strategically for the long-term." (CPDE, Global Synthesis Report, 2015)

According to the 2014 Sierra Leone Civil Society Rapid Assessment by CIVICUS,

"International development agencies generally see CSOs as agencies to be contracted, on a need by need basis for delivering projects, and as a way of disbursing funds. Grant givers generally only allocate between 5% and 10% of total project costs to a recipient CSO to

cover administrative costs, and rarely do CSOs receive core funds to support their organisations. CSOs in Sierra Leone can seldom be said to have a long-term financial support relationship with a funder, as grants are mostly for a period of one year; multi-year grants to CSOs are rare."

In Nepal, the evidence highlighted a lack of coordination between in-country donors in terms of focus areas, modes of operation and conditions for their agreements. They suggested that donor priorities in funding resulted in some sectors receiving more funds to the exclusion of other key areas. (ICNL, NGO Law Monitor, 2014) The CSO Focal Point for the Philippines reported a similar concern for a lack of harmonization among donor administrative requirements. Moreover, some CSO respondents in that country "said that providers appear inclined towards deeper partnerships mainly with CSOs not only sharing their views on development issues, but also with an established capacity for receiving funds, implementing projects, and reporting." [Philippines, CSO Focal Point]

Kenya – Unclear funding criteria

"Some CSOs felt that new funding criteria set by donors were not clearly stated, and they complained that they did not receive sufficient feedback from donors when they failed to qualify for support. While some CSOs had multi-year grants, many organizations were unable to mobilize new resources because they did not have institutionalized relationships with donors and were not innovative in their approaches. For example, most CSOs wait for calls for proposals to apply for funds and then fail to engage their donors for the duration of the project. Most CSOs prefer to rely on the same donor."

[Kenya – USAID 2015]

Finally, in a detailed study of donor policies in Tanzania, based on Tanzanian CSO respondents, by KEPA, the Finnish CSO Platform, found inter

alia that local funds were biased against small and relatively unknown NGOs, had unclear selection criteria and application processes, were unresponsive to CSO priorities, and subject to headquarter policy changes with unpredictable impacts locally (KEPA, 2016, 17-19).

Interestingly the KEPA study also gathered views on Finnish CSOs as donors. Some of these perceptions included issues of communications (e.g. receiving feedback on submitted reports), complicated application forms and heavy reporting requirements, lack of flexibility with signed contracts, and the impossibility of sustainability through project-based financing (KEPA, 2016, 17-19).

Many of these concerns are still far from being consistent with good provider practices as DAC providers set out in their Partnering with Civil Society – 12 Lessons from DAC Peer Reviews. They point to the importance of strengthening civil society in developing countries. Essential to achieving this goal is a solid understanding of the state of civil society in each country context; ongoing dialogue with civil society including smaller CSOs and those outside the capital city; coordination with other donors to harmonize procedures for providing support; and ensuring that financing measures are consistent with strengthen CSO development effectiveness, including long term core programmatic support for CSOs' own priorities.

Module Three

Question 11: Is the promotion of a CSO enabling environment an agenda item in providers' policy dialogue with partner governments?

Information for this question from the database is very limited for a detailed analysis. It includes only 14 countries, mainly from CSO Focal Points. (See Annex Three for a list of countries.)

Assessment Analysis

All the responses, but one, were positive (13). However, most respondents indicated that they were working with limited information, or spoke

of the experience of one donor (often the EU), or referred to a general notion that providers were supportive of an enabling environment for CSOs. Three CSO focal points could not answer the question because they had no information and donors did not communicate this type of support with them.

In Cambodia, the CSO Focal Point drew attention to the roles of a number of providers that have been very active in dialogue with government to express concerns in the development of the Law on Associations and NGOs, which eventually passed in 2015 despite objections from CSOs. Providers continue to stress the positive role of CSOs with government, encouraging their role in Technical Working Groups for example.

The majority of donors interviewed by the CSO Focal Point in Kosovo claim to communicate with the government on both the appropriate legal framework for a free, open and capable civil society and the importance of seeking out CSOs to engage in policy processes.

In Niger, the CSO Focal Point found that some providers do raise enabling environment issues with the government in areas of democracy and governance, but more often they focus on particular CSOs engaged in donor programs, not the diversity of CSOs.

Philippines – Donor engagement on enabling environment issues with the government

“There are several forums for policy dialogue such as the Philippine Development Forum, and providers have definite mechanisms for involving CSOs with government in such areas as participatory local governance. There was also support from providers on alleged issues of state sponsored human rights violations.”

[Philippines – CSO Focal Point, 2016]

Module Three

Question 12: Do providers share information on their CSO support with the government?

Information for this question from the database is very limited for a detailed analysis. The database includes only 12 countries, mainly from CSO Focal Points. (See Annex Three for a list of countries.)

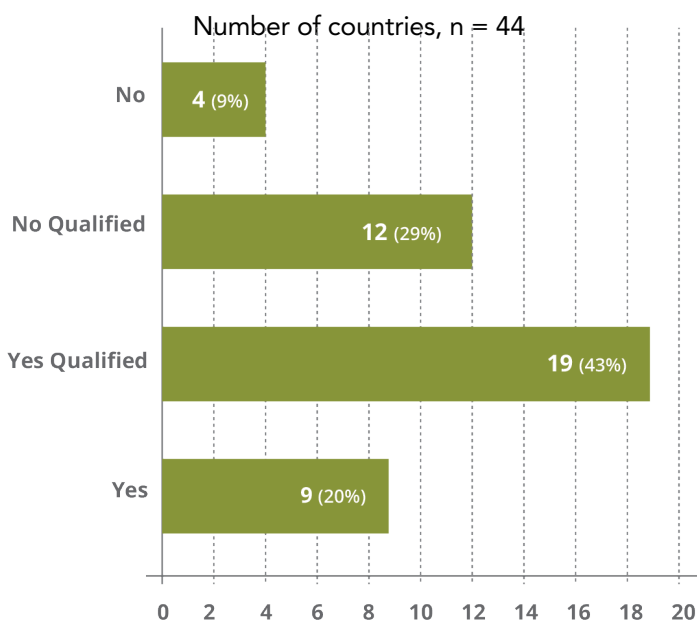
Assessment Analysis

Nine country respondents (9) indicated that they thought providers shared information on CSO support with the government, and three (3) indicated in the negative. Three additional respondents did not have sufficient information from providers to answer the question.

CSO Legal and Regulatory Environment

Module Four

Question 13: Is there a recognition of and respect for CSO freedom (association, assembly and expression), in the Constitution and more broadly in policy, law and regulation?



Assessment Criteria

No	Not recognized in the constitution, nor in law
No Qualified	Recognized in the constitution, but laws and regulations severely restrict recognition in practice
Yes Qualified	Recognized in the constitution and law, but CSOs identify issues of concern for recognition in practice
Yes	Recognized in the constitution and in law / regulations with some issues in practice

See Annex Three for a list of countries assessed.

