

Early Warning System Project

Full Implementation Phase

Information Paper and Toolkit

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1. Introduction and project background

Over the past few years, a trend toward legal and policy environments that hamper rather than enable civil society has been noted with alarm by civil society organisations, the United Nations, other international institutions and bodies, and even some governments themselves. In the context of global concerns regarding the spread of terrorism/extremism, many states have introduced new restrictions – in legislation, regulations or operational policies – which are increasingly being used in an arbitrary or discriminatory manner. In some circumstances, these barriers are used deliberately to curtail civil society, particularly among groups that express concerns around government policies or operations; whereas other times they are unfortunate side-effects of a malfunctioning legal or policy system, and excessive bureaucratic discretion. Increasingly, donors and other actors are forced to negotiate such restrictions to support the important work of local groups. Despite this, there has been little detailed research conducted to assess the scope of these restrictions on independent civic voices to support proactive and focused advocacy to ensure respect for civic space. Such research is particularly needed for comparative analysis, and to assist with the early response to such threats.

During 2007, CIVICUS conducted research into other early warning systems, held consultations with stakeholders on the ground and developed case studies that tracked the process related to legal restrictions in select countries. A number of similar systems were assessed, and monitoring techniques were evaluated according to their relevance and previous use in human rights monitoring. Consultations were then held in the Pacific, South America and Europe to draw on the experience of those working on the ground. Participants were mostly human rights defenders and representatives of civil society groups, including representatives of countries where civil society space has recently been restricted. Case studies drew out this experience in more detail in five diverse countries – Bahrain, Venezuela, Uganda, Nepal and Russia - where restrictive legislation affecting civil society was introduced. The reports focused on areas such as: tracking the steps towards restrictive laws or procedures, including the order in which they were observed; indicators that were obvious at the time as well as others, which were only recognised in retrospect; and the advocacy that was carried out.

Based on the consultations, case studies, as well as CIVICUS and ICNL's own experience, methodology and a blue print to track the early signs of restriction of civil society space were developed. Seven civil society partners from Ethiopia, Kazakhstan, Lebanon, Philippines, Solomon Islands, United States and Vietnam were invited to participate in a workshop at Johannesburg in September 2008 to discuss and refine the methodology for the project prior to commencing the pilot phase of the Early Warning System (EWS) project from October 2008 to March 2009.

Upon conclusion of the pilot phase, partner organisations were sent a questionnaire seeking their views on different facets of the project and how these could be improved. Accordingly, an evaluation report was drafted taking into account these concerns and the methodology was revised to prepare for the full implementation phase of the project from October 2009 through September 2010.

2. Project objectives

Overall, the EWS project aims to:

- Generate broader awareness about restrictions on civil society space among varied stakeholders at national, regional and international levels, including governments, civil society organisations, inter-governmental organisations, donor agencies and the media;
- Enable effective dissemination of reliable and easily accessible information related to civil society in the 14 countries covered by the project, particularly related to threats to civic space to enable advocacy and other actions;
- Build stronger local and international networks of stakeholders involved in collaborating on issues related to civil society space; and
- Enable effective responses (both locally and internationally) at an early stage to legal developments that may impede civil society activities in the countries covered by the project.

3. Project coverage

As mentioned above, the EWS project was piloted in seven countries (Ethiopia, Kazakhstan, Lebanon, Philippines, Solomon Islands, United States and Vietnam) from October 2008 to March 2009. It is being extended to another seven countries in the full implementation phase from October 2009 to September 2010 (Egypt, Nicaragua, Pakistan, Russia, Uzbekistan, Venezuela and Zimbabwe), taking the total to 14 countries.

The criterion in selecting the present countries was to enable diversity in geographic spread as well as political systems. As the project proceeds beyond the full implementation stage, it is intended to expand the project to other countries and expand its regional coverage to all corners of the globe.

4. Normative framework for the project

The Early Warning System is premised upon guarantees enshrined in the International Bill of Rights which comprises the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. In particular, it seeks to protect the freedoms of association, expression and assembly. It recognises the further definition of these particular rights as described in the UN Declaration on Human Rights Defenders, as well as the international principles set forth in the ICNL-World Movement for Democracy report *Defending Civil Society*.¹ The EWS seeks to monitor the manner in which states respect and protect these rights, and hopes to provide early alerts and mobilise responses when these rights may be at risk.

5. Definition of civil society

Civil society can be broadly defined as *“the arena, outside of the family, the state, and the market, which is created by individual and collective actions, organisations and institutions to advance shared interests”*.² The EWS system uses this broad definition in monitoring threats to civil society. Given the varying interpretations of civil society in each country, however, it was agreed during the pilot phase that this would not be an exhaustive list, and partner organisations were permitted to modify it according to country context.

In addition to defining civil society (i.e. the actors the EWS seeks to protect), prior to implementing the pilot phase, project partners also endeavored to identify those sectors of ‘civil society’ whose rights they would primarily focus their energies on. Recognising that some segments of what is broadly understood as civil society (i.e. the arena outside the family, state and market), may have intentions or approaches that contradict the principles of human rights, the partners agreed that the EWS should only recognise and seek to defend those members of civil society whose goals are aligned with the Universal Declaration of Human Rights, and those who employ peaceful means in their activities.

6. Monitoring threats to civil society

Both secondary and primary sources are to be used to monitor threats to civil society.³ The country partners are primarily expected to monitor local or regional sources, with CIVICUS monitoring the international press, reports of international civil society organisations as well as international agencies or bodies.

The sources to be monitored consist of the following:

- media
- official publications and statements

¹ The full text of the UN Declaration of Human Rights Defenders is available at <http://www2.ohchr.org/english/issues/defenders/docs/declaration/declaration.pdf> and the ICNL-WMD *Defending Civil Society* principles are included in **Annex 1**

² This definition was developed by the CIVICUS Civil Society Index. A list of organisations that are considered ‘civil society’ for the purposes of the EWS are included in **Annex 2**

³ Guidelines for monitoring are available in **Annex 3**

- decisions of courts and other quasi-judicial institutions
- civil society, government and inter-governmental organisations' reports
- general observations on the ground

The country partners are expected to monitor these sources and develop reports on a bi-weekly basis, using a set template.⁴ Where the monitoring identifies the existence of one or more of the indicators, the in-country partner will specify the same on the bi-weekly monitoring form, provide a narrative description as well as determine its severity indicating the level of threat according to an A, B, C system, A (requires immediate action), B (requires follow up), C (to be noted). If action is required, they are also asked to recommend the most appropriate response. The information will then be entered into a database by the Civil Society Watch team based at the CIVICUS offices.

