

## **CIVIL SOCIETY AND THE RIGHT TO ACCESS RESOURCES**

THE CRACKDOWN ON THE RIGHT OF CIVIL SOCIETY ORGANIZATIONS (CSOS) TO ACCESS RESOURCES, BOTH DOMESTIC AND FOREIGN, HAS REACHED ALL CORNERS OF THE WORLD AND MANIFESTED IN VARIOUS FORMS. CSOS NEED TO BE AWARE OF THEIR RIGHT TO RESOURCES AND HOW TO RESPOND IN THE FACE OF GOVERNMENT RESTRICTIONS.

### **RESTRICTIONS TO ACCESS**

THERE ARE MANY BARRIERS THAT ARE BLOCKING CIVIL SOCIETY ORGANIZATIONS' ACCESS TO MUCH-NEEDED FINANCIAL RESOURCES.

#### **BARRIER: PROHIBITIONS AGAINST FUNDING**

Example: **Venezuelan** laws target NGOs dedicated to the “defense of political rights” and preclude these organizations from possessing assets, or receiving any income, from foreign sources.

#### **BARRIER: ADVANCE GOVERNMENT APPROVAL**

Example: In **Egypt**, civil society groups require advanced government approval from the Ministry of Social Solidarity to receive foreign funding. The Ministry penalizes anyone who accepts foreign funds to conduct activities deemed harmful to Egypt’s national interests and security.

#### **BARRIER: BURDENSOME PROCEDURAL REQUIREMENTS**

Example: In **Indonesia**, social organizations that seek to receive or provide donations to or from foreign entities are required to engage in a detailed approval and reporting process.

#### **BARRIER: ROUTING FUNDING THROUGH THE GOVERNMENT**

Example: In **Uzbekistan**, laws require organizations to notify the government about planned trips of CSO representatives to foreign countries; require organizations to obtain approval for the receipt of all funds and assets from foreign states, organizations, and citizens; and require foreign funding to be channeled through one of two government-controlled banks.

#### **BARRIER: RESTRICTED PURPOSES AND ACTIVITIES**

Example: In **Ethiopia**, income from foreign sources may amount to no more than 10% of the total organizational income.

#### **BARRIER: “FOREIGN AGENTS” CATEGORIZATION**

Example: **Russian** law states that CSOs receiving foreign funding must be labeled as foreign agents.

## **THE RIGHT TO ACCESS RESOURCES**

### **WHAT IS THE RIGHT TO ACCESS RESOURCES?**

Civil Society Organizations (CSOs) have the right to seek and secure funding from legal sources, including:

- Individuals
- Businesses
- Civil society
- International organizations
- Intergovernmental organizations
- Local, national and foreign governments

### **WHAT IS THE DEFINITION OF RESOURCES?**

Resources for CSOs can include:

- Financial resources (grants, donations, personal funds)
- In-kind donations (goods, services, properties)
- Materials (office supplies, IT equipment)
- Human resources (staff)
- Access to international assistances (solidarity)
- Opportunities (training, advocacy meetings, partnership building)

## **WHY IS THE RIGHT TO ACCESS IMPORTANT?**

ACCESSING FUNDING AND OTHER RESOURCES FROM DOMESTIC, FOREIGN AND INTERNATIONAL SOURCES IS AN INTEGRAL PART OF EXERCISING THE RIGHT TO FREEDOM OF ASSOCIATION.

With resources, civil society organizations can:

- Facilitate public meetings
- Organize advocacy campaigns
- Coordinate workshops and conferences
- Run programs in communities
- Conduct research

Access to resources is integral to freedom of association. Indeed, the right to access resources is a self-standing right.

## **HOW TO RESPOND**

### **ADVOCACY STRATEGY 1: INTERNATIONAL LAW**

WITH INTERNATIONAL LAW, YOU CAN RESPOND TO AND CHALLENGE RESTRICTIONS. **THE HUMAN RIGHTS COUNCIL**, THE UN BODY CHARGED WITH AUTHORITATIVE INTERPRETATION OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR), HAS PUBLISHED THE FOLLOWING COMMUNICATIONS IN DEFENSE OF ACCESS TO RESOURCES:

- **Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, Art. 6:** Explicitly refers to the freedom to access funding, stating that the right to freedom of thought, conscience, religion or belief shall include, inter alia, the freedom “to solicit and receive voluntary financial and other contributions from individuals and institutions.” **(25 November 1981)**
- **Communication No. 1274/2004:** States that access to resources “relates not only to the right to form an association, but also guarantees the right of such an association freely to carry out its statutory activities,” which includes fundraising activities. **(October-November 2006)**
- **Resolution 22/6 on Protecting Human Rights Defenders:** States shall ensure that reporting requirements for civil society “do not inhibit functional autonomy [of associations]” and “do not discriminatorily impose restrictions on potential sources of funding.” **(12 April 2013)**
- **Report of the Special Rapporteur, para. 20:** The ability of CSOs to access funding and other resources from domestic, foreign and international sources is an integral part of the **right to freedom of association (A/HRC/23/39, para 20)**. This is because of the central importance of resources in effectively exercising freedom of association. **(24 April 2013)**
- **Resolution 27/31 on Civil Society Space:** Calls upon States to ensure that they do not hinder the work of civil society, and “underlines the importance of the ability to solicit, receive and utilize resources for their work.” **(3 October 2014)**

**TAKE ACTION:** To pursue an advocacy strategy using international law, consider engaging human rights mechanisms like the Human Rights Council and the Universal Periodic Review.

