

ENABLING CIVIC SPACE: GUIDELINES TO PROMOTE THE RIGHT OF CIVIL SOCIETY TO ACCESS FUNDING

To help States and other stakeholders implement the recommendations outlined in his [June 2022 report on access to resources](#), which examines global trends and challenges threatening civil society's access to financial resources, including access to foreign funding, UNSR Clément N. Voule has prepared [a follow-up report](#) compiling **general principles, practical recommendations and positive actions aimed at creating and maintaining, in law and in practice, an enabling environment for the enjoyment of civil society organizations' right to access resources.**

This brief extracts the key recommendations from the report, aimed at States, donor agencies, multilateral entities, banks and financial institutions and civil society organizations.

General Principles

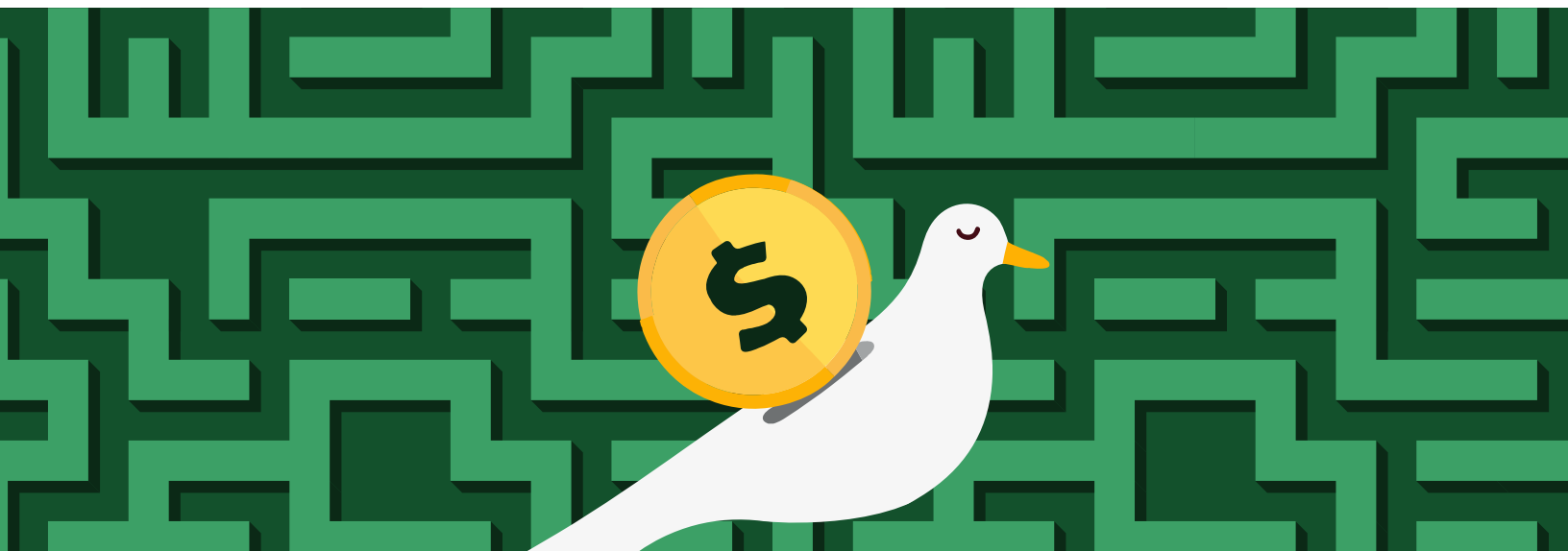
The general principles emphasize the inherent nature of the right to access resources as part of the right to freedom of association, and recalls that States have the obligation to respect, protect, and facilitate this right for all associations in a non-discriminatory manner.



