



# Child Rights Governance

**Safeguarding civil society space for children**



**Save the Children**

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# Abbreviations

ASEAN	Association of Southeast Asian Nations
CIVICUS	World Alliance for Citizen Participation
CRC	UN Committee on the Rights of the Child
CRG	Child Rights Governance
CSO	Civil society organisation
DRR	Disaster Risk Reduction
EC	European Commission
EU	European Union
INGO	International non-governmental organisation
NGO	Non-governmental organisation
OGP	Open Government Partnership
UDHR	Universal Declaration of Human Rights
UNCRC	UN Convention on the Rights of the Child
UPR	Universal Periodic Review

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# INTRODUCTION

Save the Children has a strong track record in fighting for children's rights to become children's realities. We believe that an empowered civil society is a key indicator of the sort of open, inclusive and accountable governance, which is necessary for the realisation of children's rights. One of Save the Children's main roles is to support and strengthen local civil society actors in their quest to hold governments accountable for children's rights and to contribute towards a child rights-based society. This guide is written in response to the increasing number of restrictions being imposed on civil society - particularly for those working on issues of rights and governance. Save the Children is committed to safeguarding the space that exists for civil society actors and to dedicating resources towards the further expansion of civil society space. We are also committed to ensuring that there is an enabling environment for children *as actors* in civil society and this dual perspective is integrated throughout the guide.

## Who is this guide for?

This guide is aimed primarily at Save the Children staff working across the spectrum of development and humanitarian contexts. We hope it will also be useful to our child rights-focused civil society partner organisations as well as all civil society actors who are concerned with safeguarding their existing operating space and with expanding this space to better support the engagement of children and young people as active citizens with civil rights and freedoms. It will be particularly useful for those:

- experiencing shrinking space for civil society who want to do something about it;
- who believe there is a need to be proactive and knowledgeable about the issue if, or preferably before, it becomes a reality in their contexts;
- who believe (even when they themselves are not affected) that they have a moral obligation to support and extend solidarity to other civil societies in other countries – especially to those active in the most restrictive environments; and
- those who want to develop an enabling environment for children as actors in civil society.

## How to use this guide

This guide aims to raise awareness of the scale, nature, and consequences of restrictions on civil society space. It also seeks to inspire action by sharing some good practices from countries that have experienced restrictions and sought to work within them to bring about change. It is not a blueprint for action since every context is different and what works in one context may well be counterproductive in another - only a country-specific analysis can inform the optimal way forward. To approach and programme wisely towards the expansion of civil society space requires time, capacity and funding. It is, however, crucial to acknowledge that the *space for civil society action is a fundamental precondition to achieving Save the Children's mandate*. It affects, directly or indirectly, everything else that we do within our organisation and in partnership with others.

The guide is divided into two sections: Part 1 sets out trends in the types of restrictions currently being imposed and the justifications commonly used for imposing them. Part 2 gives practical guidance on how to programme to protect civil society space and how to operate CRG programming in restricted spaces - this

includes policy and advocacy work as well as direct implementation and capacity building. Both parts include examples of countries where Save the Children and/or partners have taken action to safeguard civil society space. This guide is closely related to three other tools developed by the Child Rights Governance Initiative: the *Child Rights Governance Analysis Tool*, *Child Rights Governance Programme Guidance* and *Pushing the Boundaries: A guide to increasing the realisation of children's civil rights and freedoms.*<sup>1</sup>

## PART I: Civil society, what it is and why it matters

*“A well-functioning civil society and politically involved citizenry  
are the backbone of longer term sustainable development.”*

- Dambisa Moyo (2009)<sup>2</sup>

Civil society in many parts of the world experienced a golden era during the 1990s following the end of the Cold War. However, during the 2000s this space began to be restricted. This was in part because of the aftermath of the attack on the twin towers in the USA in 2001 and a trend toward increasing legal and policy restrictions as a response and a means to overcome threats (actual and perceived) towards national security. By 2010, 90 countries had either passed “NGO laws” controlling civil society or were considering the introduction of such laws<sup>3</sup> with a further 20 new countries considering the introduction of restrictions by 2013.<sup>4</sup>

### What is civil society?

These guidelines use the CIVICUS (World Alliance for Citizen Participation) definition of civil society: “*The arena – outside of the family, the state, and the market – which is created by individuals, collective actions, organisations and institutions to advance shared interest*”. *Civil society therefore encompasses civil society organisations (CSOs), social movements, and the actions of less formalised groups and individuals.*”<sup>5</sup>

Civil society needs to be understood not as a sector or a particular organisational type, but as a dynamic and changing arena that combines diverse people, structures, organisational forms, interests and relationships. Civil society goes beyond formally organised structures; it encompasses multiple methods of

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<sup>1</sup> All three documents are available at: <http://resourcecentre.savethechildren.se/child-rights-governance/recommended-resources>

<sup>2</sup> *Dead Aid: Why aid is not working and why there is a better way for Africa*, Moyo, D. (2009)

<sup>3</sup> *Civil Society: The Clampdown is Real Global Trends 2009-2010*, CIVICUS (2010) p4

<sup>4</sup> *Safeguarding Civil Society* InterAction Policy brief, January 2013, available at: [http://www.interaction.org/files/FABB%202013\\_Sec5\\_CivilSociety.pdf](http://www.interaction.org/files/FABB%202013_Sec5_CivilSociety.pdf)

<sup>5</sup> CIVICUS *State of Civil Society Report* (2011)

informal participation, for example, self-help groups, faith-based groupings and individual activism. Children's groups, clubs and associations are all part of civil society.

'Organised civil society' is a term used to refer to independent, non-state and non-private sector associations and organisations that have some form of structure and formal rules of operating, together with the networks, infrastructure and resources they utilise. The term civil society organisation is used to encompass the whole range of such organisations whether they be non-governmental organisations (NGOs), faith-based, community-based, child-led, grassroots and others. A "shrinking space" for civil society can be understood as reduced opportunities for CSOs to undertake a wide range of public actions.

## Why does civil society matter for children?

Civil society can hold states to account for realising children's rights and can advocate for positive change for children in policies, laws, programmes and budgets. It can also promote, raise awareness of and build capacity on children's rights. In many countries, civil society helps to deliver basic services for children and it can also be a watchdog to ensure equal access to services and adequate standards of quality across the continuum of development and humanitarian contexts.

Civil society can support the participation of girls and boys in governance as active citizens and agents for positive change in their societies. Children's opportunities to improve their own lives and to drive their own agendas are connected with the strength and diversity of civil society which at its best provides multiple opportunities for self-expression, dialogue and exchange for children and adults alike. It is vital to have diverse spaces and places where people, including children, can come together to argue constructively, find possible points of consensus and work collectively. This pluralist vision is only possible when there is a wide range of civil society organisations, movements and individuals that are able to act freely. Children have the right to be heard, they want to be heard and we need them to speak out to better understand and respond to their situation.

Children's associations - meaning organisations run by and for children - are particularly important in empowering girls and boys as active actors and citizens. Through these associations, children have increased opportunities to meet, to share their experiences and to take joint action on issues affecting them. They also have greater power to defend and negotiate their rights through their collective strength, which is especially relevant for the most deprived children. In reality, children often encounter obstacles when forming their own organisations - it is often necessary to be an adult in order to register an organisation as a legal entity and children's associations thereby risk co-option by adult-led organisations.<sup>6</sup> Involving children in governance and decision-making at all levels supports children's civic engagement and understanding of democratic processes. It can also help governments to improve development outcomes, design more accurate and relevant interventions for children and allocate resources more effectively. To enable children to participate in governance, governments should institutionalise child-friendly, age-appropriate and safe processes and mechanisms where children can articulate their views and influence decision-making and accountability. It is also important to ensure that adults, including actors in civil society

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<sup>6</sup> Report of the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association (2014), A/HRC/26/29

and decision-makers, are sensitised about children's rights, including their right to exercise their civil rights and freedoms and participate in governance. Birth registration is the official record of a person's existence and a precondition for exercising one's civil rights and freedoms. It is therefore essential for the realisation of children's rights. Despite this, 230 million children still lack birth registration.

Civil society has an important role to play in humanitarian settings<sup>7</sup> and emergency response, recovery, reconstruction and peace-building, and also in disaster preparedness.<sup>8</sup> This role is emphasised in the global Hyogo Framework for Action<sup>9</sup> and includes identifying and helping to reach and involve the most marginalised children and families, and helping them to overcome discrimination and vulnerability.<sup>10</sup>

**Civil society roles include:**

- ✓ Watchdog: holding institutions to account, promoting transparency and accountability
- ✓ Advocate: influencing positive changes in policies, laws, structures and actions
- ✓ Service provider: delivering services to meet societal needs such as education, health, food and security; implementing disaster management, preparedness and emergency response
- ✓ Expert: bringing unique knowledge and experience to shape policy and strategy, and identifying and building solutions
- ✓ Capacity builder: providing education, training and other capacity building
- ✓ Representation: giving power to the voice of the deprived or under-represented
- ✓ Citizenship champion: encouraging citizen engagement and supporting the rights of citizens
- ✓ Standard setter: creating norms that shape market and state activity

- World Economic Forum (2013) *Future Role of Civil Society Report 2013*

The importance of civil society for furthering children's rights has been stressed by the UN Committee on the Rights of the Child:

- CRC General Comment No. 5: *"The State needs to work closely with NGOs in the widest sense, while respecting their autonomy...NGOs played a crucial part in the drafting of the Convention and their involvement in the process of implementation is vital."*<sup>11</sup>
- CRC General Comment No. 16: *"..States should ensure conditions for active and vigilant civil society, including effective collaboration with and support to independent civil society organisations, child and youth-*

<sup>7</sup> See Save the Children Sweden (2009) *Catalysts for Change: A thematic review of Save the Children Sweden's collaboration with civil society in emergencies* by Frances Sheahan

<sup>8</sup> See Oxfam (July 2013) *Oxfam Policy Compendium Note: Civil Society in Fragile and Conflict Affected States*

<sup>9</sup> See Hyogo Framework for Action 2005-2015: *Building the Resilience of Nations and Communities to Disaster*.

