



# ASSESSING PROGRESS ON CSO ENABLING ENVIRONMENT IN RWANDA

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<i>Table of contents</i>	2
<i>Acronyms</i>	3
<i>Executive summary</i>	6
<i>I. GENERAL INTRODUCTION</i>	9
<i>1.1. Global Context</i>	9
<i>1.2. Background to Development Effectiveness meetings</i>	9
<i>1.3. Research objectives</i>	9
<i>1.4. Methodology</i>	10
<i>II. OVERVIEW OF THE CIVIL SOCIETY ORGANIZATIONS</i>	12
<i>III. PRESENTATION OF THE FINDINGS</i>	12
<i>3.1. Area 1: Universally accepted human rights and freedoms affecting CSOs</i>	12
<i>3.1.1. Dimension One: Recognition of rights and freedoms affecting CSOs</i>	13
<i>3.1.2. Dimension Two: The legal and regulatory environment, implementing rights and freedoms affecting CSOs.</i>	15
<i>3.1.3. Dimension Three: Rights of specific groups</i>	25
<i>3.2. Area Two: Policy Influencing</i>	27
<i>3.2.1. Dimension One: Spaces for dialogue and policy influencing</i>	27
<i>3.2.2. Dimension Two: Access to information</i>	32
<i>3.3. Area Three: Donor – CSO relationship</i>	35
<i>IV. CHALLENGES</i>	40

<i>V. RECOMMENDATIONS</i>	40
<i>VI. CONCLUSION</i>	42
<i>VII. ANNEXES</i>	43

## ACRONYMS AND ABBREVIATIONS

AMUR	: Muslim Umbrella Organization of Rwanda
CCOAIB	: Conseil de Concertation des organisations d’Appui aux initiatives de Base
CEJP	: Commission Episcopale Justice et Paix (Catholic peace and Justice Commission)
CESTRAR	: Workers Umbrella Organization
CLADHO	: Human Rights Umbrella Organizations
COPORWA	: Community of Potters in Rwanda
DPCG	: Development partners coordination group
DPM	: Development partners meeting
EDPRS	: Economic Development for Poverty Reduction Strategy
EJN	: Economic Justice Network
GPEDC	: Global Partnership for Effective Development Cooperation
HCM	: High Council Meeting
HICD	: Human and institutional capacity development
ICNL	: International Center for Not-profit Law

ICT : Information Communication Technology

IDAW : International Deaf Awareness Week

IDPD : International Day of Persons with Disabilities

JADF : Joint Action for Development Forum

MDGs : Millennium Development Goals

MINECOFIN : Ministry of finance and economic planning

NAPC : National Paralympic Committee

NCPD : National Council of People with Disabilities

NHRC : National Human Right Commission

NINGO : Network of International NGOs

NGO : Non- Governmental Organization

NUDOR : National Union for Disabled organization

OECD : Organization for Economic Cooperation and Development

OG : Official Gazette

PMG : Program Monitoring Group

PROFEMMES/TWESE-HAMWE: Women Umbrella Organization

RCSP : Rwanda Civil Society Platform

RGB : Rwanda Governance Board

RNADW : Rwanda National Death Women

RNDSC : Rwanda National Decade Steering Committee

RNUD : Rwanda National Union for Deaf

ROA : Reality of Aid

RUB : Rwanda Union for Blinds

SWG : Sector Working Group

UNDP : United Nations Development Program

UPR : Universal Periodic Review of the Human Rights

VSO : Voluntary Service Overseas

## **EXECUTIVE SUMMARY**

This research report intends to share findings from scientific investigations made in the framework of CSOs enabling environment in Rwanda.

A participatory methodology was used involving different stakeholders and field visits to key stakeholders. In order to get accurate reliable and relevant information, the triangulation of sources and respondents has been done. Fifteen representative organizations and institutions have been interviewed.

### **About CSO rights**

The title II of the Constitution of the Republic of Rwanda, fundamental human rights, the rights and duties of the citizen Article 10 to 44 are recognized including Freedom of the Press and Expression [34] and freedom of assembly and Association [Art 33, 35, 36, 40]. According to the following laws as promulgated as well, namely Law n° 06/2012 of 17/02/2012 determining the organization and functioning of Religious- based organization, the Law n° 04/2012 of 17/02/2012 governing the organization and functioning of National NGOs, the Law n° 13/2009 of 27/05/2009 instituting the Labour code (recognition of trade Unions), and the Law N° 05/2012 of 17/02/2012 governing the organization and functioning of international non-governmental organization, Law n° 02/2013 of 8 February 2013 governing media, Law n° 03/2013 of 8th February 2013 determining the responsibilities, organization and functioning of the Media High Council (MHC) and the Law n° 04/2013 of 08/02/2013 relating to access to information, CSOs have Freedom of peaceful assembly, speech and information. Actually there is no severe restriction of the exercise of one or more of these rights through any government action. However, CSOs should be careful to ensure that while using these rights they are not/ or risk to attempt to harm the unity and reconciliation of Rwandans not yet strong enough after only 21 years after the genocide against Tutsi in 1994

### **About the legal and regulatory environment, implementing rights and freedoms affecting**

CSO, the law N°04/2012 of 017/02/2012 governing the organization and the functioning of national non-governmental organizations is an enabling law for CSOs. National non-governmental organizations shall register with the authority in charge of registration, granting the legal personality for national non-governmental organizations and monitoring of their functioning (article 15 of the above law). The Government of Rwanda and national non-governmental organizations may engage in partnership for development (article 11), and the Government shall include in its national budget funds meant for supporting national non-governmental organizations (article 12 of the above law). This fund is meant to supporting CSO to contribute to the socio-economic transformation process in which the country is embarked on.

### **Concerning CSOs operations**

CSOs are free to determine their organizational structures, mission, objectives and organs, and leaders and require their approval by RGB after being verified by the Notary. CSOs choose themselves where and their constituency to work and design their own operational plans. Note that CSOs are allowed to work before their registration by RGB (article 16 of law N° 04/2012) when they are known by local authorities of the chosen district or administrative sector. However, CSOs are required to submit annually their plans and reports to RGB. The rationale behind the submission of the plans of action is solely for transparency, coordination and monitoring of the impact occurred in the community.

### **Regarding CSO expression of views and advocacy**

Freedom of thought, opinion, conscience, religion, worship and the public manifestation thereof is guaranteed by the State in accordance with conditions determined by law. Propagation of ethnic, regional, or racial discrimination, or any other form of division, is punishable by law (Constitution, article 33). The requirements are determined in the law n°06/2012 of 17/02/2012 determining organization and functioning of religious-based organizations

### **About the access to resources**

One of the strategies used by national NGO to access to resources is working by project in partnership with International NGO. This is notably the case for the CCOAIB in its project entitled “Youth empowerment through cooperative” implemented in partnership with Plan International Rwanda. This is the case for CLADHO working on the national budget process in partnerships with Norwegian People Aid. Partnership case of Profemme/TWESE-HAMWE with International Alert Rwanda in two projects: one is in line with Unity and Reconciliation, the other one is called “Partnership for Peaceful Rural Transformation (PPRP)”, etc. This is how currently most of CSOs access to resources. In that regard and according to various views from CSOs’ representatives interviewed, those findings show that there are no legal or political barriers that hinder a CSO’s ability to engage in public policy activity and/or advocacy. There are no legal, policy or political barriers to access-i.e. to seek, secure and use-resources, including foreign resources, for CSOs in Rwanda. However some legal restrictions are in place. Those are notably: National non-governmental organizations shall not be allowed to receive any support from criminal individuals or organizations. A national NGO shall not be allowed to distribute its net earnings and profits to any person. The assets, earnings and profits of NGO shall not, whether directly or indirectly, provide profits to any member, director, senior officer, employee or a donor of the national NGO. However, a NGO shall be allowed to pay a person for services delivered to the organization. A NGO shall not be allowed to engage in fundraising or organize public rallies with an intention to support any political organization or any independent candidate campaigning for a political office, registration or any other way to support candidates for public office (article 10 of the law N° 04/2012).

### **About the rights to peacefully assembly**

In Rwanda, in general at the legislation level there are no restrictions to assemble and make claims on government. However, the Law on Public Demonstrations and Public Gatherings of August 5, 1991, provides the framework for assembly.

### **About spaces for dialogue and policy influencing**

The policy design processes in Rwanda are largely participatory and inclusive. All categories of the population are involved through their respective organizations or structures (National women council, national platform of people with disability, national youth council, NGOs, CSOs, farmers' unions, etc.). The opportunities for CSOs to participate in policy-and decision-making processes are institutionalized. However, CSO input is not always fully taken into account in the policy outcomes. The causes should be both at CSOs and Government sides. Various coalitions are set up by CSOs in monitoring the national elections and a coalition called PMG (Policy Monitoring Group) was put in place and includes representatives of CSOs, high education institutions, and researchers. The Economic Justice Network (EJN) is operational as well and is in charge of advocating on economic and justice issues.

### **About the access to information**

Every person has the right of access to information in possession of a public organ and some private bodies according to the Article 3 of the law n°05/2013. A public organ shall appoint or designate an information officer for that organ and its branch, if there is any, to enable it to provide information to persons requesting for it in accordance with this Law (Article 8 of the law n°05/2013).. Information shall be requested by an individual or a group of persons in any of the official languages provided for by the Constitution of the Republic of Rwanda verbally, in writing, by telephone, internet or any other means of communication without prejudice to the provisions of this Law. The person applying for information shall determine the means in which he/she wants to obtain information. However, if the means chosen for obtaining the information requested exceeds the capacity of the requested organ, the applicant shall bear the cost.(Article 9 of the law n°05/2013).

### **About DONOR – CSO Relationships**

In Rwanda, there is no coherent CSO funding mechanisms of donors. Only a few numbers of donors like UNDP, and EU share their funding opportunities with CSOs. Otherwise sporadic calls for proposal are published and CSOs often decide to apply for even if the objectives of the call for proposal are not aligned to its mission and vision. This creates uncertainty of CSO sustainability. Opportunities to exchange information or engage in learning process or structured dialogue between CSOs and Donors are scarce.

