



# Guidelines for EU Support for Civil Society in the Enlargement region 2021 – 2027

**Annex B:** Explanatory Note on European  
and International Standards Underpinning the Guidelines



## Introduction

The Guidelines for EU Support to Civil Society in the Enlargement Region (EUCSG) 2021-2027 consist of a set of objectives grouped under three dimensions: i) the enabling environment for civil society; ii) relations between civil society and the public authorities; and iii) the capacities of civil society. For each dimension, there is a set of specific objectives (outcomes) and results indicators. With a few exceptions, all the outcomes and results indicators cited in the Guidelines are drawn from existing European and international standards. This explanatory note describes the relationship between the outcomes and indicators of the Guidelines and the European and international standards.

For each indicator, the document specifies the applicable standard, the connection between the indicator and the specific objective, and relevant definitions of terms.

### Sources of relevant standards

The section on relevant standards is not a comprehensive presentation of applicable international human rights law. Rather, in the interest of clarity and brevity, the analysis focuses on elements linked to the indicators, as they have been prioritised during consultations with civil society and grounds them firmly in international human rights. The European Convention on Human Rights (ECHR) and the case law of the European Court of Human Rights (generally referred to by the initials ECtHR) are the principal sources of law, complemented as appropriate by UN human rights treaty- and charter-based bodies, and documents issued by Council of Europe's treaty bodies, Committee of Ministers and other bodies. Reference is also made to the EU Charter of Fundamental Rights (hereafter "the EU Charter"). Moreover, the interpretation of standards has been assisted by relevant guidelines and recommendations of the Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe (OSCE). The standards for Specific objectives 1 and 2 are derived primarily from international human rights law. The source of standards for Specific objective 3 is the Global Standard for CSO Accountability.

For each specific objective and indicator, this note reproduces relevant text of the relevant standard. The reference to the standard is indicated in an endnote.



## Specific Objective 1

A conducive environment for civil society to carry out its activities is in place.

### Specific Objective 1.1.

All individuals and legal entities in the Enlargement region can establish, join, and participate in non-formal and/or registered organisations, can assemble peacefully and can express themselves freely.

#### Indicator 1.1.a

Extent to which relevant domestic legislation provides that:

- Associations can be established or registered without discrimination on any grounds;
- No unlawful restrictions are placed on the scope of their activities or pursuit of their objectives;
- Their termination may only occur following a decision by an independent and impartial court;
- No unlawful restrictions are placed on freedom of peaceful assembly;
- Freedom of expression is exercised by all, and no unlawful restrictions imposed.

#### Relevant standards

The right to freedoms of expression, assembly and association are firmly enshrined in international human rights law. Articles 10 and 11 of ECHR provide that everyone has the right to freedom of expression, and the right to freedoms of peaceful assembly and of association with others, respectively. Moreover, Articles 11 and 12 of the EU Charter respect the freedom of expression and information, and freedoms of assembly and association, respectively. These rights are interrelated.

International human rights standards prohibit direct and indirect discrimination. Consequently, *All persons and groups wishing to form an association should be able to do so on the basis of equal treatment before the law and by state authorities. Moreover, the principle of non-discrimination also means that legislation and state authorities should treat associations equally as regards regulations concerning their establishment, registration (where applicable) and activities. The differential treatment of different associations is discriminatory if it has no objective and reasonable justification, that is, if it does not pursue a legitimate aim or if there is no reasonable relationship of proportionality between the means employed and the intended aim.*<sup>1</sup>

Inherent to the right to freedom of association is that founders and members of association have the freedom to determine the scope of their goals and objectives. Moreover, 'Associations should be free to pursue these goals and objectives without undue interference of the state or third parties. These goals and objectives must, however, comply with the requirements of a democratic society.'<sup>2</sup>

When not terminated voluntarily, by decision of its members, an association may only be terminated by a court decision. Such termination, resulting in the dissolution or prohibition of an association, may only occur following a decision by an independent and impartial court.<sup>3</sup> Moreover, associations 'may only be dissolved in cases of bankruptcy, prolonged inactivity or serious misconduct.'<sup>4</sup>

Any restrictions imposed on the right to freedoms of peaceful assembly and of association must be prescribed by law and necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.<sup>5</sup>



The right to freedom of expression includes the freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. The exercise of this freedom may only be subject to restrictions which are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.<sup>6</sup>

#### How the indicator relates to the objective

The indicator specifies some of the elements the legal framework should provide for in order to ensure the effective realisation of the freedoms of expression, of association and of peaceful assembly.

### Specific Objective 1.2

Public authorities protect CSOs from interference and attacks and respect their right to privacy.

#### Indicator 1.2.a

Extent to which CSOs have access to an effective remedy to challenge or seek review of decisions affecting exercise of their rights.

#### Relevant standards

The right to an effective remedy, enshrined in Article 13 ECHR, is considered a fundamental guarantee for the protection of human rights. Article 13 stipulates that ‘Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.’<sup>7</sup> ‘Everyone’ includes associations, their founders and members, as well as all persons seeking to exercise their right to freedom of association who may challenge or seek review of decisions affecting the exercise of their rights.<sup>8</sup> Moreover, the UN Declaration on Human Rights Defenders specifically protects the right of human rights defenders to an effective remedy.<sup>9</sup> The right to an effective remedy and fair trial is also enshrined in Article 47 of the EU Charter on Fundamental Rights.

‘The remedy required by Article 13 [ECHR] must be “effective” in practice as well as in law.’ While states are afforded a margin of appreciation as to the manner in which they provide it, to be effective, the remedy must be capable of directly remedying the impugned situation and the effectiveness of the remedy is assessed in relation to each complaint. Moreover, it must be sufficient, accessible, and fulfilling the obligation of promptness. The remedy must encompass the merits of the complaint as submitted by the applicant and the authority is not allowed to reformulate the complaint. The fundamental criterion of fairness, which encompasses the equality of arms, is a constitutive element of an effective remedy. Excessively restrictive requirements may render the remedy ineffective. Remedies must be accessible for the person concerned. Furthermore, courts must also take into the general legal and political context in which they operate as well as the personal circumstances of the applicant.<sup>10</sup>

Associations, their founders, and members must, therefore, be able to appeal or request a review, by an independent and impartial court, of any decisions or inaction by the authorities, as well as any other requirements laid down in legislation concerning their registration, charter requirements,



activities, prohibition and dissolution or penalties. If a violation is found to have occurred, proper and effective redress should be made available in a timely manner. The procedure for appeal and review should be clear and affordable, and remedies should provide adequate reparation, including compensation for moral or pecuniary loss. Moreover, all associations should have equal standing before impartial tribunals and, in case of an alleged violation of any of their rights, have full protection of the right to a fair and public hearing.<sup>11</sup>

#### How the indicator relates to the objective

The right to an effective remedy is essential for the protection of CSOs from interference and attacks, as well as the protection of their privacy, in that it provides a fundamental guarantee that, if violations occur, an effective legal remedy will provide reparation. The indicator assesses whether the right to an effective remedy exists.

#### Indicator 1.2.b

Extent to which CSOs are protected by law from threats, attacks, judicial harassment and discriminatory treatment, in particular:

- threats including intimidation, harassment, defamation, as well as hate speech online and offline;
- attacks including acts of violence, physical abuse, searches and damage to property;
- judicial harassment including arbitrary arrest and detention, unlawful interference with communications, and abuse of criminal, civil and administrative proceedings or threats thereof;
- discriminatory treatment including disproportionate reporting requirements for CSOs.

#### Relevant standards

UN Declaration on Human Rights Defenders requires states to 'take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.'<sup>12</sup> This includes state duty to protect human rights defenders from violations committed both by states and non-state actors.<sup>13</sup>

Articles 2 and 3 ECHR require states to protect anyone within its territory and under its jurisdiction from violations of their right to life and the absolute prohibition of torture and other ill-treatment. This includes human rights defenders. Article 8 ECHR provides for the protection of privacy, including from defamation, as well as protection from arbitrary and unlawful searches, and unlawful interference with communication. Article 1 Protocol 1 ECHR protects the enjoyment of property. The right to liberty and security, enshrined in Article 5 ECHR, provides protection from arbitrary arrest and detention. The right to a fair trial in criminal and civil proceedings is protected by Article 6 ECHR. Article 14 ECHR, in conjunction with Article 11, as well as Article 1 Protocol 12 ECHR protect CSOs from discriminatory treatment.

