CIVIC SPACE MONITORING TOOL

Understanding what is happening in civic space at a local and national level

OXFAM

MONITORING CIVIC SPACE

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MAIN OBJECTIVES

- To support regular monitoring of different aspects of civic space.
- To enable tracking of trends and changes over time through systematic application.
- To support discussions and analysis of civic space.

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INTRODUCTION

This tool will assist you in analysing different dimensions of civic space at local and national level. It provides a monitoring framework to understand what is happening in civic space, track trends and highlight priority areas that need addressing. This analysis can be used to inform decision-making, strategy definition, programming and risk management on the issues related to civic space.

This tool does not attempt to quantify the performance of civic space in various dimensions, but does attempt to bring some structure to the collection of qualitative and perception-based assessments. The tool can be used on its own or alongside risk analysis tools.,

You can use this tool to facilitate discussions or workshops which offer participants a safe-space to reflect on the trends and dimensions of civic space. As such, the goal of this tool is not to reach a consensus on the rating of civic space dimensions. The categories are indicative rather than absolute, there may be different ratings given to each dimension by different participants in the room. In the end, the value lies in kickstarting conversations which help to create a deeper understanding on the diversity of dimensions and narratives within and about civic space. The tool can help explore whether different groups in society are affected differently by what is happening in each dimension.
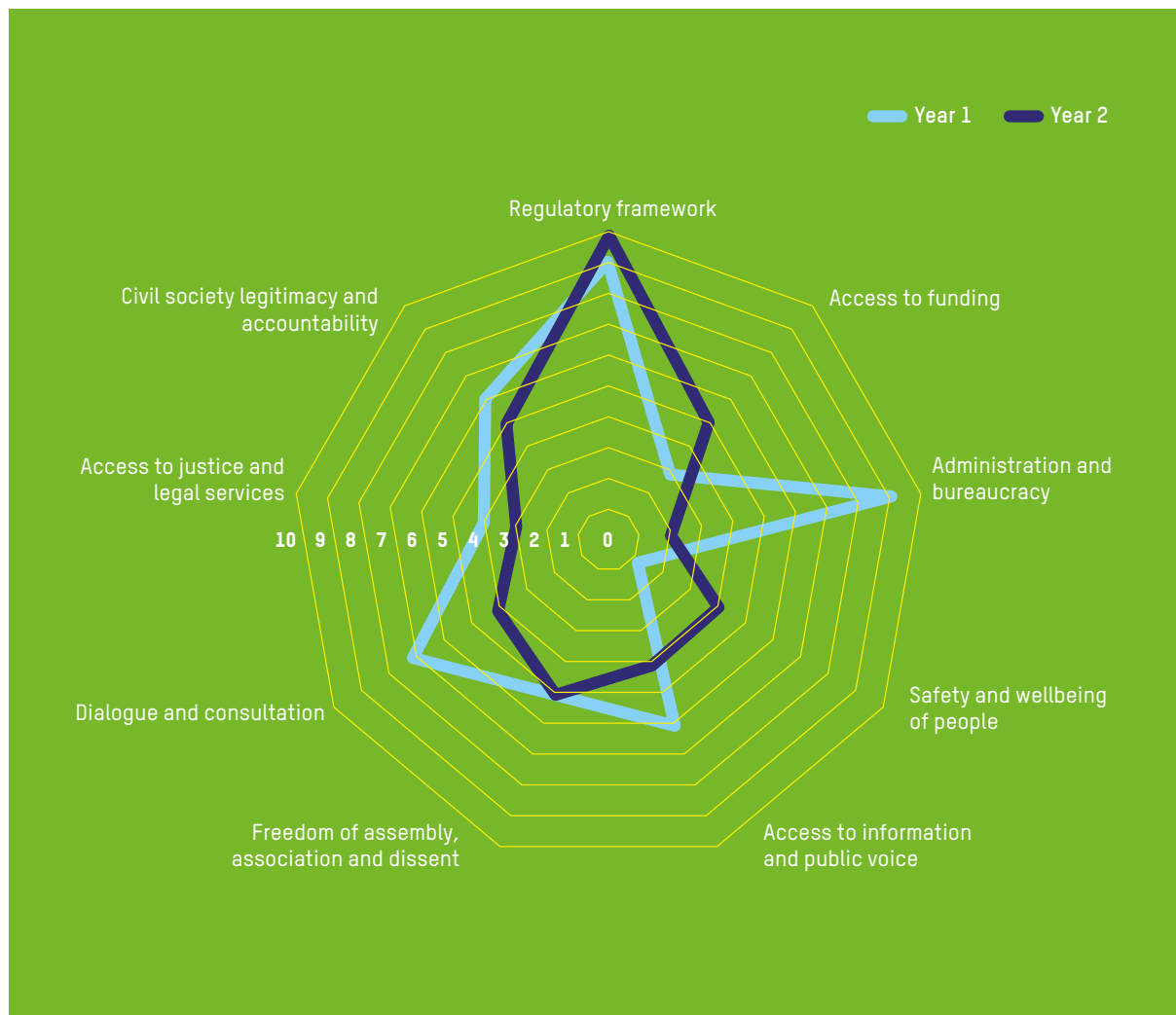
METHODOLOGY