Assessment Analysis

Recognition of CSO freedom (association, assembly and expression) can be found in the Constitutions and Laws of almost all countries (91% of the sample countries). However, in a majority of the 44 sample countries (70%), respect for these rights is problematic. There continues to be varying degrees of restrictions for these constitutional rights through laws and regulations and in their implementation. Among these 44 countries, more than a quarter (27%) had evidence of severe restrictions in practice, and a further 43% had evidence of important issues of concern in the application of constitutional rights and implementation of related laws.

This data is consistent with global measures of respect for freedom of association and assembly, as well as comprehensive measures of freedom and human rights. According to an analysis by the International Center for Not-for-Profit Law (ICNL), based on its NGO Law Monitor reports on 50 countries and other tracking database, more than 90 laws constraining freedoms of association and assembly have been proposed or enacted since 2012. These restrictive initiatives can be located in countries across the globe, irrespective of region (Rutzen, 2015, 7 – 8).

On another scale, Freedom House reports that 2015 was the 10th consecutive year of decline in global freedom as measured by their "Freedom in the World Index." The number of countries (72) showing a decline in a freedom for 2015 was

the largest since the 10-year slide began. Over the past 10 years, they report that 105 countries demonstrated a net decline in their index, while 61 have shown a net improvement over these ten years. (Freedom House, 2016) In 2014, CIVICUS drew attention to 96 significant restrictions on the rights of civil society in the period between June 2014 and May 2015 (CIVICUS, 2015, 197).

The International Trade Union Confederation's (ITUC) Global Rights Index ranks countries according to 96 indicators related to assess where workers' rights are protected in law and in practice. In its 2015 report, it found that 99 countries (out of 141 countries) exhibited systematic and pervasive violations of these rights – 36 countries with regular violation of rights, 27 countries with systematic violations of rights, 27 countries with no guarantee of rights, and 9 countries where there were no guarantee of rights due to the breakdown of the rule of law. Trade unionists were murdered in 11 countries in 2015, including 22 in Colombia (ITUC, 2015).

CPDE global evidence alongside these global analyses clearly demark a global trend of "shrinking civic space" for civil society organizations as measured by laws, regulations and practices by government to restrict the freedoms of association, assembly and expression.

CPDE has accumulated more than 200 pages of extractions from its review of sources for this study, listing multiple violations of the freedoms of association, assembly and expression as they affect CSOs in 45 countries. Among the common areas described for the sample countries are the following (excluding those covered by GPEDC Question 14 on formation and operations of CSOs and GPEDC Question 15 on access to resources):

- **Arbitrary arrest, detention and killings with impunity**

Use of criminal defamation laws and state security legislation to harass and arbitrarily arrest and detain individuals for peacefully expressing their views or limiting press freedom is widespread. In the Philippines, more than 150 journalists have been killed in the line of duty since 1986 (the end

of the Marcos regime) and only 15 people have been convicted (Angola, Belarus, Cambodia, Egypt, Philippines, Somalia, Togo, Zimbabwe, among others).

Belarus – Politically motivated arbitrary detentions

"Human rights defenders, critical journalists and bloggers do not enjoy the right to freedom of expression. Criminal investigations were launched for journalists who covered protests, published information, for alleged offensive speech towards the president, government criticism etc. There are many politically motivated prosecutions and imprisonments of CSOs activists, journalists and opposition members."

[Belarus – Black Sea NGO Forum, 2016]

- **Targeting human rights defenders and activist citizens' organizations**

Governments use the court system and other informal means (including other non-state actors) to intimidate and silence human rights defenders and critics of controversial government development initiatives and policies (Cambodia, Chad, Colombia, Egypt, Guatemala, Honduras, Kenya, Laos, Malawi, Mauritania, Niger, Philippines, Somalia, Uganda, Vietnam, Zimbabwe, among others).

Cambodia – Harassment of civil society organizations

"In Cambodia, three activists affiliated with Mother Nature Cambodia were arrested for leading a campaign against sand dredging. The police, accompanied by members of the military, searched the organization's headquarters without a warrant. Members of Mother Nature Cambodia said that the arrests and warrantless search were efforts to intimidate and deter future protests by the organization."

[Cambodia – ICNL – Environmental Advocacy, 2016]

- Limits on peaceful assembly

These measures include overbearing requirements for authorization for peaceful assembly, ban on peaceful assembly and/or arbitrary approaches to determining the legality or excessive use of force to disperse such assemblies (Angola, Armenia, Bangladesh, Cambodia, Chad, Egypt, Somalia, Togo, Uganda, Zimbabwe, among others).

Colombia – Targeting human rights defenders

“In recent years, human rights CSOs and their members have been frequent victims of reprisals and undue restrictions as a result of their work in promoting and protecting the victims of the armed conflict. On several occasions, the Inter-American Commission of Human Rights has voiced its concern about threats against human rights defenders and members of CSOs.

“Other forms of violations include: illegal surveillance, smear campaigns and criminal prosecutions, and violations of the home and other arbitrary or abusive entry to the offices of human rights organizations, and interference in correspondence and phone and electronic communication.”

[Colombia, ICNL, 2016]

- Constitutional and legal deadlock

A few countries experiencing severe conflict and/or political tensions have no constitutional provisions or are unable to put these provisions into practice (Nepal, South Sudan, Somalia, Sudan).

Honduras – Criminalization of dissent

“Criminalisation of activism continued while there were several attacks on human rights defenders. Assassinations, death threats and various forms of coercion were used to silence civil society members seeking to protect land and environmental rights. Leaders of indigenous peoples’ and Afro-descendent communities were singled out for targeting by the authorities including through judicial persecution.”

(Honduras – ICTU, 2016)

- Use of national security legislation

In a number of countries, particularly those experiencing conflict, the use of national security legislation has created a highly restrictive environment for civil society associations, assemblies and expression. These laws tend to concentrate power in the hands of the president and/or security forces. (Cameroon, Egypt, Malawi, Niger, Nigeria, South Sudan, Sudan, Tanzania) Another impact of security legislation was demonstrated in a survey of International NGOs with humanitarian operations in Syria. It pointed to practical impacts on NGOs’ effectiveness to reach people, with three quarters reporting that they had payments blocked or seized over the past five years due to anti-terrorism banking regulations. (Esslemont, 2016).

- Controls over social media and Internet

A number of countries have implemented close monitoring of social media and the Internet to intimidate and disable public commentary by civil society organizations potentially critical of government (Bangladesh, Cambodia, Laos, Myanmar, Pakistan, Togo, Vietnam).

