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**FORUS INTERNATIONAL
SCOPING STUDY OF NATIONAL NGO
PLATFORMS' EXPERIENCES
IN PROMOTING AN **ENABLING
ENVIRONMENT****

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ACRONYMS AND ABBREVIATIONS

2030 Agenda	United Nations 2030 Agenda for Sustainable Development
CSOs	Civil Society Organizations
GPEDC	Global Partnership for Effective Development Co-operation
HRDs	Human Rights Defenders
INGOs	International Non-Governmental Organizations
NGOs	Non-Governmental Organizations
OECD	Organization for Economic Co-operation and Development
OECD-DAC	OECD Development Assistance Committee
SDGs	Sustainable Development Goals
UN	United Nations

EXECUTIVE SUMMARY

Restrictive Environments for Civil Society

Civil society organizations (CSOs) are crucial actors in promoting peaceful inclusive societies through sustainable people-centred development. They amplify peoples' voices in policy dialogue, pioneer innovation, and directly engage local communities and constituencies in seeking transformative change. Yet over the past decade, their work and its impact have been deeply affected by increasing restrictions on CSO operations and the targeting of human rights defenders and environmentalists. CSOs have been subject to systematic harassment, legal and regulatory restrictions and stigmatization and personal attacks, all in a climate of growing authoritarianism, fear and intimidation. Alongside the growth of restrictive measures, civil society has been campaigning to defend its legitimate space in society in various ways. Yet the crisis in governance, reflected in challenges to democratic norms and closing civic space, continues to unfold, further impacted by emergency responses to the COVID-19 pandemic.

National CSO development platforms everywhere around the world become prominent and important development actors at country, regional and global levels. In some countries they have played active roles in addressing civic space issues and their impacts. In other countries there is growing need for more attention, analysis and action by CSOs (and others) on conditions affecting their enabling environment.

Forus Scoping Study

Forus, a global network of 68 national CSO platforms and 7 regional coalitions, supports efforts to improve the enabling conditions for CSOs in partnership with its members and allies. **Forus commissioned a scoping study on international and national experiences to identify recommendations on how national and regional coalitions, and Forus itself, can best promote a CSO enabling environment.**

Based on a systematic literature review, online survey and 27 interviews with Forus members and allies, this paper examines the current status of CSO experiences and strategies, in particular of CSO platforms, to promote an enabling environment. The report reviews three key aspects of the CSO enabling environment:

- 1) legal and regulatory issues, including the digital environment;**
- 2) space for effective and inclusive policy dialogue, including CSO diversity, roles and effectiveness; and**
- 3) resources, capacities and partnerships, including narratives to address the stigmatization and marginalization of CSOs despite being legitimate development actors in their own right.**

Findings

This report presents a wide range of evidence from the literature, interviews and the survey of Forus members. **The study confirms much of what is already known about civic space and the enabling environment:**

- Civil society continues to face increasing restrictions with Southern stakeholders encountering levels of restriction that are more pronounced, involving extra-legal action and affecting a varied array of CSOs, particularly human rights defenders, environmentalists and women's rights organizations.
- Institutional mechanisms are insufficient to ensure an enabling environment for civil society, whether in terms of addressing impunity and redress for attacks on civil society, ensuring implementation of laws and regulations supportive of civil society, or facilitating effective and inclusive policy dialogue.
- Formal and informal collaboration between coalitions, NGOs, social movements and groups that represent marginalized communities still requires strengthening to develop shared agendas and approaches to challenging disabling conditions and attacks on different types of organizations.

New insights

The study also offers new insights. While more is needed from donors to improve support for CSO promotion of an enabling environment, the study points to a shift that may be emerging in terms of official donor and foundation support with **more donors keen to understand trends related to closing civic space, willing to examine enabling environment issues in their regular relationships with CSO partners, and with more philanthropic donors providing direct support to organizations that specifically tackle enabling environment issues.** Nevertheless, there is a need for CSOs to continue to make the case for direct support related to civic space, including by calling out for donors' impact on CSOs enabling environment.

Research findings also highlight a call to reconsider the needs of CSOs and their coalitions away from a focus on capacity development towards more nuanced kinds of support. **Although coalitions may need further capacity (e.g. requiring training, developing skills), what they often seek is rapid financial and diplomatic support to deal with dire situations, access to spaces of influence for more effective policy engagement, and support to build informal and formal relationships with allies both inside and outside of government at local, national and global levels.** There is opportunity for Forus to harness connections across national to global levels and support peer learning and partnerships between its membership and external allies, including donors. Opportunities for engagement between global, regional and national platforms and coalitions should be premised on mutual partnerships and solidarity, although the unbalanced relation between organizations

in terms of capacities and means is still an important factor to be considered. **Supporting CSOs and platforms to access North-South, South-South and peer learning opportunities as well as local expertise is critical given the context specific nature of work in this area.** External experts and resources can be helpful, but **most countries benefit best from local lawyers and advocates that have been working on civic space and enabling environment issues over the long term.**

While this report validates existing research on the enabling environment, it also offers important nuance throughout. Its orientation towards the roles of national and regional coalitions offers a fresh perspective on enabling environment issues, though it should be noted that recommendations for CSOs (more generally), donors and allies are presented throughout. These recommendations can inform the work of CSOs willing to develop specific programming, while some are more central to the mandate of national platforms, taking advantage of their unique place within local and national CSO politics. As organizations that are knowledgeable of in-country priorities and able to liaise with a broad range of players (e.g. members, state and non-state actors), Forus members are pivotal CSO coalitions. They should build on their strengths and the spaces they already occupy. Forus can play a role in supporting its members' efforts and in identifying trend to assist its members to engage on current issues and upcoming ones. While no progress can be achieved without close collaboration among diverse stakeholders and CSOs, here we highlight key recommendations to inform the work of Forus' members and Forus going forward.

Key Recommendations for CSO Platforms

To create an enabling environment for civil society, it is essential that the roles of CSOs and their initiatives is strengthened. This includes broadening networks and coalitions so that those most affected by disabling conditions can find support in their efforts to address the most pressing enabling environment issues. It includes drawing on experience and technical knowledge from legal experts, deepening long term advocacy campaigns, strengthening positive narratives to counter stigmatization of specific CSOs and defending space for women's rights organizations, human rights defenders, environmentalists and others subject to targeted attacks by governments and others.

Going forward, actions to promote a more open civic space and a more enabling environment for civil society should consider a number of key areas, where national and regional platforms may have comparative advantages. Such advantages include a diverse membership, significant in-country knowledge and expertise, and understanding of priority issues at the local and regional levels. Moreover, platforms are well positioned to establish relationships with the governments and to liaise with non-state actors that are part of broader local networks.

✓ **Review and address legal and regulatory restrictions**

There is a need for regular review and redress of legal and regulatory restrictions and practices affecting civil society to ensure compliance with international human rights standards and respect for the rights of marginalized populations. These efforts require dedicated medium- and long-term strategies for alliance building, awareness raising (e.g. digital rights, laws and regulations), and consistent leadership from dedicated CSOs. CSO coalitions can draw on the experience of well-established good practice law and regulations as well as local expertise in assessing their local enabling conditions and ways to address constraints on CSO formation and operations.

✓ **Advocate for institutionalized and inclusive policy dialogue**

Inclusive approaches to development are essential to progress on the United Nations' 2030 Agenda for Sustainable Development, which sets out a transformative plan to promote shared prosperity, environmental sustainability and progress that leaves no one behind. CSOs should continue to advocate for institutionalized mechanisms for dialogue, and less reliance on ad hoc opportunities designed by government alone. Institutionalized spaces must involve the direct participation of diverse civil society from the local to the national level, including marginalized and affected groups in society, based on well-established good practices. These include ensuring dialogue is timely, open and inclusive, transparent, informed, structured for the exchange of views on important and contested issues and iterative. Forus' members are national development platforms with strong representativity, which places them in a good position to lead many of these processes. Where feasible, policy dialogue should include issues relating to CSO enabling environment, recognizing that an enabling environment underpins opportunities for collective impact on the realization of the 2030 Agenda and the ability of civil society to contribute effectively.

✓ **Call on donors to localize and strengthen official and international non-government organization donor partnerships**

National, regional and global CSO platforms should encourage all donors to dedicate political leadership at the highest level. Donors should also take all necessary measures to safeguard and promote open civic space. This should be an overarching aspect of foreign policy and of donors' efforts towards development cooperation to realize the 2030 Agenda. Inter alia, CSOs should encourage donors to follow the lead of local civil society to support enabling conditions in different country contexts, implement appropriate, substantial and responsive funding mechanisms for local CSOs and work with local CSOs and their networks, allies and like-minded donors to promote enabling laws and regulations and inclusive policy dialogue.

✓ **Promote coalition building in challenging and closing civic space**

In tackling CSO enabling environments and closing civic space, CSOs and their representative platforms should build capacities and mechanisms for collaborating across different sectors and with civil society grass roots movements, including women's rights organizations and other human rights defenders. CSO platforms should always resist and counter government strategies to divide "good" from "bad" CSOs. In doing so, they should deliberately focus on sustained collaboration among all civil society actors, particularly between those working in development (both service providers and development actors) and CSOs working on human rights and highly contested social justice issues. CSOs platforms should harness connections with donors and allies, including champions in the government, mandated human rights bodies and other relevant justice departments. Moreover, opportunities exist for CSOs to better harness linkages to relevant United Nations bodies and specialized CSOs and research institutions. Such organizations can help to champion local and national challenges as well as provide technical support and expertise. Linkages to United Nations bodies can support CSOs to raise awareness of violations to human rights and closing civic space.

✓ **Address risk and CSO security issues**

CSOs and their representative platforms should seek donor support to strengthen long-term security and resilience for CSOs and human rights defenders by investing in CSO measures for legal protection, data protection, accounting and auditing skills and good governance practices. CSO platforms and donors should support local capacities to analyze organizational and individual risk, while prioritizing the security of civil society actors most at risk. Moreover, CSOs should work with allies to improve knowledge and capacities in legal, juridical and security areas in ways that strengthen citizens' understanding and access to their digital rights.

✓ **Enhance CSO legitimacy by investing in new narratives for and about civil society and demonstrate accountability and transparency**

CSOs, through their representative platforms, should put in place initiatives and adopt quality assurance standards that demonstrate accountability to immediate (country-level) stakeholders and robust transparency in their activities. As development actors in their own right, such standards are an integral part of a CSO counter-narrative. In strengthening their accountability with local constituencies, CSOs build stronger links with citizens reinforcing narratives that resonate with the concerns of ordinary people, not just professional CSOs. These values are expressed through the [Istanbul Principles for CSO Development Effectiveness](#) and are reflected in CSO actions to engage citizens in their own development, and most particularly in their responses to unique challenges arising from the COVID-19 pandemic.

In addition, CSOs and their networks should develop media engagement skills to project positive CSO stories and ensure media access to promote the protection of vulnerable organizations, individuals or communities. CSOs can collaborate through networks to sustain contacts with credible national and international media outlets on an ongoing basis. CSOs, platforms and allies should experiment with new narratives for and about civil society that strengthen respect for, and an understanding of, the value of civil society.

✓ **Support national efforts through international CSO platforms**

International platforms can support peer learning processes among CSOs affected by enabling environment challenges across relevant countries, including developing appropriate research skills, capacities to design legal, political and publicity strategies. They can facilitate linkages with regional platforms, international CSO allies, technical support and linkages with specialized CSOs, capacity-building opportunities, relations with sympathetic allies within bilateral donors, and engagement with relevant multilateral processes. The work with international allies can lift up the voices of those within countries (including and beyond national platforms) to expose and put pressure on situations where civic space/enabling environment is at risk, and where local CSOs have less space to do so. They should give particular attention to South-South learning experiences, solidarity actions and the sharing of skilled human resources, in addressing the growing challenges in the most severely affected countries. For their part, CSO platforms should invest in building relationships with other organizations at the national, regional and global levels to promote coalition building, create synergies and avoid duplication.

✓ **Underpin efforts to improve the enabling environment with long-term investments in CSO capacities and resilience**

As shown above, CSO platforms can adopt a diverse range of strategies and approaches to promoting an enabling environment, depending on highly contextual needs. Nevertheless, this work requires dedicated investment in soliciting the right kinds of support, developing appropriate capacities in a range of areas related to legal and regulatory reform, CSO security issues, digital rights and laws, policy dialogue, advocacy and communications, fundraising and network building. The current global context and increasing forces driving the closure of civic space suggest that such CSO platforms and their supporters should be ready and enabled to make the necessary long-term investments that strengthen their resilience and that of their members to pursue their missions in hostile operating environments. Resilience is multifaceted and specific areas where efforts are needed are outlined in the report across all three areas of analysis (legal and regulatory issues, space for effective and inclusive policy dialogue, and resources, capacities and partnerships).

Finally, CSOs should take measures to strengthen their resilience with capacities not only to survive but also to pursue their missions in hostile operating environments over the long term. Resilience is multifaceted and specific areas where efforts are needed are outlined in the report.

Recommendations for Forus

While the recommendations outlined above are relevant for national, regional and global CSO networks, among others, the scoping study included a specific focus on the roles of Forus and the contributions it can make to supporting an enabling environment.

- ✓ **Forus should develop an overarching strategy and action plan to support its members, driven by its members' interests in promoting an enabling environment.**

The action plan should be informed by inputs from external partners and allies. Linkages exist between the views of external specialists and Forus' members in terms of how Forus can leverage its position as a champion of civic space and enabling environment. For example, stakeholders engaged in the scoping study agree on the importance of taking direction from local stakeholders knowledgeable of the reality on the ground and doing so in synergy with allies.

These efforts should be guided by four pillars, to be developed further in consultation with allies and the Forus membership, including 1) advocacy leadership, 2) facilitated access to demand-driven learning exchanges and resources, 3) peer learning and 4) fundraising support. Key elements that could be included in each pillar are outlined below.

Advocacy Leadership

Building on core principles guiding CSO actions (e.g. equality, justice, women's empowerment, democracy), work with members to improve CSO mobilization to advocate together for areas of common interest, and contribute to global advocacy efforts on behalf of members, collaborating with other global allies in civil society.

- Build bottom-up consensus among membership on framing key issues, such as equality, inclusion, justice, gender, democracy to serve as the basis for advocacy, and on the role of CSOs in a COVID-19 environment
- Raise awareness through exchanges on key issues for members
- Contribute to global advocacy proposals to improve the enabling environment at the country level

- Liaise closely at all stages with global allies to ensure constructive synergies for Forus civic space program initiatives with global civil society allies
- Provide advocacy for resource mobilization, and provide workshops/events related to resource mobilization advocacy
- Support members to engage with United Nations bodies, and establish forums at the regional level
- Support the emergence of women's leadership for advocacy work within membership

Learning Exchanges and Resources

Enhance CSOs' skills and strategies in different areas (e.g. legal and regulatory tools, advocacy and communications, fundraising, engagement on the 2030 Agenda, organizational resilience) through demand-led support for Forus members, considering the use of "train-the-trainer" models and the accessing of local capacities and skills for learning exchanges. Share existing resources with members that support their efforts to monitor their own enabling environment and carry out research and comparative studies.

Topics for learning exchanges include:

- General learning exchanges on the enabling environment
- Legal and regulatory tools for members to be able to fight back disabling environments
- Helping members identify synergies in reporting between different agendas related to the enabling environment such as the SDGs, enabling environment principles, international standards and best practices
- Capacity to engage in Voluntary National Review / 2030 Agenda implementation, supporting membership to be able to train their own members, and build up national coalitions
- Building dialogue and efforts with others, such as social movements and other NGOs
- Communication skills and capacities including for advocacy and strategies against stigmatization
- Issues of power, gender equality and women's leadership (withing CSOs and in politics) in promoting a civil society enabling environment at the country, regional and global level
- Fundraising and proposal writing
- Management and organizational sustainability, and advocacy capacity
- Digitization for democracy

- Training efforts should also use the “train the trainer” model, with a focus on Forus members. Training should be channelled to members’ members to assist them in advocating for civic space in the countries where they work
- Forus, in dialogue with global and regional allies, could facilitate identification of skilled resource people at the country/regional level and support their engagement in addressing identifiable needs in the membership

Resource development:

- Access to tools (many of which already exist) to help national coalitions assess the situation of CSOs in their countries
- Support platforms’ research projects and research in areas such as comparative studies and the impacts of COVID-19 on women and resources to support women’s leadership among Forus members
- Send / facilitate exchanges of resource people

Peer Learning

Deepen partnerships between Forus member platforms in different countries, facilitate the exchange of knowledge (e.g. case studies, good practices, strategies), enhance connections among peers of same regions/in similar situations and create networks of international solidarity.

- Create and deepen relationships between peers who can learn from each other by enhancing networking, providing South-South and North-South learning opportunities and establishing peer learning possibilities at the regional level and other mechanisms for peer-to-peer exchange
- Provide opportunities for peer learning and exchange to support women’s leadership in member and their membership
- Share case studies, information, good practices and studies on specific subjects, such as the SDGs
- Have country-specific web pages for international solidarity on Forus’ website

Fundraising

Support members in identifying fundraising opportunities, advocate for funds for CSOs for this area of work and mobilize resources accessible to members.

- Organize and contribute to advocacy for fundraising and resource mobilization to support members to implement lessons learned
- Direct members to fundraising opportunities and donors likely to fund projects focused on enabling environment issues
- Establish related programs with a global vision for the enabling environment



INTRODUCTION

Over the past decade, the work of thousands of civil society organizations (CSOs) has been deeply affected by increasing restrictions on their formation and operations. CSOs are targeted with systematic harassment, stigmatization and personal attacks within a climate of growing authoritarianism, fear and intimidation. Yet only five short years ago, in 2015, the international community committed to the United Nation's (UN) [2030 Agenda for Sustainable Development](#) (2030 Agenda) and its 17 Sustainable Development Goals (SDGs), to be realized in partnership with civil society among a broad range of other non-state actors. Delivering on the global commitment "to leave no one behind" contained within the 15-year agenda is profoundly affected by closing space for CSOs. They play a key role in reaching the most vulnerable as part of the implementation of the SDGs, raising the priorities of historically marginalized communities and supporting overall transparency and accountability for 2030 Agenda commitments.

Civil society operates across the globe through diverse forms and approaches, bringing a wealth of development experience, often rooted in poor and vulnerable communities. CSOs amplify peoples' voice in policy dialogue, pioneer innovation and directly engage local communities and constituencies for transformative change across SDGs - ending poverty and hunger, addressing widening inequalities, tackling gender inequality and promote women's empowerment, creating sustainable livelihoods and taking urgent action on the climate crisis. Civil society is a crucial actor in all areas of sustainable development. As the 2020 global COVID-19 pandemic unfolds, organized and informal citizens' groups have stepped up to the frontlines addressing the survival and livelihood needs of the most affected and exposed populations across all regions and countries.

Priorities and avenues for development have always been contested at local, national and global levels, reflecting the power and priorities of different economic and social interests. In the context of the confluence of irreversible climate change and socio-economic crises, there is much at stake as attacks increase on civil society. This is particularly true for those expressing and defending the human rights and political agency of poor, marginalized and vulnerable communities. While CSOs defend their legitimate space in society, crises in governance, reflected in diminished democratic norms and closing civic space, continue to unfold largely unabated.

National CSO development platforms in Northern and Southern contexts have become prominent and important development actors as broad, representative coalitions that bring together a diversity of CSOs. They coordinate, implement projects, advocate and promote peer learning to support their members' engagement in development priorities in their respective countries. In some countries, CSO platforms have played active roles in addressing civic space issues and their impacts.

To identify specific experiences, priorities and approaches of national and regional coalitions in promoting a CSO enabling environment, Forus, a global network with currently 68 national platforms and 7 regional coalitions, commissioned a scoping study between May-October 2020 to examine its members' experiences. To support Forus' programming priority of promoting an enabling environment for CSOs, the scoping study examined:

- information and learning about current experiences of enabling conditions for CSOs,
- CSO approaches and challenges in promoting an enabling environment, with a focus on the roles of national platforms that are members of Forus, and
- the particular role Forus can play and resources it can bring to these issues as a global platform.

Annex 1 provides the full terms of reference for the study. The scoping study is based on a comprehensive and in-depth literature review (**see Annex 2**), a survey of Forus members and key informant interviews with Forus members and allies from civil society, donors and international institutions.

The paper begins with an overview of key definitions and the methodology for the scoping study. It then presents commitments made by the international community to civic space and an enabling environment for civil society, followed by a short contextual description of the disabling conditions facing civil society. The bulk of the report examines the experiences, strategies and priorities of civil society for three key elements of an enabling environment: 1) laws and regulations; 2) policy dialogue; and 3) resources, capacities and partnerships. While lessons learned, strategies and recommendations are presented in each section, the report concludes with specific recommendations for Forus, reflecting upon its role as a global network.

DEFINITIONS AND METHODOLOGY

Understanding key terms

Annex 3 provides a glossary of key terms that inform this study. Nevertheless, it is worth noting a number of distinctions upfront that guide the scoping study, particularly with respect to the concepts of civil society, CSOs, enabling/ed environment and open civic space.

Stakeholders have different interpretations/use of the concepts of **civil society** and **CSOs**. Sometimes these two notions are collapsed together and used interchangeably [see Wood, 2020]. From a human rights perspective, the Office of the UN High Commissioner for Human Rights sees civil society as both individual actors, such as human rights defenders (HRDs), and as organizations [OHCHR, 2014]. For others, such as Civicus, CSOs encompass a broad range of voluntary organizational forms within civil society, noting that civil society also includes roles for individual citizens in claiming their rights in public spaces. **The scoping study's main analytical focus is on CSOs. Despite their importance, the study gives much less attention to measures affecting individual citizens' claims for their rights** (e.g. unreasonable limits to political demonstrations, or constraints on individual bloggers).

The concepts of an **enabling environment** and an **open civic space** also require clarification. Notions of an enabling environment for civil society - legal and regulatory issues, access to consultations with government, and donor terms and conditions for support - mainly predate more recent discussion of closing civic space. The former evolved from a process of international political High-Level Forum on Aid/Development Effectiveness (2008 to 2011) that resulted in voluntary commitments by governments to CSOs to assure that they maximize contributions to development through “an enabling environment” framed by agreed rights [see, e.g. Moksnes, 2012, 43]. Open or closing civic space, on the other hand, often includes CSO enabling conditions, but also individual citizens’ human rights to participate and communicate without hindrance.

The broader scope for civic space (including the actions of citizens in the public realm) suggests that the potential influences on an enabled civil space may also be broader, taking account citizens’ access to their basic rights, changing political culture, and the role of the state as a “duty bearer” in relation to individual fundamental rights [Hossain et al., 2018]. Indeed, recent literature has focused much more on conditions affecting civil society relating to the rise of illiberal regimes and authoritarian government - deliberately negative public narratives to de-legitimize CSOs, anti-feminist stigmatization of women activists, attacks on individual environmentalists, populist political tendencies and the implication of the rise of China and the influence of its political/economic model. Civil society itself is no longer analyzed as a diverse but universal public good, but rather as contested space where some civic actors (promoting these negative trends) contest for hegemony in the public realm - resulting in a changing civic space affecting citizens’ attitudes, rather than a one-dimensional closing of this space.

The scoping study does not ignore these systemic and complex trends reshaping the politics of civil society and civic space, but it concentrates on areas where CSO platforms may have distinct value-added to address ongoing CSO enabling environment issues at country, regional and global levels. As such, it focuses on legal and regulatory environments, policy dialogue and resources, capacities and partnerships.

Independent allies and experts interviewed for the scoping study confirmed the central importance of CSO country level work on legal and regulatory issues and opening space for policy dialogue with government, while acknowledging that the scope for these efforts are increasingly affected by other socio-political drivers of closing space (see below). According to one informant, after 2015 it seemed that there were more strategic attacks on a number of civic freedoms at one time in a number of countries where civil society became increasingly restricted. Another informant suggested that organizations in some country contexts might find it increasingly challenging to engage effectively on policy dialogue, while also responding to severe human rights violations against particular civic actors.

Analytical framework

As noted above, the scoping study examines the enabling environment for CSOs through three interrelated areas: legal and regulatory issues; space for effective and inclusive policy dialogue; and resources, capacities and partnerships (see Figure 1). These areas form an essential backdrop for situating the experiences of Forus members and their current and potential initiatives to promote an enabling environment. While elements related to each one of these areas are apparent in all countries, their interplay in each country context is unique. The analysis of trends across the three areas allowed for the assessment of CSO experiences regarding what has worked or might work in terms of making progress towards enabling conditions, as well as current challenges CSOs face in doing so.



Figure 1. Overview of the scoping study analytical framework

This analytical framework served as the overarching frame for the research, informing all aspects of the study. **Annex 4** provides a more detailed overview of the components of analytical framework.

Research methodology

Literature review

A comprehensive literature review was conducted to inform the scoping study. It focused on the latest trends, campaigns and initiatives on civic space and enabling environment for civil society, guided by the analytical framework. The literature review included an examination of more than 130 current analyses reflecting broad trends in civic space and enabling conditions, country case studies, specialized reviews of legal and regulatory issues, space for effective and inclusive policy dialogue, donor trends in financing CSOs, strengthening CSO capacities and partnerships, and issues relating to digital transformation. The literature review also took account of the impact of very recent government/civil society responses to the COVID-19 pandemic for enabling/disabling conditions for civil society (up to July 2020). Rather than repeat well-researched analysis, the literature review took advantage of the analysis and conclusions of several major and recent literature reviews on the subject [Hossain et al., 2018; Wood, 2020; ACT Alliance/CIDSE, 2015]. The analysis and main findings from this review have been incorporated into relevant sections in the body of this report.

Survey of Forus members

National platforms and regional coalitions were invited to respond to a secure online survey over June-August 2020 regarding their experiences vis-à-vis the CSO enabling environment. The survey provided an overview of the main issues and preoccupations of the Forus membership. Prior to launching the survey, a webinar was held with members to introduce them to the scoping study and generate interest in participation. Forty-four Forus members including 40 national platforms and four regional coalitions completed the survey. This represents a response rate of nearly 60% of Forus' 68 national platforms and 7 regional coalitions. The survey had slightly greater participation from Northern organizations (62% of Northern platform members) in relation to the participation of the Southern ones (57%). From a regional perspective, most respondents (12) were from Africa, followed by Latin America (10) and Europe (10). Annex 4 includes a full list of the national and regional platforms that participated in the study according to region.

Available in English, French and Spanish, the survey focused on collecting a baseline of experiences including current issues, strategies, successes and failures in relation to efforts to promote civic space and enabling environment, as well as identifying areas for which Forus members require additional support. Though individual contexts vary, the survey sought to tease out some common approaches and strategies, but also provide space for members to refer to the uniqueness of their particular context and its impact on their approach. **Annex 4** provides the full set of survey questions.

Interviews and engagement with members and allies

Interview guides were prepared to inform discussions with national platforms, regional coalitions and Forus allies. Between July and September 2020, 27 interviews were conducted with national platforms (11), regional coalitions (3) and Forus partners and allies and/or key CSO informants (13). Interviews were conducted online using secure connects in English, French, Spanish and Portuguese. On average they were between 45 minutes and 1 hour 15 minutes in length. A complete list of organizations interviewed is available in Annex 4. Forus members are presented according to region.

While the interviews with national platforms and regional coalitions allowed for deeper data collection on specific country contexts, strategies and approaches, interviews with allies and partners focused on collecting views on the political dynamics affecting civic space, understanding existing enabling environment initiatives by others and the roles partners and allies can play in supporting national and regional coalitions to strengthen the CSO enabling environment.

The research team also presented draft findings to Forus members during the Forus Virtual Forum in October 2020. Forus members provided feedback on the draft findings and recommendations. Their insights were incorporated into the final version of this report.

Country case studies

Two platforms were selected to facilitate country-level discussions on the enabling environment with the aim of soliciting views from diverse platform members. These cases were an additional method to triangulate the data obtained through the literature review, survey and interviews. While guided by the analytical framework, the in-country dialogues were led by national platforms, respected the country context-specific nature of conditions facing civil society and the related efforts of national platforms to promote an enabling environment in these conditions. Brazil, through the platform ABONG (Brazilian Association of NGOs) and Indonesia, through the platform INFID (International NGO Forum on Indonesian Development) carried out discussions with their members in September 2020. Data from the country case studies is integrated, where relevant, throughout the report. Full country case studies are available in **Annex 5**.



CONTEXT OF ENABLING ENVIRONMENT EFFORTS

International commitments to promote a CSO enabling environment

Since the UN General Assembly adoption of the **Millennium Declaration** in 2000, the international community has acknowledged the need for strong partnerships with CSOs. This commitment has been reiterated in the 2030 Agenda (SDG 17.17) in efforts to “encourage and promote effective ... civil society partnerships.” However, given the membership of the UN, consensus on enabling conditions for these partnerships have never been clearly articulated in this forum, outside of generic references to the commitment to human rights and existing commitments to foundational civil and political rights under international human rights law.

Under the auspices of efforts to improve aid and later development effectiveness, governments and other non-state actors committed to a CSO enabling environment, notably in 2008 at the Third High-Level Forum on Aid Effectiveness, and through the subsequent outcome document, the Accra Agenda for Action. Commitments pertained to deepening engagement with CSOs, recognizing them as independent development actors in their own right, and working to support an enabling environment to maximize CSO contributions to development.

These commitments were reaffirmed at a Fourth High-Level Meeting held in Busan, Korea, in November 2011 which also launched the Global Partnership for Effective Development Co-operation (GPEDC) in which CSOs are full participants [Tomlinson, 2012]. In 2018, over 170 countries and multilateral institutions acknowledged the role of CSOs as equal partners in development and the need to reverse trends towards closing civic space under the auspices of the GPEDC. Commitments to civil society have been monitored biannually by the GPEDC [see, e.g. OECD/UNDP, 2019] and bilateral donors such as Canada, Denmark and Sweden have explicitly supported civil society as a goal of their foreign policy. Since 2014 the European Union has elaborated EU Country Roadmaps for Engagement with Civil Society [ICNL, 2018, **Effective Donor Responses**, 18]. For their part, CSOs have consistently monitored enabling environment commitments within the international human rights framework, which also underpin these voluntary initiatives by governments.

An overview of the current situation

Civics Monitor captures the dynamic of civic space on a global scale based on evidence provided by more than 20 organizations around the world. It ranks 196 countries according to five categories - closed, repressed, obstructed, narrowing and open. Annex 6 provides a definition of each of these categories and situates Forum country members according to Civics rankings. In its latest report, Civics pointed to seven countries in which ratings have worsened and only two that have improved [Civics, 2019, **People Power Under Attack**].

In May 2020, the monitor showed 19 countries globally in which civic space was categorized as closed and 33 countries that were repressed. For an additional 48 countries, civic space was considered obstructed. Only 35 countries were categorized as open, with another 45 countries in which civic space has been narrowing. However, there are considerable differences between Northern and Southern contexts, with 88% of Northern countries considered open or narrowing, against only 29% Southern countries ranked open or narrowing.

Globally, more than 80% of the world's population live in countries where civic space is closed, repressed or obstructed. Only 3% live in countries where civic space is considered open, with a further 15% in countries where space is mostly open but narrowing. The situation for populations in the Southern context is even more dire, with fully 96% of this population living where space is closed, repressed or obstructed. These figures improve only slightly when China (closed) and India (repressed) are removed - with 93% living in highly restrictive environments. Indeed, given this distinction, much of the data presented in this report, particularly from the survey of Forus members, is presented through the categories of Northern and Southern contexts. Any other approach tends to obscure the nature of the results found, as evidence points to major differences on challenges and scale of disabling conditions between historically privileged contexts (North) and historically disadvantaged contexts (South), irrespective of the important point that Northern civil society and civic space are also being challenged. Where relevant, regional variation is also presented.

V-Dem Institute in Gothenburg (Sweden) confirms these trends. Its latest **Democracy Report 2020** puts a majority of the world's population (54%) living in countries that it categorizes as autocracies rather than democracies, and a further 35% live in countries that are becoming less democratic [V-Dem Institute, 2020]. These conditions are also consistent with CSO self-reporting in GPEDC monitoring surveys and in other data sources on democracy and civic freedoms (see Annex 2 for the full annotated bibliography, including data sources).

Drivers shaping a CSO enabling environment

While a country's particular political and geopolitical context matters, the literature and evidence collected by this study consistently point to a range of interests and forces behind the worsening conditions for CSOs.

Many of these drivers indicate that closing civic space is not a short-term phenomenon based on changing laws and regulations or periodic attacks on particular civil society actors, however important these conditions might be. Rather they reflect a convergence of deeper systemic shifts over the past twenty years in political systems, development paradigms and social values. Figure 2 presents the key drivers of a disabling environment for civil society from the literature reviewed [Brechenmacher, 2017; Ariadne, 2015; Hossain et al., 2018, 15-16; ICNL, 2018, **Effective Donor Responses**; ICNL, 2020, **COVID-19 and Civic Space**; Ferber, 2018; Hayes and Joshi, 2020].

Some governments were fearful that an increased focus by donors on “democracy assistance” in the 1990s and 2000s would provoke opposition to governments in power. In the case of countries in the former Soviet Union, these concerns have often been framed in terms of defending “sovereignty,” “national morals” and “values.”

Several allies, particularly those from Southern contexts, pointed to the politicization of civic space as civil society is a perceived threat to local power structures and the economic advancement of privileged elites. As inequalities grow across the globe, the protection of elite interest has led to collusion with government/security or paramilitary forces. Elites at all levels have been confronted by the dramatic growth of civil society in recent decades, and its effective leadership since the 1990s, alongside thousands of HRDs, in sustaining often successful campaigns of citizen mobilization, including resisting narrow corporate development plans.

Measures to address terrorism and national security have increased exponentially across the globe since 2001, reinforced by the massive growth of public and private security infrastructure. In many countries, these measures have been widely used to severely restrict and criminalize specific communities, CSOs and general public dissent. Such measures are compounded in a growing number of fragile countries experiencing weak governance, increasing acts of indiscriminate violence and high levels of donor security-related interventions. The use of counter-terrorism and security discourse (which escalated with COVID-19), and the way surveillance technologies may be misused for political purposes of civic oppression have also been highlighted by an interviewee from a funder organization as one of three drivers of closing space identified in a recent study on civic space.¹

Threats to existing power structures	Resistance to democracy assistance
National security and counter-terrorism	Changing norms and values and geo-politics
Challenges to CSO legitimacy and accountability	State responses to crises (climate, pandemics,
Far right and religious far right counter narratives	Concentration and abuse of economic power

Research carried out to grasp CSOs impressions of contested aspects of the enabling environment over the next decade (2020-30) and how donors could respond, pointed to several drivers [Hayes, B., and Joshi, Poonam, 2020]. In addition to the securitization noted above, the study also identified two other points: the far right and religious far right in liberal populism (which promote counter narratives to progressive

¹ Hayes, Ben; Joshi, Poonam. Rethinking civic space in an age of intersectional crises: a briefing for funders. Funders’ Initiative for Civil Society, May/2020. Available at: <https://global-dialogue.org/rethinking-civic-space/>

change), and the concentration and abuse of economic power outside the control of the state. This study argues that donors need to consider these drivers in shaping their funding strategies. They should follow the lead of their partner CSOs to better understand how such drivers operate in country-specific contexts, and support CSO efforts to address the issues that undermine the enabling environment for civil society.

Similarly, one interviewee in Latin America noted the spread of neo-liberalism and the role of economic power in driving attacks on CSOs, for example, when sections of the private sector related to land exploitation targeted environmental activists. Another Latin American national platform highlighted the role and power of the business sector in shrinking civic space. In some contexts, CSOs are put in an unequal position to compete with businesses, for example when initiatives financed by social impact bonds privilege economic resources rather than social know-how. The platform stated that it is key to renew CSOs narratives in a way that the differences and comparative advantages of CSOs vis-à-vis the business sector are made clear and reinforced.

Commentators also point to a shift in global power relations - and related norms and values - as a driver shaping the CSO enabling environment. China's success now presents major challenges to the promotion of liberal democratic values. For some, China demonstrates that major advances in economic development and rapid poverty reduction, as well as widespread engagement in development collaboration across the Southern context, can be achieved in the absence of an independent and vibrant civil society. On the other hand, deep-seated anger with the failure of "Western" development models to deliver on promises for a better life for many millions, including resignation that economic globalization has permanently excluded populations, spreads support for populist authoritarian demagoguery.²

One interviewee representing a large donor similarly argued that the leverage and influence of "traditional" and "Western" donor modalities and development assistance are gradually diminishing. At the same time, there is a rise of other models, particularly from China. Combined with significant frustration over a lack of progress in implementing more equitable relations in development cooperation by DAC donors (e.g. respect for local ownership), the Chinese/authoritarian model is gaining traction and support with governments of the South eager for "untied" development resources. Development partners are seeking out economic investments with very different requirements from traditional development projects, none of which relate to aspects such as rights, democracy or participation. To counter these trends, the interviewee argued that development assistance must work in tandem with political awareness and diplomacy, so that human rights, democratic principles, and locally specific political situations are taken into consideration.