Comparable protections are also guaranteed by the EU Charter: prohibition of torture in Article 4, respect for private and family life, and communications in Article 7, right to liberty and security in Article 6, right to property in Article 17, prohibition of discrimination in Article 21, and the right to a fair trial in Article 47.

Moreover, the principle of non-discrimination requires that legislation and state authorities should treat associations equally as regards regulations concerning their establishment, registration as may be applicable, and activities. Any differential treatment of different associations may constitute



discrimination.<sup>14</sup> As regards oversight and supervision of associations, any regulations and practice should espouse the principle of minimum state interference in the operations of an association in that they should not be invasive, nor should they be more exacting than those applicable to private businesses. The right to privacy applies to an association and its members; this means that oversight and supervision must have a clear legal basis and be proportionate to the legitimate aims they pursue.<sup>15</sup>

#### How the indicator relates to the objective

A legal framework in line with international standards is indispensable for the effective protection of CSOs from interference and attacks, as well as for the respect of their right to privacy. The indicator enumerates specific protections which are relevant in this regard.

#### Indicator 1.2.c

Proportion of CSOs that operate effectively without threats, attacks, judicial harassment and discriminatory treatment, in terms of:

- number of complaints concerning lack of protection of CSOs;
- number of attacks on CSOs and their members;
- number of instances of damage to property;
- number of instances of discriminatory treatment in reporting;
- number of instances when CSO offices were unlawfully searched, subjected to inspections;
- number of instances of interference with the communications of CSOs.

#### Relevant standards

See 1.2.b.

#### How the indicator relates to the objective

The indicator looks at specific manifestations of threats, attacks, judicial harassment and discriminatory treatment to which CSOs may have been subjected and which would constitute a failure on the part of the state to protect them.

### Specific Objective 1.3

Measures used to fight extremism, terrorism, money laundering or corruption are targeted and proportionate, in line with the risk-based approach, and respect human rights standards on freedom of association, assembly and expression.

#### Indicator 1.3.a

Extent to which laws to combat extremism, terrorism, money laundering and corruption do not unduly restrict legitimate activities of CSOs.

#### Relevant standards

Any restrictions imposed on the right to freedoms of peaceful assembly and of association must be prescribed by law and necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.<sup>16</sup> The exercise of the freedoms of assembly and association may only be subject to restrictions which are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the



reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.<sup>17</sup> Laws to combat extremism, terrorism, money laundering and corruption, therefore, may not be used by states to place undue restrictions on these rights and legitimate activities of CSOs.

In this regard, states are obliged to ensure that any such laws conform to the norms of international human rights and refugee law.<sup>18</sup> The exercise of functions and powers under such laws is based on clear provisions that exhaustively enumerate the relevant powers, and, where a restriction upon a human right is involved, such restriction should be the least intrusive possible, necessary in a democratic society to pursue a defined legitimate aim, and proportionate to the benefit obtained in achieving the legitimate aim in question.<sup>19</sup> The right to an effective remedy is guaranteed.<sup>20</sup> Terms such as ‘terrorism’ and ‘extremism’ must be clearly defined.<sup>21</sup>

Therefore, states may not use the above laws to restrict forms of expression that articulate views contrary to the official position of the state by labelling them ‘terrorist activity,’ ‘violent extremism,’ or ‘threat to national security’; arrest and detain human rights defenders on spurious grounds; exercise surveillance of human rights defenders involved in peaceful protests; maliciously target the financing of civil society organisations or designate them as terrorist organisations; restrict their access to internet and otherwise restrict their right to privacy; impose administrative measures, including obligations to register, burdensome, complicated, invasive procedures and regulations or threaten deregistration and criminal prosecution.<sup>22</sup>

#### How the indicator relates to the objective

A legal framework in line with international standards is a prerequisite for a conducive environment for CSOs. The indicator assessed whether laws used to fight extremism, terrorism, money laundering or corruption are in line with international standards.

#### Indicator 1.3.b

Proportion of CSOs whose ability to undertake legitimate activities is not restricted by the implementation of laws to combat extremism, terrorism, money laundering and corruption, and in particular by:

- being judicially harassed for their alleged connections with extremism, terrorism, money laundering and corruption;
- discriminatory restrictions placed on funding,
- authorities or banks preventing them from opening bank accounts, sending or receiving money.

#### Relevant standards

See 1.3.a.

#### How the indicator relates to the objective

A legal framework in line with international standards is a prerequisite for a conducive environment for CSOs. The indicator assesses the CSO perception of whether laws used to fight extremism, terrorism, money laundering or corruption are in line with international standards and are effectively implemented.

### Specific Objective 1.4

Public authorities treat CSOs equally with regards to their operations, and equitably with other entities (such as businesses).



#### Indicator 1.4.a

Extent to which laws (1) do not require CSOs to submit more reports and information, and (2) do not submit CSOs to more inspections and sanctions, than business entities, all else being equal.

##### Relevant standards

Any administrative and operational requirements imposed on civil society organisations by the state must comply with the principle of proportionality. Should an association fail to comply with reasonable legal formalities relating to its establishment, functioning or internal organisational structure, states may have a right to interfere with freedom of association, however, any such interference must satisfy the condition of proportionality.<sup>23</sup>

Requirements for access to public funding should be proportionate to the value of funding or other benefits received from the state. All associations receiving public support should face the same reporting requirements, though some exceptions may be allowed in cases where transparent and competitive award procedure was not followed. At any rate, reporting requirements relating to public support should not be too burdensome and, at the very least, should be proportionate to the level of public support received.<sup>24</sup>

States may legitimately require that associations be subjected to financial reporting and other transparency requirements. Such obligations, however, 'shall not be unnecessarily burdensome, and shall be proportionate to the size of the association and the scope of its activities, taking into consideration the value of its assets and income.'<sup>25</sup> While associations may be required to publish information on the statutes, programmes and financial reports of associations, any such reporting requirements should not create an undue and costly burden on associations and should also be proportionate to the amount of funding received. Different reporting rules may apply to special associations, such as political parties.<sup>26</sup> Associations should not be required to submit more reports and information than other legal entities, such as businesses, and equality between different sectors should be exercised. Special reporting is permissible, however, if it is required in exchange for certain benefits, provided it is within the discretion of the association to decide whether to comply with such reporting requirements or forgo them and forsake any related special benefits, where applicable.<sup>27</sup>

Any oversight or supervision of associations should respect the principles of minimum state interference: it should not be invasive or more exacting than what is applicable to private business. It should be carried out based on the presumption of lawfulness of the association and of its activities, and without interfering with the internal management of associations. In the event associations are not complying with requirements on reporting, they should be provided with a reasonable amount of time to rectify the error. Sanctions should only apply in cases where associations have committed serious infractions and should always be proportionate. The prohibition and dissolution of associations should always be measures of last resort. Such sanctions must be proportionate to the misconduct and never used as a tool to reproach or stifle the association's establishment and operations. In such case, authorities must show that there are no other means of achieving the same aims that would interfere less seriously with the right of freedom of association.<sup>28</sup>

##### How the indicator relates to the objective

The indicator assesses whether the legal framework treats CSOs equally with businesses in terms of reporting requirements placed on them.



## Specific Objective 1.5

Public authorities have enabling policies and rules for small community organisations and civic initiatives (grassroots organisations).

### Indicator 1.5.a

Small community/local organisations and civic initiatives are allowed to operate by law without registering.

#### Relevant standards

Registration is not a requirement for groups or associations to exist. Human rights defenders should be able to form groups or associations without an obligation to register or obtain legal personality in order to pursue their activities. The exercise of the right to freedom of association is not contingent on registration, and human rights defenders must not be criminalised for not registering a group or association.<sup>29</sup> NGOs should be allowed to exist and carry out collective activities without having to register if they so wish; registration should not be compulsory.<sup>30</sup>

OSCE participating States recognise as NGOs ‘those which declare themselves as such’<sup>31</sup> and consider them ‘an integral component of a strong civil society [...having pledged...] to enhance the ability of NGOs to make their full contribution to the further development of civil society and respect for human rights and fundamental freedoms.’<sup>32</sup>

#### How the indicator relates to the objective

The indicator assesses whether the law creates an enabling requirement for small grassroots organisations by not requiring them to be registered.

### Indicator 1.5.b.

In law, unregistered small community/local organisations and civic initiatives enjoy the same right to participation in decision making processes as registered CSOs.

