Annex 4

CSO enabling Environment Questionnaire – Characteristics of Practice

Module 1
Space for CSOs' dialogue on national development policies

1A. To what extent does the government consult CSOs in the design, implementation and monitoring of national development policies?

> **Hint box**
>
> A good practice consultation is inclusive of a diversity of CSOs, takes place regularly and frequently, involves dialogue, allows for advanced access to relevant documents, and provides feedback. A diversity of CSOs implies CSOs from different fields of activity and regions, including CSOs representing vulnerable and marginalised groups.

Scale (Choose the level that best matches your situation)

Scale	Characteristics of practice
Level 1 **No consultations** in the past two years.	• **No consultations** in the past two years.
Level 2 **Occasional consultations**, but the **quality of consultation is insufficient** (with reference to full diversity of participation, agreed content, a format allowing dialogue).	• Consultations normally occur **once a year** on select development policies. • The government invites some selected CSOs to the consultation (e.g. government-owned ones). • The government sets **content for consultation** on policies and strategies at the end of the policy-making process. • The format is one-directional and does not allow for **dialogue**, with no space for feedback or inputs (e.g. informative meeting, survey).
Level 3 **Frequent consultations** of **mixed quality** (with reference to full diversity of participation, agreed content, a format allowing dialogue).	• Consultations occur **more than once a year**, on many but not all major development policies. • The government invites a **large number of CSOs** to the consultation but selection criteria are not clear. • Some CSO(s) may have been consulted in defining the themes for consultation. Consultations take place at stages of decision-making processes where change in policy directions is possible. • The format allows for dialogue and providing feedback.
Level 4 **Regular** and **institutionalised** consultations of **consistent good quality** (with reference to full inclusive participation, agreed content, an adequate format allowing dialogue and feedback).	• Consultations occur **more than once a year** and include the full range of major national development policies**.** • **Institutionalised processes are regular**, predictable and transparent. • Criteria for CSO participation are open and transparent, with no restrictions. • The content of the consultation is set in co-operation with CSOs at stages of the decision-making process where change in policy directions is possible. • The format allows for dialogue and providing feedback.

1B. **In the context of Agenda 2030 and the Sustainable Development Goals (SDGs), to what extent does the government consult CSOs in the prioritisation, implementation and monitoring of the SDGs?**

Hint box

A good practice consultation is inclusive of a diversity of CSOs, takes place regularly and frequently, involves dialogue, allows for advanced access to relevant documents, and provides feedback. A diversity of CSOs implies CSOs from different fields of activity and regions, including CSOs representing vulnerable and marginalised groups.

Scale (Choose the level that best matches your situation)

Scale	Characteristics of practice
Level 1 A consultation around the SDGs has **not started** in the country yet.	• **No consultation around the SDGs** has taken place in the country. • The government may not have started a process of SDG mainstreaming yet.
Level 2 Some **selected CSOs** are occasionally being consulted around **SDG mainstreaming** or around SDG implementation and monitoring.	• There is **no institutional space** and/or an established process that facilitates CSOs' participation in consultations around the SDGs. • The government has been carrying out **ad hoc and occasional consultations with select CSOs around the SDGs**. These CSOs are not consulted across different phases of the SDG process (e.g. determining priorities, mainstreaming into national policies or programmes, implementation, monitoring). • Where the country has undertaken a **Voluntary National Review** (VNR), selected CSOs (mainly government-owned ones) were only invited to review meetings.
Level 3 A **diversity of CSOs** are being consulted in ad hoc processes around **SDG mainstreaming, implementation** and **monitoring.**	• There is **no institutional space and/or an established process** that facilitates CSO participation in consultations around the SDGs, and good consultation practices are sometimes not followed. • The government has been carrying out **regular consultations around the SDGs with stakeholders**, including with a diversity of CSOs, which have been consulted in several but not all phases of the SDG process (determining priorities, mainstreaming into national policies or programmes, implementation, monitoring). • Where the country has undertaken a **VNR**, a diversity of CSOs are invited to attend review meetings and contribute data and evidence to the VNR report.
Level 4 A **diversity of CSOs** are being formally consulted around **SDG mainstreaming, prioritisation, implementation** and regular **SDG monitoring** as part of **an institutionalised process, consistent with good practices for consultations**.	• The government has established **formal institutionalised procedures to consult a diversity** of CSOs throughout different phases of the SDG process (determining priorities, mainstreaming into national policies or programmes, implementation, monitoring). • There is a multi-stakeholder partnership to advance the implementation of the SDGs that includes CSOs. • Where the country has undertaken a **VNR**, a diversity of CSOs are invited to attend review meetings, contribute data and evidence to the VNR report and is represented in the national delegation at the High-Level Political Forum. • Data and evidence from CSOs are used as inputs to monitor and report on SDG implementation.

1C. **To what extent do CSOs have the right in law and in practice to access relevant government information for effective participation in consultations with the government?**

Scale (Choose the level that best matches your situation)

Scale	Characteristics of practice
Level 1 **No legal framework** exists for access to information and CSOs have **little or no access** to information.	• There is **no policy or right to information legislation** in the country. • Access to information on proposed legislation is not available or very difficult.
Level 2 Right to access information may exist in law, but there are **very significant limitations in the law and/or in its implementation**, excluding CSOs' access to most relevant information in practice.	• There is a policy or right to information legislation in the country but there are significant limitations, **limiting the access in practice and usefulness of the information** (cost, broad secrecy laws, lengthy non-transparent processes). • Practices to access information differ among government departments. • Information is **not disclosed and disseminated in a timely manner**. • The information disclosed is not comprehensive and the language is extremely technical.
Level 3 Laws exist, but CSOs have mixed experience in timely access to **relevant and comprehensive information**.	• There is a policy or right to information legislation in the country with **transparent procedures for accessing detailed information.** • Comprehensive **information disclosure is mixed** and may not be released in a timely manner for CSOs' purposes. • The language of most government documents is accessible to non-technical audiences. • Information is disclosed online and offline.
Level 4 CSOs have **full access** to **relevant, comprehensive information,** with **sufficient time** to prepare related initiatives, including participation in consultations (2-4 weeks) – an early draft of relevant documents, with the ability to request additional information if needed.	• Laws and regulations exist with a transparent process for accessing or excluding information, with **an appeal process for excluded documents.** • Information is disclosed and disseminated in a **timely** manner. • Disclosed information is **comprehensive and the language is accessible** to non-technical audiences. • The government generally attends to requests for additional information.