However, recently the Government of Rwanda has put in place a joint program fund to support CSOs. This fund is managed by Rwanda Governance Board (RGB). What is appreciable is that CSOs are involved in the management of this fund including the proposals' selection and

disbursement of funds to the winners. The first round of fund disbursement by this Fund was launched on 7<sup>th</sup> November 2014.

Challenges and recommendations have been also included in this report.

## **I. GENERAL INTRODUCTION**

### **1.1. Global Context**

International development co-operation exists since early 1960s. It has since continued to evolve and is recognized as one of the key factors in advancing global development. But success has not always been evident: lack of co-ordination, overly ambitious targets, unrealistic time- and budget constraints and political self-interest have too often prevented aid from being as effective as desired.

The formulation of a set of principles for effective aid - now adhered to by over 100 countries as the blueprint for maximizing the impact of aid - grew out of a need to understand why aid was not producing the development results everyone wanted to see and to step up efforts to meet the ambitious targets set by the Millennium Development Goals (MDGs). These principles are rooted in continuous efforts to improve the delivery of aid, marked by five notable events: the High Level Fora on Aid Effectiveness in Rome (2003), Paris(2005), Accra (2008), Bussan (2011 and Mexico (2014)<sup>1</sup>.

### **1.2. Background to Development Effectiveness meeting**

The First High Level Forum (Rome, 2002) marked the first occasion at which the principles for aid effectiveness were outlined in a concrete declaration followed by the HLF2 (Paris, 28th Feb – 2 March, 2005) which marked for the first time that donors and recipients both agreed to commitments and to hold each other accountable for achieving these commitments . Beyond its principles on effective aid, the Paris Declaration laid out a practical, action-oriented roadmap to improve the quality of aid and its impact on development. In both meetings, there were no considerations for CSO as partners in development. However, the 2011 Busan Partnership for Effective Development Cooperation made an important commitment to strengthen the enabling environment for civil society organizations (CSOs) as independent development actors: “Civil society organizations (CSOs) play a vital role in enabling people to claim their rights, in rights based approaches, in shaping development policies and partnerships, and in overseeing their implementation. They also provide services in areas that are complementary to those provided by states in a spirit of full inclusion and solidarity, to build upon the outcome of Busan.

It is important to recall the shared common principles for countries to attain development goals:

The Busan Partnership document specifically highlights a set of common principles for all development actors that are key to making development cooperation effective.

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<sup>1</sup>East African document

- Ownership of development priorities by developing countries: Countries should define the development model that they want to implement.
- A focus on results: Having a sustainable impact should be the driving force behind investments and efforts in development policy making
- Partnerships for development: Development depends on the participation of all actors, and recognizes the diversity and complementarity of their functions.
- Transparency and shared responsibility: Development co-operation must be transparent and accountable to all citizens

These principles are recognized and accepted by all those involved in development co-operation, from donor and recipient country governments to providers of south-south cooperation, international organizations, civil society, parliamentarians and local government. The wide participation of a range of actors with differentiated responsibilities and shared goals is one of the notable characteristics of this partnership<sup>2</sup>.

It is against that background that ROA Africa planned to contribute to the Global Partnership for effective development cooperation (GPEDC) assessment of progress on Indicator 2 and initiate dialogue at the national on opportunities and challenges for creating enabling environment for CSOs at the national level. As currently the global development is at a critical juncture, the network plans to work with country-level CSO networks to ensure that this indicator is part of multi-stakeholder dialogue at country level, and to create channels for input into the process in the UNDP/OECD team for consolidation of the analysis of progress accomplished so far.

In Rwanda most of CSOs are gathered under thematic umbrellas (development, Human right, farmers, women's right, trade unions, genocide survivals, old peoples, disabled people, etc.) which form in turn the Rwanda Civil Society platform (RCSP).

### **1.3. Research Objectives**

As tasked by ROA Africa, the work intended to:

1. Assess the structural, legal, policy space and institutional framework for the implementation of the Post Busan agenda, indicating who the main players are.

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<sup>2</sup>Final Consensus Mexico HLM communiqué

2. Propose ROA Africa specific actions that the multistakeholders can take to ensure that they fully utilize the opportunities that Busan outcome presents to promote enabling environment for CSOs in Rwanda
3. Submit well written reports with key conclusions and recommendations to ROA Africa

#### **1.4. Methodology**

A participatory methodology was used involving different stakeholders. During the data collection, the following methodological processes were used through which this evidence has been collected: Literature review, focus group discussions, consultations with umbrella organizations and Government institutions involved in civil society organizations regulation, and field visits to key stakeholders.

In order to get accurate reliable and relevant information the triangulation of sources and respondents has been done. Thus, the main sources of information were:

1. Secondary information from official documents and reports like government policies and strategies, related reports, recent researches reports and CSOs' reports, official gazette; etc.
2. Primary data got from key informants within public and civil society organizations.

Structured interview tool to harmonize interview process to various key informants within selected institutions and organization has been elaborated. This tool covered separately (1) universally accepted human rights and freedoms affecting CSOs, (2) policy influencing, and (3) Donors-CSO relationships. An open questionnaire has been developed for focus group discussions.

## **II. OVERVIEW OF THE CIVIL SOCIETY ORGANIZATIONS**

It is interesting to back on CSOs definitions from different civil society development actors before analyzing their operating context.

The UNDP has defined CSOs as one the three spheres of interference in the making of democratic societies. Civil society is the sphere in which social movements become organized. The organizations of civil society, which represent many diverse and sometimes contradictory social interests, are shaped to fit their social base, constituency, thematic organizations (e.g. environment, gender, human rights) and types of activity

The World Bank Social Development Department Sustainable Development Network Report (2006) defined CSOs as the wide array of non-governmental and not for-profit organizations that have a presence in public life, expressing the interests and values of their members or others, based on ethical, cultural, political, scientific, religious or philanthropic considerations. The term goes beyond the narrower (and to many donors, more familiar) category of development-oriented NGOs

and depicts a broad range of organizations, such as community groups, women's association, labor unions, indigenous groups, youth groups, charitable organizations, foundations, faith-based organizations, independent media, professional associations, think tanks, independent educational organizations and social movements.

Political and sociological definitions of CSOs agree on the centrality of autonomy as a CSO characteristic, and this is usually referred to as the freedom and independence of civil organizations to set their own agenda without the direct intervention or dictation from external forces, especially the state. In reality CSOs exist not in a vacuum but in historical, political, and socio-economic contexts and their autonomy is circumscribed by these contextual factors. Autonomy may, therefore, be relative: a matter of degree and subject to negative or positive change. Furthermore, CSOs interact with other organized social forces including donor communities and other civic organizations, which circumscribe and limit their ability to act independently.

Rwandan Civil Society has been in existence from 1956 when its first segments were established in form of farmers associations who were answerable to the church. However, due to many reasons among which the lack of coordination and engagement with different partners led to the fact that CSOs were perceived as weak and vulnerable. This is why since 2004 umbrellas<sup>3</sup> put in place a platform called Rwanda civil society platform (RCSP) that would enable them to contribute to the integral development of the country and promotion of the rule of law. Actually those umbrellas are currently sixteen (plus Transparency International/Rwanda).

### **III. PRESENTATION OF THE FINDINGS**

The following findings are in line with three areas: (i) Universally accepted human rights and freedoms affecting civil society organizations in their interventions, (ii) Policy influencing and (iii) Donors-CSOs relationship.

#### **3.1. AREA 1: UNIVERSALLY ACCEPTED HUMAN RIGHTS AND FREEDOMS AFFECTING CSOS**

The chapter intends to collect recent concrete evidence on enabling or disabling conditions for CSOs in Rwanda related to universally accepted human rights and freedoms affecting CSOs in Rwanda in the perspective of the implementation of Busan partnership generated by the Busan High Level Forum on Aid Effectiveness in 2011.

The Constitution of the Republic of Rwanda recognizes human rights as a basic principle. Its preamble reaffirms its adherence to the principles of human rights enshrined in the United Nations

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<sup>3</sup>Conseil de Concertation des Organisations d'Appui aux Initiatives de Base (CCOAIB), Centrale des Syndicats des Travailleurs du Rwanda (CESTRAR), Rwandan Collective of Leagues and Associations for the Defense of Human Rights (CLADHO), IBUKA Mémoire & Justice, Union IMBARAGA, Commission Episcopale Justice et Paix (CEJP), PRESS HOUSE, and PRO-FEMMES TWESE HAMWE

Charter of 26 June 1945; the Convention on the Prevention and Punishment of the crime of Genocide of 9 December 1948, the Universal Declaration of Human Rights of 10 December 1948, the International Convention on the Elimination of All forms of Racial Discrimination of 21 December 1965, the International Covenant on Economic, Social and Cultural Rights of 19 December 1966, the International Covenant on Civil and Political Rights of 19 December 1966. Furthermore Rwanda has ratified by Decree-laws international conventions and protocols enhancing universal accepted human rights and freedoms affecting CSOs like International Covenant on Civil and Political Rights (ICCPR) in 1975; Convention on Freedom of Association and Protection of the Right to Organize in 1988; Convention on the Rights of Persons with Disabilities (CRPD) in 2008, International Covenant on Economic, Social and Cultural Rights of 16 December 1966 in 1975; Convention on the Elimination of all Forms of Discrimination against Women of 1 May 1980, Convention on the Rights of the Child of 20 November 1989; the African Charter on Human Rights and People's Rights of 27 June 1981 has been signed by the Government of Rwanda in 2003

Rwanda has effectively ratified all the eight key human rights instruments and most of their additional protocols. Many other international and regional human rights conventions were ratified by Rwanda or are in the process of ratification. Once ratified, all the treaties and conventions are integrated into domestic legal system. As per the Constitution, ratified treaties have precedence over domestic laws. Rwanda has withdrawn all its reservations on International human rights treaties. Rwanda is committed to submit periodic reports on the implementation of key human rights treaties: all overdue reports have been prepared and submitted to Treaty Bodies in 2009 and 2010. In 2011, Rwanda underwent its first ever Universal Periodic Review (UPR) of the Human Rights situation in the country. During that review process, Rwanda demonstrated an impressive level of good will and commitment to work towards the continued improvement of the human rights situation in the country Rwanda has also formulated several policies and programmes geared towards the promotion and protection of human rights enshrined in various sector policy papers. A part from the general policy of human rights, which remains one of the key priorities, almost all other key policies in different sectors related to human rights (education, health, social protection, rights of women, rights of children, rights of people with disabilities...) were adopted.

