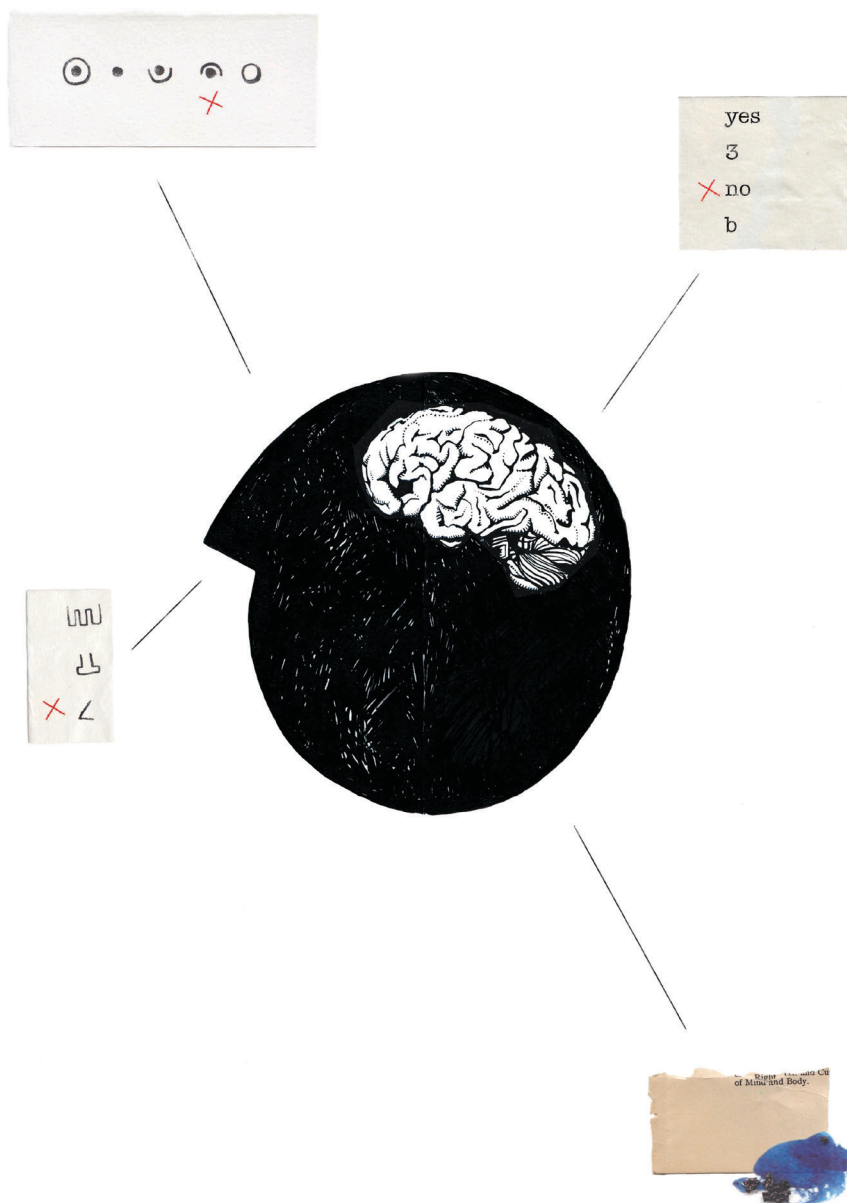


# CIVIL SOCIETY UNDER THREAT: OLD AND NEW CHALLENGES FOR HUMAN AND CHILDREN'S RIGHTS ADVOCATES IN EURASIA



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# INTRODUCTION

In recent years, the space afforded to civil society to operate freely has been shrinking dramatically across the world, presenting a serious threat to democracy and human rights. New forms of restrictions such as regressive patterns of law reform are supplementing existing problems, like weak financial sustainability. The problem is particularly acute in Eastern Europe and Central Asia.

In most countries governments accept and even promote NGOs' role of providing services and humanitarian assistance. However, significant barriers exist for groups which criticise the government and advocate for policy change, and those representing the views of vulnerable populations. For example difficult and sensitive areas of children's rights (such as civil and political rights) are pushed to the background as the focus falls entirely on the promotion of charity for children which presents less of a challenge politically.

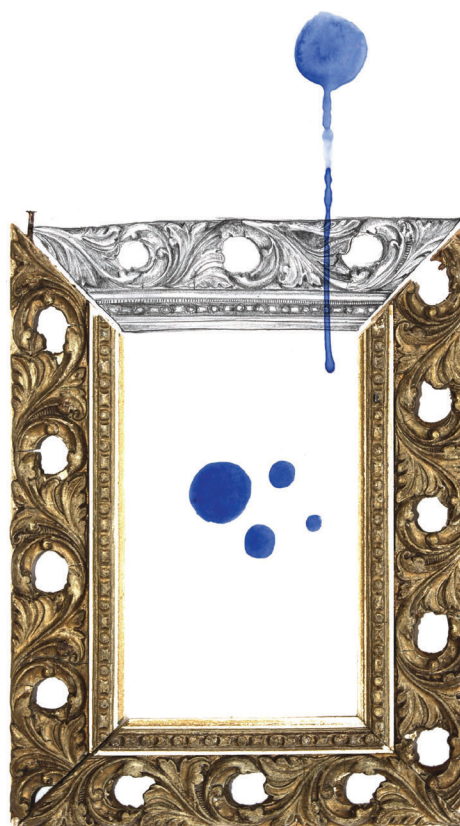
The governmental crackdown on NGOs is widely discussed by media outlets all over the world, however the focus rests primarily on the latest legal restrictions, with no attention paid to the causes or other internal and external factors that may have contributed to the situation. They also ignore the "bigger picture" which involves not only governments and NGOs, but also foreign donors, UN agencies, regional human rights mechanisms and other actors. Furthermore, there is still a gap when it comes to examining the issue of crackdowns on civil society in the context of children's rights.

The ability to enjoy one's civil and political rights is key to living in an open and free society. Though this paper does not focus entirely on children, it must be stressed that these rights belong to every human being, including children. Therefore, CRIN believes that it is important to shed light on how civil society affects children's rights and those who advocate for their rights.

This paper presents evidence of laws and policies in EECA restricting the right of civil society organisations and human rights advocates to freedom of expression, assembly and association. In particular, it examines:

- Restrictions on foreign funding for civil society activities,
- The causes of crackdowns on civil society,
- The sustainability of the NGO sector, and finally
- It calls for stronger standards to protect the capacity of national human rights defenders and children's rights advocates to operate and speak out freely.

We welcome comments at [info@crin.org](mailto:info@crin.org)



# PART I

## CRACKDOWNS ON CIVIL SOCIETY

In response to the current “democratic recession” in which dozens of governments are imposing restrictions on civil society, Maina Kiai, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, has said: “This is not a phenomenon specifically linked to one country or region; it is a worldwide trend.”<sup>1</sup> No wonder the UN chose “Space for Civil Society” as the theme for the 2015 International Day of Democracy.

Eastern Europe and Central Asia have been especially badly affected by this shrinking political space. Restrictions on funding from foreign donors have brought national civil society organisations to bay. Attacks on freedom of association have often been coupled with clampdowns on freedom of expression and assembly, including through internet restrictions, laws undermining the right to protest, the closing down of independent media and persecution of human rights activists.

### Restrictions on foreign funding

The crackdown on civil society space in **Russia** has been exacerbated by the adoption of a law in 2012 which requires Russian non-governmental organisations (NGOs) who accept foreign funding and engage in “political activity” to register as “foreign agents.” Such organisations face onerous auditing requirements, government inspections and excessive fines for failing to register. An amendment from June 2014 empowered the State to label organisations as “foreign agents” without their consent. As a further step, in May 2015 President Putin signed a law that permits authorities to prosecute foreign NGOs as “undesirable,” if they are perceived to be undermining “national security”. The law is designed to isolate Russian civil society by breaking ties with foreign human rights and philanthropic organisations, such as Human Rights Watch, Open Society Foundations, Amnesty International and others. Any involvement in the activities of an “undesirable organisation” could result in a six-year prison sentence.

