Shaping Civic Space

International Center for Not-for-Profit Law
Annual Report 2014-2015
Geographic Scope

Afghanistan
Albania
Algeria
Argentina
Armenia
Australia
Azerbaijan
Bahrain
Bangladesh
Belarus
Bolivia
Bosnia-Herzegovina
Brazil
British Virgin Islands
Bulgaria
Burkina Faso
Burundi
Cambodia
Canada
Chile
China
Colombia
Croatia
Cyprus
Czech Republic
Democratic Republic of the Congo
Dominican Republic
Ecuador
Egypt
El Salvador
Estonia
Ethiopia
Fiji
France
Georgia
Germany
Ghana
Guatemala
Guyana
Haiti
Honduras
Hungary
India
Indonesia
Iraq
Ireland
Israel
Japan
Jordan
Kazakhstan
Kenya
Kosovo
Kyrgyzstan
Latvia
Lebanon
Libya
Lithuania
Macedonia
Malawi
Malaysia
Mexico
Moldova
Mongolia
Montenegro
Morocco
Myanmar
Namibia
Nepal
Nicaragua
Nigeria
Pakistan
Palestine
Panama
Paraguay
Peru
Philippines
Poland
Romania
Russia
Rwanda
Saudi Arabia
Senegal
Serbia
Sierra Leone
Slovakia
Slovenia
Somalia
South Africa
South Sudan
Sri Lanka
Sudan
Tajikistan
Tanzania
Tunisia
Turkey
Turkmenistan
Uganda
Ukraine
United Kingdom
USA
Uzbekistan
Vanuatu
Venezuela
Vietnam
Yemen
Zambia
Zimbabwe

Our Mission

The International Center for Not-for-Profit Law (ICNL) promotes a legal environment that strengthens civil society and advances the freedoms of association, assembly, expression, philanthropy, and public participation around the world.

We share a vision in which people are empowered to work together to improve their lives.

Cover Photo: Lina Shafaq, civil society activist at ICNL workshop in Herat, Afghanistan, holding a sign that reads “Volunteer activities are devotion and dedication to the people”. Photo: Maqsoud Hamid
Message from ICNL’s Chair and President

In welcoming participants to ICNL’s Global Forum, UN Secretary-General Ban Ki-moon stated:

We live in times of unprecedented wealth and possibilities, but also of deep inequalities, transnational threats, conflict, turmoil and intolerance. ICNL believes rightly in the power of civil society and global citizenship to overcome these problems and to help shape our common future.

By promoting an enabling environment for civil society, philanthropy, and public participation, ICNL empowers people to address societal challenges. Over the past year, ICNL advanced this vision at the global, regional, and national levels.

At the global level, ICNL engaged with the 2030 Agenda for Sustainable Development, the Open Government Partnership, and the Community of Democracies. ICNL also worked with UN Special Rapporteurs to safeguard civic space. In addition, ICNL helped place global norms into regional context, working with regional institutions in Africa, Latin America, Europe, and Eurasia.

At the national level, ICNL has had the privilege of partnering with colleagues in civil society, government, parliament, the judiciary, and academia. Together we have worked in 100 countries as diverse as Brazil, Bulgaria, China, Iraq, Kenya, Myanmar, Turkmenistan, and Uganda.

To provide comparative information to our partners, last year ICNL produced over 150 country reports, and we curated a free, online library with over 3400 documents from 205 countries and territories.

This year, Feliciano Reyna Ganteaume completed his second term on ICNL’s Board of Directors, and we thank Feliciano for his significant contributions to ICNL. To fill this vacancy, ICNL had the privilege of welcoming Dr. Barbara Ibrahim to our Board.

We close by expressing our appreciation to ICNL’s staff, partners, and funders. It is a privilege to work with you to help shape the future of civic space around the world.
The 2015 Global Forum was made possible by the generous support of the Government of Sweden through the Civic Space Initiative (CSI). The CSI is a four year program funded by the Swedish International Development Cooperation Agency (Sida) to protect and expand civic space at the global, regional, and national levels.

Governments are becoming increasingly creative in their efforts to control and restrict civil society around the world. ICNL’s 2015 Global Forum on Shaping Civic Space addressed this worrying trend with the aim of assessing where civil society stands – and how to make it stand taller.