### **3.1.1. Dimension one: Recognition of rights and freedoms affecting CSO.**

**1. Seeking to know if the right to freedom of association is protected in the Constitution and basic laws of Rwanda,** we found that the Constitution of the Republic of Rwanda as adopted by referendum in May 2003 and as has been amended three times: N° 1 of 02/12/2003 (O.G n° Special of 02/12/2003); N° 2 of 08/12/2005 (O.G n° Special of 08/12/2005); and N° 3 of 13/3/2008 (OG n° Special of 13/8/2009) is clear enough. The relevant constitutional provisions related to freedom of association include: Article 35 that is stated as follows: Freedom of association is guaranteed and shall not require prior authorization. All CSOs representatives interviewed confirm that freedom of association is protected in the constitution and basic laws of Rwanda. This is evidenced

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<sup>4</sup> The Constitution of the Republic of Rwanda, preamble, 9<sup>0</sup>

by the great number of 380 NGOs registered with temporary certificates in 2014 and 227 registered Religious Based Organizations operating in Rwanda. Such freedom shall be exercised under conditions determined by law: law n°04/2012 of 17/02/2012 governing the organization and the functioning of national non-governmental organizations and law n°06/2012 of 17/02/2012 determining organization and functioning of religious-based organizations.

**2. Concerning the right of freedom to peacefully assembly.** It has been found that the right is protected in the Constitution and basic laws in Rwanda. Freedom of peaceful assembly without arms is guaranteed if it is not inconsistent with the law. Prior authorization shall only be necessary if the law so requires and solely in the case of assembly in the open air, in a public place or on a public road, to the extent that such is necessary in the interests of public safety, public health or public order (Article 36).

**3. Right to freedom of expression and basic laws in Rwanda.** The Constitution and basic laws in Rwanda protect the right to freedom of expression. Freedom of the press and freedom of information are recognized by the State. Freedom of speech and freedom of information shall not prejudice public order and good morals, the right of every citizen to honour, good reputation and the privacy of personal and family life. It is also guaranteed so long as it does not prejudice the protection of the youth and minors. The conditions for exercising such freedoms are determined by law. There is hereby established an independent institution known as the “Media High Council” (Article 34). The Media High Council is an independent Institution responsible for media capacity building) governed by the law n<sup>o</sup> 3/2013 of 8/2/2013. The former role of MHC as regulatory organ has been transferred to Media Self-Regulatory Body known as Rwanda Media Commission (RMC) established by the law n<sup>o</sup> 2/2013 of 8/2/2013 with the mandate to promote media self-regulation, freedom, responsibility and professionalism of media.

**4. About the existence of significant and/or severe restrictions of the exercise of one or more of these rights through government intimidation, intrusion, harassment or threats,**

Actually there is no severe restriction of the exercise of one or more of these rights through any government action. However, CSOs should be careful to ensure that while using these rights they are not/ or risk to attempt to harm the unity and reconciliation of Rwandans not yet strong enough after only 20 years after the genocide against Tutsi in 1994. However following restrictions would be mentioned: (1) Restrictions related to the power of the RGB to deny registration, with deadlines for the Registrar's action on applications, and with the automatic right of appeal from adverse decisions; (2) Provisions causing concern to the international NGOs include a 20% limit on expenditures for administrative expenses (“overhead”) (ICNL, 2013). This is still true according to the INGOs’ staffs interviewed.

**3.1.2. Dimension Two: The legal and regulatory environment, implementing rights and freedoms affecting CSOs.**

This dimension explores the legal and regulatory environment governing CSOs' exercise of the human rights and freedoms addressed in Dimension One.

## **Civil Society Organizations formation and registration**

### **1.1. Seeking to know if an enabling law on CSO registration exists and if it allows in practice the CSOs to easily register**

A prior clear definition on “Enabling law/regulations” has been mentioned: “Enabling law” includes voluntary registration allowed for any legal purpose; requiring a small number of founders and/or small amount of assets; based on reasonable, transparent, objective criteria; and providing avenues for appeal.

According to the article 15 of the law N° 04/2012: National non-governmental organizations shall register with the authority in charge of registration, granting the legal personality for national non-governmental organizations and monitoring of their functioning. According to implementing rules promulgated by the Rwanda Governance Board, the requirements for National NGOs to obtain legal personality are the following:

- Application Letter Addressed to the CEO of Rwanda Governance Board
- Authenticated statutes in conformity with the Law 04/2012
- Document showing the organization's head office and its full address
- The name of the Legal Representative of the organization, the name of his/her deputy and their duties, full address CV and their judicial records
- The minutes of the general assembly which appointed the Legal Representative of the organization and the signatures of all the members that attended such general assembly meeting
- Action plan for the fiscal year
- Original District Collaboration letter.

International NGOs are also required to submit a long list of documentation and information, including the implementation schedule and its various stages of planning, detailed cost estimates with data, an indication of who will continue activities launched by INGOs after they have completed their work, and “all information relating to its geographical establishment throughout the world.” (ICNL, 2013).

### **1.2. Regarding the processes for regulations/formation and registration for civil society organizations**

The law N° 04/2012 of 17/02/2012 governing the organization and the functioning of national non-governmental organizations, regulations for formation and registration are mentioned.

Article 4 states that at least three (3) people have the full rights to form a non-profit organization set by this law. One (1) physical or moral person has the full rights to form a foundation. Every person is free to join or withdraw from a non-profit organization as prescribed by their statutes.

About the registration of local NGOs, the deadline to change the old legal personalities was 9/4/2013. The old legal personalities to be modified were those granted before 2000 year. All NGO having missed to this requirement should apply as a new organization. However the deadline was not met and granting the legal personality was delayed due to the big number of applicants for temporary registration. The temporary certificate of registration of a national non-governmental organization lasts for 1 year and has a legal validity to be used in all transactions engaged by the local NGOs. The applicant for legal personality should be all local NGO in needs and it would do it at any time during the period of the temporary certificate of registration.

### **1.3. Discussing on how the existing legal and institutional frameworks can be strengthened to promote multistakeholder approach to development effectiveness agenda,**

The research found out that, according to the above NGO law, registration and legal personality provide advantages to NGOs. Requirements to be registered and get legal personality are fair. But at the implementation level, the requirements are increased. Of course the law is available and constitutes a strong basis. Moreover, different fora/spaces for dialogue with the government have been created and related regulations are in place. However, the results are still very few and weak because the impact of CSOs on policies design and implementation is very low. The policy advocacies through Policies papers developed by CSOs and submitted to the government remain very few, irregular and don't cover many domains. Only the technical domains like agriculture, health and education are more covered than human rights. Some interviewees suggest the strengthening of CSO in Human Right Based Approach capacity building. They suggest as well promoting registration online to facilitate multi stakeholder to better deliver on their mandate.

### **1.4. Presenting on government playing its role of creating an enabling environment for engagement with CSOs in the development effectiveness agenda**

It is a paramount to adopt a common understanding on the following definition: "Enabling processes/regulations" includes easy access for all irrespective of location, simple procedure without undue administrative burdens; nominal or affordable fees; timely decision; registration in perpetuity.

According to the law N° 04/2012 of 17/02/2012, CSOs are no longer called non-profit organizations and shall conduct commercial activities if profits are used for the organization's objectives (article 4).

Under the same law (article 27) CSOs are allowed more autonomy to resolve their own internal conflicts. Previously the line ministry and/or RGB would intervene directly to resolve conflicts arising within CSOs, sometimes even disbanding boards of directors of the CSO (USAID, CSI, 2012):

Partnership for development: The Government of Rwanda and national non-governmental organizations may engage in partnership for development ( Article 11 of the above law). The Government shall include in its national budget funds meant for supporting national non-governmental organization (Article 12 of the above law). An Order of the Minister in charge of national non-governmental organizations shall specify modalities for granting such support. While carrying out commercial activities; the national non-governmental organization shall abide by laws which govern registration and functioning of the commercial activities carried out by companies or cooperative societies.

However, a national non-governmental organization shall not be allowed to distribute its net earnings and profits to any person. The assets, earnings and profits of a national non-governmental organization shall not, whether directly or indirectly, provide profits to any member, director, senior officer, employee or a donor of the national non-governmental organization. However, a national non-governmental organization shall be allowed to pay a person for services delivered to the organization. A national non-governmental organization shall not be allowed to engage in fundraising or organize public rallies with an intention to support any political organization or any independent candidate campaigning for a political office, registration or any other way to support candidates for public office (Article 13 of the above law):

According to the article 28 of the same law N° 04/2012 a national non-governmental organization shall have the following rights:

- 1° to put forward views in designing national policies and legislation in relation with the functioning of national non-governmental organizations;
- 2° to advocate protect and promote human rights and other national values;
- 3° to express opinions and views on national policies and legislation;
- 4° to enter into agreements with other organizations and entities;
- 5° to enjoy tax exemption in accordance with relevant laws;
- 6° to enjoy the literary and artistic property right and property of all its operations related to its mission.

Moreover, towards creating an enabling environment, Rwanda has defined its vision 2020 whose the first pillar of the Rwanda vision 2020 is Good governance and a capable state. It is clearly stated that the country is committed to being a capable state, characterized by the rule of law that supports and protects all its citizens without discrimination. The state is dedicated to the rights, unity and well-being of its people and will ensure the consolidation of the nation and its security.

Towards achieving this vision 2020, a medium-term strategy called EDPRS has been designed. The EDPRS 2 has 4 thematic areas as (1) economic transformation, (2) Rural development, (3) Productivity and youth employment, and (4) accountable Governance. In this last thematic area focusing on increased citizen participation as a way of ensuring ownership and feedback for efficiency and sustainability, its priority Number 1 is strengthening citizen participation and demand for accountability by using ‘home grown initiatives’ to promote citizen participation, using ICT and radio to promote participation and development communication, strengthening the media and civil society organizations to better fulfill their developmental role and strengthening administrative decentralization.

Among the 8 foundational issues of EDPRS 2, the 6<sup>th</sup> is Rule of law, unity and reconciliation, security and stability. Among the on-going measures defined, an emphasis is put on strengthening the legal and policy framework and developing institutional capacity.