Country partners are required to save copies of the source information (newspaper clippings, electronic newsletters, gazettes, etc) referred to in the bi-weekly reporting form. Depending on preference, this can be filed electronically on a computer, or printed and filed in hard copy in file folders. It is important that this information is filed so that it can be referred to in the future, should the need arise.

7. Indicators of threats to civil society

Based on research and consultations with partner organisations, a set of 42 indicators were developed and grouped into 12 categories for the pilot phase. Upon receiving partners' feedback, the indicators have been made broader in scope and grouped into 15 broad categories under five themes.⁵ These are:

- I. External threats or restrictive influences**
 - 1 National security concerns
 - 2 Fear of foreign influence
 - 3 Influence of neighboring countries or allies
 - 4 Agreements with other governments, international or regional bodies
- II. Threats and restrictions to CSOs**
 - 5 Questioning of CS credibility
 - 6 Targeting of individual Civil Society actors
 - 7 Unwarranted official restrictions on CS
 - 8 Questioning of political impartiality of CSOs
- III. Threats and restrictions to civil and political rights**
 - 9 Media restrictions
 - 10 Political and electoral processes
 - 11 Restrictions on civil liberties and other basic rights
- IV. Restrictive influence of and threats from non-state actors**
 - 12 Influence of private sector
 - 13 Threats from non-state actors
- V. Miscellaneous**
 - 14 Negative events
 - 15 Positive changes and achievements

8. Communications, advocacy and network building

The CIVICUS team will examine the reports submitted by country partners, evaluate them and consult with country partners on the type of communications/ advocacy response required to address the threats identified. Overall the project has two main communications objectives:

⁴ The bi-weekly reporting format is available in **Annex 4**

⁵ Full descriptions of the indicators are provided in **Annex 5**

1. To ensure that the appropriate stakeholders receive information in a timely manner
2. To ensure that the information received enables stakeholders to respond in an effective manner

Once the reports are received, the information will be shared on the CIVICUS website in country-specific Early Warning System pages at: <http://www.civicus.org/csw/csw-early-warning-system>

Based on the recommendation of country partners, CIVICUS and ICNL will develop an appropriate response depending on the local context in line with the EWS project communications strategy.⁶ Advocacy/ communication tools or actions can include but are not limited to lobbying with local and other interested national governments, as well as regional and international bodies; seeking remedies through judicial or quasi-judicial bodies; action alerts and press releases; petitions and letters of appeal; analytical reports or articles with policy recommendations; preparing legal analyses and commentaries; carrying out of solidarity or fact-finding missions; organising national, regional or international workshops or conferences; and partnership with international and/or local organisations.

The success of the project is dependent in large measure upon the creation of networks to highlight threats to civil society. It is hoped to create two types of networks to engender distribution of information, and active lobbying and advocacy, where appropriate. It is expected to create an international network and a local network. CIVICUS will create an international network made up of civil society organisations, as well as sympathetic members of government and business. Network members will be notified of impending and current threats to civil society, and will be asked to respond and participate in solidarity actions where appropriate. Some of the network members may be contacted directly to take certain actions.

Additionally, country partner organisations are expected to connect with a number of interested organisations and individuals to create a network - formal or informal - to assist with providing relevant information, receiving EWS alerts, as well as conducting lobbying and advocacy activities. Such a network could be made up of representatives of different forms of local and international civil society within the country (ie. NGOs, trade unions, faith based organisations, think tanks) as well as interested citizens, civil rights lawyers, local media and foreign correspondents, donor organisations, sympathetic politicians and diplomats. The composition of the network can be dependent on the country context.

9. Partner organisations

The following organisations partnered with CIVICUS and ICNL in the pilot phase of the project and will be continuing their partnership in the full implementation phase:⁷

- Association pour la Défense des Droits et des Libertés - ADDL (*Lebanon*)
- Development Services Exchange - DSE (*Solomon Islands*)
- Institute for Development Cooperation - IDC (*Kazakhstan*)
- Karapatan (*Philippines*)
- Center for Community Support Development Studies - CECODES (*Vietnam*)
- Charities and Societies Network OMB Watch (*USA*)
- Organisation for Social Justice in Ethiopia -OSJE (*Ethiopia*)

The new partners in the full implementation phase of the project are:

- Egyptian Association for Community Participation Enhancement - EACPE (*Egypt*)
- National Association of NGOs - NANGO (*Zimbabwe*)
- Pakistan NGO Forum (*Pakistan*)
- Rapid Response Group (*Uzbekistan*)
- Red Nicaraguense por la Democracia y el Desarrollo Local (*Nicaragua*)
- Sinergia (*Venezuela*)
- Youth Human Rights Movement – YHRM (*Russia*)

⁶ The Communications Strategy is provided in **Annex 6**.

⁷ A list of country partner representatives is provided in **Annex 7**

The following criterion was applied in selecting country partners:

- In-depth knowledge of civil society issues and the threats faced by it, as well as civil society status and development in the country;
- Familiarity with civil society leaders in the country, including heads of NGOs, citizen organisations and movements, community-based organisations, trade unions, faith-based organisations and mass media;
- Basic research skills including prior experience in conducting surveys, monitoring mass media, content-analysis of secondary sources and observation;
- Experience monitoring human rights issues to some level (formally or informally) on an ongoing basis;
- Ability to fluently communicate and report in English, in addition to knowledge of local languages.

10. Roles and Responsibilities

According to the Terms of Reference drawn up, country partners are expected to:⁸

- Participate in the training and consultation workshop (Johannesburg, South Africa) in September 2009
- Carry out periodical monitoring of situations that threaten civil society and prepare brief bi-weekly reports in accordance with indicators
- Submit quarterly reports analysing the developments in the country
- Create an informal in-country network of civil society experts
- Work with CIVICUS/ICNL to respond to signs of threats
- Work with CIVICUS on development of communications tools and a central database

The Civil Society Watch team of CIVICUS will:

- Oversee overall implementation of the project
- Conduct a training and consultation workshop for national partners in September 2009
- Coordinate the submission of bi-weekly monitoring reports and their entry into a database.
- Present updates based on the monitoring reports on the CIVICUS website.
- Disseminate updates based on the monitoring reports to an international network of interested and influential individuals.
- Work with country partners to develop appropriate responses.
- Summarise the final reports provided by country partners into an annual report for the EWS project.