² While beyond the scope of this study, understanding the social and political dynamics for significant public support for such leaders in a growing number of countries raises critical contextual issues, some of which allow for attacks on traditional liberal civil society actors to go largely unchallenged in the mainstream society. Populist supporters seem to have given up on government, while the liberal civil society actors, often critical, but still see government as the essential means for delivering equitable and inclusive development. These perceptions of government may be affected at least in the short term by the failure of many authoritarian governments and government minimalists to address the health and economic impacts of the pandemic.

Moreover, as governments increase partnerships with non-Western donors, CSOs are seen as “competitors” with government and it is becoming easier in this geo-economic context to characterize DAC donor supported CSOs as “foreign agents” or “foreign interference.” At the same time, the implications of this “alternative path” for development, and the values it represents, is also being contested where ordinary citizens demand better governance, people-centred development and accountability.

While also a symptom of closing civic space, CSOs are increasingly being directly challenged to demonstrate their own accountability and legitimacy. Stakeholders question whether major CSOs (and international non-governmental organizations [INGOs]) at the country level are more accountable to donors than to the constituencies they presume to represent or work to support. The institutionalization of civil society (in part necessary to receive major donor funding), managed by civil society elites in capital cities, fuels this perception of distancing from local communities.

Changing models of donor support, away from funding that responds to CSOs right-to-initiative towards contracting CSOs to run and manage service provision in partnership with government and/or external donors, tend to accentuate divisions with other CSOs. Repressive government measures seek to take advantage of such divisions within civil society as these governments make public distinctions between those CSOs that are critical of government/harmful to the development of the nation and those that are seen to work with government to implement national development policies and priorities. One interviewee from a funding organization highlighted the presence of government-organized non-governmental organizations (NGOs) as part of a disabling environment. According to the interviewee, although the influence of government-organized NGOs and their capacity to act in the associative space may still be unclear, their main existence might be a future element confusing the legitimacy of civil society.

Finally, responses to global systemic crises - the COVID-19 pandemic, the climate emergency and growing inequality - continue to impact the enabling environment. As the COVID-19 pandemic progresses across the globe, governments have reacted with actions that dramatically affect civic space in the short to medium term. In countries already experiencing narrowing or obstructed spaces, the fear is that such measures will become permanent. The pandemic has given authoritarian rulers carte blanche to attack their long-standing critics and to accrue greater power and control in the context of growing inequalities [Hiebert, 2020; Civicus, 2020, 6].

At a systemic level, some analysts point to the potential impacts of the climate crisis on vulnerable people who face marginalization and dispossession. In the words of Philip Alston, the UN Special

Rapporteur on Extreme Poverty, in a world that might be defined by climate apartheid:

“democracy and the rule of law, as well as a wide range of civil and political rights are every bit at risk. ... The risk of community discontent, of growing inequality, and even greater levels of deprivation among some groups, will likely stimulate nationalist, xenophobic, racist and other responses. Maintaining a balanced approach to civil and political rights will be extremely complex.”³

These drivers are increasingly manifest in each of the three enabling environment areas for review in this scoping study, which must be considered in reflections on how CSOs should organize themselves to address narrowing space and promote more enabling conditions.



3 Philip Alston, "Climate change and poverty: Report of the Special Rapporteur on extreme poverty and human rights", A/HRC/41/39, June 25, 2019, page 17, accessed May 2020 at https://www.ohchr.org/Documents/Issues/Poverty/A_HRC_41_39.pdf.

AN ENABLING LEGAL AND REGULATORY ENVIRONMENT

Laws and regulations

Context

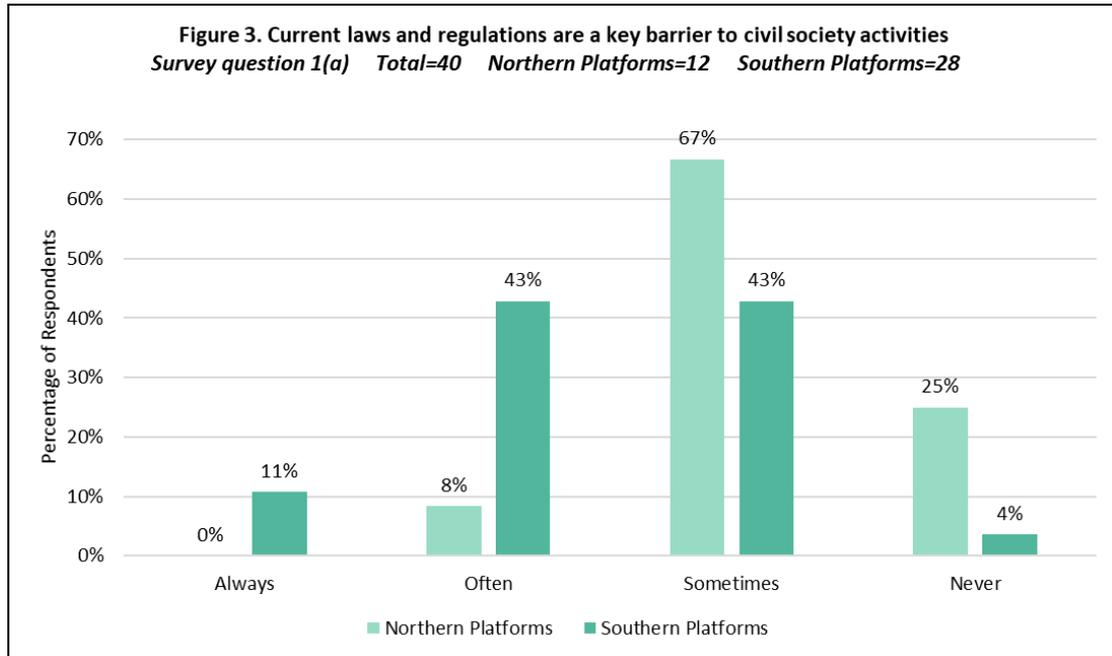
The laws, regulations and political processes governing CSO formation and operations, the right to freedom of speech and assembly, access to judicial and/or institutional justice and judicial limits on state surveillance are widely considered to be essential to open democratic civic space, the formation and the operations of CSOs.

Most CSOs acknowledge the importance of a legal framework governing the basic formation and operations of formally constituted CSOs, while insisting that registration must be voluntary whereby informal, community-based CSOs and social movements may form at will and operate beyond the scope of these laws. Enabling laws and regulations create the necessary conditions for a vibrant civil society. However, they are no protection from abuses in their application, which can aim to target and discredit particular CSOs. And while restrictive laws narrow the operational scope for CSOs, they are not necessarily an insurmountable barrier for CSO service operations or participation in some less controversial areas of public affairs [ICNL, nd, *Enabling Reform*]. Such perceptions were also raised in this study's in-depth interviews. For example, an interviewee from a funding organization mentioned that some of the projects the organization is funding relate specifically to legal and regulatory modalities.

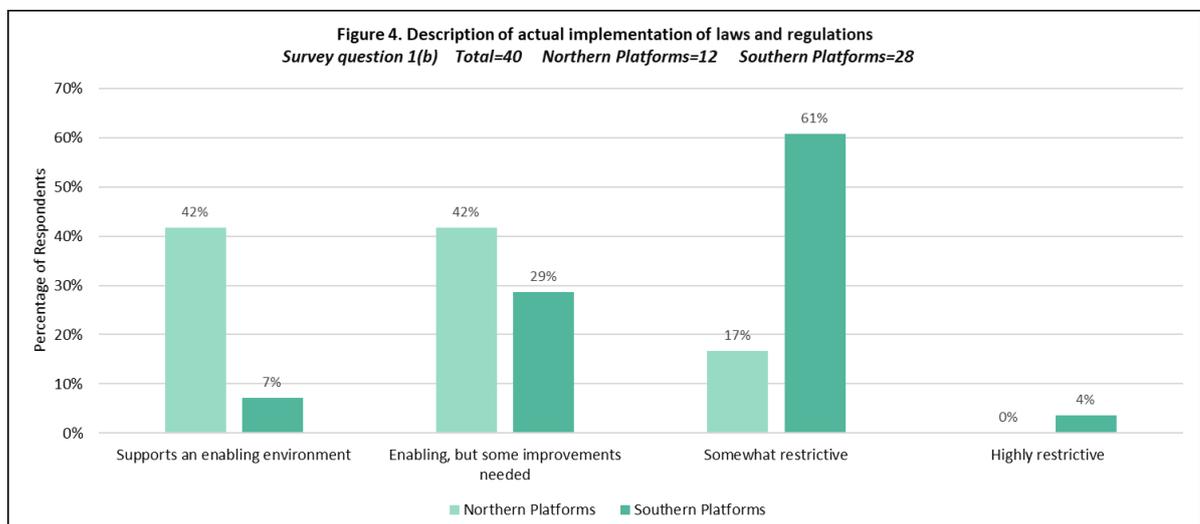
Governments deploy a range of law, regulations and practices that deliberately hinder the existence, roles and operations of civil society organizations [ICNL, 2016, *Survey of Trends*; Hossain et al., 2018, 14-15; ActionAid International, 2018; Community of Democracies, nd]. But there are major differences between governments and CSOs with regard to positive/negative impressions of their actions in terms of the efficacy of legal and regulatory environments at the country level. Evidence from the 2019 GPEDC monitoring of CSO enabling conditions found significant differences in perceptions on the degree to which peaceful assemblies are allowed in practice, the extent to which registration is a voluntary, fair and efficient procedure, and the degree to which expression is generally free of control by the government. Even when legal and regulatory basis for CSO activities is supportive, CSOs tend to see practices as more restrictive than governments [OECD/UNDP, 2016, 86; Tomlinson, 2019, *Civil Society Reflections*, Annex 4, 135-137]. With respect to freedom of association, for example, governments in 60% of countries surveyed were positive that CSO "registration in a voluntary, simple, fair and efficient procedure," while only 23% of CSO in the same surveyed countries had this view. Independent assessments confirm CSO country observations [*Bertelsmann Transformation Index*; USAID, 2019a, 2019b, 2019c, 2019d; ICNL, *Civic Freedom Monitor*].

Understanding legal and regulatory barriers to CSO activities

When asked about their experience with enabling laws and regulations, a minority of Forus' national platforms responded that current laws and regulations are never a barrier to their activities (25% in the Northern context, 4% in the Southern context) (Figure 3). The majority of Southern respondents said that laws and regulations are always (11%) or often (43%) a barrier. For most Northern respondents, they are a barrier only sometimes (67% or 8 of 12 respondents).



Beyond the laws themselves, the survey of Forus members supports findings noted in the studies outlined above, particularly for Southern platforms. As shown in Figure 4, when asked to describe the actual implementation of laws and regulations, 61% of respondents noted that current laws and regulations are somewhat restrictive, whereas the majority of Northern platforms noted that they experience a supportive enabling environment (42%) or an environment that is broadly supportive but could use some improvements (42%). Overall, the level of restriction appears to be substantially greater in Southern countries, though Northern platforms considered that improvements are needed in terms of laws and regulations (Figures 3 and 4).

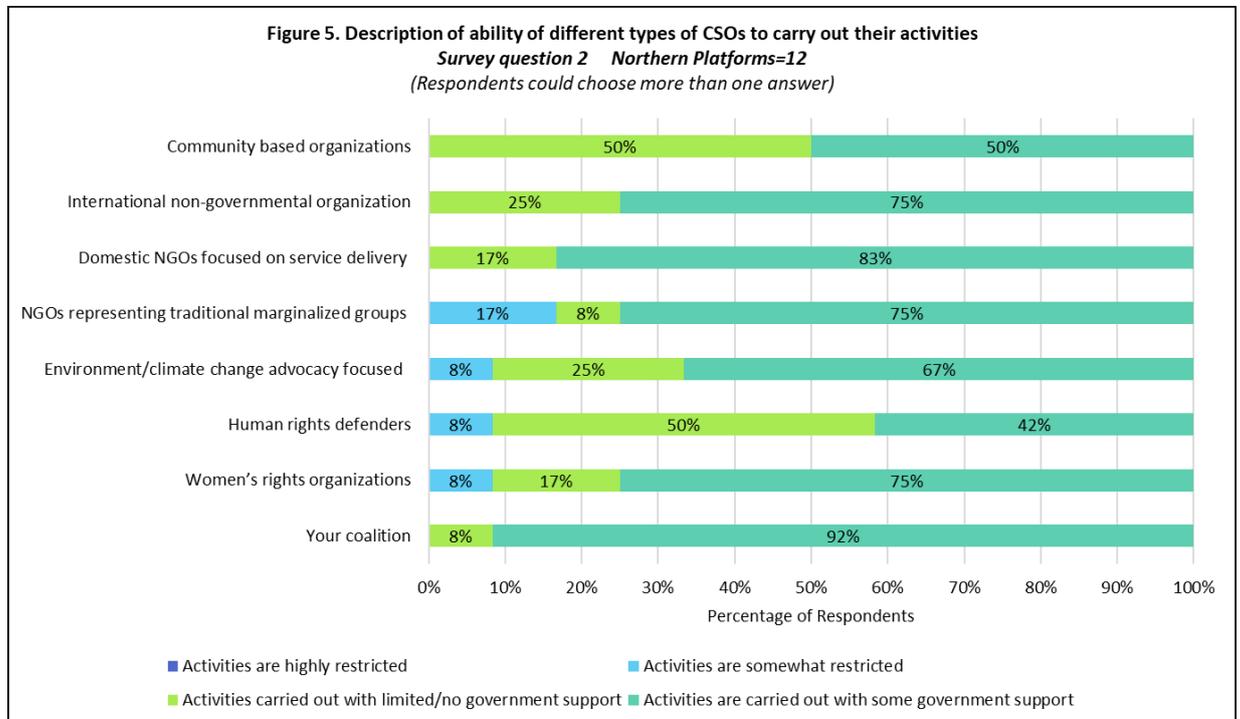


Box 1. A strategy to address disabling regulations through coordination

In terms of specific strategies, one national platform in Latin America reported that parliamentarians presented a bill to control CSOs and significantly reduce their enabling environment. The platform mobilized other CSOs, and through sustained lobbying efforts with the country’s congress they were able to postpone the passing of the bill. However, in the meantime, the government applied new bureaucratic regulations beginning in 2020, which are similarly designed to control CSOs and generate unnecessary costs to ensure their compliance. According to the platform, these regulations are inspired by recommendations from a task force on financial action. They state that CSOs are susceptible to international terrorist financing without having to show proof or source of verification. As a result of these developments, the platform’s strategy had to respond to various iterations of government efforts to control CSOs by coordination between different CSOs and engagement with state actors.

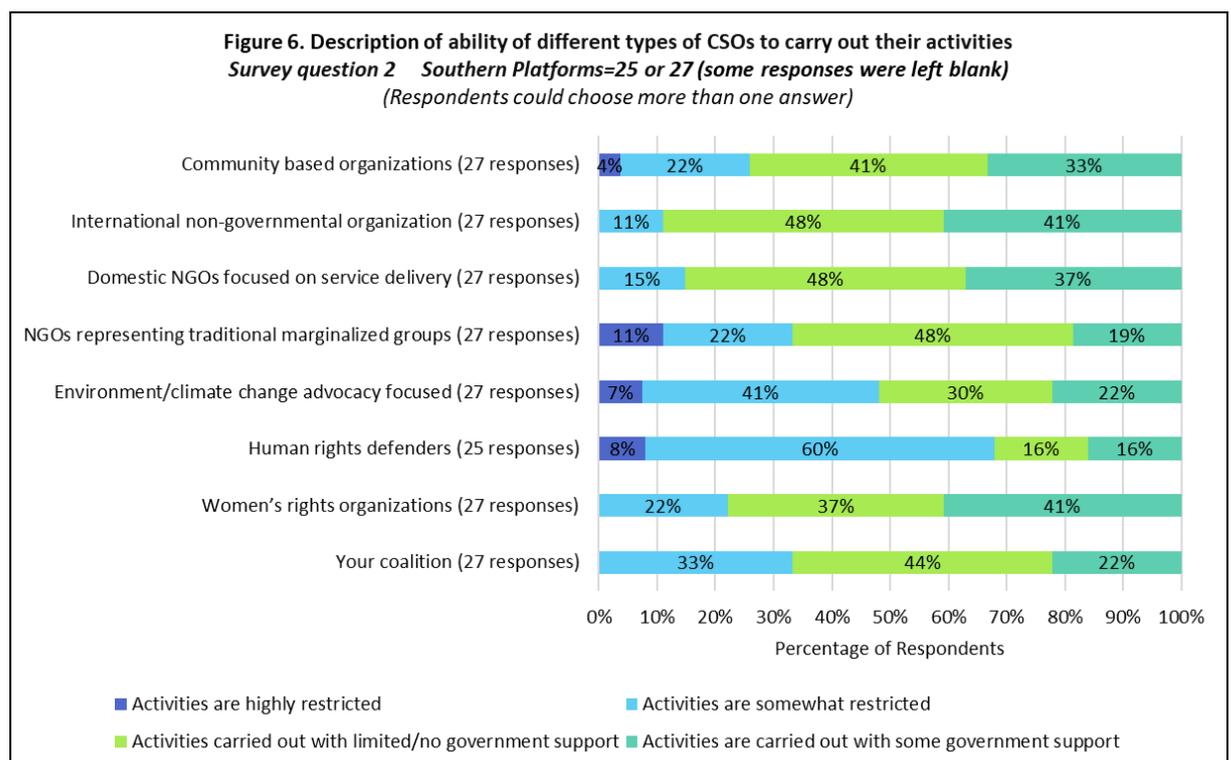
Legal and regulatory barriers impact different CSOs differently

Beyond the general environment in which CSOs operate, evidence also points to differentiation across different types of CSOs in terms of how they experience an enabling environment. Figures 5 and 6 present the perceptions by national platforms regarding how different types of CSOs experience the legal and regulatory environment vis-à-vis their ability to carry out operations. Results are presented for the Northern and Southern platforms separately given the significant differences in the results.



No Northern national platform pointed to any specific type of CSO group has their activities highly restricted (Figure 5). In comparison, Southern platforms said that some CSO's activities face a high level of restrictions (Figure 6), namely NGOs representing traditionally marginalized groups (11%), HRDs (8%), and environment and climate change advocacy focused groups (7%). Nevertheless, both Northern platforms (58%) and Southern ones (68%) noted that HRDs are the group most likely to face restrictions overall (particularly in the context of Southern platforms), or having limited or no support from the government (particularly in the context of Northern platforms).

Groups that seem to face no restrictions in the Northern context include domestic NGOs focused on service delivery, INGOs and community-based organizations. For the Southern context, however, all types of organizations are subject to some level of restriction. Another major difference between the experiences of national platforms in both Northern and Southern contexts also pertains to the support they themselves receive. The majority of Northern platforms (92%) stated they operate with some government support, as opposed to only 22% of the Southern platforms.



Legal and regulatory approaches to de-legitimize CSOs

The ways in which CSOs experience a disabling environment as a result of laws and regulations differs depending on context. Nevertheless, a number of strategies exist to de-legitimize civil society that can be found in all regional contexts.

THESE INCLUDE:

- Vague CSO laws and regulations allowing discriminatory implementation with little or no judicial appeal;
- Narrow scope of laws governing permissible CSO activities (for example, disallowing policy promotion and advocacy);
- Discriminatory and political implementation of anti-terrorism laws used to restrict CSO financing, silence and/or imprison government critics and limit peaceful expression of opinion;
- Unreasonable and deliberately burdensome requirements such as visa reporting requirements, written approval for CSOs to engage in specific activities, restrictions on sources of finance and additional hurdles for women's rights organizations and others representing marginalized and discriminated populations to promote policies and programming to meet particular needs; and
- Using laws/regulations for deliberate harassment of CSOs such as through forensic audits, unreasonable documentation to register, travel restrictions and freezing of CSO assets.

While these challenges have been documented in existing literature, data from the online survey and in-depth interviews with national platforms and regional coalitions pointed to how their countries' current laws and regulations can be restrictive and deeply affect the work of CSOs. Overall, respondents and interviewees perceived that the efficacy of legal environment for CSOs directly relates to the extent to which rights are respected, particularly the right to associate and the right to assembly.

In terms of the nature of laws, interviewees referred to some examples of how laws and regulations are being used by governments to limit CSOs' actions. According to an interviewee from Asia-Pacific, "legitimacy means registration." However, legislation does not actually recognize some community-based organizations, which prevents them from registering and, therefore, from being recognized as legitimate. Another coalition in the same region mentioned other problems in completing the process of registration due to the level of scrutiny that some CSOs face, which results in restrictions to their power to act as a result of this lack of recognition. Another example from a national platform in Africa regards ambiguity: the country does not have a specific law on CSOs and as a result they are subject to a law dedicated to simple associations. Although this allows CSOs to work to a certain extent, they fall into illegality whenever they intervene as civil society actors. This legal constraint ultimately hinders their ability to promote and legalize their participation in strategic decisions, to monitor public policies, and to protect themselves in their advocacy actions.

Examples of discrimination and harassment in the application of laws/regulations were also raised in the interviews. Interviewees from a national platform in Asia-Pacific mentioned that there are laws delegating authority for CSOs to coordinate humanitarian responses and liaise with the government. Despite this connection between CSOs and the government through a legally established instrument, interviewees referred to the governments' attempt to undermine CSOs' work and credibility on the ground. Government points to their alleged funding by Australia or New Zealand official donors, questioning CSO legitimacy and accountability, as noted in the discussion of drivers that shape the enabling environment. Interviewees also pointed to the use of laws and regulations to harass or impede CSOs actions according to government's interests, an issue well documented in the literature as well. An interviewee from Africa raised the matter of political intervention in legal affairs and how political interests may influence laws and regulations to tip the scale towards the government's interests instead of those of civil society's, undermining the work of CSOs.

The need for CSO capacity to respond to restrictive measures was highlighted by all Forus member interviewees. In particular, they noted that while CSOs have a high level of awareness about how laws and regulations affect them, their levels of capacity differ in coping with and responding to legal and regulatory restrictions imposed by governments. An interviewee from Africa, for example, highlighted how restrictive to civic space the current law on associations is in the country, and how changes in laws and regulations take a long time and are subject to political shifts, which requires significant and sustained advocacy capacities (as they often go back to square one in each change of government).

Another example regarding laws and regulations was brought forth by an interviewee from a regional coalition who stated that the laws in their region dated from the 1950s and had not been properly revised by the government until very recently, in the 2010s. Yet, proposed changes are still not completely comprehensive and amendments are not always enabling for CSOs. For example, requirements for CSOs registration are still burdensome and there are long waits for a non-profit organization's registration to be accepted.

Legal technical expertise that is well versed in the politics of the legal and regulatory situation for civil society at the local level is a critical resource for tackling disabling laws and regulations. This expertise may reside within a local organization or be a local lawyer who mentors and works with the CSO constituency.

Box 2. Investing in technical and political expertise and awareness

In terms of possible solutions to counter legal and regulatory constraints, an interviewee from a global organization dedicated to research and analysis on civil society suggested that CSOs pay attention to the way some laws are used vis-à-vis politically driven purposes. According to the interviewee, by monitoring the practical implementation of a law, CSOs might be able to show, for example, how the law is being misused or used in different ways depending on the situation for politically motivated reasons. From there, CSOs might collaborate with national and international actors and undertake advocacy in which platforms and coalitions can play a strategic role. As noted by another interviewee, some actors, such as grassroots movements, might not have the resources to retain legally trained staff to comply or contest government bureaucratic regulations. Platforms and coalitions can help them align with the established laws, while at the same time advocating for change.

Impunity and redress

Context

Measures to improve the legal standing of CSOs cannot ignore growing impunity in many countries for attacks on HRDs, particularly women HRDs, environmentalists and indigenous peoples' representatives. According to Frontline Defenders, since 2016, more than 1,200 HRDs have been murdered around the world, with many more harassed, imprisoned and verbally abused and stigmatized. In 2019, 304 HRDs were killed in 31 countries, with a majority since 2016 being defenders of land, environmental and indigenous peoples' rights. Frontline Defenders reported that 13% of those killed in 2019 were women HRDs as state-sponsored backlash against women's rights continues unabated in several countries. Beyond killings, there were high levels of verbal abuse, sexual violence and harassment reported by women HRDs [Frontline Defenders, 2020, 4, 8 and 11-12].

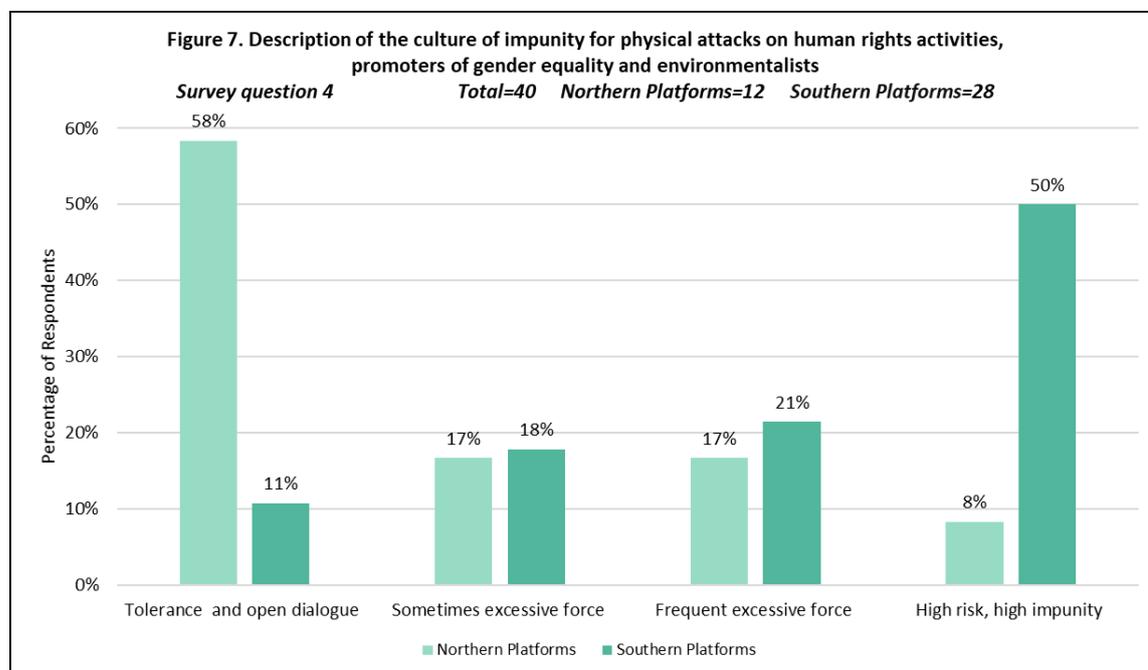
Most of these killings were done with impunity [see, e.g. Tomlinson, 2019, *Civil Society Reflections*, 44]. Frontline Defenders documents laws that curtail the ability of HRDs and civil society to protect and advance human rights. In April 2020 Frontline Defenders published a statement of concern for the impacts of COVID-19 pandemic documenting attacks on HRDs when the world is preoccupied with the pandemic and raising the potential for serious exposure to the virus in prison conditions.⁴

Impunity and redress for attacks on civil society remains a critical issue

When asked about the culture of impunity, particularly in relation to physical attacks on HRDs, promoters of gender equality and environmentalists, Northern and Southern platforms' responses show striking differences between the two regions (Figure 7). While 58% of Northern platforms stated that the

⁴ Joseph, J. and Ed O'Donovan, 2020. "Defending rights during a pandemic: Impact of COVID-19 on the safety and work of human rights defenders," Frontline Defenders, April 17, 2020, accessed at <https://www.frontlinedefenders.org/en/statement-report/defending-rights-during-pandemic-impact-covid-19-safety-and-work-human-rights>.

enabling environment in their countries is characterized by tolerance and space for open dialogue more than a culture of impunity, only 11% of Southern respondents described their country's situation this way. On the contrary, 50% of Southern platforms stated that civil society members who criticize power holders risk surveillance, harassment, intimidation, imprisonment, injury and death and that power holders perpetrate these attacks with impunity.



As noted above, advocacy and human rights groups are also more likely to be subjected to restrictions on their activities (Figures 5 and 6). Although groups related to the media were not a category specified in the survey, some interviewees specifically mentioned physical attacks on journalists as well.

The narratives told by Latin American organizations both in the online survey and during interviews tended to be fairly consistent and referred to the violence suffered by civil society. According to interviewees, movements, organizations and individuals are being targeted and attacked by governments in power, by organized crime and parallel powers (e.g. Revolutionary Armed Forces of Colombia/FARCs), and by the private sector (e.g. companies interested in deforestation for farming). The culture of impunity is a major problem in Latin America, but the risk of surveillance, harassment, intimidation, imprisonment, injury and death from those who criticize power holders was also mentioned by the seven interviewees of platforms based in Africa and Asia.

Overall, the matter of impunity was brought forth in almost all in-depth interviews with both Forus' membership⁵ and partners and allies. Interviewees mentioned how problematic the use of excessive force, physical attacks, harassment, imprisonments and/or killings of activists and defenders of rights (i.e. journalists) are in their countries and regions' contexts, which shows how broad the issue is worldwide.

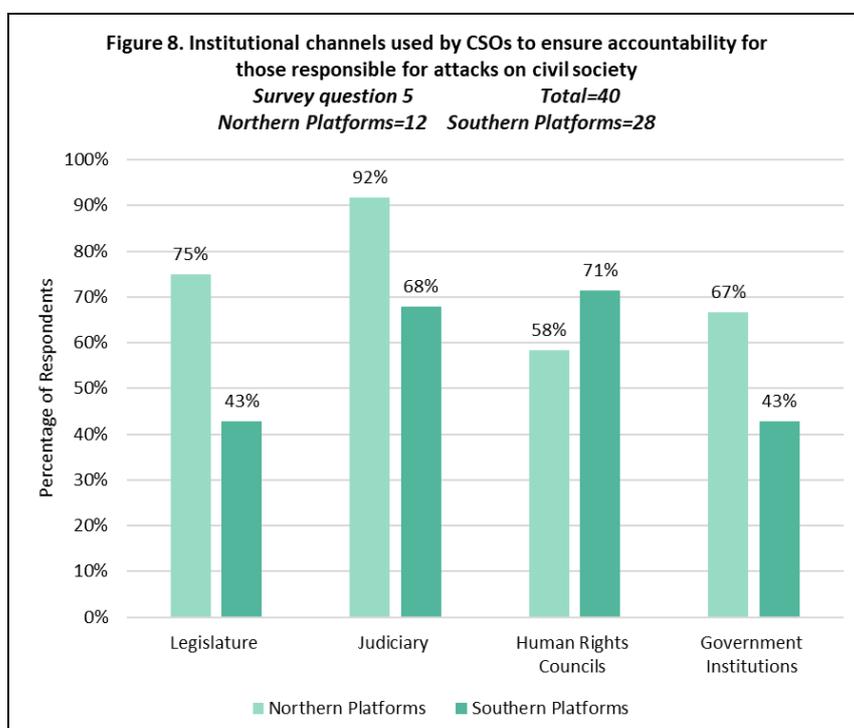
⁵ Among Forus' members, in-depth interviews were carried out with 11 national platforms and 3 regional coalitions. Ten out of 11 national platforms, and 2 out of 3 regional coalitions mentioned the matter of physical attacks to civil society and the culture of impunity.

Many of the interviewees were also deeply concerned about the escalation of violence against civil society actors, providing numerous examples.

Strategies to address attacks on civil society

The strategies and available mechanisms for CSOs to address attacks and impunity vary through key institutional channels, such as the legislature, judiciary, human rights councils and government institutions, as shown in Figure 8. When asked about the institutional channels used by CSOs to ensure accountability for those responsible for attacks on civil society, the majority of Northern platforms (92%) responded that CSOs tend to rely on the judiciary for redress, whereas the Southern platforms look for both human rights councils (71%) and the judiciary (68%). In terms of regional variation, national platforms based in Africa (8 out of 12 platforms) and in Latin America (8 out of 9 platforms) were most likely to point to both the judiciary and human rights councils.

More Northern platforms rely on legislature (75%, or 9 out of 12) and government institutions (67%, or 8 out of 12) for accountability and redress in comparison to Southern platforms, where less than half of the respondents look for their countries' legislature (43%) and government institutions (43%). However, Northern-based interviewees, for example, referred to the nature of government's institutional structures, which is not conducive to immediately solve challenging problems. In their view, although some immediate issues might be addressed in terms of accountability, such solutions do not carry the same weight as established laws and regulations.



Most interviewees from Forus membership noted that while there are usually institutional mechanisms in place, their effectiveness is poor. As highlighted by one interviewee, when referring to the Asian context, this reality speaks to the importance of SDG 16 to guarantee access to justice for all and build effective, accountable and inclusive institutions. In spite of international commitments, many governments do not comply with such agreements due to a lack of interest, judicial independence or to an excessive bureaucracy, which ultimately prevents true transparency and accountability. In another context, one interviewee from an African platform noted that despite improvement, there is still little access from civil society to the higher levels of the government, suggesting that institutional channels for accountability are not open in all levels of governance. On the other hand, a CSO informant and expert in Africa suggested that CSOs may also need to consider their own strategies. Is the best CSO approach always one of sharp advocacy, drawing only attention to problems and “poking the government in the eye?” Or should CSOs pay more attention in finding entry points to find common ground in understanding the problem/issue at hand and those affected, in ways that seek out solutions?

The digital environment

Context

Attention on various CSO enabling conditions, particularly over the past five years, has increasingly analyzed the role of digital technology in both transforming the scope of civic space as well as its use in extending restrictions within this space [see, e.g. OECD, 2020, *Digital Transformation*]. Earlier frameworks for a conducive CSO enabling environment in the 2000s made scant mention of these technologies even while CSOs and social movements were creatively expanding their use.⁶ The positive and transformative opportunities have been recognized as CSOs expanded their access to and use of digital technology and social media to promote organization and change [ACT Alliance/CIDSE, 2015, 27; Chandhoke et al., 2002, 40; Houssain et al. 2016, 22]. At the same time, while the UN General Assembly passed a non-binding resolution declaring that internet access should be considered a human right in 2016,⁷ concerns are emerging regarding increasing abuse in many countries [Concord and FOND, 2018].

Access to the internet remains a critical issue with up to four billion people without access to the internet, mostly in the Southern context (likely including many local CSO staff working in difficult circumstances) [Concord/FOND, 2018, 24; OECD, 2020, *Digital Transformation*, 24]. Indeed, this issue was raised in the context of an African country with one interviewee noting that only around 5% of the population has access to internet or smartphones, which is even more apparent far from the country’s capital. According to the interviewee, for CSOs to access people living in remote areas without internet they resort to more traditional methods of communication which also have a wide reach, such as television and the radio.

⁶ See for example, Task Team for CSO Development Effectiveness and Enabling Environment, *Key Messages for the Fourth High-Level Forum on Aid Effectiveness [Busan]*, 2011, accessible at <https://taskteamcso.com/wp-content/uploads/2019/04/key-messages-for-the-hlf-41.pdf>.

⁷ See https://www.article19.org/data/files/Internet_Statement_Adopted.pdf

In 2019, almost half of the global population (46%) lived in countries where authorities disconnected the internet or mobile networks for political reasons [OECD, 2020, *Digital Transformation*, 24]. The quality of access remains an issue alongside concerns regarding risks to deepening inequality and abrogation of rights [Marmo, 2020, 1].⁸ More governments are following the lead of authoritarian states such as China and Russia in justifying comprehensive internet censorship and digital state surveillance under the guise of “cyber sovereignty” [ICNL, 2020, *Civic Space 2020*, 5]. According to Freedom House, in 2018 alone, 16 out of 65 countries passed new laws or directives to increase state cyber surveillance, often with no independent oversight [Quoted in OECD, 2020, *Digital Transformation*, 24].

The potential for “mission creep” in the use of digital contact tracing during the COVID-19 pandemic worry some commentators that such measures will become a permanent part of citizen surveillance even in parts of Europe or the United States, with rising illiberal political movements [Momani, 2020]. Concerns regarding ownership over information and messaging, including by the private sector, have also been voiced [Zuboff, 2019; OECD, 2020, *Digital Transformation*, 25–27].

Forus’ members echoed many of the concerns noted above, frequently mentioning the impacts of the COVID-19 pandemic on an enabling digital environment. National platforms and regional coalitions are particularly concerned with how the COVID-19 health crisis is being used to track individuals to monitor the spread of the disease. In particular, interviewees expressed worry that such efforts might be used as a way to permanently establish forms of control and surveillance over both citizens and CSOs. These preoccupations were also echoed by other CSO partners and allies. One interviewee pointed to the opportunistic use of COVID-19 to curtail freedoms. It is now easier for governments to use the fear of the pandemic to push through legislation that otherwise would have never been able to pass into law without a proper debate with CSOs. Another interviewee, recognizing counter-terrorism and security discourses as a driver of closing space, argued that such narratives have escalated in view of COVID-19, referring to how surveillance technologies may be misused for political purposes of civic oppression.