However, according to the CIVIL SOCIETY MAPPING report done by the Rwanda Civil Society Platform (August 2011), from the point of view of the stakeholders, there has not been sufficient level of dialogue between the CSOs in Rwanda and key stakeholders including the government itself. There is also a general feeling that there is a gap created by lack of sufficient information about the activities of the CSOs in Rwanda and their contribution to the national development agenda laid out the EDPRS and the Vision 2020. This should not be the case as the CSO are perceived as a key pillar to deliver national goals and development. According to views from interviewees, there is no interference in CSO operations on the part of the state and other actors for political or arbitrary reasons, of course there is legal recourse against in case of harassment.

### **CSO operations: free from interference**

At the question to know if the CSOs at the time of and after registration, freely choose where, with whom and with what mandate to work

It was revealed that since February 2012, in Rwanda, civil society organizations are governed by the law N° 04/2012 and all the CSOs are required to adapt their organizational structures, operations, and internal statutes to the new law’s requirement CSOs.

They are free to determine their organizational structures, mission, objectives and organs, and leaders and require their approval by RGB after being verified by the Notary. CSOs choose themselves where and their constituency to work and design their own operational plans. Note that

CSOs are allowed to work before their registration by RGB<sup>5</sup> (article 16 of law N° 04/2012) when they are known by local authorities of the chosen district or administrative sector.

Concerning the freelance of CSOs to operate, in law and in practice, without excessive administrative burdens and/or government interference (harassment),

We noted from interviewees that CSOs do not suffer from any state harassment and can express criticism of government policies and suggest alternatives. They can also participate in any activity that can help them fulfill their missions and objectives. Note also that CSOs are required to submit annually their plans and reports to RGB. One of RGB's missions is to register CSOs, grant them the legal status and monitor the conformity of their activities with the laws. The division in charge of Non-Government Organizations, Religious Based Organizations and Political organization's registration is located in Rwanda Governance Board<sup>6</sup> and offers the following services: Registration of Religious based Organizations; Registration of Local Non-Governmental Organizations; Registration of Political Organizations; Monitoring the functioning of Religious Based Organizations and NGOs. The process starts at district level with a collaboration letter obtained from the Mayor of the District. At national level, the Rwanda Governance Board delivers a temporary Registration Certificate for first application, a compliance certificate conferring legal personality and facilitation in publishing legal personality in Official Gazette.

As stated by international organizations the registration process is no longer a burdensome. When you have a program for 5 years, you can get a compliance certificate for five years. It depends on your capability to deliver your program on one year or plus. Re-registration at annual basis is based on your capability to implement your program on one year basis.

INGOs must demonstrate that their activities are in line with Government priorities, must submit quarterly financial statements and lists of staff and assets, and must obtain provisional authorization from each district and zone where they intend to work before applying for authorization from the central government. In response to recommendations made in the UPR, the Rwandan government committed to making the law on NGOs more flexible by reducing the burdensome registration process and abolishing the annual renewal requirement, and to ensuring "that NGOs involved in defending human rights can carry out their activities without hindrance".

The update and progress is that with national NGOs compliance certificate is forever. They no longer need to re-register and for International NGO this certificate is for five year when the organization presents a long term program.

Regarding the existence of any interference in CSO operations on the part of the state and other actors for political or arbitrary reasons and seeking to know if there is any legal recourse against such harassment.

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<sup>5</sup> Rwanda Governance Board created by the law N° 041/2011 of 30/09/2011.

<sup>6</sup>[www.rgb.rw](http://www.rgb.rw)

All CSOs representatives interviewed confirm that there is no interference of the government in CSO operations. In this regards an organ in charge of conflict resolutions has been included in the law N° 04/2012: Any conflict that arises in the national non-governmental organization or among its organs shall be first resolved by the organ charged with conflict resolution referred to in Article 6 of this Law. In case that procedure fails, the concerned party may file a case to the competent court of Rwanda (article 27).

However, according to the above law, for the purpose of promoting transparency and accountability, the supervision of national non-governmental organizations shall be effected by the authority in charge of registration of national non-governmental organizations, granting legal personality and monitoring of their functioning. The supervision of a national non-governmental organization shall be conducted in accordance with the provisions of Article 29 of this Law. For the purpose of conducting effective supervision, the competent authority may determine necessary administrative entities to assist it (Article 30)

A national non-governmental organization shall not be allowed to engage in fundraising or organize public rallies with an intention to support any political organization or any independent candidate campaigning for a political office, registration or any other way to support candidates for public office.

### **3. CSO expression of views and advocacy**

For the question related to the existences of legal or political barriers that hinder a CSO's ability to openly express its opinions; particularly on matters critical of government policies (Barriers may also include CSO self-censorship of views).

At that point, the Freedom of thought, opinion, conscience, religion, worship and the public manifestation thereof is guaranteed by the State in accordance with conditions determined by the law. Propagation of ethnic, regional, or racial discrimination, or any other form of division, is punishable by law (Constitution, article 33).

According to ICNL, National NGOs may be denied registration or subject to termination for the failure to comply with the registration legislation or “convincing evidence that the (applicant) may jeopardize security, public, order, health, morals, and human rights.” (Articles 20 and 24)

In addition, spending by International NGOs must not exceed 20% of their budgets on “overhead costs in programs that are not in the interest of beneficiaries.”

There are no legal provisions expressly prohibiting speech or advocacy by CSOs. That said, Article 33 of the Constitution, in establishing freedom of thought and opinion, also emphasizes that “Propagation of ethnic, regional, or racial discrimination, or any other form of division, is punishable by law.” Article 34 of the Constitution places limitations on the freedom of speech: “Freedom of speech and freedom of information shall not prejudice public order and good morals,

the right of every citizen to honour, good reputation and the privacy of personal and family life. It is also guaranteed so long as it does not prejudice the protection of the youth and minors. The conditions for exercising such freedoms are determined by law.”

When an advocacy issue is well developed with evidences based elements, you can express openly your view with strategies you choose as long as your advocacy issue doesn't prejudice public order and good morals, the right of every citizen to honour, good reputation and the privacy of personal and family life. CSOs in Rwanda has succeeded various advocacy issues for exemple in agriculture sector working groups, in land issues, in budget formulation process, in electoral process, with gender based violence issues (GBV), etc.

**Regarding the legal or the political barriers that should hinder a CSO's ability to engage in public policy activity and/or advocacy.**

According to Civil Society Development Barometer 2012<sup>7</sup>, the civil society participation in influencing policy is scored 61%, while the effectiveness of CSO Umbrella bodies is scored 70.40%. Civil Society registration is scored 79% while its responding to the societal needs and interests is scored 62.80%. The two only limits highlighted are notably the ability of CSO rural penetration rate (rural vs urban) which is scored 27.60% and the human and financial resource capability scored at 52.7%. Those findings show that there is no legal or political barriers that hinder a CSO's ability to engage in public policy activity and/or advocacy. All CSOs are encouraged to do so in their respective domains of intervention. Regular dialogues on policy issues are organized at national level ( high level meetings such as *Umushyikirano/National Dialogue*) and decentralized level by CSOs and the Government responds positively to their invitations (high participation rates in many popular home grown solution initiatives practices such as *Imihigo/Performance contract*, and *Umuganda/Community works*). Through the government actions and CSOs involvements, citizens are increasingly organized and articulate better their development priorities. The results help decision-makers to make policy readjustments whereas necessary (i.e. ideas gathered after law enforcement and proposed for its review: law Governing inheritance, matrimonial regime and liberalities, law on land use, advocacy towards more citizens participation in policy formulation, etc.).

**Access to resources.**

**As far as legal, policy or political barriers to access-i.e. to seek, secure and use - resources, including foreign resources, for CSOs is concerned,**

One of the strategies used by national NGO to access to resources is working by project in partnership with International NGO. This is notably the case for the CCOAIB in its project entitled

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<sup>7</sup> Transparency International Rwanda: Rwanda Civil Society development barometer, December 2012

“Youth empowerment through cooperative” implemented in partnership with Plan International, this is the case for CLADHO working on the national budget process in partnerships with Norwegian People Aid, Partnership of Profemme/TWESE-HAMWE with International Alert in two projects: one is in line with Unity and Reconciliation, the other one is called “Partnership for Peaceful Rural Transformation (PPRP)”, etc. This is how currently most of CSOs access to resources. In that regard and according to various views from CSOs’ representatives interviewed, there are no legal, policy or political barriers to access-i.e. to seek, secure and use-resources, including foreign resources, for CSOs in Rwanda. The following legal provisions guarantee the access to finances for CSOs: The Government shall include in its national budget funds meant for supporting national non-governmental organizations. This a joint government fund program meant to support NGOs activities for more autonomous in service delivery. An Order of the Minister in charge of national non-governmental organizations shall specify modalities for granting such support (article 12 of the law N° 04/2012)

Without prejudice to provisions of other Laws, national non-governmental organizations shall enjoy financial, moral and administrative autonomy. (article 10 of the law N° 04/2012)

A national non-governmental organization may conduct commercial activities only when it is authorized to do so and the profit from such activities is meant to be used in activities related to its objectives. While carrying out commercial activities, the national non-governmental organization shall abide by laws which govern registration and functioning of the commercial activities carried out by companies or cooperative societies (article 4 of the law N° 04/2012). This is the case for DUHAMIC-ADRI, a national NGO which has put in place a commercial company in the agro processing area, DUTERIMBERE which has established financial company and a saving and credit cooperative named COOPEDU, Transparency International Rwanda with their center for research and training for socio-transformation, etc.

However some legal restrictions are in place. Those are notably: National non-governmental organizations shall not be allowed to receive any support from criminal individuals or organizations. A national non-governmental organization shall not be allowed to distribute its net earnings and profits to any person. The assets, earnings and profits of a national non-governmental organization shall not, whether directly or indirectly, provide profits to any member, director, senior officer, employee or a donor of the national non-governmental organization. However, a national non-governmental organization shall be allowed to pay a person for services delivered to the organization. A national non-governmental organization shall not be allowed to engage in fundraising or organize public rallies with an intention to support any political organization or any independent candidate campaigning for a political office, registration or any other way to support candidates for public office (article 10 of the law N° 04/2012).