11. Funding

Current funding for the EWS project is provided by Sasakawa Peace Foundation, PATC - DANIDA and Christian Aid. Country partners' expenses related to participation in the September 2009 workshop in South Africa will be covered by CIVICUS. For the period of October 1, 2009 until October 31, 2010, the country partners will receive from CIVICUS, an honorarium equivalent to \$6000 (USD) in total, paid in two instalments of \$3000 (USD) in October 2009 and April 2010.

Country partners are encouraged to explore alternative sources of funding to supplement their monitoring and advocacy efforts. CIVICUS is happy to provide letters of support in this respect.

⁸ A complete Terms of Reference is available in **Annex 8**

ANNEX 1. International Principles Protecting Civil Society

(These principles were developed by the World Movement for Democracy & the International Center for Not-for-Profit Law and are cited in the Report titled *Defending Civil Society*, published in February 2008)

To protect civil society organizations from the application of the legal barriers described in this paper, this section seeks to articulate principles that govern and protect CSOs from repressive intrusions on the part of governments.

Principle 1: The Right to Entry (Freedom of Association)

(1) International law protects the right of individuals to form, join and participate in civil society organizations.

(a) Broad scope of right. Freedom of association protects individuals in their right to establish a wide range of civil society forms, including trade unions, associations, and other types of NGOs.

(b) Broadly permissible purposes. International law recognizes the right of individuals, through NGOs, to pursue a broad range of objectives. Permissible purposes generally embrace all 'legal' or 'lawful' purposes and specifically includes the promotion and protection of human rights and fundamental freedoms.

(c) Potential founders. The architecture of international human rights is built on the premise that all persons, including non-citizens, enjoy certain rights, including freedom of association.

(2) Individuals are not required to form a legal entity in order to enjoy the freedom of association.

(3) International law protects the right of individuals to form an NGO as a legal entity.

(a) The system of recognition of legal entity status, whether a "declaration" or "registration/incorporation" system, must ensure that the process is truly accessible, with clear, speedy, apolitical, and inexpensive procedures in place.

(b) In the case of a registration/incorporation system, the designated authority must be guided by objective standards and restricted from arbitrary decision-making.

Principle 2: The Right to Operate Free from Unwarranted State Interference

(1) Once established, NGOs have the right to operate free from unwarranted state intrusion or interference in their affairs. International law creates a presumption against any state regulation that would amount to a restriction of recognized rights.

(a) Interference can only be justified where it is prescribed by law, to further a legitimate government interest, and necessary in a democratic society. States must refrain from restricting freedom of association through vague, imprecise, and overly broad regulatory language.

(b) It is incumbent upon the state to ensure that applicable laws and regulations are implemented and enforced in a fair, apolitical, objective, transparent and consistent manner.

(c) Involuntary termination or dissolution must meet the standards of international law; the relevant government authority should be guided by objective standards and restricted from arbitrary decision-making.

(2) NGOs are protected against unwarranted governmental intrusion in their internal governance and affairs. Freedom of association embraces the freedom of the founders and/or members to regulate the organization's internal governance.

(3) Civil society representatives, individually and through their organizations, are protected against unwarranted interference with their privacy.

Principle 3: The Right to Free Expression

Civil society representatives, individually and through their organizations, enjoy the right to freedom of expression.

(a) Freedom of expression protects not only ideas regarded as inoffensive or a matter of indifference but also those that offend, shock or disturb, since pluralism is essential in a democratic society. NGOs are therefore protected in their ability to speak critically against government law or policy, and to speak favourably for human rights and fundamental freedoms.

(b) Interference with freedom of expression can only be justified where it is prescribed by law, in the interests of a legitimate government interest, and necessary in a democratic society. States must refrain from restricting freedom of expression through vague, imprecise, and overly broad regulatory language.

(c) Stemming from the well-recognized protection of individuals to freedom of assembly, NGO representatives have the right to plan and/or engage in the advocacy of legal aims, including human rights and fundamental freedoms.

Principle 4: The Right to Communication and Cooperation

(1) Civil society representatives, individually and through their organizations, have the right to communicate and seek cooperation with other elements of civil society, the business community, international organizations and governments, both within and outside their home countries.

(2) Individuals and NGOs have the right to form and participate in networks and coalitions in order to enhance communication and cooperation, and to pursue legitimate aims.

(3) Individuals and NGOs have the right to use the Internet and web-based technologies to communicate more effectively.

Principle 5: The Right to Seek and Secure Resources

Within broad parameters, NGOs have the right to seek and secure funding from legal sources. Legal sources must include individuals and businesses, other civil society actors and international organizations, inter-governmental organizations, as well as local, national, and foreign governments.

Principle 6: State Duty to Protect

(1) The State has a duty to promote respect for human rights and fundamental freedoms, and the obligation to protect the rights of civil society. The State's duty is both negative (i.e., to refrain from interference with human rights and fundamental freedoms), and positive (i.e., to ensure respect for human rights and fundamental freedoms).

(2) The State duty includes an accompanying obligation to ensure that the legislative framework relating to freedom of association and civil society is appropriately enabling, and that the necessary institutional mechanisms are in place to ensure the recognized rights to all individuals.

The full report is available at <http://www.icnl.org/knowledge/news/2008/3-21.htm>

ANNEX 2. What is Civil Society? Checklist of Civil Society Organisations (CSOs)

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The CIVICUS Civil Society Index defines civil society as *the arena, outside of the family, the state, and the market, which is created by individual and collective actions, organisations and institutions to advance shared interests*. The EWS system uses this broad definition in monitoring threats to civil society.

Entities that form part of civil society can therefore include non-governmental organisations (NGOs), trade unions, faith-based groups, academic institutions and think-tanks, and community groups and networks. Some of their activities may include provision of services in health or education, campaigning on social justice issues, dissemination of information of value to the community, working to improve governmental transparency, or participation of vulnerable or marginalised sections of the population.