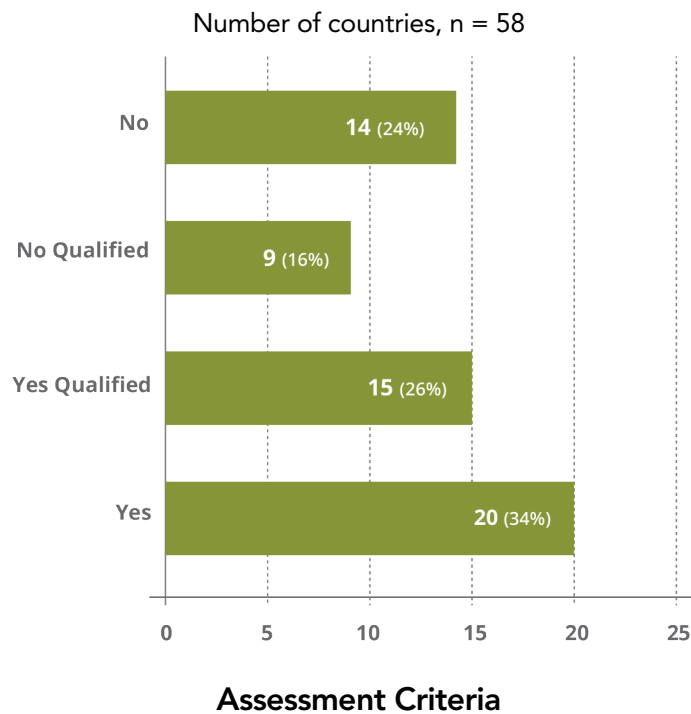
Myanmar – Use of telecommunications legislation to restrict expression

“Myanmar has been undergoing a slow and uncertain transition toward greater openness, but with continuing restrictions on the exercise of the freedoms of assembly, association and expression. The Telecommunications Law (Telecom Law), enacted in 2013, ... contains a number of provisions that impermissibly restrict the freedom of expression. For example, Article 66(d) prohibits using a telecommunications network to extort, coerce, defame, disturb, cause undue influence or threaten any person. ... These articles have been used to jail dissidents, activists, CSO leaders and others for merely expressing opinions.”

[Myanmar, ICNL, 2016]

Module Four

Question 14: Is the legal and regulatory environment enabling for CSO formation, registration and operation?



Assessment Criteria	Description
No	Major barriers for CSO registration and operations
No Qualified	Major issues, but not barriers, which restrict CSO registration and operations
Yes Qualified	An enabling environment for registration and operations, but still some significant issues to be addressed.
Yes	A generally favourable enabling environment for registration and operations.

See Annex Two for a list of countries assessed.

Assessment Analysis

Only one-third (34%) of the 58 sample countries had evidence that CSOs experienced a generally enabling legal and regulatory environment for CSO formation, registration and operations. At the other end of the spectrum, almost a quarter of the sample (24%) indicated that there were major legal and regulatory barriers for the formation and operation of CSOs in these countries. In the remaining 42% of countries CSOs faced varying degrees of legal and regulatory obstacles.

Both the International Center for Not-for-Profit Law (ICNL) and CIVICUS have detailed country databases and assessments that point to areas that consistently appear as barriers to the formation, registration and operation of CSOs. Among the areas highlighted in the database assembled by CPDE for this study (countries listed are not exhaustive but are only examples):

- Weak and ambiguous language in laws and regulations

Ambiguity in the laws and regulations allow for subjective interpretations and uncertainty among CSOs that they can meet the requirements of procedures to register and/or report to government authorities. For example, vague references to national plans create uncertainty among CSOs as to whether they are required to align their mandates and activities to these national plans (Bolivia, Ethiopia, Sierra Leone). In other cases, CSOs are expected to produce extensive documentation to obtain legal status even though there are no legal requirements to do (Rwanda, Mozambique). In Uzbekistan, the law requires NGOs to seek approval from the Ministry for certain activities, but then does not define which activities are covered by this requirement (ICNL NGO Law Monitor, 2015).

Bolivia – Regulations open to subjective interpretation

“Likewise, obstacles have been identified that are not about formal issues, but are rather found in the perception that these procedures tend to be slow, bureaucratic and selective according to political ideals. ... Grounds to revoke legal personality contain some ambiguous criteria that can be subject to diverse interpretations and can make certain rights vulnerable. Some of these grounds include performing activities that are different or focusing on other areas that are not indicated in the bylaws. In addition, the revocation of legal personality can be filed by any public entity.”

[Bolivia – Civic Space Initiative, 2015]

- Requirement to register with the state

In a number of countries legislation requires all CSOs to register with the state, even informal community associations or indigenous communities that have existed for hundreds of years (Cambodia, Bolivia, Ecuador) (ICNL, NGO Law Monitor, 2014). Many countries continue to report cumbersome processes for registration, which are difficult for small voluntary organizations. CSOs operating outside legal registration may be subject to administrative “blackmail” by state officials (Gabon).

- Vague grounds for registration / dissolution of CSOs

In the case of Cambodia, “registration can be denied on the broad grounds of ‘endanger[ing]’ the security, stability and public order or jeopardize the national security, national unity, cultures, tradition, and custom of the Cambodian national society.” [ICNL, NGO Law Monitor, 2015] Regulations governing when a CSO can be legally dissolved by the state can also often be vague and subject to political manipulation by government. Where power is vested in government bureaus, they can revoke permits to operation without opportunity for CSOs to appeal (Uganda, Bangladesh).

- Intimidation using the legal/regulatory system

In the case of Kenya, the regulatory body launches public accusations about failure to be accountable for funds. Or in another instance the Inspector General of the Policy created a list of organizations suspected of providing support to Muslim terrorists with the consequence of immediate freezing of bank accounts and activities, only to have the courts reject these accusations and lift restrictions months later. [Human Rights Watch 2016]

Honduras – Heavy burden of administrative procedures

“While some positive changes have taken place, much still needs to be done to improve the legal environment for CSOs. There are in place administrative rules and procedures that require CSOs to purchase operating permits even for humanitarian aid, the sale of any service, and the defense of rights. There are also excessive document requirements that are hampering CSO access to tax and custom exemptions. This has caused the voluntary (or, in most cases, forced) closure of a number of CSOs that could not obtain the operating permits or the documentation requested.”

[Honduras – ICNL 2016]

- Lengthy and burdensome procedures

In Angola for example application to register can take months and even years, as CSOs are required to obtain permissions from various ministries at several levels of operation. (ICNL, NGO Law Monitor, 2015) In the case of Cameroon, four different laws govern CSOs, creating divisions within the sector – one for community-based organizations, one for associations, one for NGOs, and another for trade unions (CPDE, Global Synthesis 2015).

- High transaction costs

Registration and compliance with national regulations can be complex and costly, sometime requiring legal and accounting assistance, which is often beyond the means of small CSOs and informal citizens’ groups (e.g. DRC). At the same time in some countries compliance is a legal necessity for the right to exist as an organization. While registration may be simple, reporting rules are sometimes not proportionate to the size of CSOs and have strict rules on timing (Armenia – Black Sea NGO Forum, 2015).

Sudan – Closure of CSOs

“The current degradation and contraction of civil society space in Sudan is unprecedented. Civil society organisations (CSOs) are being routinely closed and leaders are increasingly being subjected to harassment and detention by security forces. ... Over the last twelve months relations between civil society and the Sudanese Government have categorically worsened. This is most aptly reflected in the increasing number of closures of CSOs, the arrest and harassment of civil society leaders, and by the remarks and negative portrayal of NGOs in the media by leading members of the ruling National Congress Party.”