Appreciating the benefits with digital communications for access to information and social organizing, CSOs are also witnessing governments’ use of digital technology to crack down on targeted CSOs that possess inherently less capacities to defend themselves. Evidence is already emerging that CSOs and HRDs are subject to digital harassment, false news and manipulative media, cyber-attacks and data theft.⁹ Along these lines, an interviewee from an international

⁸ Marmo, Elena. 2020. *Human Rights in the Digital Age: Challenging Issues on the UN agenda*, UN Monitor #14, Global Policy Watch, April 6, 2020, accessible at <https://www.globalpolicywatch.org/wp-content/uploads/2020/04/20200406-UN-Monitor-14-Human-Rights-Digital-Technologies.pdf>

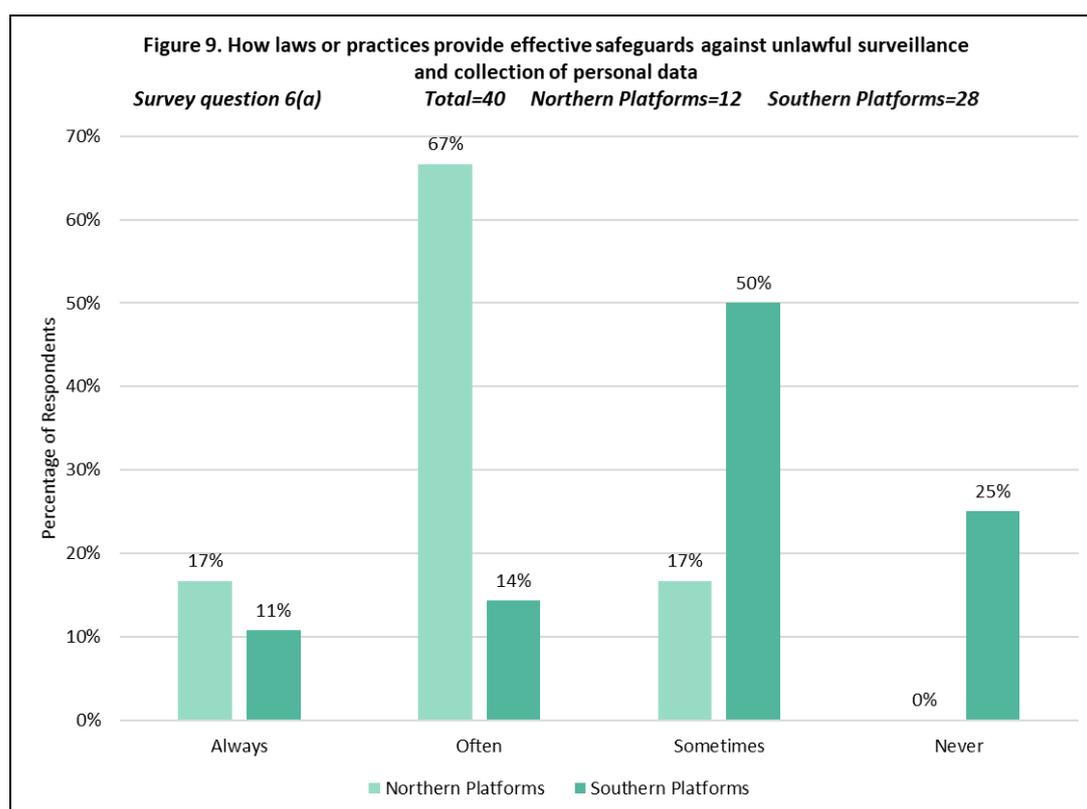
⁹ Responses by the DAC CSO Reference Group to a DAC Consultation on Digital Transformation and Impact on Civil Society, unpublished.

August 2019. This Consultation has resulted in a DAC Foresight Policy Paper, “Digital transformation and the futures of civic space to 2030,” OECD Publishing, June 2020, accessed at <https://www.oecd-ilibrary.org/docserver/79b34d37-en.pdf?expires=1601767385&id=id&acname=guest&-checksum=96211D1D193223925B1BF15299D76C73>.

institution dedicated to dialogue and funding civil society added their perception that digital space is being curtailed, both in terms of criminalization of freedom of expression online, but also through targeted attacks, such as internet shutdowns, surveillance and spyware. These trends are likely to affect the whole of civil society. For the interviewee, what is concerning is “the realization that we all rely on the digital sphere, and that sphere is also being closed.”

Perceptions of digital transformation

When asked about how laws or practices provide effective safeguards against unlawful surveillance and collection of personal data, national platform experiences vary between Northern and Southern contexts (Figure 9). Most Northern-based platforms stated that their countries’ laws often (67%) or always (17%) safeguard them. Some Northern platforms responding “sometimes” (17%) have governments aligned to more nationalist and protective policies when compared to other Northern countries answering the survey.



On the other hand, in the Southern context, only 14% of the platforms considered that laws are often protective, and 11% stated that laws always present safeguards against unlawful surveillance and collection of personal data. The majority (75%) of Southern platforms stated that laws either sometimes (50%) or never (25%) offer such safeguards. The online survey also highlighted how changes in the digital environment (new technology, software, access to information) contribute to the enabling environment for civil society. When asked about the impact of changes to the

digital environment,¹⁰ the majority (57%) of the Southern-based platforms described the impact as being mixed with a trend towards increasing negative impacts in recent years, against 33% of Northern platforms choosing that option. On the other hand, no Northern platform described the changes as having a completely negative impact, against 21% of Southern platforms.

Experiences vary among CSOs in terms of their engagement with new digital technologies and their ability to respond to negative impacts. A 2018 European survey of CSO [Concord/FOND, 2018] demonstrated that some CSOs are very active in the field of digitization, while others indicate a lack of digitization awareness and thus vulnerability to manipulation and abuse. Many believe that social media and their capacities to have digital impact on democracy are CSO assets, but also seek a more informed overview of digitization trends [Concord/FOND, 2018, 31]. The study concluded that there is a need for CSOs to invest in their own understanding of digital technologies vis-à-vis the concentration of power, change relationships between sectors and work to minimize any negative consequences [Concord/FOND, 2018, 29].

Harnessing communications and specialized digital capacities

The topic of digital technologies was equally brought forth in interviews, particularly with regard to capacity development for an enabling digital environment; to conduct advocacy work in digital spaces, and to better communicate CSOs' mission and work being developed to the general public and other stakeholders.

Box 3. Invest in specialized capacities in the digital space needed

One interviewee pointed to the need for civil society to be better educated and aware of issues with digitization such as the potential for continuous surveillance in a post-pandemic world. Artificial intelligence and technologies such as face recognition, for example, are currently being used by both public entities and private companies. An interviewee from an Asian platform highlighted the challenges of advocacy in the digital space, commenting that platforms are not necessarily well equipped to measure the outreach and impact of an online campaign. According to the interviewee, there might be an opportunity for learning from others who use websites as advocacy spaces.

Beyond concerns with surveillance and abuse of digital technologies, Forus members highlighted the importance of digital technologies as a means to improve their strategies, particularly around communication. Some interviewees recognized that CSOs could do a better job in communicating their actions and results. According to an interviewee from an African platform, improving CSO communication strategies includes and goes beyond making better use of the internet. In their view, television is a key means of communication, and partnerships with international television networks could be important to national CSOs, as those networks sometimes have more credibility in the process of conveying messages. Interviewees from Latin America also recognized the

¹⁰ Question 6(b). See Annex 4 for details.

power of social media to assist in improving CSO communication, including in countering the stigmatization of CSOs (discussed further below in the section on resources, capacities and partnership). Interviewees from another platform highlighted the importance of the messages being conveyed from CSOs to the general public, as such messages are related to a change in behaviour. They also pointed to the value of sharing learning, best practices and communications pieces when the messaging is working well.

Strategies to improve the legal and regulatory environment

To support a legal and regulatory enabling environment, Forus' members highlighted the need to focus on strategies that take into account the long-term nature of dealing with legal and regulatory issues. The nature of the legal and legislative process and the potential complexity in the government's use of laws and regulations to reduce CSO operational space often require a sustained, long-term and dedicated CSO program, whether within an organization or as a coalition of CSOs. One interviewee from an African platform explained that CSOs' actions have only recently been able to change the law on associations following dedicated long-term engagement. CSO actions were able to make positive changes to a law whose previous wording was being used by the government to prevent an organization that advocates for LGBTQI+ rights from operating. The interviewee highlighted the joint work of CSOs to advocate for change in laws and regulations, mentioning that the process of revision of this law on associations started in 2008. Despite some advancements, the work has still not been concluded notwithstanding the success noted above. The challenge for CSOs is that much of the work has to be redone with each change of government.

Specialized international CSOs have developed work programs dedicated to improving legal and regulatory aspects of the enabling environment [ICNL, 2016, Checklist for CSO Laws; Community of Democracies, nd; ARTICLE 19, 2009; European Commission on Democracy through Law, 2019; Human Rights House Foundation, 2019]. These efforts have led to the identification of benchmarks for improving the enabling environment, based on principles and notions of good governance (Box 4).



Box 4. Good practices for supporting a CSO enabling environment through laws and regulation

Freedom of association

CSOs should be allowed to freely come into existence, without hindrance from the state, with voluntary and relatively quick, easy, transparent, and inexpensive measure to register or seek legal identify.

Involuntary dissolution subject to independent judicial review

Involuntary dissolution of a CSO should be based on transparent procedures by a recognized governing state body, after a requested correction of a legal or ethical violation has not occurred, and subject to judicial supervision.

Scope of legitimate CSO activities

CSOs should be treated like all other legal entities and be permitted to engage in activities for the benefit of their members, including framing, debating and speaking freely on all relevant issues of public policy.

Minimum public requirements for CSO governance

Laws and regulations should require a certain minimum provision of CSO governing documents directly relevant to the governance and operation of the organization, including receipt and approval of finance, but CSOs should also be free to adapt its governance within the limits of the law.

Voluntary self-regulation

The laws should permit the formation of umbrella organizations and allow for self-regulation of the highest standards of conduct and performance.

Freedom of expression

Laws must enshrine the right to freedom of expression, through any medium of communication, in accordance with international human rights law, and with any limitation clearly set out based on the minimum necessary to protect the democratic basis of society and subject to independent judicial review.

Financing CSO activities

The ability to seek, receive and use resources, including foreign resources, is inherent to the existence and effective operations of associations.

Recommendations

Overall, legal and regulatory practices affecting civil society in each country should ensure compliance with international human rights standards and respect for the rights of marginalized populations [Civil Society Summit, 2019, 6]. A number of recommendations emerge from the literature review and interviews regarding efforts CSOs can take to improve legal and regulatory environments.

CSO platforms and coalitions

- ✓ **Invest in monitoring and understanding country laws and regulations with the aim of developing locally relevant proposals for improvements.**

There is an opportunity for national CSO communities to work with specialized CSOs (domestic or international) to develop skills to monitor, review and analyze laws, regulations and digital rights affecting CSO space, including through the use of consultation and research to understand local needs [ACT Alliance/CIDSE, 2015, 35, 54; Kindornay & Gendron, 2020, 17; European Center for Not-for-Profit Law, 2011, 23; OECD, 2020, *Digital Transformation*, 9, 60-69]. These efforts should not only address technical issues, but include impacts on women's rights, violence against women HRDs and anti-women public narratives [Clark & Miller, 2013]. Another aspect in developing strategy is attention to the nuance and diversity of experiences, which require careful consideration and different approaches, as some organizations may benefit from status quo, while others do not. In some other country contexts, the laws are universally disabling for civil society. In this sense, coalitions need to craft their strategies to reflect their reality for different CSOs and how they are impacted by a restrictive environment. Proposals to reform laws and regulations must be fully responsive to local needs, engaging with the variations and diversity of affected civil society in developing and promoting such proposals.

- ✓ **Build relationships, elaborate advocacy strategies and invest in CSO leadership to challenge legal and regulatory restrictions and promote reforms.**

Progress on legal and regulatory reform requires dedicated staff and resource investments by CSOs. This includes building relationships with key contacts and supporters in government, parliament and other allies to promote participatory processes in drafting laws and regulations as well as reform efforts, and preparing short, medium and longer-term advocacy strategies to meet goals in this area [European Center for Not-for-Profit Law, 2011, 21-22; ICNL, *Enabling Reform*, nd, 11; European Center for Not-for-Profit Law, 2011, 24]. Dedicated CSO core leadership on these issues is also critical as a source of expertise, a convenor, information provider and actor that can alert interested parties when problems arise. As mentioned by an interviewee from a Forus partner organization, good practice for CSOs is investing in people who are both knowledgeable of the local political context and have some legal training and experience to be able to make the

bridge between constituencies, the CSO membership, and organizations specialized in legal and regulatory issues. National CSOs should dedicate resources over the longer term, experience showing that changes to laws and regulations might take a long time to be carried out.

- ✓ **Draw on and apply international standards and good practice, including through peer learning and information sharing and engagement with international, national and local allies.**

A diverse range of experiences already exist across country contexts. CSO coalitions should draw on this experience of good practice law and regulations in assessing their local enabling conditions, using resources from peers, international experts and other allies. In this context, good practice includes the promotion of law and regulation that support the right to initiative on the part of all citizens coherent with human rights standards for freedoms of association, of expression and political participation and the right to peaceful assembly [ICNL, Checklist for CSO Laws, 2006; ICNL, *Enabling Reform*, nd, 11, 15-16]. Another aspect relates to strengthen digital rights, laws and regulations consistent with human rights good practice. CSOs should work with allies to improve knowledge and capacities in legal, juridical and security areas in ways that strengthen citizens' understanding and access to their digital rights.

As highlighted in interviews and the literature, knowledge sharing is an essential component to improve the work of CSOs in protecting and promoting their rights in laws and regulations. One national platform in Latin America pointed to the importance of facilitating the exchange of experiences for both defending rights already realized and advancing the promotion of more open civic spaces, suggesting that a comparative study of legal frameworks for CSOs in similar countries may be useful for assessing both progress and setbacks. As pointed out in another interview, coalitions can use their capacity to help CSOs deal with legal barriers, adapt as well as they can, while pursuing advocacy for long-term change.

Donors and allies

- ✓ **Support CSO access to legal expertise.**

Interviewees from funders and other expert organizations stated that CSOs should be able to finance experts, such as good lawyers, to conduct legal analyses and liaise with governments on legal matters. An interviewee also stated that, as a donor organization, the first thing they ask and want to hear from their partners/grantees is if they have legal expertise, or if they have this need and would like to be connected to expert organizations, such as the International Center for Not-for-Profit Law. In this sense, donors and allies should play a role to support CSOs into finding and funding such experts appropriate to the requirements of their local environment.

✓ **Support early warning and public interest litigation.**

Where feasible and when requested by civil society, donors should find ways to support challenges to repressive laws and public interest litigation [ActionAid International, 2018, 11]. Donors should implement early warning mechanisms at embassy level to allow for quick reactions to country crises [Brechenmacher & Carothers, 2019, 27]. For example, an interviewee from a global organization mentioned that, after research, donor foundations were asked to come up with a framework on how to disrupt some of the drivers affecting civil society. In response, particularly in a post-COVID-19 context, donors decided to set up a new fund for civil society to support activities related to deepening securitization as a driver for closing civic space. According to the interviewee, securitization is an under-resourced issue that has, however, becoming an increasing problem. There is a need to create new, responsive global resources to address such issues faced by civil society.

✓ **Promote inclusive internet governance.**

Donors should promote inclusive internet governance. Given the growing importance of democratic oversight of digital media for civic space, governments should include civil society in the development of processes and proposals relating to internet governance, privacy, open data and surveillance, including at the OECD, the International Telecommunications Union or the WTO [Brechenmacher & Carothers, 27; ICNL, *Civic Space 2040*, 2020, 4-6; OECD, 2020, *Digital Transformation and the Futures of Civic Space*]. Also, donors should consider direct support to CSOs for the promotion of digital inclusion and reaching the most vulnerable civil society actors [OECD, 2020, *Digital Transformation*, 9, 60-69].



SPACE FOR EFFECTIVE AND INCLUSIVE POLICY DIALOGUE

Policy engagement

Context

As legitimate independent development actors in their own right, CSO engagement with governments and other development stakeholders at all levels is a crucial role they play. In their diversity, CSOs bring invaluable development experience, insights and innovation to the table to influence development policies and processes. They can potentially ensure the voices, priorities, concerns and proposals are heard from people who would be otherwise excluded from government deliberations on national/local priorities, including the SDGs. For example, women's rights organizations point to systemic patriarchy, which affects access to fora to engage government, their ability to generate dialogue on issues that challenge existing gender power relations, and to access the resources to do so effectively [Clark and Miller, 2013].

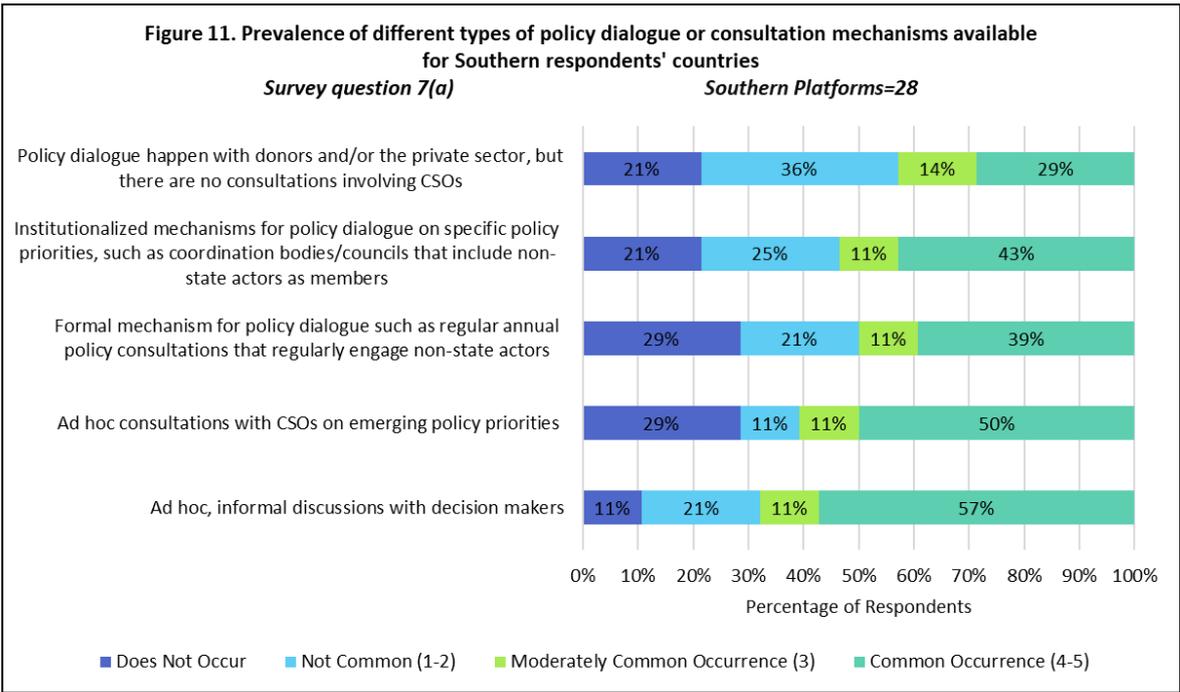
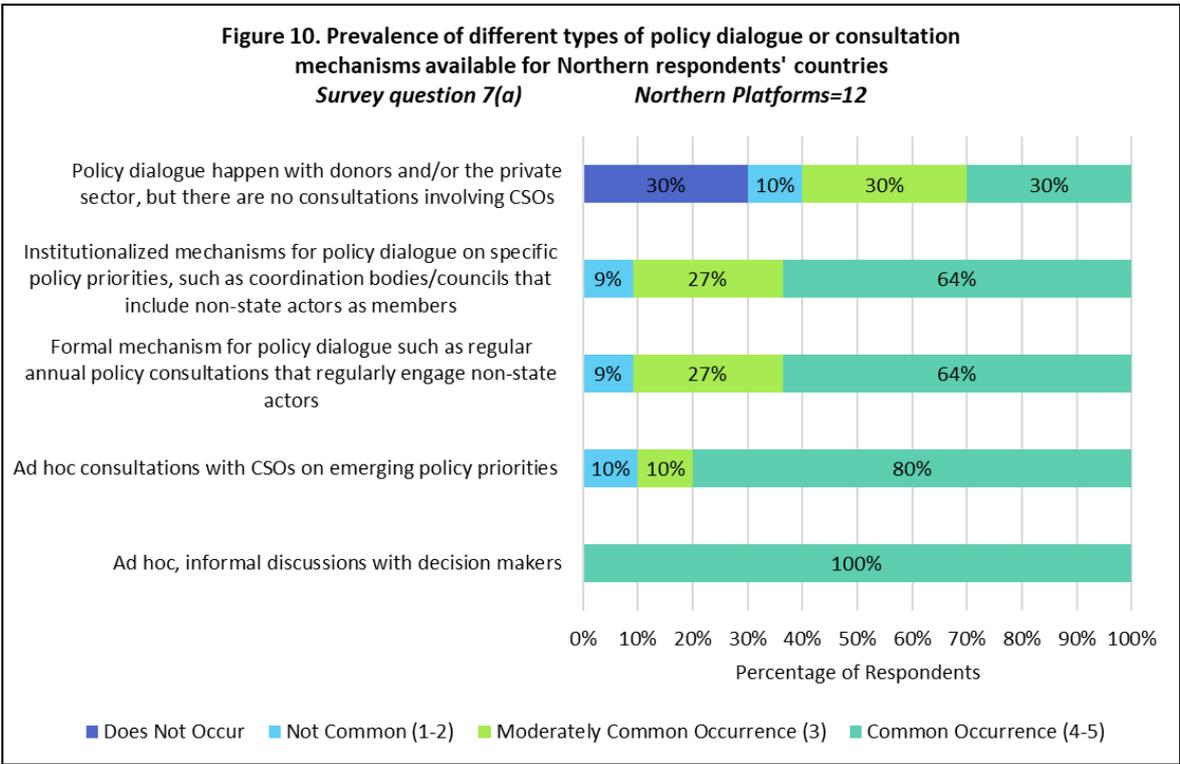
CSO participation in dialogue is a key ingredient in meeting the 2030 Agenda's commitment to "leave no one behind" [Task Team, 2019, 16 ff.; Tomlinson, 2019; ITAD & COWI, 2013; International Forum of National NGO Platforms, 2017]. The case study produced by Indonesia (**see Annex 5**) brings country-specific insights on civil society's engagement with the government (particularly towards achieving the SDGs) and with grassroots, including women's movements.

Available policy dialogue mechanisms

When asked about the prevalence of different types of policy dialogue or consultation mechanisms

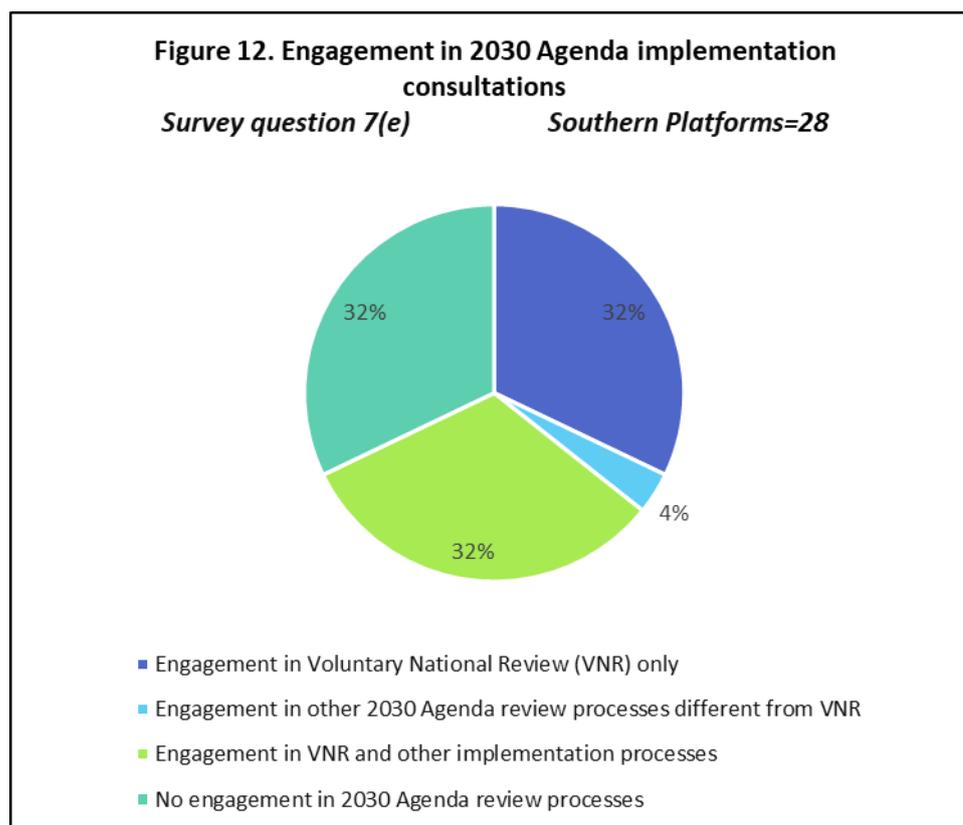
available in their countries, Northern and Southern platforms tended to have similar views on the occurrence of available dialogue mechanisms (Figure 10 and Figure 11) with ad hoc, informal discussions with decision makers being the most common (100% in the Northern context and 57% in the Southern context), followed by ad hoc consultations with CSOs on emerging policy priorities (80% of Northern respondents and 50% of Southern ones).

National platforms presented mixed results in terms of the occurrence of policy dialogues between the government and donors and/or the private sector that do not include CSOs directly, noting that such mechanisms do not occur or, in the case of the Southern context, are not common. Overall, Northern platforms are more likely to consider access to different mechanisms by CSOs exists, whereas views are more mixed in the Southern context.



While consultations on the implementation of the 2030 Agenda have presented opportunities for CSO engagement in policy dialogue, CSOs continue to report that these processes are still often unique, have limited representivity of the diversity of CSOs and are of limited quality in terms of timeliness, transparency and an open dialogue process [Action for Sustainable Development, 2019; Kindornay and Gendron, 2020; Tomlinson, 2019, 123-124]. One regional coalition noted that in the past few years, CSOs have hardly been engaged in SDGs implementation including monitoring and review mechanisms. Their inputs into formal Voluntary National Review (VNR) processes are not apparent and VNR reports do not deal with human rights issues or shrinking civic space.

When asked if CSOs were being consulted in VNRs and/or in other national follow-up and review processes, Northern Forus members reported consultation in both VNRs and other processes (61%). For Southern platforms, responses were mixed (Figure 12). An even number of countries reported consultation in only the VNRs, both the VNRs and other processes, and in none of the countries' review processes at 32%. It is also worth highlighting that 25% (3 respondents) of the Northern platforms stated that CSOs were not consulted at all in 2030 Agenda implementation. Among all 40 survey respondents, there was only one platform stating that CSOs were consulted only in other national review processes, but not in the VNR.



Effectiveness of policy engagement

The literature on enabling government dialogue with CSOs often focus on the importance and essential conditions for an effective multi-stakeholder character to these engagements [Task Team, 2019, 17-23]. Effectiveness is determined inter alia by having both the right sectors and individuals around the table (skills, competencies, social capital and reputation of particular individuals, such as “champions”). Country conditions matter, including the distribution of power within and across government and society and trust in both the individuals involved but also the capacities of institutions to deliver [Task Team, 2016].

At the same time, CSO capacities and organization also impact the outcomes of policy dialogue. A 2013 study based on nine policy case studies in three countries [ITAD & COWI, 2013] concluded that a range of factors determine effectiveness:

- CSO linkages with constituencies (though the importance of this varies depending on the type of policy discussions),
- evidence-based research to back advocacy,
- existence of networks and coalitions to concentrate work and impact,
- a long-time horizon, sometimes extending years and decades before true impact is realized, and
- local CSO initiative and citizen empowerment, the latter of which is important for long-term outcomes.

The study also noted the importance of political leaders in shaping the enabling environment which mean CSOs face a different situation in practice versus what might be expected based on legal provisions. The study made a distinction between “invited spaces” (largely directed by government) and “claimed spaces” where CSOs create public pressure for issues with limited government support. Where invited spaces are limited or controversial issues are avoided by government, CSOs are more likely to revert to self-initiated strategies to claim spaces for their issues. The study concluded that there is a need for CSOs to identify opportunities in the political environment and the potential for alliances when establishing strategies [ITAD & COWI, 2013, 12]. Issues identified and championed by local CSOs themselves have led to committed and sustained action and a higher chance of success than those initiated externally (e.g. by INGOs). However, CSOs are not always involved in setting the agenda and processes for multi-stakeholder policy dialogue, and the extent to which this occurs varies in both the Northern and the Southern contexts, according to the national platform responses to the online survey as outlined below.

Building on findings from previous studies, national platforms were asked a number of questions to unpack their views on the quality of policy dialogue. These included questions related to usefulness, decision-making vis-à-vis policy dialogue processes, transparency and information sharing and exchange, and diversity and inclusion.

Usefulness of policy dialogue mechanisms

National platforms and regional coalitions commented on the usefulness of existing policy dialogue mechanisms for addressing civil society concerns, an issue that speaks to both trust and capacity. The survey results showed mixed responses, with a majority (58%, or 7 out of 12) of Northern platforms considering mechanisms as somewhat useful (ranked 3 out of 5) versus 25% (or 7 out of 28) of the Southern platforms stating that option.¹¹ Southern platforms mostly (46%) considered that existing mechanisms are not useful (ranked 1-2 out of 5). There was only one Northern national platform that graded mechanisms as not useful at all (ranked 1 out of 5), which suggest that a country’s political context is an important backdrop to policy engagement.

11 Cf. Annex 4, Survey question 8(a), “Usefulness of existing policy dialogue mechanisms for addressing civil society concerns.”

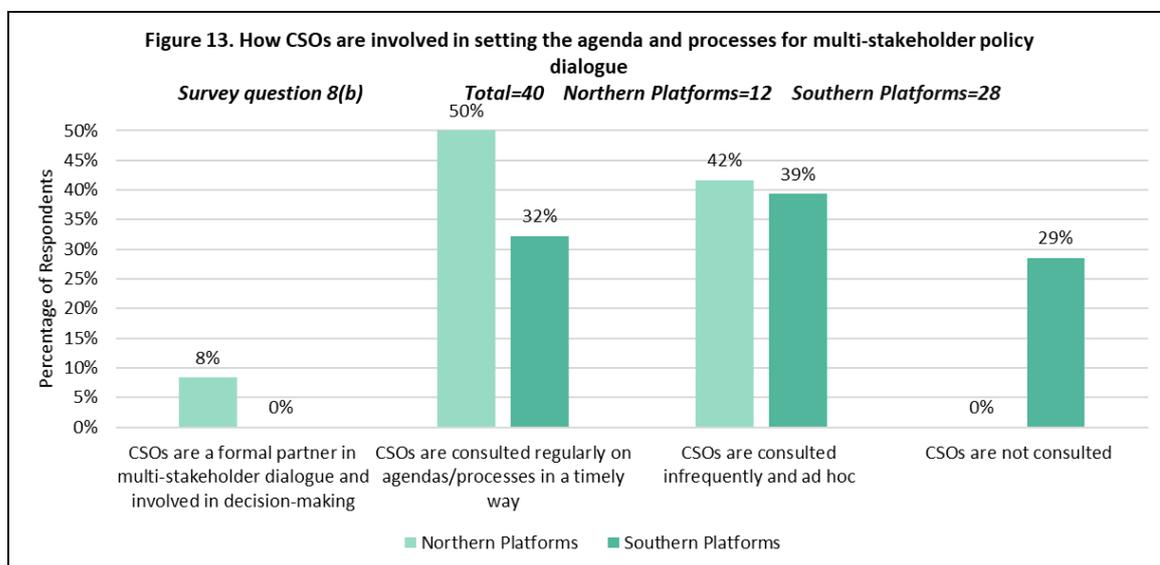
National platforms and regional coalitions may be able to play an important role in improving policy outcomes even when space for engagement is limited. For example, one regional coalition noted that they could play an enhanced role in such instances through training to CSOs on official VNR process and the development of parallel reporting. They also noted that capacity development efforts to create and strengthen national CSO platforms where they have limited capacity, or do not exist, could be an important strategy as part of efforts to improve policy dialogue.

Box 5. Advocating in challenging environments - Experience from Brazil

In Brazil, the reality of poor engagement with government has meant that CSOs born in a dictatorship (thus with extremely limited room for engagement with forces in power), built a system of popular participation from the bottom up, where they have established strong links with local communities and grass roots, but not necessarily with governments. Although there is currently little appetite for discussion and engagement with CSOs on the government side, CSOs still have the knowledge and capacity to prepare policy proposals and establish dialogue with various actors. According to Brazil's case study summary report, "Brazilian civil society has sought partnerships, networking and articulation through its organizations, to seek ways to resist the setbacks that have been taking place in the country for the past four years. [...] From the present moment onwards, the logic of action has transformed into a position of resistance and defence of fundamental rights."

Engagement in decision-making

With respect to decision-making in structuring the policy dialogue, Figure 13 shows that CSOs are rarely included as a formal partner in multi-stakeholder dialogue, with only one platform noting such an arrangement. Northern platforms noted that CSOs are consulted regularly on agendas and processes in a timely way (50%, or 6 out of 12) or at least infrequently and on an ad hoc basis (42%, or 5 out of 12). Nearly 30% of Southern platforms, however, stated that CSOs are not consulted. Regular consultation on agendas and processes was described by 32% of Southern platforms, whereas 39% stated that CSOs are consulted infrequently and ad hoc.



Transparency and information sharing

Transparency and information exchange are essential elements of effective policy dialogue. The timely availability of relevant information is a crucial feature of good governance and is essential for development coordination and an informed public. When asked about the extent to which government information is accessible to CSOs to inform their programs and advocacy efforts, national platforms responded according to Figure 14. Data show that all 40 national platforms are more likely to see government information as somewhat accessible (50% of Northern platforms and 43% of Southern platforms ranked accessibility as 3 out of 5) versus highly accessible (ranking of 4 or 5 out of 5). While a minority of national platforms (33% of Northern platforms, 11% of Southern platforms) stated that information is highly accessible (ranked accessibility as 4-5 out of 5), access to information has had modest improvement over the past decade. But clearly overall access to information is still a significant issue in both the Northern and Southern contexts. This conclusion is confirmed in both the literature and the in-depth interviewees. One interviewee from a regional coalition noted that policy dialogue has been hampered specifically by a lack of disaggregated data, in addition to limited reliability of citizen-generated data.

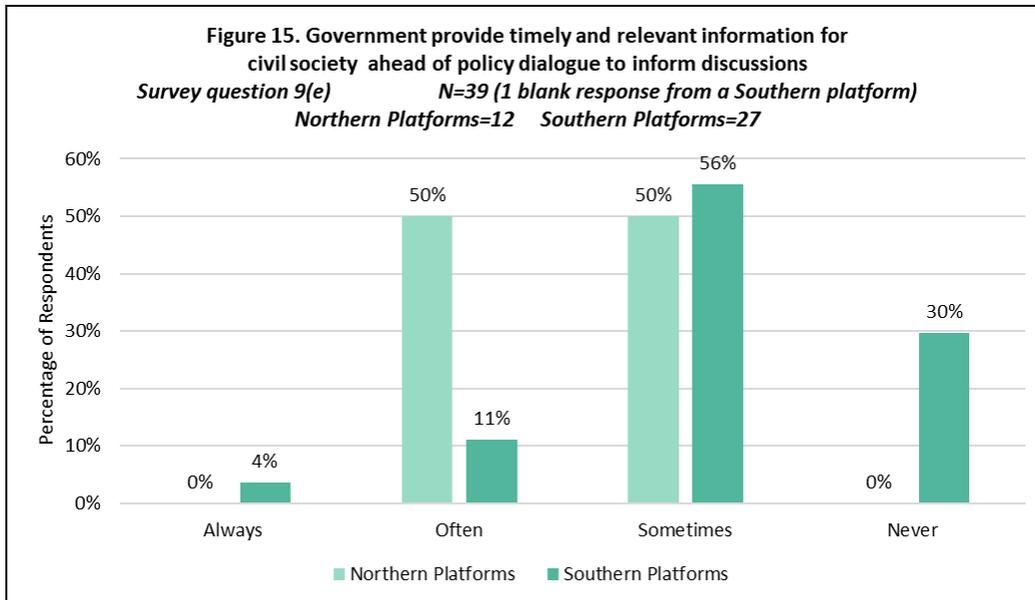


Figure 14. Accessibility of government information to inform CSOs' programs and advocacy efforts

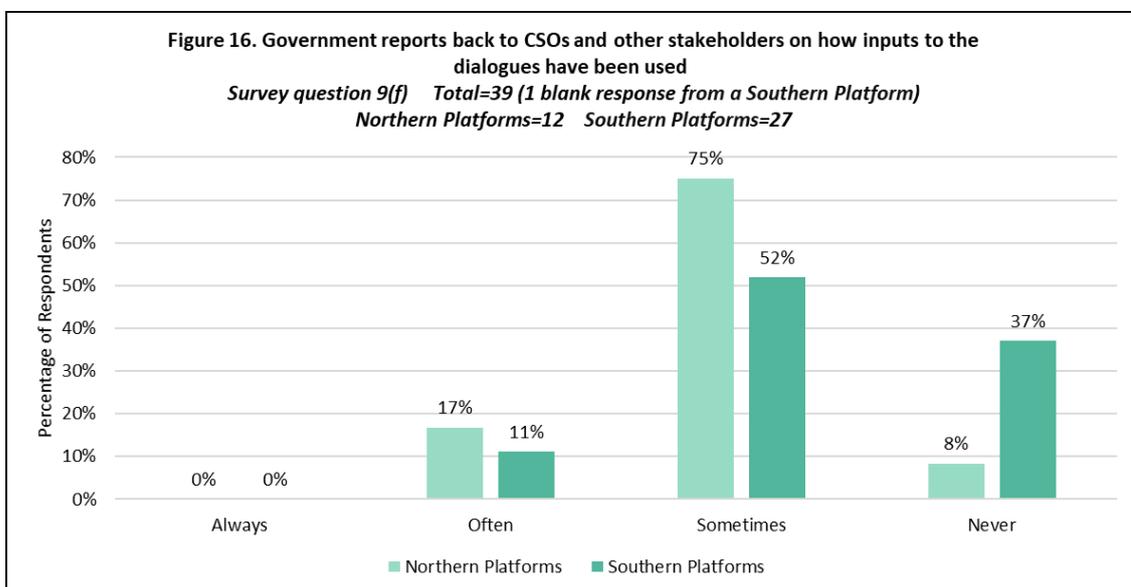
Effective policy dialogue is also about the extent to which stakeholders are informed to properly engage. Information sharing is two-fold: 1) how governments provide CSOs with information to inform discussions around policy dialogue, and 2) how governments report back to CSOs about how their inputs have been used. Figures 15 and 16 present the views of national platforms regarding information sharing as part of policy dialogue.