#### Relevant standards

The right to participation in public affairs is firmly enshrined in international human rights law. Article 25 of ICCPR safeguards ‘the right of citizen [...] to take part in the conduct of public affairs directly or through freely chosen representatives [...]’.<sup>33</sup> The Human Rights Committee has clarified that ‘citizens also take part in the conduct of public affairs by exerting influence through public debate and dialogue with their representatives or through their capacity to organise themselves. This participation is supported by ensuring freedom of expression, assembly and association’<sup>34</sup> and it includes informal civil society groups.<sup>35</sup>

The EU Charter recognises the right of the elderly and of persons with disabilities to participate in social and cultural life, and in the life of the community, respectively in Articles 25 and 26.

Article 15 of FCNM obliges states to ‘create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.’<sup>36</sup> In this regard, it is not sufficient for states ‘to formally provide for the participation of persons belonging to national minorities. They should also ensure that their participation has a substantial influence on decisions which are taken, and that there is, as far as possible, a shared ownership of the decisions taken.’<sup>37</sup>



Article 8 of the UN Declaration on Human Rights Defenders provides for the right of everyone *individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs. This includes, inter alia, the right, individually and in association with others, to submit to governmental bodies and agencies and organisations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realisation of human rights and fundamental freedoms.*

#### How the indicator relates to the objective

Enabling policies extend to effective participation. The indicator assesses whether the right to participation of grassroots organisations is effectively realised.

### Specific Objective 1.6

All CSOs are free to solicit and receive funding.

#### Indicator 1.6.a

Extent to which relevant laws allow CSOs to seek a broad range of funding, including international, without undue restrictions, as regards:

- cash and in-kind donations from all sources;
- funding from domestic public bodies;
- funding from institutional, corporate or individual donors;
- funding from international or multilateral sources.

#### Relevant standards

The UN Human Rights Council Special Rapporteur noted that ‘the ability to seek, secure and use resources is essential to the existence and effective operations of any association, no matter how small.’<sup>38</sup> UN Human Rights Committee observed that ‘the right to freedom of association relates not only to the right to form an association, but also guarantees the right of such an association freely to carry out its statutory activities. The protection afforded by Article 22 extends to all activities of an association,’<sup>39</sup> and, therefore, also soliciting and receiving funding.

Article 13 of the UN Declaration on Human Rights Defenders provides that ‘everyone has the right, individually and in association with others, to solicit, receive, and utilise resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means [...]’. This implies that access to funding must be available equally for unregistered associations with no legal status, as well as legally registered associations.<sup>40</sup>

Any restrictions on access to resources from abroad, therefore, must be prescribed by law, pursue a legitimate aim in conformity with the specific permissible grounds of limitations set out in the relevant international standards, as well as be necessary in a democratic society and proportionate to the aim pursued. Any limitations on access to these resources must be proportionate to the state’s objective of protecting legitimate interests and must be the least intrusive means to achieve the desired objective.<sup>41</sup>

In this regard, ‘resources’ *encompasses a broad concept that includes financial transfers (e.g., donations, grants, contracts, sponsorships, social investments, etc.); loan guarantees and other forms of financial assistance from natural and legal persons; in-kind donations (e.g., contributions of*



*goods, services, software and other forms of intellectual property, real property, etc.); material resources (e.g. office supplies, IT equipment, etc.); human resources (e.g. paid staff, volunteers, etc.); access to international assistance, solidarity; ability to travel and communicate without undue interference and the right to benefit from the protection of the State.<sup>42</sup>*

#### How the indicator relates to the objective

A legal framework in line with international standards allows CSOs to receive and solicit funding, including from abroad. The indicator assesses the relevant legal framework.

#### Indicator 1.6.b

Proportion of CSOs that can access a broad range of funding without undue government interference.

#### Relevant standards

See 1.6.a.

#### How the indicator relates to the objective

The indicator shows whether CSOs can solicit and receive a broad range of funding in practice.

### Specific Objective 1.7

Public financial and non-financial support to CSOs is available in IPA beneficiaries, and provided in a transparent, accountable, fair and non-discriminatory manner.

#### Indicator 1.7.a

The level of public funding available for CSOs and associations is clearly articulated in laws and regulations, and the rights and duties of the state body invested with the ability to set and revise the level of public funding available is clearly defined in law.

#### Relevant standards

Given that associations do not generate profits and considering their importance to society, state support may be necessary for their establishment and operations. The level of public funding available should be clearly articulated in the relevant laws and regulations. The rights and duties of the state body invested with the ability to set and revise the level of public funding available should also be clearly defined in law. State support may be provided at the national, regional or local level.<sup>43</sup>

#### How the indicator relates to the objective

A clear policy commitment by public authorities to establish and sustain a designated level of funding for CSOs is evidence of government commitment to civil society and consideration for an enabling environment. The indicator assesses whether this is the case.

#### Indicator 1.7.b

Percentage of public budget actually disbursed to CSOs in a year.

#### Relevant standards

Given that associations do not generate profits and considering their importance to society, state support may be necessary for their establishment and operations. The level of public funding available should be clearly articulated in the relevant laws and regulations. The rights and duties of



the public body invested with the ability to set and revise the level of public funding available should also be clearly defined in law. State support may be provided at the national, regional or local level.<sup>44</sup>

#### How the indicator relates to the objective

An allocation in the state budget effectively distributed to CSOs is evidence of government commitment to civil society and consideration for an enabling environment. The indicator assesses whether this is the case.

#### Indicator 1.7.c

Extent to which legal provisions regulating the award of public funding to CSOs ensure that:

- funding criteria are clearly defined, objective and publicly announced;
- conflict of interest is clearly regulated;
- evaluation of proposals is clear and impartial;
- reporting requirements are clear and proportionate.

#### Relevant standards

Any form of state support for associations should be governed by clear and objective criteria, as well as be transparent. There should be no discrimination against associations owing to their fields of operation, including associations specialising in monitoring or human rights, and any practices excluding certain associations from all public financial schemes should be abandoned. Public funding should be allocated through a transparent procedure and be accompanied by a broad informational campaign delivered to all potentially interested associations. The requirements for the submission of applications for public support should be proportional to the value of funding or other benefits received from the state. States should make every effort to simplify procedures for applying for public funding.<sup>45</sup>

The criteria for determining the level of public funds available for each association must be objective and non-discriminatory, and clearly stated in laws and/or regulations that are publicly available and accessible. When the allocation of funding is made through a competitive process, the evaluation of applications for public funding should be objective and based on clear and transparent criteria, developed for the competition, and publicised in advance.<sup>46</sup>

The results of evaluation processes should be made available to the public, as should information concerning the applications of associations that did not receive funding, specifying the reasons for awarding funding to some projects and not to others.<sup>47</sup> All associations receiving public support should face the same reporting requirements. Reporting requirements relating to public support should not be too burdensome and, at the very least, should be proportionate to the level of public support received.<sup>48</sup>

#### How the indicator relates to the objective

The indicator assesses whether the legal framework requires that the award of public financial support to CSOs be carried out in a transparent and fair manner.

#### Indicator 1.7.d

Central governments make the information on awards publicly available and sufficiently detailed to identify individual awards.



### Relevant standards

After funding has been awarded, the results of evaluation processes should be made available to the public, as should information concerning the applications of associations that did not receive funding, specifying the reasons for awarding funding to some projects and not to others. State authorities should inform the public about the allocation of funds by providing data on the beneficiaries and the quantities of funding allocated to each, as well as on the purpose for which the funding has been used. Reporting should disaggregate by immutable characteristics, to render transparent information on the types of groups to which funding has been allocated, as well as information on the amounts of funding and in-kind resources allocated to each group.<sup>49</sup>

### How the indicator relates to the objective

Making the information on awards publicly available in sufficient detail supports transparency and fairness of the award process in that it enables public scrutiny. The indicator assesses whether this is the case.

### Indicator 1.7.e

Proportion of CSOs indicating that the provision of domestic public funds is transparent, fair and non-discriminatory.

### Relevant standards

See 1.7.d

### How the indicator relates to the objective

The indicator assesses whether CSOs perceive the processes for the award of public funding as transparent and fair.



#### Indicator 1.7.f

Public funding does not exclude CSOs on the basis of their constituency representation.

##### Relevant standards

While the criteria for determining the level of public funds available for each association must be objective and non-discriminatory, and clearly stated in laws and/or regulations that are publicly available and accessible, state funding may be limited to assistance provided to associations that fall into certain categories, such as women and minority groups. In such cases, the basis for preferential treatment of certain groups must be determined in a transparent manner. States should be especially encouraged to provide support to associations specialising in providing social services, and also to associations involved in human rights protection, policy-making, monitoring and advocacy. There should be no discrimination against associations owing to their fields of operation, including associations specialising in monitoring or human rights, and any practices excluding certain associations from all public financial schemes should be abandoned.<sup>50</sup>

##### How the indicator relates to the objective

Equitable distribution of public funding to CSOs with diverse membership and various organisational missions ensures that funding is awarded fairly and without discrimination. The indicator assesses whether this is the case.