[Sudan – CIVICUS, Civil Society Watch Bulletin, 2015]

- **New restrictions on International NGOs**

In a number of countries, most recently Pakistan, the government has imposed restrictions through required memoranda of understanding to operate in the country. For Pakistan, INGOs are required to report every six months, limit administrative costs to 30%, limit international staff to 10% and obtain approval from provincial and local authorities before implementing projects.

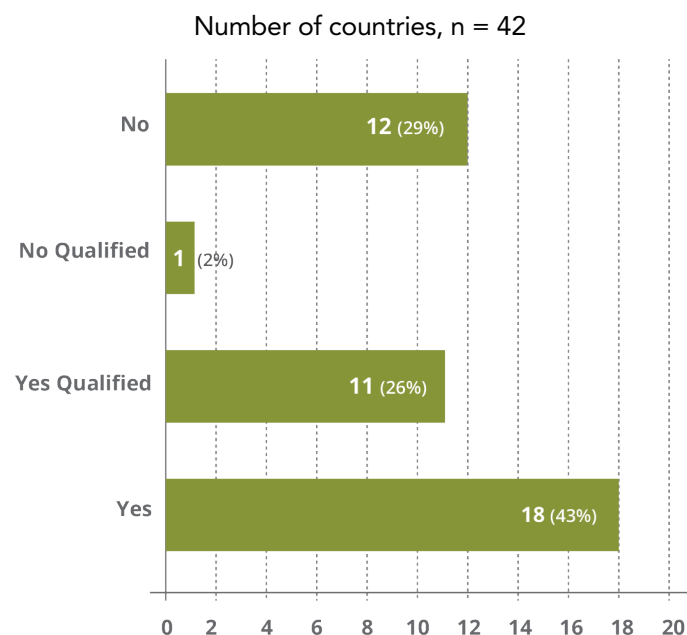
Vietnam – Creating new opportunities for CSOs

“Post-reform Vietnam saw the introduction of innovative policies that have created opportunities for more of these organisations to thrive. Charity organisations and local and international community organisations have blossomed in response to emerging social issues. ... With supportive policies on the part of the Vietnamese Government, assistance from domestic and international donors, and the growth of CSO networks, Vietnamese CSOs will have more opportunities to operate efficiently and effectively. This has brought about considerable impacts on Vietnam’s development, especially for rural communities or ethnic minorities.”

[Vietnam – CPDE Global Synthesis Report 2015]

Module Four

Question 15: Does the legal and regulatory environment facilitate access to resources for CSOs?



Assessment Criteria

No	Legal and regulatory restrictions on access to resource.
No Qualified	Restrictive law in process of enactment
Yes Qualified	No legal restrictions, but significant non-legal issues in accessing resources
Yes	Legal environment facilitates access to resources

See Annex Three for a list of countries assessed.

Assessment Analysis

Restrictions on access to resources, and particularly foreign funding, have become a growing and crucial issue contributing to a profoundly disabling environment for CSOs around the world.

Among the 42 sample countries involved in the GPEDC monitoring, the evidence identified close to one-third (31%) of these countries in which the legal and regulatory environment did not facilitate access to resources for CSOs, but rather placed significant restrictions on access to funding. Evidence for an additional 26% of the

countries found no legal restrictions on access to resources, but drew attention to other important non-legal issues seriously affecting CSOs' access to the resources required to fulfil their mandate as independent development actors.

MainaKiai: UN Special Rapporteur and restrictions on foreign funding

"The ability to seek, secure and use resources is essential to the existence and effective operations of any association, no matter how small. ... In recent years, civil society actors have been facing increased control and undue restrictions in relation to funding they received, or allegedly received. ... Despite ... clear legal obligations that not only call upon States to avoid placing restrictions, but also to facilitate access to funding, civil society actors are in too many instances subject to regulations put in place to control, rather than enable access to funding. ... The Special Rapporteur wishes to highlight that there is an inherent contradiction in States restricting funding to associations, while at the same time receiving increased funding through international cooperation. He believes that instead of aiming to limit the participation of civil society actors, aid effectiveness rather aims to provide all relevant stakeholders, including associations, with greater influence to contribute to, inter alia, poverty reduction, strengthening of democratic reforms and human rights promotion."

[Kaiia, 2013]

These findings are consistent with in-depth studies by independent analysts. Rutzen found that at least one-third of the 96 restrictive initiatives documented by ICNL since 2012 constrained international funding of CSOs (Rutzen, 2015, 8). A recent study suggests that 39 of 153 developing countries (26%) have adopted measures to restrict foreign funding of domestic organizations in the last two decades (Dupuy et. al. 1-2). Thomas Carothers, from the Carnegie Endowment, calls attention to "the mushrooming trend of governments blocking external actors from aiding civil society within their

territories," and this trend has only intensified since 2014 (Carothers, 2015).

Carothers notes that legislation to restrict access to foreign resources in Russia, China, and more recently India, has served as a model. These major powers provide the various rationales, which are now being picked up by numerous other countries in all regions in following their lead (Carothers, 2015, 2). Such actions are borne of fear of political unrest, an increasingly vibrant civil society drawing together activist citizens, and nationalist "anti-Western" outlooks on the part of many of these governments. Among the 13 countries restricting access in the GPEDC sample, 4 are in Asia, 5 in Africa, 3 in Eurasia and Europe, and 1 in North Africa.

The International Center for Not-for-Profit Law has identified ten areas that have been implemented inter alia by governments restricting access to foreign funding, or more broadly cross-border philanthropy (Rutzen, 2015, 9 – 20):

1. Requiring prior government approval to receive international funding;
2. Enacting "foreign agents" legislation to stigmatize foreign funded CSOs;
3. Capping the amount of international funding that a CSO is allowed to receive;
4. Requiring that international funding be routed through government-controlled entities;
5. Restricting activities that can be undertaken with international funding;
6. Prohibiting CSOs from receiving international funding from specific donors;
7. Constraining international funding through the overly broad application of counterterrorism and anti-money laundering measures;
8. Taxing the receipt of international funding, including cross-border philanthropy;
9. Imposing onerous reporting requirements on the receipt of international funding; and
10. Using defamation laws, treason laws, and other laws to bring criminal charges against recipients of international funding.

