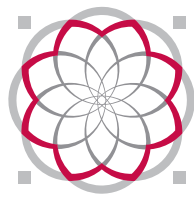# Implementing Istanbul Principles In 6 Arab Countries

ANND works in 12 Arab countries with 9 national networks (with an extended membership of 250 CSOs from different backgrounds) and 23 NGO members.

P.O.Box: 4792/14 | Mazraa: 1105-2070 | Beirut, Lebanon
Tel: +961 1 319366 | Fax: +961 1 815636

www.annd.org - https://www.facebook.com/www.annd.org

Implementation of Istanbul Principles in 6 Arab Countries

About Istanbul Principles

In 2011, more than 3000 delegated participated in the Fourth High Level Forum on Aid Effectiveness held in Busan to evaluate progress in international cooperation related to the provision of aid, enhancing developmental actions around the world, and the drafting of collective plans for the future of aid and development efforts by all stakeholders and actors. The Busan forum was preceded by similar high level forums (on the governmental level) on aid effectiveness, held in Accra 2008, Paris 2005, and Rome 2003. The concept was later developed to become Development Effectiveness.

As one of the stakeholders, civil society considered the Busan High Level Forum to be an important milestone recognizing that "Civil society organisations (CSOs) play a vital role in enabling people to claim their rights, in promoting rights-based approaches, in shaping development policies and partnerships, and in overseeing their implementation. They also provide services in areas that are complementary to those provided by states." Recognising this, civil society will: a) Implement fully our respective commitments to enable CSOs to exercise their roles as independent development actors, with a particular focus on an enabling environment, consistent with agreed international rights, that maximises the contributions of CSOs to development. b) Encourage CSOs to implement practices that strengthen their accountability and their contribution to development effectiveness, guided by the Istanbul Principles and the International Framework for CSO Development Effectiveness."

The CSO Open Forum adopted the Istanbul Principles in 2010, following intensive Consultative meetings on the regional and national levels held with civil society stakeholders from around the world. More than 3500 organizations participated in the process. The common framework of the Principles sets out effective practices by CSOs to achieve development and clarifies the minimum standards for establishing an enabling environment for civil society work. It also reflects a developmental vision and a basis to enhance development effectiveness and practices by CSOs.

While civil society work is guided by a set of shared values and approaches, national contexts and various approaches must be taken into account, including the understanding of civil of these principles and the ways these organizations could transform these international standards into practice.

In this context, the Arab NGO Network for Development has developed a number of research papers on the implementation of the Istanbul Principles in six Arab countries, which evaluate the enabling environment for CSOs and the level of their knowledge and ability to adhere to these Principles.

Istanbul Principles

Istanbul CSO Development Effectiveness Principles[1]

Civil society organizations are a vibrant and essential feature in the democratic life of countries across the globe. CSOs collaborate with the full diversity of people and promote their rights. The essential characteristics of CSOs as distinct development actors – that they are voluntary, diverse, non-partisan, autonomous, non-violent, working and collaborating for change – are the foundation for the Istanbul principles for CSO development effectiveness. These principles guide the work and practices of civil society organizations in both peaceful and conflict situations, in different areas of work from grassroots to policy advocacy, and in a continuum from humanitarian emergencies to long-term development.

1. Respect and promote human rights and social justice
CSOs are effective as development actors when they … develop and implement strategies, activities and practices that promote individual and collective human rights, including the right to development, with dignity, decent work, social justice and equity for all people.

2. Embody gender equality and equity while promoting women and girls' rights
CSOs are effective as development actors when they … promote and practice development cooperation embodying gender equity, reflecting women's concerns and experience, while supporting women's efforts to realize their individual and collective rights, participating as fully empowered actors in the development process.

3. Focus on people's empowerment, democratic ownership and participation
CSOs are effective as development actors when they … support the empowerment and inclusive participation of people to expand their democratic ownership over policies and development initiatives that affect their lives, with an emphasis on the poor and marginalized.

4. Promote Environmental Sustainability
CSOs are effective as development actors when they … develop and implement priorities and approaches that promote environmental sustainability for present and future generations, including urgent responses to climate crises, with specific attention to the socio-economic, cultural and indigenous conditions for ecological integrity and justice.

5. Practice transparency and accountability
CSOs are effective as development actors when they … demonstrate a sustained organizational commitment to transparency, multiple accountability, and integrity in their internal operations.

---

[1] Please note, the Istanbul Principles, as agreed at the Open Forum's Global Assembly in Istanbul, September 28 -30, 2010, are the foundation of the Open Forum's Draft International Framework on CSO Development Effectiveness. These principles are further elaborated in Version 2 of this Framework, which is being updated and will be found on the Open Forum's web site, **www. csoeffectiveness.org.**

6. Pursue equitable partnerships and solidarity

CSOs are effective as development actors when they … commit to transparent relationships with CSOs and other development actors, freely and as equals, based on shared development goals and values, mutual respect, trust, organizational autonomy, long-term accompaniment, solidarity and global citizenship.

7. Create and share knowledge and commit to mutual learning

CSOs are effective as development actors when they … enhance the ways they learn from their experience, from other CSOs and development actors, integrating evidence from development practice and results, including the knowledge and wisdom of local and indigenous communities, strengthening innovation and their vision for the future they would like to see.

8. Commit to realizing positive sustainable change

CSOs are effective as development actors when they … collaborate to realize sustainable outcomes and impacts of their development actions, focusing on results and conditions for lasting change for people, with special emphasis on poor and marginalized populations, ensuring an enduring legacy for present and future generations.

Guided by these Istanbul principles, CSOs are committed to take pro-active actions to improve and be fully accountable for their development practices. Equally important will be enabling policies and practices by all actors. Through actions consistent with these principles, donor and partner country governments demonstrate their Accra Agenda for Action pledge that they "share an interest in ensuring that CSO contributions to development reach their full potential". All governments have an obligation to uphold basic human rights – among others, the right to association, the right to assembly, and the freedom of expression. Together these are pre-conditions for effective development.

Istanbul, Turkey
September 29, 2010

Introduction

Ziad Abdel Samad
Executive Director – Arab NGO Network for Development

Civil Society Organizations contribute to the developmental process and to achieving social change through democratic, peaceful, plural, and innovative methods. In addition to being tools for social solidarity, provision of services, and mobilization of communities to engage in the developmental process, they also work on empowering these communities to demand their rights in order to improve their living conditions and build a democratic and just state.

The Development Effectiveness process considers civil society to be one of the stakeholders, along with national and local governments, the private sector, and parliaments, being an effective and influential partner in the process. Recognizing the importance of this role, in addition to the challenges, opportunities, and responsibilities entailed, CSOs aim to fulfill the necessary conditions to enhance their participation and maximize their influence in the developmental and political process. This is achieved through stressing the adherence to self-accountability standards in their developmental practices and their pursuit to "civil society effectiveness in development."

The principle of mutual accountability, one of the five foundations of the Paris Declaration on Development Effectiveness (2005), cannot be one-sided. Thus, if CSOs are concerned about the accountability of other stakeholders, they must begin to set their own principles and standards and adhere to them.

In 2010, more than 200 organizations from 82 countries, representing various communities and sectors, adopted the Istanbul Principles for CSO Development Effectiveness as a culmination of a three-year process, which involved 3,500 organizations from around the globe.

But despite the discourse that adopts multi-stakeholder partnerships and stresses the growing recognition of the role of civil society, available spaces and participation opportunities are shrinking on the international, regional, and national levels. Laws currently being adopted contain measures that limit the abilities of CSOs, restrict their work, and violate their rights. This is especially true for CSOs working in the field of human rights protection, environmental rights, and gender-based equality.

However, multi-stakeholder partnerships and participation in the developmental and political processes require providing an enabling environment, beginning with laws that allow for the freedom of assembly, organizing, and work. This is not to mention the need for access to information and human and material resources, in addition to guaranteeing freedom of expression and creed to achieve full independence.

Based on the above, CSOs meeting in Cambodia in 2011 adopted mechanisms to follow-up on the commitment to the Istanbul Principles and evaluate the progress in their implementation. This report serves as a part of the evaluation efforts, in the context of the international process for Development Effectiveness, covering six countries.

Implementing Istanbul Principles in 6 Arabic Countries

Part 1

Implementation of Istanbul Principles in Bahrain

Dr. Hussein al-Rubai

First

Report Methodology

1. Examination of the sources of work (reports, websites, previous UN reports)

The research team reviewed several reports on NGOs in Bahrain and the circumstances or environment where they operate. This report will analyze the difficulties of implementation faced by these associations, especially independent ones, in their local, international, and Arab programs and participation.

2. Preparation of a questionnaire

The researchers prepared a questionnaire to study the situation and the working environment of NGOs from the perspective of these associations' representatives. The survey analyzed the obstacles they face, the proposed solutions from their point of view, and the possibility of benefiting from the Istanbul Principles in developing the performance of these associations in the implementation of their programs and building partnerships with local and external organizations. The questionnaire contains 41 questions, some of which need simple explanations. The reason for adopting quick-answer questions is to facilitate the analysis and to get quickly to the problems that hinder the implementation of the Istanbul Principles or to the problems that impede the work and development of NGOs, with an aim to develop solutions, recommendations, and proposals for future treatment.

3. Interviews with some volunteers in civil work

The team conducted additional interviews with 8 volunteers, some of whom were heads of NGOs or civil society activists, and others who are still working to support and implement NGO programs.

Second

Introduction

The Kingdom of Bahrain

The Kingdom of Bahrain consists of a group of islands located in the eastern part of the Arabian Gulf of the Arabian Peninsula, whose capital is Manama. Bahrain was linked to Saudi Arabia with an industrial bridge built at the beginning of the 1980s with a length of 26 kilometers. It is called the King Fahad Bridge, the only land road linking Bahrain with the outside world. It is bordered to the northeast by the State of Qatar. The population is about 1.332 million, of whom Bahrainis make up about %48, while the percentage of foreigners is %52. Annual GDP is about US $ 302.22 billion as of 2015.[1]

Chart showing Bahrain's gross domestic product (GDP) from 2006 to 2015
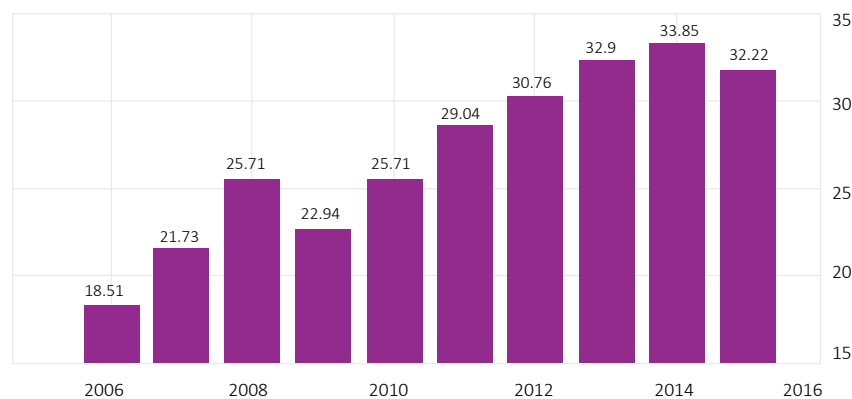
Bahrain was one of the first Arab countries to recognize voluntary civil work through unorganized popular gatherings. Thus, voluntary work evolved at the beginning of the last century to consist of clubs or social associations that carry out various activities such as culture (Al Ourouba Club) or sports, such as Al-Muharraq and Al-Manama clubs and others. This work developed at the beginning of the seventies, with independence, and was organized within the laws of the system and civil associations representing the whole civil society institutions, which were still known as associations, clubs and federations, and are older than in other Gulf countries. The creation of clubs and associations began in Bahrain since the beginning of the twenties, such as literary club - Al-Muharraq 1920, Al Ahli Club 1936, Al Ourouba Club 1939, the family of writers 1969, the Association of Engineers 1972, the Association of medical doctors 1972. As for human rights, it is a relatively new concept that began circulating in the post-independence period on August 1971 ,14. The work on it increased in the early 1980s. [2]

---

[1] « Trading Economics» http://ar.tradingeconomics.com/bahrain/gdp

[2] Report by Mr. Sharaf Al-Moussawi for a session of the Human Rights Council in 2015.