#### Specific Objective 1.8

Individuals and corporations enjoy tax benefits for their donations to CSOs.

#### Indicator 1.8.a

Tax legislation allows for tax relief as regards:

- Individual giving
- Corporate giving.

##### Relevant standards

Access to funding is an integral part of the right to freedom of association. To enable its effective realisation, states may take a range of measures. These include creating tax or other incentives for businesses and natural persons to benefit from supporting associations by allowing income tax deductions, credits or other forms of tax relief on donations.<sup>51</sup>

##### How the indicator relates to the objective

The indicator assesses whether tax legislation allows for tax relief as relevant.

#### Indicator 1.8.b

Proportion of private individuals who have given money to a CSO.

##### Relevant standards

n/a

##### How the indicator relates to the objective

The proportion of private individuals who have given money to a CSO may indicate that donations are facilitated. The indicator assesses whether this is the case.



## Specific Objective 1.9

Tax benefits are available to CSOs.

### Indicator 1.9.a

Extent to which applicable tax laws provide for the following:

- CSO income generated from grants, donations, and membership dues, income from economic activities, investment income, real property, gifts and inheritance is not subject to taxation;
- any excess revenue or profit generated through economic activity and used for mission-related purpose by CSOs is not subject to corporate income/profit tax.

#### Relevant standards

Access to funding is an integral part of the right to freedom of association. NGOs should be assisted in the pursuit of their objectives also through forms of support that include exemption from income and other taxes or duties on membership fees, funds and goods received from donors or governmental and international agencies, income from investments, rent, royalties, economic activities and property transactions.<sup>52</sup> Other forms of support may include reducing costs of bank transfers or making donations from international organisations tax free.<sup>53</sup>

#### How the indicator relates to the standard

The indicator assesses whether the legal framework provides tax benefits for CSOs.

## Specific Objective 1.10

The policies and legal environment provide incentives and facilitate volunteering and employment in CSOs.

### Indicator 1.10.a

Laws regulating volunteering are adopted.

#### Relevant standards

Recognising the valuable contribution of volunteering to economic and social development, benefiting society at large, communities and the individual volunteer, governments should support it by creating a favourable environment which can be achieved by introducing legislation enabling fiscal, legislative, and other frameworks, including for community-based organisations and not-for-profit organisations engaged in volunteering. They can provide tax incentives and subsidies for organisations, as well as coverage and protection against risks. Legal and fiscal measures should not hinder volunteering with regard to legal and administrative issues, issues related to juridical status, rights to associational activities and resource mobilisation.<sup>54</sup>

Lack of a clear legal framework can be an obstacle to volunteering and, therefore, setting legal frameworks could give incentives to support the development of volunteering.<sup>55</sup>

#### How the indicator relates to the objective

A legal framework regulating volunteering facilitates volunteer engagement in CSOs. The indicator assesses whether such exists.



#### Indicator 1.10.b

Government volunteering strategies and programmes support volunteering for CSOs and have sufficient resources allocated for implementation.

##### Relevant standards

Lack of national strategies for promoting voluntary activities is a significant obstacle to the development of volunteering. Governments should promote favourable conditions for developing voluntary activities using instruments which may be necessary, including strategies for the promotion and development of voluntary activities.<sup>56</sup> National volunteering strategies should cover the following aspects: training, holiday benefits, social security, entitlement to unemployment benefits for cross-border volunteering activities, accommodation and reimbursements of out-of-pocket expenses.<sup>57</sup>

##### How the indicator relates to the objective

Volunteering strategies and programmes which are adequately resourced facilitate volunteer engagement in CSOs. The indicator assesses whether such exist.

#### Indicator 1.10.c

Proportion of CSOs that benefit from state employment strategies and programmes.

##### Relevant standards

There is a general requirement that CSOs not be treated less favourably than businesses. For instance, as regards reporting requirements, 'associations should not be required to submit more reports and information than other legal entities, such as businesses, and equality between different sectors should be exercised.'<sup>58</sup> Similarly, 'Oversight and supervision of associations should not be invasive, nor should they be more exacting than those applicable to private businesses.'<sup>59</sup> Auditing requirements should not require 'more cumbersome procedures to conduct audits of associations' activities, as defined in legislation, than they do to audit other entities, such as businesses.'<sup>60</sup> Moreover, 'any penalties for the late or incorrect submission of reports, or other small offences, should never be higher or harsher than penalties for similar offences committed by other entities, such as businesses.'<sup>61</sup> Analogously, therefore, CSOs should have the same access to state employment strategies and programmes as businesses do.

##### How the indicator relates to the objective

State employment strategies and programmes constitute an incentive for their beneficiaries. The indicator assesses whether CSOs have effective access to these.

#### Indicator 1.10.d

Proportion of CSOs that benefit from state volunteering strategies and programmes.

##### Relevant standards

Governments should make it possible for more people to become involved in voluntary activities and to be drawn from a broader cross-section of society, including youth, older persons and people with disabilities and persons belonging to minorities, targeting opportunities for voluntary activities to facilitate the active participation of those groups which have little or no access to the benefits of engaging in volunteering.<sup>62</sup>

##### How the indicator relates to the objective

State volunteering strategies and programmes constitute an incentive for their beneficiaries. The indicator assesses whether CSOs have effective access to them.



#### Indicator 1.10.e

Proportion of employees in CSOs in relation to the total workforce.

##### Relevant standards

n/a

##### How the indicator relates to the objective

A strong CSO workforce is an indication that employment in CSOs is facilitated. The indicator assesses whether this is the case.

#### Indicator 1.10.f

Percentage of people who have volunteered their time to an organisation.

##### Relevant standards

See 1.10.a, 1.10.b, 1.10.d.

##### How the indicator relates to the objective

A strong volunteering force may indicate that volunteering in CSOs is facilitated. The indicator assesses whether this is the case.



## Specific objective 2

Strengthened cooperation and partnership between CSOs and public institutions.

### Specific Objective 2.1.

Public authorities and institutions include CSOs in decision- and policy-making processes.

#### Indicator 2.1.a

Laws, bylaws, strategies, other acts of public interest and policy reforms are effectively consulted with CSOs in that:

- CSOs have access to the draft document from the beginning of the drafting process to the end of the adoption procedure;
- At least 15 days are allowed for commenting before the draft document enters adoption procedure;
- The use of extraordinary/expedited procedures to adopt legislation without allowing for consultation is an exception and duly justified;
- Reports on results of public consultations, including reasons for rejection of comments, are published in a timely fashion;
- Working groups members from CSOs are selected based on a public call, clear criteria and in line with equal treatment;
- Working group members from CSOs include representatives of society as a whole, including women's groups, LGBTIQ groups, migrant groups, minorities, disability groups, and others as appropriate, in line with the Human Rights Based Approach.

#### Relevant standards

The participation of citizens being the idea at the very heart of democracy, the right to participation in public affairs is firmly enshrined in international human rights standards. In fact, associations and groups of citizens are considered 'key partners in developing and sustaining a culture of participation and as a driving force in the practical application of democratic participation.'<sup>63</sup>

Article 25 of ICCPR safeguards 'the right of citizen [...] to take part in the conduct of public affairs directly or through freely chosen representatives [...].'<sup>64</sup> The Human Rights Committee has clarified that 'citizens also take part in the conduct of public affairs by exerting influence through public debate and dialogue with their representatives or through their capacity to organise themselves. This participation is supported by ensuring freedom of expression, assembly, and association'<sup>65</sup> and it includes informal civil society groups.<sup>66</sup>

The EU Charter recognises the right of the elderly and of persons with disabilities to participate in social and cultural life, and in the life of the community, respectively in Articles 25 and 26.