Some country examples arise from the CPDE evidence collected for this question:

- In Bangladesh, a CSO seeking to receive or use foreign donations must obtain approval, known as FD Registration, from the NGO Affairs Bureau. The Foreign Donations (Voluntary Activities) Regulation Act (FDRA) remains before the Parliament. The Cabinet of Ministers approved the draft Act in June 2014 and includes provision to penalize NGOs if the Director General of the NGO Affairs Bureau believes that NGOs are engaged in activities that are “illegal or harmful for the country”. (ICNL, NGO Law Monitor, 2015)
- In Belarus, there are serious legal restrictions for receiving foreign funding for CSOs. In order to use foreign support, CSOs have to register foreign funds and technical aid in the Council of Ministers or the Presidential Humanitarian Activity Department, which can be denied if the envisioned activities do not match the country priorities. The violation of these rules leads to criminal responsibility since 2011. (Black Sea NGO Forum, 2016)
- In Bolivia, there are no legal restrictions on foreign sourced funding, but CSOs are required to register all donations received from multilateral organizations, cooperation agencies, and NGOs. (ICNL, NGO Law Monitor, 2015)
- In Nepal CSOs seeking external funding must register with the Social Welfare Council. Foreign CSOs are not allowed to partner with Nepali CSOs if these CSOs are not registered with the Nepal Social Welfare Council. Furthermore, CSOs must receive prior permission to receive funding from outside the country on a case-by-case basis. The review process is lengthy because each funder for a particular project needs to be vetted. [ICNL, NGO Law Monitor, 2016]
- In Pakistan, INGOs must register and obtain government permission to access foreign resources, and the government can cancel INGOs’ registration and permission to operate based on broad and inappropriate grounds. [ICNL, NGO Law Monitor, 2016]
- Recent policies in Sudan require CSOs to secure Ministry approval for projects and individual activities before a CSO obtains funding from foreign sources. Only projects aimed at humanitarian services will be approved; advocacy activities are not allowed.

Burkina Faso – Informal constraints on funding

“Currently there are no legal restrictions on accessing funding. [But] a few unofficial barriers affect the access of CSOs to various funding sources. Being unofficial, it is difficult to unveil them, and in order to do so, it is necessary to refer to the experiences of CSO leaders. According to them, there exists pressure from certain individuals within the political regime on donors, to prevent funding of certain CSOs that are not in the regime’s good books. These pressures are used to intimidate or discourage donors wanting to support CSOs due to their activities.”

[Burkina Faso – CIVICUS, Enabling Environment National Assessment, 2014]

Ethiopia – Impact of funding restrictions

“The restrictions on NGO resources may force the closures of many organizations, especially Human Rights organizations. [Restrictions apply for any activities promoting human rights or equality of nationalities, among other areas.] This is of particular concern in Ethiopia where local sources of financing are very limited and NGOs are thus dependent on foreign funding. Alternatively, NGOs may abandon disfavoured missions or activities if they cannot raise funds locally to sustain them. ... Charities and societies seeking to pursue these purposes cannot receive foreign funding that amounts to more than 10% of their overall income.”

[Ethiopia – ICNL 2015]

Honduras – CSO sustainability and declining resources

“Sustainability is a major issue for Honduran CSOs. Their survival depends to a large extent on foreign funding that is steadily decreasing; the scarcity of available funds is a problem for the entire sector. As a result, CSOs have been forced to seek other avenues of support. That said there are no significant legal barriers to resources.”

[Honduras – ICNL 2016]

Supporting and Protecting Civic Space

In late 2014 governments and civil society active in the [Community of Democracies' Working Group on Enabling and Protecting Civil Society](#), working with the [Special Rapporteur on the Rights to Peaceful Assembly and Association](#), launched an important set of principles and approach to ["Protecting civic space and the right to access resources."](#)

As part of its commitment to protect civic space globally, the Community of Democracies Working Group organized a series of regional cross-sectoral dialogue with governments based on three principles:

Principle 1: The ability to seek, receive and use resources is inherent to the right to freedom of association and essential to the existence and effective operations of any association.

Principle 2: States must allow associations to seek, receive, and use foreign funding as part of their obligation under international human rights law to mobilize resources available within the society as a whole and from the international community.

Principle 3: The CSO and the corporate sectors should be governed by an equitable set of rules and regulations (sectoral equity).

Providers of development assistance have been responding to this closing cross-boarder philanthropic space in a variety of ways, which should be expanded and further elaborated (Carothers, 2015; Rutzen, 2015, 42-44; Funders' Initiative for Civil Society, 2016):

- Increased research and sharing of information and approaches in financing civil society in difficult country circumstances;
- Monitoring the implementation of international norms through the GPEDC, the Community of Democracies and other country or regional specific initiatives;
- Research, analysis and public commentary on the impact of measures for philanthropic protectionism.

- Increasing joint emergency funds for quick action protection of civil society and human rights defenders in hostile environments;
- Working with the Financial Action Task Force to counter some of the impacts of counter-terrorism legislation (Guinane, 2015);
- Diplomatic initiatives across governments, civil society, private philanthropy, and international organizations related to particular country contexts; and
- Promotion of a counter-narrative on civil society's values and the link between an enabling environment for CSOs and effective contributions to achieving the Sustainable Development Goals.

Module Four

Question 16: Does the legal and regulatory environment marginalise certain groups?

Assessment Analysis

The true test of an enabling environment for CSOs, consistent with international rights, is whether the rights of those CSOs working in more politically sensitive areas are fully respected and protected. In most countries, the service provision and humanitarian assistance roles of CSOs are widely accepted and even promoted by other stakeholders. However, significant barriers often exist for those that represent the views of marginalized and vulnerable populations as well as for select groups with mandates to critique government policy and/or advocate for policy change. (CPDE, 2013)

Among the 34 countries reviewed in the database in this study almost all presented evidence of a disabling environment that marginalized many groups in society. However, marginalization was not necessarily the consequence of particular laws and regulations, but was often systemic and highly political in its manifestations. Accordingly, it is "the political environment that marginalizes many groups to the extent that criticism of government action is not accepted by the powers that be." [Gabon CSO Focal Point]

Kenya – Systemic marginalization

“Marginalised groups are recognized in the policy-making process as well as program implementation through affirmative actions. However these measures are not deliberate in the policy design and monitoring. Marginalised groups also have challenges in accessing and actively participation in policy forum, this is largely through lack of facilitation, language barrier and legal barriers. ... There is some evidence that organizations predominantly working on the rights of Muslims being marginalized in practice. Indigenous peoples’ organizations and land rights groups have also had challenges in some cases with registration and operations ... similarly those that work on sexual minority rights.”

[Kenya – CSO Focal Point]

Human rights defenders

Human rights defenders, and particularly women human rights defenders, are acknowledged to be particularly vulnerable to attacks and political marginalization across a wide spectrum of countries. Among the sample countries in this study, evidence of widespread and explicit attacks and harassment of human rights defenders was prominent in at least 14 of the 34 countries (Colombia, DRC, Egypt, Gabon, Honduras, Laos, Madagascar, Mauritania, Niger, Peru, Pakistan, South Sudan, Sudan, Vietnam). In the eight months between December 2014 and July 2015, the UN Special Rapporteur on the situation of human rights defenders issued 137 communications, 74 urgent appeals and 63 letters containing allegations about particular circumstances for human rights defenders (UN General Assembly, 30th July 2015, A/70/217).