According to the article 19 of the International non-government organizations (INGOs) law N° 05/2012 of 17/02/2012 governing the organization and functioning of international non-governmental organization:

An international non-governmental organization intending to close or scale down its operations in the country shall be free to transfer its equipment in the form of donations to a registered national non-governmental organization undertaking the same or similar activities.

However, if an international non-governmental organization indicates a clear reason that it genuinely needs such equipment it shall keep them.

The authority in charge of registration of international non-governmental organizations and monitoring of their functioning shall determine procedure to transfer equipment of an international non-governmental organization closing its operations.

Where an international non-governmental organization continues to carry on its activities, it may sell its equipment in conformity with existing laws in Rwanda and agreement between the concerned organization and the line Ministry concerning the financial and property management.

Such a sale shall be supervised by the relevant line Ministry, the authority in charge of registration of international non-governmental organizations and monitoring of their functioning as well as the Ministry in charge of public equipment, unless there exists agreements that provide otherwise which were previously notified to the relevant line Ministry. Notwithstanding the provisions of Paragraph 2 of this Article, the organization shall have rights to the management and use of money collected from the sales of equipment (article 20 of the above international NGO law).

### **As for the legal or policy incentives to promote local resource mobilization and financial sustainability among CSOs,**

It has been noticed that they are allowed by the law N° 04/2012 to engage in commercial activities towards increasing their resources to fulfill their missions and objectives (article 4)

Interviewees stated that in Rwanda there is legal and policy incentives to promote local resource mobilization and financial sustainability among CSOs for example funds from RGB and GLOBAL FUND.

### **Rights to assembly peacefully**

#### **Assessing the existence of legal or political barriers to the right to peaceful assembly.**

The findings reveal that there are no legal or political barriers to the right to peaceful assembly in Rwanda. However, Article 36 of the Constitution guarantees the freedom of assembly as follows: Freedom of peaceful assembly without arms is guaranteed if it is not inconsistent with the law. Prior authorization shall only be necessary if the law so requires and solely in the case of assembly in the open air, in a public place or on a public road, to the extent that such is necessary in the interests of public safety, public health or public order (according to ICNL (2013). Article 684 of the Organic Law Instituting the Penal Code defines an assembly as “a group of people gathered in a public place with intent to demonstrate their opinion or point of view by means of a

number of actions or shouting. A public gathering means a meeting open for the public or in which the public is invited.”

### **Seeking to know if the groups who gather openly can criticize the government through peaceful protests or other forms of demonstrations.**

Yes, groups can gather openly criticize the government through peaceful protests or other forms of demonstrations in Rwanda as it is allowed by article 28, alinea3 as follows:

National non-governmental organization shall have the following rights:

1° to put forward views in designing national policies and legislation in relation with the functioning of national non-governmental organizations;

2° to advocate, protect and promote human rights and other national values;

3° to express opinions and views on national policies and legislation;

4° to enter into agreements with other organizations and entities;

5° to enjoy tax exemption in accordance with relevant laws;

6° to enjoy the literary and artistic property right and property of all its operations related to its mission.

However, CSOS shall be refused legal personality, suspended if there are reasons convincing evidence that the organization applying for legal personality intends to jeopardize security, public order, health, morals or human rights (articles 24, 32, and 33 of the law N° 04/2012).

The question of knowing if there are restrictions to assemble and make claims on government, including government use of harassment, arbitrary arrest or use of excessive force.

In general at the legislation level there are no restrictions to assemble and make claims on government, including government use of harassment, arbitrary arrest or use of excessive force. However, the Law on Public Demonstrations of and Public Gatherings (hereafter “the Law”) of August 5, 1991, provides the framework for assembly. Advance notification is required. Article 5 of the Law requires a notification of 30 days in advance of an assembly. The authorities must respond at least 6 days before the assembly. There is no exception made for spontaneous demonstrations. And there is no specific provision to address counter-demonstrations.

### **3.1.3. Dimension three: Rights of specific groups**

## **About knowing if there are CSOs representing particular groups that**

receive less favorable treatment under the legal and regulatory environment (Dimension two) due to their specific mandate or activities, (examples of such groups might include trade unions, women's rights organizations, human rights organizations, organizations of indigenous peoples, LGBT organizations etc).

Exploring such a question, we took due note that specific groups especially those called marginalized have got special attention in legal and in practice in Rwanda. They have been encouraged to form their organizations, mainly as CSOs to better getting support either from the government or other actors/donors. The following organizations of different specific groups constitute testimonies:

NUDOR is the civil society organization established in 2010 by 8 national organization of People with Disabilities. It regroups: Rwanda National Union of the Deaf (RNUD), Rwanda Union of the Blind (RUB), and Tubakunde was formed on 20th December 2005 with mission to contribute to the eradication of all forms of discrimination against children with learning deficiencies and promotion of positive socio- economic, policy and judicial of children with mental deficiencies. It aims to build capacities of association members.

The Community of Potters of Rwanda (COPORWA) is a non-profit organization working for the marginalized victims of socio-cultural history. They work for the promotion and protection of the rights of people and help to generate sufficient income for the very poor Potter people.

The Mission of COPORWA is to promote the respect of the rights, the social and economic integration of the community of the potters within the Rwandan society through education, culture, livelihood and the defense of human rights.

The National Council of People with Disabilities (NCPD) is a public and independent institution with legal personality and both financial and administrative autonomy. It shall be a forum for advocacy and social mobilization on issues affecting persons with disabilities in order to build their capacity and ensure their participation in national development.

The Council shall assist the Government to implement programs and policies that benefit persons with disabilities.

Rwanda National Association of Deaf Women (RNADW) was formed on 28th April 2005. It is a platform that offers a common voice for Deaf women with a view to promote their social and economic rights.

**Regarding the question of knowing if there are recent examples of leaders and/ or members of vulnerable organizations facing discrimination, harassment, arbitrary arrest or extra-judicial killing.**

All interviewees responded that this question has no tangible evidences. The landscape of CSOs in Rwanda is diverse with CSOs represented in a wide range of sectors such as human rights and democratic governance, social protection, peace and reconciliation and community development. As mentioned above, each category is governed by a specific clear law. While the structures of CSOs are fairly well developed, some challenges exist in terms of diversity, membership, capacity development and presence in more rural areas of the country. These challenges have some impact on the role CSOs play in contributing to debate and advocacy on issues of public interest as well as on the sustainability of CSOs.

CSOs could play a more important role to effectively hold state and corporations accountable as well as to meet the social needs of the people. Because of the nature of some sensitive areas of works like what is handled by international Transparency Rwanda against corruption, some individual persons not satisfied by denunciation of their misconducts should organized threats towards those institutions. Fortunately our political and judicial systems are very responsive against those despicable acts.

## **AREA TWO: POLICY INFLUENCING**

The Government provides space and access for policy engagement to all no matter what group.

This applies to all policies.

### **Dimension one: Spaces for dialogue and policy influencing**

Concerning the question that government establish inclusive and accessible processes for policy engagement at all levels (local, regional, national) and that marginalized groups are included (e.g. women's rights, indigenous groups) and if such processes are available for all kind of policies.

The answer is that in general the policy design processes tend to be established at national level, with very limited involvement of lower levels. All groups of the population are involved through their respective organizations or structures (National women council, national platform of people with disability, national youth council, NGOs, CSOs, farmers' unions,...). This process is also often bottom up for some policies include views of the population and in general there is no concerns about policy formulation, except the budgeting process which needs more involvement of the population especially CSOs both in design and in implementation.

However a concern of citizen participation in policy implementation and feedback/accountability still need more improvement towards increasing the policy ownership by the population for a sustainable development.

In regards to the existence of inclusive institutionalized opportunities for CSOs to participate in policy and decision-making processes;

The opportunities for CSOs to participate in policy and decision-making processes are institutionalized. At ministerial and district levels instructions related to the participation of the CSOs are highlighted in national strategies as well as in law governing decentralization policy and process. For example: CSOs participate at national level in SWGs and in Joint Action Development Forum (JADF) at district level.

The Joint Action Development Forum operating at district level is an important and clear reference framework. The Cabinet appointing the board members of various institutions and National Commissions include CSOs representatives and private sector representatives for more inclusiveness and transparency For example: The independent review panel on public procurement is chaired by a CSO representative. At Prime Minister's Office is lodged a public private partnership office named Rwanda Economic and Social Council (RESC) which is an important policy advocacy space for both CSOs and private Sector. But CSOs don't profit the given spaces for effective engagement with the government. As stated above, CSOs in Rwanda have a human and financial resources constraints and this has a negative impact on it is effectiveness in policy influencing (weakness in formulation of policy advocacy paper, high staff turnover, under representation in important meetings without evidence based from research's findings, etc.)

### **3. As for the CSOs involvement in design, implementation and monitoring of national development plans and policies,**

It was found out that the M&E framework of the EDPRS 2 is a clear example about the role of the civil society organizations involvement. Spaces like sector working groups (SWGs) at national level and Joint Action development forum (JADFs) at decentralized levels whereas CSOs with other stakeholders monitor and evaluate policies and propose solutions to fill in any highlighted policy gap. Also when policies are under design, those spaces are open to CSOs to express their views and consideration towards promoting pro-poor policies in Rwanda. However, CSOs are least contributing in the design of the development policies and this is a capacity constraint. However, Transparency International Rwanda is a good example in its involvement in analysis of Auditor general report for further advocacy and transparency.

About the question of assessing if CSOs input is taken into account in the policy outcomes, and requesting if there are fully accessible accountability mechanisms for feedback and policy assessment, ensuring that governments consider CSO input.

CSO input is often taken into account in the policy outcomes, but it is not always the case. The causes should be both at CSOs and Government sides. The CSOs being not well coordinated their contributions are not consequently well captured and appreciated by the stakeholders including the government. Some government institutions are not aware of the role and inputs of CSOs in terms of development funding, services delivery to citizens and policy influence. Efforts should be done by both parties to address this issue. Some examples of input from CSOs' advocacy input taken into account: Transparency International Rwanda in its advocacy on non-execution of court judgments has reached the review of law that protect the bailiffs; Transparency International Rwanda has advocated as well for school feeding program in the framework of Universal education, etc. However, there is no proper mechanism for feed backs. It depends on the shrewdness of individual CSO. Often policy implementation progress assessments are done by both independent evaluators including some umbrella of CSOs operating at national level and the government itself. Through advocacy processes, the government considers input of CSOs when strong evidence is availed and convincing alternative strategies suggested.