When asked if the government provides timely and relevant information for civil society ahead of policy dialogue to inform discussions, most national platforms selected often or sometimes as shown in Figure 15. However, distinctions emerge between Northern platforms who selected often (50%) and sometimes (50%) versus responses by Southern platforms that indicated a more diverse range of experiences. The majority of Southern platforms (56%) noted that information is sometimes provided in advance, versus 11% who said often, and 4% who said always (which represents only one national platform in Africa). More worrisome is that 30% or 8 out of 27 Southern platforms noted that the government never informs CSOs ahead of policy discussions.

In terms of regional variation, survey data shows that most platforms located in Asia (3 out of 5) and in Africa (9 out of 11) stated that the governments provide information only sometimes, suggesting that there is at least some level of effort from governments to inform CSOs ahead of policy dialogue, even if not consistently. On the other hand, most of the platforms in Latin America (6 out of 9) stated their governments never makes an effort to inform them.



Forum members were also asked if the government reports back to CSOs and other stakeholders on how inputs to the dialogues have been considered and included (Figure 16). No platform from either the Northern or Southern contexts responded that governments always report back to CSOs, and in fact, the sharing of information back to CSOs following policy dialogue is considered very infrequent, particularly in the Southern context. Figure 16 demonstrates that very few national platforms often receive information on how their inputs have been used (17% in the Northern context and 11% in the Southern context), with most selecting “sometimes” (chosen by 75% of Northern and by 52% of Southern platforms). Eight percent of Northern and 37% of Southern platforms noted they never receive information on how their inputs were used.

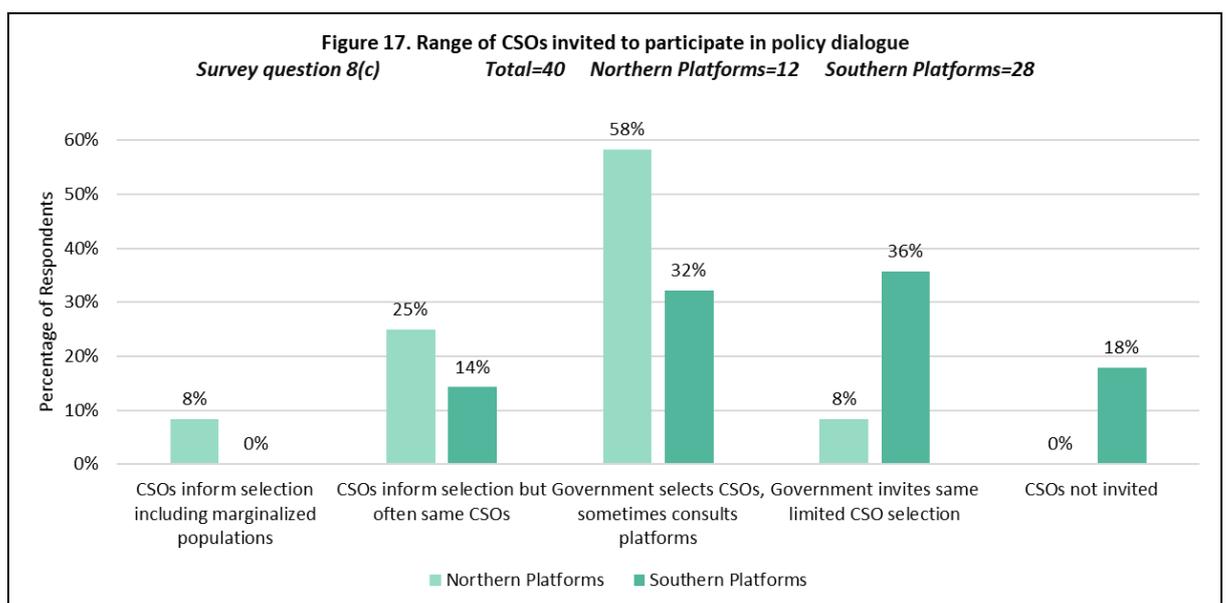


Overall, Figures 15 and Figure 16 suggest that governments make more upfront effort to inform participation by civil society (often with an intended government policy to discuss) than they do in terms of being accountable for the outcomes of consultation and policy dialogue (i.e. report back to CSOs on how their inputs have been used to modify policy).

Power, diversity and representation

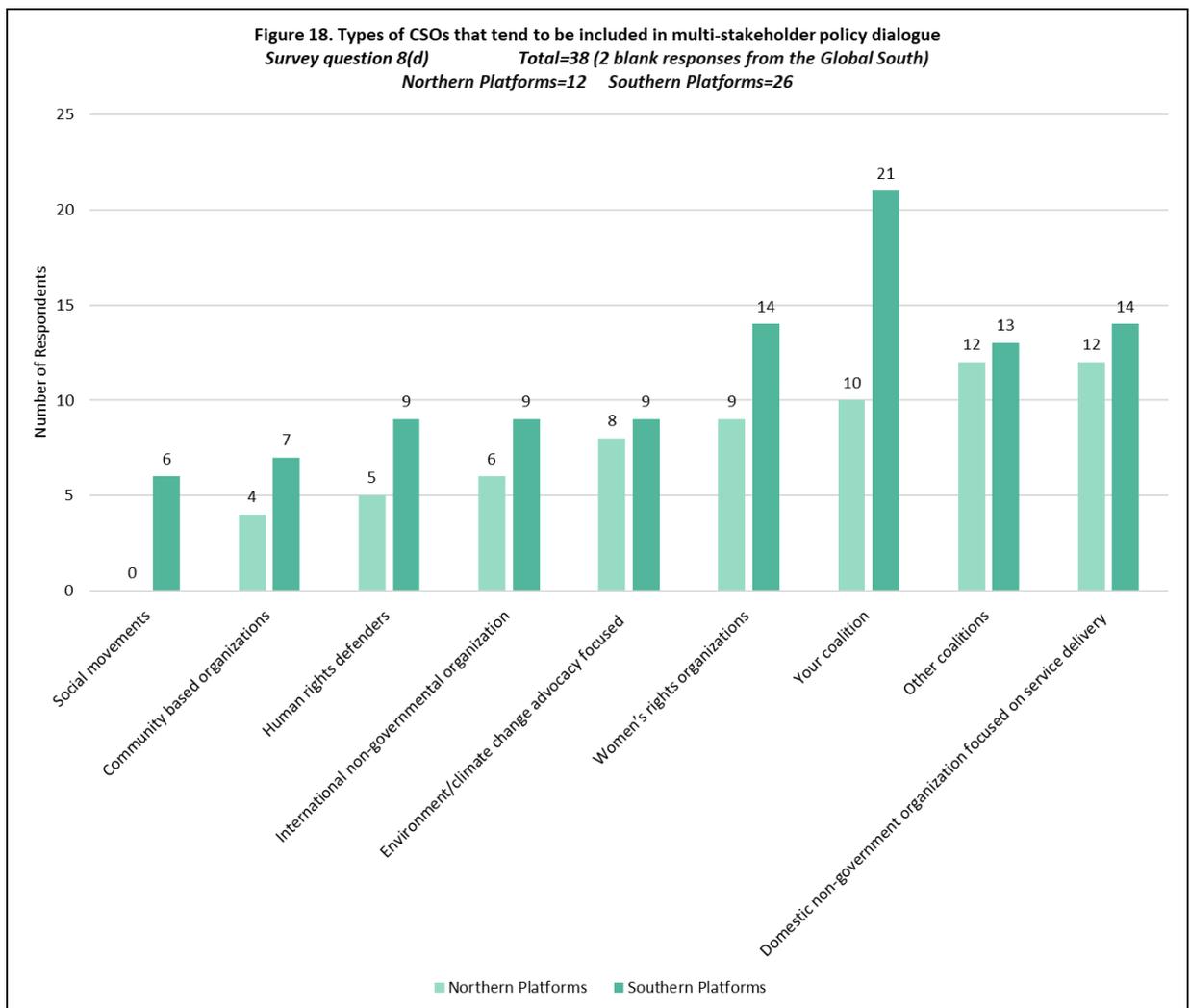
Power relations frame who gets to participate in policy dialogue and on what terms. The politics of inclusion is complex and deeply contested in many countries based on degrees of challenges to existing power structures and entrenched interests. Contested dialogue is closely related to contested options for development, its values, goals and directions.

When asked about governments’ engagement with CSOs to ensure diversity in policy dialogue, national platforms’ answers confirmed that CSOs are not consistently invited to participate (Figure 17), a finding that contradicts good practice in stakeholder engagement, which includes respecting the ability of CSOs to self organize (Kindornay and Gendron, 2020). Only one Northern platform noted that governments engage CSOs representing marginalized populations to inform how government selects diverse participants. Southern platforms have a diverse range of experiences, but more than half (54%) indicated that governments invite the same CSOs (36%) or CSOs not invited (18%). Only a third of the Southern platforms (32%) indicated that they were sometimes consulted on selection of CSOs for dialogues, with another 14% stating that CSOs informed the selection but were often the same CSOs. Very differently, 58% of the Northern platforms referred to the government selecting CSOs sometimes in consultation with the platform, whereas only 8% (1 out of 12) referred to exclusive government invitations of the same limited CSO selection.



Power dynamics are not only societal, they are also reflected in relationships between CSOs. These relationships can affect the inclusiveness of policy processes as governments deliberately divide CSO communities. INGOs have a diversity of important engagements in policy processes at global, regional and national levels. But the latter can sometimes affect access and capacities for local/national CSOs to engage in these policy processes. INGOs are criticized for playing on their privileged access to governments, sometimes excluding local actors, promoting their own agendas over indigenous issues, as well as distorting local priorities through privileged access to, and expenditure of resources [ITAD and COWI, 2013, 88].

Interestingly, the responses from national platforms regarding participation by different types of CSOs in policy dialogue suggest that INGOs are not necessarily consistently included versus other stakeholders.¹² Figure 18 shows the types of CSOs that tend to be included in multi-stakeholder policy dialogue according to national platforms. The majority of Southern platforms (21 out of 26 respondents, 81%) answered that the most frequently included CSOs are their own platforms,



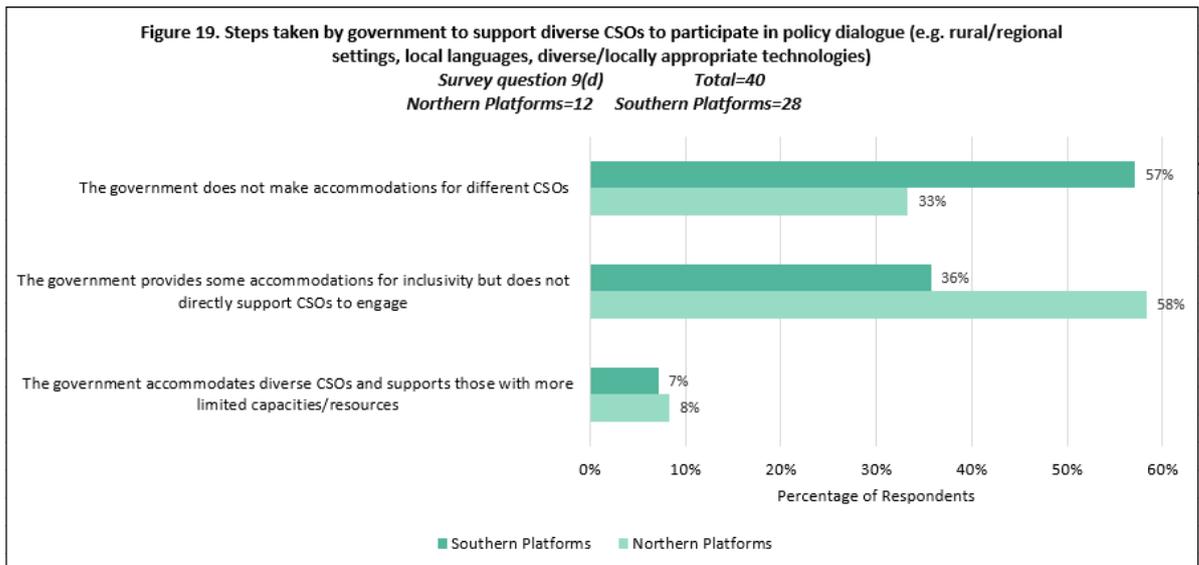
¹² This finding does not exclude the possibility that INGOs in these country contexts have their own privileged access to government decision makers, particularly where INGOs maintain major country offices and programs.

whereas the Northern respondents noted these dialogues also include other platforms/coalitions (12 out of 12) and domestic NGOs focused on service delivery (12 out of 12). Overall, inclusion of different types of CSOs seems to be lower in the Southern context in comparison to the Northern context where one can expect to see a greater diversity of CSOs included in policy dialogue. However, survey data shows that Southern platforms - particularly based in Latin America and Africa - were the only ones to refer to the inclusion of social movements. But as seen in Figure 18, social movements are still the least likely to be included. Their inclusion was only noted by 6 out of 26 (23%) Southern platforms.

Box 6. Engaging grassroots movements - Experience from Indonesia

To expand civic space and an enabling environment for CSOs, it is essential that civil society engage in a joint strategy. According to Forus' member in Indonesia, ensuring that grassroots movements and groups most left behind participate in policy dialogue is a way forward towards achieving SDG 16. As outlined in the Indonesia case study report, “[t]o find a space for participation in policy-making, one way that has been done is to go directly to the grassroots by inviting women and vulnerable groups to consolidate, make suggestions, and submit in the development planning deliberation (Musrenbang) process. CSOs can also carry out advocacy and lobby directly at the lowest government level at the village level. CSOs must again turn their attention to grassroots movements to strengthen communities.”

The matter of inclusion towards a more open space for dialogue, particularly for those representing marginalized and often excluded populations, is not just about who is invited to participate. But there must also be a recognition that different capacities and contexts mean that achieving diversity and inclusion requires deliberate efforts to accommodate, and in some cases, offer support for such engagement. When asked about the steps taken by government to support organizations with different capacities to participate in policy dialogue (e.g. by providing opportunities in rural and regional settings, in local languages, or using diverse, locally appropriate technologies), the majority of Southern platforms (57%) stated that the government does not make accommodations for different CSOs (Figure 19). This is the experience for a third of Northern platforms. On the other hand, the majority (58%) of Northern platforms reported that their government provides some accommodations to ensure inclusivity (local languages, consultation in different regions, etc.), although they do not directly offer financing for organizations to engage. Only 36% of Southern platforms share this experience.



Only three Southern countries and one Northern country reported that governments fully support the inclusion of those with more limited capacities and resources. Acknowledging some level of accommodation to diverse CSOs, much more deliberate efforts on the part of government (and civil society platforms) is required to ensure that policy dialogues are truly inclusive, with the direct participation of organizations representing marginalized and excluded populations, in determining development policy directions affecting their development prospects.

An interviewee from a CSO network in Africa mentioned the often-fraught relations between HRDs and governments. In the interviewee’s view, the possibility of engagement in dialogue would be positive, but this should not be a task for CSOs. Rather, the government should create enabling conditions for dialogue, so that agreement and understanding can be reached.

National platforms were asked if their countries’ government discriminates among CSOs as participants and in the process of conducting policy dialogues. Figure 19 represents the answers of 38 among the 40 platforms responding the survey. Accordingly, the level of discrimination that CSOs experience is significantly higher in the Southern context, a tendency confirmed by some Southern regional coalitions as well.

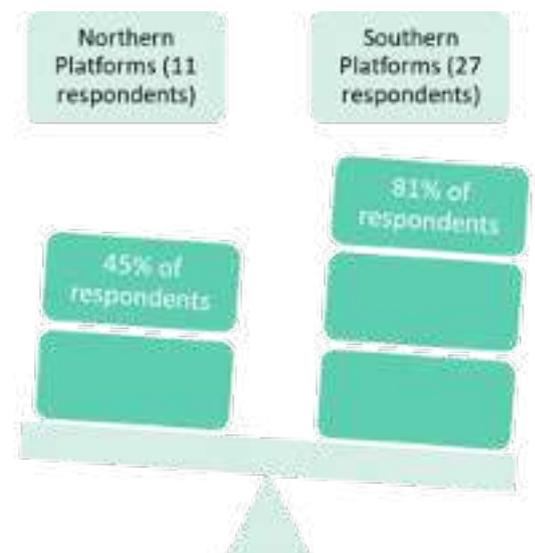


Figure 20. Level of discrimination of government towards CSOs in the participants and process of conducting policy dialogues

In the interviews, the issue of discrimination affecting CSOs was mentioned, not so much in terms of policy dialogues, but in the context of physical attacks on CSO actors and the culture of impunity (see this report's section on impunity and redress and Figure 7). Data from the online survey and in-depth interviews suggests that both the attacks carried out with impunity and the lack of participation in policy dialogue often affect the same sectors of civil society: defenders of human rights, environment/climate activists and representatives of social groups most left behind.

Recognition of national platforms by government can facilitate more diverse representation. For example, an interviewee from a regional coalition mentioned how the coalition is recognized by the government as an umbrella organization, which enables the coalition to facilitate dialogue between leaders from government and a diversity of CSOs in dedicated forums. According to the interviewee, the government has been consulting CSOs frequently, including them in councils and properly involving them in processes. This situation is mainly due, in the interviewee's view, to a mobilization of civil society, in which the coalition played an important role, including the production of a shadow report after not having been properly consulted during the country's VNR process. This account suggests that recognition of representative CSOs platforms is an important ingredient to ensure participation of civil society, and therefore less discrimination, in government processes.

Diversity and power within civil society

Over the past decades, CSOs have established networks and coalitions within and across sectors to coordinate their activities and facilitate a common agenda in national, regional and global policy arenas. While often mentioned as a critical means through which CSOs play an effective role in policy processes, there is little in the literature that analyzes strengths and weaknesses in these efforts for coordination [ITAD & COWI, 2013, 10; IFP, 2017; ICNL, 2018, *Effective Donor Responses*, 23]. Alliances should be as broad and inclusive as possible across sectors and types of organizations [Feber, 2018, 13]. But on the other hand, the Danish/Swedish evaluation points out that networks are not a panacea; they need substantial maintenance, are costly in themselves, and may suffer from in-fighting or leadership fatigue [ITAD & COWI, 2013, 13, 96].

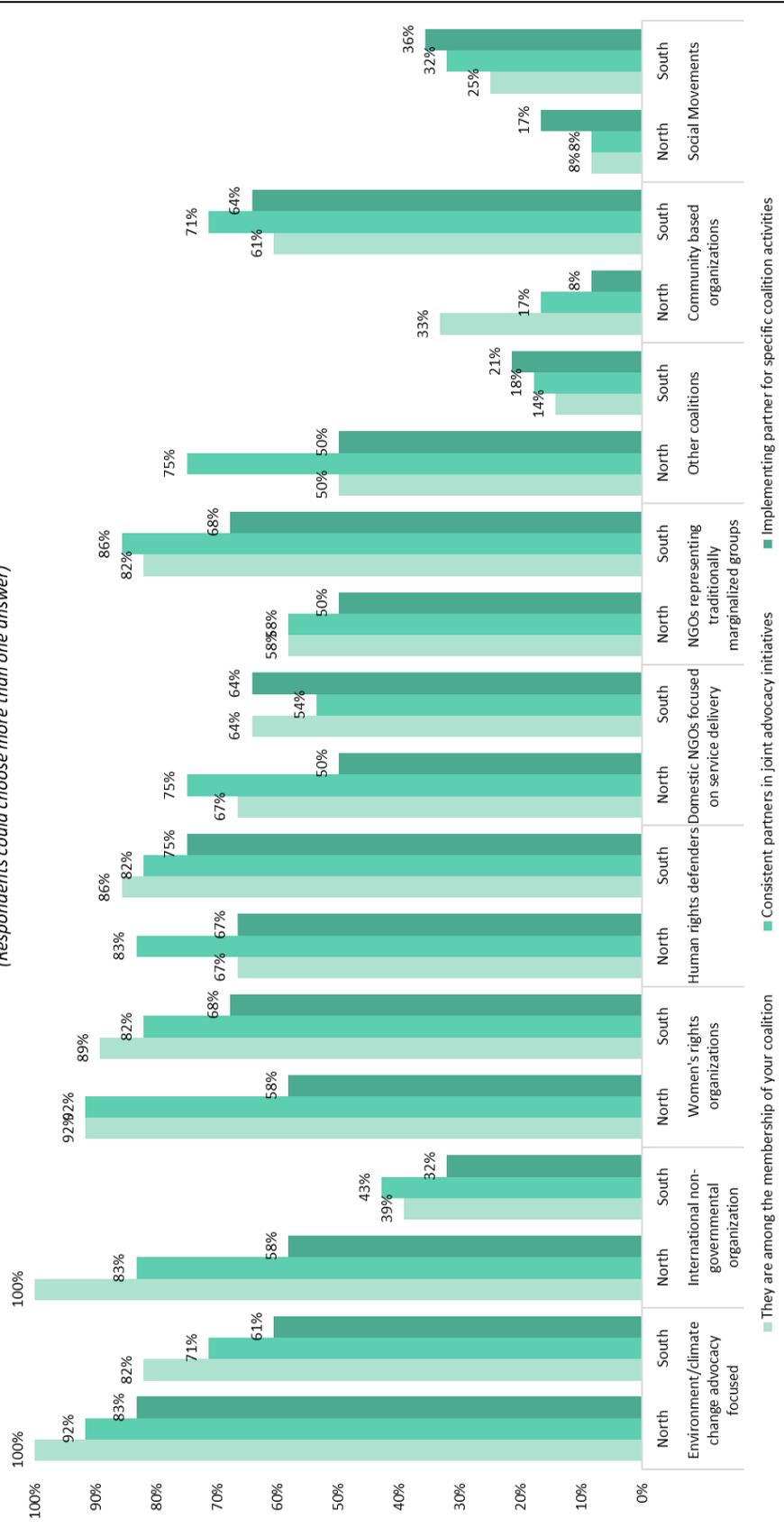
An important aspect of diversity is the representivity of national platforms and their relations with other types of civil society groups. When asked, platforms responded as shown in Figure 21. Some of the information presented directly relates (and confirms) the impression of the types of CSOs that are usually more included in policy dialogue (refer to Figure 18). Data from Figure 21 highlights a strong diversity in membership, in advocacy efforts, and partnerships among national platforms in both the Northern and Southern contexts. For the Northern context, among those most represented or engaged by the platform includes INGOs, environment/climate justice organizations and women's rights organizations. Those that are less represented

are social movements, community-based organizations, and HRDs (although they are strong partners in advocacy efforts). For Southern platforms, women's rights organizations, HRDs and NGOs representing traditionally marginalized populations are strongly represented, along with environmental organizations. Less prominent are INGOs, social movements (although they can be partners for specific activities), and other coalitions. Both have modest representation of domestic NGOs focused on service delivery.

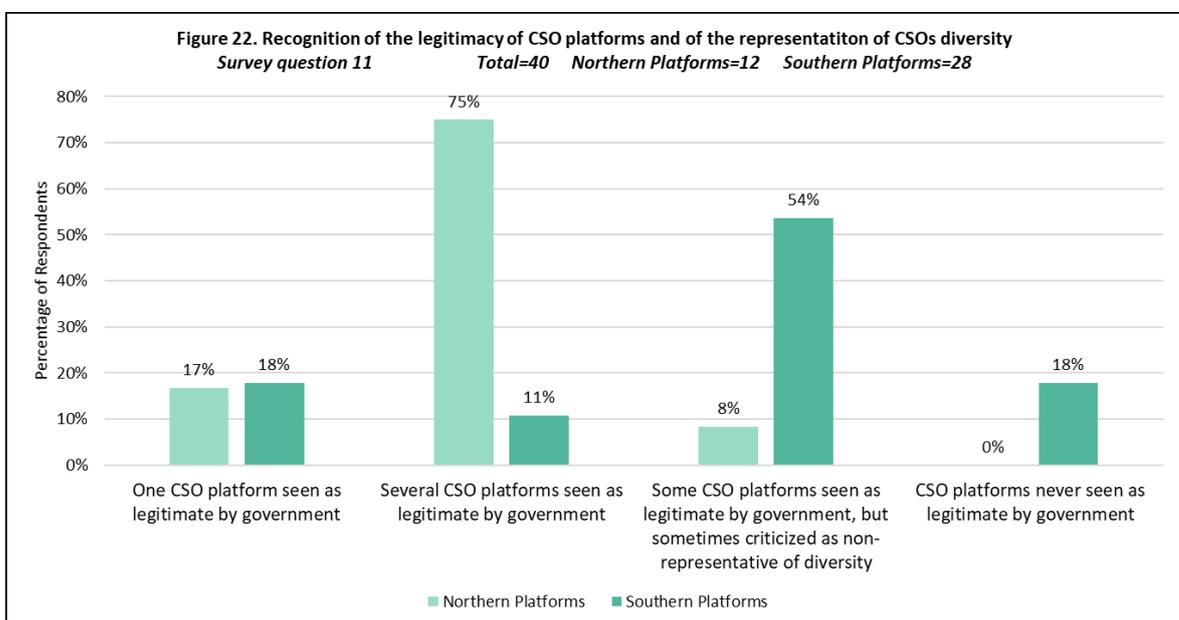
The nature of platforms' membership and the degree to which they keep strong and sustained advocacy/program relationships with civil society sectors most affected by attacks and disabling conditions for their operations vary. However, this is an important factor that should inform priority setting for how a given platform will structure its engagement with civil society on the issues related to promoting an enabling environment.



Figure 21. Descriptions of relationship between Southern platforms and types of civil society groups
Survey question 10
Total=40 Northern Platforms=12 Southern Platforms=28
(Respondents could choose more than one answer)



As noted earlier, the legitimacy of CSO platforms as representatives of CSOs diversity can be an important factor in facilitating diverse representation in policy dialogue. The vast majority (75%) of Northern platforms affirmed that they are seen as legitimate by the government, against only 11% of Southern platforms (Figure 22). Many more Southern platforms (54%) may be seen as legitimate, but they are sometimes criticized as not being representative of CSOs diversity. This is only described by 8%, or 1 out of 12, of the Northern platforms. Almost a fifth (18%) of Southern platforms exist in a very hostile environment and are never considered as legitimate by government. When faced with the diversity of civil society governments prefer to engage one representative platform. Unfortunately, the data suggests that this rarely exists, with only 18% of the Southern platforms stating that there is one CSO platform and it is seen as legitimate by government (with a similar percentage among Northern platforms).



The matter of being seen as legitimate by the government may be important, but it does not necessarily bring automatic advantages for platforms. An interviewee from an Asian platform pointed out that their platform has been accused by other CSOs of being too closely attached to the government and, in an example referred to by the interviewee, they were seen as covering a local government's back with regard to not doing enough to guarantee human rights. In the interviewee's view, being somewhat alienated from other CSOs resulted in less dialogue within their platform.

Box 7. Engaging actors in common dialogue

A recommendation by an interviewee from an Asian platform is to strengthen partnerships with other CSOs and networks beyond the platform through a solid understanding of what these CSOs and networks do and stand for. To this end, it is key to work towards common goals, while respecting differences, and have clear communications so that joint strategies can be carried out for the common interest of CSOs. In order to work together, CSOs should have a better understanding of each other and their work so that misunderstandings do not prevent them from working towards their shared goals.

Effort to ensure diversity is good practice for CSOs. Interviews with Forus members pointed to the role of CSOs in ensuring diversity and inclusion in policy dialogue. For example, a Northern-based interviewee recognized that even within CSO organizations there is not enough diversity. This suggests that apart from action by governments, CSOs should also work to ensure broader diversity and inclusion.

Box 8. Supporting involvement of more marginalized groups in policy dialogue

Interviewees from Asia stated that CSOs should encourage people from remote areas to engage and participate in their activities. Although the government works to support poor and vulnerable people, CSOs and NGOs are comparatively more focused on those groups. According to one interviewee, their national platform has a policy to ensure representation with a minimum of 33% of members of staff coming from remote areas or are from a lower-income status.

Interviewees from another Asian national platform noted that the platform can be effective in conveying the story of reaching marginal sectors by maximizing those sectors' own existing resources. In the context of COVID-19, when access to some populations has become even more difficult, CSOs can play a crucial role to engage partners at the local level, harnessing momentum from resourceful communities.

Recommendations

Overall, both the literature and data coming from the online survey and in-depth interviews point to the importance of advocacy for effective and inclusive policy dialogues.

CSO coalitions and platforms

- ✓ **Strengthen information gathering, policy analysis, dialogue and advocacy skills.**

All actors should work towards building capacities to gather and analyze accurate and credible information from communities, relevant stakeholders and vulnerable constituencies as a

knowledge base for shaping contributions to policy processes. CSOs should be encouraged to pool information and evidence-based positions with other relevant CSO actors to strengthen positions and strategies for dialogue in particular policy areas [ACT Alliance/CIDSE, 2015, 35; ITAD & COWI, 2013, 62-63].

CSO should strengthen their policy dialogue and advocacy skills that are relevant to particular country circumstances and the dynamics of engagement with government and other stakeholders. Such skills development includes shaping appropriate narratives and messages from and about CSOs, which both protect and advance CSO causes in highly challenging political circumstances [ACT Alliance/CIDSE, 2015, 70, 101; Firmin, 2017, 4].

In addition, CSOs should strategically target policy dialogue in challenging civic space contexts. CSOs working in politically challenging environments should consider strategies to target government ministries in non-controversial areas for program and policy engagement to build trust, strengthen CSO legitimacy and develop allies within government [ActionAid International, 2018, 12]. In highly restrictive contexts, the entry point with government may be the least politicized goals, particularly those related to service delivery, with a productive engagement laying the groundwork for greater trust [Community of Democracies & PartnersGlobal, 2017, 24]. The importance of peer learning and the establishment of partnerships with other CSOs and building allies at the national, regional and global levels was highlighted during many interviews with Forus' members.

✓ **Coordinate for policy influence.**

CSO should strengthen their capacities to network, coalesce and coordinate policy advice at a sectoral/national level for effective engagement in the sector and national policy processes, empowering those directly affected by a policy [ACT Alliance/CIDSE, 2015, 35, 70; ITAD & COWI, 2013, 62-63, 13, 53-54; TAP Network and GIZ, 2020, 9, 36]. CSOs should develop and sustain effective strategic alliances to harness the range of skills needed for effective policy dialogue and to create a critical mass for change [ITAD & COWI, 2013, 114].

✓ **Leverage existing policy frameworks.**

CSO policy actors should become knowledgeable of existing policy frameworks and agreed standards (at country, regional, global levels) to push for more effective mechanisms for policy dialogue, including the leveraging of aid effectiveness commitments. National and International CSOs should also strengthen local CSO capacities to participate effectively in CSO engagement with multilateral governance and standard-setting bodies [ACT Alliance/CIDSE, 2015, 35, 70].

✓ **Ensure and promote diversity.**

National platforms, regional and global coalitions play an essential role to both ensure and promote diversity. For example, all development actors should ensure that indigenous groups are formally included in development planning processes, not just consulted, and that the principle of free, prior and informed consent is respected [ACT Alliance/CIDSE, 2015, 102]. CSOs should also improve gender-based policy analysis: CSOs must work with women's rights organizations to institutionalize gender-based policy analysis and ensure the inclusion of women's rights representatives in policy dialogue processes [Civil Society Summit, 2019, 8]. As representatives of civil society, CSOs have the important responsibility to account for diversity in their own composition, and but also in the suggestions they provide to governments on which groups get to participate in policy dialogue.

Government, donors and allies

✓ **Strengthen mechanisms for inclusive policy dialogue.**

Mechanisms should aim towards institutionalizing the direct participation of a diversity of civil society at both the local and the national levels. All actors should promote and follow good practice in multi-stakeholder engagement by ensuring approaches and practices that are timely, open and inclusive, transparent, informed, structured for the exchange of views on important and contested issues, and are iterative, and are open to all marginalized and affected groups in society. These mechanisms should include those relating to SDG plans and implementation, promoting accountability for progress on the 2030 Agenda [Kindornay & Gendron, 2020, 17]. As shown by research data, informal consultation mechanisms are currently most relevant in most countries surveyed, which points to the need for governments to invest in improving formalized processes for consultation with CSOs.

✓ **Promote access to information and accountability.**

All development actors should promote effective and timely mechanisms and measures for easy access to policy-relevant information, at the national and multilateral levels [Civil Society Summit, 2019, 10]. Research data showed that although governments may make efforts to provide civil society with information to inform participation in policy dialogue, they make less effort to report back to CSOs on how their inputs have been used following consultation. To improve dialogue, governments should provide information before and after consultation and be both transparent and accountable with respect to results.

✓ **Make accommodations to support diversity.**

Governments and development actors should be prepared to implement special measures to ensure non-discrimination and inclusiveness in policy dialogues to ensure diversity. As noted, it is essential that all parts of civil society participate in policy dialogue as effective participants, including those most left behind in public policies. Governments should work with CSO platforms through a variety of tools, including funding, to increase the voices of indigenous populations, women, children, youth, elders, people with disabilities, immigrants, poorer populations, people living in rural areas, visible and invisible minorities, regarding the policies affecting them.

Resources, Capacities and Partnerships

The donor enabling environment

Context

International donors work closely with partner governments and their national development plans, but they also support diverse actors including civil society in their development efforts. Between 2016 and 2018, DAC members have provided a steady amount of their bilateral aid to or through CSOs (US\$20 billion to US\$21 billion in 2018 constant dollars). This allocation amounts to 24.3% of total donor's real bilateral ODA.¹³ But less than a fifth (19%) of this funding, on average over these four years, was provided to CSOs for their own priorities; the remaining 79% was directed through CSOs for donor priorities.¹⁴

Patterns of donor financing for developing country CSOs have changed little over the past decade. Most (93%) of US\$20 billion in annual donor bilateral finance that was channelled to and through CSOs in 2018 was directed to donor country based CSOs and INGOs, with only 7% allocated directly to country level CSOs, up slightly from 6% in 2010 [Wood, 2020, 72-73]. Little progress has been made in international commitments to localize and strengthen national CSO capacities and independent roles.

Donors and platforms' priorities

When asked about donor support vis-à-vis platforms' priorities, the majority of Forus members noted that only some of their priorities are reflected in donor funding, as shown by the responses of 73% of Northern platforms and 54% of the Southern ones. However, only one Northern national

¹³ Author's calculation based on DAC1 Table. Real bilateral ODA is bilateral ODA, less in-donor costs for refugees and students, less debt cancellation, less interest returned on ODA loans.

¹⁴ The Wood study noted that a donor may have an objective to strengthen CSOs in their own right but still include such financing as "through CSOs" to promote donor priorities (see page 74): "Member responses to other survey questions indicate a high incidence of conditional funding that steers CSOs to meet member objectives; for some, this includes steering CSOs towards the objective of strengthening civil society in partner countries. When asked the degree to which their financial support for CSOs must align to member-defined priority areas or themes, almost 90% of responding members (26 responses) answer that either all or most of their CSO support must so align. When asked if strengthening civil society in partner countries is one of their priorities/themes, a similar majority of responding members (25) respond positively."

platform and six Southern platforms (21%) stated that they see their own priorities largely reflected in programs funded by donors.