1D. **To what extent have the results of recent consultations with CSOs informed government design, implementation and monitoring of national development policies?**

Scale (Choose the level that best matches your situation)

Scale	Characteristics of practice
Level 1 **No consultation** has occurred in the past two years.	• In the past two years, the government has **not organised any significant consultation** with CSOs around any national policies.
Level 2 **Indications that only minor comments** provided by CSOs through consultations at best are taken into account in the design, implementation and monitoring of national development policies.	• Consultations with CSOs take place, but **none or only minor comments are normally taken on board**. • In general, it is particularly difficult to ascertain how much of the CSOs' recommendations were taken on board. • The government does not respond to CSO papers.
Level 3 **Indications that advice and evidence** provided by CSOs through consultations is **occasionally taken into account** in the design, implementation and monitoring of national development policies.	• Consultations with CSOs take place, and indications that **some substantive elements of CSOs' advice and evidence are normally taken on board**. • There is no clear government mechanism to provide consistent post-consultation feedback with reasons for accepting or rejecting CSOs' recommendations. Feedback is at the government's discretion. • The government occasionally makes specific responses to CSO papers and recommendations.
Level 4 **Indications that advice and evidence** provided by CSOs through consultations is **consistently** taken into account and reflected in the design, implementation and monitoring of national development policies.	• Consultations with CSOs take place and **substantive elements of CSOs' advice and evidence are normally addressed** at the end of the process. • The government **provides responses** to major CSO recommendations, with explanations for accepting or rejecting the received recommendations. • Government consistently provides responses to CSO papers and recommendations. • The government reports on a regular basis on how citizens' recommendations are being used in decision-making processes.

Module 2
CSO Development Effectiveness

2A. To what extent are partnerships equitable and based on mutual interest between financing CSOs and their CSO partners?

Hint box

Equitable CSO partnerships, in all their diversity, are expressions of social solidarity through long-term collaborations based on shared values and mutually agreed-upon goals. Such partnerships are rooted in trust, respect and leadership of partner country CSOs. They require deliberate efforts to counter-balance inequalities in power between financing CSOs and partner country counterparts, the realities of gender inequities and women's exclusion, and sometimes-large disparities in capacity. Equitable partnerships are characterised by negotiated programming and shared responsibilities, mutual decision making and accountability, and processes for addressing any potential conflict. Programming priorities are derived from implementing partners' goals and priorities.

Financing CSOs are CSOs that provide funding to other CSOs for the implementation of development programmes. An example of funding CSOs are international non-governmental organisations providing financial resources to domestic CSOs.

Scale (Choose the level that best matches your situation)

Scale	Characteristics of practice
Level 1 Most domestic CSOs experience **short-term, often one-off, project relationships**, which are sole expressions of the financing CSO's programming interests.	• Very short-term partnerships based solely on domestic CSO implementation of financing CSO projects. • Relationship defined by **only fiduciary reporting requirements** imposed by the financing CSO – which can be domestic or international.
Level 2 Most domestic CSOs experience **longer term partnerships** with financing CSOs, **but still largely based on projects**, which are defined by the financing CSO.	• Partnerships can be longer term through **implementations of a series of projects** designed **by the financing CSO**. • Domestic CSOs respond to **programmatic priorities of the financing CSO**. • Domestic CSOs must limit project activities that meet reporting requirements (log frames) set out by the financing CSO. • Beyond fiduciary requirements and narrative reporting, partnership arrangements are characterised **by periodic visits and oral discussions led by the financing CSO**.
Level 3 Most domestic CSOs have **long-term programmatic partnerships** with financing CSOs (3-5 years), which are **based on discussions** between the funded CSO and the financing CSO. The interests of the financing CSO define the elements of the partnership's relationship.	• While individual projects may form part of the partnership relationship, the latter is **defined by shared goals and programme priorities** over the medium term (3-5 years). • Shared goals and programme priorities are still **largely in response to the programmatic priorities of the financing CSO**. • There is often a written **partnership agreement**, which establishes a specific schedule for reporting, but which is mainly based on the information needs, programming results and fiduciary requirements of the financing CSO. • There is **little attention to the priorities of the funded CSO,** its mandate and accountability to its constituencies, or its needs for capacity development.
Level 4 Most domestic CSOs have **long-term partnership relationships (5-10 years)** that are the **result of deliberate negotiations and shared programming interests and solidarity** between the funded CSO and the financing CSO.	• **Long-term partnerships include programming activities involving both partners** that are negotiated and periodically renewed over a 5-10 year period. • **Domestic funded CSOs take the leadership** in defining the shared priorities of the partnership based on their reflection of country realities. • The partnership is reflected in a written partnership arrangement, which sets out **space and opportunity for mutual decision making, mutual learning, core institutional support, capacity development** and **iterative joint programming**. • Narrative and fiduciary reporting is **based on the funded CSO's programme cycle** (understanding the limitations for the financing CSO derived from official development partner support for that CSO). • **Mutual responsibilities and accountabilities** are explicitly set out. • There is an explicit and clear **process to address conflict** that is mutually agreed upon by the partners.