The following is a 'checklist' of different categories of CSOs intended to assist the EWS Country Partners in identifying the full range of CSOs in their countries. Please note that not every category listed below will necessarily exist in every country, nor is this an exhaustive list of possible categories. **This list should be adapted to the individual country's context.**

Guiding Checklist of Categories of CSOs:

- Faith-based organisations
- Trade unions
- Women's organisations
- Student or youth organisations
- Developmental CSOs (e.g. NGOs working on literacy, health, social services)
- Advocacy CSOs (e.g. civic action, social justice, human rights, consumers' groups)
- CSOs active in research, information dissemination, education and training (e.g. think tanks, resource centres, non-profit schools)
- Non-profit media groups
- Associations of socio-economically marginalised groups (e.g. poor people, homeless, landless, immigrants, refugees)
- Social service and health associations (e.g. charities raising funds for health research and services, mental health associations, associations of people with physical disabilities)
- Other fund-raising bodies and organisations
- Professional and business organisations (e.g. chambers of commerce, professional associations)
- Community organisations (e.g. village associations, neighbourhood committees)
- Community-level groups or associations (e.g. burial societies, self-help groups, parents' associations, village associations, indigenous peoples' associations, Waqfs, monasteries, and mosque-based associations)
- Economic interest CSOs (e.g. cooperatives, credit unions, mutual saving associations)
- Ethnic, traditional or indigenous associations or organisations
- Environmental CSOs
- Culture and arts and social and recreational CSOs
- CSO networks, federations, support organisations
- Others

ANNEX 3. Monitoring Guidelines

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What is monitoring?

“Monitoring - close observation of a situation or individual case, carried out over a long period of time, with reference to accepted norms, with the purpose of providing an assessment that serves as basis for further action”. (HURIDOCS, 2003)

“Norms or standards are common, accepted or agreed-upon characteristics or ways of behaviour of persons, things, events or situations. A case or situation is considered abnormal if it exhibits characteristics that deviate from recognised norms. It means that there is a problem that needs to be corrected”. (HURIDOCS, 2003).

The Early Warning System (EWS) is designed to monitor threats to core civil society freedoms to express, associate and assemble against the norms and standards laid out in international human rights law as well as national constitutions and other supporting legislation.

The EWS relies mainly on indicator-based monitoring.

Types and instruments of monitoring

The Early Warning System will use the following tools:

1. Media monitoring (local and international)
2. Monitoring of official publications and statements
3. Monitoring of civil society reports (local)
4. Monitoring of international reports (civil society, governmental and inter-governmental)
5. General observations on the ground

Media monitoring

Media monitoring will be the primary tool used in the Early Warning System. Local and regional media monitoring will be conducted primarily by the in-country partners, while CIVICUS will assist in monitoring the international media. As mainstream media may be highly controlled in some countries, alternative media in addition to select mainstream media will be monitored. Media sources for monitoring will be selected by the partner organisation, based on their knowledge of the country, in consultation with CIVICUS.

In selecting the media sources for monitoring, the following factors should be considered:

- Media environment: Who owns the media source? What are its political leanings? What is the structure of any publicly funded media? Who funds the media source or what are its major sources of revenue? What is the audience for different media sources?
- Media law: Nature of the legal environment under which the media operates? Are there any broad restrictions on media freedom? Does the legislative framework relating to the media allow it to report freely and independently? Are any restrictive laws in regular use?
- Professional standards and traditions: Does the country have a tradition of media freedom? Is there a long history of independent professional journalism? Is there professional regulation of the media? (for example through a code of conduct and a self-regulatory complaints procedure) Have most journalists received professional training?
- Attacks on the media: Have journalists been allowed to go about their work unhampered? Have there been attacks on journalists by government agents, the private sector or non-state agents? Have journalists been arrested and imprisoned?

- Informal controls over the media: Do the government or important political figures exercise informal political control over what appears in the media? Is control exercised through bribes and inducements or threats and penalties or through self-censorship by the media itself or a combination of all of the above methods?

While these will be discussed with the partner, it is expected that partners will monitor at least one government newspaper, one independent newspaper, one television news broadcast, one radio news broadcast and one local alternative news website.

A weekly list of monitoring events may look like this:

State TV nightly news, 7:00 p.m. to 7:30 p.m. daily, 7 events

Or State Radio news, 12:00 p.m. to 12:30 p.m. Mon – Sat, 6 events

Newspaper #1 (state, national), daily, 7 events

Newspaper #2 (independent), once a week. 1 event

Total monitoring events each week: 15 (or 14) events

Monitoring of official publications and statements

While some government actions may be reported in the news media, others may go unnoticed. For this reason, official government publications and statements should also be monitored **on a regular basis**. In-country partners will scan government websites, minutes of parliamentary and relevant committee meetings and official publications (newsletters, gazettes) for any signs of the indicators.

Official publications and statements may be obtained by subscription (electronic and in print) through libraries, statistics offices and other governmental bodies.

In the case of new or impending legislation, it is important to obtain the information while bills are being proposed, drafted, debated or passed in legislative bodies. Although, official drafts of bills and new laws are usually published in government bulletins, the broad proposals to introduce new legislation are more difficult to obtain, therefore communication and contacts with political parties' and government officials as well as NGOs following the proposed legislation, should be considered.

The following are some examples of official publications or statements that can be monitored:

- Statements by the head of government, state or key ministers on issues affecting civil society. Many countries have official websites for the head of government where the text of their speeches is uploaded.
- Also the public relations department of the state in many countries issues press releases of significant statements emanating from the government.
- Some governments have an official newsletter, bulletin or paper that is released periodically that gives an update of recent events and policy priorities.
- Departmental websites, particularly key departments like Home or Interior Ministry or Ministry of Law, Justice and Constitutional Affairs often contain important information about official statements and policy briefs. Also some ministries release annual reports which list key priorities.
- Official Gazettes released periodically often contain information about new laws and proposed bills as well as provide information on impending policy changes.
- Some countries have National Human Rights Institutions or Ombuds offices that release periodic reports and also contain information on their websites about key human rights and civil society concerns.
- Parliamentary offices often release the text of new and proposed bills as well publish accounts of parliamentary proceedings. Also, many times, MPs usually from the opposition ask questions from government ministers on key concerns. Both the questions as well the answers can provide indication of future trends concerning civil society.
- Parliamentary committees also advise the government on key issues such as counter-terror legislation, security and human rights concerns that affect civil society from time to time.