The development of the work in NGOs led the government to issue a law regulating the work of these institutions in 1989. The law is still applied, despite attempts to amend and develop it or to issue a new version of this law according to the development of civil work in Bahrain, which is considered one of the advanced Arab countries in this field. However, all these attempts did not lead to a text for a new law.

The Ministry of Labor and Social Development publishes on its website information about civil society organizations (CSOs), including the number of associations, clubs and others operating in Bahrain. According to the Ministry›s statistics, there are 435 licensed NGOs in Bahrain. These associations are classified as follows:

Number of CSOs According to the Ministry's Classification as of August 2016[3]

Total	Undefined	South	Middle	North	Capital	alMuharrak	Type of NGO
21	0	0	5	4	10	2	**Women Cause**
125	42	2	21	9	39	12	**Social**
21	1	0	5	11	2	2	**Youth**
28	0	0	6	7	7	8	**Islamic**
17	0	2	3	4	5	3	**Charity Funds**
91	2	1	23	38	13	14	**Charity NGOs**
64	28	0	3	2	30	1	**Technical**
45	10	0	5	9	10	11	**Private Organizations**
23	8	0	3	5	4	3	**Cooperative NGOs**
435	91	5	74	89	120	56	**Total**

To clarify further, these organizations span the following specializations: women's rights, churches, youth, philanthropy, foreign community clubs, human rights organizations, labor organizations, Gulf organizations, and others. All these classifications fall under the same current legal scope.

The objective of writing this report is to shed light on the legislative aspect and the freedom offered to civil society through associations and the scope of these organizations' contributions to achieving sustainable development. What is of paramount importance is how much these organizations can benefit from Istanbul Principles for Civil Society Development Effectiveness, to create a practical reality that contributes directly to development. The study showed that the majority of the associations have no knowledge of the Istanbul Principles and it seems the main reason behind that is that the authorities did not offer the suitable chances for those organizations to communicate enough with international conferences that discuss the role of CSOs, nor communication among the organizations themselves and others outside Bahrain due to the tights work scope available for these organizations, especially that the law currently enforced officially prohibits communication between national and foreign organizations. Article 20 of the Organizations decree law dated 1989

---

[3] The website of the Ministry of Labor and Social Development

http://www.mlsd.gov.bh/ngos/national-ngos-support-center

stipulates the following: "No organization shall be allowed to enroll, register or join any organization, committee, club or federation located outside Bahrain without a prior permission from the competent administrative authority. Should 25 days pass without receiving a reply about the affiliation, subscription or membership at hand from the competent administrative authority, it shall be considered declined."

Moreover, "no organization shall be allowed to receive money from any foreign individual or party or send anything of the aforementioned to people or organizations abroad, unless with a permit from the competent administrative authority; in exception of amounts for buying books, publications, and scientific, and technical records." [4]

This article does not encourage organization to take part in forming Arab or international partnerships. At a time when these organizations suffer from lack of financial allowances, the relevant authorities forbid associations from acquiring foreign financing (also Article 20), while setting strict and specific standards and conditions to acquire this support. Regardless of this, the Ministry no longer allows such financing and has banned it since 2011. The resulting situation contributed to hindering the endeavors of CSOs in achieving the goals mentioned in their Articles of Association or providing the needs of society and their beneficiaries. Furthermore, the Ministry does not offer specialized workshops to introduce CSOs to these Principles and other topics agreed upon in international conferences, which encourage governments to offer chances and a wider scope of freedom for civil society to take part and work on developing society in general and developing associations themselves.

In its 2015 report, Front Line Defenders stressed that: "Authoritarian governments across the globe continued to invest huge efforts and resources to close down, silence, restrict and discredit independent civil society and human rights defenders (HRDs), especially those critical of government policies. There has been a sustained effort by repressive governments to target HRDs within their borders through legal and extra-legal means, as well as internationally, through travel restrictions, reprisals and attacks on civil society space in international fora."[5]

---

[4] Decree Law number 21 dated 1989 pertaining to the law governing organizations, social and cultural clubs, special committees working in the field of the youth and sports, and private institutions.

[5] Front Line Defenders, 2015 annual Report, "Human Rights Defenders in the Balance," 2014, p. 1.

Third

Legislative Aspect

1. The Constitution and International Conventions

The Kingdom of Bahrain adhered and ratified the International Covenant on Civil and Political Rights (ICCPR) in 2006 as per law number 56 issued in September 20. Article 22 of the Covenant stipulates the following: **"Everyone shall have the right to freedom of association with others."**

The ICCPR allows placing some tight restrictions on practicing the right of forming organizations, as stipulated in Article number 22. The text of the article is as follows: "No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others." [6]

The Bahrain, alongside other Arab nations, has abused this text to restrict the freedom of associations and place many restrictions within the rule of the law governing the work of these organizations, which led to narrowing the scope available for the work of CSOs.

Article 27 of the Constitution of the Kingdom of Bahrain stipulates the following: **"The freedom of forming organizations and unions with patriotic foundations, legal goals, and peaceful means… etc."**

Article 31 of the Constitution forbade the curtailing and the limitation of the right to freely form organizations, as the article stipulates **"Regulation or limitation of any rights of public freedoms stipulated in this constitution shall not be done except through the law or based on it. Such regulation or limitation shall not affect the essence of such right of freedom". [7]**

As it is clearly stated, the constitutional text grants individuals the right to form organizations which abides by international conventions ratified by the Kingdom of Bahrain; however the problem does not reside in the legal text but in its application.

In 1999, His Highness Sheikh Isa Bin Salman Al Khalifa passed away, may his soul rest in peace, so His Royal Highness King Hamad Bin Isa Al Khalifa took control of the Kingdom and started applying radical and important reforms to political and daily life. The reforms included the abolition of the State Security law in February 2001, the abolition of the State Security Tribunals, the release of hundreds of political prisoners and detainees, and allowing political opposition members in exile to return to the country without fear of tribunals or being prosecuted by the judicial system. These measures, which were taken as part of the reform project adopted by his Royal Highness, contributed

---

[6] Article 22 from the International Covenant on Civil and Political Rights

[7] The Constitution of the Kingdom of Bahrain ratified on February 2002 ,14

to establishing many associations working in all fields, including the Bahrain Transparency Society and human rights organizations. As a result, the General Federation of Bahrain Trade Unions (GFBTU) was founded after allowing labor blocs to establish their own unions in large and small companies.

However, these measures forbid employees of ministries and other governmental bodies from forming independent unions, as the law was limited to the private sector. The GFTU continues to demand allowing governmental entities to establish unions as per the special law governing the establishment and formation of unions. However, the reform project was later constrained and led to the closing down of organizations working in the human rights field, such as Bahrain Center for Human Rights which was closed down in 2004; not allowing some individuals to found organizations such as Bahrain Youth Society for Human Rights; dissolving the board of Bahrain Transparency Society; or dissolving the General Secretariat of the Bahrain Center for Human Rights and appointing people from the Ministry to manage these organizations. However, soon the organizations resumed their work competently and independently.

2. Currently Enforced Laws for Associations and Clubs

The work, membership, and activities of national associations are governed by the Law on Social and Cultural Organizations, Clubs, and Private Committees Working in the Field of Youth and Sports, issued by Decree Law Number 21 dated 1989 and amended by virtue of Decree Law Number 44 dated 2002 and its pertaining ministerial decisions, which enjoy the same legal power as the law itself. This gives the ministry the right to control the establishing of independent organizations and imposing conditions that limit the facilitations of forming an organization, as the situation is now.

In 2007, the Ministry of Social Development held numerous workshops in collaboration with CSOs to study and suggest a new law, taking into consideration the specializations of these organizations and differentiating them (sports, cultural, philanthropic, professional, etc.). This diversity in organizations requires general articles and other articles related to the competence and activity of each. The Ministry has also sought the help of some international associations to review the draft law, along with its general stipulations, articles, and new legal texts needed for the work of local volunteers in Bahrain. Civil society and associations were two of the main topics discussed in the national dialog meetings held in July 2011. Numerous recommendations, reached after this dialog, were given to his Majesty the King as part of a report on the recommendations of the national dialog, including political, economic and other aspects. Among the most important of these recommendations is ratifying a modern and progressive law to govern CSOs instead of the 1989 law which no longer meets the expectations of the national and civil society work in Bahrain. In 2013, the Ministry of Social Development presented a draft bill, which is not up to expectations and will be discussed below.

Constraints on the establishment of organizations resulting from the practices of the Ministry of Social Development at the time, and in counterpart the improvement of the political movement and establishing the CSOs during the same phase has led to a new phenomenon, which is establishing uncertified and legally unregistered organization. These institution became an imposed reality after international associations recognized their efforts (for example the Bahrain Center for Human Rights

which was dissolve in September 2004 by the Ministry but continued to work without a local permit). In counterpart, some individuals affiliated with some governmental entities established human rights organizations but their activities were not accepted locally or internationally. Some of these organizations disappeared after the people who founded them ceased their civil and local work for a reason or another.

The suggested law does not go hand in hand with the results of the national dialog in 2011, whose recommendations number 38 ,37 and 39 in the social section included amending articles in the associations law and ratifying a modern law to govern organizations; giving more freedom to the work of national civil organizations and institutions, in addition to ruling between these organization according to the goals of each.

The most important conclusions reached by the dialog participants are:
1. The need to review the law governing civil society institutions,
2. Allowing them to contact adopted foreign organizations who help them in their specializations within the restrictions and the law that imposes transparency,
3. Looking into increasing the support offered to CSOs,
4. Reducing the number of CSOs based on the number of individuals who found these organizations and to avoid the repetition of the organizations' activities,
5. Developing the measures for following up with civil society institutions,
6. Setting a national strategy for cultural work,
7. Allowing the establishing of labor union for the public sector,
8. Establishing a fund to support civil society institutions in the private sector,
9. Lifting all the obstacles and restrictions which hinder the work of organizations and strengthening the partnership between the Ministry and civil society institutions, and
10. Keeping these institutions away from politics. [8]

Unfortunately, the bill draft law presented to the Parliament, did not include these modern directives which were adopted by the National Dialog Conference.

3. The New Draft Law

In 2013, The Ministry of Social Development at the time (currently named Ministry of Labor and Social Development after merging the two ministries) presented a bill draft law for associations in Bahrain and in a valued step taken by Bahraini Parliament, his Excellency Former Speaker of the House Mr. Khalifa Al Thahrani spoke to group of associations asking for their point of view about the bill draft law. As a result, two groups were established. The first group was dubbed the transparency group and its coordination work and leadership was handled by the Bahrain Transparency Society and included 13 organizations (Bahrain Humans Rights Society, Bahrain Women Union, Bahrain Society Against Normalization, Bahrain Society of Sociologists, Awal Women Society, Shabeeba Society of Bahrain, Bahrain Democratic Youth Society, National Society for the Support of Education and Training,

---

[8] Bahraini Akhbar Al Khaleej Newspaper, issue number 12154 www.akhbar-alkhaleej.com/12154/article_touch/450171.html

Sitra Society for Women Empowerment, and other organizations). The second was dubbed the white group and included 23 associations. Both groups offered their points of view to the Parliament while the Transparency group suggested crucial changes to the bill draft law including most of its articles. The most prominent remarks are:

1. If the Ministry does not reply to the founding request within 60 days, the request shall be considered rejected. However all activists and international standards consider that the Ministry's refraining from replying should be considered as an approval. In case of refusal, the Ministry should offer justifications.

2. The law requires anyone who raises a demand to found an organization to ensure premises and full equipment before establishing the organization, in addition to providing money to run the premises and the organization for two years. This condition constitutes a financial burden on the founders, especially that most of their efforts are unremunerated volunteer work and without any support from the Ministry. In this case, it is impossible to present an organization founding demand without any financial support, and in most cases, the support comes from parties who have enough money to influence the new organization, which contradicts the independence of the organizations from different influencers.