### **ADVOCACY STRATEGY 2: CIVIL SOCIETY & BUSINESS PARTNERSHIP**

CIVIL SOCIETY ORGANIZATIONS (CSOS) SHOULD CONSIDER CAMPAIGNS IN PARTNERSHIP WITH BUSINESS TO ADVOCATE FOR FAIRER TREATMENT BETWEEN THE SECTORS. THE REPORT AND FACTSHEET BY THE UN SPECIAL RAPPORTEUR ON THE RIGHTS TO FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION SAYS:

- **Despite the neutrality of most laws on assemblies, public and private gatherings by CSOs are more likely to be restricted in practice than those held by businesses.**
  - Example: In **Cambodia**, attendees of the 2012 ASEAN Peoples' Forum reported being turned away from hotels *en masse* after State security agents pressured owners. No similar problems were reported for the country's International Investment Conference in 2014.
- **Foreign funding or investment are sharply divergent for business and civil society: undue restrictions on civil society's right to access funding have grown exponentially in the past decade, while restrictions on foreign business investment are loosened.**
  - Example: Since 2009, **Ethiopia** has prohibited certain domestic NGOs from receiving more than 10 percent of their funding from foreign sources. Meanwhile, over the same time period, the country has seen a 1500% increase in commercial foreign direct investment.

**TAKE ACTION:** A vibrant and stable civil society, which is the backbone of a strong democracy, is better for business. Leveraging each sector's efforts, both individually and collectively, could result in positive change. Learn more about the correlation between rule of law and a good business environment, in Freedom House's ["Democracy is Good for Business" report](#).

### **ADVOCACY STRATEGY 3: BRINGING CIVIL SOCIETY TOGETHER**

ACROSS THE WORLD, THE CRACKDOWN ON THE RIGHT TO ACCESS RESOURCES IS NOT JUST AFFECTING DEMOCRACY, HUMAN RIGHTS, AND GOVERNANCE GROUPS. IT IS ALSO AFFECTING HUMANITARIAN GROUPS THAT MERELY SEEK TO ADDRESS BASIC NEEDS, SUCH AS POVERTY, EDUCATION, AND HEALTHCARE. HUMANITARIAN ORGANIZATIONS HAVE FACED RESTRICTIONS SIMILAR TO CIVIL SOCIETY THROUGH:

- **Threats of criminal charges or extrajudicial violence against staff of local organizations.**
  - Example: **Egypt's** restrictive policies have scared away some humanitarian donors who fear that the funds they give to organizations would either be appropriated by the government or would lead to humanitarian workers' arrest.
- **Restriction of access for Western-funded humanitarian organizations.**
  - Example: According to Global Policy Forum, under the previous **Sri Lankan** government, one poverty-focused aid organization, Care International, was forced to withdraw staff and scale down operations in 2011 due to these restrictions.
- **Punitive measures by government authorities after criticism.**

- Example: In **Venezuela**, HIV/AIDS support groups like Acción Solidaria were hindered from working in prisons because the groups they worked with, which criticized the prison system, were forced out by the government.
- **Stigmatization of Western-funded humanitarian organization and/or donors.**
  - Example: In **Venezuela**, since the 2010 Law for Protection of Political Liberty and National Self-Determination, industry nationalization has tightened the government's grip on humanitarian work. The government created mechanisms (like Communal Councils) to control aid work, which has limited the operation of organizations like orphanages, shelters, and educational initiatives.

**TAKE ACTION:** Democracy and Human Rights groups should partner with humanitarian groups in advocacy campaigns that appeal to a broader base. Learn more about building a coalition among civil society by using the Defending Civil Society Toolkit.

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PLEASE CONTACT THE WORLD MOVEMENT AT [WORLD@NED.ORG](mailto:WORLD@NED.ORG) FOR RESOURCES TO SUPPORT AN ADVOCACY STRATEGY OR FOR MORE INFORMATION ON THIS INFOGRAPHIC.

## **SOURCES:**

<http://www.defendingcivilsociety.org>

<http://freeassembly.net>

<http://www.icnl.org>

<http://www.ohchr.org>

<http://www.un.org>

<https://www.freedomhouse.org>

<https://www.freespeech.org>

<https://www.globalpolicy.org>