2B. **To what extent do CSOs participate in CSO-initiated co-ordination, including mechanisms (e.g. platforms, networks, associations) that facilitate CSO engagement in policy dialogue and/or co-ordination among CSOs at national or sectoral level?**

Scale (Choose the level that best matches your situation)

Scale	Characteristics of practice
Level 1 **No national platforms.** CSO co-ordination mechanisms are **largely ad hoc** and have **short-term project-oriented goals**.	• There are **no national CSO platforms through which government engages CSOs** in policy or programmatic dialogue at the national level. • Local CSOs come together around development partner or government-initiated projects. • Dialogue with government or development partners is through government/development partner-selected CSOs.
Level 2 **Weak CSO co-ordination.** CSO co-ordination mechanisms **exist in a few sectors,** but are **mainly sustained by the interests of development partners or national governments** in these sectors.	• The motivation for and the creation of CSO platforms for sector **co-ordination derive mainly from development partner/government-driven interests, not CSOs**. • Issue-specific national and sectoral co-ordination mechanisms may be initiated by CSOs, but are weak, often dominated by a few larger CSOs in the capital city. • Several CSO platforms may compete with each other for participation in policy dialogue prioritised by government/development partners.
Level 3 **Not one** inclusive, representative CSO-initiated platform, but **different CSO-initiated co-ordination mechanisms exist** at both sectoral and national level and are **sustained by the interests of domestic CSOs** to improve their development effectiveness.	• There are **several independent co-ordination mechanisms** recognised by the government or development partners, but there is **not one inclusive, representative national platform** that is CSO-managed. • CSO co-ordination mechanisms may be initiated by either domestic or international CSOs. • The effectiveness of these co-ordination mechanisms can vary over time due to weak CSO leadership, lack of internally generated resources or limited engagement by, and low accountability to, domestic CSOs. • Overall, CSO co-ordination mechanisms are inclusive and representative of the diversity of local/national CSO space and generate a cadre of national/local CSO leadership, while at the same time competing with each other.
Level 4 **Major national CSO-initiated platform.** Inclusive national and sectoral CSO-initiated platforms co-ordinate many areas of CSO development and emergency responses and enable more effective CSO engagements in **both national sectoral programming and national policy dialogue**.	• Domestic CSOs have taken the initiative to form **inclusive, representative CSO platforms** at both the national and sectoral level. • The national platform engages with other CSO co-ordination mechanisms and **provides leadership for, and accountability to, the whole CSO sector**. • The national platform is initiated by domestic CSOs and is widely **acknowledged to be representative** of CSOs by government and/or development partners. • The **membership** of co-ordination mechanisms **contributes to their financial sustainability** in addition to the funding received from development partners. • The national platform has established **a code of ethics and good practice for CSOs** (based on the _Istanbul Principles for CSO Development Effectiveness_ and codes for good humanitarian practice) to improve the quality of CSO development efforts.

2C. **To what extent are CSOs implementing their development work guided by international human rights standards and principles? (e.g. human rights-based approaches)**

Hint box

A human rights-based approach seeks to analyse the inequalities which lie at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede development progress. It does so by integrating human rights norms and principles into every area of development co-operation, including the process itself, and in every thematic area of work. This helps to promote the sustainability of development work, empowering people themselves – especially the most vulnerable and marginalised – to participate in policy formulation and hold those to account who have a duty to act.

A human rights-based approach implies that CSOs have initiated capacity development processes that empower their constituencies/communities to directly represent constituency/community interests in development. CSOs as independent development actors concretely participate in efforts to change the underlying conditions affecting progress in Agenda 2030's economic, social and environmental pillars. CSO initiatives take into account disaggregated programmatic objectives in relation to women's rights issues in their programme planning and implementation, relevant to their mandate. CSOs are making specific efforts to take into account the interests of vulnerable and marginalised populations and/or social movements in the context of their programmatic priorities (such as rural peoples' organisations, organisations led by indigenous people, workers' movements, movements of migrants and displaced people, organisations representing people living with disabilities).

Scale (Choose the level that best matches your situation)

Scale	Characteristics of practice
Level 1 **CSOs** in the country generally **do not have explicit policies and programmes aligned to international human rights standards and principles,** which guide their own development approaches and internal practices.	• Most CSOs working in the country **do not have explicit policies** intended to guide their own development practice and programmes based on human rights-based approaches. • Most CSOs working in the country **do not have explicit policies relating to women's and children's rights and the empowerment of women** and girls or other vulnerable and marginalised groups, which are intended to guide their programming priorities and strategies.
Level 2 CSOs in the country generally have **policies and programmes guided by international human rights standards and principles,** but **the evidence of consistent external and internal practice is minimal** and only among a few large CSOs.	• In designing the necessary elements of their programmes, few CSOs **engage vulnerable constituencies and local partners in analysing and taking account of local power dynamics** affecting their programme goals. • Few CSOs give priority to **encouraging local engagement and/or participation in multi-stakeholder policy dialogues**, where these opportunities exist or could exist. • In designing and assessing their programmes, most CSOs make **few efforts to disaggregate needs based on gender relations** and women's empowerment. • CSOs do not develop or participate in regular **training for their staff in programming skills related to human rights-based approaches** or women's rights in their programmes.
Level 3 CSOs generally have **policies and programmes guided by international human rights standards and principles,** and there are significant efforts among some to ensure **that these policies guide actual CSO external and internal practices**.	• Some CSOs are working with local partnerships that **strengthen organisations representing vulnerable and marginalised populations**. • Some CSOs have programme activities to strengthen **vulnerable communities' capacities and leadership** to engage local/national power holders to claim their rights (including direct participation in multi-stakeholder dialogues). • **Gender disaggregated data** and women's empowerment approaches are regularly part of CSO programming practices. • Staff from CSOs participate in **periodic training programmes** to develop programming skills related to human rights-based approaches.

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Scale	Characteristics of practice
Level 4 CSOs generally have **policies and programmes guided by international human rights standards and principles,** and there is evidence that most work in ways that **institutionalise these policies to guide CSOs' external and internal practices**.	• CSOs actively **engage and take direction from locally inclusive leadership in vulnerable communities**, including local women and women's organisations or other vulnerable and marginalised groups, in determining programme priorities and approaches. • Most CSOs are working with local partnerships that **strengthen the sustainability of organisations representing vulnerable and marginalised populations**, including their engagement with local power holders and supporting human rights defenders. • CSOs are **supporting domestic CSO co-ordinating mechanisms and platforms** to actively promote **human rights-based approaches** and **regular skill training in rights approaches** with the CSO community. • CSOs are deliberately opening space for **vulnerable communities' leadership**, including women's representatives and/or organisations, **to participate in multi-stakeholder policy dialogue** and actively address issues of shrinking CSO space.

2D. **To what extent are CSOs aligning with CSO-led accountability mechanisms to address CSOs' transparency and multiple accountabilities?**

Hint box

CSOs are accountable in many ways and at different levels to their constituencies, their governance structures, their programming counterparts and government regulatory bodies. In many countries, accountability of CSOs is also guided by CSO-initiated and agreed upon codes of conduct and standards, which are the foundation of CSO accountability mechanisms. These standards cover best practice in governance; CSO transparency; and human rights with respect to staffing, financing and programming practices.

