# Open Government Partnership
## Thematic Leadership Subcommittee Bi-monthly Call
### 12 September 2019 │ 08:00-09:30 GMT-4

## Attendees

- Ketevan Tsanava, Government of Georgia
- Sebastian Haselbeck, Government of Germany
- Maharani Wibowo, Government of Indonesia
- Zuzana Wienk, Fair Play Alliance
- Delia Ferreira Rubio, Transparency International
- Tur-od Lkhagvajav, Asia Democracy Network
- Guest Speaker: Marion Mondrain, Publish What You Pay
- Guest Speaker: Suneeta Kaimal, Natural Resources Governance Institute
- OGP Support Unit (Members of the Flagship Report, Knowledge Learning Innovation and Capacity Building, Country Support, and Global teams)
- Apologies: Government of France, Government of Mexico, Government of Romania, Government of South Korea, Helen Darbishire, Giorgi Klidiashvili, Scott Miller

## I.   Overview of Call Structure

In keeping with its mandate, the TLS discussed a thematic priority related to recent activity/publications in OGP. For this call, the thematic focus was civic space, and the discussion was informed by members of the OGP data analysis teams, the country support team, and others undertaking relevant activities on civic space.

The objectives of the call were to:
- Discuss the state of civic space in OGP, including commitment data, country-level examples and questions from OGP members and civil society partners.
- Gather input and recommendations from TLS on strategy, partnerships, and opportunities for additional support to advance OGP's work on civic space.
- Develop a set of recommendations to share with the OGP community on how they can leverage the OGP platform to strengthen civic space in their countries.

Other members of the Steering Committee who joined the call include Suneeta Kaimal, member of the OGP Steering Committee from the Criteria and Standards Subcommittee was invited to join this call given her leadership in the Steering Committee on this topic. Elisa Peter, incoming OGP Steering Committee member, who works on this topic was represented by Marion Mondain, Civic Space Lead, Publish What You Pay.

Please refer to the attached slide deck and civic space policy page on the OGP website for more information.

## II.  Collective Discussion: State of Civic Space in OGP

### Background

The OGP data teams and country teams presented an overview of the global and regional trends seen in civic space across OGP countries. The 2019 Global Report indicates that civic space is on the decline in OGP countries. Furthermore, the IRM commitment data demonstrates that ~50% of OGP countries have documented civic space challenges that are concentrated on four core areas: Freedom of Assembly, Freedom of Association, Freedom of Expression, and Human Rights Protection. Despite the evidence of well-documented cases of civic space challenges, there are few civic space commitments in OGP action plans. Nonetheless, the Support Unit highlighted a number of promising cases from reformers in the civic space policy area as well as emerging standards from around the OGP community. Some of these include:

- **Uganda and Nigeria:** Civil society work to increase dialogue and transparency in an effort to ensure that responses to terrorism finance are not disproportionate or wieleded as a political tool to supress legitimate non-profit activity (see case study [here](#)).
- **Ireland:** Establishment of the Northern Ireland Parades Commission to approve permits for parades offers an example of a promising approach to promoting and protecting the right of assembly within broader security concerns (see case study [here](#)).
- **Emerging Standards:** [OSCE Guidance on Freedom of Assembly](#) and [General Comment on Article 21 of the International Covenant on Civil and Political Rights](#)

### Country Level Analysis

For the purpose of this discussion, representatives from OGP's country support Africa and Europe team presented insights into the kind of challenges they see, and support OGP is asked to provide, from the perspective of their respective regions.

**In Africa**, the most egregious attacks on civic space occur most frequently during election periods. These include attacks on political leaders, media, civil society and citizens. Between elections, however, civic space constrictions still occur which hamper civil society engagement with governments generally or on OGP specifically. Often challenges that the team observes are related to civil society capacity that they need to proactively spot and help anticipate and manage, with the help of partners. For example, in a new country that joined OGP, there was a commitment where engagement with government was previously only recognized through the official civil society coalition. To enable broader civil society engagement, the Seychelles government has had to open up and engage other actors outside the coalition to be as inclusive as possible in the commitments. OGP countries also have to be careful that commitments on certain legislation governing the workings of civil society do no harm. In some cases, certain legislation has been proposed that, upon further interrogation, finds the potential for civic space constrictions in certain provisions. One of the key expectations that civil society

partners at the national level have of OGP is that SU or SC members is to speak out against civic space violations when they surface.

**Europe** is also experiencing a decline in civic space in some of the countries (countries in Eastern, Southeastern Europe) which fuels the decreasing trust in public institutions. There is potential for regression in several OGP countries and for core OGP topics (i.e. Access to Information) to be used as a means to undermine civic space. Countries in this region could leverage the action plan process more to promote and address civic space challenges, not only to improve their domestic enabling environment, but the more wealthy countries could also do it for other regions (i.e. Norway's commitment to enhancing freedom of expression through foreign/development aid). OGP needs to think more about how to best approach situations in which the trust among civil society and government is declining, as that decline affects as well the overall OGP process and closes possibilities for any reforms to happen.

## Discussion and Next Steps

The Support Unit opened the discussion and urged TLS and guest speakers to give their input and recommendations for the OGP community on how to best leverage the OGP platform to strengthen and protect civic space in their respective countries. Some of the suggestions communicated are:

1. **Identifying champions to drive thematic leadership**
   a. A potential avenue to accomplishing this would be to focus on strengthening existing partnerships and building new partnerships with regional and human rights organizations.
   b. TLS should reflect on all the tools that OGP has to filter out strong performers in the civic space area. This would help in finding governments individuals and other entities to engage with, to drive civic space issues forward outside of the OGP process.
2. **Protecting and strengthening civic participation and dialogue**
   a. Addressing civic space issues should not just be siloed within the OGP process. Since the OGP platform brings together actors across different sectors, there are ample opportunities to integrate a cross-cutting approach to civic space.
   b. The development of stronger co-creation guidelines is an opportunity for OGP to integrate and enforce stronger civic space standards, particularly for new members as they co-create their action plans. This would enable OGP to track how civic space commitments develop, the challenges and constraints that arise and how they are addressed.
3. **Strengthening OGP governance and response mechanisms**
   a. With the recent adoption of the OGP Values Check, the SC needs to consider other mechanisms beyond the action plan process that could address the backsliding of current members on civic space issues.

b.  The Steering Committee needs to demonstrate collective leadership on civic space by determining actions that it will collectively pursue to advance civic space across OGP.

**Action item:** As next steps, based on this discussion, the Support Unit will update the recommendations and share back with the TLS for comment and approval. Once the recommendations are endorsed by TLS, they will also be shared with the full Steering Committee.