<sup>10</sup> Save the Children Sweden (2009) *By Frances Sheahan*.

<sup>11</sup> UN Committee on the Rights of the Child (CRC), General comment no. 5 (2003): *General measures of implementation of the Convention on the Rights of the Child*, 27 November 2003, CRC/GC/2003/5 para 58

*led organisations....States should refrain from interfering with these and other independent organisations and facilitate their involvement in public policy and programmes relating to children's rights and business."*<sup>12</sup>

The UN Human Rights Council has also adopted several resolutions of particular importance for civil society. In 2014, it adopted a resolution on civil society space, building on previous resolutions on freedom of opinion and expression, and the right to freedom of peaceful assembly and association as well as a resolution on protecting human rights defenders. This acknowledged the “*crucial importance of the active involvement of civil society, at all levels, in processes of governance and in promoting good governance, including through transparency and accountability, at all levels, which is indispensable for building peaceful, prosperous and democratic societies.*”<sup>13</sup>

### **The 2013 UN Human Rights Council resolution A/HRC/24/L.24: (edited highlights)**

*Reminds States of their obligation to respect and fully protect the rights of all individuals to, inter alia, freedom of expression and opinion, and to assemble peacefully and associate freely, online as well as offline, including for persons espousing minority or dissenting views or beliefs...*

*Urges States to create and maintain, in law and in practice, a safe and enabling environment in which civil society can operate free from hindrance and insecurity;*

*Also urges States to acknowledge publicly the important and legitimate role of civil society in the promotion of human rights, democracy and the rule of law, and to engage with civil society to enable it to participate in the public debate on decisions that would contribute to the promotion and protection of human rights and the rule of law and of any other relevant decisions.*

In 2011, over 160 states came together at the Fourth High Level Forum on Aid and Development Effectiveness, in Busan, South Korea<sup>14</sup> and agreed the Busan Partnership Agreement. This agreement recognised that CSOs “*play a vital role in enabling people to claim their rights, in promoting rights-based approaches, in shaping development policies and partnerships, and in overseeing their implementation. They also provide services in areas that are complementary to those provided by states.*”<sup>15</sup> These 160 states committed to guarantee an “enabling environment” for civil society organisations in order to maximise their contributions to development. Although specific to the context of aid delivery, the Busan Agreement affirms a consensus that a free and vibrant civil society is a fundamental building block of open, inclusive and accountable governance.

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<sup>12</sup> UN Committee on the Rights of the Child (CRC), General comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, 17 April 2013, CRC/C/GC/16 para 84

<sup>13</sup> UN Human Rights Council, Civil Society Space, A/HRC/27/L.24, 2014

<sup>14</sup> See OECD information on Countries, Territories and Organisations Adhering to the Busan Partnership for Effective Development Co-operation, available at: <http://www.oecd.org/dac/effectiveness/busanadherents.htm>

<sup>15</sup> Article 22, *Busan Partnership for Effective Development Co-Operation*, available at: <http://www.oecd.org/dac/effectiveness/49650173.pdf>

## An enabling environment for civil society

In order to work with and for children, civil society must have freedom to operate within an enabling environment. The term 'enabling environment' refers to the institutional, legal, political and administrative conditions that underpin the existence and effectiveness of civil society. There is a core of rights that act as the bedrock of an enabling environment for civil society. These include the rights to access information and to freedom of peaceful assembly, association, opinion and expression, - online and offline - which are contained in a vast body of international law and inter-governmental commitments.<sup>16</sup> These rights are constitutionally guaranteed in many countries and serve as a vehicle for the exercise of many other civil, cultural, economic, political and social rights.

Under the UN Convention on the Rights of the Child (UNCRC), children, who constitute more than 30% of the world's population, also have rights to information, freedom of opinion, expression, peaceful assembly and association. Children's capacity to influence on their own terms is largely dependent on the extent to which these civil rights and freedoms are met.

An enabling environment for civil society goes beyond the simple absence of restrictions and encompasses a set of conditions that actively help civil society to function, thrive and contribute to the improved realisation of children's rights. This is a recognition of the fact that there must be physical and digital spaces and places where people can come together and this is essential in creating opportunities for coordination and channels through which individuals and groups – particularly those who are excluded and discriminated against – can make their voices heard and influence the development of society, including reconstruction or peace processes following a humanitarian crisis. An enabling environment for civil society should not only exist at the national level, but should also be in place in relation to the work of international and regional multilateral institutions to ensure that civil society can take active part and influence the work of these institutions without fear of reprisals.<sup>17</sup>

### The core of rights 'governing' an enabling environment for civil society

The right to **freedom of expression** is central to civil society's existence and functioning. International law mandates that the freedom of expression can only be restricted in certain limited circumstances where it is necessary to protect the rights and reputations of others and to safeguard national security, public order, public health and morals. It is articulated in Article 19 of the 1948 Universal Declaration of Human Rights (UDHR) and in Article 13 of the UNCRC.

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<sup>16</sup> For example, the International Covenant on Civil and Political Rights provides for the rights to freedom of opinion and expression, peaceful assembly and association, and participation in public life (articles 19, 21, 22, 25); the International Covenant on Economic, Social and Cultural Rights provides for the right to form or take part in a trade union and to participate in cultural life (articles 8, 15); the International Convention on the Elimination of Racial Discrimination prohibits discrimination in relation to the expression, assembly and association, and in conduct of public affairs (article 5); the Convention on the Rights of the Child provides for freedom of expression, association and peaceful assembly and the right to information (articles 13, 15, 17).

<sup>17</sup> The Special Rapporteur on the rights to freedom of peaceful assembly and of association prepared a report on multilateral institutions and civil society in 2014 (Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/69/365)

### **Article 13 – Convention on the Rights of the Child**

*1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.*

*2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:*

*(a) For respect of the rights or reputations of others; or*

*(b) For the protection of national security or of public order (ordre public), or of public health or morals.*

In the UDHR, Article 19 also includes the right to seek, receive and impart information and ideas through any media and regardless of frontiers. Article 17 of the UNCRC also elaborates on children's **right to access information**. It is particularly important to ensure that children have access to timely, age appropriate and child-friendly information, as without this they cannot express informed opinions, meaningfully participate in change and claim their rights.

The right to **freedom of association** (Article 20, UDHR; Article 15, UNCRC) includes the right to establish a civil society organisation and to freely join one. Individuals should be allowed to operate CSOs and participate in their activities without fear or unwarranted interference. Freedom of association also encompasses the right to establish branches, recruit staff, raise funds freely, have fair taxation levels and to affiliate and cooperate with other organisations locally, nationally or internationally. International law protects the freedom of association and obligates states not to interfere with this right except through law and where it is necessary in a democratic society in the interest of national security or public safety, public order, the protection of public health or morals, or the protection of the rights and freedoms of others. Like freedom of expression, the margin for restricting this is very limited.

### **Article 15 – UN Convention on the Rights of the Child**

*1. States Parties recognise the rights of the child to freedom of association and to freedom of peaceful assembly.*

*2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.*

The right to **freedom of assembly** assures civil society the freedom to exercise legitimate dissent through peaceful forms of protest as well as organize meetings and hold demonstrations to take forward matters of common interest. International law places the same limitations in the restriction of this right as in the case of freedom of association. Moreover, international standards limit the use of force by the authorities in controlling public assemblies.

The **right to an identity** – which includes name, date of birth, gender and nationality –, is a fundamental human right which underpins all other rights. It is often impossible to access rights as a citizen, including the right to vote, join organisations or access services, without proof of identity. Children who are unable to prove their age may be especially vulnerable to exploitation and abuse and be denied other rights contained in the UNCRC, such as access to healthcare and education.

### **Article 8 – UN Convention on the Rights of the Child**

- 1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.*
- 2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.*

## Current trends

The conditions in which civil society currently operates – the ‘enabling environment’ – are shaky at best and at worst deteriorating in many parts of the world. The CIVICUS State of Civil Society 2013 report talks of “a global context that poses considerable challenges for civil society, as well as offering some opportunities”.<sup>18</sup> The UN Special Rapporteur on the rights to freedom of peaceful assembly, and of association has spoken about how: "Repressive legislation, often shared between states, is becoming a threat to civil society as Member States make laws criminalizing or restricting this work...Restrictions on funding have become a major existential threat to associations across the world."<sup>19</sup>

## Positive trends – some examples

It is important to examine positive examples of flourishing space for civil society so that we can learn from and build on these experiences.

### *The policy and legal sphere*

The International Centre for Not-for-profit Law (ICNL) has reported some positive enabling legislative acts in recent years, including laws to simplify CSO registration and improve access to resources in Afghanistan. As we will see below, attacks on civil society actors are all too often carried out with impunity. A welcome development with potential in Mexico is the establishment of independent investigation units when writers and journalists have been killed – although this initiative still needs adequate protocols and regulations to ensure proper implementation.

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<sup>18</sup> CIVICUS, State of Civil Society 2013: Creating an enabling environment, The synthesis report, p 11

<sup>19</sup> Maina Kiai, United Nations Special Rapporteur on the rights to freedom of peaceful assembly, and of association speaking at a High Level Event on Supporting Civil Society (2013), text of speech available here: <http://freeassembly.net/wp-content/uploads/2013/10/SR-UNGA-SPEECH-Sept-23-2013.pdf>

The Open Government Partnership (OGP) was launched in 2011. Its vision is that governments across the globe become sustainably more transparent, accountable, and responsive to their own citizens. The ultimate goal is for governments and civil society to work together to improve the quality of governance and the quality of services that people receive. OGP supports both government and civil society by pushing open governance to the highest levels of political discourse, providing 'cover' for difficult reforms, and creating a supportive community of like-minded reformers from countries around the world. Since 2011, the OGP has grown from 8 to 65 participating countries.