The global COVID-19 pandemic has added an additional challenge for many CSOs in ensuring their priorities are supported as international actors withdraw and local CSOs must respond to meet overwhelming local needs. While some donors quickly implemented a high degree of flexibility, including in effect core funding in response to the COVID-19 pandemic [Civicus, 2020, Open Letter; Hilbink and Aydin, 2020; Srinath, 2020; Cheney, 2020], some interviewees cautioned that flexibility measures have not gone far enough. Indeed, one interviewee in Asia noted that CSOs, particularly at the sub-national level, who already face funding difficulties have seen their situation worsened by the pandemic as donors shift priorities to COVID-19 and its aftermath impact. Many unsolved and critical development issues remain, such as gender inequality and the need for an anti-sexual violence law, that also have pressing needs regarding funding. An interviewee from Latin America also noted that donors should consider the world that will emerge after the pandemic in their current funding priorities, as there will be changes regarding, for example, the approach to human rights and social relations (e.g. those who rely on employment in the informal sector may see more permanent changes). As new situations (e.g. political, social, environmental) emerge, so may CSOs' priorities change. In this context, ensuring ongoing, appropriate support from donors means close consultation to ensure funders' awareness of shifts when they occur. The nature of CSO and donors' relationships, including engaging country level CSOs more directly, need to adapt to new realities.

Box 9. Engage early and often with donors

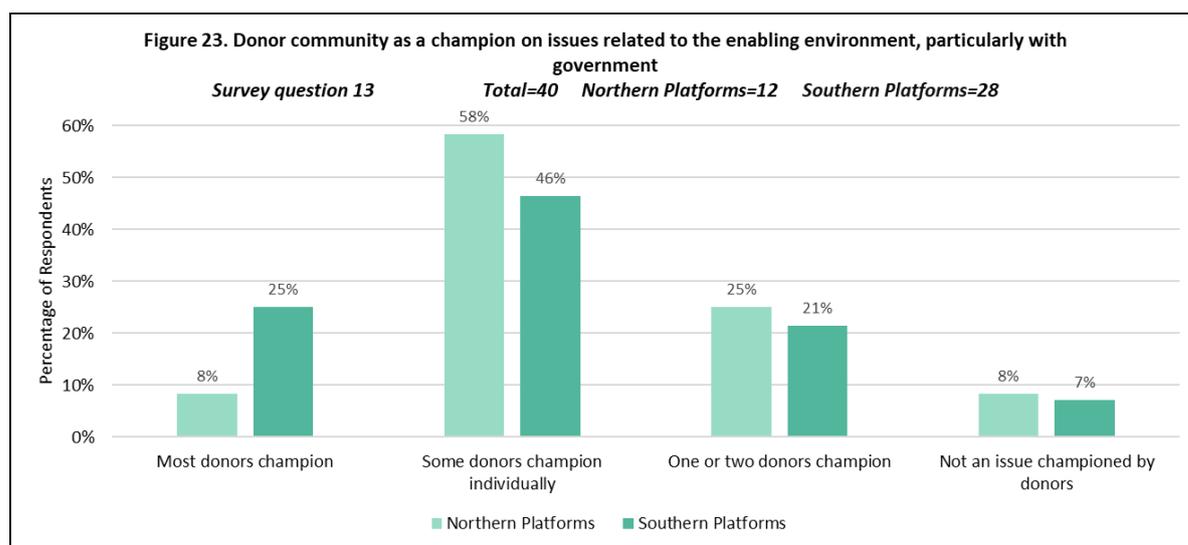
CSOs and donors should align expectations with regard to the work being developed, respect for CSOs' right to initiative and the need to adapt to new realities. As raised by an interviewee from Latin America, CSOs face ever-changing issues. Their agendas cannot be constrained by priorities from previous eras that do not reflect the changes in their reality that continue to arise and demand coordinated responses. Engaging early and often with donors on changing contexts/reality is a good practice for CSOs.

Donors' support for the CSO enabling environment

Almost all DAC donors have either stand-alone or integrated policies defining their relationships with CSOs, but in varying degrees of specificity.¹⁵ Donor strategies range from values-based support for civil society as an end in itself and an integral part of a healthy democracy to an instrumentalized approach seeing civil society as a vehicle to "bring significant human, political, and financial resources to bear on the same foreign policy and development challenges facing donor governments" [ICNL, 2018, *Effective Donor Responses*, 16]. When asked if the donor community acts as a champion on issues related to the enabling environment, the majority of Forus members (58% Northern platforms and 46% Southern platforms) indicated that some or

¹⁵ For studies that have reviewed donor policies towards CSOs, see Wood, 2020; ICNL, 2018, *Effective Donor Responses*; Ariadne, 2015; Carothers, 2015; Tomlinson, 2013.

most do (Figure 23), with only slight differences between Northern and Southern platforms. Interestingly, 25% of Southern platforms perceived that the enabling environment is an issue championed by most donors (versus some), against only 8% (meaning 1 out of 12) of the Northern platforms. Overall, the results suggest that most national platforms perceive that at least one or more donor with partnerships in their country champion issues relating to a CSO enabling environment, although there is not enough data to precise how such donors champion those issues, nor to affirm if support is sustained or episodic.



Donor support for a CSO enabling environment has two dimensions - 1) support directed to specific CSOs to improve the ways in which CSOs work to improve the enabling environment, and 2) the nature of donor policies affecting CSOs, which limit or expand their capacities as development actors.

According to interviewees from two funding organizations and key allies, there has been, more recently, increased attraction on the CSO enabling environment by donors, perhaps more so than five years ago. But the dynamics among funders have also been changing. The support in this area from official donors may be levelling off, due to political changes in some donor countries, others have stepped up their engagement, and particularly some philanthropic foundations. One interviewee noted that their organization's first line of work is focused on civic space, the result of an increasing recognition that changes to the enabling environment have brought increased pressure on civil society due to shrinking civic space. Moreover, despite this increased interest, civil society is not necessarily being funded in the most effective way to have impact, an issue that requires more funders to focus on their own enabling environment conditions.¹⁶

Beyond specific financing for CSOs working in this area, recent studies suggest several characteristics of donor engagement that impact CSOs' enabling environment, affecting the capacities of CSOs to be effective development actors particularly at the local level. Despite widespread donor policies on support to civil society, only 10 donors out of 30 account for most of this financial support limiting access for many CSOs. Other donor policies affect the nature of

¹⁶ See Hayes, Ben; Joshi, Poonam. *Rethinking civic space in an age of intersectional crises*: a briefing for funders. Funders' Initiative for Civil Society, May/2020. Available at: <https://global-dialogue.org/rethinking-civic-space/>

this support. The focus on measurable results with short timelines tends to mean more limited funding opportunities as enabling environment and broader CSO activities such as policy reform, advocacy and movement building can be difficult to measure and require longer time horizons. Overall, there are limited efforts by donors to strengthen their own coordination though some have joined together to establish or expand several emergency funds for CSOs/HRDs at risk. A limited number of donors raise enabling environment issues in their policy dialogue with governments, but according to CSOs do so only occasionally and usually when pressed by CSOs to do so. Beyond enabling environment issues which already receive insufficient attention in policy dialogues, donors themselves do not consistently consult with and engage civil society on the issues that matter to civil society or in the preparation of their country strategies [UNDP/OECD, 2019].

Indeed, many studies have concluded that donors could do better in promoting an enabling environment for CSOs by systematically including these issues as part of policy dialogue with governments, improving funding mechanisms to strengthen CSO operations, independence and responsiveness and ensuring transparency in their support to CSOs [OECD/UNDP, 2019, 56-57; See also ICNL, 2018, *Effective Donor Responses*]. Studies continue to point to significant variation in the support provided by donors [ACT Alliance/CIDSE, 21 & 32] and the need for greater flexibility by donors recognizing that heavy and individual donor administrative requirements preclude many types of CSOs on the ground and reduce the human resources and capacities of CSOs who are to meet requirements to respond iteratively to local priorities [ICNL, 2020, *Civic Space 2040*, 13; Wood, 2020, 41-42 and 43]. Such conclusions from the literature were confirmed by some national platforms. For example, an interviewee in Asia noted that although the platform receives funding from an INGO to carry out some of its projects, there is only a small budget for civic space and enabling environment, which suggests that the platform does not have the flexibility to manage funds according to actual needs. Despite some recent emergency measures by donors, interviewees from Forus' membership mentioned that much more work is needed to ensure flexibility.

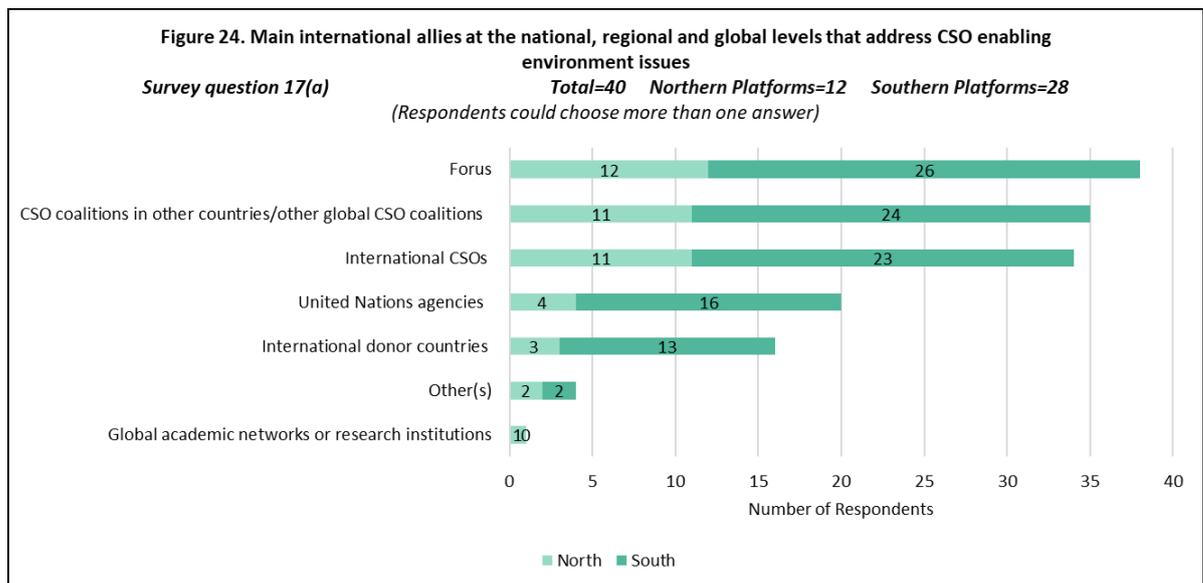
As one global funding organization pointed out during an interview, funders are not a homogeneous group. There are many types, priorities and agendas in place, suggesting there is a need to nuance perspectives around the roles of donors. In this regard, the interviewee argued that there are not many funders currently dedicating efforts to work specifically on shrinking civic space, but rather some (private foundations) have been focusing on aspects related to enabling environment, such as actions carried out by social movements, or the matter of questioning power relations. The current trends in attacks on democratic principles and human rights, widespread demagoguery and misogyny, and the rise of authoritarian populism in many parts of the globe, has sharpened attention on these issues, but in a very challenging political environment for many CSOs who are confronting these worrying forces in their own society.

In general terms, there may be some willingness in place to better understand what the widening scope for closing civic space and related issues of enabling environment. But it is also important that CSOs make the case with donors on the importance of civic space and the enabling environment, for which CSOs should articulate the crucial, strategic priorities and advocate for

appropriate finance and support. Although there is a major responsibility on the funders' side to support an enabling environment, CSOs should also take action to engage funders by efficiently presenting to them the most pressing matters requiring action and responses.

Platforms' relations to allies

When asked about their main international allies who address CSO enabling environment issues, most national platforms (38 out of 40, or 95%) presented Forus as a key ally, as shown in the chart below (Figure 24). In second place, 35 out of 40 platforms (or 88%) noted CSO coalitions in other countries, or other global CSO coalitions, which points to the importance of coordination between organizations engaged on these issues at the international and regional level. A very similar number (35 out of the 40 or 85%) perceived that international NGOs, were allies on these issues, although the nature of their work differs across INGOs. While UN agencies were considered allies by more than half of the Southern platforms, there was much less recognition by all platforms of academic and research institutions.¹⁷ More attention is needed by platforms to determine how to analyze specific allies in different country contexts, be more aware of their work, and thereby expand engagement with different actors that can bring different skills (e.g. legal skills, policy research) to the table.



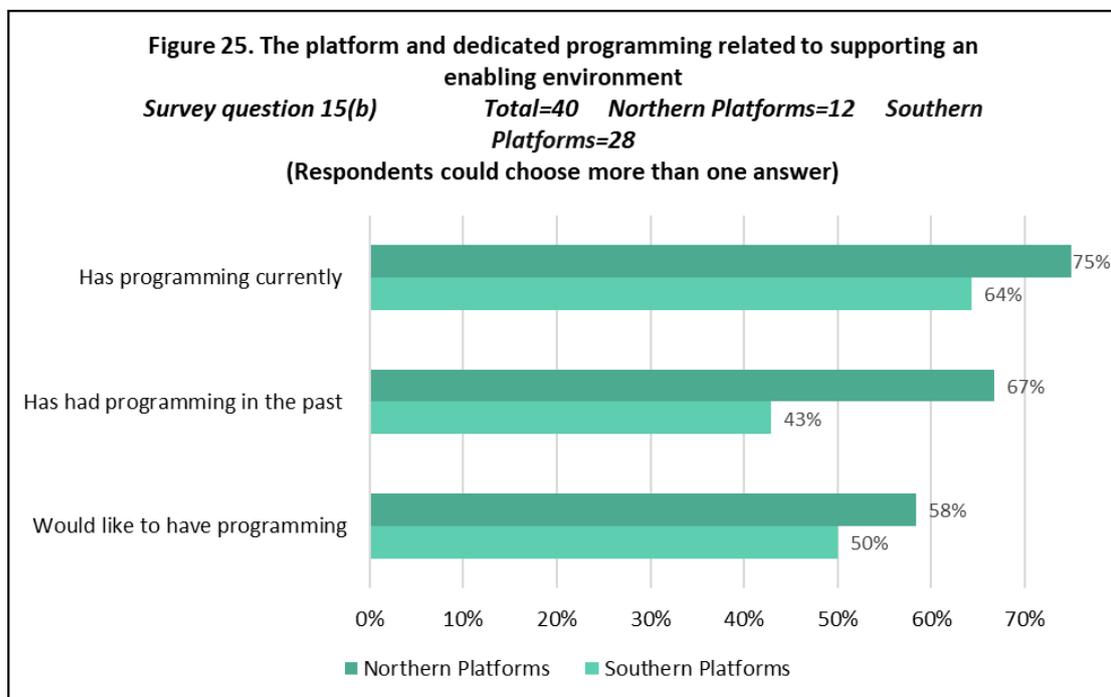
¹⁷ It is also unclear how to interpret "international donor countries" given earlier responses that pointed to some donor countries that were actively supporting a better enabling environment for CSOs.

CSO capacity

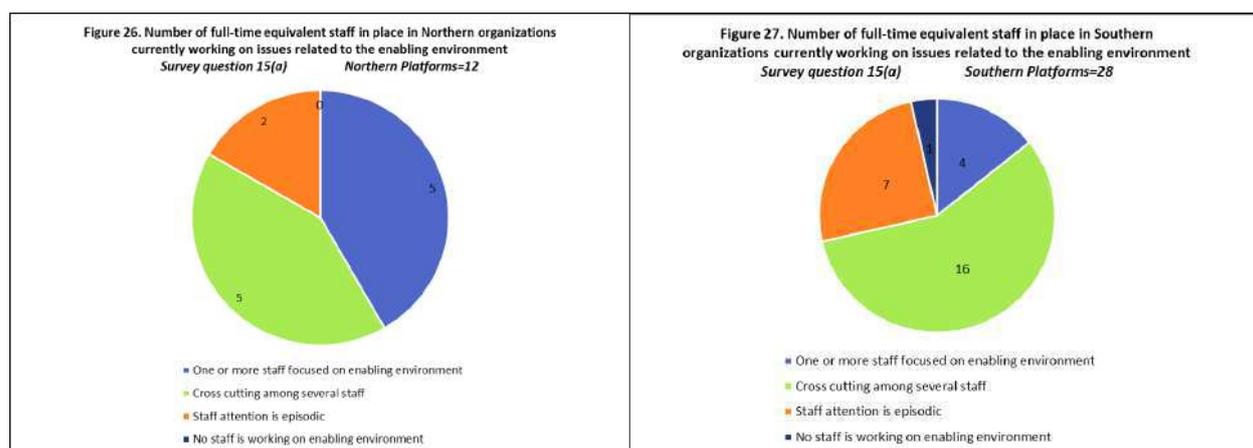
Existing capacities

Most commentators stress the importance of strengthening capacities of CSOs, in the context of increased challenges in their legal, regulatory and political environment. This includes building organizational resilience, adjusting ways of working and programming in challenging environments and building broad networks/alliances to protect organizations and individuals [ACT Alliance/CIDSE, 2015; Action for Sustainable Development, 2019; Task Team on CSO Development Effectiveness and Enabling Environment, 2019; Wood, 2020; Firmin, 2017; ITAD & COWI, 2013].

As a backdrop to a better understanding of existing capacities within the Forus membership, members were first asked about the current scope of programming and staffing directly related to addressing issues in their enabling environment. Figure 25 demonstrates that the majority of platforms in both the Northern context (75%, or 9 out of 12) and the Southern context (64%, or 18 out of 28) currently have programming on the enabling environment, indicating the importance of this issue across the Forus membership. For some national platforms, this focus appears to be new given that fewer national platforms indicated having dedicated programming in the past, particularly for Southern platforms (43%, or 12 out of 28). Over half of Northern platforms (58%, or 7 out of 12) and 14 Southern platforms (50%) stated that they would like to have programming related to supporting an enabling environment, which brings the reflection around the scope and depth of current programming, and may point to the intention to ramp it up.



Effective engagement on the enabling environment also requires dedicated staff, sometimes with specialized expertise, whether within an organization or shared through a dedicated cross-CSO program. While most national platforms have programming related to the enabling environment, only nine of the 40 platforms surveyed have dedicated staff people working on the topic (five Northern platforms, 42% and four Southern platforms, 14%) (Figures 26 and 27). Southern platforms are less likely to have a dedicated staff person versus the Northern ones.



However, about half of all platforms (21 out of 40 respondents, 5 out of 12 Northern ones,¹⁸ and 16 out of 28 Southern ones) responded that the enabling environment is cross-cutting among several members of staff, but with no dedicated focal point. This situation seems to be more common in Southern contexts than in Northern ones. A limited number of national platforms - nine overall - noted that attention towards the enabling environment tends to be episodic (2 out of 12 Northern platforms and 7 out of the 28 in the South). No Northern platform stated they do not have any member of staff working on enabling environment issues. In the Southern context, only one platform chose this option, but it also stated that those issues are dealt with in a cross-cutting way by members of staff, which may suggest not a lack of capacity, but simply that there is no work being done in this sense at the present time.

Several interviews with external experts pointed to the importance of devoting both human and programmatic resources to long-term sustained initiatives to address legal and regulatory restrictions facing CSOs. The survey data show that, in terms of current staffing capacity, Northern platforms have more dedicated staff than the Southern ones, which may be problematic in the sense that issues of closing civic space and disabling environment are more evident in Southern contexts. Adding capacity is not just a matter of hiring additional staffing, it may also involve organizational change, leadership development and knowledge/communications management [International Forum of National NGO Platforms, 2017, 4; ACT Alliance/CIDSE, 2015, 28].

¹⁸ One platform provided a double answer to this survey's question, stating that the enabling environment is treated both episodically and in a cross-cutting way. For the purposes of the chart, we are considering this platform alongside the platforms who answered "cross-cutting" on the interpretation that on the episode of an enabling environment arising, it is treated in a cross-cutting way, and not by a specifically dedicated member of staff.

Supporting needs based on mutual partnerships and solidarity

A rich literature exists regarding the capacity-related needs for CSOs to adapt to increasingly challenging enabling environments. Studies have shown that capacity needs differ greatly between CSOs, with smaller CSOs having less capacity to adapt to challenging legal and regulatory conditions or preparations for policy dialogue. Service-oriented organizations similarly differ from human rights organizations representing a constituency [Brechenmacher, 2017, 21, 72, 98]. Moreover, institutional capacity processes are affected by external factors such as the resources to allow CSOs to operate independently and by the ongoing impacts on CSOs of an actively restrictive environment and/or attacks on their organizations or personnel.

Many situations might be explained not by a lack of capacity, but by political, economic and social conditions affecting an organization, a country or a region. While CSOs may require capacity development, reform within state institutions, parliaments, and multi-stakeholder platforms for engagement, including human rights training and education, and access to resources, may also be critical for strengthened CSOs capacities to be effective [Firmin, 2017, 11-12]. Indeed, one Southern regional coalition pointed out that referring to capacity development can be misleading when understanding the real challenges faced by CSOs. The term tends to assume a top-down view and an unbalanced relation between a “knowing” actor and an “unknowing” one. A different, and perhaps more appropriate term to account for a more balanced type of relation could be “support” or “mutual exchange for learning.”

One civil society funder noted that the issue is often not one of requiring capacities and skills through, for example a workshop, but rather about supporting and accompanying access to spaces of influence to develop experience and understanding of that space. According to the interviewee, framing the term as “capacity development” can undermine the extent to which the relation between organizations should be one of partnership, solidarity and accompaniment, rather than an extractive relationship. An approach informed by these values is important for national, regional and global platforms and coalitions as they consider how they work with their civil society members and counterparts. Opportunities for engagement between global, regional and national platforms and coalitions should be premised on mutual partnerships and solidarity, although the unbalanced relation between organizations in terms of material conditions is still to be solved.

Box 10. Tailoring support to CSOs in line with their expressed needs

Good practice is moving beyond capacity development to consider broader kinds of support and accompaniment, which can include access to spaces of influence, as noted by one interviewee. CSO support can also come in the form of a more horizontal vision based on the recognition that different national, regional and global coalitions have various types of knowledge, and not hierarchical levels of knowledge. In this sense, support should reinforce partnerships and mutual learning, instead of focusing on a top-down relation of teaching/learning.

In addition to these kinds of support, providing internal training is good practice for CSOs to build locally accessible skills. A Northern platform noted its plan to deliver a series of capacity-building workshops on civic space focusing on digital security, legal advocacy and organizational resilience, as well as capacity development for members to better influence the UN Human Rights Council Sessions, Universal Periodical Reviews and Special Procedures.

In responding to deteriorating enabling conditions, many have pointed to the need for supports that focus on organizational resilience to both safely and effectively challenging disabling conditions and adapting CSO operations to continue to meet the needs of constituencies. Figure 28 provides an overview of some of the common types of support, skills and resources needed for CSOs facing disabling conditions identified from the literature and interviewees in terms of funding, human resource skills and networks and partnerships.

Figure 28. Common types of support required for CSOs to promote and enabling environment



FUNDING

Diversified access to resources and finance

- Dedicated, flexible funding aligned with organizational priorities, country context, not donor pre-occupations
- Emergency funding pool for local coalitions and platforms for when an immediate response is necessary
- Resources to support access to policy dialogue opportunities such as funding for travel and efforts to gather and analyze information from communities/constituencies to prepared evidence-based arguments
- Resources to access lawyers and legal experts, networking and communications expertise

SKILLS AND RESOURCES

Improved ability to address diverse aspects of the enabling environment

- Improvement of technical skills related to the subject matter, report writing, development of recommendations and monitoring of advocacy efforts
- Risk assessment, political analysis, power mapping and skills to lead and plan in difficult contexts
- Networking skills, particularly in engaging CSOs and allies that may lie outside the organizational comfort zone
- Public policy engagement skills in building support among parliamentarians / government leaders / civil society officials
- Adoption of security measures and specialized capacities with respect to internet law, surveillance and advocacy in the digital space
- Development of skills that will be needed during and following the COVID-19 pandemic

NETWORKS

Harnessing CSO networks, allies and partnerships

- National CSO engagement, consensus building and developing shared approaches with CSOs and allies
- Broader engagement with international networks to support national priorities and access to international forum such as the UN
- Connecting CSOs to media and social media to pursue advocacy objectives
- Adoption of peer-learning opportunities and collaborative approaches grounded in solidarity

Figures 29 and 30 show the priorities of Forus members vis-à-vis training and capacity development. The highest priorities for Northern platforms (Figure 29), those ranked 1, 2 or 3 out of 8, include:

- fundraising related to the development of the enabling environment and civic space (9 out of 12 respondents), and
- improving policy dialogue and processes for member inclusion (8 out of 12 respondents).

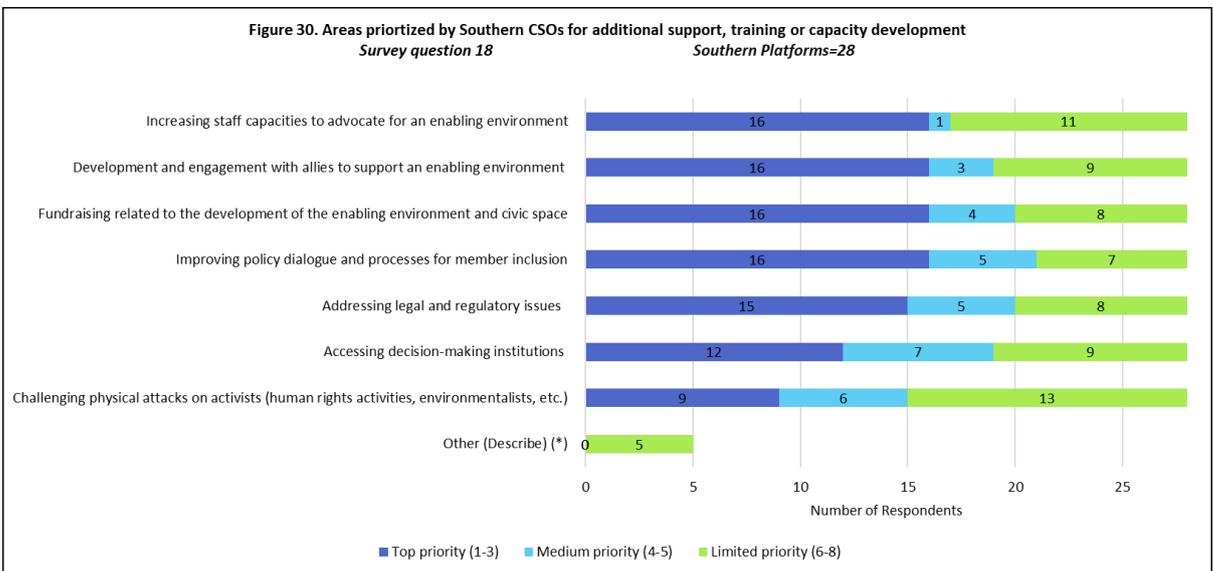
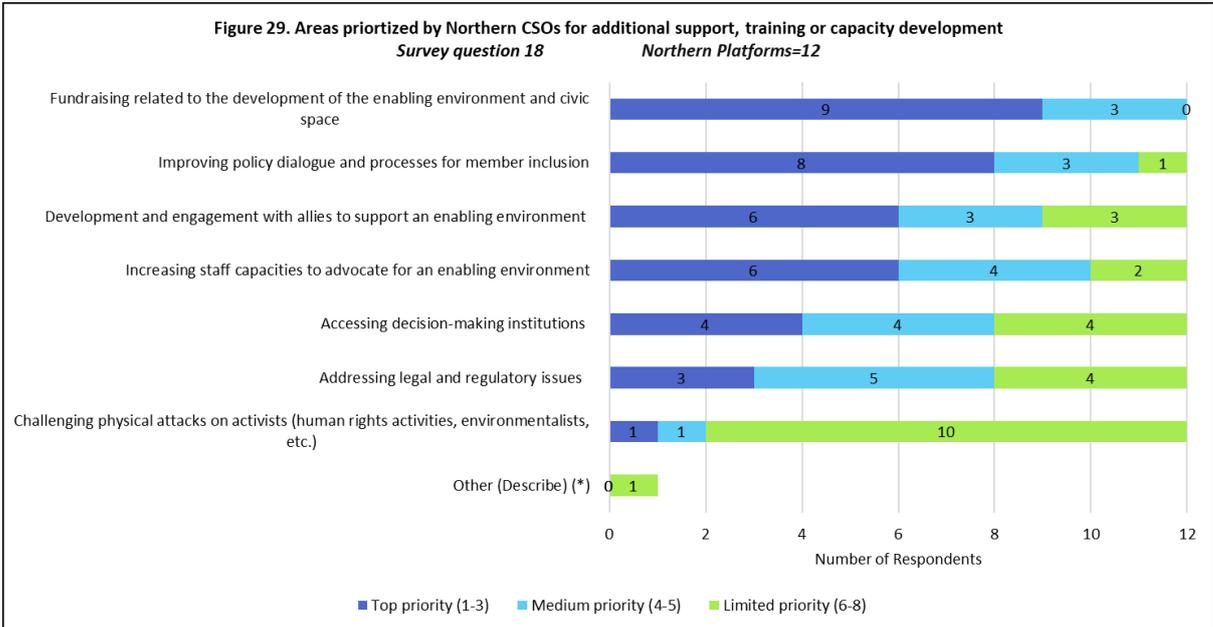
Improved capacities to network with allies and advocacy skills related to enabling environment issues were also deemed important.

National platforms from Southern contexts (Figure 30) highlighted five key areas of concern (issues ranked 1, 2 or 3):

- 1) increasing staff capacities to advocate for an enabling environment;
- 2) development and engagement with allies to support an enabling environment;
- 3) fundraising related to the development of the enabling environment and civic space, and improving policy dialogue and processes for member inclusion
- 4) addressing legal and regulatory issues.

According to the findings presented in Figure 29 and Figure 30, both fundraising and better inclusion and participation in policy dialogue are very strongly present among the platforms' priorities in Northern and Southern contexts. Particularly for Southern platforms, increasing staff capacities to advocate for an enabling environment was ranked highly. This reflects what other data on capacity showed, namely that Southern platforms do not usually have a dedicated staff person to deal with enabling environment issues. Interviewees confirmed these priorities but also brought forth other aspects not covered by the survey options. They noted 1) the need to recognize and work with existing capacity on the ground, 2) the need for a change of perception and operational modality that Northern organizations have more capacity and are better positioned to "teach" than those from Southern contexts, and 3) the essential role of collaboration and solidarity to open spaces for opportunities for joint learning through knowledge and experience sharing.

Interestingly, and rather contradictorily, challenging physical attacks on activists (HRDs, environmentalists, etc.) appears as the lowest priority (ranked 6, 7 or 8 out of 8) for both the Northern (10 out of 12) and Southern (13 out of 28) platforms. This contradicts previous information provided by both Forus' members (national platforms and regional coalitions alike) and allies on the pressing need to address the matter of physical attacks on activists, and the culture of impunity (refer to previous section and to Figure 7), particularly in Southern countries. At the same time that a large number of platforms recognized physical attacks as a major issue in both the survey and in in-depth interviews, most of them did not rank the challenging of these attacks as a high priority for additional support and development (only one Northern platform and 9 Southern ones did so). While understanding the importance of protecting activists in vulnerable social movements, it may also be that many national platforms are not well positioned politically within civil society and/or in relation to government to see themselves as effectively playing these roles.

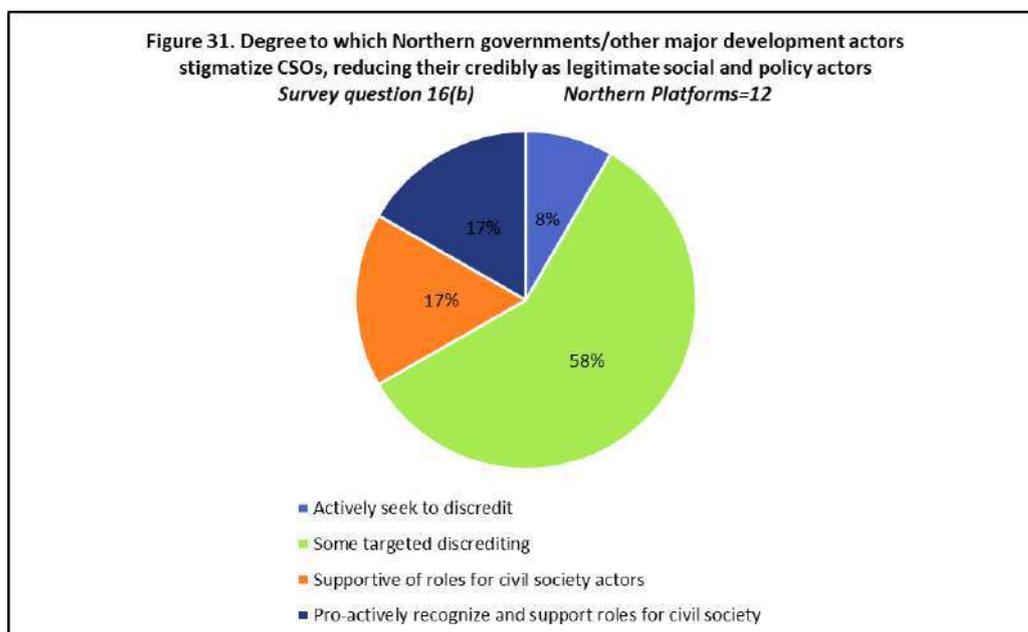


PERCEPTIONS ON CSOS LEGITIMACY

Stigmatization of CSOs

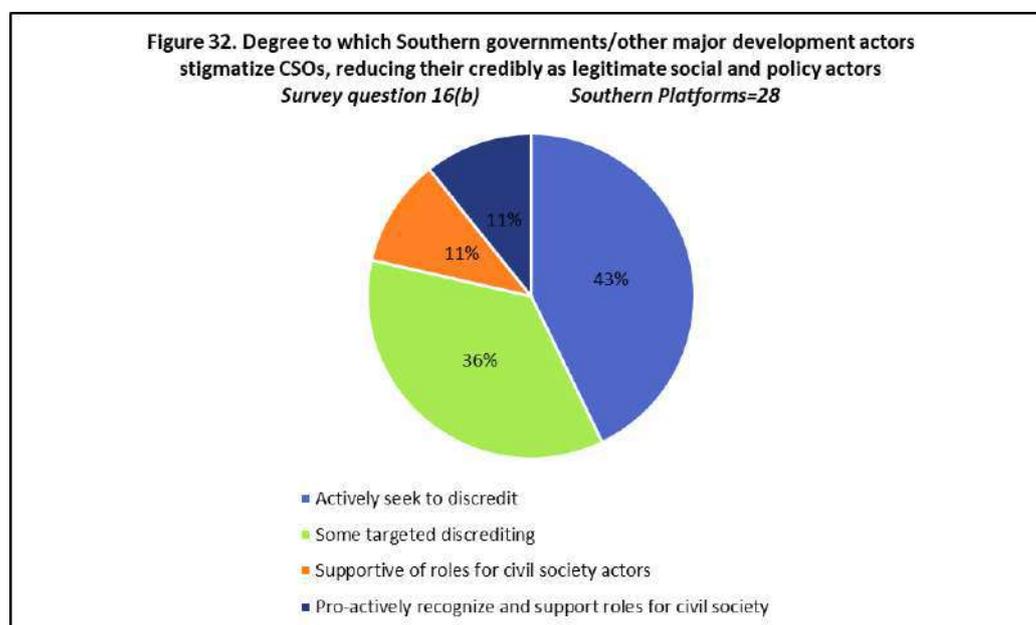
Civic space is highly contentious, and very much more so around rights of marginalized populations, women’s rights, land and resource extraction, or challenges to elite corruption. As noted earlier, an increasingly prominent characteristic of closing space, arising from both government and from within a contesting civil society, aims to smear, harass, stigmatize and politically isolate progressive actors in these spheres of civic action, and break their links with the outside world [Hossain et al., 2018, 8; Sogge, 2019, 1; Ariadne, 2015, 18]. In many countries and societies, women’s rights organizations are highly vulnerable to such stigmatization where fundamentalist movements have a strong and growing role in shaping social norms that attempt to exert power over women’s bodies, sexuality and reproductive choices.

Recently the electoral success of populist and nationalist leaders in the United States, Brazil, India and Hungary compound and give permission to these forces in undermining universal values of inclusion, equality and diversity for the protection of minority communities and respect for fundamental rights of association and expression [Brechenmacher and Carothers, 2019, 3; International Civil Society Centre, 2019, 5; Hayes and Joshi, 2020, 21-23]. Digital media have become a powerful and effective channel for such attacks. There have been overt linkages between CSOs and terrorism in several countries such as Brazil and the Philippines. A specific process of stigmatization and criminalization of CSOs and some of the strategies being used to address it can be found in Brazil’s case study in this report (see Annex 5).



Forus members were asked about their experiences with stigmatization and efforts to reduce the credibility of CSOs as legitimate social and policy actors. Only a minority of national platforms (17%, or 2 out of 12 Northern platforms, and 11%, or 3 out of 28 Southern ones) were able to point

to contexts in which governments actively support the role of civil society (Figure 31 and Figure 32). But the two figures present striking differences between the experiences of Northern and Southern platforms, in line with existing efforts to monitor civic space that show the situation is much more dire in the Southern context.