1. This tool can be used in a number of ways. It can be used in a workshop setting, where a group of people are asked to think about the current context of the different dimensions that affect civic space (see below for further explanation). You might do this with your own staff, partners, allies or community groups. The tool can also be used as an analytical framework to conduct research, literature reviews and/or interviews.

2. A set of guiding questions (Annex 1) is provided to support the reflection and analysis process of the different dimensions of civic space; however, these questions are not exhaustive and will not be relevant in every context, and therefore should be adapted as required by the context.

3. The results from this reflection are summarized in a matrix, or in a spider diagram, which includes nine dimensions (figure 1).

4. A general rating is agreed for each dimension (open, narrow, obstructed, repressed, closed) (pages 3 and 4) and its general trend is also assessed (positive, negative, static). The ratings are intended to be a rough guide of the current status and trends rather than the result of extensive analysis based on a rigorous methodology. Accordingly, it requires you to make judgment calls based on your own analysis.

Once you have analysed the nine dimensions and discussed the overall rating and trend, you should have a snapshot of key areas of concern and major challenges regarding civic space to inform where you might focus your attention going forward.

5. The tool can be used once or repeatedly over a longer period of time to keep track of shifting trends in civic space.

You can choose whether to represent the analysis (dimensions and trends) using an assessment format (Annex 2) or the results can be also mapped onto a 'spider diagram' (see figure 1). Whichever method is used, the changes over time can be monitored by reviewing the analysis on a regular basis.

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FIGURE 1: DIMENSIONS OF CIVIC SPACE

CATEGORY AND RATING AND SIGNALLING A TREND

We are using five categories to use in relation to the dimensions of civic space.[1] These are: Open, Narrowed, Obstructed, Repressed and Closed. Within each category, you can assign a numerical rating, if this makes sense in your context. The rating is from 0 – 10, with 2 points per category.

Below are short descriptions of what might be in each category. These are to give a sense of the difference and range within each category. You may find other elements in your own context – please note them down too – or some elements may not apply.

OPEN (8-10)

National and regional authorities both enable and safeguard the enjoyment of civic space for all people. Levels of fear are low as citizens are free to form associations, demonstrate in public places and receive and impart information without restrictions in law or practice. The authorities are tolerant of criticism from civil society groups and provide space and platforms for open and robust dialogue with members of the public. As a rule, the police protect public protesters, and laws governing the freedom of peaceful assembly adhere to international law and standards. There is a free media, online content is uncensored and citizens can access government information easily.

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NARROWED (6-8)

While the state authorities allow individuals and civil society organisations to exercise their rights to freedom of association, peaceful assembly and expression, violations of these rights also take place. People can form associations to pursue a wide range of interests, but full enjoyment of this right is impeded by occasional harassment, arrest or assault of people deemed critical of those in power. Protests are conducted peacefully, although authorities sometimes deny permission, citing security concerns, and excessive force, which may include tear gas and rubber bullets, are sometimes used against peaceful demonstrators. The media is free to disseminate a wide range of information, although the state undermines complete press freedom either through strict regulation or by exerting political pressure on media owners.