Women Human Rights Defenders

“Yet, the experiences of women human rights defenders often go unnoticed, partly because of

the very systems of inequity we are challenging. Around the world, there are efforts by those with political, religious, military, familial or community authority not only to stop our work. ... Women human rights defenders are engaged in strategic and creative political and social struggle. As defenders, we face bodily harm and physical threats, social condemnation and legal restrictions on our organizing. Yet, our histories and the specificity of our lives and activism are often made invisible, even by allies in the social movements that actually do share accounts of political resistance.” [Gendering Documentation: A Manual For and About Women Human Rights Defenders, A publication of the Women Human Rights Defenders International Coalition]

Colombia provides an important reminder of the potential roles of CSOs as defenders of human rights at this crucial moment in the country's history in building a sustainable peace process. In this context, it is essential to strengthen the voices of voices of marginalised groups, particularly women, peasant farmers, Indigenous Peoples and Afro-Colombians, as these groups have been most affected by the conflict. (ABColumbia, 2015)

Colombia remains still one of the most dangerous countries for human rights defenders, representatives of marginalized groups and trade unionists. This ABColumbia study sets out a number of specific recommendations for the peace process to enact legal, judicial and policy reforms that create enabling spaces for CSOs to participate in the development of public policies and to enhance their roles in addressing the social, political and economic inequalities that underlie more than 40 years of conflict. (ABColumbia, 2015, 5-6)

Environmentalists

Among the most ‘at-risk’ organizations are environmental organizations and activists. According to Maina Kiai, Special Rapporteur on the rights to freedom of peaceful assembly and association, these activists “face considerable opposition, harassment, stigmatization and even

physical attack from State and non-State actors in many countries.” [Special Rapporteur Report on Groups most at Risk, ICNL, 2016] These issues are often closely linked to rights of indigenous peoples and their communities facing impacts of energy and extractive resource developments – consider the recent murder of Berta Caceres and other members of her organization in Honduras. According to Global Witness there were 116 killings of environmentalists worldwide in 2014, with 101 deaths in Honduras between 2010 and 2014: “The targeted victims are those that challenge power and control structures, disclose corruption and injustice, and refuse to be dragged into the industry’s voluntary initiatives but instead seek to uncover and prevent their political influence.” [Unmubig, 2015]

DRC – Attacks on environmentalists

“Civic space was under threat on several fronts, including in North Kivu province where attacks against human rights defenders continued while in Virunga national park rangers, environmental and anti-corruption activists were attacked for protesting against oil exploration. Several anti-government protests were quelled by using excessive force. The Democratic Republic of Congo (DRC) is experiencing brutal suppression of dissent and fundamental freedoms linked to presidential elections next year.”

[CIVICUS, Civil Society Watch Report 2015]

Sexual Minorities

Many of the countries studied for this documentation of evidence reported attacks, harassment, and continued criminalization for lesbians, gays, bisexuals, transgender and intersex people (LGBTIs) –for example, in Fiji, Kenya, Kyrgyz Republic, Malawi, Myanmar, Nigeria, PNG, Senegal, Togo, and Zambia.

Trade Unionists

According to the 2015 ITUC Global Rights Index, there were 63 countries where there was systematic violation of trade union rights (27), no guarantee of rights (27) or no guarantee of rights due to the breakdown of the rule of law (9). An additional 36 countries had “regular violation of rights.” Unionists were murdered in 11 countries, including 22 deaths in Colombia alone. In 44 countries out of a total of 141, workers faced arbitrary arrest and detention for exercising basic rights to organization, assembly and expression. (ITUC, 2015)

An enabling environment for inclusive economic development

“Workers have faced brutal violence, even murder, with impunity in several parts of the world, including in countries such as Guatemala, Bangladesh, Peru, Philippines and Colombia, just for standing up to their employers. Police crushed marches and demonstrations where workers demanded minimum wages and jobs security. Governments pursued criminal prosecution for peaceful and legitimate activities ... Workers in 73 out of 141 have faced some form discrimination such as dismissals and suspension or pay cuts and demotions for peacefully exercising their collective labour rights guaranteed by international law. In about 77% of these countries, workers who have faced discrimination did not have access to effective legal remedies due to legal restrictions or problems in practice. ”

(ITUC, 2015)

Annex One

Global Documents Reviewed

A. Compiled Evidence for Indicator Two

(Abbreviations used in detailed evidence)

1. Amnesty International, [Amnesty International Report 2015/16: The State of the World's Human Rights](#), 2016. (Abbreviation – Amnesty)
2. Black Sea NGO Forum, [Enabling Environment for Civil Society Development in the Black Sea Region: Towards a Regional Strategy for Cooperation](#), November 2015 (Abbreviation – BSNGO)
3. CIVICUS, [Civil Society Watch Report](#), June 2015 (Abbreviation – CSWR)
4. CIVICUS, CSI-Rapid Assessment, [West Africa country reports](#) (Benin, Ghana, Liberia, Nigeria, Senegal, Sierra Leone) (Abbreviation – CWI)
5. CIVICUS, [Civil Society Watch Bulletin](#), various issues (Abbreviation – CSWB)
6. CIVICUS, [CIVICUS UPR submissions on restrictions on civil society space in Mozambique, Niger, Sierra Leone, Singapore and Somalia](#), June 2015. (Abbreviation – CSFR)
7. CIVICUS, [current media resources](#), (Abbreviation – CM)
8. CIVICUS, [Civic Participation and Activism in Armenia: A Civil Society Index – Rapid Assessment](#), February 2015. (Abbreviation – CB)
9. Civic Space Initiative, [Enabling Environment National Assessments](#), National Assessments of Bolivia, Cambodia, Burkina Faso, Mexico, Mozambique, Nigeria, Panama, Uganda, Reports 2014 – 2015, <http://www.civicus.org/index.php/en/eena-country>. (Abbreviation - CEE)
10. [Civil Society Dialogue for Progress](#), country research studies conducted by research institutes, funded by the European Commission, (Armenia, Azerbaijan, Belarus, Moldova) 2014-15. (Abbreviation – CSD)
11. CSO Platform for Development Effectiveness (CPDE), [Global Synthesis Report, 2015](#) (The State of Development Cooperation, CSO Enabling Environment and CSO Development Effectiveness) (23 countries) (Abbreviation – CSO GS Report 2015)
12. CSO Platform for Development Effectiveness (CPDE) and VANI, [CSO Accountability Documentation Project](#), IBON Centre, Philippines, 2014.
13. Cuesta Duarte Institute, 2015. "Social Dialogue in Uruguay and its Impact on Development and Social Inclusion," PIT.CNT, Case Study on the National Dialogue on Social Security in Uruguay, ITUC, 2015.
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16. International Center for Not for Profit Law (ICNL), [Environmental Advocacy: Challenges to Environmental Groups' Rights to Assemble, Associate and Express their Opinions](#), Global Trends in NGO Law, 2016. (Abbreviation – GT – 2016)
17. International Trade Union Confederation (ITUC), [Survey of Violations of Trade Union Rights](#), 2015 (Abbreviation – ITUC – CSI)
18. KEPA, 2015. ["Greatest need for transparency, sustainability and stronger ownership: Civil society's views on funding in Tanzania,"](#) KEPA Working Paper 43, 2015. (Abbreviation – KEPA Study)
19. Prince Asafu-Adjaye, 2015. "Developmental Relevance of Social Dialogue in Ghana," Case Study on Social Dialogue, ITUC, 2015. (Abbreviation – ITUC Case Study)
20. Reality of Aid Africa, 2015. [Busan Partnership: Challenges and Opportunities for Creating an Enabling Environment for CSOs in Africa](#). (Abbreviation – RAA)
21. Reality of Aid Africa, 2015. [Country Reports](#) on CSO enabling environment and development effectiveness (DRC, Rwanda) (Abbreviation – RAA)
22. USAID, [CSO Sustainability Index for Sub-Saharan Africa - 2014](#), USAID, 2015. (Abbreviation – USAID)