- Sometimes governments institute expert committees to advise on new legislation and policy. Examples include, police act drafting committees or committees on freedom of information legislation.
- Reports submitted by official commissions like the law commission or administrative reforms commission often provide impending clues to proposed legislation and policy changes.
- Court judgements often spur the government into introducing particular laws or policies. The constitutional courts in many countries issue gazettes containing important decisions and in some countries these are also available on supreme court or high court websites.
- Also, election manifestos although not strictly 'official', provide significant information about the policy directions and priorities of the government.

Monitoring of civil society reports

Local and regional civil society organisations often produce briefs, news stories and analysis on various matters of importance to civil society. They often monitor the protection and abuse of human rights by both state and non-state actors. Among other abuses, this could include the harassment and intimidation of civil society actors, bans on meetings and demonstrations, as well as the refusal to register organisations. They may also indicate where a government has signed an international treaty (such as those related to human rights or counter-terrorism). The in-country partners should monitor such reports on a regular basis, as they are released.

The sources for this type of monitoring can include NGO publications such as general or thematic reports, news and analysis bulletins, books and articles, as well the discussions carried out in NGO meetings and conferences, TV interviews with civil society representatives etc.

International reports (both civil society and governmental)

The international staff team based at CIVICUS will be responsible for collecting and analysing international reports from selected governmental, inter-governmental and civil society sources. These sources will be identified in advance, in consultation with in-country partners. These sources will also be examined on a regular basis, as they are released, for any signs of the indicators.

The partner organisation in the country can also use the international reports for cross-checking the information as well as a data source for relevant indicators.

General observations on the ground

The EWS project recognises that in certain circumstances, particularly where the media is highly restricted or censored, indicators may not be picked up by the types of monitoring and data collection prescribed above. Information may instead be circulated by word-of-mouth, or informally during meetings. While some reports could be dismissed as unfounded rumours, other information may have some substance, which can be used to identify the existence of a threat or predict it. It is thus imperative that local partners observe and remain alert to informal sources of information, while determining (through reasonable means) the factual correctness of the information.

The principles of triangulation (the checking of the facts using, ideally, three sources of data – word-of-mouth, official statements and local NGO report and/ or international source) should be used to confirm the event or the fact.

ANNEX 4. Bi-weekly Reporting Form

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Please report all monitoring you have completed in the two week period, regardless of whether any indicators are found. Where no indicators are found, please only list the Information Source and the Source Date. Delete any unused indicator rows.

Dates monitored:

Name of monitor:

Country:

Name of organisation:

Indicator	Description of events	Source	Source date	Persons or organizations affected	Impact of event	Level of Urgency (A, B, C)	Actions suggested
I. External threats or restrictive influences							
1. National security concerns							
2. Fear of foreign influence							
3. Influence of neighboring countries or allies							
4. Agreements with other governments, international or regional bodies							
II. Threats and restrictions to CSOs							
5. Questioning of CS credibility							
6. Targeting of individual CS actors							
7. Unwarranted official restrictions on CS							
8. Questioning of political impartiality of CSOs							
III. Threats and restrictions to civil and political rights							
9. Media restrictions							
10. Political and electoral processes							
11. Restrictions on civil liberties and other basic rights							
IV. Restrictive influence of and threats from non-state actors							
12. Influence of private sector							
13. Threats from non-state actors							
V. Miscellaneous							
14. Negative events							
15. Positive changes and achievements							

ANNEX 5. Indicators of Threats to Civil Society

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I. External threats or restrictive influences

1. **National security concerns**

State organs perceive civil society or certain ethnic or ideological groups as being harmful to national security. Examples include but are not limited to:

- allegations of involvement in or supporting extremist or terrorist activities
- allegations of seeking to weaken or destabilise the state
- allegations of interfering with sensitive security and defence matters

2. **Fear of foreign influence**

State organs express concerns about the negative impact of foreign influence on the political, cultural and religious life of the country. Examples include but are not limited to:

- allegations about the negative impact of foreign funded civil society organisations on political, cultural and religious traditions
- allegations regarding civil society organisations supporting the interests of foreign governments
- statements about human rights and democratic concepts as being foreign and alien to the country's traditions or culture

3. **Influence of neighbouring countries or geopolitics**

Events take place in neighbouring states or in states closely allied to the government which could have a negative impact on civil society. Examples include but are not limited to:

- introduction of legislation or policies to restrict civil society activities
- reports of arrests, prosecution, conviction, torture and extra-judicial killings of civil society members
- reports of raids on or closure of CSOs
- sudden, unexpected or major political changes with implications for civil society space and civil liberties

4. **Agreements with national governments, international and regional bodies**

The state enters into bi-lateral or multi-lateral military, security, structural adjustment, trade or other agreements which negatively impact the following:

- civil liberties
- women's rights
- environmental issues
- trade union and labour rights
- rights of minorities or indigenous people
- rights of refugees, migrants or other vulnerable or marginalised groups
- small scale farmers, entrepreneurs or economically weaker sections of society

II. Threats and restrictions to CSOs

5. **Questioning of civil society's credibility**

State organs seek to discredit civil society and question its legitimacy. Examples include but are not limited to:

- questioning the accountability/ transparency of civil society
- questioning the legitimacy of civil society to speak on or represent matters of public interest
- obstructing the access of civil society to parliamentary processes, the judiciary or quasi-judicial or administrative accountability institutions or the remedies offered by them

6. **Targeting of individual civil society actors by the state**

Individual civil society members are subjected to intimidation or harassment by state actors or suspected state agents because of their work. Examples include but are not limited to:

- enhanced surveillance and/ or interception of communications

- verbal or written threats
- defamation campaigns and character assassination
- harassment of family members
- arbitrary detention, motivated prosecution and conviction
- abductions, torture and extra-judicial killings
- identifying and singling-out civil society actors within a permissive environment of crime or violence, thereby greatly increasing a general vulnerability to physical attack
- absence of or lack of official action or proper investigations following attacks on civil society actors

7. Unwarranted official restrictions on civil society

Restrictions are placed on civil society activities in general and/or one or more civil society organisations (CSOs) is targeted by state actors. Examples include but are not limited to:

- liquidation, suspension or imposition of fines on one or more CSOs
- denial or non-renewal of registration or license to operate to one or more CSOs
- increased bureaucratic interference or scrutiny of CSOs through raids on premises and/or additional burdensome requests for information about operations or financial accounts
- drafting of new legislation or policies subjecting CSOs to additional red tape including enhanced reporting requirements
- drafting of new legislation or policies to restrict the independence and/or operational capability of CSOs
- increase in restrictions whether through official orders/policies/legislation or in practice to prevent CSOs from accessing public information or participating in policy debates or law-making processes
- passing of official orders/policies/ legislation or introduction of restrictions in practice to limit access of CSOs to funding from both domestic and international sources
- expulsion of foreign CSOs or their members from the country or prevention of their entry into the country or barring access of civil society members to a particular region of the country

8. Questioning of civil society's political impartiality

State organs perceive civil society, ethnic or ideological groups as being politically partisan or aligned to the political opposition. Examples include but are not limited to:

- allegations of civil society being politically partisan
- pressuring civil society to conform to or support official policies and ideology
- preventing civil society engagement with issues deemed to be 'political' or ideologically opposed to the government
- preventing civil society from representing concerns of ethnic, religious or ideological groups

III. Threats and restrictions to Civil and Political Rights

9. Restrictions on the media

State organs seek to restrict media freedom and activities, including the use of the internet and related new media. Examples include but are not limited to:

- official statements or warnings of caution for criticising official actions and policies
- raids, closures or imposition of fines on one or more media outlets
- forcing the media to disclose their sources
- registration of cases under existing defamation, public order, national security or other legislation against journalists or the media
- arrests or convictions of journalists
- drafting of new legislation or policies to limit media criticism of official actions or policies
- enhanced censorship of media content
- Increased state control/ownership of media outlets
- introduction of restrictions that limit access to information, including restriction to internet access
- reports of self censorship being practised by the media
- expulsion of foreign media or media persons from the country

10. Electoral and political processes

State organs seek to limit civil society involvement in electoral processes. Examples include but are not limited to:

- drafting of restrictive legislation or policies with a view to bringing about changes in the electoral process or limitation of political activities
- reports of electoral malpractices
- obstruction of civil society from engaging in monitoring related activities associated with electoral processes

11. Restrictions on civil liberties and other basic rights

New legislation, policies or practices including anti-terrorism, security or emergency measures are introduced with a negative impact on civil liberties, indigenous rights, environmental rights, etc. Examples include but are not limited to:

- increased powers for law enforcement agencies to arrest suspects or carry out enhanced surveillance over the public
- restrictions on free speech, association, and expression
- failure to abide by national Constitution and laws in legal policy or practice
- unconstitutional or arbitrary detention of suspects
- racial or ethnic profiling by law enforcement agencies
- abrogation of indigenous cultural, land, or water rights
- increased environmental degradation or destruction of essential ecosystems.

IV. Restrictive influence of and threats from non-state actors

12. Influence of the private sector

There is a substantial increase in the power and influence of the private sector to the disadvantage of civil society groups particularly those that work to protect labour rights; the environment; or rights of indigenous people, small scale farmers, small scale entrepreneurs or economically weaker sectors of society. Examples include but are not limited to:

- reports about decreased transparency amongst businesses and corporations
- media outlets and news sources monopolized and limited by private or corporate control
- use of force by law enforcement agencies against demonstrators protesting against the role of big businesses or corporations
- reports about political leadership having personal interests or increased stakes in the private sector
- lack of due diligence in carrying out social and environmental impact assessments, consultations with affected stakeholders and reporting by the proponents of large-scale projects

13. Threats from non-state actors

Non state actors such as think tanks, political parties, militant groups, religious, ethnic or traditional organisations, chambers of commerce or the mainstream media target civil society. In certain contexts, hostile threats may even come from actors claiming to be part of civil society itself. Examples include but are not limited to:

- accusations of weakening or destabilising the state or society
- accusations of interfering with religious or cultural practices
- physical attacks on individual members of civil society or attacks on the premises of civil society organisations whether by known or unknown actors
- political manifestos seeking to limit civil liberties and civil society activities
- limitation of civil society activities due to an insecure environment with high levels of generalized crime or violence

V. Miscellaneous

14. Negative events

These would include events that impact civil society negatively but are not covered by the above indicators. Examples include but are not limited to:

- Cover-up or token events are organised by the government to gloss over its human rights record
- Hate crimes committed against ethnic or ideological groups
- Passing of legislation without sufficient public consultations and/or participatory process
- Reports of corruption or commission of irregularities, illegal or unconstitutional acts by state organs
- announcement of national, provincial or local elections

- reports of self censorship being practised by civil society

15. Positive changes and achievements

These would include events that impact civil society and civil liberties positively. Examples include but are not limited to:

- Introduction of enabling legislation, judicial precedents or policies with a positive impact for civil society
- Increased access for civil society to engage with state organs and influence public policy
- Repeal of restrictive legislation or discontinuance of restrictive practices by state organs
- Improved media freedom /access /development

Note: State organs include but are not limited to members of the executive, legislature and judiciary as well as statutory bodies such as human rights commissions, ombudsperson's offices, charities and societies' commissions, information commissions, minorities commissions, and trade commissions.

Types of response actions that might be required by theme

Each group of indicators might require as a response to the threats, which we have used to classify them, some might apply to different theme. They include but are not limited to:⁹

I. External threats or influences

- Send communications from our organizations to international human rights institutions and colleagues from international civil society.
- Request communications to our governments by international human rights institutions and colleagues from international civil society
- Partnership with CSOs from countries with governments with influence or closeness to our governments, as well as with human rights institutions in those countries —ombudsman's office, for example- requesting them to conduct open or quiet diplomacy in order to try to offset threats
- Meetings with local embassies of governments respectful of human rights —Nordic countries, for example—, to request their support either openly -a public event, for example, in which such countries show their support for our activities- or through quiet diplomacy

II. Threats and restrictions to CSOs

- Local mobilization of CS sectors, beneficiaries, media, to join forces to offset disqualifications
- Legal actions before national courts, demands of investigations through the office of the People's Attorney and Ombudsman's Office
- Forums and Workshops on restrictive legislation and planning of political incidence activities
- Media campaign
- Letters of support from international partner CSOs
- Protective measures from international human rights bodies
- Workshops to train on protective measures —personal, information, offices

III. Threats and restrictions to Civil and Political Rights

- Observation of electoral or political processes
- Requests of visits by international organizations to observe electoral processes
- Public demonstrations to demand respect for civil and political rights
- International mobilizations for support in front of our government's embassies
- Presentation of documented cases before international human rights bodies, directly or through partner human rights international organizations
- Prepare different means of communications when threatened with closure of media —virtual and others- so that voices of the people continue to be heard

⁹ Note: "our governments" to refer to those of the countries of all of us participating in the EWS; and "our organizations" to refer to those we are part of and our local country CS partners.