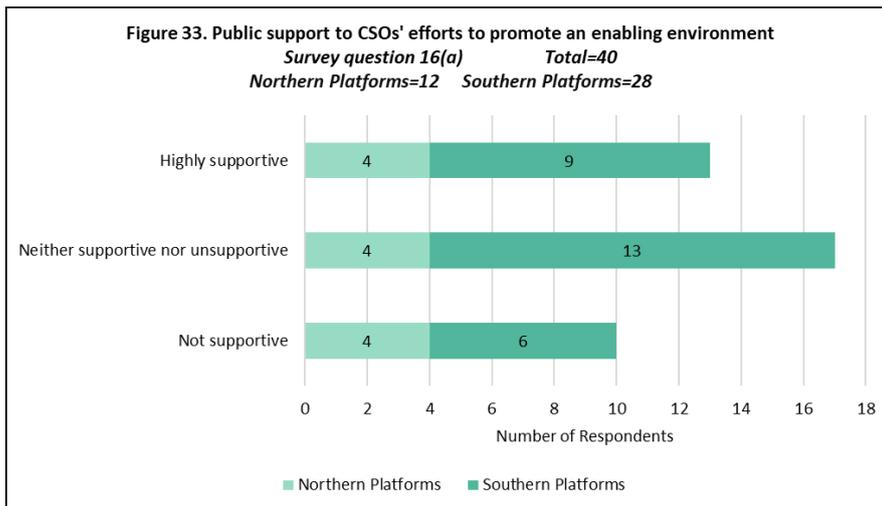


The most striking difference between the two global regions is the level and/or frequency of actions towards discrediting CSOs. While the majority (43%) of Southern platforms stated that government or other major development actors actively and consistently seek to discredit civil society actors, including by spreading false or misleading information to the public, this is only the case of 8% (or 1 out of 12) of the Northern platforms' responses. On the other hand, 58% (or 7 out of 12) of the Northern platforms said they could point to some examples of active discredit towards civil society actors, even if such practices are not widespread, whereas only 36% of the Southern platforms experienced this reality.

Overall, some level of discrediting is carried out more frequently than not in both global regions. When combined, data regarding active discredit and some targeted discrediting show that 66% of Northern responses and 79% of Southern ones have experienced discrediting from other actors towards CSOs.

In a review of forces squeezing civic space, Buyse [2018, 969] argues that discourse and narrative regarding civil society are key. He points out that stigmatization of civil society may be the precursor to more forceful state action and persecution, which the former acts to legitimize over time. In view of this increasing stigmatization, some interviewees emphasized the importance of CSOs having both advocacy and communications strategies to counter negative narratives. Shaping public opinion can play an important role in terms of how CSOs are seen by society in general, which may be important in public responses to more overt government attacks on CSOs and individuals.

Forus members largely see the public as neither supportive nor unsupportive of their efforts to promote an enabling environment (Figure 33). Results show that Northern platforms are evenly split with four each seeing the public as highly supportive, neither supportive nor unsupportive, and not supportive. As for the Southern platforms, most (13 out of 28) stated that the public is neither supportive nor unsupportive, with a majority coming from Asia (4 out of 5 platforms) and Africa (7 out of 12 platforms). In turn, 9 out of 28 platforms recognized a high level of public support, and only 6 out of 28 mentioned public is not supportive.



Some interviewees' comments directly referred to the topic of public opinion and stigmatization. For example, an interviewee from Latin America mentioned some difficult public perceptions facing CSOs, whereby the general public does not differentiate between organizations and tends to see very different CSOs as outdated, incoherent, and/or corrupt. For the interviewee, this is particularly challenging in the digital environment, where discrediting campaigns from the government are very strong and picked up by the public. Another interviewee from Latin America referred to discrediting campaigns coming from governments, and also included the private sector, which also has a very strong influence over public opinion. According to the interviewee, both the government and the private sector have better access to the press, thus marginalizing CSOs in the media.

Furthermore, interviews indicated that the processes of discrediting and stigmatization can vary, meaning that different types of CSOs can be affected/attacked in different ways, which can further divide civil society. For example, an interviewee from the Asia-Pacific region referred to an existing imbalance between CSOs. After recent local and national elections, a difference became apparent between NGOs who approve government actions and legislation (usually organizations related to service delivery), and other civil society actors (such human rights activists, for example) who more frequently stand against the government and are therefore more targeted. Another interviewee from the same region mentioned CSOs being accused of terrorism by the government's security sector and being therefore seriously harassed. According to the interviewees, there have been cases of CSOs facing warrantless searches and thorough questioning by local forces, or having their websites hacked and weapons planted in their offices. In view of such situations, interviewees mentioned that CSOs have started to better prepare to face these kinds of threats in terms of risk reduction.

Promoting positive narratives for and about CSOs

Civil society has been responding to stigmatization and negative narratives. According to research data from the online survey and the in-depth interviews, some crucial elements to fight back are 1) accurate and easy to communicate information about organizations and their work, 2) awareness raising and education (so that civil society is aware of their rights and are more capacitated to stand for them alongside CSOs), and 3) sustained and effective use of multiple communication channels (to pass on the messages from CSOs to governments, the general public and other stakeholders in a clear and consistent way).

Another crucial element for CSOs to counter negative narratives and stand their ground as legitimate development actors is accountability. Commentators point to the importance of CSOs addressing their own governance and accountability as an essential dimension of strategies to influence change in enabling environment issues [Task Team, 2019, 26 ff.]. Indeed, interviewees from donor organizations in the Global North pointed to CSO accountability as an important area for training. They noted that CSO transparency and accountability are part of the responsibility of CSOs towards maintaining open civic space. According to another interviewee, confronting cases in which civil society actors are persecuted or shut down is essential, but when the environment is not so closed, having the organizational commitment and capacity to be transparent and accountable should be a very important element for the CSO narrative.

CSOs have in fact developed and are implementing various accountability frameworks at the global level, national level and within sectors. Strengthening CSO capacities to address disabling conditions affecting their work in this view must also support peer learning to improve accountability frameworks and the coherence of organizational practice. CSOs assume a shared commitment and responsibility to be accountable [Concord, 2018, 2, 12].

Nevertheless, there is also evidence that CSO accountability and transparency mechanisms are weak in many countries. In the GPEDC's 2018/19 monitoring a majority of CSO respondents reported that there were no CSO-initiated mechanisms for accountability at the country level or that such a mechanism is still under discussion. One interviewee from the Asia-Pacific region mentioned that many CSOs still do not have a good understanding of how to undertake good practices of accountability, whether regarding funding or project management. In this context, the main driver for CSO progress in accountability has all too often been not CSO institutional interests for accountability, but rather donor/government requirements [Tomlinson, 2019, 38 & 104].

Counter-narrative strategies

Some specific strategies were brought forth to tackle stigmatization and build more positive narratives for CSOs. Many interviewees raised the importance of communications as a key strategy and how CSOs should make better use of communication channels. An interviewee from a global funder noted the verbal attacks carried out towards civil society and the importance for CSOs to have good advocacy strategies against hate speech. In terms of a counter narrative, the interviewee suggested that CSOs could show the negative effects of, for example, a law being passed, and reaffirm the value added of CSOs and NGOs and what they bring to society.

According to an interviewee from Africa, stigmatization is based on ignorance, and it is carried out through the repetition of false ideas and information. Therefore, one of the strategies to fight against this process is to “tell the truth”: for example, showcase what the organizations do and stand for, and what are their objectives and concrete achievements. Another important step, according to the interviewee, is to have deliberate programming countering stigmatization, so that the whole of society is more aware of CSO values (such as fundamental rights, transparency, accountability) and more engaged in their activities. For the interviewee, this work is both related to communication and to education/participation.

Interviewees from Northern organizations reinforced these suggestions. They referred to the importance of education for both stakeholders (such as banks, for example) and the general public, so that they have a better understanding of how certain policies affect the aid groups they sponsor and fund. For these interviewees, without understanding of the constraints and attacks CSOs are now subjected to, the public may continue to believe stigmatizing narratives (such as CSOs are connected to terrorism), with no understanding of the regulations governing their work. Consistent and effective communications would be a vital component of this initiative, so that the same messaging gets told to stakeholders and to the public. Another example is an initiative of the International Civil Society Centre, which created a solidarity action network to bring up case studies from across their membership on how to successfully address different types of attacks affecting their space. In this sense, partnerships and solidarity between CSOs, as stated by one of the interviewees, can go a long way.

RECOMMENDATIONS

CSO coalitions and platforms

✓ **Take measures to strengthen resilience.**

CSOs should take measures to strengthen their resilience with capacities not only to survive but also to pursue their missions in hostile operating environments over the long term. Resilience is multifaceted but includes:

- Strengthening local trust and support by being more accountable to the communities they work with;
- Diversifying funding sources beyond reliance on the same external donors;
- Building strong networks and increasing peer-to-peer support, especially around capacity development;
- Using strategic litigation opportunities or profiling through the United Nations Human Rights Council systems against restrictive laws;
- Collaborating with national human rights institutions;
- Leveraging international pressure;
- Modifying and adapting operational strategies to be more flexible in response to rapidly changing contexts, and
- Developing early warning systems to recognize and respond to the closure of civic space.

✓ **Enhance CSO legitimacy by investing in new narratives for and about civil society and demonstrate accountability and transparency.**

CSOs and their networks should develop media engagement skills to project positive CSO stories, but also media access, to promote the protection of vulnerable organizations, individuals or communities in the public eye. CSOs can collaborate through networks to sustain contacts with national and international credible media outlets on an ongoing basis [ACT Alliance/CIDSE, 2015, 35, 70; ActionAid International, 2018, 11, 13]. Such efforts should include experimentation with new narratives for and about civil society to strengthen respect for, and understanding of, the value of civil society. In addition to narratives that promote and demonstrate CSO legitimacy through accessible stories, CSOs should put in place initiatives and adopt quality assurance standards that demonstrate accountability to immediate (country-level) stakeholders and robust transparency in their activities. As development actors in their own right, such standards are an integral part of a CSO counter-narrative [ACT Alliance/CIDSE, 2015, 53-54; ITAD & COWI, 2013, 14; ICNL, *Effective Donor Responses*, 2018, 27-28]. In strengthening their accountability with local constituencies, CSOs build stronger links with citizens reinforcing narratives that resonate with the concerns of ordinary people, not just professional NGOs [Ferber, 2018, 12; ITAD & COWI, 2013, 114-115].

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- ✓ **Build coalitions to challenge closing civic space and seek out formal and informal partnerships with allies at local, national and global levels.**

CSO should build capacities and mechanisms for collaborating across different sectors and with civil society grass roots movements, including women's organizations and women HRDs. Coalitions and networks to protect and reclaim civic space should connect with feminist movements, youth-led organizations, trade unions, and local social media activists demonstrating transformative leadership in society, among others [Ferber, 2018, 16; ICNL, *Civic Space 2040*, 2020, 10; International Civil Society Centre, 2019, 149]. In this context, CSOs should nurture informal allies, including in government, mandated human rights bodies and other relevant justice departments [ACT Alliance/CIDSE, 2015, 84, 102]. Moreover, as demonstrated by the literature review and interviews with key allies that informs this study, opportunities exist for CSOs to better harness linkages to relevant UN bodies and specialized CSOs and research institutions. Such organizations can help to champion local and national challenges as well as provide technical support and expertise. Linkages to UN bodies can support CSOs to raise awareness of violations to human rights and closing civic space [ACT Alliance/CIDSE, 2015, 53, 70; Black Sea NGO Forum, 2018, 3].

Donors

Overall, it is important that donors develop an OECD DAC Recommendation on working with civil society as has been proposed by some DAC members. Such a recommendation includes regular DAC monitoring and review of donor good practice through DAC peer reviews, which would in turn have some influence on changing donor practises and behaviour [Wood, 2020, 117]. There is much that donors can do to protect civil society actors and favour open civic space. Key recommendations are outlined below.

- ✓ **Regularly renew understanding of the local and national context, following the lead of local civil society, and supporting country-determined capacity building priorities.**

Dialogue with CSOs is critical even prior to financing discussions to understand national contexts and needs. Informal relationships between the donor community and representative CSO organizations, vulnerable organizations and individual should be developed/sustained where possible for informal advice and support in tackling particular issues/circumstances in the enabling environment [ActionAid International, 2018, 12]. CSOs should work with the relevant donor community to facilitate their engagement with a diversity of local development actors to regularly renew donor understanding of local/national contexts in which CSOs operate, including power relations, the legal environment, obstacles and opportunities for change, internal civil society dynamics, and the potential for broad civic alliances, in relation to promoting and protecting civic space [Concord Sweden, 2018]. Such efforts can support contextualized coherence and coordinated donor strategies. Moreover, donors should allow CSOs to define appropriate priority areas of support, which can include strengthening the monitoring of civic space threats, facilitating collaboration and engagement with social movements, supporting policy engagements with government and parliament, implementation of multilateral commitments, strengthening CSO accountability and resilience in hostile environments, or raising public awareness of CSO roles and contributions [ICNL, *Effective Donor Responses*, 2018, 4, 20].

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- ✓ **Make funding available to strengthen local CSO leadership, organizational resilience and programming skills as well as innovative, responsive and flexible funding mechanisms for developing country CSOs facing severe threats to their enabling environment.**

INGOs and donors should design adaptive and flexible funding modalities and programming relationships that strengthen rather than diminish local CSO leadership. The emphasis should be on local-determined programming skills and opportunities for expanding relationships at all levels, including at the regional and global level. Donor finance should strengthen CSO capacities to operate independently as watchdogs of democracy and human rights, manage funds directly and realize CSO priorities [ACT Alliance/CIDSE, 2015; ActionAid International, 2018, 12; Concord, 2018, 12-13; Ferber, 2018, 17; ITAD & COWI, 2013, 21]. In challenging situations, donors should not back away but rather seek smart adaptations, emergency funds, or joint efforts [Ariadne, 2015, 7]. Emergency funding mechanisms should be established to support CSOs facing severe threats to their enabling environment.

- ✓ **Commit political leadership and strengthen effective use of diplomatic relationships.**

Donors (government and philanthropic) and CSOs should encourage all donors to dedicate political leadership at the highest level to take all necessary measures to safeguard and promote open civic space as an overarching aspect of foreign policy and in their development cooperation to realize the SDGs [Civil Society Summit, 2019, 7]. Donors should work with local CSOs and networks, and the like-minded donor community, to use their diplomacy to encourage governments to enact enabling laws and regulations and to ensure and/or expand broad-based CSO participation in consultative bodies, including consultations on the priorities for donors' country strategies [ACT Alliance/CIDSE, 2015, 101; ActionAid International, 2018, 8; Concord, 2018, 10-11; Brechenmacher, 2017, 102-4; Concord Sweden, 2018; ITAD & COWI, 2013, 105; Ariadne, 2015, 4].

- ✓ **Support positive narratives relating to CSOs and their roles.**

Donors should work with CSOs to put forward positive narratives based on the full range of civil society contributions to development, including policy engagement and advocacy, countering negative stereotyping of CSOs and HRDs [ActionAid International, 2018, 13; Brechenmacher & Carothers, 2019, 25-26; Wood, 2020, 83].

CONCLUSIONS

There is a wide range of proposals for potential action by CSO platforms and their members, including those highlighted throughout the literature. The Belgrade Call to Action, for example, calls for a comprehensive approach with “measures across government for laws and regulations that enable civil society, for democratic accountability based on human rights and human rights standards, and for the full protection of human rights defenders and gender equality activists” [Civil Society Summit, 2019, 6]. It lays out more than 50 action areas in which governments can take practical steps to implement to improve and promote open civic space (Annex 7). There are also a wide range of proposals for action highlighted in the literature. Taken together, they resonate with those heard in this study from both allies and national/regional platforms. If implemented, these measures would drastically reverse deteriorating conditions facing CSOs and HRDs around the world.

There are many areas that Forus and CSO platforms might reflect upon in developing strategies to improve enabling conditions in their countries. Whatever the approach adopted, reversing conditions that are affecting CSO enabling environments and closing civic space requires a long-term commitment and strategy. Increasingly the issues of law and regulation are intertwined at the national level with shifts in power and politics as well as broader geopolitical trends at the global level, particularly the increasing influence of China and others in legitimizing authoritarian agendas.

Given this confluence of different forces affecting civic space across many countries, making progress is often beyond the purview of any one organization or platform. The forces at play speak to the importance of systematic and close collaboration with allies at all levels, global, regional and national. The research team interviewed many who have been engaged in these issues, often for several decades, who acknowledged the unique position of national platforms and welcome their initiatives and that of Forus. They are willing to continue the dialogue and offered to share their experience, contacts and specialized skills as appropriate.

The proposals below bring together, in a summarized way, a range of approaches and options which could be considered in elaborating particular strategies for global and national civil society platforms, the design of which requires substantive reflection on country contexts, global opportunities and the identification of appropriate supports.

Summary actions for national and regional CSO platforms

Review and address legal and regulatory restrictions

There is a need for review and redress of legal and regulatory restrictions and practices affecting civil society in each country to ensure compliance with international human rights standards and respect for the rights of marginalized populations. These efforts require dedicated medium- and long-term strategies for alliance building, awareness raising (e.g. digital rights, laws and regulations), and consistent leadership from dedicated CSOs. CSO coalitions can draw on the experience of good practice law and regulations as well as local expertise in assessing their local enabling conditions and ways to address constraints on CSO formation and operations.

Advocate for institutionalized and inclusive policy dialogue

CSOs should continue to advocate for institutionalized mechanisms for dialogue involving the direct participation of diverse civil society from the local to the national level, including marginalized and affected groups in society, based on well-established good practices. These include ensuring dialogue is timely, open and inclusive, transparent, informed, structured for the exchange of views on important and contested issues and iterative. Strongly representative platforms are in a good position to lead many of these processes. CSOs more broadly should consider strengthening policy research capacities at the country level, building their dialogue and advocacy skills, coordinating with those representing a diversity of policy perspectives and constituencies, and promoting the inclusion of gender-based policy analysis and ways to engage and raise the voices of marginalized communities.

Call on donors to strengthening official and INGO donor partnerships

National, regional and global CSO platforms should encourage all donors to dedicate political leadership at the highest level to take all necessary measures to safeguard and promote open civic space as an overarching aspect of foreign policy and in their development cooperation to realize the 2030 Agenda. Inter alia, CSOs should encourage donors to:

- Follow the lead of local civil society in understanding and acting to support enabling conditions in different country contexts, including a priority for strengthening of local civil society in all relevant areas;
- Implement appropriate, substantial and innovative funding mechanisms directly accessible to developing country CSOs;
- Work with local CSOs and networks, and the like-minded donor community, to use their diplomacy to promote enabling laws and regulations and ensure broad-based CSO participation in consultative bodies, including consultations on the priorities for donors' country strategies.

Promote coalition building in challenging and closing civic space

In tackling CSO enabling environments and closing civic space, CSOs and their representative platforms should build capacities and mechanisms for collaborating across different sectors and with civil society grass roots movements, including women's rights organizations and other HRDs. CSOs should always resist and counter government strategies to divide "good" from "bad" CSOs. In doing so, they should deliberately focus on sustained collaboration among all civil society actors,

particularly between those working in development (both service providers and development actors) and CSOs working on human rights and highly contested social justice issues.

Address risk and CSO security issues

CSOs and their representative platforms should seek donor support to strengthen long-term security and resilience for CSOs and HRDs by investing in CSO measures for legal protection, data protection, accounting and auditing skills, and good governance practices. CSOs and donors should support local processes for training/capacities to analyze organizational and individual risk, while prioritizing the security of civil society actors most at risk.

Strengthen CSO transparency, accountability and civil society narratives

CSOs, through their representative platforms, should put in place initiatives and adopt quality assurance standards that demonstrate accountability to immediate (country-level) stakeholders and robust transparency in their activities. As development actors in their own right, such standards are an integral part of a CSO counter-narrative. CSOs, platforms and allies should experiment with new narratives for and about civil society that strengthen respect for, and understanding of, the value of civil society. These values are expressed through the [Istanbul Principles for CSO Development Effectiveness](#) and are reflected in profiles of CSO actions to engage citizens in their own development, and most particularly in their responses to unique challenges arising from the COVID pandemic.

CSOs should take measures to strengthen their resilience with capacities not only to survive but also to pursue their missions in hostile operating environments over the long term. Resilience is multifaceted and specific areas where efforts are needed are outlined in the report.

Support national efforts through international CSO platforms

International platforms can support peer learning processes among CSOs affected by enabling environment challenges across relevant countries, including developing appropriate research skills, capacities to design legal, political and publicity strategies. They can facilitate linkages with regional platforms, international CSO allies, technical support and linkages with specialized CSOs, capacity-building opportunities, relations with sympathetic allies within bilateral donors, and engagement with relevant multilateral processes. They should give particular attention to South-South learning experiences, solidarity actions and the sharing of skilled human resources, in addressing the growing challenges in the most severely affected countries.

The Potential Roles for Forus

The scoping study has shown a number of opportunities and challenges facing Forus members. Based on the inputs collected, **Forus should be in a position to develop an overarching strategy and action plan to support its members**, and their members in promoting enabling environment. These efforts should be guided by four pillars:

- 1.

1. Advocacy leadership: Building on core principles guiding CSO actions (e.g. equality, justice, women’s empowerment, democracy), work with members to improve CSO mobilization to advocate together for areas of common interest, and lead global advocacy efforts on behalf of members, collaborating with other global allies in civil society.
2. Training and resources: Enhance CSOs’ skills and strategies in different areas (e.g. legal and regulatory tools, advocacy and communications, fundraising, engagement on the 2030 Agenda, organizational resilience) through demand-led support for Forus members, considering the use of ‘train-the-trainer’ models and the accessing of local capacities and skills for training. Share existing resources with members that support their efforts to monitor their own enabling environment and carry out research and comparative studies (Annex 2).
3. Peer learning: Improve partnerships between Forus member-platforms in different countries, facilitate the exchange of knowledge (e.g. case studies, good practices, strategies), enhance connections among peers of same regions/in similar situations and create networks of international solidarity.
4. Fundraising: Support members in identifying fundraising opportunities, advocate for funds for CSOs for this area of work and mobilize resources accessible to members.

Key activities and approaches that could be included under each pillar are listed below. These activities serve as a starting point, to be further developed by Forus in consultation with its members and allies.

Advocacy Leadership

Building on core principles guiding CSO actions (e.g. equality, justice, women’s empowerment, democracy), work with members to improve CSO mobilization to advocate together for areas of common interest, and contribute to global advocacy efforts on behalf of members, collaborating with other global allies in civil society.

- Build bottom-up consensus among membership on framing key issues, such as equality, inclusion, justice, gender, democracy to serve as the basis for advocacy, and on the role of CSOs in a COVID-19 environment
- Raise awareness through exchanges on key issues for members
- Contribute to global advocacy proposals to improve the enabling environment at the country level
- Liaise closely at all stages with global allies to ensure constructive synergies for Forus civic space program initiatives with global civil society allies
- Provide advocacy for resource mobilization, and provide workshops/events related to resource mobilization advocacy

- Support members to engage with United Nations bodies, and establish forums at the regional level
- Support the emergence of women's leadership for advocacy work within membership

Learning Exchanges and Resources

Enhance CSOs' skills and strategies in different areas (e.g. legal and regulatory tools, advocacy and communications, fundraising, engagement on the 2030 Agenda, organizational resilience) through demand-led support for Forus members, considering the use of "train-the-trainer" models and the accessing of local capacities and skills for learning exchanges. Share existing resources with members that support their efforts to monitor their own enabling environment and carry out research and comparative studies.

Topics for learning exchanges include:

- General learning exchanges on the enabling environment
- Legal and regulatory tools for members to be able to fight back disabling environments
- Helping members identify synergies in reporting between different agendas related to the enabling environment such as the SDGs, enabling environment principles, international standards and best practices
- Capacity to engage in Voluntary National Review / 2030 Agenda implementation, supporting membership to be able to train their own members, and build up national coalitions
- Building dialogue and efforts with others, such as social movements and other NGOs
- Communication skills and capacities including for advocacy and strategies against stigmatization
- Issues of power, gender equality and women's leadership (withing CSOs and in politics) in promoting a civil society enabling environment at the country, regional and global level
- Fundraising and proposal writing
- Management and organizational sustainability, and advocacy capacity
- Digitization for democracy
- Training efforts should also use the "train the trainer" model, with a focus on Forus members. Training should be channelled to members' members to assist them in advocating for civic space in the countries where they work
- Forus, in dialogue with global and regional allies, could facilitate identification of skilled resource people at the country/regional level and support their engagement in addressing identifiable needs in the membership

Resource development:

- Access to tools (many of which already exist) to help national coalitions assess the situation of CSOs in their countries
- Support platforms' research projects and research in areas such as comparative studies and the impacts of COVID-19 on women and resources to support women's leadership among Forus members
- Send / facilitate exchanges of resource people

Peer Learning

Deepen partnerships between Forus member platforms in different countries, facilitate the exchange of knowledge (e.g. case studies, good practices, strategies), enhance connections among peers of same regions/ in similar situations and create networks of international solidarity.

- Create and deepen relationships between peers who can learn from each other by enhancing networking, providing South-South and North-South learning opportunities and establishing peer learning possibilities at the regional level and other mechanisms for peer-to-peer exchange
- Provide opportunities for peer learning and exchange to support women's leadership in member and their membership
- Share case studies, information, good practices and studies on specific subjects, such as the SDGs
- Have country-specific web pages for international solidarity on Forus' website

Fundraising

Support members in identifying fundraising opportunities, advocate for funds for CSOs for this area of work and mobilize resources accessible to members.

- Organize and contribute to advocacy for fundraising and resource mobilization to support members to implement lessons learned
- Direct members to fundraising opportunities and donors likely to fund projects focused on enabling environment issues
- Establish related programs with a global vision for the enabling environment

ANNEXES

Annex 1. Terms of Reference

Terms of Reference

Scoping Study of national NGO platforms' experiences in promoting an enabling environment

March 2020

Forus is an innovative global network empowering civil society for effective social change. Its members include 69 National NGO Platforms and 7 Regional Coalitions from Africa, America, Asia, Europe and Pacific. National platforms bring together NGOs and CSOs in their country across a wide variety of thematic areas. The platforms are mandated by their members to represent the sector and to act as a key interlocutor of the state. As a result, national platforms are often at the forefront of defending civil society space in their countries.

Forus is recruiting a consultant to conduct **a Scoping Study on the experience of its national NGO platforms in promoting civic space and an enabling environment for civil society.**

1. Background

This scoping study commissioned by Forus, with funding support from Bread for the World, will influence the global network's future work and positioning on Civic Space and Enabling Environment for civil society, particularly where its own members are concerned.

Civil society in over half of the world's countries is facing serious restrictions on its freedom to engage, express itself and be heard. With increased surveillance, persecution and even violence against civil society, many civil society organizations (CSOs) have come under attack, particularly those advocating on behalf of excluded groups and minorities, for democratic rights and environmental defenders. Human rights defenders in Africa, Latin America and Asia but also, in other parts of the world are targeted, as well as CSO representatives. Technology advances have also brought increased surveillance and new risks for civic space.

As restrictions multiply across the five continents where Forus operates, the issues of civic space and an enabling environment for civil society have become cross-cutting priorities for the network. Forus launched its Global Initiative in 2018, which is a long-term effort to strengthen the power, capacities, independence and future impact of civil society in all regions of the world. Supporting an Enabling Environment for CSOs everywhere is one of eight pillars of the Global Initiative. However, baseline, up-to-date consolidated information is currently lacking on national platforms' experiences in responding to shrinking or closing civic space and promoting an enabling environment. This lack affects the ability of these platforms to support each other as peers and to contribute to the wider learning of the sector.

2. Study Aims & Objectives

The overall objective of this study is to generate information and learning about current experiences and approaches to promoting an enabling environment, with a focus on the role of national platforms that are members of Forus and on the added value that Forus itself would be able to play in this field. This will be achieved through a **Scoping Study** involving national platforms and focused on their activities promoting an enabling environment.

This study aims to examine and report on:

- (i) the experiences, including successes and failures, of Forus members working with civic space and enabling environment in their countries
- (ii) the needs and expectations of Forus members regarding how the global network can support their work on civic space and enabling environment and increase their capacities in these areas
- (iii) an analysis of strategies and actions linked to civic space and enabling environment already developed by other CSO networks or other key actors.

The results of the Scoping study will enable Forus to better understand the issues and challenges faced by its members at national level where civic space and enabling environment for civil society are concerned. The results of the study will inform a future Forus strategy on promoting civic space and an enabling environment for civil society at national, regional and international levels.

The study will enable Forus to enhance its usefulness and relevance as a global network for its national members where their work on civic space and an enabling environment for civil society is concerned.

The study will also raise awareness within the Forus network of other actors and initiatives focused on civic space and enabling environment which will help to identify the added value that Forus can bring to work in these areas, while avoiding duplication.

3. Scope of the Study

The target groups for the study are Forus members, partners and allies.

Forus members are 7 regional coalitions and 69 national platforms, including 27 platforms from Africa, 15 from Europe, 11 from Latin America, 9 from Asia, 4 from the Pacific, 2 from North America and 1 from North Africa/Middle East.

National platforms will be the key focus of this scoping study. National platforms generally perform three key roles in their countries:

1. Pooling of technical and physical resources including information sharing, communication and capacity development, allowing members to share services and expertise, and benefit from economies of scale.
2. Building and promoting collective positions, through mobilizing the expertise of their members or external expertise. Platforms are particularly well positioned to defend

the space and identity of NGOs and promote an enabling environment for civil society.

3. Advocacy and relations with other actors: on behalf of their members, platforms are well positioned to be the main representative of their members with national, regional or international public authorities, as well as other actors such as the media.

All 69 national platforms will be invited to participate in a preliminary online survey. Ten national platforms will subsequently be selected to participate in individual interviews according to agreed criteria.

Regional Coalitions will also be included in the study. Regional coalitions convene national platforms, allowing for the consolidation of positions, the sharing of experience and the coordination of activities at regional level. The regional and international levels can also play a protection role, as belonging to a Regional Coalition and to Forus can also bring institutional reinforcement and support to national platforms affected by closing space. All Regional Coalitions will be invited to participate in an online survey. 1 Regional Coalition will be selected to participate in an in-depth interview.

The study will also have a focus on the role and experience of **women defenders/women's groups** in promoting and defending civic space and an enabling environment, particularly where they are promoting the specific rights of women such as reproductive rights. A specific outreach to a network of women's organizations will be sought in order to better understand how closing space affects women's groups, and how national platforms can take this into account.

Finally, this project will involve **institutional partners and allies** of Forus including academic institutions, international institutions, academia, philanthropic and donor organizations and civil society organizations outside of the Forus network. Most of these partners are active in the area of civic space and enabling environment, and therefore it is important for Forus to engage with them as part of the Scoping study, to share knowledge, minimize duplication and coordinate action, including in terms of long-term operational and funding partnerships. Approximately 15 external partners and allies of Forus will be invited to participate in the study.

4. Methodological Approach

The study is expected to include both qualitative and quantitative elements, including a literature research review, an online survey, in-depth qualitative interviews, and 2 field research trips.

Forus' members will be the main stakeholders of the data collection process and a balance in representation will be ensured (including geographical, cultural, gender and age diversity). External civil society partners and allies of Forus will also be consulted, as well as institutional partners. The consultation will be carried out by the consultant in a manner that ensures safe communication in order to minimize any risks involved for both members and partners.

5. Roles and function of the consultant

The role of the **consultant** is to propose a complete methodology for the Forus scoping study on civic space and enabling environment, carry out a comprehensive literature review, carry out the survey and in-depth interviews with Forus members and partners, write up the final report and facilitate webinars to share findings. The consultant will also be expected to participate in regular online calls with members of the Forus Team to update them on progress with all aspects of the study.

Overall guidance of the study will be the responsibility of the Advocacy Section of the **Forus Secretariat**, which will develop the terms of reference for the scoping study, participate in the selection of the external consultant, provide advice to the consultant while the study is being conducted and guide and provide regular support to the consultant in the work with national platforms, regional coalitions and external partners.

6. Deliverables

The key deliverables that will be expected from the consultant as part of the study include:

- A state-of-the-art, international literature review of key research, campaign and project initiatives on civic space and enabling environment for civil society.
- Design of online survey on civic space for completion by all Forus members and in-depth analysis of survey results.
- Conduct of in-depth qualitative interviews on experiences of civic space and enabling environment with 10 selected national platforms and 1 regional coalition, and analysis of findings.
- Design of online survey and/or conduct of individual interview on topic of civic space and enabling environment for civil society with 10-15 external Forus partners and allies, and analysis of survey/interview findings.
- A study report in English summarizing literature review, presenting and analyzing results of an online survey and qualitative interviews, and making recommendations for future Forus action on civic space & enabling environment.

The study report will present:

- An executive summary
- An internal/larger version
- An external/shorter version, to be published in Forus' website

The facilitation of sharing of research findings for Forus members as part of the dissemination of the shareable findings of the study and provide feedback to national platforms and regional coalitions through webinars in English and in French or Spanish, or during Forus' General Assembly in October 2020 in Cambodia.

7. Profile and qualifications of the consultant

Forus is searching for a consultant with a strong academic and practical understanding of the issues of civic space and enabling environment for civil society. The position advertised will require strong research skills - both qualitative and quantitative and candidates will be expected to be able to provide evidence of same. Previous experience of working in a developing country context on civic space will be an advantage.

The successful candidate will preferably have:

- A postgraduate degree (PhD or MSc) in the field of research or development studies.
- A strong understanding of issues related to civic space and enabling environment for civil society, and preferably previous practical experience working on civic space and enabling environment issues with NGOs and networks active in developing countries and/or countries where civic space is closing.
- Strong qualitative research skills. Experience in field research, online interviews as part of evaluations and research projects.
- Skills for intersectional analysis taking account of gender, culture, etc.
- High levels of cultural awareness, sensitivity and capacity for intercultural communication.
- Excellent levels of written and spoken English and Spanish/French.
- Digital security and safe communication skills.

8. Application procedure

The application documents must be submitted no later than 5 April 2020 in electronic format to the following address: recruitment@forus-international.org specifying "Scoping Study of national NGO platforms' experiences in promoting an enabling environment" in the subject line.

The application file should include:

- A detailed and complete Curriculum Vitae for the consultant, including links to similar studies and previous work carried out, and at least 3 references for the consultant
- A proposal for how the work will be carried out, including an outline of the approach to the survey of national platforms on their experience of civic space and enabling environment and an overall methodology for the study highlighting the approach and constraints, the timeframe and calendar for the research
- A detailed budget including fees and activity costs

Applicants should clearly highlight any current or previous working or personal links to Forus members, as well as any risk around conflict of interest.

Forus' budget for this study is EUR 19,000. which will cover all consultant fees and travel costs. The interviews will take place in April 2020. An English language selection panel composed of Forus staff will conduct interviews.

9. Provisional calendar

Consultants search	March - April
Contracting of consultants	April
Inception phase	End April
Research phase	May - August 2020
Research report finalized	September 2020
Sharing of research findings through webinar or side event of Forus' General Assembly	October 2020



Annex 2. Bibliography

A. General and Background Literature

The literature in this section is general, including different aspects of CSO enabling environment where two or more areas of legal and regulatory issues, inclusive policy engagement, or strengthening CSO capacities and access to resources or actions by non-state actors are addressed. They often focus broadly on civic space but have included enabling environment issues in whole or part.

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H. Databases on Civil Society Enabling Environment

Some parts or all of the following databases have relevant information, data or indicators on CSO enabling environment.

1. Civicus, Civicus Monitor, <https://monitor.civicus.org/>, Up-to-date data and information on the state of civil society freedoms in 195 countries in both the Southern and the Northern contexts.
2. Bertelsmann Stiftung, Bertelsmann Transformation Index, <https://www.bertelsmann-stiftung.de/en/our-projects/transformationindex-bti>, The BTI analyses and assesses whether and how countries are steering social change towards democracy and a market economy.
3. International Center for Not-for-Profit Law, Civic Freedom Monitor, <https://www.icnl.org/resources/civic-freedom-monitor>, Country-level data and narrative information on legal and regulatory issues for civil society, including freedom of association, in 62 Southern countries.
4. International Center for Not-for-Profit Law, COVID-19 Civic Freedom Monitor, <https://www.icnl.org/covid19tracker/>, Country-level data on emergency restrictive laws with implications for civil society operations.
5. Freedom House, Freedom in the World, <https://freedomhouse.org/report/freedom-world/2020/leaderless-struggle-democracy>, An overview of democracy trends in the world including indicators relating to civil society participation and its legal and regulatory environment.
6. V-Dem Institute, University of Gothenburg, Sweden, V-Dem Dataset Version 10, <https://www.v-dem.net/en/data/data-version-10/>, a complex set of country-level indicators data covering a wide range of issues including CSO enabling environment.
7. International Budget Partnership, Open Budget Survey, <https://www.internationalbudget.org/open-budget-survey/data-explorer>, results of annual country-level surveys documenting the degree of civic engagement in the budgetary process and transparency relating to enabling CSO policy engagement.

