

TLS Bi-Monthly Call

Civic Space & OGP

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Introduction & Welcome to new members

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Objectives of this discussion

- Discuss state of civic space in OGP including commitment data, country-level examples and questions from OGP members and civil society partners.
- Provide recommendations on strategy, partnerships, and opportunities for additional support to help advance OGP's work on civic space.
- Develop a set of recommendations on how the OGP community can leverage OGP to strengthen civic space in their countries.



Civic Space and OGP

Approach and Priorities

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Why is Civic Space Important to OGP?

- Robust enabling environment for civil society to operate in is necessary to achieve open government reform.
- Civic space is fundamental to the co-creation process that anchors the OGP process at the domestic level.
- Declining civic space threatens the backsliding on any reform progress made.



What are OGP's Goals to Protect and Defend Civic Space?

Over the next three years, the goals for OGP's work on civic space are:

1. *Provide and promote spaces for dialogue between government and civil society on the civic space issue at the global and national levels.*
2. *Ensure that civil society in OGP countries have the space, mandate and capacity to optimize the OGP process to deliver on their policy and advocacy goals.*
3. *Facilitate the use of OGP action plans as a mechanism to support advocacy goals to promote civic space.*



Delivering on the Goals: OGP Governance and Accountability

1. **SC Composition:** The equal composition between government and civil society members ensures that critical civic space challenges that need to be addressed are elevated to SC.
2. **OGP Eligibility Criteria:** The recent addition of the V-Dem indicators (CSO Entry and Exit/CSO Repression) assesses the key drivers and symptoms of civic space attacks at the national level.
3. **OGP Response Policy:** OGP policy that civil society can leverage if their space to engage is systematically undermined by an OGP member government.
 - a. E.g. Azerbaijan
 - b. Rapid Response Mechanism pilot



Delivering on the Goals: Three Key Pillars

1. **Strengthening co-creation:** Institutionalizing stronger co-creation guidelines for OGP domestic processes that will be assessed by the IRM.
2. **Promoting more ambitious and better implemented commitments:** Support the uptake of new commitments on civic space issues (i.e. protecting independent media or civic space in the digital era).
 - a. E.g. Serbia, Canada, Croatia
3. **Mobilizing a global coalitions of champions:** Bring together like-minded government and civil society reformers together into a coalition of action.
 - a. E.g. ICNL, Civicus, Publish What You Pay



Critical Drivers

1. **Strategic Partnerships:** Continue to build and strengthen partnerships with organizations and agencies to deliver on OGP's shared goals on civic space.
 - a. E.g. ICNL, Clivus, Publish What You Pay
 - b. E.g. UNESCO, IFEX, RSF (media freedom)

2. **Coordination Across Global Foras:** Coordinate and complement efforts taken across regional and global fora where the OGP model can add value.
 - a. E.g. OECD, Community of Democracies, EU Fundamental Rights Agency