Scale (Choose the level that best matches your situation)

Scale	Characteristics of practice
Level 1 There is **no CSO-initiated and generally agreed upon code of conduct or accountability mechanism** at country level, with **very minimal transparency**.	• **CSO accountability** is at the individual CSO level and the minimal requirements of government law and regulations. • **CSO transparency** is mainly the result of basic information available on the CSO's website and any legal requirements to report to government. • Accountability is largely **driven by fiduciary obligations** to development partners.
Level 2 CSO **accountability mechanisms are under discussion** through a representative CSO platform. Individual CSOs maintain accountability and basic transparency through their own efforts and linkages with global CSO networks and international non-governmental organisation codes and mechanisms.	• Individual CSO accountability to constituencies is **voluntary**, **episodic** and self-managed. • **Agreement on CSO standards and codes for accountability mechanisms is difficult** due to divisions among domestic CSOs. • Some influential **national CSOs are associated with global CSO-managed standards and their respective accountability mechanisms** and processes. • CSOs make **basic organisational information** available **on their website** and **regularly report to government**, and the reports are accessible to the public online.
Level 3 Broadly representative **CSO-initiated standards/codes for accountability and transparency** through mechanisms with CSO platforms, but **no formal procedures to certify adherence** or develop new capacities consistent with the standard. CSOs generally have **organisational information** available on their website.	• National **CSO standards and codes inform accountability mechanisms** and set expectations of ethical practices in the internal management of the CSO, basic requirements for transparency, as well as good practices in programmatic relationships/partnerships. • **A condition of membership in a CSO platform is adherence to the platform's standards or code**, but there are no formal processes to certify adherence. • Most CSOs with websites **make the constitutive organisational documents and policies available**, including where feasible the names of board members. • CSOs **report regularly to government** and these reports are available to the public.
Level 4 There are CSO-initiated and managed **accountability mechanisms,** guided by standards and codes of conduct, through representative platforms. A **majority of the domestic CSOs are associated** with these platforms, which actively certify good practices within the CSO community. CSOs achieve transparency through their website and **a government country-level information platform**.	• **Most CSOs across sectors are associated with national CSO-managed accountability mechanisms with their respective standards and codes**. • National accountability mechanisms generally have **formal processes to confirm their adherence** to the standards/code of conduct, which must be renewed periodically. • National/sectoral platforms promote their codes of conduct with their constituencies and **carry out capacity development programmes with national/local CSOs**. • In general, CSOs make **accessible to the public constitutive organisational information and programme information**, including through national platforms and/or publishing to the IATI Standard. • There is an open and accessible **government country-level information platform** for disclosure of CSO information on CSO-reported development activities. • CSOs proactively provide relevant **organisational information to partners** as part of the partnership relationship and have a transparent complaints mechanism.

Module 3
Development partner support for CSO enabling environment

3A. **To what extent do development partners consult CSOs in the design, implementation and monitoring of their development co-operation policies and programmes?**

Hint box

A good practice consultation is inclusive of a diversity of CSOs, takes place regularly and frequently, involves dialogue, allows for advanced access to relevant documents, and provides feedback. A diversity of CSOs implies CSOs from different fields of activity and regions, including CSOs representing marginalised groups.

Scale (Choose the level that best matches your situation)

Scale	Characteristics of practice
Level 1 **No opportunities** for CSOs in this country to engage with development partners in the past two years.	• Development partners have **no explicit policies guiding consultations** with CSOs. • There are **no consultations with CSOs on the design, implementation and monitoring** of development co-operation policies and programmes. • Development partners do not have any explicit process to consult with CSOs.
Level 2 Consultations with CSOs in this country are **occasional and limited** to some individual development partners and **selected** CSOs and focus only on the **implementation of donor programmes**.	• Development partners generally have a policy guiding consultations with CSOs, but it is **not systematically implemented** or assessed. • Opportunities for CSOs to engage on the design, implementation and monitoring of development co-operation policies and programmes are **unpredictable and episodic**. • There is **no co-ordinated process for development partners** to consult with a diversity of CSOs. • The content for consultation is largely **set by development partners** and focuses on their pre-determined policies and priorities.
Level 3 Consultations with a diversity of CSOs in this country are **frequent and co-ordinated** among development partners, focusing not only on the implementation of donor programmes. However, the agenda is largely set by development partners.	• Development partners generally have **comprehensive policies guiding consultations with CSOs and these policies are implemented**. • There is a **co-ordinated process for development partners** to consult with CSOs, but selection criteria for CSOs' participation are not transparent. • Consultations with CSOs take place at a stage in development partner decision making **when change may still be possible.** • Consultations at the country level are mainly on pre-determined development partner programmes and priorities and **seldom focus on their overarching policies** (both sectoral and institutional policies).
Level 4 Consultations with a diversity of CSOs in this country are **regular, institutionalised and co-ordinated** among development partners, focusing not only on the implementation of policies and programmes, but also on determining development partner priorities.	• There are **regular and planned opportunities for CSOs to engage** with development partners on their overarching policies, country programmes and priorities, and programme implementation and assessment. • Consultations are **with a diversity of CSOs** and the selection criteria for CSOs' participation is open and transparent. • A comprehensive CSO consultation policy is being implemented. • Consultations with CSOs take place at a stage in development partner decision making **when change may still be possible, with feedback to CSOs** following consultations**.** • The content of the consultation is **set in co-operation with CSOs** and can include the development partner's institutional policies and priorities and guidance in implementing development partner-determined programming. • Consultations are **structured for dialogue** and feedback of CSO views on government policies and their implementation.

3B. **To what extent is the promotion of an enabling environment for CSOs (e.g. political, financial, legal and policy aspects) an agenda item in development partners' policy dialogue with the government?**

Hint box

The enabling environment issue is considered to be included and pursued as an agenda item in policy dialogue when it directly addresses political, financial, legal or policy constraints experienced by CSOs that reduce their potential contribution to development, as well as proposals to remedy those constraints.

