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## **Call for inputs from the mandate of the Special Rapporteur on the rights to freedom of peaceful assembly and of association for his report to be presented at the 50th session of the Human Rights Council**

The Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément N. Voule, will dedicate his thematic report to be presented at the 50<sup>th</sup> session of the Human Rights Council, to the study of trends, developments, and challenges regarding the ability of civil society organizations to access resources, including foreign funding.

Under international law, the rights to freedom of association (articles 20 of the Universal Declaration of Human Rights and 22 of the International Covenant on Civil and Political Rights) encompass not only the right to form and join an association, but also to seek, receive and use resources – human, material and financial – from domestic, foreign, and international sources. States have the positive obligation to promote and facilitate access to funding by civil society organizations, as part of their duties to create and maintain a safe and enabling environment in which organizations can operate free from undue interference and insecurity.

The Special Rapporteur has emphasized on multiple occasions that access to resources is crucial to the existence and operations of civil society organizations, as well as to the sustainability of their contributions to political, social, and economic development. The value of a well-resourced civil society has been evident during the COVID-19 pandemic, with organizations playing a key role in responding to the ongoing public health crisis and providing support to the communities they serve. In order to “build back better”, civil society organizations must be able to freely solicit, receive and use resources to continue and expand this important work.

In this regard, the Special Rapporteur invites civil society, national human rights institutions, academics, international organizations, and other interested stakeholders to share their input on the report’s theme, by responding to the annexed questions.

Submissions can be made to [ohchr-freeassembly@un.org](mailto:ohchr-freeassembly@un.org) by **18 February 2022** in English, French or Spanish. Kindly indicate in the subject of your email “Submission to 50th HRC session report – Access to Resources”. All submissions will be published on the mandate webpage on the OHCHR website, unless otherwise indicated in your submission.

## Questions from the Special Rapporteur on the rights to freedom of peaceful assembly and of association

### I. State practices: key trends, challenges, and developments

1. What are the key trends, developments, and challenges affecting the ability of civil society organizations to access resources, including foreign funding, in your country, region, or globally?
2. What legislative, administrative, policy or regulatory measures have been adopted in recent years in your country, region or globally that affect the ability of civil society organizations to access resources, including foreign funding?
3. What are the main features of these measures? Please describe, in particular:
  - a. Specific areas of regulation (civil society and non-governmental organizations, funding and taxation, counter-terrorism and anti-money laundering, national security and state sovereignty, foreign interference, transparency and aid effectiveness, public health and emergencies, such as the COVID-19 pandemic).
  - b. Types of obligations, prohibitions or sanctions imposed on associations and organizations, if any.
  - c. Administrative provisions or practices adopted in the implementation of these regulations.
  - d. Enforcement bodies, oversight mechanisms, and available safeguards.
4. How do these measures compare with international standards and recommendations?
5. To what extent do these measures promote and facilitate organizations' access to resources, including foreign funding? Please provide concrete examples of good practices with respect to measures taken by States in this regard.
6. What are, in your opinion, the main drivers influencing the adoption of these measures?
7. Have these measures been challenged through litigation or applications to the courts? Are there any regulatory reform efforts on the way? If so, please specify.
8. How has the adoption of these laws, regulations or policies impacted civil society organizations in your country, region or globally? Please indicate concrete examples.
9. What types of civil society organizations have been most impacted or targeted by these measures in your country, region or globally? Please indicate concrete examples.
10. To what extent has the COVID-19 pandemic affected civil society organizations' ability to access to resources in your country, region or globally? Have States in your country, region or

globally adopted policies, good practices, and innovative approaches to ease and facilitate access to resources by civil society organizations during the health crisis? If so, please describe.

11. What are recent examples of good practice and standards in CSO-led self-regulation, and transparency and accountability mechanisms in your country or region?

## **II. Donor practices**

12. What are the impacts of donor requirements (positive and negative) in the ability of civil society organizations to access resources in your country, region or globally? Please specify types of donors in your answer (i.e., private philanthropy, development agencies, financial institutions).
13. Have donors in your country, region or globally adopted policies, good practices, and innovative approaches to ease and facilitate access to resources by civil society organizations during the COVID-19 pandemic? If so, please describe.

## **III. Recommendations**

14. What concrete measures should States do to facilitate access to resources by civil society organizations in your country, region or globally?
15. What can other actors, including international organizations and the donor community, do to encourage and support States in fulfilling their obligations to facilitate access to resources to civil society organizations?
16. What concrete measures should States and other stakeholders introduce to improve the financial sustainability of civil society organizations to ensure they can contribute in building back better during and after the COVID-19 pandemic?