3. The bill draft law granted absolute power to the Ministry, as its employees decide at their own discretion to shut down organizations even for reasons that do not require such a measure and asks the injured to resort to the law. Meanwhile activists ask that any shutting down of an organization should be done by virtue of a court decision after the Ministry presents enough justifications for that, in accordance with the spirit of the Constitution and international conventions on freedom of labor and founding organizations.

4. The law has given full authority to the Ministry to search the premises of the organizations at any time they wish and without the presence of a representative of the organization, which is considered to be an absolute right that is hard to deal with.

5. Limiting the freedom of joining associations as well as Arab and international networks without its approval.

6. Subjecting members of the board of associations to incarceration and imprisonment as a result from practicing their work. [9]

His Highness King Khalifa Bin Salman Al Khalifa, Prime Minister has done well when he pulled the bill draft from the discussions in the Parliament in 2014, after the Parliament held its ordinary session. Civil society activists considered that rewriting this bill draft law and holding workshops for this purpose, as previously done by the Ministry in 2007 and offer a new and modern law that meets the expectations of the national and civil work in Bahrain; taking into considerations the changes and updates, as well as deep rooting the civil work in Bahrain. This is especially important because the civil institutions' work in Bahrain in considered one of the best civil activity on the Arab level in terms of organization, efficiency, and productivity. The new law must take into consideration the different fields of the activities of civil society institutions in Bahrain.

---

[9] The Transparency Group memorandum sent to the Speaker of the House.

Reality and Actual Practices

1. <u>Dissolving some organizations and interfering in the election of others</u>

In 2015, the Ministry of Labor and Social Development dissolved the board of 18 associations for many reasons including not holding a general assembly or not electing a board for a long while which is considered to be an infringement of the law enforced in Bahrain.

In a statement by the Director of the Associations' Authority in the Ministry of Labor and Social Development, the Ministry forcefully dissolved 10 organizations in 2016 while the files of 15 other organizations are being reviewed before dissolving. [10]

Since 2011 and after the Arab Spring in Bahrain, the Ministry of Social Development interfered directly in associations, as the Ministry dissolved many organizations including:

. Bahrain Teachers Society and confiscating their furniture, the content of the organization's office namely documents and the cash money
. Bahrain Nursing Society
. Bahrain Center for Human Rights, as previously mentioned
. The Ministry interfered in 2011 in the elections of some organizations, which led to influencing the results of the organizations' board elections. Foreign doctors were given the right to vote in the elections of the Doctors' Society.

2. <u>Not Disclosing the Founding of Some Organizations</u>

The Ministry of Social Development refused in 2005 to register Bahrain Youth Society for Human Rights. In 2009, it refused the request of a group of Bahraini journalist to register Bahrain Transparency Society. According to the organization's bylaws, its goal is to monitor the elections on the municipal and national level as well as the internal elections of CSOs. In 2013, another group of Bahraini youth requested the founding of an organization dubbed INSAF, however the request was declined. In counterpart similar rights organizations affiliated with official figures were granted permit. [11]

3. <u>The National and Social Action Fund for Financial Support to NGOs</u>

The Ministry of Labor and Social Development established a special fund for the financial support of CSOs in all their specialties. The budget of this fund in 2015 was about 1.2 million US dollars. These subsidies were distributed annually to cover the costs of establishing some of the projects implemented by these institutions. In other words, the provision of assistance are linked to projects that contribute to development, despite the bureaucracy and sometimes impeding conditions of some associations, and the granting of such support is also subject to the Ministry›s acceptance and activities, or its prohibitions. However, this fund is considered a major donor to the CSOs in order to carry out their activities in light of the failure of the institutions to obtain foreign funding and the

---

[10] Bahraini Alayam Newspaper, issue number 10004, Monday, August 2016, 29 or 26 Thu Al 'Iqda, 1437.

[11] Human Rights Watch report entitled « Interference, Limitation, and Domination" the restrictions imposed on the freedom of founding organizations in Bahrain issued by Human Rights Watch 2013.

lack of financial support from the government to these institutions to at least cover their operating expenses. The fund includes representatives from the Ministry of Labor and Social Development, the Bahrain Chamber of Commerce and Industry, the Ministry of Justice and Islamic Affairs, three members of national banks and three members of national companies. It is clear that this fund does not recognize the civil society institutions as a partner. Therefore, its membership does not include any representative of these institutions. It is worth noting that most of the sources of funding for this fund are from the private sector. The government contributes through the Ministry of Labor and Social Development with 100 thousand dinars (265,250 US, i.e. $ %22) per year only. [12]

---

[12] Website of the Ministry of Labor and Social Development http://www.mlsd.gov.bh/ngos/financials

Fourth

Istanbul Principles for the Promotion of Civil Society Development (Explanation of the Eight Principles) [13]

CSOs are one of the symbols of democratic systems and one of the most important elements of United Nations standards in the process of the global democratic system. The United Nations, through its organizations and, most importantly, through international conventions signed by the States, is keen on giving certain roles to civil society institutions, such as the United Nations Convention against Corruption, the Universal Periodic Review (UPR) and other conventions and processes. This role and the expected roles of CSOs› contributions to the national development of States require that these institutions play an important role in their internal development. The most important elements of the development of these institutions are transparency, accountability, independence, neutrality, efficiency and non-politicization, especially if we know that work in these institutions is voluntary, characterized by pluralism, professionalism and part-time. The proposed broad participation of these institutions requires the continuity of their development. Therefore, many high-level international forums have taken care of the institutions of civil society and recognized their active role in sustainable development, for example, Busan November 2011, Istanbul 2010 and others. The Istanbul Principles have been reached and adopted to provide a real opportunity for CSOs to develop their internal tools and have real to contribute effectively to development.

These principles require that these institutions develop strategies, activities, and practices that promote the culture of individual and collective human rights, as they relate to development, preserve human dignity and achieve social justice and equality among all. The Principles work for equality between men and women, increasing the focus on women empowerment and supporting their efforts to obtain their individual and collective rights, and in particular their effective participation in development and family stability. This is supposed to be one of the most important objectives that CSOs work on in all their specialties and expertise despite the barriers imposed on them in this field, especially in our Arab countries. We believe that one of the most positive actors with positive results on the institutions themselves is transparency and internal accountability, monitored and implemented seriously; the affairs of the internal institutions will hence progress on a deep and effective basis.

---

[13] Papers of the workshop organized by the Arab Network with the others / Erbil, Nov 2012

Istanbul Principles:

1. Respect and promote human rights and social justice
2. Embody gender equality and equity while promoting women and girls' rights
3. Focus on people's empowerment, democratic ownership and participation
4. Promote environmental sustainability
5. Practice transparency and accountability
6. Establish fair partnership deals and build solidarity
7. Create and share knowledge and commit to mutual learning
8. Commit to realizing positive sustainable change

Fifth

Analysis of the survey

It is common knowledge in Bahrain that the general cultural environment does not deal positively with questionnaires. Contacts were made by telephone and direct meetings. We received only two questionnaires by e-mail, while the responses to the phone and the direct meetings were 39, bringing the number of completed questionnaires to 41, of which 12 were women i.e. %29 and 29 men, i.e. %71. We believe this is a normal percentage, which is in proportion to civil society activists. The questionnaires stood for the period from October 2016 ,23 to December 2016 ,7. Fifty-five questionnaires were sent, with a total of 41 responses, i.e., %75 of respondents responded to the questionnaire through available means and responses, which we believe to be a high proportion due to direct contact with those surveyed.

As far as possible, we tried to diversify the selection of CSOs and to take into consideration youth and women. Religious associations and associations of foreign communities were excluded. The associations that responded to the questionnaire were as follows:

Categories of associations that responded to the questionnaire
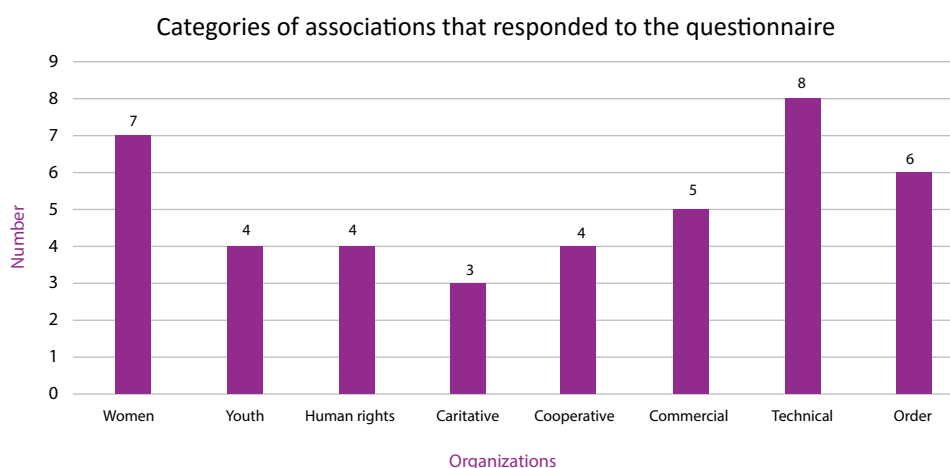
The following is an analysis of some graphs related to results of the questionnaire:

1-The Statute of our Organization includes the implementation of human rights principles
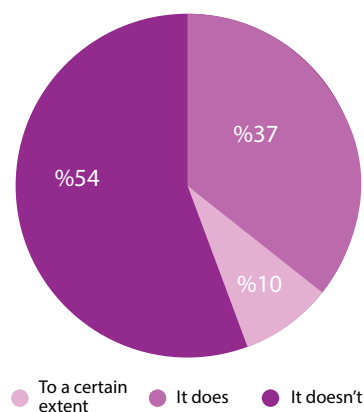
The questionnaire shows that 54% of the associations do not include in their statutes any articles relating to human rights principles, which are not legal articles, as explained to the respondents; but rather a reference to the objectives of the association to enhance the human rights situation.

3- Does the Board of Directors include female members?
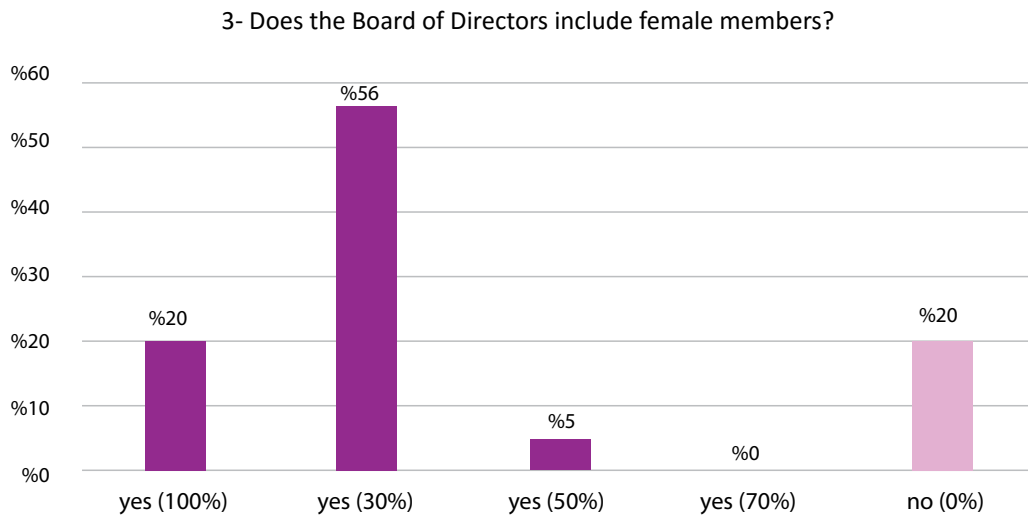
The percentage of associations where women participate in their boards of directors is about 81%, a high percentage, which enhances the role of women in the administrative work of CSOs. On the other hand, the percentage of associations whose board of directors does not include any women is 8%.