Article 15 of FCNM obliges states to 'create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.'<sup>67</sup> In this regard, it is not sufficient for states 'to formally provide for the participation of persons belonging to national minorities. They should also ensure that their participation has a substantial influence on decisions which are taken, and that there is, as far as possible, a shared ownership of the decisions taken.'<sup>68</sup>

Article 8 of the UN Declaration on Human Rights Defenders provides for the right of everyone



*individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs. This includes, inter alia, the right, individually and in association with others, to submit to governmental bodies and agencies and organisations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realisation of human rights and fundamental freedoms.*

With regard to the right to participate in the affairs of a local authority, states are to secure this right to everyone within their jurisdiction. The right denotes the right to seek to determine or to influence the exercise of a local authority's powers and responsibilities. Means to facilitate the exercise of this right should be provided by law which could include particular measures for different circumstances or categories of persons.<sup>69</sup>

The Human Rights-Based Approach, adopted by the EU in 2014 and updated in 2021<sup>70</sup> is a methodology that should guide all EU external actions in all sectors. The EU and its Member States need to consistently implement the HRBA, encompassing all human rights, to development cooperation<sup>71</sup>. According to the HRBA working principles, the EU and its partners need to ensure a meaningful and inclusive participation and access to decision-making, with the active participation of all groups, non-discrimination and equality.

Effective civil participation in political decision-making requires that:

- It be based on non-discrimination and inclusiveness so that all voices, including those of the less privileged and most vulnerable, can be heard and taken into account, enabling, in particular, gender equality and equal participation of all groups including those with particular interests and needs, such as young people, the elderly, people with disabilities or minorities.
- Different phases of the public decision-making process should be open to civil participation.
- Information should be easily accessible, transparent and available to the public except where classified or restricted for reasons clearly specified by law.
- Adequate information should be provided in a timely manner allowing for substantive input while decisions are still reversible.
- Public authorities should plan and manage civil participation and clearly define the objectives, actors, process, and timeline, as well as the methods used.
- The timeline allocated should provide, other than in exceptional and well-defined circumstances, sufficient opportunity to properly prepare and submit constructive contributions.
- Recourse to restricted procedures and/or procedures involving a limited number of actors should be made only in exceptional circumstances and for which reasons are given.
- Public authorities should solicit the widest possible range of contributions, including from marginalised, disadvantaged and vulnerable groups of people.
- Public authorities should not make a final decision until the end of the civil participation process which they have launched unless exceptional circumstances so require and subject to clear justifications being given.<sup>72</sup>

#### How the indicator relates to the objective

Effective realisation of the right to participation is essential for strong cooperation between CSOs and authorities. The indicator assesses the extent to which the legal framework enables effective CSO participation.



#### Indicator 2.1.b

CSOs are effectively included in oversight mechanisms.

##### Relevant standards

See 2.1.a.

##### How the indicator relates to the objective

Effective realisation of the right to participation is essential for strong cooperation between CSOs and authorities. The indicator assesses the extent to which the CSOs participate in oversight mechanisms.

#### Indicator 2.1.c

Proportion of CSOs that have participated in consultations during preparation of state reports under international human rights and other legal obligations and the implementation of treaty body recommendations.

##### Relevant standards

The process of state reporting to treaty bodies provides an opportunity for constructive dialogue and consultation of governments with a broad range of stakeholders, including civil society organisations. State reports to all UN human rights treaty bodies should also include information on the process of their preparation, including on

*The nature of the participation of entities outside of government or relevant independent bodies at the various stages of the report preparation process or follow-up to it, including monitoring, public debate on draft reports, translation, dissemination or publication, or other activities explaining the report or concluding observations of the treaty bodies. Such participants may include human rights institutions (national or otherwise), non-governmental organisations, or other relevant actors of civil society, including those persons and groups most affected by the relevant provisions of the treaties.<sup>73</sup>*

Some UN human rights treaty bodies explicitly require that ‘the report should provide information on machinery developed at the national level to ensure follow-up to the concluding observations of the Committee, including information on the involvement of civil society in this process,’<sup>74</sup> ‘States parties should provide information on cooperation with civil society organisations, including non-governmental organisations and children’s and youth groups, with regard to implementation of all aspects of the Convention [as well as] describe the manner in which the present report was prepared and the extent to which non-governmental organisations (NGOs), youth groups and others were consulted,’<sup>75</sup> or that reports should ‘include information on the measures taken by the State party for the dissemination and promotion of the Convention and on the cooperation with civil society in order to promote and respect the rights contained in the Convention.’<sup>76</sup>

Similarly, within the framework of Council of Europe conventions, such as the Framework Convention for the Protection of National Minorities, the treaty monitoring body requires states to report on the ‘Participation of minority organisations and other non-governmental organisations in the authorities’ implementation and monitoring of the Framework Convention, and their involvement in the preparation of the [...] report.’<sup>77</sup>

##### How the indicator relates to the objective

Effective realisation of the right to participation is essential for strong cooperation between CSOs and authorities. This includes participation of CSOs in the preparation of state reports under



international treaty obligations. The indicator assesses the extent to which the CSOs participate in the preparation of such reports.

## Specific objective 2.2

Public authorities and institutions acknowledge the importance of civil society in societal policy debate and EU integration processes.

### Indicator 2.2.a

Extent to which CSOs assess the attitude of public officials towards civil society as supportive.

#### Relevant standards

Article 8 of the UN Declaration on Human Rights Defenders provides for the right of everyone

*individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs. This includes, inter alia, the right, individually and in association with others, to submit to governmental bodies and agencies and organisations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realisation of human rights and fundamental freedoms.*

#### How the indicator relates to the objective

The attitude of public officials towards CSOs is critical in ensuring an enabling environment. The indicator assesses the CSO perception of the attitude of the public officials.

## Specific objective 2.3

Public authorities contribute to civil society strengthening by cooperating with civil society through strategic policy frameworks and relevant institutional mechanisms.

### Indicator 2.3.a

Proportion of CSOs that were effectively consulted in the preparation of civil society cooperation strategies.

#### Relevant standards

See 2.1a

#### How the indicator relates to the objective

Effective CSO participation is a critical precondition of the success of civil society cooperation strategies and the strengthening of civil society more broadly. The indicator assesses the extent of CSO participation in the drafting of the strategies.

### Indicator 2.3.b

IPA beneficiaries have adopted currently valid civil society cooperation strategies.

#### Relevant standards

Based on interpretation of standards under 2.1a



### How the indicator relates to the objective

A well-developed civil society cooperation strategy is a precondition for the strengthening of the civil society sector. The indicator assesses whether such a strategy exists.

#### Indicator 2.3.c

Civil society cooperation strategies are accompanied by adopted budgeted action plans.

### Relevant standards

Based on interpretation of standards under 2.1a

### How the indicator relates to the objective

Effective implementation of strategies requires resources. The indicator assesses the extent to which the resources are available.

#### Indicator 2.3.d

Proportion of CSOs that rate civil society cooperation strategies as relevant and effective.

### Relevant standards

See 2.1.a

### How the indicator relates to the objective

Relevant and effective civil society cooperation strategies are critical for sector strengthening. The indicator assesses the civil society perception of their relevance and effectiveness.

#### Indicator 2.3.e

Public structures responsible for the implementation of civil society cooperation strategies are appropriately resourced.

### Relevant standards

Based on interpretation of standards under 2.1a.

### How the indicator relates to the objective

As the appropriate government counterpart, state structures for the implementation of civil society strategies play a critical role in sector strengthening. The indicator assesses the extent to which they are adequately resourced so that they can fulfil their role.

#### Indicator 2.3.f

Mechanisms for dialogue between civil society cooperation councils and central governments meaningfully include CSOs in that:

- they have an agreed programme of work
- they have agreed rules of procedure
- they meet regularly
- rules allow CSOs to call the meetings and contribute to agenda setting
- there is adequate follow-up to conclusions and recommendations

### Relevant standards

Based on interpretation of standards under 2.1a.

### How the indicator relates to the objective

Effective mechanisms for dialogue between governments and civil society are an integral aspect of sector strengthening. The indicator assesses the extent to which they are effective.





## Specific objective 3

CSO capacity and resilience to carry out their activities effectively are reinforced.

### Specific objective 3.1

CSOs' internal governance structures follow the principles of good governance.

#### Indicator 3.1.a

Proportion of CSOs that have an independent and effective governing body with clear terms of reference to oversee the organisation's strategic goals, impact, management, legal compliance, and accountability, in line with Commitment 12 of the Global Standard.

##### Relevant standards

Commitment 12 of the Global Standard for CSO Accountability defines responsible leadership of an organisation as that shared by management and an independent governing body. Effective governance is one of its essential components. It encompasses sound financial management, legal compliance, effective human resources management and accountability for staff and volunteers. The role of an independent governing body is to oversee the organisational strategic direction, legal compliance, risk management and performance; hold governing body and management equally accountable for delivering on organisational strategic goals; nurture a culture of accountability; support responsible, visionary, and innovative leadership at all levels, and take internal and external complaints and disputes seriously. As a result, people trust the CSO and believe it is accountable for its performance and operations<sup>78</sup>

##### How the indicator relates to the objective

Independent and effective governing bodies are a precondition for good governance. The indicator assesses the extent to which CSOs have independent and effective governing bodies.