Scale (Choose the level that best matches your situation)

Scale	Characteristics of practice
Level 1 Development partners **don't include an enabling environment agenda** as an item in their policy dialogue with the government.	• Issues affecting a diverse civil society are **not addressed in the policy dialogue** between development partners and the government.
Level 2 Some development partners **occasionally include some elements of the enabling environment agenda** as an item in their policy dialogue with the government, particularly **if CSOs lobby on specific issues**.	• CSO enabling environments are **not a regular part of the development partner's policy areas in dialogue** with the partner government. • Development partners do not regularly monitor issues for a CSO enabling environment in their main programming countries. • **Development partners may respond to CSO lobbying on specific issues**.
Level 3 Most development partners **include the enabling environment agenda** as an item in their policy dialogue with the government and make remedial proposals but often based on specific issues, **not in a systematic way** with follow up.	• CSO enabling environment issues are **raised routinely with partner country governments** in policy dialogue. • Development partners have **independent ways to monitor issues affecting the CSO enabling environment** and proactively bring these issues into policy dialogue. • Development partners may work with like-minded development partners to raise particular areas of concern for the CSO enabling environment with partner country governments. • Development partners may be **engaged in global and regional initiatives on CSO enabling environment issues** (e.g. Working Group for the Community of Democracies).
Level 4 Most development partners **systematically include the enabling environment agenda,** with remedial proposals in their policy dialogue with the government, and engage with domestic CSOs in monitoring the enabling environment and following up their dialogue with government.	• Development partners' policies call for **systematic monitoring of CSO enabling environment issues** at the country level and their inclusion in policy dialogues with government. • Development partners may **create opportunities for CSOs to engage their government** on enabling environment issues. • Development partners **engage domestic civil society in monitoring enabling environment** issues and are responsive to their concerns and inform CSOs about their dialogue with government. • Development partners are actively engaged in global and regional initiatives that address enabling environment issues and are **systematically responsive to urgent situations for civil society.**

3C. **To what extent is development partner financial support maximising sustainable engagement of CSOs in all aspects of development?**

> **Hint box**
>
> Development partners' financing modalities should be embedded in an overarching policy for support to CSOs as development actors in their own right, as first acknowledged in the <u>Accra Agenda for Action</u>. This recognition implies that the scope and roles for CSOs in development are distinct from government and official development partners, and CSOs should be supported based on CSO proposals derived from their own objectives and partnerships, not by objectives defined through the priorities of a given development partner.
>
> Good practice in funding CSOs therefore suggests an increased use of core funding and co-financing mechanisms to strengthen CSO ownership, independence and flexibility to be responsive to community priorities. Improved co-ordination, simplification and harmonisation of funding requirements between development partners reduces transaction costs and improves access for a diversity of CSOs.

Scale (Choose one of four levels in this scale that is the best match to your situation)

Scale	Characteristics of practice
Level 1 Development partner funding tends to focus on implementing their **own programming priorities** through unpredictable calls for proposals and funding opportunities. Restricted access to funding **for CSOs in partner countries.**	• There are no overarching policies governing donor financing for CSOs or existing policies are not known to CSOs in partner countries. • In general, development partners' CSO funding mechanisms are unpredictable and are **tied directly to implementing their own programming priorities**. • Limited funding from **some development partner** embassies are the only way for partner country CSOs to access funds directly. • The procedures and criteria for application are complex and not transparent, and the outcomes of a funding round lack transparency. • Medium and large CSOs in the development partner country, including large international non-governmental organisations with significant contracting capacities, capture most of the funding.
Level 2 Development partner funding mechanisms are **predictable and transparent**, but mainly focused on implementing **their own programming priorities**. Limited access to funding for **CSOs in partner countries.**	• In general, development partners' **CSO funding mechanisms are set out in policy documents** and are predictable and transparent in terms of eligibility, financing and reporting criteria. • Funding priorities **and mechanisms remain exclusively driven by the development partner's own programming interests** and country priorities (with no opportunity for direct institutional core support and co-financing arrangements with partner country CSOs). • **CSOs in the** development partner's **country** have better access and **capture most of the funding**. • Almost all **partner country CSO funding mediated** through medium and large CSOs based in development partner countries, including large international non-governmental organisations. • There are **no discussions among development partners to co-ordinate, simplify and harmonise funding requirements** for CSOs in partner countries.
Level 3 Development partner funding mechanisms are part of a comprehensive policy in support of CSOs. These mechanisms are **predictable** and **transparent** and include instruments for **support for CSO-defined initiatives and partnerships**. Opportunities exist for **some direct access for major CSOs** in partner countries.	• In general, development partners' CSO funding mechanisms are set out in comprehensive CSO policy documents with **clearly defined eligibility criteria, programming scope and accountability requirements**. • Development partners have **at least one institutional funding mechanism** (supporting CSO core funding or co-financing of CSO-determined programme and capacity development). • Development partners structure their mechanisms to enhance **access for a diversity of CSOs**, including small and medium sized CSOs in partner countries, and relate to **different CSO roles and purposes.** • There are **discussions among development partners to co-ordinate to simplify and harmonise funding requirements** for CSOs in partner countries.

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Scale	Characteristics of practice
Level 4 Development partner CSO funding policies and mechanisms emphasise **support for CSO-defined initiatives**, on directly financing a **diversity of CSOs** including many in partner countries, and on **tailoring funds and access requirements to the nature of different potential CSO partners**.	• Development partners' CSO funding mechanisms are set out in comprehensive CSO policy documents that give great importance to **transparent and predictable mechanisms supporting a diversity of CSO-defined initiatives and partnerships**, with an explicit emphasis on small and medium-sized organisations in partner countries. • Funding **mechanisms for core CSO support and/or institutional co-financing** of CSO programming is substantial and is directly accessible to CSOs in partner countries. • Funding mechanisms are **available for the full range of CSO roles in development**, including advocacy and watchdog roles in partner countries, and for CSO platform co-ordination. • Requirements for CSO matching funding are appropriate to the size, purpose and country context for CSOs. • **Development partners actively participate in efforts to co-ordinate, simplify and harmonise funding requirements** for CSOs in partner countries (including facilitating access by local small and medium-sized organisations).