9- All members of both genders participate in the work of the organization and its projects or programs
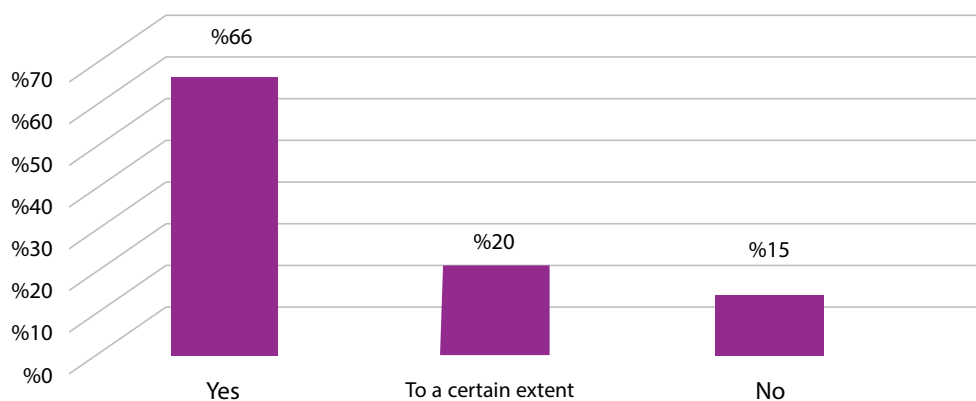
66% of the respondents said that all members of both genders participated in the work of the organization, while 15% reported that their members do not participate in the work and the programs of the organization. This indicates that two thirds of the respondents are satisfied with the participation of their members.

● Yes ● No
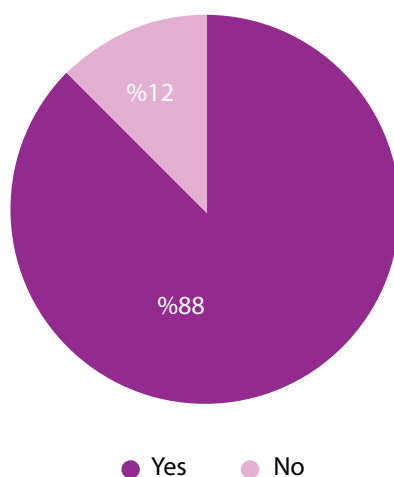
88 % of the respondents said that the beneficiaries choose the quality of programs and projects to achieve the objectives of the organization; this reveals the general satisfaction of the beneficiaries from the programs of these organizations.

14- How do beneficiaries participate in evaluating the implementation of your organization›s programs and projects?
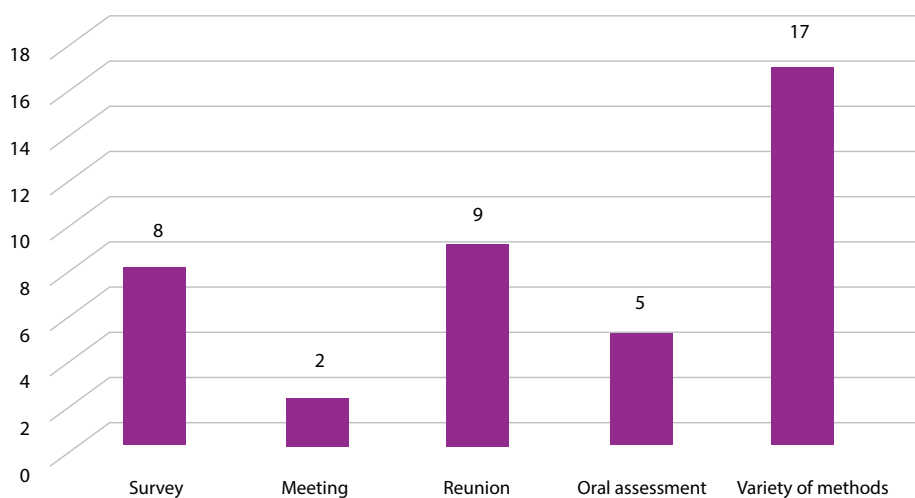
The respondents use a variety of methods for the evaluation of their programs or projects: (8 organizations), gatherings (9 organizations) or oral evaluation (5 organizations) or through a meeting (2 organizations). 17 organizations responded that they use the various methods mentioned.

19- Do the members of the BoD sign a non-conflict of interest charter?

- Yes   - No
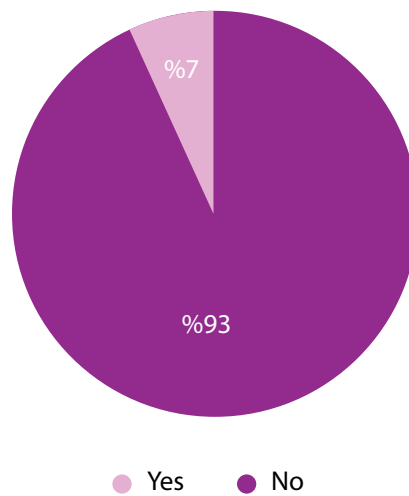
It appears that NGOs lack a Charter for Non-Conflict of Interest. The percentage of associations whose members do not sign the Charter of Non-Conflicts of Interest is 93%. This directly affects the separation between the administrative and professional responsibilities of the board members and their personal interests. The strangest thing is the lack of knowledge of conflicts of interest of many people who were questionned.

20- Does your organization prepare final accounts approved by an official auditor annually?

- Yes   - No
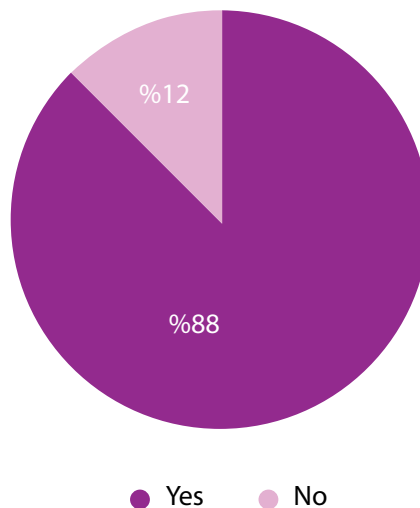
It appears that 88% of the associations calculate their annual accounts with an accredited external auditor, which is an obligation stipulated in the articles of the NGO Law of 1989. It is an indication that there is a high level of disclosure of the financial statements of these institutions, which enhances the principle of financial transparency.

24- Are these reports published on the website or any other publication?
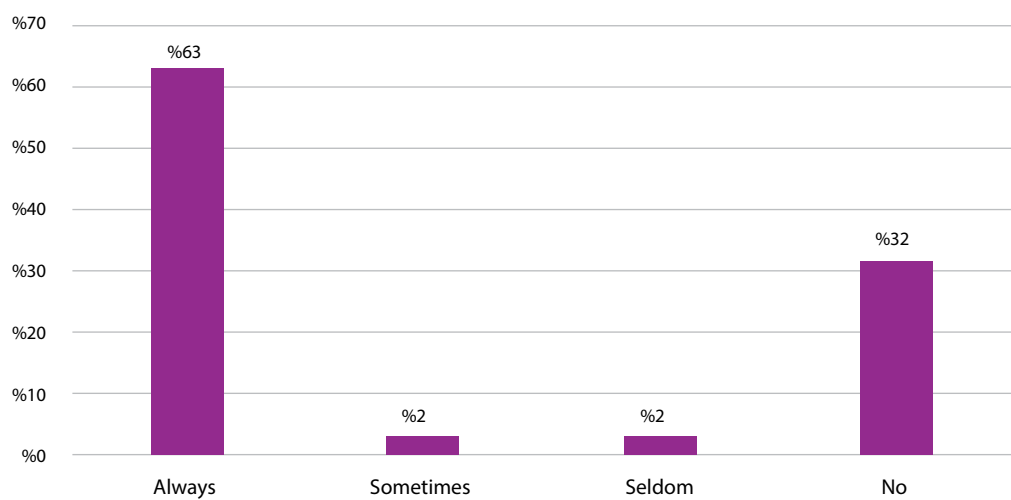
36% of the associations do not publish their financial reports on websites or social media or any other means of publication.

29- Does your organization have MoUs / cooperation with other associations or organizations?

● Yes   ● No
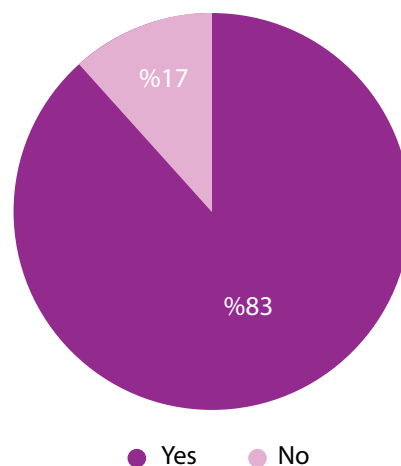
83% of NGOs have memorandums of cooperation, but some responses have been merged between written notes and automatic cooperation between associations of joint action and implementation of joint programs. There are written memorandums of understanding that clarify the relationship between the parties and determine their respective responsibilities.

41- Are you familiar with Istanbul Principles ? Do you take them into account in your organization›s activities?

- ● No   ● Yes
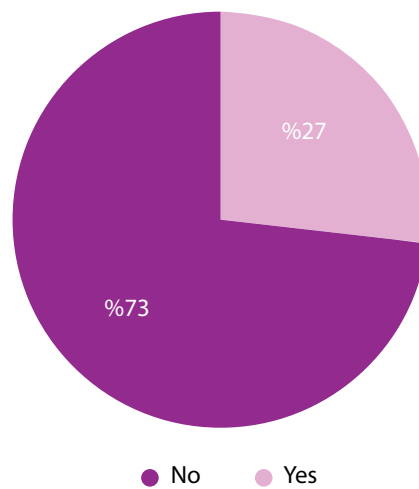
73% of the surveyed associations reported that they were not aware of Istanbul. This represents an urgent need to launch an information campaign for civil society leaders on these principles. Some activists believe the percentage may be higher than the questionnaire showed.

Sixth

Comment on the results of the questionnaire (obstacles and solutions)

The questionnaire showed that the most important obstacles and observations of CSOs in Bahrain are the following:

1. 59% of the respondents stated that the NGO Law of 1989 restricts the establishment and freedom of the work of NGOs and is one of the biggest obstacles facing civil society.

2. The relationship with the official authorities, especially the Ministry of Labor and Social Development, and the procedures are complex and impede the development of the work of the CSOs.

3. The absence of communication with companies working in the same field of specialization and with common interest as NGOs, especially Hotels Union.

4. The lack of interest and allowing the full-time employment in syndicates, especially the president of the union - the Aramex Syndicate.

5. The trainees who attend the workshops do not get the chance to attend training courses in the morning.

6. The lack of support for syndicates and the need to embrace their activities and needs.

7. Lack of training programs for employees and of development of their union capabilities and specialization.

8. Lack of financial support.

9. The numerous formal procedures impede the smooth functioning of associations.

10. The general political situation in the region and the situation in Bahrain, especially the pressure on freedom of opinion and expression, all led to the reluctance of people to participate in events.

11. The lack of funding that more than %46 of the respondents consider to be one of the main problems faced by NGOs, particularly after the restrictions on local grants and the total prohibition on associations obtaining any foreign funding.

12. The lack of volunteers and low participation in voluntary work as more than %46 of the respondents believe that young people, women and society do not engage in volunteer work. The majority of these see that the reason for this is the fear of understanding volunteerism as undesirable political activity, or that it is not financially rewarding.

13. The lack of effective community cooperation.

14. The small number of members of the association who have specializations related to the association, despite the attempts of the members of the board of directors to involve many.

15. The lack of participation of members of the General Assembly in the activities of the Assembly.

16. The negative attitude of the media and the positions of some pro-government associations.

17. It is generally clear that more than %30 of the surveyed associations do not publish the results of their accounts or the evaluation of their programs on the website; through the discussions it appeared this percentage does not even have websites. This must be taken into account to strengthen the principle of transparency.

18. It is clear from the questionnaire that NGOs lack a non-conflict of interest charter. The percentage of associations whose members do not sign the Non-Conflict of Interest Charter is %92. This directly affects the separation between the administrative and professional responsibilities of the board member and his personal interests. The strangest thing is the lack of knowledge of many who were surveyed who expressed their lack of understanding of the concept of conflict of interest.