From top left (clockwise): Charlotte Petri Gornitzka, Director-General of Sida; Dan Aceda, musician and Founder/CEO of Tama Media Group; Maina Kiai, UN Special Rapporteur on the rights to freedom of peaceful assembly and of association; one of the many interactive sessions held at the Forum. Photos: ICNL

The Forum, held in Stockholm from May 10-12, brought together over 200 of the world’s leading experts in civil society, government, multilateral institutions, and the donor community. UN Secretary-General Ban Ki-moon and US President Barack Obama both provided welcome videos for the opening session. Participants joined from over 80 countries, including China, Cambodia, Egypt, Ecuador, India, Iran, Kenya, Myanmar, Russia, and Tunisia. The Forum’s global reach and its exclusive focus on civic space made it a unique platform to advance the field of civil society law and shape the future of civic space. Participants have followed up with innovative initiatives in their home countries based on their experience at the Forum.

Strong, successful countries need strong, successful civil societies. President Barack Obama in his Global Forum welcome video
Spotlight: Engagement

The FATF Recommendations are often used by governments to justify restricting CSOs in the name of counter-terrorism. A civil society coalition is working to change that.

In Tunisia, police are now allowed to interrogate suspects without a lawyer for up to 15 days. Courts are now allowed to close hearings to the public and keep witnesses anonymous. Security services have been granted powers to use “special investigative techniques.” All of these developments are due to Tunisia’s new Anti-Terror Law.

This is a familiar scenario to civil society organizations (CSOs) around the world as counter-terrorism measures have increasingly resulted in harsh restrictions on civil society. These type of restrictions are often justified by citing the recommendations of the Financial Action Task Force (FATF).

In 2014, FATF launched an initiative to revise its Best Practices Paper on non-profit organizations, a guideline for governments implementing counter-terrorism measures. ICNL and ECNL partnered to help create a transatlantic coalition to promote a more balanced approach. After extensive engagement by the coalition, FATF accepted the majority of its suggestions, including annual meetings with CSOs and ad hoc exchanges on technical matters. Despite this positive development, much work remains to be done in order to ensure more countries will not invoke terror as an excuse to restrict freedoms.

Spotlight: Empowerment

Tanzanian President Jakaya Kikwete. Photo: Matthew Jordaan/Mediapix – Creative Commons 2.0

Tanzania is one example of a global trend where new laws are being passed that severely restrict the freedom of expression. ICNL is working to reverse this trend.

Counting the number of elephants in a country may seem like a harmless and straightforward task, but publishing a finding on the decreasing elephant population in Tanzania could now be against the law. The government could dispute the printed figure and, under newly enacted laws, sharing this information could land the publisher in jail. The Statistics Act criminalizes the publishing of any statistical data the government considers “false” or “misleading,” and the Cybercrimes Act makes it a crime to share that information online.

This example of restricted freedom of expression is not unique to Tanzania. In 2015, Pakistan, Tunisia, Egypt, Turkey, Cambodia, China, Azerbaijan, Kazakhstan and others drafted, enacted, or amended legislation to stifle the free flow of ideas and restrict speech. ICNL is empowering local partners to fight this trend. ICNL has provided comments on draft legislation in Cambodia, Tanzania, Pakistan, and Kazakhstan and continues efforts to promote the freedom of expression around the world.

Freedom of Expression Worldwide

Tanzanian President Jakaya Kikwete. Photo: Matthew Jordaan/Mediapix – Creative Commons 2.0

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Counter-Terrorism Guidelines Revised

FATF Plenary October, 2015. Photo: FATF News

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**Spotlight: Impact**

**Sustaining CSO Support in Iraq**

Workshop for Iraqi NGOs and government officials organized by the Reform Institute for Development (RID). Photo: RID

“Due to shrinking civic space in Iraq, international support for CSOs is needed more than ever to allow them to continue their work. ICNL’s experience and knowledge has been of great assistance.” Dana Sofi, 2015

Over the past year, ICNL projects in Iraq have been working to fill this gap. The projects had to adapt multiple times due to the fluid nature of the situation on the ground. However, ICNL’s sustained engagement with and support to local CSOs enabled many to continue and expand their activities. For example, in early 2015, ICNL and local partners designed a monitoring and evaluation system for projects funded by the Kurdish civil society support fund. This not only helped to ensure the fund’s transparency, but also made it possible to direct resources to local CSOs engaged in humanitarian and crisis relief efforts.

ICNL looks forward to continuing to work with Mr. Sofi and other local partners in our efforts to reverse the trend of shrinking civic space in the transitioning country.

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**Spotlight: Engagement**

**Multi-Stakeholder Consultation in Kenya**

Hon. Sophia Abdi Noor, Chair, and Emerson Sykes, ICNL Legal Advisor, PBO Task Force meeting, Spring 2015. Photo: ICNL

ICNL is assisting Kenyan civil society and other stakeholders as they push for the implementation of the PBO Act, 2013 without restrictions proposed by the government.