**Regarding the availability of initiatives to address capacity needs of all stakeholders to fully and effectively participate in policy dialogue (in particular, governments and CSOs);**

The article 11 of the law N° 04/2012 of 17/02/2012 governing the organization and the functioning of national non-governmental organizations highlights the issue of partnership between CSOs and Government in these terms: “The Government of Rwanda and national non-governmental organizations may engage in partnership for development”. This includes also capacity building and financial supports. The tripartite partnership (public- private –civil society) is expressed in the

EDPRS 2 for the economic transformation and poverty reduction. Through this opportunity, regularly the Rwanda Civil Society Platform (RCSP) and its member organizations organize or participate in public policy dialogues with the Government through the Sector Working groups (SWG) around various topics like anti-corruption, education, agriculture, health, land issues. The Independent Review Panel on the public procurement is chaired by CSO member. However, there is no established mechanism for addressing CSO capacity building gaps. It all depends on individual CSO. There are a number of initiatives aiming at building the capacities of specific stakeholders, but there does not seem to be any coordinated one looking at the needs of all stakeholders.

**Present how CSOs can establish formal working relations and ensure active participation with key partner organizations, donors, and government and development agencies at different levels.**

There are established frameworks in place for such working relations at different levels. (DPM, DPCG, National Dialogue meeting at national level and JADF at district level). Furthermore, various coalitions are set up by CSOs in monitoring the national elections and a coalition called PMG (Policy Monitoring Group) was put in place and includes representatives of CSOs, high education institutions, and researchers. They produce reports aiming to advocate on elections irregularities and policy gaps. Particularly the input of the PMG on the national budget is well appreciated by the Government and the parliament.

Recently ten CSOs have launched officially the Economic Justice Network (EJN) for advocacy issues in the domain of economic justice. There are no legal or practical barriers to establish formal working relations by CSOs in Rwanda. This is evidenced by the bi-annual dialogue that groups some government representative institutions invited to the meetings according to the nature of the issue they want to advocate for ( National budget and Human Right issues handled by CLADHO, agriculture issues by IMBARAGA, peaceful action campaign and fight against gender based violence by Profemme, fighting genocide ideology and survival issues by Ibuka, development issues handled by CCOAIB, etc. Note that those kinds of meetings are convened either by CSO networks or by Rwanda Civil Society Plate Form (RCSP).

However, new initiatives and more effort should be added:

- ✚ Put in place issue-based alliance to work on particular policy areas depending on areas of work and expertise/experience available amongst CSOs.
- ✚ Ensure active participation of CSOs in Sector Working Groups
- ✚ Umbrella organizations to actively mobilise their membership and coordinate their participation

- ✚ Government and donors to make the participation of CSOs a requirement for all policy process at all levels
- ✚ CSOs involvement to be set as a specific outcome with related performance indicators, and all stakeholders, at all levels, to be evaluated against these.

### **Present capacity gaps both institutional and personnel if any among the stakeholders**

Capacity gaps are in form of research, policy analysis, and advocacy skills as well as formulation of policies.

According to the civil society mapping report: “despite the establishment of the RSCP, organizations and umbrella activities remain individualized and isolated and their location, nature and, inputs remain unknown. This made the civil society overall contribution to national development shrouded in mystery and hence the doubt of the usefulness of the CSO as development partners” (RCSP, 2011).

In general:

CSOs have limited staff due to limited funding

Technical capacities in terms of strategic planning and implementing: Most of CSOs tend to focus on short term activities, mainly service delivery type, without looking at what is likely to stir long term positive changes in the lives of their target groups.

Disfunctioning accountability mechanisms amongst CSOs: Boards which are not able to overview the working of their organizations in a professional way.

**Suggest ways through which the capacity problems can be addressed?** See definitions of “established processes” and “institutionalized opportunities”

In Rwanda there exist some established processes for policy engagement like: (1) an annual retreat grouping government, donors, private sector and civil society representatives to discuss policies and donors commitment disbursement, (2) an annual National dialogue meeting gathering all development stakeholders including opinions leaders, government representatives, private sector, civil society organizations, Diaspora representatives, donors,..., (3)thematic national dialogues organized by Rwanda Civil Society platform.

About the institutionalized opportunities, the country of Rwanda has put in place: (1) Sector Working Groups (SWG) on EDPRS and (2) JADF.

There is need to address capacity problems by putting in place a structured process grouping INGO and national NGO to review and report on the progress against the commitments with regards to enabling environment.

### **3.2.2. Dimension two: access to information**

Concerning CSOs's right to access to relevant government information, by law and in practice.

There is a comprehensive new access to information law, which came into effect in Rwanda on 11 March 2013. Thus, Rwanda officially became the 11th country in Africa and the 94th country globally to adopt a comprehensive access to information law (law n° 04/2013 of 08/02/2013 relating to access to information) (ICNL, 2014). The right of access to information includes the following:

1° assessing activities, documents or records;

2° taking notes, documents, extracts or copies of official documents or records;

3° taking documents or extracts of notified copies;

4° obtaining information stored in any electronic form or through print-outs copies of information stored in a computer or in any other device.

This is a positive step made by the Rwandan Government, which must be given full effect. This passage of this law shows that the Rwandan government is keen to entrench transparency and accountability as well as enhancing greater participation by citizens in the management of public affairs. CSOS have actively participated to develop this law through RCSP.

The Law guarantees citizens to access data held by the state and some private organs; previously it was a challenge for journalists to get the information they want due to unnecessary protocol in the public bodies. The application of this law has been facilitated by the appointment of an information officer for each public organ and its branch, if there is any, to enable it to provide information to persons requesting for it in accordance with this Law (Article 8 of the law n°04/2013). However in practice, some individual employees remain reluctant to provide the requested information by journalist and researchers. But what is interesting is that Ombudsman Office operates also as a recourse organ in case of reluctance of providing information requested. i.e. 12 complaints related to access to information are reported by the RMC, among them 10 were made by journalist and 2 complaints made by lawyers. Concerning the categories of institutions in which information was requested, there were 5 for private sector and 7 for public sector. So, CSOS also have a right to access to relevant government information, by law and in practice even online on government institutions web sites. A good example also is Transparency International Rwanda who stated that has never had problems in accessing Auditor General report for its advocacy process on it.

## **2. Assessing if the process of obtaining relevant government information is simple, timely, transparent and based on established procedures.**

This is stipulated in the law in place and several cases have been handled in this regard

Originating from individuals, journalists and CSO alike.

It was noted that it is absolutely vital that the guidelines make it clear that where requests for information have not been dealt with in time or where the information requested has been denied, the person requesting that information is entitled to an appeal to the legally designed authority (NCHR, Ombudsman or Courts). About established procedures to get information the following articles are clear enough:

- A public organ shall appoint or designate an information officer for that organ and its branch, if there is any, to enable it to provide information to persons requesting for it in accordance with this Law. If the officer in charge of information is absent, the organ or its branch shall designate someone as substitute. So, there is no problem to access and obtain information (Article 8 of the law n° 04/2013).

- Information shall be requested by an individual or a group of persons in any of the official languages provided for by the Constitution of the Republic of Rwanda verbally, in writing, by telephone, internet or any other means of communication without prejudice to the provisions of this Law. The person applying for information shall determine the means in which he/she wants to obtain information. However, if the means chosen for obtaining the information requested exceeds the capacity of the requested organ, the applicant shall bear the cost (Article 9 of law n° 04/2013).

The process of obtaining relevant government information is often simple, timely, transparent depending on the nature and the availability of information requested. Sometime the appointment is required to obtain the information.

The President of the Republic holds regular press conferences in which local and international journalists have the opportunity to ask questions on public matters. This conference is held live on radios and television.

A Public open day is organized quarterly by the Ministry of Local Government, provinces, districts and sectors to provide information on service delivery to the public. Similarly, public accountability days, organized in the Parliament on quarterly basis to review the progress of districts in the implementation of the performance contracts (“Imihigo” in local language), offers a good opportunity of access to information.

The electronic and online media are increasing and accessible. The general public is encouraged to use ICT as a modern technique to exercise their right of access to information. Cyber cafés and Tele-centers are also available in different districts of the country. Most of rural areas are connected to internet, to allow them to have access to modern tools of information and communication. Private TV Companies operate in Rwanda (Star Africa Media, DSTV, and Tel 10) to provide a variety of choices on access to information

### **3.3. AREA THREE: DONOR – CSO RELATIONSHIPS**

#### **About the responsiveness of CSO funding mechanisms to the programmatic priorities of CSOs.**

According to “Open Forum for CSO” (2010), effective CSO partnerships for development, whatever their form, require long-term commitments in negotiating shared goals and programmatic objectives, facilitated by the emergence of trust and respect in the relationship. Organizational autonomy is essential for equitable partnerships.

In Rwanda, there is no coherent CSO funding mechanisms of donors. Only a few numbers of donors like UNDP and EU, share their funding opportunities with CSOs. Otherwise sporadic calls for proposal are published and CSOs often decide to apply for while the objectives of the call for proposal are not aligned to its mission and vision. This creates uncertainty of CSO sustainability. For example actually no donor can fund a strategic plan of a CSO. Thus, the negotiation power of CSOs with donors is still very low. Donors prefer the short term projects which don't lead to the CSO's sustainability. In brief: Each donor has his own programmatic priorities, which may fit with particular CSO, but cannot logically fit with the priorities of all CSOs. In general donor priorities respond to national priorities.

#### **Assessing whether CSO funding mechanism is reliable, transparent, easy to understand, and disbursed impartially**

From various interviews, it is found out that the answer is not. Opportunities to exchange information about funding mechanisms between CSOs and Donors are scarce. Only very limited negotiations come up during financing contracts signing, CSOs have difficult to influence the terms of the contract signed with the donors. Funding mechanisms are not always reliable/predictable. They may be transparent but restrictive, because they require standards that may not be met by the majority of CSOs.

However, recently the Government of Rwanda jointly with One United Nations has put in place a fund to support CSOs. This fund is called “Joint Programme to strengthening civil society organizations for responsive and accountable governance in Rwanda”.