19. 73% of the surveyed associations reported that they did not know the Istanbul. This is a high percentage in this field, which reveals an urgent need to start an education campaign for civil society leaders on these principles.

Seventh

Summary of the interviews with some civil society activists

Interview Questions:

1- What are the most important obstacles and challenges in volunteering?
2- What do you think of the joint work between CSOs at the local, Arab and international levels?
3- How do you evaluate the relationship of community institutions with government agencies?
4- Do Bahraini civil society institutions follow the criteria of transparency, integrity and accountability?
5- Do these institutions discuss their annual reports at a General Assembly meeting?
6- What do you think of the interaction of members of associations with the projects put forward by the associations?
7- Do CSOs have financial problems?
8- Are these societies committed to adopting an annual plan for their programs and projects, and does the community participate in their preparation?
9- Do these institutions have programs to empower women? Are women actively involved in the implementation of the programs of associations?
10- What are the solutions to the weakness of voluntary work in Bahrain?
11- Do you think CSOs implement the Istanbul Principles?

Summary of responses received from (8) civilian activists

1. Some institutions do not have effective strategies and plans, so the work of the Board depends on the creativity of the members and the needs of society.

2. The problems of some institutions, especially the internal problems that worsened after the events of 2011, multiplied when many members- in particular members of the boards of some associations, resigned from some of those due to consequences of the events in Bahrain since 2011 on the performance and relations of the NGOs.

3. The relations of some of these institutions with the official bodies, especially the Ministry of Culture, are very good and there is continuity between the parties in many programs and consultations.
4. Some also believe that charities, more than 100, work individually and without coordination, noting that their objectives are similar by more than %90. Coordination occurs in very rare cases, such as in collective marriages, etc. This is because there is no formal coordinating body or committees that can organize and coordinate the work and strategies of these associations.

5. There have been attempts by a group of associations in the past to promote the general association of charities, but they did not succeed. The main reason for the failure of coordination is due to the sectarian division or differences. The position of the Ministry of Social Development, which did not like this move, was a major obstacle to the success of this move.

6. According to a study prepared by one of the activists participating in the interview, %81 of the associations say that they have a women›s committee. This is a large percentage, especially as there is a problem and a reluctance of women to enter the board of this type of association, and that %92 of these associations say these committees are effective.

7. Lack of standards and tools for performance measurement and self-evaluation of associations. There are no objective or scientific tools of measurement to identify the needs and interests of the target groups of the societies, and thus draw up plans and programs based on what is the focus of the attention of the members of the Board of Directors.

8. One of the reasons for the weakness of the performance of NGOs, and therefore the weakness of their presence at the level of society and support for them, is the lack of commitment of many of them to the institutional work, which adopts accurate standards, including the development of visions and goals, objectives and programs and ensure their performance, and most programs come either improvisational or for ad-hoc events.

Eighth

The results of the report

1) The working environment of CSOs in Bahrain is very difficult, affecting the performance and productivity of these associations, and the reluctance of many young people to engage in volunteer work due to lack of encouragement or appreciation.

2) The questionnaire shows that the statutes of most associations do not cover the general principles of human rights, which we believe to be a normal issue; since the Ministry of Labor and Social Development imposes specialization and because the goals of the associations are not intertwined. However, many associations implement programs and activities that promote human rights and women and youth.

3) It is clear that most of the institutions surveyed do not maintain the documentation of the audience participation in the evaluation of the programs carried out for the benefit of the various social groups. So the responses stated that 8 organizations follow the questionnaire method, while the remaining %80 rely on verbal communication or meetings. These methods do not document the questionnaire results.

4) Lack of interest of many institutions in the values of transparency and integrity, especially those related to the projects and procedures of the associations.

5) Some of the NGOs did not hold their General Assembly according to the regulations, which led the ministry to dissolve some of them.

6) The lack of organizational structure clarifying tasks and responsibilities for many of the associations that have been surveyed.

7) Lack of financial regulations for many CSOs, which limits accountability.

8) Restrictions on the freedom of opinion and expression, which makes some people afraid to engage in the work of these associations; that may be interpreted by the official bodies as a political action, which expose them to accountability, and thus prevent these young people from engaging in volunteer work through NGOs.

Ninth

Recommendations

The weakness of voluntary work and poor performance of NGOs especially after 2011, compared to the beginning of the millennium after the introduction of His Majesty the King's reform project, is due to the reasons mentioned above. To address this issue, we recommend the following:

1) 59% believe that the law of associations should be reformulated so as to guarantee more freedoms to establish civil society institutions and to verify the effectiveness of these institutions, provided that freedom of action is granted in accordance with the law and according to the requirements of the local situation.

2) More than %50 of the respondents call for easing the restrictions and obstacles imposed by the Ministry of Labor and Social Development on CSOs in general, and in particular in supporting the foundations of democracy and sustainable development.

3) They also demand that CSOs be not dealt with on the assumption that they are opposed to the Government and that the restrictions on their activities be eased off.

4) Participation of CSOs in the development of the executive regulation or executive regulations of the new law.

5) ANND, either directly or through supporting the members of the network in Bahrain, is preparing specialized workshops focusing on Istanbul Principles of and how to use them in the development and development of plans, projects and programs of CSOs in Bahrain, as more than %73 of the respondents do not know about Istanbul Principles.

6) Allow the establishment of alliances and networking between associations at the national and external levels without annoyance. It is sufficient to inform the Ministry of Labor and Social Development of external participation. Networking between associations will certainly lead to solutions to common problems and alleviate some administrative burdens.

7) A study of the role of the president or member of the board of directors of some of the active associations, provided that the ministry, in partnership with the NGOs, shall set the standards and conditions for the full time service and tasks that must be carried out during the full time.

8) The membership in the Civil Society Support Fund should include representatives of these institutions.

9) Consider the addition of an item in the public budget of the State allocated to support the projects of civil society institutions that grants this support to Bahraini associations to carry out activities adequate with their basic regulations and to serve the Bahraini environment.

10) Allow CSOs to obtain foreign funding within the framework of identified control and monitoring by the official authorities, with the participation of civil society institutions in setting this control to ensure their effectiveness and commitment.

11) The Ministry shall work to limit the infiltration of associations supported by certain personalities or governmental bodies.

12) Activate the social responsibility in a way that ensures the participation of all large institutions and businessmen.

13) The enactment of parliamentary legislation that supports these associations and removes any obstacles they face within laws that do not somewhat limit their work.

14) Emphasize the importance of voluntary work in governmental curricula, especially for young men and women in universities. Make scientific studies to find out the reasons for the reluctance of competencies as well as youth and women and finally make recommendations.

15) Give more free space to CSOs' participation to the State and the Government in the preparation of programs and activities in their field of interest and competence.

16) Turn voluntary work from voluntary to remunerated efforts.

17) The need to include some mandatory courses under the theme (community service) since the elementary level, to establish and nurture the culture of volunteerism, and let its basics and skills sink in.

18) To open dialogue channels for the sake of convergence and clarity of programs between the associations that can contribute to the promotion of associations to carry out programs that would be more attractive to large groups of society, especially youth and women.

19) To support the principles of transparency, accountability and governance in the management of associations and civil society institutions through training and the dissemination of a culture of integrity in the work of these associations.

20) Giving attention to the technical aspect of the associations, in a way that each association has a special website and interacts with the public through it and uses largely social media in its work and communicate with the public through it.

Tenth

About the researchers:

1) Dr. Hussein Al-Rubaï

1- Bahraini researcher in the fields of transparency and small and medium-sized enterprises (SMEs). He has published research in local, regional and international conferences, including the International Council for Small Business (ICSB) and the Institute for Small Business and Entrepreneurship (ISBE)

2- Member of the Bahrain Transparency Association since 2008, where he served as the Financial Treasurer in the past four years.

3- Member of several Bahraini, Arab and international professional associations.

4- Received a PhD from the University of Tayside, UK in 2012 in Business Administration.

5- Holds a Master›s degree from Bradford University, UK received in 1993, in Manufacturing Systems Engineering.

6- Holds a bachelor›s degree from the University of Technology in Baghdad, Iraq, in production engineering.

7- Worked for 28 years in a number of Bahraini institutions, including the University of Bahrain and Bahrain Training Institute (BTI). He also lectured in many Gulf and regional institutes and conferences.

2) Sharaf Mohsen Al Moussawi

1- Bachelor's in Economics and Administration major (Economics), University of Basra, June 1979.

2- Certified Compliance Officer (CCO) - 2009.

3- Holds a degree in internal auditing - Kuwait University 1983.

4- Former member of the Institute of Internal Auditors (USA) and member of the American Academy of Financial Management (AAFM).

5- Work Experience: Head of Internal Audit Department, Bahrain Training Institute (BTI) since January 2007 - March 2016 and former Vice President of Internal Audit, United Arab Shipping Company - Kuwait. Currently retired.

6- **President of the Bahrain Transparency Association. He was a member of the Board of Directors of the Association since 2008.** He represented the Bahrain Transparency Association at the Transparency International Advisory Committee for the MENA region. He has already prepared a report on CSOs in Bahrain, for the United Nations Human Rights Council. **He also gave several lectures on the same subject, including a symposium during the World Social Forum in Tunis in 2014** (the work of Bahraini CSOs, problems, challenges and solutions). **He is also a Coordinating Committee member of ANND.**

Part 2

Report on the Relationship of a Sample of Egyptian CSOs with the Istanbul Principles

Report team:
Mona Ezzat - Salma Shash - May Saleh

First

Introduction

The Open Forum on CSO Development Effectiveness[1] held its First Global Assembly in Istanbul, Turkey, in September 2010. The Istanbul declaration was born out of the suggestions of thousands of organizations from around the globe, represented in the meeting. The document is of utmost importance and a landmark guiding the work of CSOs through eight key principles. In general, the principles aim to establish the working standards of CSOs and enhance their effective role in development and responsibility towards positive change. In 2011, the Fourth High Level Forum (HLF4) on Aid Effectiveness, held in Busan, adopted the Istanbul Principles issued by the Open Forum. The parties to the forum agreed on the following:

a) Implement fully our respective commitments to enable CSOs to exercise their roles as independent development actors, with a particular focus on an enabling environment, consistent with agreed international rights, that maximizes the contributions of CSOs to development.
b) Encourage CSOs to implement practices that strengthen their accountability and their contribution to development effectiveness, guided by the Istanbul Principles and the International Framework for CSO Development Effectiveness.

Hence, the importance of the Istanbul Principles is that it was a document drafted by CSOs and takes into consideration the work priorities and possible challenges. In fact, the Istanbul Principles derive their importance from the importance of civil society.

Civil society organizations are a vibrant and essential feature in the democratic life of countries across the globe. CSOs work for development, support the interests of the most marginalized groups, and are a key catalyst for positive change in society.

---

[1] The Open Forum on CSO Development Effectiveness was launched in 2008, following the Accra Declaration issued by the Third High Level Forum (HLF3) on Aid Effectiveness held in Accra, Ghana. The declaration was the first time CSOs were recognized as a principal partner in dialogue on Development Effectiveness. The launch of the Open Forum provided a platform for CSOs to dialogue and negotiate on ways to contribute in the Aid Effectiveness process, as a confirmation of the role of organizations participating in the process since the Monterrey Summit on Financing for Development (FfD) and those that followed, Rome (2003) and Paris (2005). CSOs confirmed their role as fully competent and credible partners in this process. Through this dynamic participation, they sought to draw attention to the necessity of adopting the concept of Development Effectiveness, rather than Aid Effectiveness. They focused on the global messages CSOs sought to direct to the remaining stakeholders, whether related to internal obligations or expected regional commitments, as well as those of other partners. Following a series of national, regional, and sectoral forums, the First Global Forum was held in Istanbul, issuing eight principles as guiding values for CSOs. It was added to Siem Reap Framework, which determines the enabling environment for CSOs. Based on the same references, the Open Forum played a key role by joining with the Better Aid platform to form the CSO Partnership for Development Effectiveness (CPDE). It is the extension of the same vision to strengthen the role of CSOs in the Global Partnership for Effective Development Cooperation (GPEDC), launched in Busan, South Korea in 2011.