The Public Benefit Organizations (PBO) Act, which has the goal of advancing a new and better framework for CSOs in Kenya, was signed into law in January 2013, but has not yet been implemented. Numerous restrictive amendments to the PBO Act have been proposed by the government, including limiting PBOs’ access to foreign funding, but a coordinated civil society advocacy campaign has prevented their adoption.

In 2014, the government created a Task Force on Amendments to the PBO Act that included government officials, civil society representatives, and faith-based leaders. The Task Force conducted consultations across the country and invited ICNL to present during an Expert Forum in Nairobi. Notably, the Task Force was chaired by Hon. Sophia Abdi Noor who, having spent most of her career as a civil society activist, sponsored the PBO Act while serving as a Member of Parliament.

As the follow-up from the Task Force process takes shape, ICNL will continue to work closely with our partners on the ground to protect and expand civic space in Kenya.

ICNL Annual Report, 2014-15

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Spotlight: Impact

National Dialogues in Latin America

Over the past year, ICNL has worked with partners in Argentina, Bolivia, Brazil, Chile, Panama, and Mexico to facilitate National Dialogues to address issues with domestic civil society law and develop consensus agendas on how to enact reform. In Argentina, a working group dedicated to improving the legal environment took on new members and energy, and is now developing a reform agenda. In Panama, participants agreed to establish a Secretariat for Civil Society to promote a comprehensive CSO law. In Bolivia, the mere fact that the Dialogue was held was seen as a success due to the tense environment.

The comparative nature of the project allows other countries in the region to observe and learn from these positive trends. ICNL is continuing to work with partners to ensure that these developments both strengthen and spread in order to reverse the negative trend of closing space in Latin America.

Spotlight: Impact

ICNL affiliate BCNL created a Best Business Plan competition to allow CSOs to take advantage of a law providing them with an innovative method of ensuring their sustainability.

Children’s art workshops with renowned artists. A greenhouse for organic vegetables grown by people with mental disabilities. Home care for the elderly. These are the three initiatives that won the top prizes for Best NGO Business Plan organized by the Bulgarian Center for Not-for-Profit Law (BCNL).

This competition was created in response to the fact that many CSOs in Bulgaria had not taken advantage of a law developed to provide them with an innovative method of ensuring their sustainability. The law, which gives CSOs the right to engage in social enterprise, was developed by Bulgarian officials, in collaboration with civil society and BCNL.

To encourage CSOs to take advantage of this opportunity, BCNL organized the country’s first social entrepreneurship program in 2011. Since then, they have trained over 100 CSOs on business planning and social enterprise. They have also supported 12 organizations with grants to start their own income-generating activities. Through this program, BCNL will continue to support CSO sustainability and innovation.

National Dialogues facilitated by ICNL in 6 countries have led to positive steps toward reversing the trend of closing space for civil society in Latin America.

In July, a National Dialogue was held in Panama with over 70 civil society representatives and government officials, including the Panamanian Vice President. The presence of such a high ranking official at the event was significant and it illustrates the impact of ICNL’s Regional Comparative project in Latin America.

The comparative nature of the project allows other countries in the region to observe and learn from these positive trends. ICNL is continuing to work with partners to ensure that these developments both strengthen and spread in order to reverse the negative trend of closing space in Latin America.
Spotlight: Advancement

Freedom of Association and Assembly in Africa

The ACHPR released its Report on the Freedom of Association and Assembly in 2015 with significant support from ICNL. The report is the first of its kind in Africa.

The African Commission on Human and Peoples’ Rights (ACHPR) directly addressed this alarming trend with its April 2015 release of a landmark report on the Freedom Of Association and Assembly (FOAA) in Africa. The report marks the first comprehensive response to the recent crackdown on these freedoms by a regional institution. It compiles international laws and norms related to FOAA and lists recommendations. These include calls for states to refrain from excessive use of force against civilians and for the repeal of laws restricting sources of funding for African NGOs.

ICNL provided substantial technical and financial assistance to the Study Group that drafted the report. Moving forward, we will continue to support the Study Group in drafting guidelines to help states with implementation of the report’s recommendations.

In Burundi, jogging in a group was banned under a presidential decree. Uganda has outlawed any public gathering of more than three people without government permission. These are just two examples of increasingly repressive government tactics on the continent.