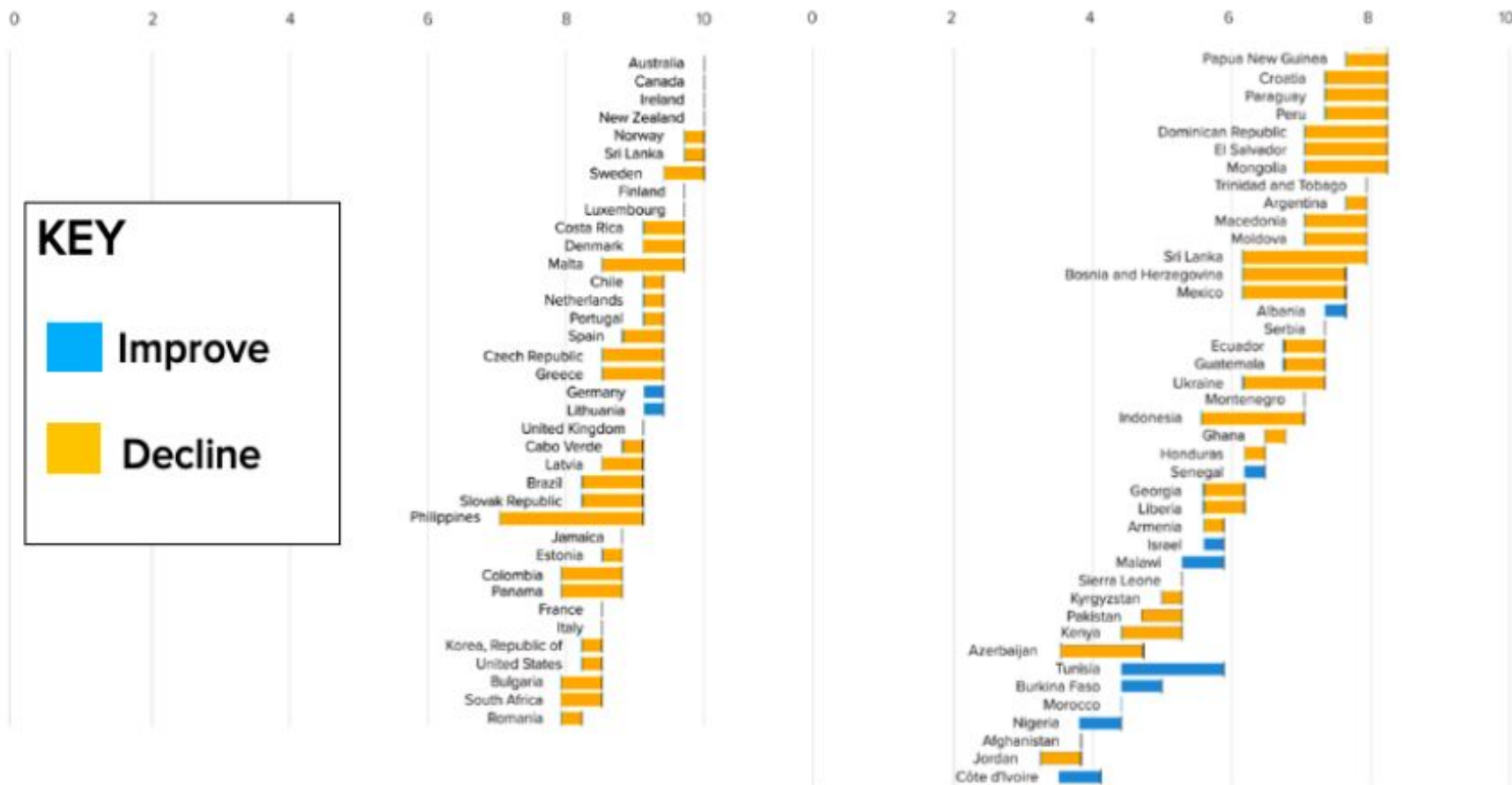
Data Findings on Civic Space

Civic Space Resources in Global Report

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Widespread decline in civil liberties



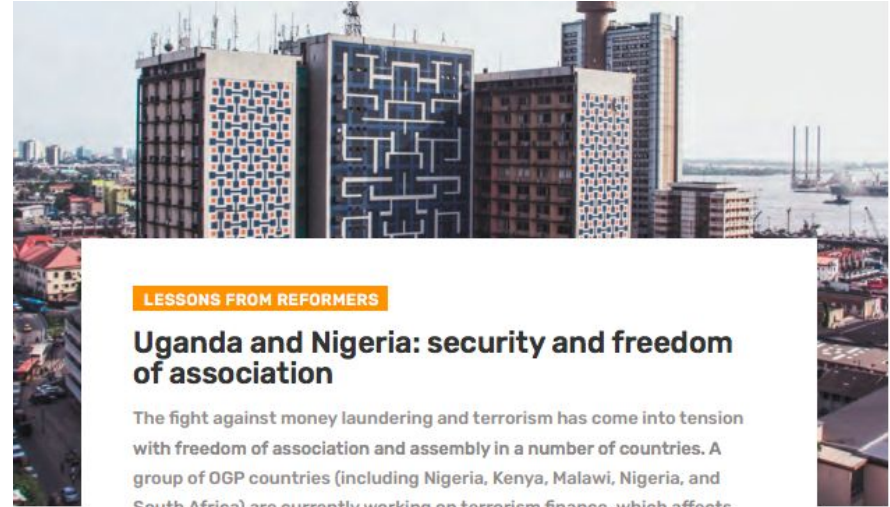
What are OGP Action Plans Doing about It?

Area	Percent with Problems (n = 79)	Active Commitments
Assembly	52%	1
Association	48%	4
Expression	45%	3
Human Rights Protection	58%	



Association

- **Many changes are made in law**
- **Problems include:**
 - Barriers to entry and legal status
 - Excessive interference in operation (activities, structure, and governance)
 - Restrictions on access to resources (fundraising, tax preferences, foreign funding)
 - Excessive demands on reporting, supervision, and enforcement
- **Labor is more repressed than new NGOs**



LESSONS FROM REFORMERS

Uganda and Nigeria: security and freedom of association

The fight against money laundering and terrorism has come into tension with freedom of association and assembly in a number of countries. A group of OGP countries (including Nigeria, Kenya, Malawi, Nigeria, and South Africa) are currently working on terrorism finance, which affects nonprofit organizations.