Recommendations to facilitate the effective implementation of civil society's right to access resources

1. STATES

To protect associations' rights to access and use resources, including foreign funding, States should create a supportive environment for associations, protect their rights, and promote their role in promoting human rights, democracy, and development. The UNSR recommends that States:



- **Create an enabling environment for associations to freely access resources,**

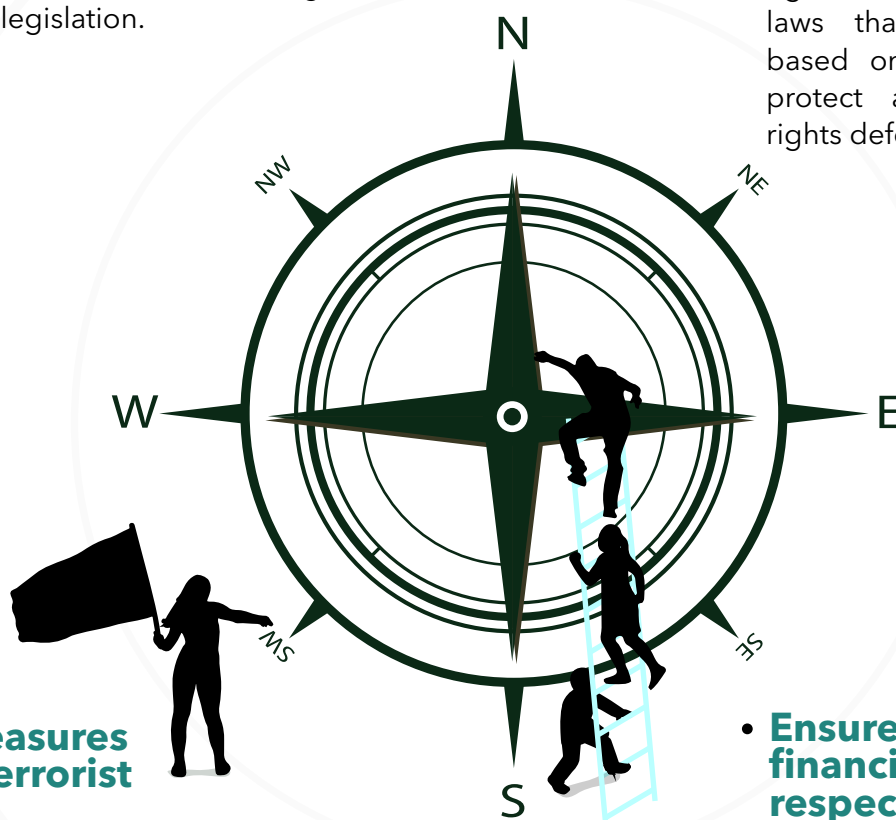
including by recognizing and protecting associations' freedom to access resources, revising restrictive laws, facilitating the legal formation of associations, respecting their right to generate resources, and ensuring transparent implementation of funding-related legislation.

- **Respect and promote associations' right to seek, receive, and use foreign funding.**

Actions towards this goal include avoiding unfair restrictions on international donations, repealing laws that unduly restrict foreign funding, and adopting measures to enable cross-border giving while ensuring compliance with legal and fiscal frameworks.

- **Ensure associations can access resources, including foreign funding, to promote human rights and democratic governance.**

States should among other things, refrain from criminalizing associations receiving foreign funding for political activities, prevent retaliation against human rights defenders, revise or repeal laws that criminalize activities based on foreign funding, and protect and recognize human rights defenders and their work.



- **Prevent measures targeting terrorist financing from restricting associations' access to resources.**

To this effect, states are recommended to avoid overly broad definitions of terrorism and terrorist financing and comply with international law, adopt a risk-based approach to Anti-Money Laundering and Countering the Financing of Terrorism (AML/CFT) measures, and avoid the stigmatization and exclusion of civil society.

- **Ensure that measures related to associations' funding, including foreign funding, are necessary and proportionate**

including by imposing reporting and transparency requirements that are not overly intrusive, ensuring proportionate inspections and sanctions, and avoiding suspension or dissolution of associations for minor infractions.

- **Ensure that banks and financial institutions respect associations' rights and implement human rights due diligence practices.**

Actions States can undertake include requiring banks' and financial institutions' compliance with human rights principles, introducing regulations for human rights due diligence, providing guidance on AML/CFT enforcement, avoiding de-risking practices, promoting transparency, and offering adequate training to financial institutions.

2. DONORS

To protect associations' rights to access and use resources, including foreign funding, donors should aim to create an enabling environment, strengthen civil society, empower local organizations, and support associations operating in restrictive environments. The UNSR recommends that Donors:

- **Contribute to creating an enabling environment for civil society, including by protecting their right to access resources.**

Illustrative actions include implementing OECD recommendations, engaging in dialogue with governments, supporting initiatives that protect civic space, countering mis- and disinformation, and integrating the issue of closing civic space into staff training.