Russia’s attempts at curtailing civil society have serious implications as they are also a threat to fundamental rights in neighbouring countries which have close ties to their larger neighbour. It is no surprise that Russia’s restrictive “foreign agents” law is being replicated across the region. In spring 2014, the parliament of **Kyrgyzstan** proposed a draft law stigmatising NGOs receiving foreign funding and engaged in broadly-defined “political activity”, essentially copying the Russian law.<sup>2</sup> However, in June 2015 after passing the first reading, the bill was withdrawn from parliament’s agenda, mainly due

to international criticism.<sup>3</sup>

**Armenian** lawmakers have drafted legislation that would require NGOs to submit detailed financial reports to the government each year and undertake extensive audits. Although Armenia’s anti-NGO legislation was drafted in November 2014, the parliament has yet to pass it.<sup>4</sup> New amendments to the Law on Public Associations gives authorities in **Tajikistan** wide powers to monitor and oversee the activities of associations, resulting in undue interference in the work of NGOs, including human rights organisations. Under the pretext of combating terrorism, all grants and donations received by NGOs from foreign governments and international organisations since August 2015 must be recorded in a state register of humanitarian assistance.<sup>5</sup>

In **Kazakhstan**, foreign NGOs have been subject to in-depth tax audits, investigated by prosecutors and financial authorities and harassed by immigration police.<sup>6</sup> New Criminal and Administrative Offences Codes which entered into force on January 1, 2015, made running an organisation not registered with the authorities a criminal offence that could lead to a six-year prison sentence.<sup>7</sup>

Furthermore, legislation approved in September 2015 by the lower house of parliament may introduce a new institution called the ‘Operator’ aimed at controlling and distributing all funds for the work of NGOs that is provided by sources other than the government of Kazakhstan.<sup>8</sup> Funding for NGOs will be limited to the “field of social development”, and NGOs working on civil and political rights are not eligible to receive grants. Even though the authorities claim that changes have been made to “enhance the capacity of civil society”, the move could make the operations of NGOs critical of the government impossible.

While some countries in Eastern Europe and Central Asia are still considering introducing restrictive laws, **Azerbaijan** has already experienced several years of one of the harshest crack-

1 UN Special Rapporteur on the rights to freedom and peaceful assembly, “The Year in Assembly & Association Rights”, 2014. Available at: [http://freedomsassembly.net/wp-content/uploads/2015/01/UNSR-FOAA-2014-annual-report\\_r.pdf](http://freedomsassembly.net/wp-content/uploads/2015/01/UNSR-FOAA-2014-annual-report_r.pdf)

2 ARTICLE 19, “UN HRC: Civic Space Restrictions in Central Asia and Eastern Europe must be addressed”, 22 June 2015. Available at: <https://www.article19.org/resources.php/resource/38010/en/un-hrc-civic-space-restrictions-in-central-asia-and-eastern-europe-must-be-addressed>

3 Kyrgyz Telegraph Agency, “Parliament to withdraw the bill on foreign agents and LGBT propaganda”, 29 June, 2015. Available at: <http://kyrtag.kg/politics/parlament-otozval-zakonoproekty-ob-inostrannykh-agentakh-i-zaprete-propagandy-lgbt>

4 Euractiv, “Armenia’s anti-NGO laws inspired by Moscow”, 24 March 2015. Available at: <http://www.euractiv.com/sections/europes-east/armenias-anti-ngo-laws-inspired-moscow-313199>

5 International Federation for Human Rights, “Tajikistan: Drop draft legislation restricting NGO access to funding”, 25 November 2014. Available at: <https://www.fidh.org/International-Federation-for-Human-Rights/eastern-europe-central-asia/tajikistan/16540-tajikistan-drop-draft-legislation-restricting-ngo-access-to-funding>

6 T. Carothers and S. Brechenmacher, “Closing Space: Democracy and Human Rights Support Under Fire”, The Carnegie Endowment for International Peace, 2014, p. 15. Available at: [http://carnegieendowment.org/files/closing\\_space.pdf](http://carnegieendowment.org/files/closing_space.pdf)

7 Institute for War & Peace Reporting, “Kazakh government falls silent on NGO law”, 22 December 2014. Available at: <https://iwpr.net/global-voices/kazakh-government-falls-silent-ngo-law>

8 ARTICLE 19, “Central Asia: Draft amendments to the legislation regulating the activities of NGOs should guarantee freedom of association”, 9 December 2014. Available at: <https://www.article19.org/resources.php/resource/37793/en/central-asia-draft-amendments-to-the-legislation-regulating-the-activities-of-ngos-should-guarantee-freedom-of-association>

downs on civil society in the region. This intensified in 2014 when amendments to a series of laws levied burdensome registration and reporting requirements, bringing a de facto ban on foreign funding. Even though Azerbaijani laws do not mention “foreign agents”, the impact on civil society has been disastrous. Harsh penalties were established for those who violate both new and previously existing obligations under the law; as a result many NGOs have limited capacity to adhere to such requirements and risk being punished for non-compliance.<sup>9</sup>

Both **Uzbekistan** and **Turkmenistan** are notorious for their intolerant authoritarian regimes and “state managed” civil society. In recent years more than 300 NGOs in Uzbekistan were dissolved; those remaining were forced to join the government controlled National Association of Nongovernmental Noncommercial Organisations.<sup>10</sup> In Turkmenistan, mandatory government approval of foreign funding exists and many of the registered associations in Turkmenistan are, in fact, Government-organised NGOs (GONGOs), which are established as traditional communist-era groups, including the Women’s Union, the Youth Union, and the Center of Trade Unions.<sup>11</sup>

For national children’s rights NGOs and networks these restrictions mean engaging in self-censorship, pushing rights advocacy to the background and reducing the scope of their work or risk being closed down. Although in EECA children’s rights often are viewed by governments as less challenging, it is vital that NGOs can operate free from intimidation and unnecessary bureaucratic processes.

### Freedom of expression and peaceful assembly

Government campaigns to obstruct or limit foreign funding for domestic NGOs are often part of a broader crackdown on independent civil society. States in EECA are increasingly using freedom of expression by human rights defenders (including children), journalists and the general public as a pretext for closing in on civil and political rights on national security grounds.

In January 2014, the parliament of **Ukraine** cancelled the controversial laws against protests restricting freedom of association, assembly and freedom of expression amidst violent clashes between Euromaidan protesters and police across the country. Similarly, in **Armenia** the police have restricted freedom of assembly through the use of force and detention of activists. However country-wide mass protests against electricity price increases in June 2015 caused a wave of civic activism

and were compared by some authors to the popular uprising in Ukraine.<sup>12</sup> Despite opposition, children are expressing themselves alongside adults in these events - pictures from protests show children taking to the streets, demanding their rights and speaking out about what they want for their communities.<sup>13</sup>

In **Kazakhstan**, over the past year, there have been several arrests, followed by the imposition of fines for unsanctioned protests (permission required for peaceful assemblies is frequently denied). In March 2014, police officers brutally dispersed mothers with children as young as preschool age who were protesting against being evicted from their homes in Astana. A [video](#) documenting police actions caused outrage on social media.

Last year **Tajikistan** adopted a new Law “On Assemblies, Meetings, Demonstrations and Street Rallies”, forcing protest organisers to obtain authorities’ permission prior to mass gatherings, banning foreign citizens from joining protests, as well as preventing anyone convicted of administrative offences from organising mass events.<sup>14</sup> Similarly, in **Turkmenistan** a new law entered into force in July prohibiting spontaneous assemblies, even though there have been few, if any, public gatherings which are not initiated by the government.<sup>15</sup> In **Belarus**, a law on mass assembly makes it illegal for even a single person to hold a demonstration.<sup>16</sup>

The penalty for “organising an unauthorised demonstration” in **Azerbaijan** was increased from 15 to 60 days of administrative detention in 2013.<sup>17</sup> Many activists have fled the country, while those who remain are often too fearful to speak out against abuses committed by the government. In June this year the UN High Commissioner Zeid Ra’ad Al Hussein expressed concerns about the shrinking democratic space in the country, as some 35 human rights defenders, journalists and government critics have been detained on bogus charges.<sup>18</sup>

Crackdowns on media outlets are common in the run-up to

9 The International Center for Not-for-Profit Law, “NGO Law Monitor: Azerbaijan 2014”. Available at: <http://www.icnl.org/research/monitor/azerbaijan.html>

10 T. Carothers and S. Brechenmacher, “Closing Space: Democracy and Human Rights Support Under Fire”, The Carnegie Endowment for International Peace, 2014, p. 7.