#### Indicator 3.1.b

Proportion of CSOs that regularly check potential conflicts of interest with regard to the political, economic and personal relationships of their governing body.

##### Relevant standards

See 3.1.a.

##### How the indicator relates to the objective

Preventing conflict of interest is a critical aspect of good governance. The indicator assesses the extent to which this happens in CSOs.

#### Indicator 3.1.c

Proportion of CSOs that share relevant information on their organisation using means and channels that are accessible to all stakeholders in terms of publishing

- their statutes
- governance structure
- organisational policies.

##### Relevant standards



Commitment 8 of the Global Standard for CSO Accountability describes open organisations as those transparent about their work and their identity. By sharing relevant information responsibly with people, partners, and the public, CSOs justify the trust and confidence put in them, and the civil society sector as a whole, contributing to the preservation of civic space. Open organisations share information about themselves in a timely and accurate way, including about what they do, how they make decisions, their resources, and the impacts of their work. They establish and uphold clear procedures to respect privacy rights and protect personal data from misuse, provide opportunities for people to question their work and engage in constructive dialogue to reach a shared understanding where possible, ensuring communication and marketing are reflective of their values.<sup>79</sup>

#### How the indicator relates to the objective

Transparency is a critical aspect of good governance. The indicator assesses the extent to which CSOs are transparent in that they publish relevant information.

#### Indicator 3.1.d

Proportion of CSOs that have an organisational gender equality policy.

#### Relevant standards

Commitment 2 of the Global Standard for CSO Accountability on women's rights and gender equality reiterates the vital role of gender equality in the socio-economic development of peaceful societies. CSOs must promote behaviours and attitudes that ensure opportunities, rights and obligations of women and men in all spheres of life. To do so effectively they should listen to women, men, girls and boys; lead by example and empower women and girls to live more fulfilled lives, and work closely with all parts of society to drive lasting social, economic and political change.<sup>80</sup>

The realisation of gender equality is a vital element for the socio-economic development of peaceful societies. Yet many women and girls still experience discrimination and encounter exclusion from power, education, and opportunities for financial independence. Access to these crucial political and economic resources enables more women and girls to participate fully in society and achieve their true potential. CSOs must promote behaviours and attitudes that ensure the opportunities, rights and obligations of both women and men are recognised and respected in all spheres of life, including within their own organisations.

#### How the indicator relates to the objective

Gender equality is a critical aspect of good governance. The indicator assesses the extent to which CSOs have gender equality policies.

#### Indicator 3.1.e

Proportion of CSOs that have an organisational strategy, including vision, mission, and goals.

#### Relevant standards

See 3.1.a.

#### How the indicator relates to the objective

The articulation of an organisational vision, mission and goals are critical to good governance. The indicator assesses the extent to which CSOs have articulated their vision, mission and goals.

### Specific objective 3.2

CSOs are able to communicate the results of their activities to the public.



### Indicator 3.2.a

Proportion of CSOs that have at least one on-line channel of communication.

#### Relevant standards

See 3.1.c.

#### How the indicator relates to the objective

Having at least one on-line channel of communication enables CSOs to communicate with the public. The indicator assesses the extent to which CSOs use on-line channels of communication.

### Indicator 3.2.b

Proportion of CSOs that have specialised communication staff

#### Relevant standards

n/a

#### How the indicator relates to the objective

Specialised staff can ensure that CSOs' communication is more effective. The indicator assesses the extent to which CSOs employ such staff.

### Indicator 3.2.c

Proportion of CSOs that cooperate with the media.

#### Relevant standards

Commitment 6 of the Global Standard on CSO Accountability on strong partnerships highlights the need for collaboration and coordination with other actors to enhance the ability of CSOs to work together to address complex issues in the long term, adopt a more holistic approach, identify gaps, and prevent duplication of efforts in achieving collective results. The combined strengths and perspectives of different actors can help to accomplish goals more efficiently and with greater impact. CSOs should build partnerships with organisations that work towards similar goals; ensure clear and fair roles and responsibilities; share information, resources, and knowledge, and make important decisions collectively.<sup>81</sup>

#### How the indicator relates to the objective

Cooperation with the media facilitates the communication of CSOs with the public. The indicator assesses the extent to which CSOs cooperate with the media.

## Specific objective 3.3

CSOs are transparent about their programme activities and sources of funding.

### Indicator 3.3.a

Proportion of CSOs that publish their annual reports and financial statements.

#### Relevant standards

See 3.1.c.

#### How the indicator relates to the objective



The indicator assesses the extent to which CSOs are transparent in that they publish the relevant information.

#### Indicator 3.3.b

Proportion of CSOs that publish information on their sources of funding and amounts received in the previous year.

##### Relevant standards

Commitment 10 of the Global Standard for CSO Accountability requires CSOs to use their financial and other resources in an efficient, effective, and ethical manner. Sound financial management requires organisations to acquire their resources ethically and use them in a way that reflects their values, realises their objectives, avoids waste, and contributes to lasting, positive changes. Therefore, CSOs must follow generally recognised financial accounting standards, ensure the implementation of strict financial controls, and reduce the risk of misuse of funds by handling resources responsibly in line with their mission and for their intended purpose. Moreover, they must ensure strict financial controls to reduce the risk of corruption, bribery, misuse of funds, and conflicts of interest, report openly and transparently about who provides their resources and how they are managed.<sup>82</sup>

##### How the indicator relates to the objective

The indicator assesses the extent to which CSOs are transparent in that they publish the relevant information.

#### Indicator 3.3.c

Degree of public trust in CSOs.

##### Relevant standards

See 3.1.a.

##### How the indicator relates to the objective

Transparency of CSOs contributes to increased public trust. The indicator measures the degree of public trust in CSOs.

### Specific objective 3.4

CSOs monitor and evaluate the results and impact of their work.

#### Indicator 3.4.a

Proportion of CSOs that have carried out an evaluation of their work in the last year.

##### Relevant standards

Commitment 4 of the Global Standard for CSO Accountability requires CSOs to undertake long-term strategies in partnership with other actors and organisations in order to achieve lasting positive change. A long-term and inclusive approach that addresses the root causes of current problems and that focuses on achieving sustainable impacts will contribute to increasing the trust in and the legitimacy of CSOs. To achieve this, CSOs need to learn from people and partners where value can be added; collaborate with other actors to build on one another's strengths and ensure accountability; support people to drive the changes they want to see; evaluate long-term results, as well as continuously monitor, evaluate, learn, adapt, and innovate.<sup>83</sup>



### How the indicator relates to the objective

The indicator assesses the proportion of CSOs that evaluate their work.

### Specific objective 3.5

CSOs use research and evidence to underpin their work.

#### Indicator 3.5.a

Proportion of CSOs whose work is based on evidence generated through research.

#### Relevant standards

Commitment 7 of the Global Standard for CSO Accountability recognises that advocating for fundamental change in the systems of power is crucial in order to address the root causes of injustice, poverty, violence, inequality, gender bias and environmental degradation. To combat them, CSOs must engage with and challenge the underlying values and identities that constrain public and political attempts to overcome the challenges people face. They play an important role in supporting and working with people to bring about meaningful change in policies at local, national, regional, and global levels. To be effective, CSOs must ensure their advocacy work is based on evidence and is informed by the views of affected people; advocate for positive changes which address root causes and their effects, as well as evaluate all effects and mitigate the risks for people involved in or affected by advocacy work.<sup>84</sup>

### How the indicator relates to the objective

The indicator measures the proportion of CSOs whose work is underpinned by research and evidence.

#### Indicator 3.5.b

Proportion of CSOs whose work is informed through consultation with people who have a stake in their current or future work.

#### Relevant standards

Commitment 1 of the Global Standard for CSO Accountability recognises that justice and equality require the participation of people in the decisions that affect their lives and hold those in power to account. In a just and equal society everyone can enjoy the same rights and freedoms to make choices about their lives regardless of their nationality, location, gender, gender identity, age, origin, ethnicity, indigeneity, religion, ability, class, socio-economic status, or any other status. Justice and equality allow people to participate in the decisions that affect their lives and hold those in power to account. As civic actors seeking change in conjunction with people, CSOs must work towards inclusive societies and attempt to influence behaviours, cultures, and systems to ensure that all people – especially the most vulnerable and marginalised – are treated justly and equally. To that end, CSOs must listen to people; lead by example; support people to know their rights, as well as collaborate with other actors to collectively address root causes and effects of injustice, violence and inequality.<sup>85</sup>

### How the indicator relates to the objective

It is important that research include the views of marginalised groups. The indicator assesses the extent to which CSO research engages marginalised groups.