IV. Threats and influence of non-state actors

- a. Documentation of any kind of unusual activity, even if it might seem due to street violence.
- b. Workshops to train on protective measures -personal, information, offices
- c. Communications to International Labor Organization and other institutions that could contribute to offset threats from private sector
- d. Communications to international CSO's that oversee practices of Corporate Social Responsibility and could expose local companies as violators of rights

V. Miscellaneous

Responses depend of events

ANNEX 6. Communications Plan

Early Warning System Full Implementation Phase

EWS Communications Objectives

The objectives of the EWS communications are:

1. To ensure that the appropriate stakeholders receive information in a timely manner
2. To ensure that the information received enables stakeholders to respond in an effective manner

Communications / Advocacy Tools

As the results of the EWS are difficult to predict, before the research is carried out, it is difficult to set absolute communications tools or messages. While some tools can be identified within this communications plan, the tools will also need to retain flexibility in order to adapt to the needs of varying country contexts.

CIVICUS, in consultation with country partners, will take a lead on developing the communications and advocacy tools. Country partners are encouraged to suggest new and innovative tools that can be used in their countries.

Suggested communications and advocacy tools:

- Action alerts and press releases
- Lobbying of local and national government, as well as regional and international bodies
- Petitions and letters of appeal
- Reports, including policy recommendations
- Solidarity or fact-finding missions
- Regularly updated “Early Warning System” section in each of the country sections on the CIVICUS website
- Links to the EWS section or active application on partner websites
- Regular updates in CIVICUS newsletters – e-civicus and CSW Monthly Bulletin
- Attending or organising meetings/workshops at national, regional or international levels
- Partnerships with international and/or local organisations
- Newspaper/magazine articles or op-eds
- Seeking remedies through judicial or quasi-judicial bodies
- Meetings with local partners to discuss strategies (ICNL)
- Commentaries on legislative drafts (ICNL)
- Assistance funding to support dialogue with official organs (ICNL)
- Technical assistance in monitoring the implementation of legislation affecting civil society (ICNL)

Creation of EWS Networks

The success of the Early Warning System is dependent on the quality of reporting produced, and the ability of stakeholders to use the results of the reporting. It is hoped that two types of networks will be created to assist with the distribution of information from the EWS, and active lobbying and advocacy, where appropriate.

International network – This network will build on the existing networks of CIVICUS and ICNL. It will be made up of civil society organisations, as well as sympathetic members of government and business. Network members will be notified of impending and current threats to civil society, and will be asked to respond where appropriate. Some of the network members may be contacted directly to take certain actions.

Local network of civil society experts – Country partner organisations will connect with a number of interested organisations and individuals who could form part of an informal network to assist with providing relevant information, receiving EWS alerts, as well as conducting lobbying and advocacy activities, either along with the country partner or independently. Such a network could be made up of representatives of different forms of local and international civil society within the country (i.e. trade unions, faith based organisations, etc) as well as interested citizens, local media and foreign correspondents, donors, sympathetic politicians and diplomats as well as regional and international human rights bodies. The composition of the network depends on the country context.

The country partner's method of communication with the informal network depends on their specific preference. This can be done through regular email updates and the circulation of reports, inclusion of information in an existing organisational newsletter, or occasional information sharing through meetings. When there is an imminent threat identified, the communications can be more frequent.

ANNEX 7. List of Country Partner Representatives

Early Warning System Full Implementation Phase

Name	Organisation	Country	Contact
Dang Thu Giang	CECODES	Vietnam	giangdangthu@yahoo.com
David Lidimani	Development Services Exchange (DSE)	Solomon Islands	lidimanid@yahoo.com
Dmitri Makarov	Youth Human Rights Movement (YHRM)	Russia	orlovets@gmail.com
Fambai Ngirande	National Association of NGOs (NANGO)	Zimbabwe	fambai@nango.org.zw
Feliciano Reyna	Sinergia	Venezuela	reygan@attglobal.net fjreyna@gmail.com
Inessa Frants	Institute for Development Cooperation (IDC)	Kazakhstan	inessafrants@yahoo.com
Magdi Abdel Hamid	Egyptian Association for Community Participation Enhancement (EACPE)	Egypt	cpe_eg@yahoo.com
Mohammad Ismail	Pakistan NGO Forum	Pakistan	nccr_pk@yahoo.com .
Nada Ammar	Association pour la Défense des Droits et des Libertés (ADDL)	Lebanon	ammarn@unhcr.org
Luis Serra	Red Nicaraguense por la Democracia y el Desarrollo Local	Nicaragua	secretaria@redlocalnicaragua.org luishectorserra@yahoo.com.ar
Roneo S. Clamor	Karapatan	Philippines	Karapatan.pid@gmail.com Clamor.jigs@gmail.com
Ruth Solomon Regassa	Organisation for Social Justice, Ethiopia (OSJE)	Ethiopia	osje@ethionet.et
Sukhrobjon Ismoilov	Rapid Response Group	Uzbekistan	sukhrob.ismoilov@gmail.com
Suraj Sazawal	Charities and Societies Network, OMB Watch	USA	ssazawal@charityandsecurity.org

ANNEX 8. Project Terms of Reference

Early Warning System Full Implementation Phase

CIVICUS: World Alliance for Citizen Participation, in partnership with the International Center for Not for Profit Law (ICNL) have developed an Early Warning System (EWS) that seeks to monitor and identify indications of impending threats to civil society space in order to enable effective and pre-emptive responses to restrictive laws and policies.

The EWS methodology was piloted (October 2008–March 2009) with partner organisations in seven countries.¹⁰ Seven more countries have been included in the full implementation phase, taking the total number of countries to be covered in the full implementation phase to 14.¹¹

The main objectives of the EWS are to:

- Generate broader awareness about restrictions on civil society space among varied stakeholders at national, regional and international levels, including governments, civil society organisations, inter-governmental organisations, donor agencies and the media;
- Enable effective dissemination of reliable and easily accessible information related to civil society in the 14 countries, particularly related to threats to civil society to enable advocacy and other actions;
- Build stronger local and international networks of stakeholders involved in collaborating on issues related to civil society space; and
- Enable enhanced effectiveness of responses (both locally and internationally), at an early stage, to legal developments that may impede civil society's activities in the countries covered by the project.