- **Invest in the development of a strong civil society sector,**

including by providing multi-year and flexible funding, paying full indirect costs, promoting collaborations, involving civil society in decision-making, and simplifying administrative requirements.

- **Promote and support local civil society by recognizing them as co-creators,**

engaging in meaningful consultations with civil society actors, providing them with long-term and flexible support, empowering them to diversify their funding sources, and endorsing equitable partnerships. [Some illustrative examples include Ford Foundation's Weaving Resilience initiative, the Change the Game Academy, and the Bulgarian Fund for Women's partnership initiative.](#)

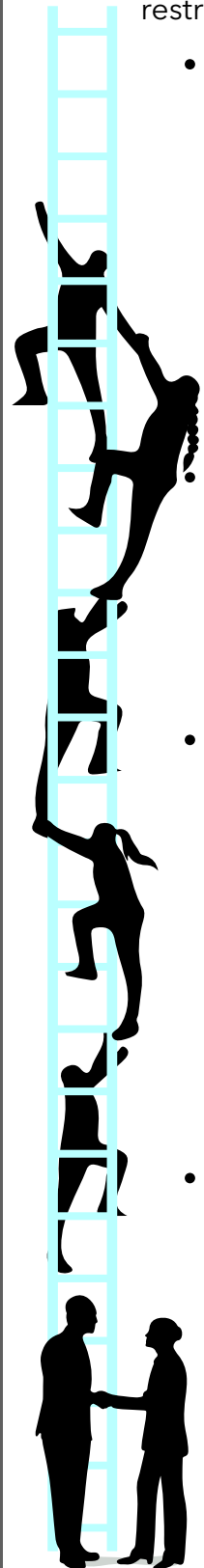
- **Adopt measures to support associations operating in restrictive environments,**

including understanding the challenges they face, conducting risk assessments, changing funding priorities, providing financial and political support, developing assistance programs, and advocating for their rights. UNSR Voule highlights [the Lifeline Resiliency Grants](#) who offer rapid response support for at-risk CSOs as a positive example of donors supporting civil society.

3. MULTILATERAL ENTITIES

Multilateral entities play an important role in fostering an environment that empowers civil society and enables them to freely access the resources necessary for their work, while upholding their rights. The UNSR recommends that multilateral entities:

- **Implement comprehensive policies** that emphasize the importance of civil society organizations while recognizing their right to seek, receive, and utilize resources and **address repressive laws and policies that restrict the space for civil society,**
- **Engage in meaningful collaboration with a diverse range of civil society organizations** during the development of policies and programmes that may impact their access to resources.
- **Integrate Human rights law,** specifically the right of associations to seek, receive, and utilize funding, into all discussions, evaluations, and standard-setting **pertaining to countering terrorism and its financing.**



4. BANKS AND FINANCIAL INSTITUTIONS

Banks and financial institutions should adhere to their human rights obligations, respecting the right to freedom of association and conducting human rights due diligence when designing and implementing policies and practices that affect civil society organizations' access to resources. To this effect, the UNSR recommends that banks:

- **Avoid automatically categorizing civil society organizations as high-risk**

and allow them to benefit from new funding sources and technologies, such as crowdfunding platforms.



- **Seek to understand their civil society customers better,**

by incorporating their feedback on mitigating the negative impacts of de-risking procedures, and by facilitating regular exchanges with civil society organizations to enhance mutual understanding.

5. CIVIL SOCIETY ORGANIZATIONS

Civil society organizations play a crucial role in monitoring and reporting on laws, regulations, policies, and practices that affect their right to access resources. They should engage with states, international donors, and other stakeholders during the development of such measures, and ensure participation in national terrorist financing risk assessments.



- Additionally, **civil society organizations should report on human rights violations and abuses** related to their right to access resources and monitor the impact of counter-terrorism financing measures.

- To ensure proper stewardship of all revenue sources, **civil society organizations should collaborate to establish independent, effective self-governance standards** that promote open, transparent, accountable, and democratic structures, as well as fundraising activities.