In the Istanbul Principles agreement, CSOs drafted their own principles and standards and formulated mechanisms for follow-up and to evaluate the extent of organizations› commitments to the principles and standards. They are as follows:

● **Respect and promote human rights and social justice**
Develop and implement strategies, activities and practices that promote human rights, including social justice and equity for all people.

● **Embody gender equality and equity while promoting women and girls' rights**
Embodying gender equity, working on women›s issues, allowing them to participate as fully empowered actors in the development process, and addressing all forms of violence and discrimination against women.

● **Focus on people's empowerment, democratic ownership and participation**
Supporting the empowerment and inclusive participation of people to expand their democratic ownership over policies and development initiatives that affect their lives, thus becoming partners in development and not merely beneficiaries.

● **Promote Environmental Sustainability**
Promoting environmental sustainability for present and future generations, including urgent responses to climate crises, with specific attention to the socio-economic conditions for ecological justice.

● **Practice transparency and accountability**
Demonstrating a sustained organizational commitment to transparency and accountability, and adopting clear mechanisms to to ensure these commitments.

● **Pursue equitable partnerships and solidarity**
Committing to transparent relationships and partnerships with other organizations, based on shared development goals, and working on making these relationships long-term and built on organizational autonomy and mutual respect.

● **Create and share knowledge and commit to mutual learning**
Enhancing ways to learn and benefit from the experiences of various organizations and sharing information.

● **Commit to realizing positive sustainable change**
Working to realize sustainable outcomes from development actions, focusing on results and conditions for lasting change for people, with special emphasis on poor and marginalized populations, ensuring an enduring legacy for present and future generations.

Second

Report's Goal and Significance

The Arab NGO Network on Development (ANND) is working on publishing national reports from various countries in the region after five years of issuing the Istanbul Principles. Three countries were chosen: Tunisia, Lebanon, and Egypt.

This report aims to monitor the implementation of the Istanbul Principles by CSOs in Egypt, based on specific questions related to the Principles.

This report comes during a time of unfavorable conditions for CSO work in Egypt. CSOs in the country are still facing restrictions on their work, activities, and in receiving the approval of administrative authorities related to funding and grants to implement their activities. Several human rights activists have been barred from travel. In addition, a decree from the President of the Republic in 2014 added article 78 to the Penal Code, threatening activists and CSO workers with jail at any time. It contained broad and nonspecific phrases, which could impact anyone who receives foreign funding and threatens them with jail or capital punishment. The year 2014 also witnessed another assault on NGOs, especially legal associations that do not fall under the Law of Associations. The Ministry of Social Solidarity issued a warning to all NGOs in al-Ahram Newspaper, known as the Ahram Declaration, on 18 July 2014, demanding that all organizations that do not fall under the Law of Associations No.84 of 2002 to settle their affairs according to that law. Those that do not abide were threatened with dissolution. This declaration amounted to a clear threat of closure.

However, the law of associations itself is one of the laws that must be amended according to the constitution. A case in point is the Egyptian Center for Social and Economic Rights (ECESR), which won a ruling from the administrative courts on 22 November 2015 allowing it to appeal several articles of the Law of Association No.84 of 2002 to the constitutional court. The articles are Articles 42 and 63, in addition to Articles 92 and 141 of its regulations.

The new Parliament is supposed to discuss the Law of Associations and issue a new law in accordance with international standards and the 2014 Egyptian Constitution, whose Article 75 states: «All citizens shall have the right to form non-governmental associations and foundations on democratic basis, which shall acquire legal personality upon notification. Such associations and foundations shall have the right to practice their activities freely, and administrative agencies may not interfere in their affairs or dissolve them, or dissolve their boards of directors or boards of trustees save by a court judgment.»

This is what makes this report significant at this time. It allows us to see the scope of impact of the legislative and political environment on NGOs› implementation of the Istanbul Principles. This is in addition to highlighting the usefulness of these Principles and assessing them through monitoring their practical application by NGOs.

Report Methodology:

The report uses the «analytical method,» due to its significance in monitoring, analyzing, and explaining NGO trends. The evidence used was a questionnaire, which contained specific qualitative questions whose answers were sent by the NGO directly or were through interviews with officials in the organizations.

The questionnaire contained the following questions:

- Does the organization include the principles of human rights, social justice, gender equality and/or empowering women in its organizational aims and vision and mission statements?

- What is the status of decision-making structures and governance in relation to access, equity, and justice for all groups of people?

- How does civil society design its programs and projects and how does it implement and assess them?

- What is the level of participation of beneficiaries and partners in the decision-making process in the design, implementation, and evaluation phases of these programs and projects?

- Does the organization adopt specific human rights programs to educate its staff?

- Does the organization apply self-regulatory mechanisms and are they included in a written code of conduct, code of ethics, and/or other types of accountability mechanisms?

- What are the practices related to information and reporting? Does the organization respect transparency and fields of transparency in the International Aid Transparency Initiative?

- Does the organization have a complaint mechanism?

- Does the organization implement environmentally sustainable approaches in its operations (including reducing resource consumption, waste sorting and/or recycling, reducing energy consumption, and so on)?

- Did the organization enter into a long-term institutional partnership?

- Does the organization allow access to information about projects and programs, including estimates and assessment of results?

- Is the organization involved in advocacy in the field of promoting democratic ownership and encouraging the participation of other actors on development, gender equality, and women's' empowerment?

- Does the organization adopt a rights-based developmental approach?

- Does the organization practice cultural and educational exchanges (meetings, training sessions, conferences, peer review, and so on) in its activities and does this exchange include the organization's partners and beneficiaries?

Description of the Sample:

The sample was "intentional random," meaning 30 NGOs were intentionally chosen from the rights and development fields from the governorates of Cairo, Giza, Alexandria, and al-Minia. Only 20 organizations replied, since some did not know about the Istanbul Principles or were small organizations in terms of number of people and thus the questionnaire did not apply.

The report includes 20 rights and development organizations in the Cairo, Giza, and Alexandria governorates. Their fields of activities vary from women's issues to children, workers, students, political participation, economic and social rights, and public and personal freedoms. The type of their establishment also varies between organizations under the Law of Associations No.84 of 2002, law firms, and civil companies (see the list of associations in the annex).

Difficulties in Preparing the Report:

Most organizations were unfamiliar with the Istanbul Principles. However they applied some of the principles as international human rights standards, but not with the specific intention of activating the Istanbul Principles. Some of the organizations did not participate in the questionnaire for this reason, including rights and development organizations.

Some of the organizations were busy with activities related to current events, including monitoring the Parliamentary elections. Some did not participate and others took a long time to answer or agree to an interview.

Third

Analysis

● All NGOs in the sample adopted a human rights approach based on international charters as guiding principles in their work and this is clear and explicit in their mission and vision statements.

● Concerning gender equality and women's empowerment, the answers varied based on the field of activity of each organization. Some organizations did not have programs that tackled these issues. Three organizations had these issues clearly indicated in their goals, mission, and vision. Other organizations work on women's empowerment issues in their various activities and projects. Some NGOs integrate women's issues with marginalized segments in general, such as religious minorities; young girls, in the case of organizations working on children's issues; or women workers, in the case of organizations working on the right to work. Some organizations work in constant partnership with feminist organizations on women's issues, especially gender-based violence or joint reports that include women's issues.

Due to the nature of feminist organizations, they were the top organizations in adopting specific programs and projects on gender equality, women's empowerment, and addressing violence and all types of discrimination.

The questionnaire also revealed the lack of specific internal mechanisms to ensure justice in the representation of men and women inside leadership bodies. However, this did not mean the absence of women in decision-making positions in those organizations, but it does not happen intentionally. Additionally, there were no specific policies dealing with the reproductive role of women, as internal charters do not include clear texts obliging the organizations to provide childcare for working women. Some said they applied the labor law. "However, this is not sufficient, since the Labor Law No.12 of 2003, which governs work relations for all organizations, stipulates that the establishment must have 100 women workers to make the stipulation obliging the employer to provide childcare apply. The organizations should have been more in line with international standards in this regard."

● The questionnaire results revealed a close relationship between the legal form of the organizations, on one hand, and their employment structure, decision-making processes, and size of activities, on the other. On the level of organizational structure, some organizations have internal regulations, employment structures, specific job descriptions, and separation between the executive administration and the bodies overseeing the general policies, such as boards of trustees or consultative bodies.

The questionnaire also revealed a variation in the level of democracy in administration and decision-making mechanisms, which varied among organizations and the types of decisions and their importance. It was noted that some organizations have a gradual decision-making process and various levels of internal discussion and dialogue, regulated through an organizational structure. Most organizations have an executive committee, known as an executive office, which takes decisions related to executive matters. Larger organizations allow their various programs and departments to make decisions related to their own work and a wider space for discussion among the various

organizational levels for decision-making related to the staff as whole or related to general organizational strategies. Organizations with branches in other governorates also mentioned that the administrations in the governorates have the power of decision-making related to daily work and activities in their region.

● The organizations mentioned multiple ways for conducting the internal evaluation process. Some organizations hold expanded meetings for the working team and general assemblies, where periodic activity reports are presented, discussed, and evaluated based on the goals set for the period in question. Other organizations make use of external experts and specialists in evaluation to conduct the assessment, who would present reports that are later discussed by the organization.
A number of human rights organizations conduct regular strategic planning to enhance the organization's performance in general and respond to the changing taking place in the country. All the respondents said that target groups are always involved in evaluating activities, either through a group discussion following the activity, which is then turned into a report, or through evaluation forms.

● The report revealed that most organizations' internal regulations do not include specific procedures to file complaints. However, there were clear provisions relating to sanctions. In most cases, the complaint is filed with the direct supervisor or the executive director. In other cases, they are filed with the board of directors or trustees. Special commissions of inquiry are also set up if need be. One organization mentioned the possibility of asking the help of an external commission when needed. Sanctions range from warnings to dismissal, based on the results of the inquiry and the review of the board of trustees or directors.

● All NGOs in the sample, except one, mentioned holding training sessions for workers in the organization to impart knowledge on the rights-based approach; international agreements; working mechanisms of international bodies; specialized trainings on capacity building and job skills; other trainings needed by the team based on its tasks; or specialized knowledge on particular issues: workers, women, children, freedom of thought and expression, and freedom of creed. Some organizations stressed that they support any team member wishing to develop skills, through other training, such as learning foreign languages.
The organizations provide this training and bear the costs or it would be through participation in training held by other organizations inside and outside Egypt.

● Most organizations mentioned the existence of internal regulations, which are read by the team members when they are employed. These regulations include work-related rules and the rights and duties of all members, in addition to the organizational structure and the authorities of the members of the organization and working team. Only three of the sampled organizations did not have written work regulations.

● Three organizations mentioned that they relied on a written code of conduct, involving the regulation of rights, duties, and management. One organization mentioned it was in the process of preparing regulations and policies against harassment, to be applied inside the organization and be a

model for other organizations and workplaces. Most organizations said they did not need such regulations, since those who join must be convinced of the mission, vision, and goals of the organization.

A small number of organizations that make use of psychologists to provide psychological care, in addition to organizations that employ lawyers, adopted codes of conduct related to the profession, in addition to abiding by the rules and ethics of the professions set by their unions.

● All the participating organizations confirmed that they are committed to sharing information on their work, funding sources, and positions inside the organizations. As for the reports issued by the organizations and intended for the general public or decision-makers, they mentioned that the reports are professional and they ensure the accuracy and documentation of the information. They publish them on their official websites or social media pages and they are sent to the media.

Some organizations' representatives spoke about the dangers and restrictions that could be faced by human rights organizations, which issue reports on the human rights situation in Egypt or participate in international meetings. This reached the point of people being banned from travel, such as what happened in 2014, when a number of organizations' representatives were not allowed to travel to discuss Egypt's report to the Human Rights Council.