11 The International Center for Not-for-Profit Law, “NGO Law Monitor: Turkmenistan 2014”. Available at: <http://www.icnl.org/research/monitor/turkmenistan.html>

12 The Guardian, “Armenia protests escalate after police turn on demonstrators”, 24 June 2015. Available at: <http://www.theguardian.com/world/2015/jun/24/armenia-yerevan-protests-electric-prices-russia>

13 Child Rights International Network, Annual Report 2011-2012, p 7. Available at: <https://www.crin.org/en/library/publications/crin-annual-report-2011-12>

14 ARTICLE 19, “UN HRC: Civic Space Restrictions in Central Asia and Eastern Europe must be addressed”, 22 June 2015.

15 UK Foreign & Commonwealth Office, Corporate report “Turkmenistan - in-year update 2015”, 15 July 2015. Available at: <https://www.gov.uk/government/publications/turkmenistan-in-year-update-july-2015/turkmenistan-in-year-update-july-2015>

16 UK Foreign & Commonwealth Office, Corporate report “Belarus - Country of Concern”, 12 March 2015. Available at: <https://www.gov.uk/government/publications/belarus-country-of-concern-2/belarus-country-of-concern>

17 Index on Censorship, “Locking up free expression: Azerbaijan silences critical voices”, 10 October 2013. Available at: <https://www.indexoncensorship.org/2013/10/azerbaijan-free-expression-clampdown/>

18 UN High Commissioner for Human Rights, Press briefing note on Yemen update and Azerbaijan, 16 June 2015. Available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16083>



mass events hosted by national governments. On the eve of and during the Winter Olympic Games 2014 in Sochi, **Russia**, national media were forced to report on the achievements of the government and remain silent about human rights issues and social affairs, otherwise they would risk of being accused “foreign agents” or being subject to intimidation and harassment by authorities.<sup>19</sup> Similarly, the denial of entry to prominent journalists and major international human rights organisations ahead of the billion-dollar European Games held in **Azerbaijan** in 2015 provoked outrage. **Uzbekistan** generally uses accreditation rules to deny foreign journalists, media outlets, and NGOs the opportunity to work in the country.

In societies where everyone's freedom to gather and assemble peacefully is already restricted, even tighter limits are placed on this right for children. Discriminatory youth curfew laws typically restrict children to their homes during night-time hours. For example, in recent years, **Russia, Belarus, Ukraine** and **Kyrgyzstan** have introduced laws banning children from public spaces during restricted hours (usually 10 pm to 6 am) without parents or guardians in order to protect children from “violence and criminal influence”.<sup>20</sup>

### Internet and social media

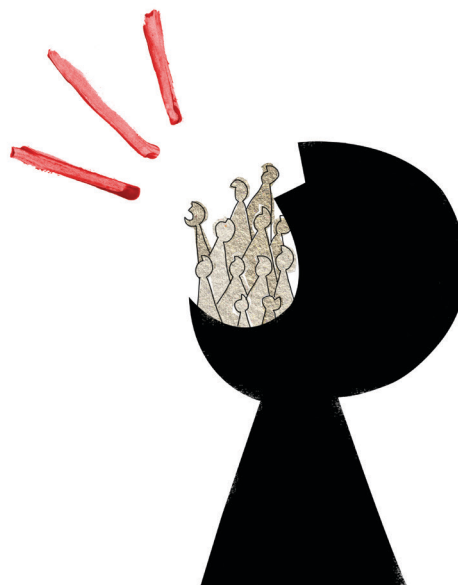
The internet has revolutionised the way we communicate, and children are at the forefront of this new technology. In the digital age, thanks to social media, the presence of children in protests is becoming more common. A striking example can be found in Egypt, when teenagers formed groups on social media networks inviting the public to participate in protests against the government in 2011.<sup>21</sup>

The same year the government of **Azerbaijan** launched a series of attacks on Facebook and other social platforms in response to opponents' use of social media to organise street protests and anti-government campaigns. Since then, dozens of online activists have been threatened and harassed and a number of social networks have been subject to increased restrictions imposed by the authorities. Seven young members of the opposition movement NIDA, who created pro-opposition pages on Facebook, with several thousand followers, have been held in detention since their arrests in spring 2013 on unsubstantiated charges of possessing drugs and firearms or hooliganism.<sup>22</sup> In particular, a 17-year-old activist Shahin Novruzlu lost four of his front teeth during an interrogation designed to extract

a confession.<sup>23</sup> A year later the Azerbaijani parliament passed a law criminalising defamation on the internet, including the views expressed on social media as a criminal offence, punishable by up to three years' imprisonment.

The government of **Tajikistan** also engages in mass blocking of websites to prevent dissemination of information about planned protests. In September 2014, hundreds of websites including Facebook, YouTube, and Russian-language social networks were temporarily blocked after pro-opposition activists disseminated invitations calling for peaceful protests.<sup>24</sup>

Increased control over the internet is also affecting protesters and ordinary online users in **Russia**. In 2013, the parliament passed a new law that requires all bloggers with more than 3,000 subscribers to register as a media outlet.<sup>25</sup> The term “blogger” is very broadly defined - anyone who publishes posts on social networks and microblogs (including Twitter) may fall into this category. Russia also bans anonymous access to Wi-Fi for security measures aimed at “combating terrorism”.<sup>26</sup> Moreover, any online information deemed sensitive can be banned by using “child protection” arguments - for example, in August 2015 the country's communications watchdog Roskomnadzor asked YouTube to block a video of the opposition leader Alexei Navalny due to its inconsistencies with the law “On protection of children from information harmful to their health and



19 Committee to Protect Journalists, “Coverage of the Olympic Games in Sochi: Media in ‘cold stupor’”, 28 January 2014. Available at: <https://cpj.org/ru/2014/01/post-51.php>

20 Child Rights International Network, Editorial on Curfews for Children. Available at: <https://www.crin.org/ru/biblioteka/publikacii/redakcionnaya-statya-crin-komendantskiy-chas-i-prava-detey>

21 Child Rights International Network, Annual Report 2011-2012, p 7. Available at: <https://www.crin.org/en/library/publications/crin-annual-report-2011-12>

22 Radio Azadlyg, “NIDA activists sentenced in Azerbaijan”, 6 May 2014. Available at: <http://www.radioazadlyg.org/content/article/25374455.html>

23 Campaign for Free Expression in Azerbaijan, “Pardoned and released (2014): Shahin Novruzlu”, 21 April 2015. Available at: <http://azerbaijanfreexpression.org/campaigns/impunity/pardoned-and-released-2014-shahin-novruzlu/>

24 ARTICLE 19, “UN HRC: Civic Space Restrictions in Central Asia and Eastern Europe must be addressed”, 22 June 2015.

25 Frontline defenders, Overview of Europe and Central Asia. Available at: <https://www.frontline-defenders.org/europe-central-asia>

26 BBC, “Russian authorities to clarify the rules of access to Wi-Fi”, 18 August 2014. Available at: [http://www.bbc.com/russian/rolling\\_news/2014/08/140818\\_ru\\_wifi\\_regulation.shtml](http://www.bbc.com/russian/rolling_news/2014/08/140818_ru_wifi_regulation.shtml)

development.”<sup>27</sup> This is part of a disturbing trend of limiting access to information in the name of “child protection” which has gained force over the past few years in Russia and rest of the EECA.