3D. **To what extent do development partners make available information about their CSO support to the public, including to the government?**

Scale (Choose the level that best matches your situation)

Scale	Characteristics of practice
Level 1 Most development partners **do not make available** information about their support to CSOs.	• For most development partners, information on development partner support to international and domestic CSOs working in the country is **not available**.
Level 2 **Some development partners** make available **aggregate information** on their support to CSOs at the country level.	• Some development partners **make available aggregate information on their support to CSOs at country level** (through reports on their websites), which may include geographical or sector/thematic information, but not activity level or beneficiary level information.
Level 3 **Most development partners** make available **aggregate information** on their support to CSOs at the country level.	• Most major development partners **disclose aggregate information on their support to CSOs at country level, which may include some geographical or sector/thematic information**. • Development partner-specific information is **accessible at country level** (e.g. through development partner websites). • **Most development partners report to international online platforms**, but this information is not complete at the activity level and is **not easily accessible or usable by partner countries**.
Level 4 **Most development partners** make available **detailed information** (sectors, programmes, objectives, financing, results) on their support to CSOs, with appropriate safeguards.	• **Most development partners report to international online platforms**. This information includes information on support for CSOs (sectors, objectives, geographic location, financing and results), similar to other development partners' development activities **(with appropriate safeguards to protect vulnerable individuals or communities).** • Most development partners disclose other relevant information on their support to CSOs at country level on their websites.

Module 4
Legal, regulatory and political environment

4A. With respect to the rights to freedoms of assembly and expression, to what extent does the legal and regulatory framework enable CSOs to exercise these rights in law and in practice? (Average of the two scales)

(a) **Freedom of assembly**

Scale (Choose the level that best matches your situation)

Scale	Characteristics of practice
Level 1 Most peaceful assemblies are **prohibited in law or practice**. Any formation of assemblies is swiftly dissolved with force.	• Organisers are always required to obtain **advance permission**, even for gatherings of a few individuals, which are usually denied. • **Vague prohibitions** – such as assemblies that are "political" and that disturb "public works" – have been used against those promoting views unfavourable to the government. • Public assemblies in **many key public locations are banned and particular social groups targeted**, including the use of disproportionate force against participants, human rights defenders or journalists monitoring the assembly. • Assembly organisers are **responsible for the cost of public services related to the assembly** (e.g. police, clean-up or medical care). • Law enforcement often **uses disproportionate physical means** leading to serious injuries to participants, including widespread arrests and/or the use of the criminal system against peaceful protesters.
Level 2 **Many peaceful assemblies are prohibited in law or practice.** There are severe restrictions on assemblies which can take place only in government-designated areas.	• Some assemblies may be allowed, but **any formation of assemblies seen to be illegal is swiftly dissolved with force**. • While advance **permission** (or "advance **notification**" procedure) is required, **gatherings of a few individuals may be tolerated**. • **Vague prohibitions –** such as assemblies that are "political" – are used against those promoting views unfavourable to the government. • Public assemblies in **many key public locations are severely restricted and often not allowed**, and appeal processes are generally futile (not prompt or fair). • Law enforcement often **uses disproportionate physical means** leading to serious injuries to participants, including widespread arrests and/or use the criminal system against peaceful protesters. • Illegal actions against peaceful assemblies are not investigated.
Level 3 Most peaceful assemblies are allowed in law and practice, although **some issues or groups may be subject to discriminatory decision making**.	• **Peaceful assemblies are allowed but are subject to a notification** procedure with a few days' advance notice and most spontaneous assemblies, except for small groups are not allowed. • The law provides some **blanket time and location restrictions**, such as working hours in front of the parliament and other key government buildings. • Regulatory authorities typically **provide reasons for restrictions**, and organisers can **appeal them** through an administrative (not necessarily independent) procedure. • Law enforcement has **an explicit legal obligation to protect participants of assemblies**, but in **practice do not actively distinguish** between peaceful protesters and those promoting unrest and violence, sometimes with mass and targeted arrests. Any abuse is investigated, although with mixed results.
Level 4 Law and practice clearly recognise the right to peaceful assembly and **most peaceful assemblies are allowed in practice**, regardless of the issue being raised or the groups participating.	• **Only large assemblies or assemblies that may disrupt traffic require advance notification**. • Blanket restrictions on the time and location of assemblies are in practice non-existent. • Regulatory authorities **promptly provide reasons for any restrictions, and organisers can quickly appeal them** (within a few days) through an independent court, with a timely resolution. • Law enforcement has an **explicit legal obligation to protect participants of assemblies**, including assemblies occurring at the same time and place and counter-demonstrations, with approaches to de-escalate violence. Any abuse against participants of assemblies is swiftly and effectively investigated.

(b) Freedom of expression

Scale (Choose the level that best matches your situation)

Scale	Characteristics of practice
Level 1 **Expression by CSOs and their members, as well as news and Internet media, is fully controlled by government**. CSO staff and journalists are often threatened, arbitrarily arrested, attacked, abducted, tortured or killed for exercising their freedom of expression. The government apparatus conducts mass illegal surveillance and interception of communications.	**The right to seek and receive information:** • **CSOs/individuals are unable to publicly share information** that is prohibited by the government and alternative media that criticises politics or culture is **swiftly shut down**. **The right to share information:** • Threats, **attacks** and other actions against the voices of CSOs, individuals and journalists are **condoned** and rarely investigated. • The law provides various **broad restrictions that are commonly used to censor criticism** of the government or other sensitive topics, creating a strong culture of self-censorship and fear of reprisal. **Right to privacy:** • The government conducts mass surveillance and data collection on CSOs and individuals, and the law provides **no effective safeguards** against such practice.
Level 2 **Expression by CSOs and their members is extensively controlled by the government, but some alternative media exist**. Arbitrary arrests, threats and other actions against non-state actors are sometimes investigated. Laws and/or practice provide few effective safeguards against arbitrary surveillance.	**The right to seek and receive information:** • Independent CSOs, human rights defenders or journalists can be **detained, prosecuted and attacked or killed**, which sometimes prompts an investigation, but little action. • Alternative media exist but are **often disrupted** or shut down. **The right to share information:** • The law provides **some broad restrictions on CSO expression** that can be used to censor criticism of the government or other sensitive topics. • Laws affecting freedom of expression are **applied inconsistently, creating a strong self-censorship culture** and fear of reprisal. **Right to privacy:** • The government **conducts illegal surveillance** on CSOs and individuals and the law has broad grounds to justify surveillance, with no judicial approval needed.
Level 3 Expression by CSOs and their members is mostly free of control by the government, with **some instance of government interference** (including news and Internet media). **Threats and arbitrary actions against CSOs, human rights defenders and journalists are often investigated**. The government apparatus conducts legal surveillance and interception of communications, but may also conduct illegal or questionable interceptions.	**The right to seek and receive information:** • Although there are **instances of government interference, the public can freely access CSO information** and a wide range of independent and foreign media that criticises politics or culture. • Attacks on CSOs, human rights defenders and media for their expression of views are investigated and not subject to impunity. **The right to share information:** • Restrictions on **expression mainly related to national security, public safety and respect for the rights of others** resulting in some censorship regarding public policy, culture or other sensitive topics. • There is a culture of **public sharing** of information. **Right to privacy:** • While the government apparatus often conducts legal surveillance, there are **many reported suspected instances of illegal surveillance** and personal data collection, with the law providing some safeguards.