As Good governance and a capable state constitute the first pillar of Rwanda Vision 2020. One of the key objectives of the Economic Development and Poverty Reduction Strategy II (EDPRS II, 2013 -2018) is to enhance Accountable Governance by promoting citizen participation and mobilisation for delivery of development. The strengthening of citizen participation, awareness and demand for accountability constitutes an integral part to further advance Accountable Governance in Rwanda. In that regard, the United Nations Development Assistance Plan (UNDAP; 2013 -2018), which is aligned to the EDPRS II, also highlights the need to enhancing accountability and citizen participation in sustainable development and decision making processes

at all levels. Civil society organizations (CSOs) are mentioned as an important actor to demand accountability and transparency at all levels.

Within this broader framework, the Government of Rwanda and One United Nations – Rwanda launched a Joint Programme to strengthening civil society organizations for responsive and accountable governance in Rwanda. A key component of this Joint Programme is to empower local CSOs in recognition of the important role CSOs can play in contemporary Rwandese society.

The grant making component is part of a wider strategy to deepening more permanent and sustainable channels between CSOs and Government to dialogue and advocate for the voices of civil society to be heard and taken into account in public policy making. Trainings on good governance, leadership, the human rights based approach, gender mainstreaming as well as structured policy dialogues will be organized. The Call for Proposals outlines the steps to be taken to apply for grants for local CSOs. The proposals are evaluated by a Grant Selection Committee ensuring the equality of all participants.

### **Grant Selection Committee**

The Grant Selection Committee has been established and is composed of representatives of key stakeholders including the academia, youth and women organizations. The final decision is taken by the Program Steering Committee chaired by Rwanda Governance Board and co-chaired by One UN - Rwanda.

### **Criteria for application**

For the purpose of the Call for Proposals, civil society organizations encompass national non-governmental organizations and religious based organizations defined as follows by:

Law n<sup>o</sup> 4/2012 of 17/02/2012 governing the organization and functioning of national governmental organizations; and

Law N<sup>o</sup> 6/2012 of 17/02/2012 determining organization and functioning of religious-based organizations

National non-governmental organizations: an organization which is comprised of natural persons or of autonomous collective voluntary organizations whose aim is to improve economic, social and cultural development and to advocate for public interests of a certain group, natural persons, organizations or with the view of promoting common interest of their members.

Religious based organizations: an organization whose members share same beliefs, cult and practice.

Eligible national non-governmental and religious based organizations should have legal personality or possess a temporary certificate issued by Rwanda Governance Board.

### **Type of Activities prioritized by the call to proposal**

Activities aimed at monitoring of human rights and gender equality

Activities aimed at supporting civic education

Activities in the field of social protection

Activities focusing on citizen engagement on budgeting and development planning

Activities focusing on culture promotion, youth, women development and self-employment in rural areas

Activities of media organizations to produce content on governance

Activities of media organizations and think tanks in investigative work

NB. : Gender Equality and Human Rights Based Approach being cross cutting issues.

This fund is managed by Rwanda Governance Board (RGB) under the Law n<sup>o</sup> 4/2012 of 17/02/2012 governing the organization and functioning of national non-governmental organizations; Law N<sup>o</sup> 6/2012 of 17/02/2012 determining organization and functioning of religious-based organizations.

What is appreciable is that CSOs are involved in the management of this fund including the proposals' selection and disbursement of funds to the winners. The first round of fund disbursement by this Fund was launched on 7<sup>th</sup> November 2014, whereas 18 CSOs out of 180 COS having submitted their project proposals have been funded.

### **About the initiatives by donors for facilitating diversification of CSOs' income sources**

Even if the new law N<sup>o</sup> 04/2012 governing local NGOs allows CSOs to engage in commercial activities towards increasing their resources to fulfill their missions and objectives, there is no donor committed to provide direct financial support to these kinds of activities. However, towards increasing CSOs capacities in fundraising matters, USAID through HICD project is strengthening some CSOs to design their respective business development plans and fundraising strategy, so they can diversify and increase their income resources. Otherwise, such initiatives should come from the CSOs themselves, and then they could discuss them with donors.

Regarding whether donors are creating inclusive processes for CSO policy engagement on donor strategies at all levels (headquarters, within partner countries).

There are no inclusive processes for CSO policy engagement. Not all donors have such processes, and they should be encouraged to do so. The main actors seem working separately. Those are donors and Network of International NGOs (NINGO) on one side and Rwanda Civil Society platform (RCSP) for Local NGOs on the other side. However a non-structured and sporadic collaboration exists between donors, international and local NGOs and sometime memorandum of understanding and/or partnership contracts are established between individual local and international NGOs and/or donors to implement given projects.

### **Discussion on how many donors engage with CSOs illustrating at what level they**

**Engage and what issues they engage in with these CSOs?**

**Discuss how frequently do they engage?**

There are no particular donors' engagements with CSOs, except when there are calls for proposal and CSOs scramble for this funding.

However, donors meet CSOs through some spaces created by the government of Rwanda (Annual Retreat with development partners and national dialogue, quarterly SWG and JADF..., as above mentioned).

### **Analyze the framework of engagement**

Since Busan, the Civil Society Partnership for Development Effectiveness (CPDE) has been working with regional and country level platforms and CSOs, on awareness building, and improvements in CSO transparency and accountability for CSO Development Effectiveness. Thus, the national framework of engagement is characterized by active collaboration between CSOs, line ministries and community towards generating evidences for designing policy advocacy papers. Government provides research visa to CSOs and participates in findings validation workshops. The community contributes in that process through problem analysis and participates also in validation workshops. Furthermore, CSOs build coalitions for thematic advocacy. While international NGOs are supposed to reach community through local NGOs partnerships, there are some of them who are working directly with the community. It is meaningful to mention that donors often prefer to work with international NGOs, arguing the lack of skills among local NGOs.

Some Example of the framework of engagement:

DONOR	FUNDING AREAS
DFID	EDUCATION GOVERNANCE
SUEDEN EMBASSY	UNITY &RECONCILIATION GENDER
GIZ	GOVERNANCE
TROCAIRE	SUSTAINABLE LIVELHOOD GOVERNANCE& HUMAN RIGHT
NORWEGIAN PEOPLE AID	PUBLIC POLICY INFORMATION MONITORING ADVOCACY
INTERNATIONAL ALERT	PARTNERSHIP FOR PEACEFUL RURAL TRANSFORMATION (PPRP)
PLAN INTERNATIONAL RWANDA	VULNERABLE GROUPS: YOUTH AND CHILDREN PROGRAM
OXFAM UK	Advocacy Economic empowerment

**Suggesting ways that donors can facilitate dialogue and frequent interaction among themselves and well as CSOs on the issues around enabling environment,**

Findings suggest that both donors including NINGO and RCSP should promote a dynamic and proactive partnership towards ensuring an enabling environment. Capacities owned by donors and

international NGOs could help overcoming challenges faced by local CSOs, particularly weak skills in policy analysis, access to resources required and research capacity for engaging government through an evidence based advocacy. Donors often engage with organizations that are simply critical to governments not those who want to engage government on objective grounds. This bad culture might cease for new partnership for sustainable development and put in place a structured process to review and report on the progress against the commitments with regards to enabling environment. This should be done by organizing regularly dialogue with CSO in order to present their priority and strategies.

#### **IV. Challenges**

- ✚ Stakeholders do not have the same level of information on the commitments related to enabling environment.
- ✚ It appears that stakeholders do not have the same understanding of what is expected of each of them.
- ✚ There is a tendency to see CSOs as implementers of government policies, and not as active actors in the formulation and review of policies.
- ✚ Limited of technical capacities within CSOs to engage in policy processes. So far, initiatives of CSOs tend to be ad hoc activities that are not part of a clear strategy that is followed through to reach intended results.
- ✚ Tendency (especially at local level) to see CSOs not as independent that should have own plans that complement government plans, but rather as agencies to implement plans set by government.
- ✚ Limited clarity around JADF role and responsibilities of actors within it.

#### **V. RECOMMENDATIONS**

Bearing in mind the whole process and key findings from this research, here after are some key actions to be undertaken for strengthening the CSOs in Rwanda for its effectiveness at every stage of policy influencing:

##### **5.1. RECOMMENDATION TO GOVERNMENT**

CSOs recommend for increasing the participation of the population in policy formulation for ownership and engagement for a sustainable development.

Integration of outcomes and indicators on CSO participation in plans and performance review frameworks.

Build the capacity of CSOs to work as professionals and to engage more in policy processes.

Continue maintaining and reviewing a CSOs enabling environment by improving and rendering more flexible legal and regulatory framework.

## **5.2. RECOMMENDATION TO DONORS**

In order to help CSOs becoming more sustainable, strategic and proactive, donors should shift their funding mechanisms from the project to the programme approach (at least three years programmes) and set up a basket fund for CSOs;

Most of donors have to be transparent and improve communication with their recipients about the partnership modalities with CSOs.

Despite existing forums/spaces for dialogue with the government, CSOs do not effectively exploit these opportunities to engage with the government on the pro-poor policies. There is need to build confidence and institutional capacities of CSOs to effectively do so by availing flexible finding instruments.

Donors should support the establishment of a permanent capacity building center for regular training in core modules, developing mentoring and coaching approach. This is important because there is high turnover of skilled staffs in CSOs;

## **5.3. RECOMMENDATIONS FOR NINGO and RCSP**

Both NINGO and RCSP should promote dynamic and proactive partnership towards

Ensuring an enabling environment. Capacities owned by NINGO members could help overcoming challenges faced by CSOs as mentioned above;

Both NINGO and RCSP Put in place a structured process to review and report on the progress against the commitments with regards to enabling environment and dissemination those commitments in simple format

CSOs should improve their image towards Donors and Government through developing an effective communication strategy, capitalization and marketing of their achievements so they become really credible among key national development partners.

## **VI. CONCLUSION**

At the end of this research and according to the findings acquired from primary and secondary data, the conclusion reveals that generally the CSOs environment in Rwanda is quite conducive. This is mainly due to the respect of the fundamental principles of the Rwandan Constitution, article 9:

- al.5: “building a State committed to promoting social welfare and establishing appropriate Mechanisms for ensuring social justice”.