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Research

NGO Law Monitor
A highly praised monitoring tool, the NGO Law Monitor is the best source for the latest updates on civil society law. It covers 50 countries and 8 multilateral institutions (such as the African Union and the League of Arab States) and provides up-to-date information on legal issues affecting NGOs around the world. www.icnl.org/research/monitor

Online Library
ICNL offers the only global legal database that contains more than 3400 key civil society legal materials in over 60 languages from every UN Member State. www.icnl.org/research/library

Global Trends in NGO Law
This periodical report draws on ICNL’s global expertise to provide a unique perspective of legal trends around the world affecting civil society. www.icnl.org/research/trends

International Journal of Not-for-Profit Law (IJNL)
You can read about Philanthropic Protectionism and Cross-Border Philanthropy in the latest issue of the IJNL, the first journal of its kind, which publishes pioneering research by legal experts on cutting edge global civil society topics. www.icnl.org/research/journal

Thematic Portals
Our thematic portals offer access to essential materials on twelve leading topics in civil society law. Topics include freedom of assembly, foreign funding, and counter-terrorism. www.icnl.org/research/resources

UN Special Rapporteur
ICNL continues to work with the Special Rapporteur on the rights to freedom of peaceful assembly and of association and provide support to the development of his thematic reports. www.freeassembly.net
2014 Financial Overview

<table>
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<tr>
<th></th>
<th>2014</th>
<th>Temporary</th>
<th>Restricted</th>
<th>Total</th>
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<td></td>
<td>Unrestricted</td>
<td>Restricted</td>
<td></td>
<td></td>
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<td><strong>PUBLIC SUPPORT AND REVENUE</strong></td>
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<td>U.S. and Other Government Grants</td>
<td>-</td>
<td>10,028,818</td>
<td>10,028,818</td>
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<tr>
<td>Foundation and Corporation Grants</td>
<td>10,000</td>
<td>892,108</td>
<td>902,108</td>
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<tr>
<td>Contributions</td>
<td>2,488</td>
<td>-</td>
<td>2,488</td>
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<tr>
<td>Interest Income</td>
<td>5,323</td>
<td>-</td>
<td>5,323</td>
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<tr>
<td>Contracts</td>
<td>310,396</td>
<td>-</td>
<td>310,396</td>
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<tr>
<td>Other revenue</td>
<td>7,746</td>
<td>-</td>
<td>7,746</td>
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<td><strong>Net assets released from restrictions</strong></td>
<td>10,720,871</td>
<td>(10,720,871)</td>
<td>-</td>
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<tr>
<td><strong>Total public support and revenue</strong></td>
<td>11,056,824</td>
<td>200,055</td>
<td>11,256,879</td>
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</table>

**EXPENSES**

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<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td>Program Services</td>
<td>9,540,089</td>
<td>-</td>
<td>9,540,089</td>
<td></td>
</tr>
<tr>
<td>General and Administrative</td>
<td>1,459,776</td>
<td>-</td>
<td>1,459,776</td>
<td></td>
</tr>
<tr>
<td><strong>Total expenses</strong></td>
<td>10,999,865</td>
<td>-</td>
<td>10,999,865</td>
<td></td>
</tr>
</tbody>
</table>

|                              |              |            |            |             |
| Changes in net assets before other item | 56,959     | 200,055    | 257,014    |             |

**OTHER ITEM**

|                              |              |            |            |             |
| De-obligation of Funding     | -            | (257,192)  | (257,192)  |             |
| Changes in net assets         | 56,959       | (57,137)   | (178)      |             |
| **Net assets at beginning of year** | 1,758,692 | 13,996,801 | 15,755,493 |             |

**NET ASSETS AT END OF YEAR**

|                              |              |            |            |             |
| 2014 Financial Overview     | 1,815,651    | 13,939,664 | 15,755,315 |             |

Board and Advisory Council

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  India
- Natasha Gaber-Damjanovska
  Macedonia

- Oonagh Breen, Vice Chair
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- W. Aubrey Webson
  Antigua

- Adam Kolker, Secretary & Treasurer
  United States

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  Malawi
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  Ethiopia
- Filiz Bikmen
  Turkey
- Lígia Bolívar
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  USVI
- Consuelo Castro
  Mexico
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  India
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  UK
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  Jordan
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  Gambia
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  Macedonia
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  Egypt
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  USA
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  Venezuela

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  Hungary
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  Uganda
- Paul Nathanson
  UK
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  Peru
- Geoffrey Prewitt
  USA
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  New Zealand
- Bindu Sharma
  Singapore
- Mark Sidel
  USA
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  Philippines
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