● Means of communication with the targeted public varied. Two organizations mentioned that they involve the targeted public in creating implementation plans and evaluation of projects. Two other organizations mentioned their cooperation with social initiatives, such as campaigns and popular committees, in conducting their public activities. These organizations' activities are conducted with the participation of such initiatives in picking the issue, planning the work, and implementation stages.

● Other organizations said that preparing new projects is done by identifying the needs of the targeted public, through evaluating existing projects. When the project ends, it is evaluated with the targeted public. The evaluation questions would include providing suggestions and mentioning needs that could be addressed in new projects, utilizing the process of accumulation and linking projects. This is mostly done by organizations that conduct direct projects with the targeted audience, such as trainings, workshops, educational activities, and advocacy campaigns.

Organizations working in the field of research and studies plan their projects, programs, and activities based on their own vision, mission, internal planning, or strategic planning conducted by the organization. There are also organizations that provide services or specific and consistent support provided to the targeted audience, including legal and psychological support. They do not involve target groups in the preparation of projects.

● As for environmentally sustainable approaches, the organizations involved the report, including two organizations working on environmental issues, said they did not apply any environmental provisions, such as reducing resource consumption, sorting/recycling waste, or reducing energy use.

● Most of the NGOs adopt a strategy of common work, cooperation, and coordination with other organizations. This took several forms. For example, one organization signed a cooperation protocol for six months with a feminist organization to implement a project on women and municipalities. Other forms include alliances and coalitions, such as the Egyptian Coalition for the Rights of the Child, which includes 106 NGOs or the Human Rights Forum, which includes 15 rights organizations and grapples with public policy issues related to the state from a rights-based perspective and works on international mechanisms through the issuing of reports.

Some of the answers mentioned joint work by organizations to launch lobbying and advocacy campaigns or on issues with various angles that require various forms of intervention. This included defending the right to association and freedom of NGO work, such as the campaign to defend the rights of association in 2007, which included dozens of NGOs and continued to work for several years. It also included the creation of a front of lawyers to defend protesters by lawyers from rights organizations and others. The front continues to work up to today and defends protesters and those arrested for their opinions. In 2008, a task force "against sexual violence" was formed to work on gender-based violence issues and adopt a law criminalizing sexual violence of all forms. It continued to work for four years and included 23 feminist, human rights, and development organizations. Some non-feminist organizations said they were keen on networking with feminist organizations when adopting issues related to women. The same happens the other way around, with some feminist organizations partnering with human rights organizations in their activities.

Some organizations are part of Arab-wide or international networks or are member of international bodies working on human rights issues.

A number of organizations mentioned that some issues require coordination with political parties and unions, such as when working on political participation and workers issues, or social groups and initiatives, when working on issues related to a local community, such as the right to housing or lack of services in a particular geographic area.

● The organizations concurred that there was a close relationship between development and human rights and that developmental work should be based on human rights to be complete, and vice versa. Development organizations included in the report utilize programs to teach human rights and are based on international agreements and charters as a reference for developmental work. One human rights organization mentioned that it worked on Sustainable Development Goals and the Millennium Development Goals, through linking the achievement of these objectives with the activation and realization of human rights principles.

(However, this approach is not adopted by all development organizations in Egypt. Some organizations use an approach closer to services and do not utilize international treaties and conventions).

Fourth

Recommendations

● Issuing a new law regulating the work of NGOs in Egypt, based on international treaties and standards and the Egyptian Constitution.

● Allowing the free movement of NGOs and putting an end to the smear campaigns against them and their activities.

● Preparing a training program on the Istanbul Principles for the organizations, in order to equip them with the necessary knowledge about the Principles and mechanisms of implementation based on the conditions of each country.

List of Organizations that Answered the Questionnaire

●   Alhaqanya Foundation for Rights and Freedoms
●   Egyptian Association for Comprehensive Development
●   Andalus Institute for Tolerance and Anti-Violence Studies
●   Association for Freedom of Thought and Expression
●   El Nadeem Centre for Psychological Rehabilitation of Victims of Violence and Torture
●   Egyptian Organization for Human Rights
●   The Egyptian Association for Community Participation Enhancement
●   Centre for Egyptian Women Legal Assistance
●   Cairo Center for Development
●   Cairo Institute for Human Rights Studies
●   Torraha Art and Society
●   Egyptian Foundation for Family Development
●   Arab Foundation for Civil Society and Human Rights Support
●   Egyptian Commission for Rights and Freedoms
●   Egyptian Center for Economic and Social Rights
●   Egyptian Center for Civil and Legislative Reform
●   Egyptian Initiative for Personal Rights
●   Arab Network for Human Rights Information
●   National Community for Human Rights and Law
●   Egyptian Foundation for Advancement of Childhood Conditions

Part 3

Towards Effective Aid Contributing to Sustainable Development in Iraq

Report team:
Jamal al-Jawahiri
Iraqi al-Amal Association

First

Introduction

Civil society organizations are not new to Iraq. They have existed since the 1940s and some say even before that date. Student, youth, political, and union movements appeared during the struggle of independence from the British Mandate. They showed the ability of movement, coordination, and determination to play an important role to achieve their aim. This was in addition to many charity organizations working on issues related to maternity and childhood, their work extending to the cultural and educational fields. Following the 14 May Revolution, the effectiveness of these organizations grew through their adoption of social issues and pressuring the authorities.

In the previous period, Iraq was impacted by wars, conflicts, economic sanctions, the violation of citizens' rights (torture, the actions of security forces, mass killings...), and the denial of Iraqi CSOs from working independently from the authorities. Citizens' interest in public issues was weakened and they became concerned with their own affairs and minute issues. The gap between citizens and the state, which took sole responsibility of managing and organizing society's affairs, widened. This was reflected in the weak sense of active citizenship and people returned to traditional inherited links based on clan, sect, and even local geography.

The results of this policy and its impact on Iraqi society are visible through the following:
- Break-up in social ties and moral values in society.
- Increased dependency and lack of principles.
- Buildup of the culture of fear and psychological and physical violence.

In addition to what was mentioned, the occupation and the fall of the regime led to the destruction and breakup of institutions, in addition to a void in authority. It led to a series of problems and difficulties faced by Iraqi society as a whole. Thus, reconstruction and rebuilding society became a priority. Iraqi individuals must become the axis of this process and they must be encouraged to be active in social change.

The collapse of the regime and the occupation led to lack of legal reference and authority. The situation exacerbated the difficulties and problems faced by Iraqi society. Thus, the motive for the broad presence of NGOs could be the following:

1. Participation in public life as part of regaining freedom to work independently. Public affairs, the whole developmental process, and enhancing the environment for CSOs need to be independent from the control of the government.

2. Participation in selecting and building a new political system, freedom to participate in the electoral process in terms of nomination, voting, monitoring, and their enhancement, such as advocacy to improve election laws and others. This is in addition to changing the law governing political parties and participation in drafting the constitution as part of building the political system.

3. Addressing the deterioration in the humanitarian situation: Sanctions and wars contributed to the deterioration of the humanitarian situation of Iraqis, in light of the presence of very few foreign humanitarian organizations, as well as the existence of organizations close to the authorities of religious institutions.

4. Religious motive: Some people or groups in society are often encouraged to provide humanitarian and emergency aid to the needy to receive blessings or the satisfaction of their deity; helping the needy is considered important for some religious people, since it part of religious teachings is to help others.

Following 2003 and despite of the registration of many organizations (around 5,000 organizations were registered, half in Baghdad and the rest in the Iraqi Kurdistan region), many politicians and officials perceive NGOs as extensions of the work of political parties in societies. Many officials, such as ministers, members of parliament, and the like, have established their own local organizations. Furthermore, the prevailing mentality remained that of the sponsoring state, in charge of providing services, drafting policies, and adopting laws without the participation of society as a whole or civil society in particular. This happens despite of the many relatively successful civic initiatives working on developing the process of participation in drafting policies and laws, even services. Youth and religious voluntary organizations and initiatives played a large and active role in alleviating the suffering of internally displaced persons (IDPs), after ISIS took over some provinces.

Second

Report Methodology

The report focused on analyzing the studies and documents related to the work of local NGOs, as well as reports presented to foreign organizations (2012 and 2013 Iraqi Civil Society Organizations Sustainability Reports, and the 2014 and 2015 drafts). It also focused on analyzing discussions on the peripheries of the workshop on the 2014 and 2015 draft. This was in addition to direct interviews with activists, local organization directors, and staff and workers in foreign and UN organizations.

The report was based on some of the Istanbul Principles:

- **Respect and promote human rights and social justice**
- **Embody gender equality and equity while promoting women and girls' rights**
- **Focus on people's empowerment, democratic ownership and participation**
- **Practice transparency and accountability**
- **Pursue equitable partnerships and solidarity**

The above principles were chosen due to their sensitivity and importance in the current situation in Iraq, in addition to several organizations adopting them fully or partially.

The report targeted twenty NGOs of various specializations and interests. Some were organizations focusing on women, youth, and children. Some were involved in the humanitarian or educational sectors. Others worked on capacity building in general or monitoring the elections. They represent a wide geographical scope and are able to be present all over the country. The report also targeted officials, INGOs, and UN organizations in Iraq.

Third

Report Significance

Money spent in Iraq reached high levels, especially in the period following the occupation in 2003. They are estimated at tens of billions of US Dollars. They were in the form of grants, contracts with various official institutions and NGOs, contributions to the infrastructure, and research and studies centers. Some of the spending came of conferences, capacity building workshops, or contributions to improving policies or regulations and drafting various laws.

However, the spending did not have much significant impact on achieving their goals. Thus, it was of high importance to identify the actual effectiveness of developmental aid. It was a harsh lesson that ought not to be repeated in Iraq or any other country.

National ownership, the most important of the Paris principles on Aid Effectiveness, was absent in the Iraqi experiment. Many of the programs and projects implemented in the country failed to conform to Iraqi reality and needs. There was a failure to conduct a real and realistic assessment of needs, regulations, and policies, which were being drafted or redrafted. Most capacity buildings were limited to their organization without follow-up, evaluating their impact, and implementing the lessons learned on the ground.

Despite the importance of monitoring, evaluation, and impact assessment of the Aid being sent to Iraq, it did not happen or was limited to observations and confirming the attainment of numerical indicators. Thus, no measurable impact indicator exists for the implemented projects. For example, in the first years of occupation, some US organizations set up many training of trainers workshops in Iraq. They took place over two or three days. However, the graduates did not learn the subject matter for which they are training or are being trained. Another example was launching a small campaign on a law or particular policy. However, the moment the projects come to a close, the campaign ends and there is no one to follow-up. The only exception was the associations law, since a group of NGOs took over the matter voluntarily and followed it up until it was adopted.

Another example is the civil education curriculum for Iraqi schools. It was completed by a US organization before receiving the agreement of the Education Ministry. The curriculum was printed and sent to the ministry. Today, it remains in the ministry's warehouses without ever being used.

Despite the excuse of the security situation, the process did not exist to monitor and evaluate the projects executed during the first seven or eight years of occupation. There has been no impact assessment studies conducted in Iraq in the past 12 years.

Despite the high importance of the Istanbul Principles, it is of utmost importance to reaffirm the principle of national ownership. INGOs and international organizations who are active or still are in Iraq today have failed to adopt this principles in their programs and projects in the country. Of course, this will limit or sometimes nullify their impact.

The second [Paris] Principle is Partnership. However, many of those organizations do not work on the principle of partnership with local communities. Most of them act as contractors. Often, international organizations fail to build the capacity, capabilities, or systems of local contracted organizations - what they call partner - to improve their internal performance and develop their administrative and financial systems and strategic plans. Developing partnerships in the wide sense would improve the performance of local organizations and contribute to their sustainability and continuity.