- al.6: “the constant quest for solutions through dialogue and consensus”. It has become a culture in Rwanda to consider whatever point of views from various spheres of life including: government, political parties, CSOs and private sector. Any contribution to the development of the country, unity and reconciliation, social justice of the Rwandese people is most welcome.

## **VII. ANNEXES**

### **ANNEXE 1: REFERENCES**

Republic of Rwanda, the Constitution of the Republic of Rwanda o 04 June 2003, as amended to date;

United Nations, International Covenant on Civil and Political Rights, 16 Dec 1966;

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Strengthening civil society organizations for responsive and accountable governance in Rwanda,

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Rwanda Civil Society Platform: Civil society mapping-Rwanda – Final Report, August 2011

## ANNEXE 2: LIST OF CSOs REPRESENTATIVES INTERVIEWED

Mr. NGENDNDUMWE Jean Claude, Executive Secretary of CCOAIB

Mrs. UWIMBABAZI Alice, Program Officer at PROFEMMES/TWESE-HAMWE

Mr. MUNYAMARIZA Edouard, Spokesperson of the Rwanda Civil Society Platform

Mr SAFARI Emmanuel, Executive Secretary of CLADHO

Mr SAMVURA Oswald, Executive Secretary of CEJP

Mr. MUSINE Juvenal, Executive Secretary of IMBARAGA

Mr MBUNGIRAMIHIGO Peacemaker, Executive Secretary of MHC

MR. IBAMBE Jean Paul, Legal Officer of RMC

Mr. MUVUNYI Fred, Chairman RMC

Mr. BENINEZA Innocent, Executive Secretary of DUHAMIC-Adri asbl

Mrs. MUKESHIMANA Dativa, Executive Secretary of DUTERIMBERE asbl.

MUPIGANYI Appolinaire, Executive Secretary of Transparency International Rwanda

BENINEZA Innocent, Executive Secretary of DUHAMIC-ADRI

NSHUNGUYINKA Emmanuel, Grant & Partnership Coordinator

NTAGANDA Eugene, **Great** lakes advocacy Advisor/HECA/OXFAM Kigali

## GOVERNMENT INSTITUTIONS

MUTABAZI Theodore

Mr. BWENGE Jean Marie Vianney, RGB

## INTERNATIONAL NGOs/DONORS

Mr. SIBOMANA Modeste, Program manager in charge of Governance at TROCAIRE

Mrs. BAZIGAGA Gloriose, Executive Secretary of International Alert/Rwanda

## **ANNEXE3: RESEARCH QUESTIONNAIRE**

### **FRAMEWORK FOR ASSESSING PROGRESS ON CSO ENABLING ENVIRONMENT**

#### **COUNTRY FOCUS: RWANDA**

Three core areas, and within each area addresses essential dimensions of the CSO enabling environment:

Area One: Universally accepted human rights and freedoms affecting CSOs

Dimension One: Recognition of rights and freedoms affecting CSOs

Dimension Two: The legal and regulatory environment, implementing rights and freedoms affecting CSOs.

Dimension Three: Rights of specific groups

2. Area Two: Policy Influencing

Dimension One: Spaces for dialogue and policy influencing

Dimension Two: Access to information

3. Area Three: Donor – CSO relationship

#### **AREA ONE: UNIVERSALLY ACCEPTED HUMAN RIGHTS AND FREEDOMS AFFECTING CSOS**

The Busan Partnership affirms CSOs as independent development actors in their own right. It substantially links an enabling environment for CSOs to governments fulfilling their obligations to international human rights.

##### **Dimension One: Recognition of rights and freedoms affecting CSOs**

Dimension one asks whether a state recognizes at the national level three universally recognized human rights and freedoms affecting CSOs. As a reflection of this recognition, the questions therefore examine whether a state recognizes these rights and freedoms in the constitution and in the basic laws, and whether there are significant violations of these rights.

Is the right to freedom of association protected in the constitution and basic laws of your country?

Is the right to freedom to peacefully assembly protected in the constitution and basic laws of your country?

Is the right to freedom of expression protected in the constitution and basic laws of your country?

Are there significant and/or severe restrictions on the exercise of one or more of these rights through government intimidation, intrusion, harassment or threats? (Please Note: Dimension Two below will address particular restrictions governing the exercise of these rights based on the implementation of CSO laws and regulations.)

## **Dimension Two: The legal and regulatory environment, implementing rights and freedoms affecting CSOs**

Dimension Two explores the legal and regulatory environment governing CSOs' exercise of the human rights and freedoms addressed in Dimension One.

### **1. Entry: CSO formation and registration**

Is there an enabling law on CSO registration, and in practice are CSOs able to easily register?

Definition: "Enabling law" includes voluntary registration allowed for any legal purpose; requiring a small number of founders and/or small amount of assets; based on reasonable, transparent, objective criteria; and providing avenues for appeal.

Are the processes/regulations for formation and registration enabling for civil society organizations?

Discuss how the existing legal and institutional frameworks can be strengthened to promote multistakeholder approach to development effectiveness

Present on government play its role of creating an enabling environment for engagement with CSOs in the development effectiveness agenda.

Definition: "Enabling processes/regulations" includes easy access for all irrespective of location, simple procedure without undue administrative burdens; nominal or affordable fees; timely decision; registration in perpetuity.

### **2. CSO Operations: Free from interference**

Can CSOs, at the time of and after registration, freely choose where, with whom and with what mandate to work?

Are CSOs free to operate, in law and in practice, without excessive administrative burdens and/or government interference (harassment)?

Is there interference in CSO operations on the part of the state and other actors for political or arbitrary reasons? Is there legal recourse against such harassment?

Definitions: “CSO Operations” – The capacities to govern, implement and assess activities on the part of the CSO, consistent with its mandate and the roles of CSOs as actors in support of public goods.

“Excessive” – Interferes with CSO’s capacity to act independently in carrying out its mandate.

### **3. CSO expression of views and advocacy**

Are there legal or political barriers that hinder a CSO’s ability to openly express its opinions, particularly on matters critical of government policies? (Barriers may also include CSO self-censorship of views.)

Are there legal or political barriers that hinder a CSO’s ability to engage in public policy activity and/or advocacy?

#### **4. Access to resources**

Are there legal, policy or political barriers to access – i.e. to seek, secure and use - resources, including foreign resources, for CSOs?

Are there legal or policy incentives to promote local resource mobilization and financial sustainability among CSOs?

#### **5. Rights to assembly peacefully**

Are there legal or political barriers to the right to peaceful assembly?

Can groups who gather openly criticize the government through peaceful protests or other forms of demonstrations?

Are there restrictions to assemble and make claims on government, including government use of harassment, arbitrary arrest or use of excessive force?

#### **Dimension Three: Rights of specific groups**

This dimension focuses on evidence of discrimination in the application of laws, regulations and policies for particular groups that may advocate for policy change or represent marginalized and vulnerable populations. Important factors also include fair administration of the laws and regulations, equal access to due process and the ability to seek redress.

Are there CSOs representing particular groups that receive less favorable treatment under the legal and regulatory environment (Dimension Two) due to their specific mandate or activities? (Examples of such groups might include trade unions, women’s rights organizations, human rights organizations, organizations of indigenous peoples, LGBT organizations etc.)

Are there recent examples of leaders and/or members of vulnerable organizations facing discrimination, harassment, arbitrary arrest or extra-judicial killing?

## **AREA TWO: POLICY INFLUENCING**

The ability of CSOs to engage with governments on policy concerns through dialogue and advocacy is an essential area for consideration of CSO enabling conditions. The degree to which there are institutionalized spaces for policy dialogue and fair and inclusive processes for government/CSO consultations are critical ingredients of democratic ownership of public policy. Considerations of an enabling environment must not only take account of opportunities/processes for engagement, but also the resulting impacts on public policy.

### **Dimension One: Spaces for dialogue and policy influencing**

Does government establish inclusive and accessible processes for policy engagement at all levels (local, regional, national)? Are marginalized groups included (e.g. women's rights organizations, indigenous groups)? Are such processes available for all kinds of policies?

Are there inclusive institutionalized opportunities for CSOs to participate in policy- and decision-making processes?

Are CSOs involved in design, implementation and monitoring of national development plans and policies?

Is CSO input taken into account in the policy outcomes? Are there fully accessible accountability mechanisms for feedback and policy assessment, ensuring that governments consider CSO input?

Are there initiatives to address capacity needs of all stakeholders to fully and effectively participate in policy dialogue? (In particular, governments and CSOs.)

Present how CSOs can establish formal working relations and ensure active participation with key partner organizations, donors, and government and development agencies at different levels.

Present capacity gaps both institutional and personnel if any among the stakeholders

Suggest ways through which the capacity problems be addressed.

Definitions: "Established processes" for policy engagement includes periodic consultation mechanisms, episodic government/civil society dialogue processes, and processes for government/community engagement.

"Institutionalized opportunities" includes permanent structured mechanisms for policy dialogue, which meet regularly and have a defined mandate to inform the development, implementation and assessment of government policies.

## Dimension Two: Access to information

Governments must put into practice principles and laws governing the full transparency and accountability for government priorities, strategies, plans and actions.

Do CSOs have a right to access to relevant government information, by law and in practice?

Is the process of obtaining relevant government information simple, timely, transparent and based on established procedures?

## **AREA THREE: DONOR – CSO RELATIONSHIPS**

In many countries, donor policies and financing requirements affect CSOs' roles as effective, independent development actors. Donors should establish transparent and consistent policies that define the place and roles of CSOs in donor strategic frameworks and plans, including country-level program implementation plans. Financing modalities should enable CSOs to implement their own mandates and priorities and be relevant to a diversity of CSOs, respecting their different roles, capacities, constituencies and approaches.

Are CSO funding mechanisms responsive to the programmatic priorities of CSOs?

Are CSO funding mechanisms reliable, transparent, easy to understand, and disbursed impartially?

Are there initiatives by donors for facilitating diversification of CSOs' income sources?

Are donors creating inclusive processes for CSO policy engagement on donor strategies at all levels (headquarters, within partner countries)?

Discuss how many donors engage with CSOs illustrating at what level they engage and what issues they engage in with these CSOs?

Discuss how frequently do they engage?

Analyze the framework of engagement.

Suggest ways that the donors can facilitate dialogue and frequent interaction among themselves and well as CSOs on the issues around enabling environment agenda.