

## **Restricted/shrinking space for civil society**

The synthesis below is based on survey responses received from 24 countries, representing all geographical divisions of SDC, and has been reviewed in a validation exercise at the DDLGN Face to Face meeting in Kiev on May 17<sup>th</sup> 2018.

### **Why a restricted/shrinking space for Civil Society (CS) is an issue (for SDC)**

- State ideology does not recognize a role for civil society to represent interests of the people. Elected leaders are wrongly considered the only legitimate representatives of the people. Such impediment to CS participation in decision making, has a series of negative consequences on the functioning of democracy.
- Civil society does not feel ownership for public policies, the state is not responsive to needs of civil society, and in particular to those of the excluded. This can have effects on not addressing poverty reduction efforts properly. It can however also lead to frustration and, over time, threaten the stability of the political system, this may lead to a vicious circle.
- Lacking space for CS in demanding accountability weakens anti-corruption initiatives and may contribute to supply side impunity
- Recurring sensitive issues due to restricted space for CS are: ethnic minority rights, Gender Based Violence, LGBTI rights, land rights, extraction of natural resources/mining, anti-corruption, civic education, Human Rights.

### **Why the state restricts/shrinks the space for CS**

- The shrinking space may come as a reaction by ruling party after losing elected seats.
- Government treat CSOs as competitors for ODA and reduces the legal possibilities for them to receive donor funding.
- Arguments of fights against terrorism, money laundering, stability and economic development are used to restrict space for CS.
- The state may be induced to restrict the space for CS based on private sector interventions.

### **How the state restricts/shrinks the space for CS**

- Restrictive measures include: restrictive legislation, administrative hurdles for civil society organizations (registration, tax, reporting, requirements for holding bank accounts...), closing down NGOs and media houses but also surveillance, intimidation, repression, judicial proceedings, threats, defamation (branded as “anti-state” or “foreign agents”), arrests, enforced disappearances, murder.
- Development practitioners, journalists and the media, activists and Human Rights Defenders are restricted in their individual and collective ability to foster public debate, demand accountability from the State, advocate for change and monitor Human Rights abuses.
- CS is limited through cooptation of its leaders in government/bureaucracy as a way to silence them or through the creation of governmentally supported NGOs, crowding out other CSOs.
- The state may copy negative models of restrictive measures from neighboring countries.

### **How CS contributes itself to restricting/shrinking its space**

- The fear from retaliation may lead to self-censorship by CSOs, human rights defenders, journalists and media houses.
- CS and CS coalitions and networks may be divided by competition for funds, political affiliations or in some contexts by other CSOs pursuing anti-democratic and illiberal agendas.
- CSOs may become violent or violent legitimate laws of the state, thus leading themselves to restrictive legislation en contain their damaging behavior.
- When CSOs themselves are not legitimate and representative of their constituencies, they weaken their credibility and the likeliness of their voice being taken seriously.

- In absence of informed and alternative thinking for improved public policy among CSOs, strong risk of externally driven agendas (donor, INGO, external lobby) instead of own thinking and consideration of local community priorities.

### **What SDC/donor programs can do to avoid/revert the restricting/shrinking space for CS**

- Based on trusted relationships, donors should promote good CS governance, human rights and its defenders and the rule of law through their policy dialogue. For this they need to gather information, analyze the situation and know the actors, tensions and challenges.
- Provide support to public service delivery, involving CS constructively in the determination of needs and satisfaction assessment. The support to citizen initiatives voicing concerns can be perceived as constructive if authorities are supported in their capacity and readiness to supply accountability. A constructive accountability practice, leading to better satisfied citizen, may increase the recognition of the value added of participatory practices by the authorities.
- In order for authorities to answer requests from CS, it is important to foster their recognition. This can be achieved through donor support to stakeholder networking (including academia and think tanks, communities of practice, but also synergies with oversight institutions), the creation of CS networks (also beyond borders between countries with strong and others with weak CS) or the building up of multi-stakeholder platforms, which get more easily a recognition as dialogue partners by the authorities.
- The communication capacity of CS is important for them to be heard by authorities. Donors can foster the communication capacity of CS through the media or the cyberspace.
- CS partners need support by donors in order to decrease staff turnover, the refusal of visas for international staff of INGOs, increased insecurity of staff etc. Providing core contributions to such CSOs instead of mandates may lead to strengthen them institutionally, giving them a medium term perspective and acting more flexibly according the changing context.
- CSOs may become stronger and better performing if their capacity is built to fulfil donor managerial, administrative and fiduciary requirements, and to apply accountability tools like social audits. A way of fostering such CS capacity is to integrate space for CS engagement towards the authorities in donor programs and their overall portfolio management. The CS should contribute to monitoring the context evolutions in all SDC domains/sectors.
- Instead of working alone, SDC should foster donor coordination and apply international initiatives and standards. It may finance basket fund programmes, as long as its contributions are less than 50%. Such programmes should maintain the flexibility to support community priorities emerging from local research and analysis.

### **Challenges faced in avoiding/reverting the restricting/shrinking space for CS**

- Get the acceptance by illiberal regimes of CS as recognized actor of development and policy interlocutor, overcoming the democracy vs. development trade off through a HRB approach.
- Determine red lines to stay engaged in a restricted enabling environment, e.g. for negotiating CS support programmes with governments or CS framework conditions.
- Avoid endangering CS, monitoring effectively the evolution of the space for CS.
- Manage risks of promoting CS accountability work, in formal and informal spaces, in country or from exile, in big cities and beyond, through old or innovative approaches and media.
- Identify and access experiences and experts from successful experiences in other countries and international best practice and apply instruments and funding flexibly.
- Strengthen CS as actors promoting change in the country while at the same time making them sustainable beyond a role as foreign sponsored implementing partners.