*Regional institutions, the international community and donors*

Following a structured dialogue process between the European Commission (EC), and civil society representatives in 2012, the EC issued a Communication on relations with CSOs.<sup>20</sup> The communication has three main calls: "to enhance efforts to promote a conducive environment for CSOs in partner countries; to promote a meaningful and structured participation of CSOs in domestic policies of partner countries, in the EU programming cycle and in international processes; and to increase local CSOs' capacity to perform their roles as independent development actors more effectively." For the first time, this codifies opportunities for CSOs to engage at different levels:

- with the EU institutions, to make sure that EU actions follow its rhetoric and it becomes an active agent for the development of new progressive civil society norms;
- with governments in EU member countries to hold them to these standards; and
- with the governments of countries in which the EU and its agencies are involved to seek to improve the conditions for civil society as part of EU interventions.

It sets standards that can be used to monitor whether improvements of conditions for civil society results from EU activities. It also suggests potential for civil society collaboration between internationally-oriented CSOs in EU member countries and CSOs in developing countries in which the EU is active. In 2015, CONCORD reviewed the EU's engagement with civil society and found that it was increasing, the use of roadmaps had been useful but that more permanent dialogue mechanisms are needed and a broader range of CSOs should be involved.<sup>21</sup>

In the midst of criticism towards multilateral institutions and processes involving civil society (more below) an example of good practice emanates from the Committee on World Food Security<sup>22</sup> – an official UN body which has granted a high status to civil society, showcasing a credible civil society voice and conscious reaching out to leaders of social movements, beyond established CSOs.

Civil society actors have increasingly acknowledged that they themselves can take steps to make an enabling environment more likely. In terms of such self-regulation, many CSOs have already taken concrete steps to model good practice and demonstrate that they are transparent, honest and – not least – open to admitting their own failures and being self-critical than other spheres of society. One World Trust has set up a

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<sup>20</sup>The roots of democracy and sustainable development: Europe's engagement with civil society in external relations. Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0492:FIN:EN:PDF>

<sup>21</sup> Mutual engagement between EU Delegations and civil society organisations, CONCORD (2015)

<sup>22</sup> Information about the Committee on World Food Security can be found here: <http://www.fao.org/cfs/cfs-home/en/>

database of national civil society self-regulation initiatives.<sup>23</sup> The INGO Accountability Charter<sup>24</sup> provides the only global, fully comprehensive and cross-sectoral accountability framework for NGOs. It is owned by its members, who submit annual accountability reports in order to increase self-regulation and transparency among international NGOs.

Donor action has on occasion prevented the imposition of restrictions. In Malawi, bilateral donors have been coordinated and active in raising concerns about governance and human rights issues with the government. The donor community issued a joint statement about “certain negative trends in the country” which was widely published. The UK Department for International Development also cited the oppression of civil society as a factor in its suspension of direct budget support to Malawi.<sup>25</sup> This can be contrasted with relative donor inaction in Ethiopia during the drafting of the Charities and Societies Proclamation of 2009.

Furthermore, in 2011, 14 governments – including Australia, Benin, Canada, Chile, the Czech Republic, Denmark, Estonia, Lithuania, the Netherlands, Norway, Poland, Sweden, the United Kingdom and the United States – pledged financial support for the Lifeline: Embattled NGO Assistance Fund. The aim was to provide emergency financial assistance to CSOs under threat or attack and advocacy support responding to broader threats to civil society.<sup>26</sup>

## **Negative trends restricting civil society space**

There is no doubt, however, that the trend globally is for restricting civil society space. This is not a new phenomenon but what is new is the scale of restrictions across regions and in times of relative ‘peace and stability’.

### *The policy and legal sphere*

Many recent restrictions are barriers imposed against the right to peaceful assembly which, according to CIVICUS, is a trend that has emerged as a reaction to the popular uprisings seen over the last few years. The CIVICUS 2011 State of Civil Society Report highlights the fact that people in 88 countries (home to half the world’s population) took part in mass citizen action during 2011.

Increased bureaucracy has also been a major concern during recent years and continues to make operations more difficult, in some cases impossible, for CSOs. Many countries are developing mandatory registration requirements for CSOs. Some feel this constitutes a clear violation of the freedom of association. The sole reason for an organisation to seek registration is in order to obtain a legal personality, with all the rights and opportunities that such status provides. If a group wishes simply to associate for its own purposes, freedom of association should permit such a group to form, without constraint, if the group

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<sup>23</sup> See the following website for more information: <http://www.oneworldtrust.org/csoproject/cso/resources>

<sup>24</sup> The text of the Charter is available at: <http://www.ingoaccountabilitycharter.org/>

<sup>25</sup>Trócaire, *Democracy in Action Policy Report 2012* p18

<sup>26</sup> For more information see: [http://www.freedomhouse.org/program/lifeline#.UysWQfl\\_vuQ](http://www.freedomhouse.org/program/lifeline#.UysWQfl_vuQ)

does not desire tax benefits, licences and/or limited liability. The mandatory registration requirement appears to be intended to enable state control over civil society, rather than facilitating its functioning.

In many countries, legal registration of a civil society organisation requires that at least some members are adults. Thus, children continue to face legal restrictions in registering their children's organisations if all members are under the age of 18. This directly violates children's civil rights and freedoms, as set out in the UNCRC, to form and be part of associations and to express themselves. Legal registration is often a pre-requisite to receiving funding from donors and to enter into more formal partnerships with other agencies.

### **Lobbying for legal registration of working children's unions, Bolivia**

In Bolivia, an estimated 850,000 working children are members of the country's largest union of child workers UNATSBO. UNATSBO is lobbying for legal recognition of its union and child-led social movements.

In many countries around the world, government leaders are speaking out against the engagement of CSOs in political activities and thereby seeking to justify legal restrictions imposed on the CSO sector. In recent years we have witnessed restrictive laws and regulations proposed or enacted in several countries relating to 'political activities', including Azerbaijan, Belarus, Ecuador, Ethiopia, Kazakhstan, Uzbekistan, and Venezuela. The term 'political activity' is subject to multiple interpretations and meanings. In the broadest sense, most CSO activities have implications for public policy. Depending on the context, 'political activity' could be defined narrowly or broadly to include supporting or opposing candidates for public office, supporting particular political parties, lobbying for or against specific laws, engaging in public advocacy, pursuing interest-oriented litigation, or engaging in policy debate on virtually any issue. Increasingly advocacy is seen as synonymous with opposition and therefore almost all civil society work related to rights, democracy or governance is prohibited by the new laws. It is common for CSO legislation to prohibit work on rights or governance, a recent example being the draft law in South Sudan and the law in Ethiopia.

### **Examples of countries with restrictions prescribed in legislation<sup>27</sup>**

#### **• Restrictions to establishing CSOs**

Limited right to associate (North Korea)

Prohibitions against unregistered groups (Uzbekistan, Cuba, Zambia)

Restrictions on founders of CSOs (Thailand, Malaysia, Turkmenistan, Qatar)

Burdensome registration/incorporation (Panama, Vietnam, Eritrea)

Vague grounds for denial (Bahrain, Russia, Malaysia)

Re-registration requirements (Uzbekistan, Zambia)

Barriers for international organisations (Azerbaijan, Turkmenistan, Uganda)

<sup>27</sup> International Center for Not-for-Profit Law and World Movement for Democracy Secretariat (2012) *Defending Civil Society* report, 2<sup>nd</sup> edition

- **Restrictions to operational activity** Direct prohibition against spheres of activity (Equatorial Guinea, Afghanistan, Tanzania, Egypt, Russia)  
Mandatory compliance with national development plans (Sierra Leone, Somaliland)  
Invasive supervisory oversight (Syria, Russia, Uganda)  
Government harassment (Azerbaijan, Panama, Belarus, Cuba)  
Criminal sanctions against individuals involved in civil society work (Tanzania, Yemen, Iran, Zimbabwe)  
Failure to protect organisations and individuals from violence (Democratic Republic of Congo, Colombia, Philippines)  
Closing down of organisations (Argentina, Myanmar (Burma))  
Establishment of Government-Operated-Non-Governmental-Organisations (GONGOs) (Venezuela)
- **Restrictions to speech and advocacy**  
Restraints and censorship (Oman, Algeria)  
Defamation laws (Cambodia, Thailand)  
Broad, vague restrictions against advocacy (Russia, Ethiopia)  
Criminalisation of dissent (Belarus, Malaysia, Vietnam)
- **Restrictions to contact and communication**  
Barriers to the creation of networks (Tanzania, Bosnia and Herzegovina)  
Barriers to international contact (United Arab Emirates, Algeria, Egypt, Uzbekistan, Kenya)  
Barriers to information and communication technology (Zimbabwe, Vietnam, Angola)  
Criminal sanctions against individuals (Angola, Russia)
- **Restrictions to assembly**  
Bans on public gatherings (Saudi Arabia, Myanmar (Burma), Thailand)  
Advance notification requirement (Russia, Cameroon (Sweden))  
Sector-specific restrictions (Ecuador, Singapore, Malaysia)  
Restrictions of categories of persons (Malaysia, Cambodia, Russia)
- **Restrictions to resources**  
Prohibitions against funding (Eritrea, Venezuela, Ecuador, India)  
Advance government approval (Egypt, Jordan, Belarus, Uzbekistan)  
Burdensome procedural requirements (China, Azerbaijan, Indonesia, India)  
Routing funding through the government (Eritrea, Uzbekistan, Sierra Leone)  
Restricted purposes and activities (Ethiopia, Zimbabwe, Indonesia, Bolivia)

#### *Power-sharing and relations between key actors*

An enabling environment for civil society does not come about simply through legislation but also through good relations with government and preferably also with other key stakeholders in society such as business and media. Where relations between state and civil society deteriorate, this can manifest itself in attacks ranging from political rhetoric against CSOs and civil society activists to (in their most extreme forms) assassinations of human rights defenders. Starting at the milder end of this spectrum, it is interesting to

see that language itself is being redefined. The words human rights, activist and advocacy are increasingly pejorative in many parts of the world, not least in so called well-established democracies.