OBSTRUCTED (4-6)

Civic space is heavily contested by power holders, who impose a combination of legal and practical constraints on the full enjoyment of fundamental rights. Although civil society organisations exist, state authorities undermine them, including through the use of illegal surveillance, bureaucratic harassment and demeaning public statements. Citizens can organise and assemble peacefully but they are vulnerable to frequent use of excessive force by law enforcement agencies, which could even include tear gas, baton charges and rubber bullets. There is some space for non-state media and editorial independence, but journalists face the risk of physical attack and criminal defamation charges, which encourage self-censorship.

REPRESSED (2-4)

Civic space is significantly constrained. Active individuals and civil society members who criticize power holders risk surveillance, harassment, intimidation, imprisonment, injury and death. Although some civil society organisations exist, their advocacy work is regularly impeded and they face threats of de-registration and closure by the authorities. People who organise or take part in peaceful protests are likely to be targeted by the authorities through the use of excessive force, including the use of live ammunition, and risk mass arrests and detention. The media typically reflects the position of the state, and any independent voices are routinely targeted through raids, physical attacks or protracted legal harassment. Websites and social media platforms are blocked and internet activism is heavily monitored.

CLOSED (0-2)

There is complete closure - in law and in practice - of civic space. An atmosphere of fear and violence prevails, where state and powerful non-state actors are routinely allowed to imprison, seriously injure and kill people with impunity for attempting to exercise their rights to associate, peacefully assemble and express themselves. Any criticism of the ruling authorities is severely punished and there is virtually no media freedom. The internet is heavily censored, many websites are blocked and online criticism of power holders is subject to severe penalties.

TRENDS IN CIVIC SPACE

Besides establishing a rating for the different dimensions of civic space, it is important to assess the trend in which these dimensions have been developing. Particularly, when repeating the civic space assessment frequently, it can be useful to track changes in trends over time. This will allow users of the tool to judge whether the context of civic space is improving, worsening or staying the same and to identify (in) consistencies. Assess whether you feel if the trend is positive, static/the same or negative:

POSITIVE

STATIC/SAME

NEGATIVE

ANNEX 1: GUIDING QUESTIONS PER DIMENSION FOR MONITORING CIVIC SPACE

The questions below can be used to guide reflections on the different dimensions of civic space. You don't have to answer all the questions, but they give a sense of the range of aspects included in each dimension. The list itself is not exhaustive and may not be relevant in every context. It can be adapted as required by the context.

1. REGULATORY FRAMEWORK: THIS REFERS TO THE SET OF LAWS AND REGULATIONS THAT DEFINES THE SIZE AND NATURE OF CIVIC SPACE (CS)

- What are the main constraints that the legal frameworks place on the operation of civil society? (Think of specific prohibitions, requirements for (re)registration, proportionality of penalties for non-compliance, vague language allowing broad interpretation of the law, etc.)

- Are there plans for new or amended legislation to regulate the registration and activities of civil society and the non-profit sector?

- Are particular kinds of groups (women's rights, indigenous or minority populations, LGBTI, youth, etc.) singled out as targets in how laws and regulations are implemented?

- How do you rate the general legal framework that regulates civil society in terms of its support to the open and effective operation of civic space, on a scale between 0 (closed) and 10 (open)?

2. ACCESS TO FUNDING: THIS REFERS TO THE THEORETICAL ABILITY OF CIVIL SOCIETY ORGANIZATIONS (CSOs), ACADEMIA, PHILANTHROPY TO MAKE USE OF DIFFERENT POTENTIAL SOURCES OF FUNDING AND THE ACTUAL WAYS THIS IS OPEN OR CONTROLLED

- What are the major barriers for civil society to accessing and utilising domestic and foreign funds? (think of requirements for accessing (inter)national funds, limitations on use of funds, reporting requirements).

- Are there mechanisms or practices that specifically favour or discriminate against some organisations or agendas (e.g. LGBT organisations, minorities, sexual and reproductive rights agenda, etc.) or kind of activities (e.g. advocacy, election monitoring). Try to be specific as to what kinds of organisations, activities and areas of intervention are particularly targeted? (Ex. Advocacy, service delivery, etc.)

- How do you rate the freedom of civil society to mobilise domestic and/or foreign resources on a scale between 0 (closed) and 10 (open)?