Annex 3. Glossary of terms

Civic Space: “Civic space is the bedrock of any open and democratic society. When civic space is open, citizens and civil society organizations are able to organize, participate and communicate without hindrance. In doing so, they are able to claim their rights and influence the political and social structures around them. This can only happen when a state holds by its duty to protect its citizens and respects and facilitates their fundamental rights to associate, assemble peacefully and freely express views and opinions. These are the three key rights that civil society depends upon.”¹⁹

Civil Society: While often used interchangeably with Civil Society Organisations (CSOs), Civil Society is a broader concept than CSOs: “Civil society [is] the arena outside the family, the state, and the market, which is created by individual and collective actions, organizations, and institutions to advance shared interests.”²⁰ [Emphasis added] It has also been described as “an ecosystem of organized and organic social and cultural relations existing in the space between the state, business, and family, which builds on indigenous and external knowledge, values, traditions, and principles to foster collaboration and the achievement of specific goals by and among citizens and other stakeholders.”²¹

Civil Society Organizations (CSOs): “CSOs can be defined to include all non-market and non-state organizations outside of the family in which people organize themselves to pursue shared interests in the public domain. They cover a range of organizations that includes membership-based CSOs, cause-based CSOs and service-delivery CSOs.”²² [Emphasis added]

CSO Enabling Environment: “The political, financial, legal and policy context that affects how CSOs carry out their work. It can include:

- Laws, policies and practices respecting freedom of association, the right to operate without state interference, the right to pursue self defined objectives, and the right to seek and secure funding from national & international sources;
- Institutionalized, inclusive and transparent multi stakeholder dialogue;
- Effective support from development providers to empower CSOs.”²³

19 CIVICUS [website](#).

20 CIVICUS, [Civicus 2013 Enabling Environment Index](#), p. 5.

21 Charles Kojo Van Dyke. June 30, 2017. [Concept and Definition of Civil society Sustainability](#). Center for Strategic and International Studies.

22 Global Partnership for Effective Development Co-operation/GPEDC. 2018. [2018 Monitoring Guide for National Co-ordinators](#), Global Partnership for Effective Development Co-operation, New York and Paris, p. 65. This definition has its roots in work undertaken by multi-stakeholder initiatives within the Global Partnership since 2007 and has framed subsequent work on aid and development effectiveness and CSO development effectiveness (the 2010 Istanbul Principles on CSO Development Effectiveness and the Siem Reap Framework for implementing these Principles).

23 GPEDC, [FAQs for Participating in the Second Monitoring Round of the GPEDC: Indicator 2](#)

Development Assistance Committee (DAC): The DAC is a member committee within the OECD and is a forum to discuss issues surrounding aid, development and poverty reduction in developing countries. It describes itself as being the “venue and voice” of the world’s major donor countries. It establishes good practice for donors and publishes detailed statistics on all member aid transactions. CSOs have a consultative protocol with the DAC through the CSO DAC Reference Group. The DAC can be accessed at <http://www.oecd.org/dac/development-assistance-committee/>.

Digital Environment/Transformation: Digitalization is the use of digital technologies and data, as well as interconnection, that results in new activities or changes to existing activities. Digital transformation refers to the economic and societal effects of digitization and digitalization.²⁴ Digital transformation is the profound transformation of business and organizational activities, processes, competencies and models to fully leverage the changes and opportunities of a mix of digital technologies and their accelerating impact across society in a strategic and prioritized way, with present and future shifts in mind.²⁵

Donors: Donors are providers of development cooperation, which may take the form of financial support, technical assistance and in-kind commodities. Providers of development cooperation include governments, government agencies, foundations and non-for-profit private philanthropy, as well as Northern and Southern-based international non-governmental organizations (INGOs). Official donors are government donors of international assistance (usually members of the DAC). Southern countries that provide international assistance (China, India, Brazil, etc.) refer to themselves as “providers.”

Global Partnership for Effective Development Cooperation (GPEDC): The GPEDC is a voluntary multi-stakeholder partnership (of 161 countries and 56 international organizations) devoted to improving aid effectiveness and development effective with those that have associated themselves with the outcomes of the 2011 Busan High-Level Forum.

The GPEDC made a **commitment relating to CSOs** to create the conditions that maximize CSOs contributions as development actors. This commitment is monitored through **Indicator Two:** “Civil society organizations operate within an environment that maximizes their engagement in and contribution to development. This indicator measures the extent to which governments and development partners contribute to an enabling environment for Civil Society Organisations (CSOs), and the extent to which CSOs are implementing the development effectiveness principles in their own operations. The political, financial, legal and policy context in which CSOs work, as well as the ways in which these development actors organize themselves and work with governments and development partners, deeply affects their development effectiveness and contributions to achieve results.”²⁶ The GPEDC can be accessed at <https://www.effectivecooperation.org/>.

24 OECD, 2019. [Going Digital: Shaping Policies, Improving Lives](#).

25 I-SCOOP, [Digital Transformation: Online Guide to digital business transformation](#).

26 GPEDC, 2018 Monitoring Guide for National Co-ordinators, *Op. Cit.*, p. 62.

Governance: Most definition of governance “rest on three dimensions: authority, decision-making and accountability. ... [A] working definition of governance reflects these dimensions: Governance determines who has power, who makes decisions, how other players make their voice heard and how account is rendered.”²⁷ It includes the role of organized civil society as legitimate social actors, access to government decision-making spaces and processes for multi-stakeholder policy dialogue which should be open, inclusive, timely, iterative, informed, and transparent.²⁸ Governance may also be understood in terms of power relations and power dynamics with other actors, such as donors, international institutions, INGOs, private sector and corporate actors.

Multi-stakeholder dialogue/engagement: “A policy process or development initiative that brings together two or more stakeholder groups (government, development partners, CSOs, private sector, etc.) on the basis of equality among the stakeholders.”²⁹

Organization for Economic Co-operation and Development (OECD): The OECD is an intergovernmental economic organization based in Paris with 37 member countries, founded in 1961 to stimulate economic progress and world trade. Access at <https://www.oecd.org/>.

Private sector: “The private sector comprises entities that are run by private individuals or groups, usually seeking to generate profit, and that are not controlled by the State. The private sector includes small and medium-sized businesses, large multinationals, sole proprietors, co-operatives, professional/trade associations and also trade unions.”³⁰

Public sector: “Portion of the economy composed of all levels of government and government entities, and government-controlled enterprises. It does not include private companies, social organizations (voluntary, civic or social sectors), or households.”³¹

27 Institute of Governance, [Defining Governance](#).

28 Cf. Wayne-Nixon, Laurel, Wragg-Morris, Tanya, Mishra, Anjali, Markle, Dawson, and Kindornay, Shannon. 2019. [Effective multi-stakeholder engagement to realize the 2030 Agenda](#). Good Practice in 2030 Agenda Implementation Series. Vancouver and Ottawa: British Columbia Council for International Cooperation and Canadian Council for International Cooperation.

29 GPEDC, 2018 Monitoring Guide for National Co-ordinators. *Op. Cit.*, p. 67.

30 GPEDC, 2018 Monitoring Guide for National Co-ordinators. *Op. Cit.*, p. 72.

31 GPEDC, 2018 Monitoring Guide for National Co-ordinators. *Op. Cit.*, p. 72.

Annex 4. Additional Methodological Information

Analytical Framework

The full version of the Analytical Framework, containing the online survey and the interviews questions, can be made available upon request. Please contact Forus if you wish to have access to these documents.

1) Legal and regulatory issues

- a) Foundation in Human Rights Background in national constitutional and international commitments relating to freedom of association and assembly;
- b) Barriers to CSO formation and operation Legal and regulatory barriers to formation and operations of a diversity of CSOs and implications for open civic space, including discretionary implementation of laws and regulations for political purposes;
- c) Accountability and redress Accessibility to state institutions (judiciary, parliament, law enforcement, etc.) for redress;
- d) Impunity Measures to protect CSOs, particularly in relation to impunity in physical attacks on human rights activists, promoters of gender equality and environmentalists;
- e) An enabling digital environment Access to effective digital tools and challenges arising from digital monitoring, including unlawful surveillance; and
- f) CSO initiatives CSO/multi-stakeholder initiatives to address legal and regulatory issues at the country, regional or global levels.

2) Space for effective and inclusive policy dialogue

- a) Mechanisms for engagement Opportunities for formal and informal mechanisms, including meaningful engagement in development and monitoring of national SDG plans;
- b) Power relations Implications of unequal power relations with government and other stakeholders (including INGOs and other private sector actors, women's rights organizations and social movements);
- c) Quality of engagement Assessing and building good practice in the qualities of engagement - Openness, relevance to government decision-making, inclusiveness, timeliness, informed and iterative process, with accountability and follow up;
- d) Transparency Assessing and addressing timely and legislated access to relevant government information to enable dialogue and other CSOs roles in programming and advocacy; and
- e) Diversity, representivity and the roles of coalitions Implications of multi-stakeholder policy dialogue processes for the selection and participation of a diversity of CSOs, including the role CSO coalitions, and the representivity of CSO leadership and coalitions in dialogues at all levels.

3) Resources, capacities and partnerships

- a) Donor enabling environment Assessing and influencing donor enabling environments, including finance terms and conditions, respect for CSOs' right to initiative, and mechanisms for policy and consultative engagement with country level CSOs through representative coalitions and/or platforms;
- b) Capacity development Measures with sustained resources for identifying and addressing capacity needs among coalitions (and their members) focused on civic space and the enabling environment;
- c) Addressing the stigmatization of CSOs Capacities and strategies for countering the growing stigmatization of CSOs and building support among all stakeholders, including government and the public, for the legitimacy of CSOs as social actors in their own right; and
- d) Connecting CSOs for learning and joint strategies Challenges and opportunities for engagement by country-level platforms/CSOs connecting/joining with regional and global/transnational CSO partners (and other allies among donors, the private sector or academia) for learning, strategy and synergies in collective action on civic space and enabling environment. The roles and priorities for Forus in these areas as a global platform and in relation to members' needs and priorities.

Survey respondents

Table A4.1 provides a full overview of survey respondents according to region and country.

Region	Sub-Saharan Africa	Asia	Europe	Latin America	Middle East & North Africa	North America	Pacific
Respondents	<u>12 platforms:</u> Burkina Faso Burundi Cabo Verde Côte d'Ivoire Democratic Republic of the Congo Madagascar Mauritius Mozambique Nigeria Republic of the Congo Tchad Zambia	<u>6 platforms:</u> Cambodia Indonesia Japan Nepal Philippines Taiwan <u>1 regional coalition:</u> ADA	<u>9 platforms:</u> Czechia Denmark Finland France Latvia Portugal Slovenia Spain United Kingdom <u>1 regional coalition:</u> CONCORD	<u>9 platforms:</u> Argentina Bolivia Brazil Chile Colombia Guatemala Honduras Paraguay Uruguay <u>1 regional coalition:</u> MESA	<u>1 platform:</u> Morocco	<u>2 platforms:</u> Canada United States	<u>1 platform:</u> Fiji <u>1 regional coalition:</u> PIANGO

Survey questions

The online survey was composed of 20 questions which could unfold into more specific questions (a-g). Parts A, B and C of the survey were structured following the analytical framework, and a final set of questions referred to demographic information.

A. Legal and regulatory issues

We would like to begin by understanding more about the legal and regulatory environment in your country, and its impact on civil society operations.

1a) Are current laws and regulations a key barrier to civil society activities in your country?

- Always
- Often
- Sometimes
- Never

1b) Which of these descriptions best describes the actual implementation of laws and regulations in your country (select one)?

- Current laws and regulations impacting civil society are highly restrictive and are applied rigorously
- Current laws and regulations impacting civil society are somewhat restrictive, but only some CSOs are targeted
- Current laws and regulations impacting civil society contribute to an enabling environment for it, though some improvements are needed and not all civil society organizations are affected equally
- Current laws and regulations generally support an enabling environment in which civil society can effectively carry out its activities and engage with diverse stakeholders including government. Restrictions on civil society are the exception, unique and challenged.

2) How would you describe the ability of different types of civil society organizations to carry out their activities?

Select the description that best applies to each type of civil society organization (CSO):				
Type of CSO	Activities are highly restricted	Activities are somewhat restricted	Activities are carried out with limited or no intervention by government	Activities are carried out with some support from government stakeholders
Your coalition				
Women's rights organizations				
Human rights defenders				
Environment/ climate change advocacy focused				
Non-government organizations representing traditionally marginalized groups such as Indigenous peoples, people with disabilities, etc.				
Domestic non-government organization focused on service delivery				
International non-governmental organization				
Community-based organizations				
Other (Describe)				

3a) Are some groups of civil society organizations more subject to harassment or interference by the government than others?

Yes | No

3b) Which groups tend to face an unsupportive environment to carry out activities due to arbitrary use of laws and regulations or other forms of government intervention? Select all that apply.

- Your coalition
- Women's rights organizations
- Human rights defenders
- Environment/climate change advocacy focused
- Domestic non-government organization focused on service delivery
- International non-governmental organization
- Community-based organizations
- Other (Describe)

3c) How has the COVID-19 pandemic impacted the enabling environment for civil society?

- Increased arbitrary restrictions on CSO activities
- Restrictions on CSO activities justified by the public health crisis and within the boundaries of legal and regulatory frameworks

4) How would you describe the culture of impunity for physical attacks on human rights activities, promoters of gender equality and environmentalists (select one)?

- The enabling environment is characterized by tolerance and space for open dialogue on controversial issues more than a culture of impunity affecting human rights defenders. State institutions face well-defined consequences for harassment to individuals and civil society organizations, and effective systems of accountability are in place.
- Excessive force (e.g. tear gas, rubber bullets) and other forms of harassment to individuals and civil society organizations are sometimes used with impunity by authorities, with push back from CSOs.
- Individuals and civil society organizations can organize and assemble peacefully but they are vulnerable to frequent use of excessive force (e.g. rubber bullets, tear gas and baton charges) by law enforcement agencies, which act with impunity.
- Civil society members who criticize power holders risk surveillance, harassment, intimidation, imprisonment, injury and death. People who organize or take part in peaceful protests risk mass arrests and detention by the authorities, which use excessive force (including live ammunition) with impunity.

7a) How important are different types of policy dialogue or consultation mechanisms that exist in your country? (Rank all that apply)

Type of engagement	Not important @ Very important					Does not occur/ exist
	1	2	3	4	5	
Ad hoc, informal discussions with decision makers						
Ad hoc consultations with CSOs on emerging policy priorities						
Formal mechanisms for policy dialogue such as regular annual policy consultations that regularly engage non-state actors						
Institutionalized mechanisms for policy dialogue on specific policy priorities (e.g. the implementation of SDGs in your country), such as coordination bodies or councils that include non-state actors as members						
Policy dialogue happens with donors and/or the private sector, but there are no consultations involving CSOs.						

7b) When did the last formal consultation involving a representative body of CSOs occur in your country with government?

- Three months ago or less
- Three to six months ago
- Six to twelve months ago
- Over one year ago
- Over two years ago
- Formal consultations do not occur

7c) What were the topics of the last formal/informal consultations? (Up to Three, Open)

7d) Are CSOs included in 2030 Agenda implementation governance mechanisms? (Select all that apply)

8c) Are a diverse range of CSOs invited to participate in policy dialogue? Select the description that most applies:

- CSOs/platform provides recommendations to inform how government selects diverse participants in policy dialogue, including those representing marginalized populations
- CSOs/platform provides recommendations to inform how government selects participants in policy dialogue, but often the same CSOs are selected
- The government demonstrates efforts to invite diverse CSOs to participate in multi-stakeholder policy dialogue, sometimes in consultation with CSOs/platform
- The same limited CSOs are typically invited to participate by the government
- CSOs are not typically invited

8d) What types of CSOs in general tend to be included in multi-stakeholder policy dialogue? (select all that apply)

- Your coalition
- Other coalitions
- Social movements
- Human rights defenders
- Environment/climate change advocacy focused
- Women's rights organizations
- Domestic non-government organization focused on service delivery
- International non-governmental organization
- Community-based organizations

9a) What role does your coalition play in informing and influencing multi-stakeholder policy dialogue? (Select option that most applies)

- No role in policy dialogues
- Invited by government to participate as one among other CSOs in the policy dialogue
- Advises the government on participation
- Advises government on the topics and focus of policy dialogue
- Advises government on participation and substantive focus

9b) Do policy dialogues allow for exchange of views among the stakeholders? Yes | No

9c) Does government discriminate among CSOs in the participants and process of conducting policy dialogues? Yes | No

9d) Does the government take steps to support organizations with different capacities to participate in policy dialogue, such as by providing opportunities in rural and regional settings, in local languages or using diverse, locally appropriate technologies? (Select the description that best applies)

- The government accommodates diverse CSOs, including support targeted to specific organizations with more limited capacities and resources
- The government provides some accommodations to ensure inclusivity (local languages, consultation in different regions, etc.) but does not directly support organizations to engage
- The government does not make accommodations for different CSOs

9e) Does the government provide timely and relevant information for civil society ahead of policy dialogue to inform discussions?

- Always
- Often
- Sometimes
- Never

9f) Does the government report back to CSOs and other stakeholders on how inputs to the dialogues have been used?

- Always
- Often
- Sometimes
- Never

9g) To what extent is government information accessible to CSOs to inform their programs and advocacy efforts?

Not accessible at all >>> Highly accessible

1 2 3 4 5

10) Which of the descriptions below best describes the relationship between your coalition and certain types of civil society groups?

Select ALL description that apply to each type of civil society organization (CSO):			
Type of CSO	They are among the membership of your coalition	Consistent partners in joint advocacy initiatives	Implementing partner for specific coalition activities
Women's rights organizations			
Human rights defenders			
Environment/climate change advocacy focused			
Non-government organizations representing traditionally marginalized groups such as Indigenous peoples, people with disabilities, etc.			
Social movements			
Domestic non-government organization focused on service delivery			
International non-governmental organization			
Community-based organizations			
Other coalitions			

11) Does the government and other stakeholders recognize the legitimacy of CSO platforms to represent the diversity of CSOs?

- There is one representative CSO platform which is acknowledged as legitimate by government
- There are several CSO representative platforms, which are generally acknowledged as legitimate by government
- There are one or more CSO platforms that are usually seen as legitimate, but are sometimes criticized by government as not being representative of the diversity of CSOs
- CSO platforms are never/seldom seen as legitimate by government

C. Resources, capacities and partnerships

This final section seeks to understand the resources, capacities and partnerships that support coalition efforts to improve the enabling environment.

12) Does your coalition engage with the international CSO or donor community (foreign governments that provide aid) on issues related to the enabling environment?

- International CSO Community beyond your country Yes | No
- International Donor Community in-country or beyond Yes | No

13) To what extent do you perceive the donor community as a champion on issues related to the enabling environment, particularly with your government? (Select one)

- Most donors champion issues related to the enabling environment, and often jointly
- Some donors individually champion issues related to the enabling environment
- Only one or two donors individually champion issues related to the enabling environment
- The enabling environment is not an issue championed by donors

14) Are the priorities of your coalition and its members (broadly speaking) reflected in your funding programs with donors? (Select one)

- Coalition priorities are discussed and largely reflected in donor funding
- Some coalition priorities are reflected in some donors' funding
- Donors' funding tend to reflect the priorities of donors, with limited focus on existing coalition priorities

15a) How many full-time equivalent staff currently in place at your organization work on issues related to the enabling environment (click all that applies)?

- a. The coalition has one or more staff members whose work focuses largely around issues related to the enabling environment (part of job description)
- b. Issues related to the enabling environment are cross-cutting for staff members but no dedicated focal point exists
- c. One or more staff members pick up enabling environment issues episodically when an issue is brought to the attention of the platform/coalition, but is not part of any job description
- d. No staff member is currently working on issues related to the enabling environment

15b) The coalition and dedicated programming related to supporting an enabling environment (Select all that apply)?

- Has programming currently Yes | No
- Has had programming in the past Yes | No
- Would like to have programming Yes | No

15c) The coalition receives external funding for efforts to support an enabling environment?

Yes | No

15d) To your knowledge, are other in-country CSOs/coalitions currently implementing programs for capacity building with regard to the development of civic space and enabling environment?

Yes | No

15e) How has the COVID-19 pandemic impacted your organization? Check all that apply.

- Decrease in revenue
- Staff layoffs
- Office closure (work remote)
- Suspended or delayed projects and programs
- Reduced engagement with government
- Increased engagement with government
- Reduction in members
- Increase in members

16a) In your judgment, to what extent is the public supportive of efforts by the coalition or other CSO actors to promote an enabling environment?

Not supportive >>> Neither supportive nor unsupportive >>> Highly supportive
1 2 3 4 5

16b) To what degree have CSOs been stigmatized by government or other major development actors, reducing the credibility of CSOs as legitimate social and policy actors? (Choose the closest that applies)

- Government or other major stakeholders actively and consistently seek to discredit civil society actors, including by spreading false or misleading information to the public
- Some examples exist of efforts by government or other major stakeholders to actively discredit civil society actors, however such practices are not widespread
- Government and other major stakeholders are relatively supportive of the role of civil society actors and do not engage in activities to undermine their legitimacy
- Government and other major stakeholders tend to value the role of civil society and proactively recognize them as legitimate social and policy actors when engaging the public

17a) Who are the main allies of your coalition at the national, regional and global levels that address CSO enabling environment issues? (select all that apply)

National

-
- Domestic CSOs
 - Women's rights organizations
 - National academics/research institutions
 - Domestic donors or in-country donor representatives
 - Supreme auditing institutions
 - Human rights bodies or councils
 - Parliament
 - Media
 - Business associations
 - Other (please specify)

International

- International CSOs
- CSO coalitions in other countries/other global CSO coalitions
- Forus
- Global academic networks or research institutions
- International donor countries
- United Nations agencies
- Other (please specify)

17b) Has Forus played a role in connecting your platform to regional and/or global allies that support your efforts related to civic space and the enabling environment?

Yes | No

18) In what areas do you feel CSOs in your country require additional support, training or capacity development?

Rank the areas of support below in terms of priority. "1" represents your top priority while 8 represents your lowest priority.	
Addressing legal and regulatory issues	
Accessing decision-making institutions	
Challenging physical attacks on activists (human rights activities, environmentalists, etc.)	
Improving policy dialogue and processes for member inclusion	
Increasing staff capacities to advocate for an enabling environment	
Fundraising related to the development of the enabling environment and civic space	
Development and engagement with allies to support an enabling environment	
Other (Describe)	

19) Please provide further details regarding training and support that your coalition would like to see with respect to civic space and the enabling environment. Please make specific reference to the role of Forus. (Open box, 300 words)

Demographic information

We have just a few demographic questions to help us better interpret the results of this study. We remind you that all of your responses are confidential and data will only be used to present broad trends in the external report with no attribution to any individual or specific coalition. Moreover, access to survey answers are restricted to individuals directly implicated in this scoping study.

20a) In what region is your coalition based?

- Africa (Western)
- Africa (Central)
- Africa (Eastern and Southern)
- Middle East & North Africa
- Europe (Eastern)
- Europe (Western)
- Latin America and the Caribbean
- North America
- South Asia
- East Asia
- Pacific

20b) In what country are you based?

20c) How would you best categorize your organization?

- National NGO/CSO Platform
- Regional coalition of NGO/CSO platforms

20d) What is your role in your organization? (check one)

- a. Executive Director or equivalent
- b. Manager
- c. Program Officer
- d. Communications officer/coordinator
- e. Administrative or Financial Manager
- f. Fundraising officer/coordinator
- g. Other

20e) How many paid staff are currently employed in your organization? (Numerical box)

Thank you for your participation! We will share the results of the survey broadly in October 2020 when this study comes to a close.

Interviewees: Allies and Partners

Interviews were conducted with 13 people from 14 organizations, as one interviewee is part of two different organizations.

AFD - Agence Française de Développement

AWID - Association for Women's Rights in Development

Bread for the World

CIVICUS

Civitates Foundation

EU Commission DG DEVCO - European Commission Directorate-General for International Cooperation and Development

FICS - Funders' Initiative for CIVIL Society

Ford Foundation

Global Dialogue

ICNL - International Center for Not-for-Profit Law

IM-Defensoras - Mesoamerican Initiative of Women Human Rights Defenders

OECD - Organization for Economic Cooperation and Development

ROAA - Reality of Aid Africa Network

WINGS - Worldwide Initiatives for Grantmaker Support

Interviewees: Forus Members

Interviews were conducted with 21 people from 11 national platforms and 3 regional coalitions.

Asia

ADA - Asia Development Alliance (Regional Coalition)

CCC - Cooperation Committee for Cambodia

CODE - Caucus of Development NGO Networks (Philippines)

INFID - International NGO Forum on Indonesian Development

NFN - NGO Federation of Nepal

Europe

SLOGA - Slovenian Global Action

Latin America

ABONG - Brazilian Association of Non-Governmental Organizations

MESA - Mesa de Articulación (Regional Coalition)

Middle East & North Africa

Espace Associatif (Morocco)

North America

InterAction (the United States of America)

Pacific

FCOSS - Fiji Council of Social Services

PIANGO - Pacific Islands Association of Non-Governmental Organisations (Regional Coalition)

Sub-Saharan Africa

CSCI - Convention de la Société Civile Ivoirienne

Joint - League For NGOs in Mozambique

Annex 5. Country Case Studies

Scoping Study for Enabling Environment for Civil Society Organizations (CSOs) in Brazil

This summary report was prepared by the Brazilian Association of Non-Governmental Organizations (Abong).

1 - Acknowledgments

This study was produced by Pedro Paulo Bocca, Abong's international advocacy advisor, based on collective reflections by members of the Abong International Working Group - Iara Pietricovsky, Athayde Mota, Mauri Cruz and Juliane Cintra; in addition to contributions by Gustavo Huppés of Conectas Direitos Humanos and Moysés Toniolo of the National Health Council who participated in the debate "The Shrinking of Civic Spaces in Brazil by Jair Bolsonaro," held online on September

11, 2020³².

2 - Introduction

Since mid-2016, Brazil has been diving into a political, social, institutional and economic crisis. The current federal government, elected in 2018, is hostile to the demands of civil society organizations (CSOs) and sometimes tries to criminalize them by creating unfounded information about their actions. However, what seemed to be a difficult scenario for social organizations worsened substantially in 2020 with the arrival of a global nightmare: COVID-19. In the case of Brazil, the COVID-19 pandemic reinforced that there is no political capacity to deal with a health problem of this magnitude. This is due to several factors, notably the systematic scrapping process of the Unified Health System (SUS), which was accentuated by fiscal austerity measures and the approval of Constitutional Amendment 95 in 2016, which provides for the limitation of primary expenditures of the public budget for 20 years, according to inflation variation.

The situation has worsened due to the genocidal position of the Federal Government in disregarding the severity of the situation and the vulnerability of the Brazilian population, adopting a discourse and taking measures that are absolutely at odds with the recommendations of the World Health Organization and even the Brazilian Ministry of Health. This stance, in addition to creating internal conflicts in the Government, also creates confusion in the population, aggravating the situation regarding the respect for social distancing measures recommended to control the number of COVID-19 cases and avoid the collapse of the health system. In addition, the President of the Republic continues to take advantage of the crisis to confront and question the role of institutions in the defence of Brazilian democracy, adopting a threatening discourse and feeding government supporters into a dynamic of tension that grows within society and points to an uncertain future.

In view of the above, this case study aims to:

- Shed light on the effects of the Jair Bolsonaro government in relation to the shrinking of civic spaces in Brazil;
- List the main impacts of the actions carried out by the current Brazilian government on legal and regulatory issues, spaces for dialogue with civil society, and actions related to building partnerships for development;
- Point out how the current COVID-19 pandemic has impacted civil society organizations, under the connivance of the current government.

3 - Summary Report

Brazil is going through a context of political instability motivated by a growing advance of anti-rights and anti-democratic conservatism, punctuated by two recent events. The first one was the 2016 impeachment of President Dilma Rousseff (democratically re-elected in 2014), followed by a transitional government marked by austerity actions, such as the ceiling on public spending, which affected several social policies, most particularly those related to public education and

32 Available at: <<https://youtu.be/pf83waViP7g>>

health. The second event was the election of Jair Bolsonaro in 2018, which was built on the basis of an intense campaign based on a religious, militarist, anti-popular and anti-democratic discourse. The government of Jair Bolsonaro appears in a context of global advancement of conservatism and attacks on democracy. It found in Brazil - a country with a young democracy, fragile institutions and profound social and economic inequalities - a fertile ground to take roots and transform its discourse into public policies. On the first day of its mandate, the new federal government presented the Provisional Measure (MP) 870/2019, whose article 5 subjected to the Government Secretariat the assignment of "supervising, coordinating, monitoring and following the activities and actions of international organizations and non-governmental organizations in the national territory"³³. This measure was seen as the government's "business card" in relation to Brazilian civil society organizations.

Despite the pressure from civil society and a broad articulation of parliamentarians that succeeded to have that paragraph removed from Provisional Measure 870/2019³⁴, the government continued to seek legal means to hinder Brazilian democracy. An example of this was the decree signed by the vice president General Hamilton Mourão that established that the government authorities could impose secret confidentiality on public data, thus changing the Law on Access to Information (LAI)³⁵. Another democratic attack by the Brazilian government relates to the right to protest. In September 2020 there were 20 bills in Congress that aimed to amend the Anti-Terrorism Law (No. 13.206/2016), seeking to frame social movements, unions and civil society organizations in the terms of terrorism, and therefore increase the political persecution of movements opposing the government.

The attacks also occur in the possibility of civil society to participate in public-policy dialogue. In April 2019, the government signed Decree 9.759/19 which aimed at the extinction of 734 popular participation councils at the national level³⁶, making it impossible for CSOs to participate in public policy decision-making. In August 2019, the president blamed environmental organizations for large-scale fires in the Amazon rainforest³⁷, reinforcing the government's position against CSOs.

In early 2020, the government communicated to CSOs that releases of contractual financing instalments had been blocked. In order to unblock the funding, the government required that the organizations' leaders signed a declaration of political nonparticipation with the National Development Bank (BNDES)³⁸, in a clear attempt to exclude popular organizations that oppose the government.

33 "Governo Bolsonaro: por que decisão de estabelecer 'monitoramento' de ONGs pode parar no STF". BBC Brasil, available at: <<https://www.bbc.com/portuguese/brasil-46742940>>

34 "Vitória da Sociedade Civil: comissão especial retira monitoramento de ONGs da MO 870/2019". GT Agenda 2030, available at: <<https://gta-genda2030.org.br/2019/05/10/comissao-especial-retira-monitoramento-da-atividade-de-ongs-da-mp-870-2019/>>

35 "Mourão altera LAI e permite que comissionados imponham sigilo a dados públicos". Poder 360, available at: <<https://www.poder360.com.br/governo/mourao-altera-lai-e-permite-que-comissionados-imponham-sigilo-a-dados-publicos/>>

36 "Decreto do governo Bolsonaro mantém apenas 32 conselhos consultivos". O Globo, available at: <<https://oglobo.globo.com/brasil/decreto-do-governo-bolsonaro-mantem-apenas-32-conselhos-consultivos-23773337>>

37 "Bolsonaro diz que ONGs podem estar por trás de queimadas na Amazônia para 'chamar atenção' contra o governo". G1, available at: <<https://g1.globo.com/politica/noticia/2019/08/21/bolsonaro-diz-que-ongs-podem-estar-por-tras-de-queimadas-na-amazonia-para-chamar-atencao-contra-o-governo.ghtml>>

38 "Procuradoria quer explicações do BNDES por politizar liberação de recurso". Rede Brasil Atual, available at: <<https://www.redebrasilatual.com.br/politica/2020/02/procuradoria-explicacoes-bndes-politizar-liberacao-recursos/>>

The intention to exclude non-aligned forces from civic spaces is also clear in the constant praise of central government figures of the military dictatorship that was established in Brazil between 1964-85³⁹, and in the current government's attitude towards the criminalization of civil society organizations, social movements, and opposing political parties. The president personally attended a demonstration calling for the closure of Congress and the dissolution of the Supreme Federal Court, in a clear nod to dictatorial policies, which caused a strong reaction from civil society and democratic sectors⁴⁰.

Another fundamental aspect of the current scenario is the advance of Brazilian conservatism. Based on the ideas of the national government and extremist churches - whose leaders have taken political office and have been appointed to national ministries - conservatism has been affecting the LGBTQI+ community and gender policies. A newly created Ministry of Family is currently led by a religious extremist whose vision of family excludes sexual diversity and propagates the role of women as submissive to men. This movement has had an impact on several policies, such as the setback of the discussion around abortion in Brazil, and the increase in violence against the LGBTQI+ community, which is reversing years of public policies towards the promotion of diversity and assertion of minorities in the country.

In the midst of this scenario, the COVID-19 pandemic reinforced that there is no political capacity to deal with a health problem of this magnitude. This is due to several factors, such as:

- the systematic scrapping process of the Unified Health System (SUS), accentuated by fiscal austerity measures;

- the Federal Government's position to disregard the seriousness of the situation and the vulnerability of the Brazilian population;

- the adoption of a discourse and policies contrary to the recommendations of the World Health Organization (WHO) and the Brazilian Ministry of Health. According to WHO data, at the beginning of October 2020, Brazil had 4,915,289 infected people and 146,352 deaths related to COVID-19.⁴¹

In addition to the sanitary chaos and the demonstration of fragility by the Brazilian State in this scenario, the COVID-19 pandemic brought drastic effects to Brazilian civil society organizations. As important social actors in the country, many civil society organizations have dedicated themselves to direct work, at the cutting edge, in combating COVID-19 and mobilizing their social environment. The financial situation of these organizations, however, goes against the crucial role they must play in this new reality.

According to the survey "Impact of Coronavirus on the Third Sector,"⁴² 67% of civil society organizations had a decrease of over 50% in their revenue collection since the start of the

39 "Doze vezes em que Bolsonaro e seus filhos exaltaram e acenaram à ditadura". Veja, available at: <<https://veja.abril.com.br/politica/doze-vezes-em-que-bolsonaro-e-seus-filhos-exaltaram-e-acenaram-a-ditadura/>>

40 "Todas e todos pela democracia". Abong, available at: <<https://abong.org.br/2020/02/27/todas-e-todos-pela-democracia-nota-publica-da-abong>>. These sectors organized several actions, including a diary of attacks by the federal government on democracy, which can be accessed through the link: <<https://www.diariodeataques.org/>>

41 Numbers as per the World Health Organization website, updated on October 5, 2020 <<https://www.who.int/countries/bra/>>

42 Available at: <<http://www.agenciadobem.org.br/2017/wp-content/uploads/2020/04/PESQUISA-DE-IMPACTO.pdf>>

pandemic, and 83% foresee concrete risks of having to shut down in the short term, or having to substantially reduce their activities if the current situation does not revolve quickly. Some organizations that receive donations from individuals are seeing these resources being suspended due to the economic crisis generated by the pandemic, which has been causing a huge imbalance of resources, even affecting the payment of staff. In Brazil, organizations have suspended staff benefits and are being forced to reduce salaries, suspend contracts and/or proceed to lay-offs. The lack of public activities, often the main revenue source for external projects, also makes other forms of funding collection impossible. Therefore, there is an urgent need to build mechanisms to safeguard Brazilian civil society organizations during this period of social, political and economic crisis.

From these examples, which hardly correspond to the totality of attacks suffered by civil society in this period beginning in 2019, we can verify that Brazil is experiencing a moment of deep decrease in civic and democratic spaces. This process of shrinking civic space and a disabling environment for civil society is clearly seen in the direct attacks towards civil society organizations, the closing of public institutions, and the movement against the international goals (established by the 2030 Agenda and the SDGs) and the global agreements on the action of civil society. The current situation in Brazil demands attention from the international community.

4 - Advancing work towards a more enabling environment for civil society

In the face of this devastating scenario, Brazilian civil society has sought mechanisms for joint defence and construction. One of the focuses has been on external control mechanisms: from appeals to the Judiciary and advocacy initiatives in Congress, to actions of direct impact on international actors such as the UN and the International Human Rights Courts, CSOs have been carrying out a broad denunciation of the Brazilian government.

At the international level, it is also worth mentioning that the exchange of experiences with social movements and civil society organizations from other countries that are experiencing similar situations is very positive. Networking is critical to resisting these attacks. Therefore, Abong has focused its strategy of international impact on regional and global networks, such as Forus, Mesa de Articulación, the NGO Lusophone Platform Network (Replong), and other initiatives. The action in international networks has helped in the accumulation of experiences, exchange of relationships with organizations from countries that live similar realities and in international support. An example of this support can be seen in the relations with European CSOs that have worked with their national governments to press for the trade agreement between the European Union and Mercosur to include social and environmental responsibility clauses.

At the national level, initiatives in Congress and the Judiciary stand out, where through alliances with progressive and democratic sectors - such as the Parliamentary Fronts in defence of democracy - Brazilian civil society have made progress in some agendas, such as the aforementioned fight for the non-approval of Provisional Measure 870, whose parliamentary articulation was fundamental and created working groups in the Brazilian Congress to defend CSOs. However, there should be an extra level of care in relation to these spaces, as they are also where anti-democratic actions carried out by the federal government are legitimized and put

into practice. There is a general understanding of the need to develop creative ways of acting, since attacks have been carried out in different ways.

A positive example of the performance of Brazilian civil society in the last period was the advancement towards a more active communication policy, which is closely related to the ongoing debate in Brazil. Based on Abong, the Cardume Network (Communicators in Defense of Rights) was created, gathering dozens of civil society organizations to build campaigns for a broader debate with society. Through this network, themes of interest of CSOs are discussed in a collaborative way through a whole-of-society approach.

Brazilian civil society has sought partnerships, networking and articulation through its organizations, to seek ways to resist the setbacks that have been taking place in the country for the past four years. It is important to emphasize that after the end of the military dictatorship, Brazilian civil society was established itself and its actions by proposing guidelines to advance public policies through debates with various actors. From the present moment onwards, the logic of action has transformed into a position of resistance and defence of fundamental rights.