### Legislative restrictions against certain groups

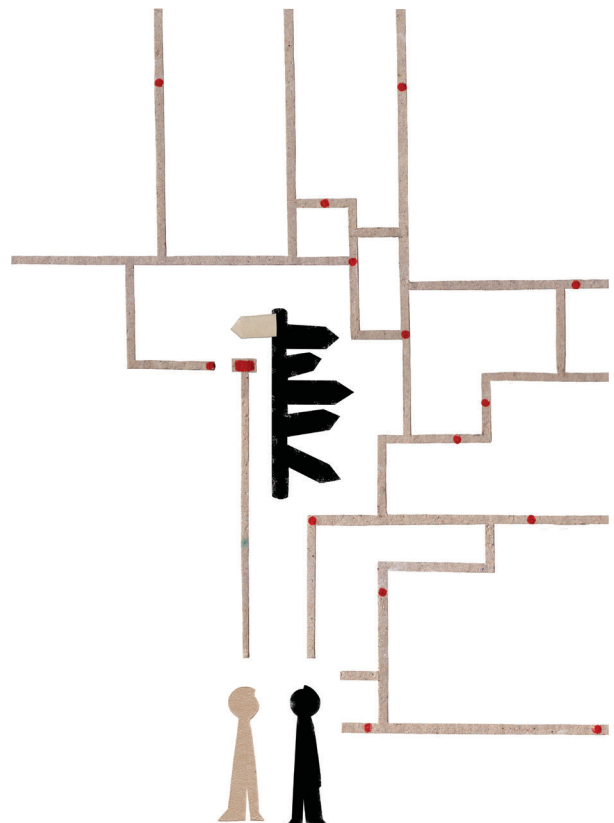
While many countries have granted greater recognition to LGBT rights in recent years, a swath of countries in EECA have passed or proposed laws using the notion of ‘child protection’ to deny children information about same-sex relationships and legitimise discrimination against these groups.

In 2013 **Russia**’s parliament unanimously passed a federal law banning gay “propaganda” for children which caused a major outcry in the West including calls to boycott the 2014 Winter Olympics in Sochi. The law made it illegal to equate straight and gay relationships and to distribute gay rights materials and set administrative fines of up to one million rubles (\$30,000) for NGOs, corporations or other legal entities for violating this law. The law triggered a rise in homophobic violence in the country, persecution of LGBT minority and suppression of any information exchange on the topic. In September 2015, after a few attempts by the authorities to shut down the largest online support group for LGBT children and adolescents in Russia – “Children-404” – the site was blocked after an earlier ban by Russia’s mass media watchdog Roskomnadzor for promoting same-sex relations among teenagers.<sup>28</sup>

In June 2015, **Kyrgyzstan**’s parliament almost unanimously approved a harsher version of the Russian anti-gay law in its second reading. The bill included a penalty of up to one year’s imprisonment and a fine for committing acts “aimed at creating a positive attitude towards nontraditional sexual relations in the media or the Internet”.<sup>29</sup> However, the bill was removed from parliament’s agenda the same month due to public outcry.<sup>30</sup> Interestingly, a month earlier, the Constitutional Council of **Kazakhstan** declared a similar draft law unconstitutional in response to criticism from the International Olympic Committee – at the time Kazakhstan was seeking to host the Winter Olympics in 2022.<sup>31</sup> Both bills have been heavily criticised by international organisations, in particular the Organization for Security and Cooperation in Europe (OSCE). Similarly, back in

2013, **Moldova** cancelled draft amendments to its Administrative Code prohibiting talking to children about “relationships, other than those related to marriage and family”.<sup>32</sup> The repeal has been interpreted as a political move: being one of Europe’s poorest countries, Moldova actively seeks EU membership.

While a number of human rights NGOs are campaigning against these laws from the standpoint of discrimination, children’s rights issues have been largely neglected. The legal framework suggested by “anti-gay propaganda” initiatives has serious implications for LGBT children’s mental and physical health because they are barred from receiving relevant information and support. Furthermore, persecution by peers and society alike pressures children to conform to cultural values and social attitudes of being ‘masculine’ or ‘feminine’ in order to escape violence.



27 Child Rights International Network, Russian CRINmail, Issue No. 39, 4 September 2015. Available at: <https://www.crin.org/ru/glavnaya/nasha-rabota/cm/informacionnyy-byulleten-crin-39-y-vypusk#novii-ucebnii-god-prava-detei>

28 Child Rights International Network, Russian CRINmail, Issue No. 35, 1 May 2015. Available at: <https://www.crin.org/ru/glavnaya/nasha-rabota/cm/informacionnyy-byulleten-crin-35-y-vypusk#zablokirovana-deti-404>

29 The Diplomat, “Kyrgyz Anti-Gay Propaganda Law Moves Forward”, 26 June, 2015. Available at: <http://thediplomat.com/2015/06/kyrgyz-anti-gay-propaganda-law-moves-forward/>

30 Kyrgyz Telegraph Agency, “Parliament to withdraw the bill on foreign agents and LGBT propaganda”, 29 June, 2015. Available at: <http://kyrtag.kg/politics/parlament-otozval-zakonoproekty-ob-inostrannykh-agentakh-i-zaprete-propagandy-lgbt>

31 Child Rights International Network, Russian CRINmail, Issue No. 37, 2 July 2015. Available at: <https://www.crin.org/ru/glavnaya/nasha-rabota/cm/informacionnyy-byulleten-crin-37-y-vypusk>

32 The Advocate, “Moldova overturns anti-gay law, seeks EU admission”, 14 October 2013. Available at: <http://www.advocate.com/politics/2013/10/14/moldova-overturns-antigay-law-seeks-eu-admission>

## PART II

# CAUSES OF THE CLAMPDOWNS

The causes of increasing restrictions on civil society across EECA States are complex, but some common trends can be distinguished.

After the fall of the Soviet Union, democracy was experiencing a historic expansion with many post-communist countries attempting transitions away from authoritarian rule. As a result these States have experienced an influx of foreign donors and aid programmes ready to assist newly developing democracies.

However the climate for human rights support changed by mid-2000s, with a much more negative narrative about the promotion of democracy taking hold among many governments in EECA States who would simply interpret it as ‘Western interference’.<sup>31</sup>

The concept of democracy promotion suffered after the introduction of the US “Freedom Agenda” and invasion of Iraq in particular when it became a synonym for “Western-imposed regime change.”<sup>32</sup> Moreover, colour revolutions in **Georgia**, **Ukraine** and **Kyrgyzstan** have further fuelled conspiracy theories about Western efforts to undermine post-communist governments by assisting protest movements. The fact that the most politically engaged NGOs received financial support from external donors, such as Open Society Foundations, only reinforced this trend.

The NGO sector has grown rapidly in size and visibility over the last few decades across EECA States, and as a result human rights NGOs started posing influential challenges to established governments.

The idea of engagement of independent critical civil society peaked in **Ukraine** during winter 2013/2014; as a result of the Euromaidan protests, a shadow was cast over ruling elites of other EECA States who fear potential large-scale protest movements developing in their countries. Therefore, in the last two years the idea of a new Euromaidan has served as a convenient excuse to stem any civil society engagement.<sup>33</sup>

According to “Closing Space”, a report by the Carnegie Endowment for International Peace, Western donors that fund NGOs did not take the backlash seriously enough at first, perhaps because they mistook a lasting trend for a temporary reaction. Instead, the authors argue, it “should be understood as the ‘new normal’, the result of underlying shifts in international politics that are bound to last for some time.”<sup>34</sup>

## Eurasian Economic Union

Equally, it is important to look at the crackdown on human rights organisations and civil society groups from a geopolitical angle, in other words, the tense dynamic between the European Union and the Eurasian Economic Union headed by Russia.