B. CPDE Country Focal Point Reports (21)

Albania	Gabon	Myanmar	Tajikistan
Cambodia	Kenya	Niger	Tanzania
Cameroon	Kosovo	Philippines	Togo
Central Africa Republic	Kyrgyzstan	PNG	Uganda
El Salvador	Mali	Samoa	
Fiji	Moldova		

C. Other Documents Consulted

1. ABColombia, 2015. [“Civil Society Voices: Agenda for Peace in Colombia,”](#) CAFOD, Christian Aid, Oxfam GB, SCAF, Trocaire.
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4. CIVICUS, 2015. [State of Civil Society Report,](#) 2015.
 - a. Campolina, A., and Philips, Ben, 2015. “Projectisation of Donor Funding: Implications for CSO Sustainability,” State of Civil Society Report, 2015.
 - b. Guinane, K., 2015. “The International Anti-Terrorist Financing System’s Negative Effect on Civil Society Resources,” State of Civil Society Report, 2015.
 - c. Coventry, C., and Moberly, C., 2015. “Multi-Donor Funds for Civil Society: Choices and Dilemmas,” State of Civil Society Report, 2015.
 - d. Kiai, M. 2015. “The Clamp-Down on Resourcing: Comparing Civil Society and Business,” State of Civil Society Report, 2015.
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8. Clarke, R., and Mehtta, Araddhya, 2015. [“5 trends that explain why civil society space is under assault around the world,”](#) Duncan Green Poverty and Power Blog, August 25, 2015.
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13. Esslemont, T., 2016. [“Syrians suffer as anti-terror laws squeeze charities – survey,”](#) Thomson Reuters Foundation, February 24, 2016.
14. EU-NGO Human Rights Forum, 2016. [“Promoting and Protecting Civil Society Space,”](#) Report, Brussels, December 3 – 4, 2015.
15. Freedom House, 2016. Freedom in the World Index, 2016, accessible at <https://freedomhouse.org/report/freedom-world/freedom-world-2016>.

16. Funders' Initiative for Civil Society, 2016. ["Challenging the Closing Space for Civil Society, A Practical Starting Point for Funders,"](#) May 2016.
17. ICNL, 2014. [Mapping Initiatives to Address Legal Constraints on Foreign Funding](#) (2014): Delivering on a commitment made at a 2013 UN General Assembly side event, ICNL prepared a briefing paper that: (1) provides an overview of existing responses, and (2) presents concrete recommendations to private donors on how they can effectively create a more enabling environment for cross-border philanthropy and international assistance.
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Annex Two

Countries Indicating Participation in Round Two Monitoring (86)

Afghanistan	Guinea (Republic of)	Peru
Albania	Guinea Bissau	Philippines
Angola	Honduras	Rwanda
Armenia	Kenya	Saint Vincent and the Grenadines
Bangladesh	Kiribati	Samoa
Belarus	Kosovo	São Tomé & Príncipe
Benin	Kyrgyz Republic	Senegal
Bhutan	Lao	Sierra Leone
Bolivia	Liberia	Solomon Islands
Burkina Faso	Madagascar	Somalia
Burundi	Malawi	South Sudan
Cambodia	Mali	Sudan
Cameroon	Marshall Islands	Tajikistan
Central African Republic	Mauritania	Tanzania
Chad	Mexico	Timor Leste
Colombia	Micronesia	Togo
Comoros	Moldova	Tonga
Cook Islands	Mongolia	Tuvalu
Costa Rica	Mozambique	Uganda
Côte D'Ivoire	Myanmar	Uruguay
Dominican Republic	Nauru	Uzbekistan*
DRC	Nepal	Vanuatu
Egypt	Niger (Republic of)	Viet Nam
El Salvador	Nigeria	Yemen
Ethiopia	Niue	Zambia
Fiji	Pakistan	Zimbabwe*
Gabon	Palau	
Gambia	Panama	
Ghana	Papua New Guinea	
Guatemala	Paraguay	

* *To be confirmed*

Annex Three

Assessed Countries for Each Question

Assessments were based on available information in the sources consulted, included reports from the CSO country focal points for Round Two Monitoring. See the list of documents and databases consulted in Annex Two. Assessment criteria were developed for each of the questions by the author based on a review of the evidence and the underlying questions for each module.

Module One: Question 1 – Consulting CSOs Assessed Countries (43)

Angola	Kosovo	Philippines
Albania	Kyrgyz Republic	PNG
Belarus	Liberia	Rwanda
Burkina Faso	Mali	Samoa
Burundi	Mexico	Senegal
Cambodia	Moldova	Sierra Leone
Cameroon	Mongolia	Sudan
El Salvador	Mozambique	Tajikistan
Fiji	Myanmar	Tanzania
Gabon	Niger	Tunisia
Gambia	Nigeria	Uganda
Ghana	Panama	Vietnam
Guatemala	Paraguay	Zambia
Kenya	Peru	Zimbabwe

Module One:

Question 2 – Access to Information Assessed Countries (43)

Albania	Ghana	Panama
Armenia	Guatemala	Paraguay
Belarus	Honduras	Peru
Bolivia	Kenya	Philippines
Burkina Faso	Kosovo	PNG
Burundi	Kyrgyz Republic	Rwanda
Cambodia	Liberia	Samoa
Cameroon	Mali	Sierra Leone
Colombia	Moldova	Tajikistan
Cote d'Ivoire	Mongolia	Tanzania
El Salvador	Mozambique	Uganda
Ethiopia	Myanmar	Vietnam
Fiji	Niger	Zambia
Gabon	Nigeria	Zimbabwe

Module One

Question 3: Capacity development for multi-stakeholder dialogue

Assessed Countries (15)

Cambodia	Moldova	El Salvador
Fiji	Mongolia	Kenya
Gabon	Philippines	Mali
Kosovo	PNG	Myanmar
Kyrgyz Republic	Samoa	Niger

Module Two

Question 4: CSO managed accountability and transparency mechanisms

Assessed Countries (17)

Cambodia	Kosovo	PNG
Cameroon	Kyrgyz Republic	Samoa
El Salvador	Mali	Tajikistan
Fiji	Myanmar	Uganda
Gabon	Niger	Vietnam
Kenya	Philippines	

Module Two

Question 5: CSO coordination mechanisms for policy dialogue

Assessed Countries (18)

Albania	Kenya	Philippines
Cambodia	Kosovo	PNG
Cameroon	Kyrgyz Republic	Samoa
El Salvador	Mali	Tajikistan
Fiji	Myanmar	Uganda
Gabon	Niger	Vietnam

Module Two

Question 6: CSO coordination mechanisms for programming

Assessed Countries (18)

Cambodia	Kosovo	Philippines
Cameroon	Kyrgyz Republic	PNG
El Salvador	Mali	Samoa
Fiji	Mongolia	Tajikistan
Gabon	Myanmar	Uganda
Kenya	Niger	Vietnam

Module Two

Question 7: CSO initiatives implementing the Istanbul Principles

Assessed Countries (16)

Cambodia	Kosovo	Philippines
Cameroon	Kyrgyz Republic	PNG
El Salvador	Mali	Samoa
Fiji	Myanmar	Uganda
Gabon	Niger	
Kenya	Paraguay	

Module Two

Question 8: Do CSOs report to government on finance, sectors of support and main geographic areas?