Using the OGP action plan process to discuss and identify a proportionate response to money laundering that does not also impede civic space could be of considerable value to these efforts.

The advocacy of a number of CSOs in Uganda and Nigeria are highlighted to show how civil society is working to increase dialogue and transparency to ensure that responses to terrorism finance are not disproportionate or wielded as a political tool to suppress legitimate nonprofit activity.

Assembly

- **Problems include:**
 - Rules on notification and authorization
 - Use of force
 - Criminalization
 - Surveillance and online activities
- **Solutions include:**
 - Law reform
 - Citizen participation in permitting
 - Legal defense
 - Citizen complaint and accountability mechanisms



LESSONS FROM REFORMERS

Citizen involvement in parades in Northern Ireland

In Northern Ireland, parades, processions, carnivals, and commemorations are core to cultural, political, and religious traditions. Unfortunately, parades have been marred by—and are sometimes the impetus for—sectarian violence. This comes to a head during the annual “marching season” between March and August. Participants often carry flags and other emblems that their neighbors consider inflammatory.

In 1998, preceding the Good Friday accords, the Northern Ireland Parades Commission was established to approve permits for parades.³⁰ While it is not without critics, its establishment offers two positive lessons for countries struggling to balance public order and safety with freedom of assembly:

- *Removing the police from decision-making around parades.* The first major accomplishment of the Parades Commission was to move the permitting decision from the police department (previously the Royal Ulster Constabulary, now the Police Service of Northern Ireland). This allowed the police to focus on maintaining public order rather than judging the legitimacy of each parade.
- *Citizen voice in monitoring freedom of assembly.* The quasi-judicial body is made of citizens that compete for nominations by the Secretary of State of Northern Ireland.

Expression and Human Rights Protection

- **Problems go beyond killing:**
 - Harassment and detention
 - Stigmatization
 - Legal intimidation
 - Criminalization
 - Other violence
 - (Lack of) media pluralism
 - Human rights protection
- **Solutions include:**
 - Data beyond killings
 - Rules to support media pluralism
 - Providing multi-level response mechanisms

GUIDANCE AND STANDARDS

Sample commitments for enabling media environment



Photo by Esebene, Adobe stock

Commitments that ensure an enabling environment for a free and independent media perfectly align with OGP's founding declaration and underlying pillars: transparency, accountability, and participation.

Whistleblowers

- Action area: Adopt, implement, and report on whistleblower protections that are aligned with global best practices and standards.
- Action: Inform the public of whistleblowing rights, including disseminating relevant information on protections and mechanisms.
- Action: Ensure competent authorities

(e.g., public and private broadcasting rules).

- Action: Reform laws to depenalize criminal defamation and ensure press freedoms.
- Action: Work with companies and civil society organisations to establish fact-checking initiatives around electoral processes.
- Action: Guarantee and protect the media's right to investigate, criticize, and express opinions.
- Action: Develop monitoring mechanisms to provide track the internationally-agreed targets of the SDG process.

Innovations: Emerging Standards

International Standards

- OSCE Guidance on Freedom of Assembly
- General Comment on Article 21 of the International Covenant on Civil and Political Rights

International Financial Institutions

- International Finance Corporation (IFC) Good Practice Handbook

Private Sector

- Interstate Natural Gas Association of America (INGAA)



Perspectives from Country Support Team

- **Maureen Kariuki, Senior Regional Coordinator for Africa and Middle East**
- **Sandra Pernar, Senior Regional Coordinator for Europe**

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Q&A

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How can OGP members
advance efforts to
protect and promote civic
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How can OGP members advance efforts to protect and promote civic space?

At the country level:

- Strengthen the structure and deliberations of multi-stakeholder forums in line with the [OGP Participation and Co-creation Standards](#);
- Consider commitments that focus on defending democratic institutions and rights, especially the fundamental freedoms of association, assembly and expression;
- Test out new co-creation models and enhance public involvement in the implementation phase of open government reforms.

At the regional and global level:

- Speak out at global, regional and national forums about the importance of protecting civic space;
- Forge a stronger coalition of champions from governments and partners working towards improving civic space;
- Work with OGP partners organizations who can support convening, drafting and implementation of commitments



Respondent: Suneeta Kaimal

TLS Discussion

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Wrap Up and Way Forward

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