As relations between **Russia** and the West have suffered in recent years, the Eurasian Economic Union (EEU), established in 2015, has become an instrument of Russian foreign policy, positioned as a regional block competing with the EU for preferential relations with the EU’s Eastern partners.<sup>35</sup> From a Russian perspective, all post-Soviet States are potential candidates for accession to the EEU, and Russia is engaged in constant diplomatic efforts to attract new members.<sup>36</sup>

However, most post-Soviet States were desperate to increase their cooperation with the EU, often as a way of protecting themselves from Russia. The way in which they frame their relationship with the EEU suggests that they are pressured to join the union rather than motivated by any genuine desire to do so.<sup>37</sup>

**Armenia** spent three years laying the groundwork for joining the EU Association Agreement, but dutifully joined the EEU on January 1, 2015 along with **Kazakhstan** and **Belarus**. Russia has pledged over \$500 million to help speed up **Kyrgyzstan**’s accession to the EEU later in 2015.<sup>38</sup>

Those who signed up for the union accepted inevitable reforms including restrictions on “foreign agents” and “gay propaganda” which are proposed as a package across all post-Soviet States. As journalist Masha Gessen writes, “[...] in all these states the pattern is similar: The bills are proposed, and sometimes withdrawn because of international pressure; then they are proposed again—and, it seems, will continue to be proposed until they are finally passed, whether because Western governments become less vigilant or because the pressure from Russia outweighs all other factors.”<sup>39</sup>

**Russia**’s growing influence and the political indifference of the West helped create circumstances in which lawmakers were able to target civil society and marginalised groups to advance their own political ideology. Therefore, we can

30 T. Carothers and S. Brechenmacher, “Closing Space: Democracy and Human Rights Support Under Fire”, The Carnegie Endowment for International Peace, 2014, p. 25.

31 Ibid.

32 The Diplomat, “UN Rapporteur slams Kazakhstan on rights”, 9 February 2015. Available at: <http://thediplomat.com/2015/02/un-rapporteur-slams-kazakhstan-on-rights/>

33 T. Carothers and S. Brechenmacher, “Closing Space: Democracy and Human Rights Support Under Fire”, The Carnegie Endowment for International Peace, 2014, p. 31.

34 European Leadership Network, “Should the EU recognise the Eurasian Economic Union as a negotiating partner?”, 5 March 2015. Available at: [http://www.europeanleadershipnetwork.org/should-the-eu-recognise-the-urasian-economic-union-as-a-negotiating-partner\\_2505.html](http://www.europeanleadershipnetwork.org/should-the-eu-recognise-the-urasian-economic-union-as-a-negotiating-partner_2505.html)

35 EU Institute for Security Studies, “Eurasian Union: the real, the imaginary and the likely”, Chailot Paper No. 132, September 2014, p. 24. Available at: [http://www.iss.europa.eu/uploads/media/CP\\_132.pdf](http://www.iss.europa.eu/uploads/media/CP_132.pdf)

36 Ibid, p. 22.

37 Eurasianet, “Kyrgyzstan hurrying toward Eurasian Union accession”, 1 December 2014. Available at: <http://www.eurasianet.org/node/71146>

38 The New York Times, “Putinspeak in Kyrgyzstan”, 5 October 2014. Available at: [http://www.nytimes.com/2014/10/06/opinion/masha-gessen-putinspeak-in-kyrgyzstan.html?\\_r=1](http://www.nytimes.com/2014/10/06/opinion/masha-gessen-putinspeak-in-kyrgyzstan.html?_r=1)

expect the crackdown on civil society to continue in current and prospective EEU Member States. **Tajikistan** is going to great lengths to delay joining the EEU, however with half of the country's GDP coming from remittances of Tajik migrants working predominantly in Russia, it is very unlikely that it will be able to refuse the expected membership in the union.<sup>10</sup>

The incentives offered by the EU Association Agreements and prospective membership in the EU however continue to exert a positive influence on civil society in **Ukraine, Moldova** and **Georgia**. It is therefore unlikely that restrictive measures will be introduced in the near future in these countries.<sup>11</sup> And while **Azerbaijan** and **Uzbekistan** remain politically isolationist and prefer to keep their distance from all integration projects – either with the EU or EEU, the human rights record there is so poor, that no additional help from outside forces is needed to make the existence of civil society even more unbearable.



39 Eurasianet, "Tajikistan: Migrant Remittances Now Exceed Half of GDP", 15 April 2014. Available at: <http://www.eurasianet.org/node/68272>

40 However, significant democracy pushback in Hungary over the past few years shows that membership in the EU and favourable conditions for civil society do not always move in a linear direction. USAID, The 2014 CSO Sustainability Index for Central and Eastern Europe and Eurasia, p. 10. Available at: [https://www.usaid.gov/sites/default/files/documents/1863/EuropeEurasia\\_FY2014\\_CSOSI\\_Report.pdf](https://www.usaid.gov/sites/default/files/documents/1863/EuropeEurasia_FY2014_CSOSI_Report.pdf)

## PART III

# NGO SUSTAINABILITY

The term “financial sustainability” denotes a fashionable concept in the NGO sector. An organisation is financially sustainable if its core work will not collapse, even if external donor funding is withdrawn. With ‘donor fatigue’ in developed nations, a shortage of domestic resources, the danger of government repression when NGOs accept foreign funds, as well as the lack of tradition of private support (both of private companies and of private individuals), the sustainability question emerges time and again.

### Donor crisis

In 2011, foreign donors disbursed more than \$109 million to advance human rights in Eastern Europe and Central Asia.<sup>41</sup> However, today this figure seems to be shrinking. Many NGOs in the EECA countries have witnessed a growth in international funding between 2008-2011, but since then donors’ commitment has declined significantly for human rights, including for children’s rights. All countries in EECA are now considered lower-middle income to high income economies according to World Bank country classifications, and therefore foreign donors are building exit strategies and gradually reducing their funding.<sup>42</sup>

Major donors for children’s rights in the Caucasus and Central Asia are the European Commission, U.S. Agency for International Development (USAID), The United Nations Children’s Fund (UNICEF), Open Society Foundations and others. NGOs in those countries who have ratified the Association agreement with the EU expect that funding from the European Commission will remain stable or increase. **Moldova** and **Georgia**, for example, have negotiated the inclusion of children’s rights in the Association agenda, therefore are expecting secured funding in this area.<sup>43</sup>

In **Kyrgyzstan**, funding from the European Commission for children’s rights NGOs remained at the same level as previously. However, the EU has announced its withdrawal from the sphere of social protection in the next three years. The latest strategy includes infusion of funding to the state budget of approximately 30 million euros focusing on key priorities of the EU’s funding for social protection.<sup>44</sup>

In the last few years international organisations working in EECA have been moving away from a development-focused approach to a cooperative approach, that is to partnerships char-

acterised by collaboration and exchange without any financial incentives. For example, in **Tajikistan**, since 2015 UNICEF has stopped funding local NGOs and started implementing its own projects, strictly focusing on juvenile justice.<sup>45</sup>

In **Kazakhstan**, representative offices of international donors would sometimes be criticised for giving financial preference to long-time grantees and not young and promising organisations.<sup>46</sup> However, recently even the biggest human rights donors in the country, USAID and the Open Society Foundations, have significantly reduced the budgets of their long-term funded NGOs.

The donor crisis is escalating as a result of many systemic reasons. It is obvious that donors are less interested in working in countries with restricted civil society space and a few major donors are even hesitating to fund a project if the NGO does not have a friendly relationship with government institutions.<sup>47</sup> In addition, in some countries such grantmaking would mean that donors are putting themselves and local partners at risk. For example, in 2012 the **Russian** government asked two major donors, USAID and UNICEF to halt their activities in the country; this gap remains to be filled by funding from national sources.

Furthermore, foreign donors are increasingly shifting their attention from middle income States in EECA to less advantaged countries in Sub-Saharan Africa, East Asia and the Pacific, as well as more “difficult” regions with ongoing armed conflict, natural disasters and growing poverty.

Finally, the global financial recession has taken its toll and many governments are rethinking how they allocate foreign aid in the age of austerity. The economic crisis has had dire consequences for vulnerable groups, in particular for children and young people in many European countries, resulting in affected populations calling authorities to spend money “on poor people at home rather than abroad”.