Physical attacks on human rights defenders were reported from 28 countries in 2012 and cases of judicial harassment from 40 countries. Attacks come from a number of sources and non state actors, such as corporations and organised crime, can also be sources of threats and attacks on civil society. Militant groups largely beyond state control offer a particular threat, for example in Afghanistan and Pakistan. In some countries, such as India, there may be confusion for both government and the public between groups belonging to violent militants and civil society. This can lead to restrictions on CSOs. Another worrying aspect is that physical attacks and killings are often followed by impunity - a failure to investigate and convict perpetrators.

#### *Spheres of activity and participation under attack*

Related to the above, environmental, land rights and indigenous rights activists seem to be at particular risk in Latin America – a region which also reports high levels of danger for writers, journalists and bloggers. In 2012, PEN International monitored more than 800 cases of attacks against writers in 108 countries. Trade unionists are also under particular attack, and again Latin America stands out - of the 75 trade unionists who were murdered during 2011, 50 came from Latin America.

Human rights defenders and CSOs that seek to advance the rights of any groups seem to be among the top targets for attacks on civil society. Child rights defenders have also been attacked. One of the most shocking events of 2012 was the attempted assassination of Malala Yousafzai, the young, female activist in Pakistan. In Chile, university and high school students who have been demanding equitable access to education for all students in response to the country's underfunded public school system have been met with the use of tear gas and pressurised water hoses and hundreds of protesters have been arrested. As a result of the unrest, a public order law has been drafted that seeks to increase punishment for unsanctioned protests. In Russia in 2012 surprise school exams on weekends requiring compulsory attendance were made to coincide with key protest days, to prevent young people from taking part in the marches.

Human rights defenders standing up for the right to sexual identity, LGBT movements are experiencing severe restrictions and threats around the world. The 2012 International Lesbian, Gay, Bisexual, Trans and Intersex Association's *State-sponsored Homophobia* report indicates that 78 countries out of 193 still have legislation explicitly criminalising same-sex consensual acts between adults.<sup>28</sup> In February 2014, Uganda made homosexuality a criminal offence punishable by life imprisonment in certain circumstances. Proponents had wanted the death penalty.

#### *Crackdown on communications and technology*

New technology has helped create online civic space as a new and evolving civil society formation in its own right. It has been a particularly attractive form of civic participation for younger people. However, the rapid expansion of new technologies has made governments seek to limit their use. Introduction of new restrictive laws, regulations and various activities such as blocking access to the Internet, filtering the

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<sup>28</sup> 2012 ILGO State-Sponsored Homophobia Report: 40% Of UN Members Still Criminalize Same-Sex Sexual Acts. Available At: <http://ilga.org/ilga/en/article/Nxfkfcdlie>

information and limiting mobile phone communications without court approval are becoming commonplace.

## Common justifications for restricting civil society space

Justifications presented by governments for the regulatory backlash against civil society are almost as diverse as the restrictions themselves. A closer examination of the contexts where these justifications and restrictions are common reveals (more often than not) that the true intent is to decrease the possibilities for civil society to engage in political change, to expose bad governance and to highlight the lack of accountability.

### **Anti-terrorism**

Combating anti-terrorism and introducing national security legislation has been widely used to justify restricting civil society. Legislation has often included very broad provisions giving law enforcement officials far-reaching discretionary powers. They have been used to quell dissent and silence critical views towards governments. In some instances, the provisions outlined have been so broad that any peaceful act expressing views of dissent could fall under the definition of a terrorist act, or an act facilitating, supporting or promoting terrorism.

### **Public order**

Another widespread justification is to prevent public assembly by saying that it is not in the interests of public security and public order - this is frequently used during election periods. This restriction is usually not stated in legislation but in vague formulations such as “to avoid public disorder” or “to ensure that public services are not interrupted”, without having clear definition of what amounts to breaches of these areas, the geographical area where the restriction is applied and the length of time it can last.

### **National sovereignty**

Some states have introduced legislation which severely affects the funding available for CSOs under the guise of protecting national sovereignty and the national interest. In many countries, including Bangladesh, only registered associations are eligible to seek funding and resources from abroad. Foreign funding ceilings can be as low as 10% when an organisation is active in the human rights field. This is the case in Ethiopia, where very few out of the 127 human rights organisations in place before the law was introduced in 2009 still exist. CSOs can be obliged to seek approval from authorities to carry out fundraising activities. CSOs can be banned from undertaking work to defend political or human rights with foreign funding which can amount to treason in the penal law. In the case of Russia, CSOs in this area have to indicate in their publications that they are performing the functions of foreign agents.

## Lack of competency

In many countries, children's voices continue to be marginalised in decision-making processes on issues concerning them, and they often do not have legal rights to register their organisations because of their age. Prevailing socio-cultural attitudes towards children are that they are immature and inexperienced. Thus, their opinions are less valued, and they are not considered competent or experienced enough to legally establish their own organisations, to receive or manage funds, or to engage in contractual partnerships with other agencies or organisations.

### **Open letter from children's representatives to the Fifth World Congress for the Rights of Children and Adolescents, Argentina\***

On 19 October 2012, members of the Latin American and Caribbean Movement of Working Children and Adolescents (MOLACNATS) wrote an open letter to organisers of the Fifth World Congress expressing their deep indignation at the way children and young people were excluded from the main proceedings in violation of their right to active participation. MOLACNATS is a movement encompassing organised children and adolescents in nine countries in Latin America, with a history of more than 42 years of organisation, mobilisation and participation.

Members of the Argentinian children's organisation *La Veleta y La Antena* in Mendoza had prepared a presentation entitled 'Children and adolescents as revolutionary subjects' to present at the Fifth World Congress for the Rights of Children and Adolescents, which took place in San Juan, Argentina, from 15 to 19 October 2012. Their paper had been accepted, but the organisers were expecting an adult presenter rather than children and adolescents. A group of working children and adolescents had travelled to San Juan to make their presentation, but they were excluded from the formal inauguration of the event. They therefore mobilised and painted slogans on their t-shirts: 'Never again without us', 'Children + adults = participation', and 'Our voice is worthy'. As a result of their work and advocacy, on the fourth day of the congress they were able to participate in just one event.

In their open letter, representatives of children and adolescents demanded "for the next congress an organising team that includes organised and representative children and adolescents, on equal terms and with the same number of children as adults, with the aim of creating a horizontal method of operation". The letter added: "We also address the governments of the world, the academic authorities, theorists and intellectuals and the entire society, so that we may move without any hesitation from the paradigm of comprehensive child protection to the paradigm of the role of children and adolescents as protagonists. Finally, we reaffirm our commitment to children in general, to continue marching towards a more just society, more participatory and protagonist of children and adolescents."

- \* MOLACNATS and La Veleta y La Antena,  
*Open Letter to the V World Congress for the Rights of Children and Adolescents, 19 October 2012*

## Opportunities and challenges

**Individual civic engagement** has arguably never been so high. The individual, not least through new means and forms of expression (provided by new technology) is gaining more importance than before in discussions on civil society. Social movements have revolutionised the landscape of political change. Civil society now means much more than its traditionally organised forms, and this new 'space/place' could open up even more opportunities for children and young people. The challenge for INGOs is to connect with these social movements and to support children's safe and meaningful participation in social movements. It will be vital that INGOs, including Save the Children, reach out to local social movements and bridge the distance that often exists between them if they are to seek change for children.

A new **social contract** demanding accountability for rights is emerging. Young people and citizens are increasingly aware of their rights and have been politicised or re-politicised on a mass scale. Their achievement has been to establish a consensus on mass disillusionment in formal institutions: government, business, media, and the political class. The result is the opening up of genuine debate about the types of societies we want to live in and the nature of the social contract between citizens and their state.

However, it is not only governments that are the subjects of popular disillusionment. Civil society institutions are also experiencing legitimacy challenges and are under greater scrutiny in terms of their operations and policies, as are religious organisations and the private sector. In Brazil, a number of fake CSOs, formed as front organisations for corrupt government officials, have been exposed. Not surprisingly, this has had an impact on levels of trust in civil society as a whole. According to the Edelman Trust Barometer,<sup>29</sup> trust in NGOs in Brazil declined by a drastic 31 points which was attributed to a series of CSO scandals. The legitimacy of formal institutions can no longer be taken for granted and must be continuously earned by those institutions themselves.

The advent of **new technology** enables different kinds of civic action to take place. Internet-based social media allows information to propagate rapidly, thus enabling quick and effective mobilisation online or offline. It also provides a virtual meeting place for people to share ideas and plan activities. In some countries, though clearly not all, the technology is widely accessible which means that people who wouldn't normally involve themselves in such activities can be reached and participate. This can help to create highly responsive, less hierarchically governed and sometimes ad hoc civil society associations. While there are examples of government attempts to curb technology, there is no doubt that the internet is largely an unpoliced terrain that has significantly changed the way citizens are expressing their views.