### Specific objective 3.6

CSOs work in fair and respectful partnerships to achieve shared goals.

#### Indicator 3.6.a

Proportion of CSOs taking part in local, central, and international CSO networks.

##### Relevant standards

See 3.2.c.

##### How the indicator relates to the objective

Networks support the achievement of shared goals. The indicator assesses the extent to which CSOs take part in networks.

#### Indicator 3.6.b

Proportion of CSOs engaged in cross-sectoral partnerships with academia, social partners, and private sector.

##### Relevant standards

See 3.2.c.

##### How the indicator relates to the objective

Networks support the achievement of shared goals. The indicator assesses the extent to which CSOs take part in networks.

### Specific objective 3.7

CSO have a diversified funding base.

#### Indicator 3.7.a

Proportion of CSOs whose sources of donor income are diversified.

##### Relevant standards

n/a

##### How the indicator relates to the objective

The indicator assesses the extent to which CSOs have a diversified funding base.

#### Indicator 3.7.b

Proportion of CSOs raising funds from sources other than donors e.g. membership fees, corporate/individual giving and income generating activities

##### Relevant standards

n/a

##### How the indicator relates to the objective

Reliance on sources of funding other than donors indicates that sources of funding are diversified. The indicator assesses the proportion of CSOs whose funding comes from sources other than donors.



## Specific objective 3.8

CSOs have effective, empowered and developed human resources.

### Indicator 3.8.a

Proportion of CSOs that employ staff.

#### Relevant standards

Commitment 9 of the Global Standard for CSO Accountability recognises that effective organisations are composed of qualified and committed staff and volunteers; people who have the motivation and professional capacities to drive effective processes and achieve common goals. Professional, well-equipped, and loyal staff and volunteers improve the quality of an organisation's work and reduce risks of mismanagement. To achieve this, CSOs must have transparent and fair principles, policies and procedures for recruitment and employment; encourage and provide resources for staff and volunteers to constantly improve their skills; include staff and volunteers in planning and decision-making processes, as well as create safe and supportive workplaces.<sup>86</sup>

#### How the indicator relates to the objective

The indicator assesses the proportion of CSOs that have human resources.

### Indicator 3.8.b

Proportion of CSOs that have organisational human resources policies

#### Relevant standards

See 3.8.a.

#### How the indicator relates to the objective

Organisational staff policies are critical to empowering staff. The indicator assesses the proportion of CSOs that have organisational staff policies.

### Indicator 3.8.c

Proportion of CSOs that have advertised publicly their staff and volunteering vacancies in the last year.

#### Relevant standards

See 3.8.a.

#### How the indicator relates to the objective

Publicly advertised vacancies allow for a stronger and more diverse pool of candidates and therefore potential human resources. The indicator assesses the proportion of CSOs that advertise their vacancies publicly.

### Indicator 3.8.d

Proportion of CSOs that have organisational policies encouraging recruitment of a diverse workforce.

#### Relevant standards

See 3.8.a.

#### How the indicator relates to the objective

Diversity in recruitment is critical for strong and empowered human resources. The indicator assesses the extent to which such diversity is enabled through targeted recruitment.



Indicator 3.8.e

Proportion of CSOs whose staff and volunteers have attended a training course in the past year.

Relevant standards

See 3.8.a.

How the indicator relates to the objective

Human resource development is critical to empowered and effective people. The indicator assesses the proportion of CSOs whose staff have undergone training.



## Endnotes

- <sup>1</sup> OSCE/ODIHR-Venice Commission Guidelines on Freedom of Association, 2015, para. 94.
- <sup>2</sup> OSCE/ODIHR-Venice Commission Guidelines on Freedom of Association, 2015, para. 47.
- <sup>3</sup> OSCE/ODIHR-Venice Commission Guidelines on Freedom of Association, 2015, paras. 243-245.
- <sup>4</sup> Council of Europe, Recommendation CM/Rec(2007)14 of the Committee of Ministers to member states on the legal status of non-governmental organisations in Europe, 10 October 2007, para. 44.
- <sup>5</sup> Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950, Article 11.
- <sup>6</sup> Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950, Article 10.
- <sup>7</sup> Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950, Article 13.
- <sup>8</sup> OSCE/ODIHR-Venice Commission Guidelines on Freedom of Association, 2015, para. 36.
- <sup>9</sup> UN General Assembly, Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders), 1998, Article 9.
- <sup>10</sup> European Court of Human Rights, Guide on Article 13 of the European Convention on Human Rights, updated on 31 December 2021, paras. 32-44.
- <sup>11</sup> OSCE/ODIHR-Venice Commission Guidelines on Freedom of Association, 2015, paras. 116-117.
- <sup>12</sup> UN Declaration on Human Rights Defenders, 1998, Article 12(3).
- <sup>13</sup> UN Human Rights Council, Report of the Special Rapporteur on Human Rights Defenders, UN Doc. A/HRC/25/55, 23 December 2013, para. 55.
- <sup>14</sup> OSCE/ODIHR-Venice Commission Guidelines on Freedom of Association, 2015, para. 94.
- <sup>15</sup> OSCE/ODIHR-Venice Commission Guidelines on Freedom of Association, 2015, para. 228.
- <sup>16</sup> Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950, Article 11.
- <sup>17</sup> Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950, Article 11.
- <sup>18</sup> UN Human Rights Council, Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin: Ten areas of best practices in countering terrorism, UN Doc. A/HRC/16/51, 22 December 2010, para. 14.
- <sup>19</sup> UN Human Rights Council, Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin: Ten areas of best practices in countering terrorism, UN Doc. A/HRC/16/51, 22 December 2010, para. 16.
- <sup>20</sup> UN Human Rights Council, Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin: Ten areas of best practices in countering terrorism, UN Doc. A/HRC/16/51, 22 December 2010, para. 22.
- <sup>21</sup> UN Human Rights Council, Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin: Ten areas of best practices in countering terrorism, UN Doc. A/HRC/16/51, 22 December 2010, paras. 26-31; UN Human Rights Council, Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism: Impact of measures to address terrorism and violent extremism on civic space and the rights of civil society actors and human rights defenders, UN Doc. A/HRC/40/52, 1 March 2019, paras. 34-35.
- <sup>22</sup> UN Human Rights Council, Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism: Impact of measures to address terrorism and



violent extremism on civic space and the rights of civil society actors and human rights defenders, UN Doc. A/HRC/40/52, 1 March 2019, paras. 8, 20, 25, 27, 42.

<sup>23</sup> European Court of Human Rights, Guide on Article 11 of the European Convention of Human Rights, 31 December 2021, paras. 160, 164.

<sup>24</sup> OSCE/ODIHR-Venice Commission Guidelines on Freedom of Association, 2015, paras. 212, 214.

<sup>25</sup> OSCE/ODIHR-Venice Commission Guidelines on Freedom of Association, 2015, para. 104.

<sup>26</sup> OSCE/ODIHR-Venice Commission Guidelines on Freedom of Association, 2015, para. 226.

<sup>27</sup> OSCE/ODIHR-Venice Commission Guidelines on Freedom of Association, 2015, para. 225.

<sup>28</sup> OSCE/ODIHR-Venice Commission Guidelines on Freedom of Association, 2015, paras. 228, 234, 252; European Court of Human Rights, Guide on Article 11, para. 169.

<sup>29</sup> OSCE/ODIHR Guidelines on the Protection of Human Rights Defenders, 2014, para. 65.

<sup>30</sup> UN Human Rights Council, UN Special Rapporteur on the situation of human rights defenders, UN Doc. A/59/401, 1 October 2004, para. 82 (a).

<sup>31</sup> OSCE, Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, Moscow 1991, para. 43.

<sup>32</sup> OSCE, Istanbul Charter for European Security: III. Our Common Response, Istanbul 1999, para. 27.

<sup>33</sup> UN General Assembly, International Covenant on Civil and Political Rights, 1966, Article 25 (a).

<sup>34</sup> UN Human Rights Committee, General Comment 25, para. 8.

<sup>35</sup> Council of Europe Committee of Ministers, Guidelines for civil participation in political decision making, CM(2017)83-final, adopted on 27 September 2017, para. 2 (d).

<sup>36</sup> Council of Europe Framework Convention for the Protection of National Minorities, 1995, Article 15.