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Scale	Characteristics of practice
Level 4 Expression by CSOs and their members is **generally free of control by the government. CSOs,** human rights defenders and journalists are rarely threatened or physically attacked and the government apparatus generally conducts only legal surveillance and interception of communications and collection of personal data.	**The right to seek and receive information:** • The public can **freely access CSO voices**, including foreign media and a wide range of independent media**,** which criticise politics or culture, with little government control of media. • Physical attacks on CSOs, human rights defenders or journalists for their expression of views is investigated without impunity. **The right to share information:** • Laws with **narrow restrictions on freedom of expression** do not generally result in censorship regarding public policy, culture or other sensitive topics. Due to law and practice, there is a very strong culture of political expression, including information critical of government. **Right to privacy:** • The government apparatus **generally conducts *legal* surveillance**, with few reported instances of suspected illegal surveillance and data collection. • Law and/or practice provide several **effective safeguards against arbitrary surveillance**, interception and data collection.

4B. **With respect to freedom of association, to what extent does the legal and regulatory framework enable in law and practice CSO formation, registration and operation?**

Scale (Choose the level that best matches your situation)

Scale	Characteristics of practice
Level 1 **Registration is mandatory, difficult, lengthy, costly and required periodically**. The CSO law contains vague prohibitions.	**Formation/registration:** • The **registration process is unclear, lengthy (6 months to a year or more), burdensome**, and often requires personal or sensitive information (such as personal assets) or involves multiple authorities. Registration fees are high and CSOs must often pay bribes to registration officials. • Unfavourable decisions, or no decisions, are common for advocacy-oriented CSOs or CSOs associated with vulnerable and marginalised groups. • **Registration processes are costly** due to high fees or costs related to travel or obtaining required documentation. **Operation:** • **Laws, regulations and practices prevent and/or harass and threaten CSO activities**; projects /programmes are routinely delayed or hindered by permission requirements. • The government takes arbitrary decisions to limit the work of CSOs and/or **regularly paints certain advocacy or human rights CSOs** as undermining the country's culture/religion, as national security threats or foreign agents – **threatening them with serious reprisal**. • CSOs are subject to **swift suspension or dissolution** by the regulatory authority (as opposed to a court) for violating any provision of the governing law with no appeal. • There is **impunity** for those who threaten or take criminal action against CSOs, staff and members.

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Scale	Characteristics of practice
Level 2 Registration is voluntary but remains a difficult process, especially for advocacy-oriented groups. **Law and practice mainly hinder the activities of advocacy-oriented CSOs, but not service or development organisations working without foreign funding**.	**Formation/registration:** • Registration is an unclear, **lengthy (6 months to 1 year) process** and lacks some basic protections against arbitrary decision making (strict timelines for registration authorities' responses, clear legal grounds for rejection, or any appeal processes). • **Registration processes might be costly** due to high fees or costs related to travel or obtaining required documentation. • In practice, **certain groups**, such as those that promote LGBTQI+ rights or the rights of other vulnerable and marginalised groups, encounter **a high level of difficulty obtaining registration, or can't register under existing law**. **Operation:** • The CSO law contains **vague prohibitions, such as on "political activity"** or on "threatening national unity", which are frequently applied against human rights organisations, foreign-funded organisations and advocacy-oriented CSOs. • Government officials have **broad discretion to inspect the activities and finances of organisations** and have often launched inspections on human rights organisations and foreign-funded CSOs. • CSOs are **subject to direct suspension or dissolution by the regulatory authority**, with only an administrative appeals process provided. • Threats and criminal actions against CSOs, staff and members are mostly never investigated and seldom face judicial consequences.
Level 3 **Registration is voluntary and moderately demanding**. With a few exceptions, law and practice do not hinder CSOs' activities.	**Formation/registration:** • There are **some mechanisms to facilitate registration**, such as registration units in several areas of the country, low fees or only a few simple documents required. • **A few organisations may receive what appear to be arbitrary rejections**, such as those seen as threats to "national security", but have some protections through **appeal processes**. **Operation:** • CSOs are **generally allowed to operate freely** and are respected as autonomous development actors. They may have notification requirements, such as notifying local officials of projects. Regulatory investigations have been conducted for some CSOs that are advocacy-oriented or receive foreign funding. • Law and practice **do not prevent CSOs' involvement in decision-making processes or government projects**. • The law provides **clear, delineated powers for the government to interfere in internal CSO management** and suspension or dissolution is based on law, with an appeal process provided. • Threats and criminal actions against CSOs, staff and members are almost always investigated and usually face judicial consequences.
Level 4 Registration is a voluntary simple, fast, fair and efficient procedure. **Law and practice actively promote CSOs' activities, including advocacy and human rights groups.**	**Formation/registration:** • Registration is **not any more burdensome for a CSO than it is for businesses** or other types of legal entities and cases of discrimination are the exception. • The law and practice **protect CSOs from arbitrary decision making in the registration** process (strict timelines for registration authorities' responses, clear legal grounds for rejection and judicial appeals processes). **Operation:** • CSOs are generally **allowed to operate freely, including human rights organisations** and those critical of government. • The law provides for involuntary suspension and **dissolution only by the order of an independent court**. Judicial appeal is available, and dissolution only occurs when all appeals have been exhausted. • The law **clearly defines the scope and powers of bodies regulating CSOs**, including powers of inspection. • Threats and criminal actions against CSOs, staff and members are always investigated and result in judicial consequences.