There is also an increasing focus on young people and the role of youth engagement in civil society among UN, INGO and some NGOs, particularly in relation to the post-2015 development agenda. This momentum can be built upon and expanded to ensure ongoing support for young people's and children's engagement in civil society and active roles as citizens in society.

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<sup>29</sup> Key Findings from the Edelman Trust Barometer (2012)

### **Promoting Active Citizen Engagement (PACE) using social media, Lebanon**

Management Systems International's<sup>1</sup> USAID-funded Promoting Active Citizen Engagement (PACE) project increases Lebanese civil society's ability to act as a catalyst for change. PACE supports non-partisan NGOs that act as the voice of citizens, especially young people, women, minorities and people with disabilities who are usually left out of the public discourse. The project works to ensure that public policies become more responsive to citizens' concerns. Lebanon's political landscape is polarised; citizens are often disillusioned with a political elite that has become out of touch with their daily concerns. However, citizens still maintain a high level of trust in the effectiveness of civil society. The project focuses on the strategic use of traditional and on-line media to publicise citizens' concerns. It actively uses social media, including a Facebook page and Twitter account, to reach out to civil society, highlight the accomplishments of its partners, disseminate good practice and encourage dialogue between NGOs. Civic actors are also trained and encouraged to use social media as a tool for citizen journalism, mobilisation and advocacy. Through nationwide consultations, two partners of PACE are developing policy briefs on corruption, youth unemployment, quality of public services, sectarian tensions, and public participation in decision-making. These reports will be circulated widely to civic actors to inform their advocacy and to facilitate joint actions through local or national platforms.

The Hyogo Framework for Action 2005–2015 recognises and encourages the vital role of civil society in the implementation of DRR at all levels. Consultations and dialogue are underway to inform the development of the next global framework for action for DRR. Thus, there are also opportunities to further strengthen the role and space for civil society, including for children's organisations through such debates at global, regional, national and local levels.

In addition, the humanitarian cluster response system provides opportunities both to support civil society engagement in the humanitarian response, and to strengthen the coordination role of civil society and government in transitions when the clusters are formally ended.

## PART 2: Practical guide to working on civil society space

This section looks at the different steps that can be taken in responding to shrinking civil society space. It should not be seen as prescriptive or as a detailed step-by-step manual on how to develop a programme strategy. The purpose is to provide practitioners in Save the Children's regional and country offices (including members in their own programmes) with guidance and inspiration.

### Advocacy as an integral part of programming

Advocacy is defined as a set of organised activities designed to influence the policies and actions of others to achieve positive changes in children's lives based on the experience and knowledge of working directly

with children, their families and communities. It is an important element of CRG work and central for work to safeguard civil society space.

To further support advocacy efforts, a policy brief and key advocacy messages related to safeguarding civil society space has been developed. This can be adapted and used by country programmes in their advocacy work.

## Strategic considerations and risks

Before developing a programme on civil society space (as part of your CRG strategy) there are several strategic questions that you need to consider. These include: what approach or mix of approaches is most appropriate for us as an organisation in this specific context? If we want to engage directly to promote improvements in civil society space, what role should our organisation have and what is our added value? And what are the risks?

### **Risk exposure and risk appetite**

Work to protect and enhance civil society space can be sensitive (in some cases extremely sensitive) and can bring risks. At the same time, we need to acknowledge that non-engagement is also a risk, as this undermines the legitimacy and credibility of Save the Children as a rights organisation and also weakens what we can achieve through our programmes. Our approach cannot be to avoid risks, but rather to manage existing risks and ensure that they are kept within acceptable levels. Risk levels will differ between different kinds of strategies and also between different types of activities. For example, risk levels for direct advocacy vis-à-vis governments may be much higher than advocacy work directed towards international institutions or donors. Even in situations where we are unwilling to take more significant risks, there may still be opportunities to engage directly to challenge limitations in civil society space.

### **Risk assessment and risk management**

To make sure that we are considering and mitigating all relevant risks, it is advisable to do a risk analysis/management plan structured around different dimensions, such as reputational risks; operational risks; implementation risks and physical risks. It is paramount that we don't limit our risk analysis to only Save the Children, but also include partners, including children's organisations. We have an obligation to make sure that both individuals and organisations are made aware of any risk involved in participating in programme activities, so that they can make an informed decision on their continued participation.

Efforts to increase civil society space for children can incur risks to children, to staff and/or to the organisation. Systematic risk assessments concerning programme options are required to inform strategic and practical decision-making. The UNCRC principles (right to life, survival and development, best interests, non-discrimination and participation) can inform and guide decision-making, as well as the humanitarian principle 'do no harm'. As part of assessments, children and young people should themselves be supported to identify and protect themselves from significant risks that they may face as a result of their expression, association, peaceful assembly or participation in public or political processes. Respectful, informed and open dialogue between children, young people and adults regarding a sensitive issue or a risk

situation is more likely to inform decision-making in the 'best interest of the child'. Applying basic requirements in children's participation<sup>30</sup> can further support adults in promoting and supporting children's meaningful engagement in civil or political processes affecting them, while also taking measures to enhance children's protection.

## Risk analysis form

<b>Proposed programme work on children's civil rights and civil society strengthening</b>	<b>Identified risks/ threats</b> <i>to girls/ boys, caregivers/ parents, NGO staff, Save the Children staff:</i>	<b>Likelihood of risk</b> <i>(High, medium, low)</i>	<b>Severity of risk</b> <i>(High, medium, low).</i>	<b>Risk mitigation –</b> what actions have been taken to reduce risks?	<b>Further action needed to</b> ensure decisions in best interests of the child and "do no harm":
1.					
2.					
3.					

### *Analysing the organisation's position and potential role*

Save the Children doesn't necessarily have to be the driver or convener of a process for improving civil society space. There might be other organisations or networks better positioned to play that role. It is therefore important to map out potential partners, networks and stakeholders – both national and international – in a situational analysis. In many contexts, Save the Children has a unique position due to our global standing and reputation, our collaboration with governments and our focus on children's rights and support for child-led organisations and networks. We can be a bridge builder between government and civil society and have a particular advocacy role to play in increasing space for children's groups and networks within wider civil society platforms.

<sup>30</sup> See Committee on the Rights of the Child General Comment No.12, The Right of the Child to be Heard , CRC/C/GC/12, July 2009.

NB There might be resistance within our own organisation to addressing restrictions to civil society space. In many cultures, it is difficult for people to talk to people with a higher status and Save the Children staff may be afraid to approach or talk to government officials or engage in sensitive political issues. Staff may not have experience of advocacy work or communication and negotiation skills. It is important that these aspects are taken into consideration.

#### *Approaches to restrictions in civil society space*

There are three main approaches when responding to restrictions on civil society space – *align*, *challenge* or *repackage*. The first tactic, *align*, means that we refrain from work on sensitive areas and issues, and that we adapt our activities in such a way that our operations are acceptable to or align with government policies and its development agenda. In some countries children's rights are not conceived as a very sensitive issue and limitations of civil society space only marginally affect our opportunities to implement CRG activities and other children's rights work. In other countries, with more extensive restrictions in civil society space, we may wish to align our programmes within existing limitations in civil society space. This could mean, for example, that we refrain from working with controversial partners or that we decide not to carry out certain types of activities that are conceived as especially sensitive by the government (eg, UNCRC monitoring activities).

Although aligning is often the safest tactic in contexts with severe restrictions in civil society space, we could be seen as failing to protect civil society in general and children in particular. Through supporting government in implementing their development agenda, we might further children's access to basic rights and may have some influence in shaping policies, but at the same time we could also be legitimising and upholding a political system that makes it impossible to fully implement an effective and sustainable CRG system. Not 'speaking out' does not only convey considerable reputational risks but also very concretely affects the longer-term objectives of Save the Children.

The second option is to deliberately *challenge* government-imposed restrictions on civil society space and it is this approach that is the main focus of this guide. 'Challenging' is *not* synonymous with confrontational approaches; there are several 'softer' options.

The third approach is to *repackage*, and continue working as usual without actively challenging restrictions on civil society space. This might require us to change the way we present or describe our work so that sensitive activities or aspects of our operations are accepted by, or at least conceived as non-threatening, by the government. In many contexts it is, for example, possible to work around democracy and rights as long as it is not formally described as such. The repackaging approach could also involve things such as collaborating with 'controversial' organisations through coalitions rather than as individual partners, or to embed CRG and advocacy activities in other programmes to make them less visible.

None of the approaches outlined above are mutually exclusive. Often the best approach is a balanced mix that allows us to push for improvements in civil society space, including promoting children's civil rights and freedoms, at the same time as carrying out other children's rights work. The best balance will depend on the context and on factors such as risk levels; the organisation's risk appetite; and how much the restrictions on civil society space affect our work and our objectives.

**Country Case Study I - This example illustrates that even in the most restrictive environments it is still possible to carry out relevant CRG work.**

At first glance, current restrictive legislation X would suggest that no or very little work on children's rights and CRG could be carried out by Save the Children or its partners. Many of the normal avenues through which we work with CRG are now closed including, for example, supporting independent monitoring of the implementation of the UNCRC and any other type of advocacy work by civil society (including by Save the Children itself). However, in spite of existing restrictions, we have been able to develop and continue our work on CRG. We have done this through a deliberate strategic process that builds on a particularly good understanding of the context (both political and legal), as well as preparedness to adapt methods and tactics to the specific situation.

Our main tactic has been to assume a softer and more government-supporting approach to CRG. Instead of the normal strong emphasis on monitoring and holding government to account, the focus has been to seek out and respond to requests for support from government, and align programme activities to the government's own development agenda on children's rights. For example, with partners and in collaboration with the Ombudsman office, we have supported the government initiative to establish child parliaments at national and regional level. We have also provided technical support to the Ministry of Women, Children and Youth Affairs on child budgeting and mainstreaming of children's rights in public policies.