CIVICUS provides overall guidance and coordination to the activities, while local partners will be involved in the data collection and coordination of networking and responses at the national level. CIVICUS will also provide analysis of the country reports and support partners in disseminating and responding to the information therein.

Tasks of the in-country partner

The tasks of the partner organisations during the period from September 2009 until September 2010 will include the following:

Participate in the training and consultation workshop (Johannesburg, South Africa) in September 2009

The Early Warning System workshop will be held from 17 September 2009 through 19 September 2009 and will involve an element of training, as well as offer an opportunity to better refine and adjust the EWS monitoring tools in consultation with all the partners. CIVICUS will discuss experiences from the pilot study, present a draft revised methodology and invite discussions from partners on concerns, and possible challenges. CIVICUS will cover the cost of travel and accommodation for all country partners.

Carry out periodical monitoring of situations that threaten civil society and prepare brief bi-weekly reports in accordance with indicators

Both secondary and primary sources should be used for regular monitoring, e.g. media, official publications and statements, civil society reports, international reports (both civil society and governmental), as well as data from local observation and informal sources. The reports will be submitted to CIVICUS on a bi-weekly basis starting in October 2009. The first bi-weekly report will be submitted on 9 October 2009, and the final report on 30 September 2010.

¹⁰ The seven pilot study countries were: Ethiopia, Kazakhstan, Lebanon, Philippines, Solomon Islands, the United States, and Vietnam.

¹¹ Egypt, Ethiopia, Kazakhstan, Lebanon, Nicaragua, Philippines, Pakistan, Russia, Solomon Islands, United States, Uzbekistan, Venezuela, Vietnam, and Zimbabwe.

Submit quarterly report analysing the developments in the country

The country partner will develop and submit quarterly reports that analyse the threats or signs of threats to civil society in their country during the year monitored. The four reports should be between 1000-1500 words, and provide insight into the context, the nature of the threats, and what they mean for civil society in the country. The first quarterly report shall be submitted by the end of January 2010; the second quarterly report shall be submitted by the end of April 2010; the third quarterly report shall be submitted by the end of July 2010 and the final quarterly report shall be submitted by the end of October 2010.

Create an informal in-country network of civil society experts

The country partner will build an informal network of civil society experts interested in supporting and informing the EWS monitoring and responses. This network should include representatives of various sectors of civil society, possibly including academics, media, trade unions and faith based organisations, among others. The composition of the informal network depends on the country context.¹² The country partner should correspond with the members of the network on a regular basis to receive and share information for the monitoring activities and, where appropriate, to coordinate possible responses.

Work with CIVICUS/ICNL to respond to signs of threats

The country partner will guide and collaborate with CIVICUS and ICNL on possible responses to warning signs, as identified by the EWS tools. These could include public appeals, submissions to national and international bodies, as well as strategic advocacy actions, lobbying, networking and coalition-building with like-minded civil society organisations. The responses will vary depending on the country, and the advice of the country partner. At least one response per country should be planned and carried out between October 2009 and September 2010.

Work with CIVICUS on development of communications tools and a central database.

The country partner will collaborate and work with CIVICUS to further enhance communication tools and/or work on the development of a centralised database. In addition to contributing ideas and submitting recommendations, the country partner may also be asked participate in working groups which aim to either develop a database or assist in improving communications and networking tools.

Country partners will also be invited to use the group mailing list (ewsgroup@googlegroups.com) to share information and provide advice/suggestions to other country partners.

Requirements for selection of in-country partners:

Partner organisations in each country should be able to demonstrate the following:

- An in-depth knowledge of civil society issues and the threats faced by it, as well as civil society status and development in the country;
- Familiarity with civil society leaders in the country, including heads of NGOs, citizen organisations and movements, community-based organisations, trade unions, faith-based organisations and mass media;
- Basic research skills including prior experience in conducting surveys, monitoring mass media, content-analysis of secondary sources and observation;
- Experience monitoring human rights issues to some level (formally or informally) on an ongoing basis;
- Ability to fluently communicate and report in English, in addition to knowledge of local languages.

Tasks of CIVICUS

Civil Society Watch programme team of CIVICUS will:

- Oversee overall implementation of the project;
- Conduct a training and consultation workshop for local partners in September 2009
- Coordinate the submission of bi-weekly monitoring reports and their entry into a database.
- Present updates based on the monitoring reports on the CIVICUS website.
- Disseminate updates based on the monitoring reports to an international network of interested and influential individuals.
- Work with country partners to develop appropriate responses.

¹² Where the country partner is a membership organisation, the informal network can be based on these members. Additional members, however, may need to be included to ensure a diverse representation.

- Summarise the final reports provided by country partners into an annual report for the EWS project.

Funding

In-country partners' expenses related to participation in the September 2009 workshop in South Africa will be covered by CIVICUS.

For the period of October 1, 2009 until October 31, 2010 the local partners will receive an honorarium equivalent to \$6000 (USD) in total, paid in two instalments of \$3000 (USD) in October 2009 and April 2010.

List of Partners

The following organisations partnered with CIVICUS and ICNL in the pilot phase of the project and will be continuing their partnership in the full implementation phase:¹³

- Association pour la Défense des Droits et des Libertés - ADDL (*Lebanon*)
- Development Services Exchange - DSE (*Solomon Islands*)
- Institute for Development Cooperation – IDC (*Kazakhstan*)
- Karapatan (*Philippines*)
- National Institute for Science and Technology Policy and Strategy Studies - CECODES (*Vietnam*)
- Charities and Societies Network OMB Watch (*USA*)
- Organisation for Social Justice in Ethiopia -OSJE (*Ethiopia*)

The new partners in the full implementation phase of the project are:

- Egyptian Association for Community Participation Enhancement - EACPE (*Egypt*)
- National Association of NGOs - NANGO (*Zimbabwe*)
- Pakistan NGO Forum (*Pakistan*)
- Rapid Response Group (*Uzbekistan*)
- Red Nicaraguense por la Democracia y el Desarrollo Local (*Nicaragua*)
- Sinergia (*Venezuela*)
- Youth Human Rights Movement – YHRM (*Russia*)