3. ADMINISTRATION AND BUREAUCRACY: THIS REFERS TO THE WAYS IN WHICH THE OPERATION OF CSOs IS ENABLED, CONSTRAINED OR SUSPENDED BY PRACTICAL ADMINISTRATIVE PRACTICES.

- What are the main restrictions that administrative procedures place on civil society?

- What administrative practices and procedures have enabled or facilitated CSO in the operation of their work? (think of clarity and speed of bureaucratic procedures for permits, authorisations, or visas, affordability, transparency in decision-making, the number of permits required for activities, intensity of control, tax requirements)

- Are certain activities (advocacy, public gatherings), topics (e.g. sexual and reproductive rights, LGTBI, extractives) or groups (e.g. religious minorities) prohibited or more often affected by bureaucratic restrictions or obstruction? Try to be specific about what kind of groups, activities and areas of intervention are particularly targeted.

- How are activities and projects of CSOs monitored through administrative procedures of governments? (Invasive government supervision, regularity and strictness of reporting, consequences of negative monitoring outcomes).

- How do you rate the role of national and local administrations (e.g. branches of government, local authorities) in facilitating your activities as civil society, on a scale between 0 (closed) and 10 (open)?

4. SAFETY AND WELL-BEING OF PEOPLE: THIS INCLUDES THE USE OF LEGAL AND ILLEGAL MECHANISMS TO PROTECT OR THREATEN ORGANISATIONS, STAFF MEMBERS AND ACTIVISTS. THIS CAN REFER TO VERBAL OR PHYSICAL ABUSE, INCLUDING SEXUAL ASSAULT, KIDNAPPING, INTIMIDATION, EXTORTION AND MURDER BY BOTH STATE AND NON-STATE ACTORS.

- What are the main restrictions or threats for CSOs, journalists, activists or human rights defenders when performing their activities? (think of defamation, threats, (sexual) assault, intimidation, extortion, murder, deportation of activists and /or their families)

- Are (specific groups of) civic activists or their families (e.g. women, indigenous people, LGTBI) being actively targeted by government authorities, the security sector or unidentified groups?

- Do state authorities take seriously such threats, investigate or take appropriate action? What are the levels of impunity of those specific cases?

- What are the consequences of this situation for human rights activists in terms of well-being, physical integrity, psychological well-being?

- How do you rate the safety and well-being of activists, staff and leaders of civil society on a scale between 0 (closed) and 10 (open)?

5. ACCESS TO INFORMATION AND PUBLIC VOICE: THIS REFERS TO ACCESS TO OBJECTIVE AND RELIABLE INFORMATION AND FREEDOM OF EXPRESSION, THROUGH DIFFERENT FORMS OF MEDIA AND OTHER ADVOCACY ACTORS WITH INFORMATIVE FUNCTIONS (NGOS, CSOS, THINK TANKS, RESEARCHERS ETC.).

- What are major restrictions on media, journalists, bloggers and CSOs in their freedom of expression and the freedom to publish or campaign their work? (think of threat to independence, intimidation/arrests of journalists, defamation/delegitimization, blocking of on/off line communication, digital restrictions and security, self-censorship, access to government/private sector support).

- Does civil society have access to media and do they have ability to raise their voice and share their views with the general public?

- How is the public reputation of independent media and CSOs affected by public statements of governments and conservative/state owned media actors? (Delegitimization/Defamation)

- Do you know of the existence of intelligence units dedicated to the monitoring of communication activities (intercept calls, hackers, electronic information, etc.)?

- Do particular kinds of groups (women's rights, indigenous or minority populations, LGBTI, youth, etc.) have disproportionate difficulties in accessing information and finding platforms for public speech?

- How do you rate the access to information and freedom of expression of civil society on a scale between 0 (closed) and 10 (open)?

6. FREEDOM OF ASSEMBLY, ASSOCIATION AND DISSENT: THIS REFERS TO WHETHER INDIVIDUALS AND GROUPS CAN GATHER AND ORGANISE THEMSELVES FREELY, HAVE FREEDOM TO PROTEST OR PUBLICLY EXPRESS DISAGREEMENT.

- What are the main restrictions that limit the freedom of assembly and legitimate protest? (think of the cost and requirements for authorisations, criminalisation or punishment of certain activities, the (dis) proportionate use of violence, repression and policing).