## Analysing restrictions on civil society space

As the case study illustrates, a good understanding of the restrictions and their impact is essential in order to plan a strategic response and to understand how they directly affect our opportunities to implement our CRG activities and other work. The Child Rights Governance Analysis Tool and the Child Rights Situation Analysis Guidelines provide for a 'light' analysis of civil society space. A preliminary CRG analysis will also highlight key issues regarding civil society space that might require closer attention in a more in-depth CRG situation analysis to inform programming, including advocacy, options.

The in-depth analysis of limitations in civil society space can be structured in different ways, but it should at a minimum provide us with an increased understanding of: i) *existing and potential restrictions in civil society space*; ii) *the underlying dynamics of the restrictions*; and iii) *an understanding of the consequences of the restrictions*.

### **i. Identifying existing restrictions in civil society space**

As shown in Part One, governments can impose limitations on civil society space in a multitude of ways but in essence, civil society space is defined in relation to three fundamental civil rights: *freedom of expression*;

*freedom of assembly; and freedom of association.*<sup>31</sup> When identifying restrictions in civil society space, the focus should be on *if* and *in what way* these basic rights are not fully respected, protected and fulfilled by government – both for adults and for children. The restrictions may vary in development and humanitarian contexts.

**Freedom of Expression** – Can CSOs and individuals, including children and young people, freely criticise government and advocate for human rights, democracy and any other political issues without the risk of repercussions? Examples of supporting questions to analyse restrictions on the freedom of expression are:

- Is there any type of censorship?
- Are laws and regulations, such as defamation laws, used to silence and punish critical voices?
- Are there any restrictions against the advocacy work of CSOs or child-led organisations in development or humanitarian contexts?
- Is there criminalisation or severe suppression of dissent?
- Are intimidation strategies or violence used by government to silence critical voices?
- Are individuals' right to free speech sufficiently protected by the government?
- Are there restrictions in CSOs' access to media outlets in development or humanitarian contexts?
- Are children allowed to speak up: eg, do laws sanction corporal punishment for 'disrespect'?

**Freedom of Assembly** – Can organisations, including child-led organisations, freely and without restrictions carry out public events and activities? To what extent can children experience their freedom of peaceful assembly? Examples of supporting questions to analyze restrictions of the freedom of assembly:

- Are there bans or restrictions on certain types of public gatherings?
- Is advance notification required for carrying out public events? Are these requirements reasonable?
- Are organisations denied the right to carry out public events on vague grounds?
- Are the responsibilities put on organisers of public events overly burdensome?
- Are there restrictions on organisations' opportunities to meet, communicate and collaborate with other groups or organisations?
- Are citizens reluctant to participate in public events for fear of repercussions, either from the state or other groups in society?
- Are there dangers associated with peaceful assembly?
- In contexts affected by disaster or conflict, do humanitarian agencies have the necessary access to meet with civilians without delays?

**Freedom of Association** – Are individuals, including children, allowed to freely form, join and participate in organisations? Examples of supporting questions to analyze restrictions of the freedom of association:

- Are civil society organisations allowed to exist/operate without being registered?
- Are child-led organisations and networks permitted to meet and organise regular activities (with or without legal registration)?
- Are children allowed to register their own child-led organisations (even if all members are under the age of 18)?
- Are there potential sanctions or penalties for carrying out activities through an unregistered organisation or association?

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<sup>31</sup> Freedom of assembly and association are sometimes used interchangeably, but here are used to distinguish between the freedom to assemble in public places and the freedom of joining and forming association

- Are registration processes of organisations overly bureaucratic, costly or burdensome? Are the criteria to register an organisation clear and the registration process transparent?
- Are there restrictions on who is allowed to found and participate in civil society organisations?
- Are child-led organisations and networks part of broader civil society networks?
- Are organisations subject to invasive supervisory oversight?
- Are there restrictions to organisations' operational activities, such as prohibition against certain spheres of activity or mandatory compliance with national programmes?
- Are there requirements to re-register organisations?
- Are there restrictions to organisations' allocation and use of funds – eg, burdensome procedural requirements, prohibitions against funding, etc?
- Are CSOs supported by the local and national authorities to play an active and meaningful role in DRR, emergency preparedness, response, recovery, reconstruction and peace-building processes?
- Are members of local CSOs actively involved in sector cluster responses (eg, protection, education, shelter) in humanitarian contexts?

## ii. Understanding the dynamics of restrictions of civil society space

Governments can impose limitations on civil society space through legal, bureaucratic and extra-legal measures as well as through specific legislation. Analysis needs to include how governments choose, or not, to interpret and implement existing laws and regulations affecting civil society space. In many contexts, special attention needs to be given to limitations on civil society spaces caused by extra-legal activities<sup>32</sup> that are controlled or supported by government or groups within government, or which are quietly accepted by the government. Unlawful activities by, for example, the police, military or violent political supporter groups which target and aim to silence oppositional voices pose a particularly serious threat to civil society space.

Governments are not monoliths but consist of different groups and factions, each with their own specific interests, priorities and positions. To effectively understand and counteract restrictions on civil society space, it is important to understand *why* restrictions are put in place and the *motivations* of those individuals who support or oppose them. There may well be champions of civil society within government as well as those who deeply dislike it, and it will be important to identify them and broker a relationship so as to strengthen allies. Questions to include in the analysis are:

- How are the identified limitations of civil society space being 'enforced' in practice? Is it enforced through legislation, legal system (if politically controlled or corrupt), government bureaucracy, or extra-legal activities?
- What are the underlying reasons for the identified limitations of civil society space?
  - Why and in whose interests are they put in place?
  - What are the root causes of restrictions on civil society space – social, economic, cultural, political etc.?

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<sup>32</sup> Those not regulated or sanctioned by law.

### iii. Analysing the consequences of restrictions on civil society space

Government restrictions on civil society space are sometimes put in place to hinder certain types of organisation from operating or to prevent certain types of activity by civil society. As a consequence, restrictions may not affect all CSOs in the same way. For example, it's not uncommon for less political organisations (such as charities and service providers) to be able to operate relatively freely in contexts where advocacy-based civil society space is severely restricted. It is therefore important to assess how the limitations are affecting the makeup of civil society, different categories and types of organisations (including child-led organisations and networks) and the overall function and role of civil society. The analysis should also include an assessment of differences in the available space in relation to topics and levels in society (national, regional and local), as well as to differences brought about during humanitarian crisis.

- How do the restrictions affect the composition, dynamics and function of civil society?
- Are there differences in civil society space depending on level (national, regional, local) and are some specific topics / political / ideological viewpoints more sensitive than others?
- Are there differences in civil society space for adult CSOs compared to child-led organisations?
- Whose voices and what opinions are being heard and whose are being silenced or ignored?
- Which CSOs do or do not have freedom to operate during a humanitarian crisis?

### Mapping opportunities and entry points

It is crucial to map stakeholders, entry points for advocacy and other programmatic activities. As well as serving as a potential baseline against which progress can be assessed, the mapping can also inform us about potential focal areas, partners and alliances. When possible, it is recommended to include an element of formal or informal consultations with especially excluded national CSOs to ensure local ownership and avoid 'taking over' the agenda.

This mapping should include:

- Ongoing reform processes, such as NGO law reform, and other legislative or other policy processes that affect civil society. Analysis should include understanding why such processes have been initiated, whose interests are dominating the agenda, how the process is perceived by different stakeholders, and what potential the process has to benefit different stakeholders, and under what circumstances.
- The number and types of children's organisations and networks in the country, including analysis of the extent to which they are child-led/managed, their legal status, their activities and their capacity-building needs. Also existing laws and policies concerning the legal registration of child-led organisations and networks.
- Potential partners, networks and spaces for coordination, including how the voice, participation and ownership of excluded groups is expressed or taken into account by potential partners and spaces for coordination (both in development and humanitarian contexts).
- Key stakeholders within government and key international power-holders (international donors, international organisations, etc). This analysis should include potential allies, adversaries and stakeholders with the potential for change, both in humanitarian and development contexts.

## Useful analysis tools, handbooks, and manuals

Apart from more general resources – such as periodic country reports on human rights by UN and regional intergovernmental bodies and human rights organisations such as Amnesty and Human Rights Watch – two specialised international resources might help with your analysis:

- *The International Center for Not-for-Profit Law*. Their research centre webpage contains substantial information and analysis regarding regulations of civil society – [www.icnl.org](http://www.icnl.org)
- *CIVICUS Civil Society Index – Country Reports* – [www.civicus.org](http://www.civicus.org)

There are several other tools that can serve as inspiration when analysing different aspects of civil society space. However, the 'child dimension' is often missing. We need to pay particular attention to children's associations and networks and the extent to which they are supported or excluded in civil society spaces while undertaking our analysis. Save the Children is advocating with CIVICUS to include increased attention to age in its analysis of civil society space.

- *Checklist for CSO Laws* – A basic checklist of provisions that should be included in legislation governing CSOs is useful for assessing whether CSO legislation currently on the books or in draft form meets generally accepted international practices.  
<http://www.humanitarianforum.org/data/files/resources/704/en/ICNL-NPOChecklist.pdf>
- *CIVICUS Civil Society Index* – The CIVICUS Civil Society Index (CSI) is an action-research project that aims to assess the state of civil society in countries around the world (<http://www.civicus.org/csi/>)

## Developing strategies to improve civil society space

To effectively address restrictions on civil society space, we need to target and involve a range of stakeholders such as: international institutions and donors; international and national civil society; networks; media; and the general public. The following are five interrelated focus areas for a strategy to enable civil society space:<sup>33</sup>

- Directly influence policies and policy implementation of laws and regulations affecting civil society space
- Increase international pressure for improved civil society space
- Shape public opinion and gain public support
- Strengthen CSOs' abilities to demand and protect civil society space
- Strengthen coordination and collaboration between actors demanding improved civil society space

Below is a brief introduction to each of the five focus areas, including examples of outcomes and possible key activities. The purpose of this section is not to be prescriptive, but rather to serve as inspiration when developing a strategy to promote civil society space.