<sup>37</sup> Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities, Commentary on the Effective Participation of Persons Belonging to National Minorities in Cultural, Social and Economic Life and in Public Affairs, ACFC/31DOC(2008)001, adopted on 27 February 2008, para. 19.

<sup>38</sup> UN Human Rights Council, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, UN Doc. A/HRC/23/39, 24 April 2013, para. 8.

<sup>39</sup> UN Human Rights Committee, Viktor Korneenko et al. v. Belarus, Communication No. 1274/2004, U.N. Doc. CCPR/C/88/D/1274/2004 (2006), para. 7.2.

<sup>40</sup> UN Human Rights Council, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, UN Doc. A/HRC/23/39, 24 April 2013, para. 17.

<sup>41</sup> OSCE/ODIHR-Venice Commission Guidelines on Freedom of Association, 2015, para. 220.

<sup>42</sup> UN Human Rights Council, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, UN Doc. A/HRC/23/39, 24 April 2013, para. 10.

<sup>43</sup> OSCE/ODIHR-Venice Commission Guidelines on Freedom of Association, 2015, para. 203, 207.

<sup>44</sup> OSCE/ODIHR-Venice Commission Guidelines on Freedom of Association, 2015, para. 203, 207.

<sup>45</sup> OSCE/ODIHR-Venice Commission Guidelines on Freedom of Association, 2015, para. 205-206, 210-213.

<sup>46</sup> OSCE/ODIHR-Venice Commission Guidelines on Freedom of Association, 2015, para. 208.

<sup>47</sup> OSCE/ODIHR-Venice Commission Guidelines on Freedom of Association, 2015, para. 211.

<sup>48</sup> OSCE/ODIHR-Venice Commission Guidelines on Freedom of Association, 2015, para. 214.

<sup>49</sup> OSCE/ODIHR-Venice Commission Guidelines on Freedom of Association, 2015, para. 209, 211.

<sup>50</sup> OSCE/ODIHR-Venice Commission Guidelines on Freedom of Association, 2015, para. 208-210.

<sup>51</sup> Council of Europe Committee of Ministers, Recommendation of the Committee of Ministers to member states on the legal status of non-governmental organisations in Europe, CM/Rec(2007)14, adopted on 10 October 2007, para. 57; OSCE/ODIHR-Venice Commission Guidelines on Freedom of Association, 2015, paras. 206, 223.



- <sup>52</sup> Council of Europe Committee of Ministers, Recommendation of the Committee of Ministers to member states on the legal status of non-governmental organisations in Europe, CM/Rec(2007)14, adopted on 10 October 2007, para. 57.
- <sup>53</sup> OSCE/ODIHR-Venice Commission Guidelines on Freedom of Association, 2015, para. 223.
- <sup>54</sup> UN General Assembly Resolution Recommendations on support for volunteering, UN Doc. A/RES/56/38, 10 January 2002.
- <sup>55</sup> Commission Communication on EU Policies and Volunteering: Recognising and Promoting Crossborder Voluntary Activities in the EU, COM(2011) 568 final, 20 September 2011, pp. 3, 11.
- <sup>56</sup> Council of the European Union Conclusions on The role of voluntary activities in social policy, 14552/11, 3 October 2011, p.7.
- <sup>57</sup> Commission Communication on EU Policies and Volunteering: Recognising and Promoting Crossborder Voluntary Activities in the EU, COM(2011) 568 final, 20 September 2011, p.3.
- <sup>58</sup> OSCE/ODIHR-Venice Commission Guidelines on Freedom of Association, 2015, para. 225.
- <sup>59</sup> OSCE/ODIHR-Venice Commission Guidelines on Freedom of Association, 2015, para. 228.
- <sup>60</sup> OSCE/ODIHR-Venice Commission Guidelines on Freedom of Association, 2015, para. 233.
- <sup>61</sup> OSCE/ODIHR-Venice Commission Guidelines on Freedom of Association, 2015, para. 237.
- <sup>62</sup> UN General Assembly Resolution Recommendations on support for volunteering, UN Doc. A/RES/56/38, 10 January 2002.
- <sup>63</sup> Council of Europe Recommendation Rec(2001)19 of the Committee of Ministers to member states on the participation of citizens in local public life, 6 December 2001, Appendix 1, para. 12.
- <sup>64</sup> UN General Assembly, International Covenant on Civil and Political Rights, 1966, Article 25 (a).
- <sup>65</sup> UN Human Rights Committee, General Comment 25, para. 8.
- <sup>66</sup> Council of Europe Committee of Ministers, Guidelines for civil participation in political decision making, CM(2017)83-final, adopted on 27 September 2017, para. 2 (d).
- <sup>67</sup> Council of Europe Framework Convention for the Protection of National Minorities, 1995, Article 15.
- <sup>68</sup> Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities, Commentary on the Effective Participation of Persons Belonging to National Minorities in Cultural, Social and Economic Life and in Public Affairs, ACFC/31DOC(2008)001, adopted on 27 February 2008, para. 19.
- <sup>69</sup> Council of Europe Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority, Articles 1-3. Signed and ratified by Montenegro, North Macedonia and Serbia. Signed by Albania.
- <sup>70</sup> SWD(2021) 179 final. Commission Staff Working Document - Applying the Human Rights Based Approach to international partnerships
- <sup>71</sup> European Consensus on Development 'Our World, Our Dignity, Our Future' (2017)5
- <sup>72</sup> Council of Europe Committee of Ministers Guidelines for civil participation in political decision making, CM(2017)-83 final, 27 September 2017.
- <sup>73</sup> UN International Human Rights Instruments, Compilation of Guidelines on the Form and Content of Reports to be Submitted by States Parties to the International Human Rights Treaties, UN Doc. HRI/GEN/2/Rev.6, 3 June 2009, p. 13.
- <sup>74</sup> UN Committee on the Elimination of All Forms of Racial Discrimination in UN International Human Rights Instruments, Compilation of Guidelines on the Form and Content of Reports to be Submitted by States Parties to the International Human Rights Treaties, UN Doc. HRI/GEN/2/Rev.6, 3 June 2009, p. 50.
- <sup>75</sup> UN Committee on the Rights of the Child in UN International Human Rights Instruments, Compilation of Guidelines on the Form and Content of Reports to be Submitted by States Parties to the International Human Rights Treaties, UN Doc. HRI/GEN/2/Rev.6, 3 June 2009, p.91.



<sup>76</sup> UN Committee on the Rights of Migrant Workers in UN International Human Rights Instruments, Compilation of Guidelines on the Form and Content of Reports to be Submitted by States Parties to the International Human Rights Treaties, UN Doc. HRI/GEN/2/Rev.6, 3 June 2009, p.129.

<sup>77</sup> Council of Europe Advisory Committee to the Framework Convention for the Protection of National Minorities, Outline for State reports to be submitted under the fifth monitoring cycle of the Framework Convention for the Protection of National Minorities, 4-8 March 2019, para. I.c.

<sup>78</sup> Global Standard for CSO Accountability, 12 Commitments for Dynamic Accountability Guidance Materials, 2019, pp. 30-31. Available at [https://www.csostandard.org/wp-content/uploads/2019/09/2017\\_The-Global-Standard-Guidance-Materials.pdf](https://www.csostandard.org/wp-content/uploads/2019/09/2017_The-Global-Standard-Guidance-Materials.pdf).

<sup>79</sup> Global Standard for CSO Accountability, 12 Commitments for Dynamic Accountability Guidance Materials, 2019, pp. 22-23.

<sup>80</sup> Global Standard for CSO Accountability, 12 Commitments for Dynamic Accountability Guidance Materials, 2019, pp. 10-11.

<sup>81</sup> Global Standard for CSO Accountability, 12 Commitments for Dynamic Accountability Guidance Materials, 2019, pp. 16-17.

<sup>82</sup> Global Standard for CSO Accountability, 12 Commitments for Dynamic Accountability Guidance Materials, 2019, pp. 26-27.

<sup>83</sup> Global Standard for CSO Accountability, 12 Commitments for Dynamic Accountability Guidance Materials, 2019, pp. 14-15.

<sup>84</sup> Global Standard for CSO Accountability, 12 Commitments for Dynamic Accountability Guidance Materials, 2019, pp. 20-21.

<sup>85</sup> Global Standard for CSO Accountability, 12 Commitments for Dynamic Accountability Guidance Materials, 2019, pp. 8-9.

<sup>86</sup> Global Standard for CSO Accountability, 12 Commitments for Dynamic Accountability Guidance Materials, 2019, pp. 24-25.