4C. **To what extent are CSOs working with vulnerable and marginalised groups of the population effectively protected from discrimination?**

Hint box

Marginalised populations frequently experiencing different forms of marginalisation, vulnerability or discrimination might include trade unions; women's rights organisations; organisations of particular ethnic groups; human rights organisations; and organisations of indigenous peoples, religious minorities, focused on environment or land rights, people belonging to the LGBTQI+ community, or people with disabilities.

Scale (Choose the level that best matches your situation)

Scale	Characteristics of practice
Level 1 CSOs working with vulnerable and marginalised groups have no legal protections in practice and **often experience severe discrimination** and/or **harassment** from public authorities.	• Legal, regulatory and policy protections **do not exist** to safeguard targeting vulnerable and marginalised groups of the population. • Government **harassment is widespread** through suspension/dissolution of organisations, public labelling of organisations and leaders as threats against national unity, stability or security, etc. • The activities of CSOs working with vulnerable and marginalised groups of the population are **monitored by security agents**. • There is a **broad culture of impunity for illegal threats** and actions against CSOs working with vulnerable and marginalised groups of the population.
Level 2 CSOs working with vulnerable and marginalised groups have some legal protection, but these are **applied inconsistently, with few, if any, administrative or juridical recourse**.	• **Legal, regulatory and policy protections exist** to safeguard against targeting vulnerable and marginalised groups of the population, **but recourse does not exist in practice**. • CSOs working with vulnerable and marginalised groups of the population are subject to harassment by public authorities, which can include freezing bank accounts, administrative hurdles, spreading misinformation, shutting down activities, etc. • There is a **broad culture of impunity for illegal threats** and actions against CSOs working with vulnerable and marginalised groups of the population.
Level 3 There is **minimal discrimination and harassment in practice**, but public authorities **may scrutinise activities or harass specific organisations**.	• Laws, regulations and policies exist to safeguard CSOs working with vulnerable and marginalised groups of the population, though **at times some CSOs still experience harassment or discrimination**. • Administrative and judicial actions against discriminatory practices have been taken forward through **legal due process but are often unsuccessful**. • There are domestic and international challenges to impunity for actions against CSOs working with vulnerable and marginalised groups of the population.
Level 4 Laws, regulations and policies **effectively safeguard CSOs working with vulnerable and marginalised groups** and discriminatory actions are an exception.	• Laws, regulations, and procedures are **in place to safeguard CSOs working with vulnerable and marginalised groups of the population**. • **No culture of impunity** exists for those responsible for illegal threats and actions against CSOs working with vulnerable and marginalised groups of the population. • Government and court officials and **law enforcement are trained in how to implement the laws and regulations fairly for all CSOs**, particularly for those working with vulnerable and marginalised groups of the population.

4D. **To what extent does the legal and regulatory environment facilitate access to resources for domestic CSOs?**

Scale (Choose the level that best matches your situation)

Scale	Characteristics of practice

Level 1
 	
Access to national and international resources is **highly restricted**.
	• CSOs **receiving international resources** are subject to one or more of the following:
	  a. Must **obtain special registration** and receive case-by-case approval to access funds.
	  b. Subject **to legal restrictions on their work**, such as on advocacy or human rights activities.
	  c. Often undergo **regulatory or criminal investigation** and are subject to media campaigns painting them as national threats.
	  d. There are extensive measures to mitigate risks of money laundering or terrorist financing that target CSOs specifically and disproportionately.
	• CSOs do **not benefit from tax exemptions** and there are no tax benefits for individual/corporate donations.
	• CSOs **cannot legally or in practice access government grants** and contracts.
	• CSOs **cannot earn income** from goods and services; the law makes it illegal or unfeasible.

Level 2
 	
Access to either national or international resources is **possible, but is** subject to **government restrictions**.
	• CSOs **receiving international resources** are subject to one or more of the following:
	  a. Must **make a special registration with a particular body** to access resources, which monitors the flow of resources to CSOs.
	  b. **Some legal restrictions on their work**, such as on advocacy or human rights activities.
	  c. Often **undergo regulatory investigation (but not criminal investigation)**.
	  d. There are extensive measures to mitigate risks of money laundering or terrorist financing that target CSOs specifically and disproportionately.
	• Some government grants are tailored for CSOs, but only to carry out **government projects in traditional service areas**.
	• CSOs are eligible for basic tax exemptions, but the **process for receiving tax exemptions is unclear, lengthy or onerous** and there are no tax benefits for individual/corporate donations.
	• The majority of CSOs **cannot earn income** from goods and services in practice; the law makes it unfeasible (e.g. tax treatment of earnings).

Level 3 CSOs **can access** national and international resources **but some formal and informal limitations** exist.	• CSOs **do not need to make a special registration** or obtain government approval to access national and international resources. • There are some **measures to mitigate risks of money laundering or terrorist financing that target CSOs** specifically and disproportionately. • The process for **receiving tax exemptions for CSOs is clear**, not lengthy or onerous. • **Tax benefits for individual and/or corporate donations** to not-for-profit CSOs exist, but with procedures that are **unclear**, lengthy or onerous. • CSOs have **access to government contracts** for service provision as well as government grants specifically for CSOs to engage in not-for-profit work, but are inconsistently implemented. Criteria and procedures for awarding contracts and/or grants are often **unclear or perceived as unfair.** • A sizable segment of CSOs **can earn income** from goods and services.
Level 4 CSOs **can access** national and international resources **with few or no restrictions**.	• CSOs receiving international funding do not need to register this funding with government beyond reporting regulations for total revenue and **rarely undergo regulatory investigation**. • Measures to mitigate risks of money laundering or terrorist financing **apply to all individuals and legal entities**, and do not target CSOs disproportionately. • The process for receiving **tax exemptions is clear**, not lengthy or onerous. • The law provides **tax benefits for individual and/or corporate donations to not-for-profit CSOs** with procedures that are generally straightforward. • **Multiple government grants are available to a diverse range of CSOs**, with clear, open and transparent criteria and legally binding procedures governing fair CSO access to government grants and contracts.