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<sup>33</sup>The sub-strategies presented in this document are inspired by and developed from the evaluation framework *A guide to measuring Advocacy and Policy* in *The Evaluation Exchange*, Harvard Family Research Project. Available at: <http://www.hfrp.org/var/hfrp/storage/original/application/6bdf92c3d7e970e7270588109e23b678.pdf>

## **i. Directly influence policies and policy implementation of laws and regulations affecting civil society space**

When developing a strategy on civil society space it is important not to restrict our attention to legal reforms. Change in public policy is a process that contains several stages, including: policy development; demonstration of political support of decision-makers; adoption of policies; decisions on funding; and implementation. Activities aiming to improve legal frameworks and policies can focus on influencing decision-makers in any of the stages described above.

What is most relevant to focus on depends on the specific situation and also tends to change over time. In one case, restrictions on civil society space might be prescribed in existing laws, while in another the core problem might be the lack of clear regulations, allowing for arbitrary decisions by local decision-makers which have a negative impact on civil society operations.

Deep-rooted distrust between people in government institutions and people in civil society is a specific challenge and an important root cause of limitations in civil society space in many countries. In these settings, a more confrontational advocacy approach is often not the most appropriate. To promote a constructive dialogue and to increase trust levels between government officials and civil society representatives (especially at regional or local level) might prove to be more effective, at least as a complement to other advocacy activities.

### Examples of expected outcomes

- Increased political support and commitment from decision-makers to remove government policies or practices restricting civil society space (or to safeguard existing policies that protect and enable civil society) both in development and humanitarian contexts
- Influence over content in new regulations and laws relevant to civil society space (including support for child-led organisations and networks)
- Improved implementation of government policies that protects and enables civil society space
- Improved practices of government officials with practical influence over civil society space
- Changes in attitudes and increased understanding of government officials with practical influence over civil society space

### Examples of key activities

- Policy research, development of policy briefs, and policy proposals
- Advocacy to allow legal registration of child-led organisations and networks
- Participation in consultations and formal government dialogues discussing issues or policy processes that link to civil society space
- Strategic litigation where a legal restriction of civil society space is challenged in court
- Arranging multi-stakeholder workshops and state/non-state meetings on topics relevant to civil society space
- 'Behind the scene' advocacy through already-established government contacts
- Training, capacity building and/or briefings of government officials and key decision-makers on the importance of civil society and children's role as active citizens
- Monitoring of implementation of laws and regulations that affect civil society space
- In de-centralised contexts, highlighting good policies or practices from other areas and using them in advocacy

- Advocacy for emergency preparedness policies to consider the role international humanitarian agencies and civil society organisations could or should play and to ensure that they have quick access in case of disasters (if government does not have the capacity to respond)
- Advocacy for increased humanitarian access for civil society organisations.

## ii. Increase international pressure for improved civil society space

*Embassies, donors and international institutions*, such as UN agencies, the EU and World Bank, are not only potential allies but also potential targets for advocacy work on civil space. Advocacy targeting international institutions and donors to put pressure on countries is often effective since they have the potential to influence countries through aid conditionality and foreign policy. It might be particularly strategic to target powerful actors beyond the national context when facing a hostile government.<sup>34</sup>

The *private sector* is an often overlooked stakeholder in advocacy work on civil society space. In most contexts, the voice and opinions of the private sector (not least foreign investors) carry considerable weight. As for other stakeholders, private sector actors can have both a positive and negative effect on government restrictions on civil society space. Specific advocacy activities targeting the private sector might therefore be a useful strategy. In some cases, private sector actors might even be potential allies to demand improved civil society space, although this is admittedly still a widely unexplored area.

### Examples of expected outcomes<sup>35</sup>

- Donors reinforce the importance of civil society and basic civil rights of men, women, girls and boys in donor meetings and in bilateral and multilateral partnership agreements with aid recipient countries
- Donors establish independent multi-stakeholder review mechanisms and/or ‘Working Groups on Enabling and Protecting Civil Society’
- International institutions strengthen the link between international human rights principles and frameworks for aid effectiveness – e.g., that recommendations emanating from Universal Periodic Review (UPR) and CRC periodic reporting are taken into account by donors when evaluating performance in aid relations at country level.
- Concluding observations and recommendations from international and regional human rights mechanisms, such as the CRC, the UPR and the African Committee on the Rights and Welfare of the Child, include recommendations around civil society space.
- International and regional inter-governmental bodies discuss civil society space and adopt resolutions, etc, on the topic.

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<sup>34</sup> Costanza de Toma, *Advocacy Toolkit Guidance on how to advocate for a more enabling environment for civil society in your context*, Open Forum for CSO Effectiveness, p. 11

<sup>35</sup> Trócaire, *Democracy in Action Policy Report 2012*

- UN Special Procedures of relevance to a shrinking space for civil society – for example, the Special Rapporteur on freedom of opinion and expression - visits key countries and includes a focus on children as actors in civil society.
- Donors ensure allocation of funds to CSOs that work to protect rights related to civil society space, and also ensure that funds are allocated in all sectors, such as health and education, and to independent/citizen monitoring mechanisms and other types of social accountability activities carried out by civil society.
- Donors establish channels and coordination with civil society (including child-led organisations and networks) in order to voice and speak out against violations on rights and actions attempting to constrain civil society activities.
- Donors develop alternative modalities for channelling funds to CSOs that respond to government-imposed restrictions in civil society space.

### Country Case Study 2- New NGO Law

Parliament in one country where Save the Children works passed a new law regulating civil society which stated that anyone operating an NGO registered under the new Law can be subject to a fine or risk imprisonment. This highly controversial law contains a number of restrictions including: arbitrary registration requirements allowing excessive discretion of government officials to deny NGOs registration; provisions that allow undue executive interference with the activities of NGOs and curb their independence; and imposition of a forced self-regulatory framework on NGOs.

The vast majority of local NGOs initially made a joint decision not to register. By the end of 2013, only around 9% of local NGOs listed with the government had registered under the new law. The broad boycott by local civil society of the new NGO Law, together with extensive national and international criticism considerably delayed the implementation of the law.

Initially, the donor community rejected the law and refused to fund its implementation, but since then have they shifted their position. Despite widespread criticism a number of international donors are now in fact refusing to provide financial assistance to local organisations not registered under the new NGO Law. Dependent on donor funds for their operations, International NGOs in many cases have advised their partners to register in order to continue their funding support. Partly because of this the unified front of local civil society now seems to crumble. About 50% of the local organisations are currently in the process of registering and are seeking other ways to advocate for change after registration. Meanwhile, the other half, primarily local rights and governance organisations continue to resist registration, albeit more isolated and exposed. Organisations that continue to resist registration deem the new NGO Act un-constitutional and some have indicated plans to bring government to court if their organisations are prohibited to continue their operations. Both international donors and international NGOs are now facing criticism, especially by local civil society organisations and international Human Rights organisations, for undermining the national NGOs' campaign against the NGO Law

This case illustrates the important role, for good and bad, of the international donor community in advocating for civil society space. It also shows why advocacy targeting international donors many times is as essential as direct advocacy vis-a-vis government. This case highlights the importance of civil society coordination both within local civil society and between local civil society and international civil society.

**Regional organisations –** Legislation affecting civil society space is also affected by negotiations through larger regional organisations, such as the African Union (AU),

ASEAN, Organization of American States (OAS) and the EU. Many of these regional organisations have developed, or are in the process of developing, their own regional framework and follow-up mechanisms on human rights. These frameworks and mechanisms have a bearing on national politics through commitments and peer pressure. They also create a common understanding around human rights in the region which can support but also counteract national civil societies' legitimate claims for civil society space.

When addressing civil society space issues in a country, it might therefore be relevant to also adopt a regional perspective. As well as ensuring that civil society voices are represented and can influence regional agreements and dialogue, learning and cooperation between civil society actors from neighboring countries can significantly strengthen advocacy at national level. Regional advocacy opportunities to influence the role of CSOs in the next global DRR agenda can be undertaken. Furthermore, strengthening networks among children's organisations and networks at the regional level can also enhance civil society space for children at national and local levels.

#### **ASEAN human rights declaration**

In 2012, ASEAN members adopted the ASEAN Human Rights Declaration, in spite of massive criticism from both international and regional civil society organisations. Many (including Amnesty International and Human Rights Watch) thought the declaration set a significantly lower standard than the UDHR and failed to include several key basic rights and fundamental freedoms, including the right to freedom of association. Last-minute additions made to the leaders' statement when adopting the declaration – reaffirming member governments' commitment to the UDHR and other human rights instruments in the implementation of the ASEAN Human Rights Declaration – did little to appease the critics. Many regional organisations in south east Asia fear that loopholes in the ASEAN declaration send the signal that international human rights obligations may be circumvented by governments in the region.<sup>1</sup>

### **iii. Shaping public opinion and gaining public support**

In addition to activities that directly target decision-makers, it is almost always necessary to have a specific focus on generating public support. This can be very important where there are high levels of distrust and hostility between civil society and government since options to directly influence decision-makers tends to be limited.