Assessed Countries (15)

Albania	Kenya	Niger
Cambodia	Kosovo	Philippines
El Salvador	Kyrgyz Republic	PNG
Fiji	Mali	Samoa
Gabon	Myanmar	Tajikistan

Module Three

Question 9: Aid providers consult with CSOs

Assessed Countries (17)

Armenia	Fiji	Moldova
Belarus	Gabon	Myanmar
Burundi	Kenya	Niger
Cambodia	Kosovo	Philippines
Cameroon	Kyrgyz Republic	Samoa
El Salvador	Mali	

Module Three

Question 10 - Provider enabling conditions for CSOs

Assessed Countries (24)

Angola	Gabon	Myanmar
Armenia	Ghana	Nepal
Burkina Faso	Guatemala	Niger
Burundi	Kenya	Paraguay
Cambodia	Kosovo	Philippines
Cameroon	Kyrgyz Republic	Rwanda
El Salvador	Mali	Sierra Leone
Fiji	Moldova	Tanzania

Module Three

Question 11: Providers promote CSO enabling environment with partner countries

Assessed Countries (14)

Cambodia	Kenya	Myanmar
Cameroon	Kosovo	Niger
El Salvador	Kyrgyz Republic	Philippines
Fiji	Mali	Samoa
Gabon	Moldova	

Module Three:

Question 12: Do providers share information on CSOs with partner countries?

Assessed Countries (12)

Cambodia	Kenya	Myanmar
Cameroon	Kosovo	Niger
Fiji	Mali	Philippines
Gabon	Moldova	Samoa

Module Four

Question 13: Is there a recognition of and respect for CSO freedom

(association, assembly and expression)

Assessed Countries (44)

Albania	Honduras	Peru
Bangladesh	Kenya	Philippines
Belarus	Kosovo	PNG
Bolivia	Kyrgyz Republic	Rwanda
Burkina Faso	Malawi	South Sudan
Burundi	Mali	Sudan
Cambodia	Mexico	Tajikistan
Cameroon	Moldova	Tanzania
Colombia	Mozambique	Togo
Egypt	Myanmar	Uganda
El Salvador	Nepal	Vietnam
Ethiopia	Niger	Zambia
Gabon	Nigeria	Zimbabwe
Ghana	Panama	
Guatemala	Paraguay	

Module Four

Question 14: An enabling environment for registration and operations of CSOs

Assessed countries (58)

Afghanistan	Ghana	Paraguay
Albania	Guatemala	Peru
Angola	Guinea	Philippines
Armenia	Honduras	PNG
Bangladesh	Kenya	Rwanda
Belarus	Kosovo	Samoa
Bolivia	Kyrgyz Republic	Senegal
Burkina Faso	Laos	Sierra Leone
Burundi	Liberia	South Sudan
Cambodia	Malawi	Sudan
Cameroon	Mali	Tajikistan
Chad	Mauritania	Tanzania
Colombia	Moldova	Togo
DRC	Mozambique	Uganda
Egypt	Myanmar	Uzbekistan
El Salvador	Nepal	Vietnam
Ethiopia	Niger	Zambia
Fiji	Nigeria	Zimbabwe
Gabon	Pakistan	
Gambia	Panama	

Module Four

Question 15: Legal restrictions on access to resources

Countries Assessed (42)

Albania	Ethiopia	Pakistan
Angola	Fiji	Panama
Armenia	Gabon	Peru
Bangladesh	Ghana	Philippines
Belarus	Honduras	PNG
Bolivia	Kenya	Rwanda
Burkina Faso	Kosovo	Senegal
Burundi	Kyrgyz Republic	Sierra Leone
Cambodia	Mali	South Sudan
Cameroon	Moldova	Sudan
Colombia	Mozambique	Tajikistan
DRC	Myanmar	Uganda
Egypt	Nepal	Uzbekistan
El Salvador	Niger	Zimbabwe

Annex Four

Indicator Two Monitoring Framework

Module One: Space for multi-stakeholder dialogue on national development policies

- Q1. Are CSOs consulted by the government in the design, implementation and monitoring of national development policies?
- Q2. Do CSOs have the right to access government information?
- Q3. Are there resources and/or training opportunities for addressing capacity building of all stakeholders (including government, CSOs and co-operation providers) to engage meaningfully in multi-stakeholder dialogue?

Module Two: CSO development effectiveness: Accountability and transparency

While the reference for Module Two are the eight principles found in the Istanbul Principles for CSO Development Effectiveness, the focus of this module is on CSO accountability and transparency mechanisms.

- Q4. In practice, are there CSO-managed processes in place to address transparency and multiple accountabilities in CSO operations?
- Q5. Do CSO-initiated coordination processes exist to facilitate consolidated and inclusive CSO representation in policy dialogue (e.g. umbrella organisation, CSO network, consultation practices)?
- Q6. Do mechanisms exist to facilitate coordination on programming among CSOs (collaboration to optimise impact and avoid duplication), and with other development actors?
- Q7. Are there other significant initiatives related to CSO development effectiveness principles [Istanbul Principles and the International Framework for CSO Development Effectiveness] being implemented at the country level?

- Q8. Do CSOs report annually to government on the basic finances, sectors of support, and main geographic areas of involvement in development?

Module Three: Official development cooperation with CSOs

The JST has suggested that the DAC's 12 Lessons for Partnering with Civil Society provides a useful guidance for good practice in addressing the questions in this module.

- Q9. Do providers of development co-operation consult with CSOs on their development policy/programming in a systematic way?
- Q10. Are providers promoting a CSO enabling environment in their co-operation with civil society? [over-arching policy; mix of appropriate funding mechanisms; funding reliable, transparent and easy to access; minimize transaction costs; standard strategic reporting]
- Q11. Is the promotion of a CSO enabling environment an agenda item in providers' policy dialogue with partner governments?
- Q12. Do providers share information on their CSO support with the government?

Module Four: Legal and regulatory environment

- Q13. Is there a recognition of and respect for CSO freedom (association, assembly and expression), in the Constitution and more broadly in policy, law and regulation?
- Q14. Is the legal and regulatory environment enabling for CSO formation, registration and operation?
- Q15. Does the legal and regulatory environment facilitate access to resources for CSOs?
- Q16. Does the legal and regulatory environment marginalise certain groups?