In this sense, we understand that the moment calls for the unity of democratic forces, comprising a broad political spectrum, to find collective solutions for the shrinking of democratic spaces in Brazil and the resumption of an enabling environment for the performance of civil society. Initiatives such as the Pact for Democracy and other collective proposals have been built, and it is essential that representative platforms, such as Abong, position themselves to seek and expand alliances for the construction of a democratic project for Brazil and the American continent.



Scoping Study for Enabling Environment for Civil Society Organizations (CSOs) in Indonesia

This summary report was prepared by the International NGO Forum on Indonesian Development (INFID).

Civil Society Organizations (CSOs) in Indonesia play an essential role in promoting human rights and democracy and societal and various development processes. CSOs are also government partners in encouraging improvements in service quality and living standards for the community. Multi-stakeholder partnerships between government, CSOs, and other stakeholders have been formed in various sectors and have become a new model for inclusive and participatory policy implementation.

Apart from being development partners, CSOs also act as intermediaries between the government and other community stakeholders and provide space for multi-stakeholder dialogue on various issues. In terms of governance, CSOs play an essential role in promoting democratic principles such as participation, transparency, and accountability. In addition to these roles, CSOs also carry out capacity building functions for community groups to participate and become development partners for the government.

Moreover, civil society organizations in Indonesia are also heavily involved in policy advocacy at various levels, ranging from local and national to international levels. As an alternative to the government's policy-making process, civil society organizations offer data and evidence to support specific policy recommendations. Several laws and regulations that are strongly influenced by civil society organizations are Law on Freedom of Information No. 14 of 2008, the Environmental Law No. 32 of 2009, Presidential Regulation (Perpres) Number 59 of 2017 on the Implementation of Achieving the Sustainable Development Goals (SDGs), Revision of Marriage Law 2019 and so on.

According to CIVICUS's definition, civil society is understood as an entity as well as an arena. As an entity, civil society refers to "organization." In contrast, as an arena, civil society is understood as a function when a group of people has activities and a space for discussion and dialogue (Malelak, 2014).

Unfortunately, today civil society in more than half of the world's countries experience restrictions on their freedom to engage, express themselves, and be heard. With increased surveillance, persecution, and even violence against civil society, many CSOs have been attacked, especially those who work on behalf of marginalized groups and minorities, for democratic rights, and environmentalists.

Meanwhile, the CIVICUS Report 2020 states that civil liberties in Indonesia are currently in the "obstructed" status.⁴³ According to CIVICUS, the obstructed status means that civic space is highly

43 <https://monitor.civicus.org/country/indonesia/>, accessed on 17 Sept 2020 at 15.06

contested by those in power, which imposes a combination of legal and practical limits on the full enjoyment of fundamental rights.⁴⁴ The Indonesian Democracy Index (IDI) compiled by Indonesia's Central Statistical Agency (BPS) also shows that the civil liberties index has consistently decreased over the past three years: 78.75 in 2017, 78.46 in 2018, and 77.2 in 2019.

This scoping study will analyze existing good practices, challenges, and strategies to create an enabling environment for CSOs from three categories: the regulatory framework, participation and engagement, and organizational resources and sustainability. This study also includes an analysis of gender issues and COVID-19. It is hoped that this study can also explore strategies to work together to strengthen the enabling environment between civil society organizations in Indonesia and the global network.

This study's data collection was carried out through focused group discussions attended by 20 participants representing their respective organizations. The twenty organizations are representatives from various sectors, including the environment, anti-corruption, human rights, legal aid, women's rights, indigenous peoples, community empowerment, etc. Meanwhile, from a geographical perspective, although most of the organizations are located on the main island of Java, organizations from Papua, Maluku, Sulawesi, Kalimantan, East Nusa Tenggara, and Sumatra also participated in the discussion.

REGULATORY FRAMEWORK

The role of civil society organizations was influential in pushing the New Order dictatorial regime's fall and bringing about the 1998 Reform in Indonesia. The role of CSOs in shaping Indonesia's democracy is shown in the regulatory framework that guarantees public access, participation, and active community engagement. For example, Indonesia already has a Law on Public Information Disclosure of 2008. This law guarantees the right of citizens to know about plans for public policy-making. Unfortunately, some of these regulations are ineffective because they clash with other regulations, such as the rules about "closed archives" in the Law Number 43 of 2009 and Article 25 paragraph 2 of Law Number 17 of 2011 on State Intelligence, which also regulate which information is dangerous and has closed access to the public.⁴⁵

In terms of freedom of opinion and expression, Indonesian citizens' rights are guaranteed by Article 28 of the 1945 Constitution. However, in practice, the public's right of opinion and expression is threatened by other regulations. One of them is the issuance of Law No. 19 of 2016 concerning Information and Electronic Transactions (UU ITE). This law severely limits people's space to express themselves in the digital realm, particularly contradictory between freedom of expression and the threat of defamation.

Meanwhile, in 2017, the Minister of Home Affairs released Regulation (Permendagri) No. 56 of 2017 concerning Supervision of Social Organizations within the Ministry of Home Affairs and Local Government. This Permendagri requires all societal organizations (Ormas) or Non-Governmental Organizations (NGOs), both at the central and regional levels, to be registered with the Ministry

44 <https://monitor.civicus.org/Ratings/> accessed on 17 Sept at 15.06

45 <https://tirto.id/menolak-terbuka-berdalih-rahasia-negara-CCXr>

of Home Affairs (Kemendagri).⁴⁶ This Permendagri is based on Law No. 17 of 2013 on Societal Organizations (Ormas), which then amended in 2017, as the government adopted the Perppu Ormas, a “Government Regulation in Lieu of Law.” The Ormas Law regulates “all organizations founded and formed by the society voluntarily based on shared aspiration, will, needs, interest, activity, and purposes to participate in the development to achieve the objective of the Unitary State of the Republic of Indonesia based on the Pancasila” (Article 1). Perppu Ormas primarily regulates that the government has the right to dissolve societal organizations without trial, if the organization is deemed to be against the basis of the state, Pancasila. In this case, the government does not perform its function to facilitate public participation. Instead, it creates unlimited power for the state to determine a social organization’s life or death.

SPACE FOR PARTICIPATION AND ENGAGEMENT

Participation is a situation that allows civil society organizations to discuss and be involved in policy-making processes. The level of participation and involvement of CSOs needs to be further explored, especially to see how significant the role of CSOs is in development and how stakeholders recognize this role. The level of participation and involvement of CSOs to date has varied considerably. For CSOs working on service delivery, economic empowerment, and social assistance, they did not face much resistance. Meanwhile, in several other sectors, such as organizations that work in the environment, human rights, anti-corruption, there are stakeholders’ resistances. This resistance mainly arose because these sectors had a lot to do with business interests: CSOs’ advocacy and assistance in those sectors were often seen as disrupting business operations.

Several good engagement practices have been established for sustainable development, open government, women’s empowerment (participation in Musrena/Deliberation on the Action Plan for Women), anti-corruption, provision of legal aid, and human rights issues. To achieve the Sustainable Development Goals (SDGs), multi-stakeholder cooperation, including the government and CSOs, has been formed since the Indonesian government adopted the SDGs in 2015. CSOs and the government are also working together to push for the issuance of Presidential Regulation Number 59/2017 concerning the Implementation of Achieving the Sustainable Development Goals and by becoming part of the Coordination Team National SDGs Implementation.

Besides, the participation of CSOs in anti-corruption issues was outstanding in the National Corruption Prevention Strategy drafting process, which was ratified as Presidential Regulation No. 54/2018. Various CSOs were involved from the beginning of the drafting process, and CSOs’ inputs were highly reflected in the regulation. Good practice of CSOs participation is also shown, particularly in the Open Government Partnership (OGP). In this issue, collaboration and co-creation between the government and civil society organizations have been formed to encourage public participation and improve public services. Good practice of CSO engagement with the government also occurs specifically on legal aid issues. There has been a co-creation process between the government and CSOs in providing legal aid to the community. On human rights issues, several civil society organizations were involved in preparing the 2015-2019 National Action Plan for Human Rights (RANHAM).

46 All organizations must register themselves to the Ministry of Home Affairs if they want to get grants from the regional state budget.

Despite these good practices, there are challenges for CSO participation in development issues. Geographical challenges are faced by some civil society organizations, especially those working at the district/city level, in remote areas, or on small islands. The influence of CSOs is feeble in island areas due to limited resources, whereas residents of remote regions need assistance because of their difficulties in accessing public service facilities.

Meanwhile, challenges for advocacy and public participation in gender issues include strengthening religious fundamentalism because of discriminatory policies against women. In Aceh, a province that applies Islamic Sharia, CSOs who oppose discriminatory policies against women will be considered anti-Islamic Sharia, not pro-people's interests, and regarded as the provincial government's enemies.

The Government of Indonesia itself increased its effort in monitoring CSOs that receive funds from foreign institutions. For example, specific ministries and inter-ministerial forums are closely monitored grantees from foreign development organizations, international NGOs, and foreign philanthropic institutions. Such strict supervision had never been encountered in the previous government (post-1998 Reform). This tight monitoring mechanism's re-emergence is one signal of the decline of democracy in a broader context.

Meanwhile, during the COVID-19 pandemic, CSOs faced many digital threats. Several social media accounts and messaging apps belonging to CSO activists who were active in criticizing government policies during the pandemic were hacked. For example, *Koran Tempo*, a critical national media, had the accounts of several journalists hacked. The COVID-19 pandemic has also greatly affected the empowerment and advocacy activities being carried out by civil society organizations. It is felt by all CSOs in various sectors, both at the national and local levels. For example, in West Kalimantan, the Institut Dayakologi, which works on indigenous peoples' issues at the Indonesia-Malaysia border, stated that COVID-19 has dramatically hampered their work.

ORGANIZATIONAL RESOURCES AND SUSTAINABILITY

This section will discuss the organization's resources and sustainability from two sides: human and financial resources. In terms of human resources, many CSOs have difficulties in carrying out the regeneration process. The problem of the regeneration process in CSOs is caused by several things, such as the organizational capacity building that is not routinely and consistently carried out. Some organizations do not limit the leadership period and the lack of a learning culture organization. Finally, a small amount of remuneration makes young people not interested in working in NGOs. Both national and local organizations have experienced this.

Meanwhile, from the funding side, donor support for civil society organizations is decreasing. Funding difficulties are particularly felt by civil society organizations at the local (district/city) level that work directly with communities. It is increasingly difficult for civil society organizations to comply with donor financing regulations due to a lack of organizational capacity-building processes in financial resilience. One of the things that have been done by the Institut Dayakologi in West Kalimantan is the building of a Credit Union to encourage the independence of organizations and society in general.

On the other hand, several civil society organizations in Indonesia have been much helped by grants for the institutional building provided by philanthropic organizations. Unfortunately, only a few donors or philanthropic organizations offer this type of funding to CSOs in Indonesia. Donors with the humanitarian and social approaches are needed to help struggling local institutions. Meanwhile, CSOs engaged in advocacy, and human rights have difficulty accessing government funds because they are usually seen as foreign stooges and government enemies.

STRATEGY

Regulatory and Participatory Framework

To expand civic space and an enabling environment for CSOs, civil society organizations' joint strategy is needed. Here are some of the methods that have been done by CSOs in Indonesia.

To find a space for participation in policy-making, one way that has been done is to go directly to the grassroots by inviting women and vulnerable groups to consolidate, make suggestions, and submit in the development planning deliberation (Musrenbang) process. CSOs can also carry out advocacy and lobby directly at the lowest government level at the village level. Civil society organizations must again turn their attention to grassroots movements to strengthen communities.

Civil society organizations need forums to discuss joint advocacy strategies on development issues, including corruption, public service quality, human rights violations, etc. CSOs have also taken the initiative to build and increase multi-stakeholder forums for public participation, especially vulnerable groups, including women, for example, being actively involved in Musrenbang with crucial stakeholders.

Organizations should also carry out advocacy activities together in a coalition to be more robust and not remain divided into silos. For example, in Semarang City, CSOs such as Pattiro Semarang, Transparency International Indonesia, unite and share roles, and collaborate with the media to advocate for eviction cases to the city government. Another example, in 2019, Walhi (Friends of the Earth Indonesia) Central Kalimantan and Save Our Borneo won the Citizen Law Suit for forest and land fires in Central Kalimantan against the Government of Indonesia. In this case, the Supreme Court declared the President, Minister of Environment and Forestry, Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, Minister of Health, Minister of Agriculture, Provincial Government of Kalimantan, to have committed an illegal act in the forest fire case. CSOs have also collaborated with academics to produce evidence and as an alliance for advocacy on specific issues.

For organizations working on gender issues, it is necessary to find a way so that advocacy and assistance do not seem to clash with Islamic Sharia and fundamentalism. For example, some Women's Rights Organizations link gender values in Islam with the advocacy material conveyed to the government and society. This strategy needs to be done considering that religious conservatism has strengthened almost evenly throughout Indonesia. Besides, civil society organizations can also approach and strengthen gender issues with community leaders and government agencies.

Apart from the strategies carried out above, the following are essential methods but not yet

widely implemented by CSOs in Indonesia.

Civil society organizations need to rethink protection strategies for human rights as well as women's rights defenders. For example, human rights assistance is carried out by involving prominent customary and community leaders at the local level, and other related parties, so that human rights defenders are better protected.

The government should see sustainable development with an island-based approach concerning Sustainable Development Organizations (SDGs), especially for areas outside Java. Indonesia itself is an archipelago with 4,038 large islands, and as many as 13,466 are small islands. The approach will overcome geographical challenges to achieve the SDGs, as development in Indonesia is very much centralized in big islands, and not much reach small islands or remote areas. Sustainable development with an island-based approach is expected to facilitate access in providing public services that are more pro-community.

CSOs also urgently needed to work together to strengthen digital capacity and security. CSO activists are among the vulnerable groups in digital security; however, digital security is often neglected in their campaign and advocacy activities. Strengthening the capacity is needed to build CSO activists' sensitivity about digital security, especially if personal data is shared in the digital realm. The policy push for personal data protection is also increasingly relevant amid the growing need for data. Such personal information is often traded without the consent of the data owner. Introducing the concept of digital rights as human rights, which consist of the right to access, the right to expression, and the right to privacy, will strengthen digital preparedness and security for CSO activists. Only a view CSOs have knowledge and capacity on digital protection.

Strategies for Creating Resource and Organizational Sustainability

In building human and financial resources for the sustainability of the civil society movement, regeneration is essential. The way that can be done to face the challenges of resources and financing, especially those working at the grassroots level, fosters community ownership of the organization. Promoting community ownership of the organization is essential for self-management to organize, empower, and sustain the organization.

At the community level, CSOs need to synergize the existing resources in the community. To overcome limited resources, CSOs at the local and national levels have also worked together with academics to continue research, advocacy, and mentoring activities. Meanwhile, civil society organizations can also expand the movement and opportunities for financial resources by working together across sectors.

Several civil society organizations have carried out alternative approaches for organizational financial sustainability at the national and local levels by building a business unit that can produce several products and services. For example, making merchandise (T-shirts, mugs, etc.) or creating a for-profit business entity (PT) focuses on selling training and consulting services. ICW, a national organization working on anti-corruption issues, established PT Visi Integritas, which provides training on procurement for local governments and companies. Indonesian Forum for

Budget Transparency (FITRA), a civil society organization working on budget transparency issues, is currently building a School for Public Budget, including a paid budget course.

On the other hand, there are opportunities for CSOs to get funding from government programs. One of them is through Type III Self-Management in Presidential Decree No. 16 of 2018. This Presidential Regulation is a legal umbrella for civil society organizations' involvement in the government procurement process. Self-management Type III is a new dimension of a partnership between the government and CSOs for development innovation in procurement. However, if they get government funding, it will be difficult for CSOs to advocate and criticize government policies.

SUMMARY

Challenges

1. There are challenges at both national and subnational levels caused by regulations and trends in the current political conditions.
2. There are several challenges faced by civil society organizations that are very contextual at the local level, for example, looking at experiences from Papua, Maluku, and Aceh and sector-based experiences.
3. The meaning of participation is still technical only to fulfill the requirements for group representation, including representation of communities and civil society organizations.⁴⁷
4. The strengthening of intolerance and conservatism affects the participation of citizens and civil society in voicing various issues.

Civil society organizations in Indonesia have carried out several strategies, but they need to be further developed to help expand the civic space:

1. Strengthen coalitions and collaborate at local, national, regional, and global levels.
2. Cooperation with local government and self-fundraising.
3. To regenerate human resources and diversify sources of funding.
4. CSOs need to increase their capacity to develop cybersecurity for campaigns and advocacy.
5. The need for the civil society movement to return to the grassroots to strengthen communities.

⁴⁷ There is no certain quota for group representation. Some regulations, such as Indonesian Village Law No. 6 2014, only mention the importance of citizens' participation in the development process.

Annex 6. CIVICUS Civic Space Rankings

CIVICUS Civic Space, Country Designation: Definitions Allocation of Ranking to Forus Country Members

The definition of each category is the following:

Open: The state both enables and safeguards the enjoyment of civic space for all people. Levels of fear are low as citizens are free to form associations, demonstrate in public places and receive and impart information without restrictions in law or practice.

Narrowing: While the state allows individuals and civil society organizations to exercise their rights to freedom of association, peaceful assembly and expression, violations of these rights also take place.

Obstructed: Civic space is heavily contested by power holders, who impose a combination of legal and practical constraints on the full enjoyment of fundamental rights. Although civil society organizations exist, state authorities undermine them.

Repressed: Civic space is significantly constrained. Active individuals and civil society members who criticize power holders risk surveillance, harassment, intimidation, imprisonment, injury and death.

Closed: There is complete closure - in law and in practice - of civic space. An atmosphere of fear and violence prevails, where state and powerful non-state actors are routinely allowed to imprison, seriously injure and kill people with impunity for attempting to exercise their rights to associate, peacefully assemble and express themselves.

Source: Civicus, Civicus Monitor, <https://monitor.civicus.org/>

The **membership of Forus** experience a range of country contexts in relation to civic space and enabling environments.

Charts One and Two plot this membership in the Southern and the Northern contexts according to the categories of the Civicus Monitor.

Chart One

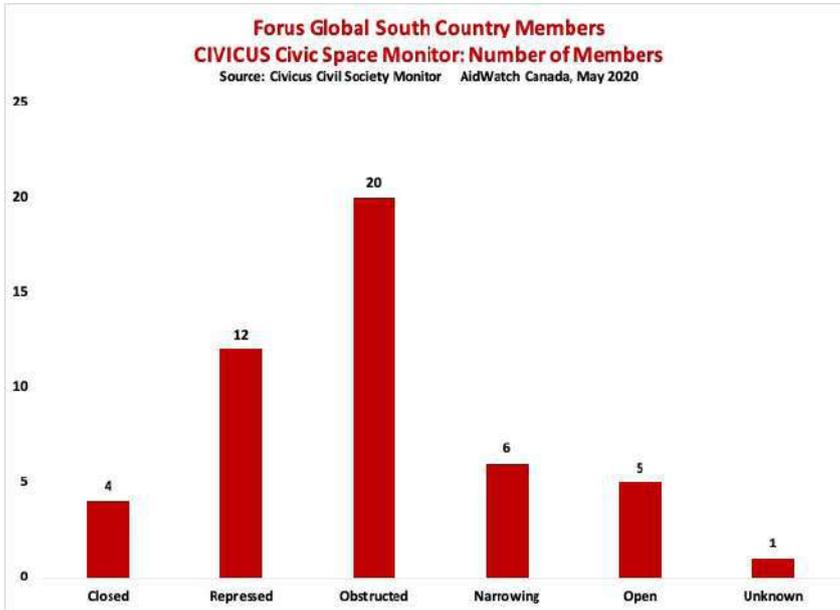
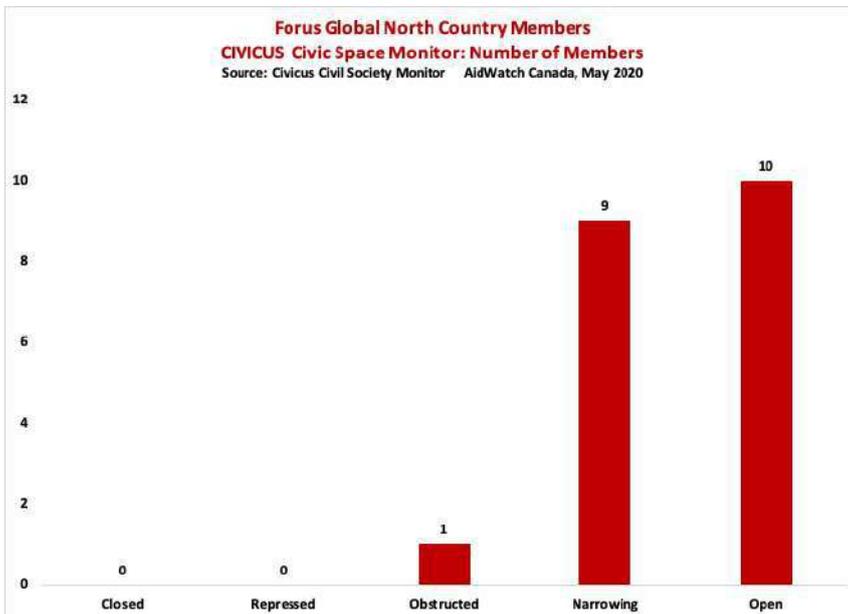


Chart Two



Annex 7. The Belgrade Call to Action

Civil Society Summit The Belgrade Call to Action

An Action Agenda: Positive Measures for Enabling Civic Space towards Maximizing Civil Society Contributions to the SDGs

April 2019

[See <http://aidwatchcanada.ca/wp-content/uploads/2019/04/Revised-April-Action-Agenda.pdf> for the full document.]

4. An Urgent Action Agenda: Protecting and promoting an enabling civic space by all UN Member States and Multilateral Institutions

This **Action Agenda** is informed by civil society proposals for an enabling environment for civil society organizations, by human rights approaches and standards in development practises, by principles for democratic ownership and effective development cooperation, and by the October 2018 [Global Call to Protect Human Rights Defenders Everywhere](#),⁴⁸ launched in Paris at the Human Rights Defenders Summit.⁴⁹

4.1 Take measures to protect and enable space for civil society, taking account of unique country contexts

All Actors

1. Take a comprehensive approach Implement comprehensive measures across government for laws and regulations that enable civil society, for democratic accountability based on human rights and human rights standards, and for the full protection of human rights defenders and gender equality activists. Such measures taken together require a human rights-based approach to governance, development initiatives and development cooperation.⁵⁰

48 See <https://hrdworldsummit.org/>.

49 The premise of this **Action Agenda** is that implementation of these measures for civic space is an essential precondition for the successful implementation of a range of actions for the realization of specific SDGs and targets, irrespective of the sector. For a comprehensive civil society approach to Agenda 2030, civil society campaigns for the SDGs, and action for climate justice, see **Action for Sustainable Development** (<https://action4sd.org/>), **Climate Action Network International** (<http://www.climatenetwork.org/>), the **Global Call to Action Against Poverty** (<http://www.whiteband.org/>), and **Together 2030** (<https://www.together2030.org/>).

50 For an overview of human rights-based approaches in development see CPDE and IBON, **Policy Research on the Implementation of a Human-Rights-Based Approach in Development Partnerships**, January 2018, accessed at <http://www.csopartnership.org/edc-resources-hrba> and Brian Tomlinson, "Implementing a Human Rights Based Approach: Lessons from the experience of providers' international assistance," in this volume.

2. Ensure compliance with international human rights standards Ensure that domestic laws on the rights to freedom of association, expression and peaceful assembly are in full compliance in law and in practice with international human rights standards. Advocate for the implementation of multilateral commitments, norms and standards relating to civic space.

3. Review and redress legal and regulatory restrictions affecting civil society and human rights defenders Review and redress legal and regulatory restrictions on civil society with measures to uphold their civic and political rights, including by prosecuting the rising number of crimes against civil society activists, journalists and other human rights activists, and avoiding impunity or state collusion with these crimes.

4. Combat and prevent the use of hate speech and discrimination within political campaigns and public policy discourse in society and by public officials.

5. Support civil society-initiated monitoring Support civil society-initiated efforts and various tools to monitor civic space, human rights and democratic accountability, and laws, regulations, and practices that enable civil society. Support the sharing of this information within countries, regionally and globally. Such efforts should be closely coordinated with local civil society and other actors.

6. Support civil society collaboration across borders Assist civic collaboration across borders, including the convening of meetings to share experiences and lessons and to formulate response strategies to situations of closing space.

7. Expand civic space in multilateral bodies Support specific measures to expand space for direct engagement by civil society in UN and other international organizations and multilateral negotiation processes.

8. Expand civil society and human rights defenders' participation in multilateral mechanisms Facilitate robust country-level civic engagement in multilateral mechanisms from all sectors and from marginalized communities, in such processes as the UN Universal Periodic Review, Open Government Partnership, and regional processes such as the African Commission on Human Rights and Peoples' Rights or the Inter-American Commission on Human Rights.

Providers of Development Cooperation

9. Sustain political leadership on promoting civic space Ensure committed political leadership at the highest level of government and provider institutions to safeguard the promotion of open civic space as an overarching and specific provider priority in development cooperation and in strategies for the realization of Agenda 2030/SDGs.

10. Screen security policies Screen provider security policies and political decisions, such as anti-terrorism measures or measures governing the right to assembly, to ensure no negative impacts on human rights and on civil society partnerships.

11. Review and promote enabling funding modalities Review current funding modalities to facilitate flexible multi-year financial support for civil society, including a) institutional and programmatic support to CSO initiatives; b) deliberate measures that increase direct provider support to local civil society; c) creative avenues to support social movements; d) provisions for exceptional support in situations of emergency for civic organizations, human rights defenders, gender equality advocates facing sustained threats to their well-being;⁵¹ and e) enabling financing regulations, terms and conditions, and audit requirements that promote equitable civil society partnerships and global solidarity.

12. Be open to alternative channels for finance Explore alternative strategies to ensure financial support to Human Rights Defenders and other marginalized sections of civil society in countries where access to external finance is facing increasing restrictions. Providers should make every effort to sustain and increase their support for national and local CSOs in countries where they have decided to limit their bilateral aid due to the prevalence of repression and persistent human rights violations.

13. Undertake regular analysis of civic space for country development strategies Prioritize space for civil society in guidelines for country development strategies, including programs to strengthen support for rights to freedom of expression, association and assembly in governance, gender equality, environment, labour rights, justice and media.

14. Support training in regulatory implementation Support demand-driven training and capacity development for country regulatory bodies affecting civil society.

15. Strengthen CSO/human rights organizations' resilience in hostile environments Empower CSO resilience in hostile environments, by supporting capacities to assess risks, including gender specific risks, by designing collective and individual responsive strategies, and by increasing awareness of rights and making available legal advice. Put in place measures for quick visas and travel expenses for at risk human rights defenders.

16. Enforce human rights standards for foreign operations of businesses Review on a regular basis the foreign operations of companies domiciled in provider countries for human rights violations, and provide significant sanctions to end these practices. Promote inclusivity and civil society input in business standard setting and monitoring processes, including rigorous mechanisms for complaints and redress where violence against civil society and human rights defenders is linked to extractive and other projects.

17. Increase public awareness of CSO roles in development Support civil society efforts to improve national trust in civic institutions and to raise public awareness of the positive roles of civil society in development and why civic space is important for these contributions, including the rights of minority groups, the empowerment of women and girls, and the various SDGs.

51 For example, the Lifeline Assistance Fund for Embattled Civil Society Organizations accessed at <https://www.csolifeline.org/>.

4.2 Promote inclusion and meaningful accountability in development practice

All Actors

1. Promote and enable civic space as a precondition for achieving the SDGs Build and promote the case, in the context of SDG17 for global partnerships, for civic space as a precondition for achieving the other SDGs, including poverty eradication, ending hunger, promoting decent work, empowering women and girls, reducing inequality and taking concerted measures in response to widening impacts of climate change. Promote and take all necessary measures to enable and maximize civil society roles and contributions in realizing these critical SDGs.

2. Uphold citizens' right to initiative Uphold and promote the right to initiative for all citizens, rooted in human rights standards for freedoms of association, of expression and of political participation, and in the right to peaceful assembly.

3. Development national SDG plans that reach all excluded groups Establish inclusive, transparent and accountable processes for ensuring that national SDG and development plans reach all excluded groups, including through regular national and/or subnational dialogues and accessible mechanisms to hold service providers to account.

4. Assess conditions and implement plans with civil society for those "furthest behind" Assess conditions, implement related plans, and report progress for all those considered "furthest behind" - i.e. people living in poverty and all groups otherwise marginalized - through systematic collaboration and constructive partnerships with closely related civil society actors, in all country SDG strategies and plans, and as a key benchmark for advancing the SDGs.

5. Undertake inclusive processes for gender-based budgeting Work with women's rights organizations to institutionalize gender-based budget analysis and allocate national and local budgets in ways that address gender equality issues in the implementation of development priorities for the SDGs.

6. Encourage inclusive multi-stakeholder collaboration Support inclusive demand-driven multi-stakeholder collaboration with civil society, based on genuine interest on the part of all stakeholders, to build trust across sectors and enhance effective implementation of SDG priorities.

Providers of Development Cooperation

7. Analyze roles of civil society in achievement of SDGs in providers' countries of priority Invest in collaborative and sustained analysis of the roles of civil society in supporting the achievement of SDGs in providers' countries of priority for development cooperation. Such measures include conflict sensitivity, risk and vulnerability analysis, identifying the impact of measures that restrict civic space on CSO roles as development actors, and setting out appropriate responses by the provider of development cooperation.

8. Increase providers' support for marginalized communities Increase support for projects, organizations and communities that focus on marginalized groups, which promote their self-development, their participation in decision-making at all levels, and which raise awareness of their rights. Increase all forms of support for feminist and women's rights organizations and gender equality focused groups at all levels, as a critical condition for mainstreaming gender equality in provider programs.

9. Increased support for CSO coalitions and collaboration on civic space for excluded groups Increase and sustain support for CSO coalitions at all levels. They play essential roles in supporting excluded communities and groups to engage directly with governments to seek respect for their rights.

10. Assess and promote gender equality and women and girls' empowerment in all SDG initiatives Assess country conditions for gender equality and women and girls' empowerment in all SDG and development initiatives, in collaboration with women's rights organizations and Women Human Rights Defenders.

11. Assess impact of climate change measures on vulnerable populations Undertake detailed assessments of the social impact of measures to adapt and mitigate climate change to ensure they do not exacerbate the impoverishment of vulnerable populations, while giving priority to such populations, their communities and organizations, in ramped-up adaptation finance.

4.3 Implement and respect democratic ownership for inclusive SDG delivery

All Actors

1. Strengthen mechanisms for inclusive policy dialogue Strengthen mechanisms for inclusive policy dialogue and mutual accountability in development cooperation, institutionalizing the direct participation of civil society from the local to the national. Dialogue should be iterative, timely, structured for the exchange of views, transparent, and focused on important and contested issues, with accountability for the outcomes of dialogue.

2. Strengthening national accountability institutions Support and strengthen a range of independent country accountability mechanisms including parliament, human rights institutions, courts, media and ombudspersons. Ensure communities and individuals have access to effective grievance mechanisms, including protection against sexual violence. Among these mechanisms should be a national focal point to champion the rights of civil society.

3. Implement inclusive governance mechanisms relating to SDG plans and implementation Implement governance mechanisms open to all marginalized groups at all levels respecting the implementation, accountability, monitoring and regular reporting of progress for development and SDG plans.

4. Implement effective measures for access to information Ensure timely and easy access to relevant information from all stakeholders, including multilateral development banks regarding country SDG priorities and development plans, implementation and assessment, open to all stakeholders - civil society and peoples organizations, parliamentarians, and citizens - in both provider and partner countries.

5. Nurture CSO accountability to constituencies Support and nurture CSO accountability to constituencies and communities by a) encouraging effective and robust voluntary CSO self-regulatory initiatives; b) structuring provider accountability in ways that incentivize community accountability; c) supporting efforts to reduce dependencies on external funding; d) supporting an expanded outreach to communities.

Providers of Development Cooperation

6. Support inclusive processes for policy development and implementation Encourage reform processes that prioritize inclusive and cross-sectoral approaches to policy development, whereby civil society has the opportunity to work with government/parliamentarians early in the policy process.

7. Provide demand-driven technical support to CSOs for policy dialogue Ensure that domestic CSOs engaged in policy dialogue receive appropriate institutional and technical assistance, on a demand basis, to enable effective participation.

8. Respect and implement free, prior and informed consent in development practice Ensure all investment plans by financial institutions adopt effective requirements for the protection of human rights, respecting the right to free, prior and informed consent for Indigenous Peoples, and for the facilitation of full participation of all affected populations, including freedom of association and collective bargaining for workers.

4.4 Take urgent and concerted action to challenge major human rights violations⁵²

All Actors

1. Give priority to the challenges facing Human Rights Defenders Acknowledge and give priority to the complex challenges faced by Human Rights Defenders, affected by discrimination, gender, gender-identity and sexual orientation, disability, location, and migratory status, and ensure that they can act in an environment free from violence and discrimination.

2. Pay special attention to human rights challenges of marginalized groups and communities Acknowledge and give priority to the particular human rights challenges facing peoples' organizations, religious and racial minorities, women's rights organizations, trade unions,

⁵² This section in particular is informed by the *Action Plan* adopted by the Human Rights Defenders World Summit, 2018, *op. cit.* and "We've Had Enough: A Call to Action to Protect Women Human Rights Defenders & their Communities," *op. cit.* For substantial elaboration of measures to protect and promote human rights defenders see this Action Plan.

Indigenous peoples, and community-based environmentalists.

3. Take all measures to protect and promote the safety and interests of women and Women Human Rights Defenders Address impunity and lack of access to justice for women; support women affected by the structural causes of inequalities and violence; ensure that Women Human Rights Defenders can work free of discrimination, intimidation and gender-based violence, and support locally led strategies for empowering women and girls.

4. Unequivocally condemn attacks on Human Rights Defenders Publicly and unequivocally condemn physical and psychological attacks, threats and intimidation against all Human Rights Defenders without discrimination, and refrain from using language that stigmatizes, abuses, disparages or discriminates against them. Adopt all necessary measures to address the root causes of threats and attacks against Human Rights Defenders, including holding companies to account where they are responsible or complicit in such attacks. End impunity for such attacks and unconditionally release all detained Human Rights Defenders and all prisoners of conscience.

5. Implement national protection mechanisms Establish, with the participation of Human Rights Defenders and CSOs, national protection mechanisms for Human Rights Defenders at risk, with gender-sensitive and intersectional approaches, and adequate resources.

6. Deter reprisals for engagement with international human rights bodies Take all necessary measures to prevent and deter acts of intimidation and reprisals against Human Rights Defenders in relation to communications and interactions with international human rights bodies.

Providers of Development Cooperation

7. Maintain regular contacts with human rights organizations Support Human Rights Defenders through ongoing contact with local human rights organizations.

8. Adopt protocols for quick responses to threats to Human Rights Defenders Adopt protocols for responding to threats and attacks against Human Rights Defenders in the context of development activities, including close consultation with the targets of such threats, and taking advantage of and supporting the protection experiences that the defenders themselves and their communities are developing at the local level.

9. Take all necessary public and discreet diplomatic measures Implement public and discreet diplomatic measures when requested by domestic civil society and human rights actors, and in emergency situations guarantee protection of individuals. States should ensure regular and adequate training for diplomatic representatives on these issues.

10. Increase funding for human rights protection Increase funding for Human Rights Defenders protection and the protection of civic space without undermining funding for the work of human rights organizations and other CSOs.

11. Review and control trade in surveillance technology Regulate the sale, supply and export of

dual-use items such as surveillance and cyber-surveillance technology and software, restricting trade in these goods to countries where their use may lead to human rights violations.

12. Effective measures against companies/states that are responsible for/complicit in reprisals against human rights defenders Take effective measures to sanction companies or states that use reprisals and restrictions against organizations and human rights defenders in countries where they have investments to advance their economic interests.

This **Action Agenda** sets forth a range of practical measures that all Member States and International Organizations can implement. Taken as a whole, its implementation would dramatically alter conditions facing thousands of Civil Society Organizations and Human Rights Defenders around the world and significantly advance Agenda 2030 and the SDGs.

Civil society acknowledges and welcomes many current initiatives on the part of some governments and providers of development cooperation. We call upon the friends and allies of civil society to join with us to launch proactive and collaborative political leadership to implement and promote this Agenda with all Member States and Development Stakeholders.

Civil Society is fully committed to the achievement of the SDGs and Agenda 2030. But our efforts will be in vain, if we cannot count on new measures and actions at local, national, regional and global levels to reverse the debilitating trends in shrinking and closing civic space.



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Forus, previously known as the International Forum of National NGO Platforms (IFP/FIP), is a member-led network of 69 National NGO Platforms and 7 Regional Coalitions from all continents representing over 22,000 NGOs active locally and internationally on development, human rights and environmental issues.



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