

Law or Rule-Based Restrictions



Background

Since 2012, governments around the world have proposed or enacted more than 100 laws to restrict the registration, operation, and funding of nongovernmental organizations (NGOs).²¹ States wielding such legislative authority regulate NGOs in a number of ways—from scrutiny over activities to bureaucratic hurdles, to required government approval for cross-border funding. Legal or rule-based measures may require NGOs to officially register or conform to bureaucratic requirements from the state to function, limit the scope of issues covered, threaten criminal sanctions for unregistered activities, set criteria for staffing, restrict sources of funding, or limit freedom of peaceful assembly and association.²²

Often, these laws are intentionally vague, providing legal top-cover for interested to intervene or block NGO registration and operation on grounds of national security, economic interests, sovereignty, or morals and values. Through politically motivated laws, the state can target advocacy organizations and activists, and restrict the autonomy of development actors. Especially vulnerable are organizations working in support of marginalized populations and issues, such as women’s rights, LGBTI, migrants, and the environment.

Strategies

- **Provide in-country partners for local legal compliance (Funder):** TechSoup maintains a global network of 70 civil society partners. Collectively, these

partners have reached 900,000 organizations and have delivered \$8.7 billion in technological tools and philanthropic services. [TechSoup](#) catalogs its civil society partners by country and details the services they provide. Specifically, TechSoup's "[Validation Services](#)" facilitates partnerships with local nonprofits, detailing the "legal risk" of a particular NGO. The organization created global standards for nonprofits based on legal and regulatory requirements in each country and validates that each potential partner meets these criteria.

- **Increase financial support for legal defense, advocacy, or publicity (Funder):** The Civic Space Initiative (CSI) whose members are Article 19, CIVICUS, International Center for Not-for-Profit Law (ICNL), and the World Movement for Democracy, is an initiative formed to advocate for robust civic action by supporting research, coordination, collaboration between diverse actors. In its second phase, set to last until 2021, the CSI aims to influence policy actors at the global, regional, and national levels to protect civic space, empower civil society actors, and increase awareness and engagement of targeted organizations. CSI also shapes international law by supporting the United Nations special rapporteur on the rights to peaceful assembly and to freedom of association.
- **Bolster accounting and auditing practices (Funder):** Grantees with stronger and more reliable systems of accounting and auditing are more resilient to government critique and less likely to be targets of undue restrictions.²³
- **Connect grantees to other civil society organizations (CSOs), social enterprises, and alternative groups when confronting restrictive legislation (Funder):** It is important for grantees to analyze laws and prepare advocacy campaigns alongside diverse civil society actors to achieve impact at scale, reach the level of national discourse, and build on the expertise of diverse civil society actors. This process also ensures that a wider group has identified the same key issues and problems with the legal framework.
 - **Country Example:** In [Ecuador in 2010](#), civil society groups invited leaders from different sectors (e.g., business, academia) to analyze the government's legal framework to regulate CSOs. The meeting resulted in a "manifesto" that listed key areas of agreement. The manifesto became an important advocacy tool to defend Ecuadorian democracy and denounce the new regulations.²⁴

Tools

Guides to assess legal risks and engage civil society, media, government, and other stakeholders in advocacy efforts (Funder): The “[Defending Civil Society Toolkit](#)”—from World Movement for Democracy Secretariat at the National Endowment for Democracy and ICNL—provides strategies to advocate legal reforms to support civil society. From organizations and activists worldwide, the strategies range from assessing restrictive environments to building the dialogue with the government, parliamentarians, and other stakeholders.

Actor	Responses	Examples/Explanations	Key Resources (Reports or Organizations)
Funder	Provide in-country partners for local legal compliance	TechSoup has a global network of civil society partners and organizations that can be tapped to search for local partners	TechSoup
Funder	Increase financial support for legal defence, advocacy, or publicity	Civic Space Initiative has provided technical and advocacy assistance in more than 30 countries	Civic Space Initiative

Funder	Use frequent and flexible instalment schedules	<p>If an NGO's bank account is frozen, losses can be minimized, and this strategy can accelerate payment of the grant in case of future regulatory problems</p> <p>If an NGO cannot operate under an existing legal framework, the donor can change the agreement to transfer funds through another legal form</p>	International Network of Civil Liberties Organizations report: Gaining Ground: A Framework for Developing Strategies and Tactics in Response to Governmental Attacks on NGOs
Funder	Bolster accounting and auditing practices	Help grantees develop resilience to government critique by using reliable accounting and auditing systems	Oxfam blog "Can INGOs Push Back Against Closing Civic Space? Only if They Change Their Approach," by Dhananjayan Sriskandarajah, secretary general of CIVICUS
Funder	Guide in assessment of legal risks, and engage civil society, media, government, and	The "Defending Civil Society Toolkit" provides tips, tools, and strategies that organizations	Defending Civil Society Toolkit

	other stakeholders in advocacy efforts	and activists can consider in efforts to reform legal frameworks for civil society	
Funder	Connect grantees to other CSOs, social enterprises, and alternative groups when confronting restrictive legislation	In Ecuador, CSOs invited leaders of different sectors to analyze the government's legal framework, producing a manifesto with key agreements that served as an advocacy tool CSO Reference Group, a Kenyan NGO, used this strategy to counter restrictions in 2013	Information on the 2010 Ecuadorian coup CSO Reference Group

References:

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