### Weak financial viability

Financial viability continues to be the most challenging aspect of sustainability for NGOs in nearly every country in the region. Diversification of funding persists as one of the biggest issues - it is common to receive 50 percent or more funding from one donor, which makes it difficult for small human rights and children’s rights NGOs to remain sustainable.<sup>48</sup> A significant portion of the sector remains dependent on foreign donors who

41 International Human Rights Funders Group, “Advancing human rights: update on global foundation grantmaking 2014”, p. 7. Available at: [http://foundationcenter.org/gainknowledge/research/pdf/humanrights2014\\_highlights.pdf?\\_ga=1.253078665.1868340641.1444990903](http://foundationcenter.org/gainknowledge/research/pdf/humanrights2014_highlights.pdf?_ga=1.253078665.1868340641.1444990903)

42 The World Bank, Country and lending groups: lower-middle-income economies, 1 July 2015. Available at: [http://data.worldbank.org/about/country-and-lending-groups#Lower\\_middle\\_income](http://data.worldbank.org/about/country-and-lending-groups#Lower_middle_income)

43 Information provided by Mariana Ianachevici, AVE Copiii, Moldova and Jaba Nachkebia, Children of Georgia, Georgia (hereinafter “Children of Georgia”).

44 Information provided by Nataliya Shipp, Association of NGOs to promote the rights and interests of children in the Kyrgyz Republic, Kyrgyzstan (hereinafter “Association of NGOs to promote the rights and interests of children in the Kyrgyz Republic”).

45 Information provided by Gulchekhra Rakhmanova, NGO Legal Initiatives, Tajikistan (hereinafter “Legal Initiatives”).

46 Open Dialogue Foundation, Harassment of civil society in Kazakhstan, 26 June 2015. Available at: <http://ru.odfoundation.eu/a/6636.otchet-pritesneniya-grazhdanskogo-obshchestva-v-kazahstane>

47 Institute for War & Peace Reporting, “Kazakh government falls silent on NGO law”, 22 December 2014.

48 Children of Georgia; Association of NGOs to promote the rights and interests of children in the Kyrgyz Republic; Legal Initiatives.



are reducing their budgets, thus independent NGOs are left in an especially vulnerable position.

Most of the children's rights NGOs in **Kyrgyzstan**, especially ones located outside the capital, are working on short-term projects focusing on specific issues, usually providing services. Only a small number of them have a strategic plan, permanent donors and are trying to diversify their income. Because funding is constantly reduced, there are not enough resources for organisational development with administrative expenses being minimal or not included at all.

Donors now tend to fund service providers, rather than advocacy work. According to Nataliya Shipp, director of the Kyrgyz Association of NGOs to Promote the Rights and Interests of Children, some donors support advocacy campaigns, however these are often just "one-off roundtables".

"Such attitude complicates advocacy work, because only regular meetings with decision-makers, media and other stakeholders proves to be effective; that is, an everyday, systematic work, which allows you to achieve results and change the system", says Nataliya.

In **Georgia**, big international NGOs and those who have successfully diversified funding by mixing grants and state contracts for service provision seem to be in a better position: while services are funded by the government, they can engage in bigger advocacy projects. At the same time, small national NGOs are struggling to find grants for advocacy and monitoring of children's rights.

Governments in EECA are increasing funding for the civil society groups contracted to provide social services and small funds programmes. The Georgian government gradually overtook the implementation of social services from international donors in 2012.<sup>9</sup>

Last year in **Kyrgyzstan** around 35 social services organisations received state grants of around \$10,000 each. The relevant legislative framework allows only restrictive access to state funding in Armenia and in other countries, like Tajikistan, the government has not yet committed to providing state support.<sup>10</sup>

However, the existing state funding does not meet the needs of NGOs. Usually governmental money goes to all categories of citizens living in difficult circumstances, and only a small part of it is disbursed specifically to children's organisations.

Even if States are funding social services, it is not the case with children's rights or advocacy.

Similarly, a trip to the UN Committee on the Rights of the Child for the submission of national reports is usually covered by international organisations. It is also true that in most countries the allocation of state funds is not transparent and state grants are distributed among government-organised NGOs or so-called GONGOs. For example, the government of **Azerbaijan** allocated \$7.6 million in state funds available to pro-government NGOs in 2015, at the same time intensifying a crackdown on rights activists and independent journalists.<sup>11</sup>

With authorities creating a civil society sector that they can control, independent NGOs know they are doomed to lose grants to GONGOs or to pro-government service providers, which have better relationships with the officials overseeing the process. Furthermore, NGOs hesitate to apply for state funding because of burdensome reporting processes and fear of excessive audits.

### Public image

NGOs throughout the region continue to struggle to promote a positive public image. Citizens often have a limited understanding of the role of civil society groups. Mainstream media is usually indifferent to civil society organisations, and NGOs themselves often have limited access to journalists as well as weak public relations skills.

More concerning are the efforts of the government and state-run or pro-government media to create a negative image of NGOs. The trend to launch campaigns accusing NGOs of being foreign agents or Western spies originated in **Russia** several years ago.<sup>12</sup>

It was quickly picked up by neighbouring States, for example in **Kazakhstan**, where local mass media began to accuse NGOs of being highly politicised, corrupt, and serving the interests of the US. In **Azerbaijan**, the government actively campaigns against international NGOs. Pro-government media outlets largely present such NGOs as pro-Armenian - a label used to signify an enemy of Azerbaijan, thereby depriving civil society groups of any public support.<sup>13</sup>

Parliamentarians and the government in **Kyrgyzstan** split into two camps: one assuring that NGOs should be valued and that they have the necessary expertise to advise lawmakers; the other, saying that NGOs undermine the legislative process and

49 Georgia: EU country roadmap for engagement with civil society 2014-2017, p 3. Available at: [http://eeas.europa.eu/delegations/georgia/documents/civil\\_society\\_library/eu\\_roadmap\\_georgia.pdf](http://eeas.europa.eu/delegations/georgia/documents/civil_society_library/eu_roadmap_georgia.pdf)

50 Legal Initiatives; T. Hafner and M. Ivanovska Hadjijevska, "Enabling environment for civil society development in the Black Sea region: Towards a regional strategy for cooperation", Romanian NGO Platform FOND, 2015, p. 38. Available at: [http://www.blackseango.org/wp-content/uploads/2015/11/Report-BlackSea-region-EE-for-CSDev\\_updated.pdf](http://www.blackseango.org/wp-content/uploads/2015/11/Report-BlackSea-region-EE-for-CSDev_updated.pdf)

51 Eurasianet, "Azerbaijan: Debating GONGO vs. NGO", 4 November 2014. Available at: <http://www.eurasianet.org/node/70761>

52 USAID, The 2014 CSO Sustainability Index for Central and Eastern Europe and Eurasia, p.4. Available at: [https://www.usaid.gov/sites/default/files/documents/1863/EuropeEurasia\\_FY2014\\_CSOSI\\_Report.pdf](https://www.usaid.gov/sites/default/files/documents/1863/EuropeEurasia_FY2014_CSOSI_Report.pdf)

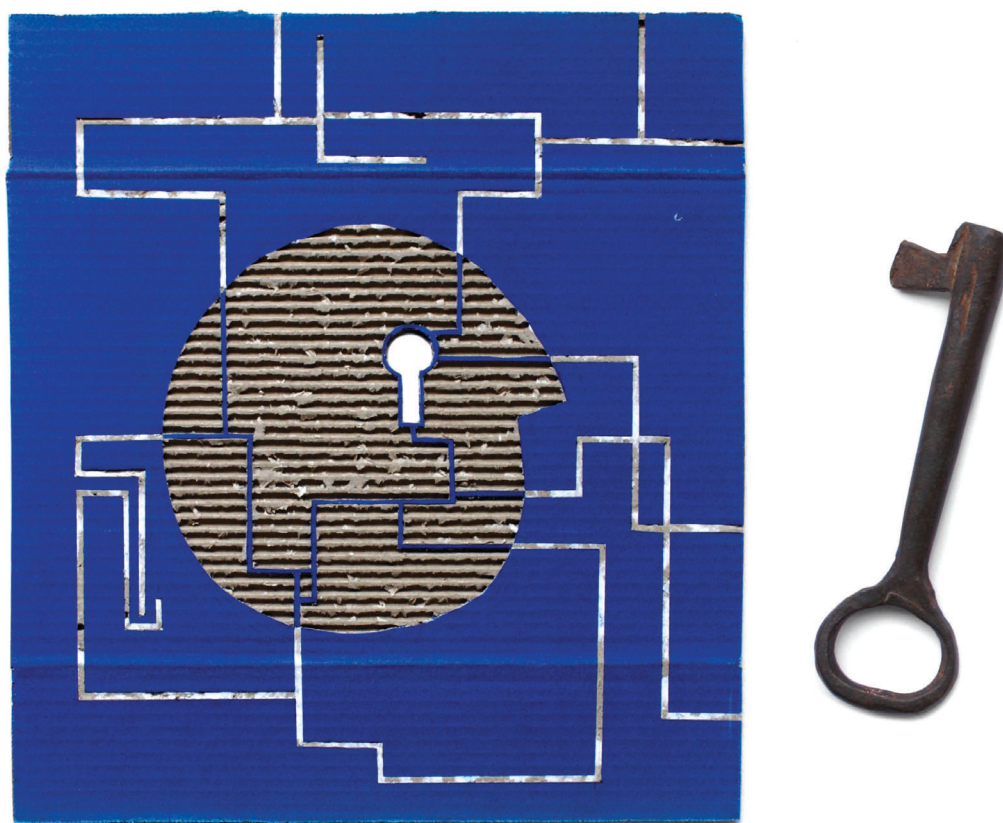
53 Ibid.