### Country Case Study 3: Challenging limitations on civil society space

Drafting of the new law on associations and NGOs started in late 2009. From the start, many representatives from both local and international civil society were deeply concerned that the new legislation would be used to increase government control over an already fragile civil society. In response, the larger national networks in country – representing both national and international organisations – launched a joint campaign. Initially it was mainly national-level organisations that were involved. However, as it became evident that the new NGO law threatened to also affect local and provincial-level civil society (through rigid and arbitrary registration and reporting requirements) the campaign broadened considerably to local-level organisations. Although the broadening of the campaign led to some coordination challenges, it also increased the momentum of the campaign and the level of pressure that civil society was able to put on legislators at different levels. The civil society campaign was then complemented with efforts from the international donor community and foreign embassies. As a result, in early 2012 the government decided to freeze the legislation process. The experience highlights the importance of: including broad sectors of civil society (not only rights and advocacy organisations); the benefit of involving organisations at different levels (national, international and local); and the importance of working in coordination with the international donor community.

### Examples of outcomes

- Improved public opinion over evidence
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coverage on identified limitations on civil society space and comparison with other countries

- Increased activities by general public and/or key groups in social media on identified limitations of civil society space
- Increased awareness on the topic among general public and/or key groups
- Changes in public opinion and increased public support for suggested changes for improvements in civil society space
- Increased number of citizens involved in campaign activities to improve civil society space
- Increased number of advocacy activities carried out by grassroots organisations, including child-led organisations
- Increased breadth of grassroots and member based organisations that are engaged in campaign activities on civil society space

### Examples of key activities

- Media campaigns
- Public outreach (community outreach, information meetings, manifestations, etc)
- Policy analysis
- Public debates and forums
- Message development (eg, defining the problem, framing, naming)
- Formation and support to grassroots activists/messengers
- Grassroots consultations
- Support to grass-root coalitions monitoring or advocating for improved civil society space both in development and humanitarian contexts

- Support to grassroots information and advocacy activities (including information and advocacy initiatives with and by children)

#### **iv. Strengthening the ability of CSOs to demand and protect civil society space**

Local civil society should, as far as possible, be encouraged to take the lead on work relating to civil society space. The role of international organisations is not to take over the responsibilities of national organisations, but rather to support and enable them to push their agendas. Strengthening local CSOs to promote and monitor children's rights is a priority area of Save the Children's CRG work in general, but is of particular importance when working on civil society space issues. It is important to keep a specific focus on: increasing partners' understanding of the issues, eg, on existing laws and policies regulating civil society space; improving organisations' access to information and knowledge; increasing their ability to apply human rights and humanitarian principles; and increasing efforts to achieve the realisation of children's civil rights and freedoms.

##### Examples of outcomes

- Improved management of organisations (including increased self-management of child-led organisations)
- Improved strategic and analytical abilities of organisations to advocate for improvements in civil society space based on a risk assessment
- Increased knowledge of laws and regulations that affect civil society space
- Improved engagement of national and local CSOs in cluster responses for humanitarian response
- Increased engagement of children, child-led organisations and other CSOs in reconstruction and peace-building processes resulting in increased attention to children and children's rights in reconstruction strategies and peace agreements
- Improved coordination, negotiation and campaigning skills of CSOs (including child-led organisations)
- Improved capacity of organisations involved in advocacy and policy work to communicate and promote advocacy messages

##### Examples of key activities

- Facilitating the access of CSOs to consistent and comprehensive information on civil society laws and regulations
- Ensuring that NGOs have full, reliable and concrete information on their legal rights and the legislation framework of the implementation (including specific analysis concerning the registration of children's organisations)
- Supporting local organisations to gain a conceptual perspective on civil society
- Increasing competence in management skills and tools, and particularly updating information on legal issues affecting CSOs and communities, working areas, local activities and their efforts to solve their local problems
- Leadership development
- Organisational capacity building of CSOs, including child-led organisations and networks
- Communication skill building
- Supporting strategic planning by civil society coalitions and networks (while also encouraging engagement of child-led organisations and networks in such processes).

- Supporting CSO participation in cluster meeting responses (eg, protection, education, nutrition) in a humanitarian response and, during any transition when the cluster is ended, supporting the ongoing active role of CSOs and the government to ensure ongoing effective coordination, dialogue and action planning
- Supporting capacity building and strategic opportunities for children/child-led groups and CSOs to participate in reconstruction and peace-building processes
- Supporting CSOs with capacity building, tools and examples of how to include children in their civil society space.

**Article 15 resource kit** has been developed to support children's rights to association and self management of their own groups. This resource kit includes tools that can help children's groups to think about, plan, improve and monitor how their group is organised. The tools encourage reflection and action planning on transparent, fair and inclusive group structures and decision-making processes.

<http://www.crc15.org/>

## **v. Strengthen coordination and collaboration of actors demanding improved civil society space**

Creating a more enabling policy environment for civil society can rarely be achieved without building strong relationships with other actors. Joint actions and coordination between actors makes advocacy activities more effective, meanwhile uncoordinated actions not only have a tendency to be less effective, but also risk having a negative or counter-productive effect.

Other CSOs are natural partners for Save the Children, but often alliances need to be built with other stakeholders, for example, international institutions and the donor community, academia and media. These partnerships can help shape public opinion and influence decision-makers. An important consideration when targeting increased civil society space is the awareness of the diversity and power relations that are bound to exist also within civil society itself, including between Save the Children and local civil society counterparts. When Save the Children chooses how to support alliances and spaces for coordination, it is important to ensure that some voices are not silenced in the process. Furthermore, collaboration and coordination between child led organisations, networks and movements and broader civil society networks should also be supported and strengthened.

### Examples of outcomes

- Increased number of partners and allies supporting demands for improvements in civil society space
- Increased level of collaboration and coordination between different stakeholders
- Increased level of collaboration and coordination between adult led civil society networks and coalitions and child led organisations and networks.
- Improved engagement of CSOs in humanitarian cluster response and increased coordination among the government and CSOs in the transition of cluster coordination mechanisms.
- Improved alignment of partners' activities
- Strategic alliances with important partners
- Increased ability of coalitions to identify policy change processes (eg, venue of policy change, steps of policy change based on strong understanding of the issue and barriers, jurisdiction of policy change)

- Increased capacity of coordination bodies and networks
- Increased number of joint advocacy initiatives

#### Examples of key activities

- Partnership development
- Coalition development or support
- Joint strategy workshops among civil society coalitions and child-led organisations/ networks
- Supporting CSO engagement in cluster meetings and supporting government and CSOs to jointly engage in efforts to ‘take over’ coordination when clusters end
- Cross-sector campaigns
- Joint campaigns

### Useful advocacy tools

*Advocacy Toolkit – Guidance on how to advocate for a more enabling environment for civil society in your context*, Constanza de Toma, Open Forum for CSO Development Effectiveness – a practical tool for planning and carrying out advocacy work,

[http://cso-effectiveness.org/IMG/pdf/120110-of-advocacy\\_toolkit-en-web-2.pdf](http://cso-effectiveness.org/IMG/pdf/120110-of-advocacy_toolkit-en-web-2.pdf)

*Defending Civil Society Toolkit - Tips for Engaging in NGO Law Reforms - A toolkit*, World Movement for Democracy – providing the tips, tools, and strategies that organisations and activists around the world can consider as they plan their efforts to reform legal frameworks for civil society

<http://defendingcivilsociety.org/en/index.php/home>

*New Protection Manual for Human Rights Defenders*, Protection International – a manual providing human rights defenders with additional knowledge and tools that may be useful for improving their understanding of security and protection

<http://protectioninternational.org/wp-content/uploads/2012/04/Protection-Manual-3rd-Edition.pdf>

#### Country Case Study 4 - CSO thwarts efforts to amend NGO legislation

A government proposed an amendment to a new legislation regulating the operation of NGOs. The amendment was contained in the Statute Law (Amendment) Bill –an omnibus bill that only makes minor amendments of all bills passed in the year. The amendment among other things sought to cap the amount of foreign funding NGOs could receive at 15% of their total organisational budget. NGOs would only be able to receive more than 15% of their budget from foreign sources if they demonstrated that they required the funds due to “legitimate and compelling reasons.” Save the Children and national child rights organisations, successfully lobbied the parliament who voted to reject the Bill.

The NGO legislation that the Government proposed to amend had been developed after broad consultations, and civil society at large agreed with the government that there was a need to revise the old legal framework. Save the Children participated in, but was not a convener or main driver of this process. When the government announced that they wanted to add severe restrictions for foreign funding to NGOs into the new law, Save the Children decided to take a more active role.

In coordination with the NGOs Group, which was spearheading the campaign, Save the Children mobilized and supported child rights organisations through a national child rights network. Save the Children saw its role mainly as an enabler providing technical support to the Child Rights network and its national members, rather than as a leader of the campaign. A key campaign activity was to arrange a meeting with the relevant parliamentary committee to discuss the consequences of the draft amendment. The meeting organized by the Child Rights Network was attended by 24 Members of Parliament. The meeting also gave opportunities to have one-on-one conversations with individual parliamentarians. This was followed up by activities reaching out to other individual members of parliament to gather support. Special attention was given to reaching parliamentarians from poor remote areas where Save the Children and the other child rights organisations are particularly active.

This case shows how Save the Children can work with civil society space from its natural position as a child rights organisation and also utilize it’s good relations with governments and the political system. It also brings attention to the fact that the government and political system is not a monolith but consists of different factions and interest groups (also within the ruling party) that can be approached and influenced through advocacy work.

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that can deliver for its children. It is also intrinsic to Save the Children’s Theory of Change. Our capacity to be the voice, the innovator and to achieve change at scale is dependent on our ability to build partnerships and cooperation, not only with governments but with children, communities and their organisations. Safeguarding civil society space is not easy and there are some difficult decisions to take. We must balance the need to protect our mandate in the countries where we work and our relationships with governments with our core values on speaking out for children’s rights and supporting partners. We hope this guide provides some of the tools you will need when navigating through this difficult issue and that we can continue to champion the role of civil society in working for children and their rights across the world.