- Do particular kinds of groups (women's rights, indigenous or minority populations, LGBTI, youth, etc.) have disproportionate difficulties gathering and organising?

- How do you rate the freedom of assembly (to meet, share views, protest) on a scale between 0 (closed) and 10 (open)?

7. DIALOGUE AND CONSULTATION: THIS REFERS TO HOW GOVERNMENTS ENGAGE WITH CITIZENS IN THE DEVELOPMENT OF POLICY AND THE EXTENT TO WHICH CIVIL SOCIETY CAN SHAPE GOVERNMENT DECISION MAKING.

- Are CSOs actively involved in decision-making or approached for meaningful consultation on policies by the government? If yes, how are they involved?

- How can we characterise these spaces for dialogue? (E.g. antagonistic, consultations that are episodic, tokenistic, at the discretion of governments and involve limited numbers of CSOs, vs structured and permanent forums, or even engaging and inclusive platforms for participation).

- Are there effective mechanisms for access to information, consultation and accountability of government institutions?

- Do spaces for dialogue engage a diversity of civil society actors (including women's rights organizations, indigenous, people with disabilities, etc.) or are specific groups discriminated against?

- How do you rate the openness of the government to engage meaningfully with civil society on policy issues and reform, on a scale between 0 (closed) and 10 (open)?

8. ACCESS TO JUSTICE AND LEGAL SERVICES: THIS REFERS TO THE ABILITY OF THOSE AFFECTED BY RESTRICTIONS ON CIVIC SPACE TO SEEK REDRESS AND ACCESS JUSTICE.

- What are the main restrictions to access justice and fair legal process for cases of civil society? (think of access to legal support, fairness of trial, independency of judiciary, political/private pressure or manipulation, corruption, cost of legal support and litigation, duration of (pre)arrests and trials, proportionality of penalties and convictions)

- Are specific groups of civic activists or their families (e.g. women, indigenous people, LGTBI) discriminated against by the legal system or have less access to justice than others?

- What government and legislative mechanisms are in place to protect activists and human right defenders seeking justice after experiencing threats to personal well-being?

- How do you rate the access of civil society to legal services and justice in case of violations of rights, on a scale between 0 (closed) and 10 (open)?

9. LEGITIMACY AND ACCOUNTABILITY OF CIVIL SOCIETY: THIS REFERS TO THE WAY CIVIL SOCIETY IS ORGANIZED, WHO IS INCLUDED AND EXCLUDED, AND THE CSO LEGITIMACY AND ACCOUNTABILITY TO ITS CONSTITUENCIES.

- Are there any groups which are marginalized within the bodies that represent civil society in engagement processes? Whose voices are not heard and/or respected? (women rights, youth, informal groups, minorities).

- Are civil society organisations open, transparent, accountable and engaged with their own constituencies?

- Is civil society respected and accepted by different audiences in society?

- What are the main challenges for civil society to gain public support, recognition and acceptance?

ANNEX 2: ASSESSMENT FORMAT – MONITORING CIVIC SPACE – (FLIPCHART)

The assessment form below is one of the formats which can be used to list your findings and data. It can be used in combination with the spider diagram (Methodology, pg. 2). The format is merely a suggestion, you are free to decide how to best present your data.

ASSESSMENT OF THE DIMENSIONS OF CIVIC SPACE			
Country:			
Team/Subgroup 1, if relevant (thematic area):			
Date:			
Area	**Rating**	**Trend**	**Reasons/ Civic Space context**
1. Regulatory framework			
2. Access to funding			
3. Administration and bureaucracy			
4. Safety and wellbeing of people			
5. Access to information			
6. Freedom of assembly			
7. Dialogue and Consultation			
8. Access to justice and legal services			
9. Legitimate and accountable civil society			
OVERALL			

Rating

- Open 8-10
- Narrowed 6-8
- Obstructed 4-6
- Repressed 2-4
- Closed 0-2

Trend

- Positive
- Static
- Negative

[1] CIVICUS Monitor Tracking Civic Space:
https://monitor.civicus.org/Ratings/

Cover: Women's presence in Tahrir Square during a protest against the Military Trial for civilians.
Photo: Myriam Abdelaziz/Oxfam Novib

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