

ACCESS TO RESOURCES FOR CIVIL SOCIETY



European Center for
Not-for-Profit Law



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SUPPORTING FREEDOM AROUND THE WORLD

This brief is based on the Report "[Access to Resources](#)" by the Special Rapporteur on the rights to freedom of peaceful assembly and of association. The brief is drafted by the European Center for Not-for-Profit Law Stichting (ECNL) and National Endowment for Democracy (NED).

Access to resources is critical for civil society organisations' ("CSOs") existence and ability to carry out their activities. Despite the key role CSOs play in delivering essential services to the wider public and protecting fundamental freedoms, they are subject to severe funding limitations. The situation deteriorated during the COVID-19 pandemic when resources became even more scarce. To help resolve the challenges, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association dedicated his June 2022 Report to access to resources.

Access to resources for CSOs does not only impact the existence and operations of CSOs themselves, but it also affects societies as a whole.

CSOs play an indispensable role in addressing issues and resolving challenges that are important to society. For example, they provide humanitarian relief in conflict and disaster zones, are at the forefront in protecting the environment, and empowering people belonging to minorities and vulnerable groups. They also played a crucial role in response to the COVID-19 pandemic, for example by providing medical supplies, and continue to play an important part in society's recovery from the pandemic.

To be able to fulfil this role, access to resources, which includes human, material and financial resources, is critical.

However, CSOs are facing many challenges in accessing resources. Increasingly, laws and regulations are being used to control, rather than enable, access to funding. The content on the next page addresses some of the key challenges and their impacts.

ACCESS TO RESOURCES

IS AN ESSENTIAL PART OF THE RIGHT TO FREEDOM OF ASSOCIATION AND ALSO GROUNDED IN THE RIGHT TO PUBLIC ASSEMBLY.

CSOS SHOULD BE ABLE TO FREELY ACCESS RESOURCES FROM DOMESTIC, FOREIGN, AND INTERNATIONAL SOURCES.

KEY CHALLENGES AND THEIR IMPACT

States impede access to resources when they:

- require prior government approval for the receipt of (international) support;
- prohibit anonymous donations or limit the amount people and organisations are allowed to donate;
- put in place restrictions excluding certain groups from accessing resources, such as LGBTI activists;
- introduce tax on funding of certain activities, such as support services for migrants; or
- stigmatise foreign-funded civil society organisations by labelling them as anti-national, traitorous, or simply high-risk.

Donors impede access to resources when they:

- issue grants through complex application procedures that make it hard for smaller organisations to join due to limited manpower or access to information;
- prioritise the funding of projects with a short-term impact;
- in case of sudden political change or conflict intentionally or unintentionally reduce their funding while CSOs may have special needs to access funds to perform pressing tasks in these situations; or
- perpetuate unequal power relations between civil society organisations in high-income countries and those in lower income countries when making decisions on the design, management, and implementation of programmes.

As a result of such challenges many CSOs around the world struggle to receive foreign funds and therefore have had to severely reduce their activities, relocate to another country, and in some cases, to shut down altogether. These challenges do not only impact CSOs, but also the communities they serve.



RECOMMENDATIONS FOR STATES, DONORS AND INSTITUTIONS

States should:

- Create and maintain, in law and in practice, an enabling environment in which CSOs can seek, receive, and use resources;
- Ensure full compliance with Financial Action Task Force Recommendation 8 and avoid overregulating the civil society sector via laws and regulations against money-laundering and terrorism financing;
- Strengthen the financial sustainability of CSOs through diverse and flexible forms of financial and non-financial support, including institutional funding, meaningful tax benefits, promotion of the activities of CSOs in state-supported media, and support for philanthropy, local crowdfunding platforms, and other new, innovative mechanisms; and
- Review existing laws and practices to make sure that they support CSOs in receiving funds, including via the use of digital technologies.

Donors should:

- Engage with civil society actors to better understand CSOs' needs for resources, the adverse effects of resource restrictions, and ways to overcome these restrictions; and
- Increase longer-term investment (such as multi-year grants) and adaptive core support systems for organisations and movements working to advance the rights of marginalised groups.

The Special Rapporteur also encourages:

- **The Human Rights Committee** to develop a general comment on article 22 of the International Covenant on Civil and Political Rights, recognising access to resources as an integral part of freedom of association;
- **The Financial Action Task Force and its member States** to integrate human rights law, particularly the right of associations to seek, receive and use funding, within all discussions, evaluations and standard-setting on countering terrorism and its financing; and
- **Financial institutions** to adhere to their human rights obligations to respect the right to freedom of association and exercise human rights due diligence when designing and implementing policies and practices that affect CSOs' access to resources.

WHAT CAN CIVIL SOCIETY ORGANISATIONS DO?

- Train and educate your staff about their rights and effective approaches to fundraising;
- Explain the importance of need for civic space, civil society and the positive impact of civil society for the community through your public messages. For example, you can include a paragraph on your website and highlight these points during presentations and public events;
- Advocate with your local and central government using the recommendations from this report. For example, you can set up a meeting between your municipality and local CSOs; and
- Share the report with your donors to motivate the donor community to take on the recommendations and improve their practices.

WHAT CAN CITIZENS AND COMPANIES DO?

- Raise awareness about the importance of CSOs' work and the impact of civil society on your day-to-day life. One way to do this is by sharing examples on CSOs' work and their impact on people's lives on social media;
- Provide support and raise awareness about the importance of an open civic space and vibrant civil society;
- Donate your money or time to CSOs and encourage others to do the same; and
- Advocate with your local and national political representatives for an enabling civic space and support to the civil society sector.

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