are a threat to national security.<sup>14</sup>

At the same time, in Ukraine, prompted by Euromaidan protests and the active engagement of journalists, mass media increased its coverage of NGOs, often inviting their representatives to provide expert commentary about developments in the country.<sup>15</sup>

Finally, solidarity among NGOs as a whole and even within sectoral or specialised NGO networks, including children's rights, is weak. Lack of accountability and responsibility to their target groups may undermine their reputation as important social actors, though often society is quite apathetic and does not demand transparency which can be attributed to a persisting Soviet mentality.<sup>16</sup>



54 Association of NGOs to promote the rights and interests of children in the Kyrgyz Republic.

55 USAID, The 2014 CSO Sustainability Index for Central and Eastern Europe and Eurasia, p.4.

56 International NGO Training and Research Centre, Responsibility, transparency and legitimacy of socially-oriented NGOs in Kyrgyzstan, January 2013, p. 8. Available at: <http://www.intrac.org/data/files/resources/760/Briefing-Paper-34-Responsibility-transparency-and-legitimacy-of-socially-oriented-NGOs-in-Kyrgyzstan.pdf>

PART IV

LOOKING AHEAD

Restrictive measures introduced by governments have long-term effects on civil society groups working on sensitive issues such as human rights advocacy for which domestic funding is inadequate and external funding often serves as a lifeline. By limiting these organisations' access to external support, controlling their actions and undermining their public image, the independent voice of civil society is increasingly silenced. As for NGOs in EECA countries, it is time for them to choose their future: continue their operations using government funds and face increased government control; or avoid government funding and depend instead on foreign donors who are gradually leaving their countries. However one thing is clear: the government's attitude toward NGOs will not be favourable in the coming years, therefore NGO leaders must adjust to the new reality.

### International law

There are various international legal instruments, both binding and nonbinding, that impose important obligations on States with respect to the civil society sector. In cases where such obligations are not fully observed, international standards can still be useful for advocacy and diplomacy purposes.

General guarantees for protecting civil society organisations can be found in article 20 of the Universal Declaration of Human Rights, article 22 of the International Covenant on Civil and Political Rights and article 11 of the European Convention on Human Rights. The principles enshrined in these documents defend the right of NGOs to operate free from unwarranted state intrusion or interference in their affairs. International law creates a presumption against any regulation or restriction that would amount to interference in recognised rights. NGOs are therefore protected in their ability to speak critically about government laws or policies, and to promote human rights and fundamental freedoms.<sup>1</sup>

The UN Declaration on Human Rights Defenders consolidates existing human rights norms that are enshrined in other legally binding human rights instruments and includes the right to access funding as a standalone principle. According to the Declaration, States are under an obligation to permit individuals and their organisations to seek funds from all appropriate sources, both nationally and internationally, and use them "for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means".<sup>2</sup>

In addition, the Council of Europe has declared its fundamental principles "On the Legal Status of Non-governmental Organisations in Europe". Although not legally binding,

these principles conclude that NGOs should be free to solicit and receive funding not only from public bodies in their own State, "but also from institutional or individual donors, another state or multilateral agencies".<sup>3</sup>

### New resources and tools

The internet and social networking tools have undoubtedly transformed the nature of the work carried out by human rights organisations who are increasingly turning to such tools as a new form of communication, collaboration and funding.

NGOs have long made attempts to diversify their funding sources at times when their government is squeezing the space for their operations and foreign donors are gradually leaving. Civil society groups across the world are now thinking of creative new ways to find resources using public support, and EECA countries are no exception. For NGOs, engaged in social, environmental, or cultural activities crowdfunding can represent an alternative platform to find financing and resources for their initiatives and projects. Crowdfunding sites are now developing in **Armenia, Belarus and Russia**. In the **Czech Republic**, peer-to-peer fundraising has emerged, in which support for a project or organisation is attracted through personal recommendations, including through online social networks, while in Armenia, for example, several diaspora organisations have initiated crowdfunding websites that benefit Armenian communities.<sup>4</sup>

When financial viability continues to be the most challenging aspect of sustainability for NGOs in nearly every country in EECA region, crowdfunding and other similar online financing methods are worth considering to further advance the efforts of civil society groups promoting human rights. However these should not be used as a convenient way to collect money from the public when the government is indifferent or inactive.

In response to civil society crackdowns NGOs are using online programmes designed to increase their capacity to protect themselves against government repression, persecution, and surveillance. A few non-profit organisations such as Tactical Tech, Electronic Frontier Foundation, Protection International and others are producing free downloadable software programmes in different languages designed for advocates and defenders' digital security needs, such as avoiding surveillance and bypassing online censorship. Some of these organisations also provide digital security training programmes on a regional basis. Donors, for example, the Open Society Foundations' Information Program,

57 World Movement for Democracy, International Principles Protecting Civil Society. Available at: <http://www.defendingcivilsociety.org/en/index.php/principles>

58 International Service for Human Rights, Human rights defenders briefing papers series: Right to access funding, May 2009, p. 5-6. Available at: <http://www.icnl.org/research/resources/foreign-fund/right-to-access-funding.pdf>

59 Council of Europe, Recommendation CM/Rec(2007)14 on the legal status of non-governmental organisations in Europe, 10 October 2007. Available at: <https://wcd.coe.int/ViewDoc.jsp?id=1194609>

60 USAID, The 2014 CSO Sustainability Index for Central and Eastern Europe and Eurasia, p. 5.

now also provide technical assistance and NGO trainings on the use of new media and communication technologies with the aim of improving nongovernmental actors' security and privacy.<sup>5</sup>

However, it should be noted that government interference and further restrictions go hand in hand with the development of new technologies, and while offering an ever-evolving set of tools to assist human rights activists, communication and technology-based initiatives can also generate new cycles of increased repression.

### **Rights, not charity**

In EECA and many other regions of the world, children's rights are too often viewed as an indivisible part of the social sphere. Child welfare programmes attract more donations from donors or governments as they are covering the immediate needs of children and usually focus on issues such as freedom from violence and exploitation and the right to family environment. In times of crackdowns on mainstream human rights organisations, governments support social services and tend to close their eyes to children's rights advocacy as they find it less politically challenging. On the one hand this can be used as an opportunity for children's rights NGOs to carry on with activities like delivering human rights trainings to police as a part of their work on juvenile justice - which in other fields would seem too sensitive. However in the long run the idea of children as people who are in need of protection undermines the concept enshrined in the CRC of children as independent human beings with their own rights.

In addition to the fact that foreign donors are building exit strategies amid crackdowns on national civil society organisations in EECA and elsewhere, it is worth noting that very few donors concentrate on promoting the full spectrum of children's rights - including civil and political rights - established by international law. In the context of the global economic crisis affecting international lenders, a rights-based approach in foreign assistance programmes is needed more than ever. This is especially true in light of the newly adopted Sustainable Development Goals (SDGs)<sup>6</sup> which will guide the international development agenda for the next 15 years and determine the areas that will receive donor money. Unfortunately, the high-sounding rhetoric about children's rights and human rights in general at the UN is not mirrored in the content of the SDGs, nor in the methods indicated for their implementation and monitoring. This may deter organisations from addressing human rights issues or children's rights advocacy in the next decade.

It is also important to recognise that independent national NGOs are struggling to find grants for children's rights advocacy and are often left in the shadow of big international NGOs and agencies who often do not treat local NGOs as equal partners and question their capacity. However, these are authentic critical civil society representatives who know what works best on a local and national level and who should be proportionally funded, although this demand requires a massive change in donor behaviour. Recognising children as inherent holders of rights - and embracing concepts of obligation, responsibility and accountability should be central to the work of all NGOs and a priority for donors.



61 T. Carothers and S. Brechenmacher, The Carnegie Endowment for International Peace, "Closing Space: Democracy and Human Rights Support Under Fire", 2014, p.46.

62 Sustainable Development Goals, Transforming Our World - the 2030 Agenda for Sustainable Development. Available at: <https://sustainabledevelopment.un.org/?menu=1300>

## PART V

# CONCLUSION AND RECOMMENDATIONS

## Conclusion

The wave of restrictive laws curtailing civil society activity across EECA States has affected the way NGOs operate by pushing rights advocacy to the background. For children's rights advocates these restrictive measures pose a huge threat in the sea of already existing challenges affecting their sustainability. Stronger national, regional and international standards protecting national human rights defenders and children's rights advocates are essential in order for them to continue their work.

The other important step is rethinking the ways we see civil society and its role. As the authors of "Closing Space", the report by the Carnegie Endowment for International Peace, indicate, the shrinking space challenge should not be approached with the assumption that the threat will naturally recede over time. All those involved should adapt. Donors need to be more aware of how their work is perceived by governments abroad and to reflect on the limits of their possible influence. Such a commitment would mean providing flexible funding that does not necessarily bring immediate results. There are also new opportunities for NGOs, especially in the form of emerging technologies, that can make their work more effective in difficult political environments.

## Recommendations

### *To national governments*

#### Freedom of association:

- Bring legislation affecting freedom of association in line with international principles and standards by amending or repealing any legal provisions and reviewing draft legislation which is not consistent with international standards;
- Ensure the functioning of unregistered organisations is legally guaranteed and remove any restrictions related to their activity. Procedures for NGO registration should be clear and non-discriminatory;
- Abstain from imposing burdensome and discriminatory requirements on NGOs, including those who receive foreign funding, and from interfering with their internal affairs and the implementation of their activities;

#### Freedom of peaceful assembly:

- Bring legislation on public assembly in line with international standards and principles by lifting restrictions on the permitted time and place of such events as well as by simplifying the procedure for notification of organising public assemblies;
- Ensure universal access to the internet and social media as a means to realise the right to freedom of peaceful assembly by abolishing any restrictions set

out in law. Any exceptions should be allowed only in accordance with international human rights law;

#### Human rights defenders:

- Ensure that human rights activists are not subject to arbitrary arrest and enforce the rule of law in relation to harassment and violence against them, taking account of special circumstances for children who are human rights defenders;
- Ensure that national security concerns are not misused to justify measures that disproportionately restrain the activities of human rights defenders; refrain from engaging in negative portrayals or defamation of human rights groups and activists;

#### State funding:

- Increase availability of support for projects and institutional development equally to NGOs who provide services and NGOs engaged in advocacy work;
- Report information on funded projects publicly and transparently;

#### Participation in decision-making processes:

- Adopt an exhaustive and mandatory legal framework for NGO involvement both in policy and decision-making processes;
- Facilitate the inclusive engagement of civil society actors in decision-making process and its implementation at all levels through NGO platforms, particularly those representing grassroots organisations, women's and children's rights organisations;

#### Other:

- Ensure that the National Human Rights Institution (Ombudsperson) operates independently and transparently, has a broad mandate, sufficient financial capacity and human resources to investigate and address complaints of violations of human rights, including children's rights;
- Issue open invitations to UN Special Rapporteurs and Special Procedures.

### *To national NGOs and civil society organisations*

- Create joint platforms for donors and civil society to provide feedback on joint matters and concerns of priority to NGOs;
- Address issues of accountability to key stakeholders depending on the specifics of an organisation, the scope of its activities, and its target group;
- Develop proactive approaches when engaging with the media to improve the public image of NGOs;
- Explore online software designed for advocates and defenders' digital security needs;
- Explore crowdfunding opportunities for organisational development.



***To the UN***

- Continue the efforts to strengthen standards for freedom of expression, peaceful assembly and association, especially regarding the application of this right to the issue of foreign funding for national civil society organisations;
- Strengthen the mandate of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association.

***To the UN Committee on the Rights of the Child***

- Request States to provide information regarding children and their right to freedom of expression, peaceful assembly and association, particularly in countries with ongoing crackdown on civil society;
- Make recommendations to States by stressing that children's civil and political rights have to be implemented in countries where restrictive measures on civil society were introduced or are pending.

***To Special Rapporteur on the right to freedom of peaceful assembly***

- Investigate and report on children's rights violations during country visits and recommend States to refrain from interfering in children's enjoyment of their rights and to set out measures to effectively guarantee children's freedom of association and peaceful assembly;
- Issue a thematic global report on children and their right to freedom of peaceful assembly in consultation with national governments, civil society and children.

***To regional human rights mechanisms***

- Strengthen guidelines, standards and model laws on freedom of association, peaceful assembly, human rights defenders, particularly in relation to children, as well as measures against restrictive NGO funding laws in their Member States and provide support to governments in the implementation of all relevant human rights instruments.

***To donors***

- Review established funding patterns and methods that may be exacerbating the effects of crackdowns on civil society and develop clear policies in response to shrinking civil society space in recipient countries;
- Consider flexible financing and other options to strengthen vulnerable organisations facing a disabling environment for their operations;
- Support technical assistance and trainings on the use of new media and communication technologies with

the aim of improving security and privacy of NGOs;

- Provide multi-year funding to NGOs by focusing less on project-based grants;
- Increase the number of grants targeting new, small and unregistered NGOs;
- Develop permanent and structured dialogue with grantees on funding priorities;
- Ensure that a rights-based approach is applied when developing assistance programmes, including a focus on children's rights.

***To the EU***

- Include human rights in assistance programmes between donor countries and recipient countries, with legal restrictions against civil society as de facto international trade barriers;
- Increase financial assistance through the European Instrument for Democracy and Human Rights to organisations supporting the work of human rights activists;
- Continue highlighting individual cases of human rights defenders in public statements and in multi-lateral forums and urge its counterparts to ensure that human rights defenders are properly protected;
- Cooperate closely with the UN Special Rapporteur on the right to freedom of peaceful assembly and support measures to prevent restrictive NGO funding laws elaborated by the human rights mechanisms of other regional organisations, including the the Council of Europe, the Organisation for Security and Cooperation in Europe and others.

## **Annex I: Useful tools for NGOs**

- 1.** Guidelines for submitting complaints to the Special Rapporteur on the rights to freedom of peaceful assembly and of association  
<http://www.ohchr.org/EN/Issues/AssemblyAssociation/Pages/Complaints.aspx>
- 2.** CRIN's guide to campaigning safely online  
<https://www.crin.org/en/library/publications/campaigning-safely-online>
- 3.** Protection International: Online trainings for human rights defenders  
<https://www.e-learning.protectioninternational.org/>
- 4.** IFEX organisational strength map: How effective is your organisation at funding its activities?  
[https://www.ifex.org/organisational\\_toolkit/organisational\\_strength\\_finding\\_money/](https://www.ifex.org/organisational_toolkit/organisational_strength_finding_money/)
- 5.** Front Line Defenders: Resources for human rights defenders - Improve your personal security  
<https://www.frontlinedefenders.org/resources>
- 6.** ISHR: Creating and maintaining civil society space - what works?  
<http://www.ishr.ch/news/creating-and-maintaining-civil-society-space-what-works>
- 7.** Tactical Security Collective: Security in-a-box  
<https://tacticaltech.org/projects/security-box>
- 8.** Electronic Frontier Foundation: Bloggers' rights  
<https://www EFF.org/bloggers>





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