The majority of projects drafted and prepared for Iraq failed to take local organizations into consideration, whose role was to implement some of the projects' activities, without real ownership in the planning phase. They seldom had any role in assessment. Local workers in international organizations rarely played a part in contributing or drafting such projects; they were merely instruments for execution and drafting reports. The great majority of local organizations did not receive overhead funding, which went to the foreign organizations, which did not include capacity building, namely institutional building, in their budgets. In rare cases, local organizations received core funds from international and UN organizations and agencies. In short, international organizations speak about the sustainability of local organizations, but they do not give them their chance and might even steal that chance from them. They chase after projects that do not conform to their strategies, orientation, or goals. For example, international organizations demand that local organizations are specialized in clear and specific issues in their strategies and that they should commit to them. However, international organizations do the opposite. The clearest example is an international organization, which did not have an office in Iraq, contracting another organization with a large office in Baghdad and specialized in media to train policemen and the Interior Ministry on gender and gender-based violence. Another organization implemented a big project on civil society participation and focused in its trainings and workshops on specialization. However, it would implement any project if it finds the funding.

This report sheds light on some experiences and interventions that limit or improve the impact of aid on the local situation, in relation to the long-term goal of effective aid that contributes to achieving sustainable development.

Fourth

Challenges

The report faced some challenges, summarized in the following:

● The large number of events, workshops, questionnaires, and surveys by NGOs caused some difficulties in obtaining the information.

● Few organizations knew clearly about the Istanbul or Paris Principles and the importance of Aid Effectiveness in Iraq, where a lot of money was spent with very limited effectiveness.

● Geographic distance and difficulty of movement delayed the completion of the research, which utilized some of the workshops held during the period where many local actors were present.

● The majority of respondents were clear actors in civil society, however, some did not know about the Istanbul Principles. Thus, the report did not look at small organizations, which were unfamiliar, uninterested, or did not know the importance of the Istanbul Principles.

Fifth

Istanbul Principles

Following several discussions and conferences on the Paris, Accra, and Busan principles, CSOs drafted their own principles and standards, which were included in the Istanbul Principles, and set up a mechanism to monitor and evaluate the extent of commitment. They are the following:

● **Respect and promote human rights and social justice**
Develop and implement strategies, activities and practices that promote human rights, including social justice and equity for all people.

● **Embody gender equality and equity while promoting women and girls' rights**
Embodying gender equity, working on women's issues, allowing them to participate as fully empowered actors in the development process, and addressing all forms of violence and discrimination against women.

● **Focus on people's empowerment, democratic ownership and participation**
Supporting the empowerment and inclusive participation of people to expand their democratic ownership over policies and development initiatives that affect their lives, thus becoming partners in development and not merely beneficiaries.

● **Promote Environmental Sustainability**
Promoting environmental sustainability for present and future generations, including urgent responses to climate crises, with specific attention to the socio-economic conditions for ecological justice.

● **Practice transparency and accountability**
Demonstrating a sustained organizational commitment to transparency and accountability, and adopting clear mechanisms to ensure these commitments.

● **Pursue equitable partnerships and solidarity**
Committing to transparent relationships and partnerships with other organizations, based on shared development goals, and working on making these relationships long-term and built on organizational autonomy and mutual respect.

● **Create and share knowledge and commit to mutual learning**
Enhancing ways to learn and benefit from the experiences of various organizations and sharing information.

● **Commit to realizing positive sustainable change**
Working to realize sustainable outcomes from development actions, focusing on results and conditions for lasting change for people, with special emphasis on poor and marginalized populations, ensuring an enduring legacy for present and future generations.

With respect to the first Istanbul Principle studied by this report, which is the **respect and promotion of human rights and social justice**, most of the organizations mentioned that they respected human rights and conduct workshops and meetings to spread awareness and teach human rights. The same goes for respecting and promoting social justice. Many of the organizations included in the study work on issues of cultural, national, and ethnic diversity in Iraq, individually or through coalitions. They formulated the basic principles, which underlie the law protecting cultural diversity in Iraq, in cooperation with the Parliamentary Human Rights Committee and some academics and legal experts on the issue. The UN was later involved to encourage the parliament and government to adopt the legislation of the law protecting national, religious, and confessional minorities in the country. There were also other coalitions working on the promotion of national stability, which were able to do a good job in the relationship with official and independent institutions. On the other hand, many of the organizations included in the report (among others) worked on Legal Clinics, which provide social and legal support to marginalized segments who lack basic rights, such as nationality due to early marriage or marrying outside the courts. Of course, the majority of those organizations worked under a major program by USAID.

The CSOs in question submitted their second UPR report. Despite some flaws, many of the recommendations are now commitments for the Iraqi government to implement in the next period.

The organizations pointed to a strong and clear weakness in monitoring human rights violations of all sorts, especially in areas controlled by ISIS or that were recently liberated, in addition to violations faced by demonstrators for reform and justice. The report did not find any important documentation, which could be relied on by international references, except in rare cases, such as the documentation of issues related to Yazidi women.

There were very few initiatives where some organizations trained activists on monitoring various forms of human rights violations, such as the Amar International Charitable Foundation and Iraqi al-Amal Association. However, a concerted and effective effort would have had a positive impact.

The culture of human rights, the rights-based approach, and the question of freedoms are lacking in many of the organizations. The internal confessional, religious, and national conflict still weighs heavily on the work of CSOs and the mentality of their leaderships.

The report shows a clear effort on the second issue - **embody gender equality and equity while promoting women and girls' rights** - by local and international CSOs in Iraq. However, this effort is still lacking, due to the entrenched traditional view of women and girls in the country.

Based on the sampling in the workshops and personal interviews, many achievements by CSOs could be identified, despite the deep-rooted problems faced by women in Iraq. This is shown clearly in the shadow CEDAW report drafted by a coalition of Iraqi organizations, especially women's organizations and the presence of male and female lawyers. Many of its recommendations were adopted by the CEDAW Committee.

Another issue which was mentioned was the Iraqi government adoption of the national emergency plan (Resolution 1325), after much effort by local organizations and the support of international organizations, which also included monitoring its implementation. The drafting coalition still exists and some other organizations picked up the issue and the two sides are cooperating.

Iraqi al-Amal Association and the Iraqi Women's Network held a wide regional conference in May 2015 on to end violence against women during conflicts, with good Arab and international participation. This was followed by events in Jordan (October 2015) and Lebanon (December 2015).

Some organizations mentioned favorable amendments to the law on protecting women from domestic violence. However, there are major difficulties and challenges to its adoption by the Iraqi Parliament, due to objections by many Islamist religious parties and organizations. On the other hand, there was no serious intervention by Christian MPs. The organizations also mentioned that a similar law was passed in the Kurdistan region. However, it suffers from difficulties in implementation, due to the clannish and religious mentality of some leaders in the region, in addition to the lack of a clear implementation mechanism in the law.

Some organizations also mentioned they successfully pulled the Jaafari Personal Status Law from discussions, which had been approved by the Council of Ministers before the 2014 parliamentary elections. A wide campaign consisting of local and international organizations and all sorts of activists was successful in reaching out through the media against the law. Thus, the government was forced to pull the law and did not send it to the parliament, due to wide local and international pressure.

The organizations also mentioned that they still have a major role to play to combat violations against women and girls, especially refugees, requiring the establishment of an environment suiting the needs of women in camps and displacement regions. Based on their reports and official data, the organizations identified a strong weakness in school enrollment of girls, especially in secondary education and universities. There were several reasons for this fact, including clan-based, sometimes called religious, reasons, and economic reasons, due to the inability of some families to cover the expenses of education. This is in addition to the rise in cases of harassment, including sexual harassment, of women, girls, and children. There is also a rise in early marriage, where many cases were identified by legal clinics run by NGOs and where many girls are not allowed to register their marriages and thus lose their rights and the rights of their children, in the event of the death or disappearance of the husband or breakup and divorce outside the courts, similar to the marriage.

The organizations also mentioned that despite the presence of a not so small number of women workers in state establishments and the private sector, their presence in political, governmental, and administrative decision-making centers is still weak. It showed a decline in the post2003- period, with one woman minister, compared to four before that.

Gender sensitivities and stereotypes are still a weakness in CSOs, especially those run by men. Most of the leaders are men, with few exceptions.

The third Istanbul Principle included in the report is the **focus on people's empowerment, democratic ownership and participation.** The majority of Iraqi CSOs work in the humanitarian and services fields. They also conduct awareness workshops under contract from some donors and sometimes other local organizations with strong links to international organizations or the UN. Some organizations strived effectively and in a real manner to involve civil society in general, in addition to academics and researchers in government strategies and laws impacting civil society work in particular and society in general.

Since 2013, there has been action on various levels: national, Iraqi Kurdistan region, and even some governorates through the governorate councils or government offices in the regions. The activity of civil society activists is also clear in the halls of the Iraqi Parliament, holding workshops and press conferences inside its buildings. In addition, the government and parliament of Iraqi Kurdistan began drafting a cooperation protocol between public authorities and CSOs, which was drafted under the initiatives of CSOs and supported by a UN agency. The drafting included various parliamentary committees and representatives of the General Secretariat of the Council of Ministers. The document was then discussed inside the parliament and the region's ministries. A similar document was drafted on the federal level.

The process was derailed by some issues in the General Secretariat. However, some of its goals were established, especially cooperation with social organizations in drafting policies through various government committees. Some law drafts were also discussed with CSO representatives. They included the political parties law, the labor law, the draft law on protection from domestic violence, and amendments to the law on freedom of expression, assembly, and peaceful protest. A similar movement was identified in some governorates by some active organizations in the region. Some did not receive outside funding and others received diverse funding. These initiatives seem to be relatively acceptable, although many political and party leaders do not recognize an independent role for CSOs, especially on the level of real partnership in policy-making. However, some of them accept fully the participation of academics and research center in this field, as many of the respondents indicated.

As for **transparency and accountability**, all the respondents agreed on the importance and sensitivity of the issue. Some believed that transparency and accountability in CSOs should be high. However, others saw that their application might have a negative impact on organizations, since they might bring about pressures or security challenges, especially for organizations whose budgets are in the millions of dollars. Local organizations do not have the financial capacity to provide security and the cost of contracting security companies is high.

Some respondents indicated that international organizations and UN agencies in Iraq do not provide a positive example, especially in the field of transparency. However, some aspects of transparency or accountability could be identified. The respondents indicated that the great majority of international organizations fail to publicize their budgets for Iraq and they do not announce them in a clear manner. Hiring, grants, and contracts happen through channels that are not open to most local organizations and could only be accessed by some who have relationships with international organizations and UN agencies. The same applies to hiring and employment inside those organizations.

The respondents also mentioned the conflict of interest inside local organizations, which are sometimes managed by relatives or one family. They also lack transparency in their work, which has a large negative impact on the general view of local organizations and some international organizations. The majority do not have transparent management or financial systems that are known by their staff. The rights of workers in those organizations are often violated due to the lack of transparency and accountability. The culture of accountability of management or boards of directors barely exists, due to the authoritarian culture entrenched by the successive governments. Even in the educational process, a paternalistic and clan mentality and behavior prevails. CSOs have not made an effort to find alternatives in this field, which also impacts the image of organizations. This is despite their great impact recently in leading some demonstrations and reducing the salaries of high-level officials in the state.

Numerous party leaders, ministers, and MPs have established their own organizations that lack any form of transparency or accountability. They depend on the role of those leaders and reflect a totalitarian mentality, where the parties impose their control over the NGOs. Those organizations are often established to enhance relationships in society or increase their income, investing it in enhancing their image. They use their positions as leaders with donor organizations by enabling them to work with official organizations and others.

The majority of international organizations working in Iraq or that are partner with Iraqi organizations demand that local organizations should be transparent in their management and budgets. This is important to improve the image of local organizations towards local and national opinion, stakeholders, and government and legislative authorities, in addition to the adoption of the culture of transparency and accountability in the country. However, there is no indication that international organizations publicize their budgets, or at least the budgets allocated for Iraq, to local organizations or the Iraqi public. The security situation is used as an excuse by international organizations, although a bigger security risk falls on local organizations, especially since they are not protected and do not work in fortified areas like international organizations. In addition, decision-making processes in international organizations are not done in a participatory or consultative manner with the local team.

The last theme covered by the report was **equitable partnership and solidarity**. The opinions on this matter varied, especially about the types of partnerships involved. There are partnerships among local organizations that the respondents mentioned could achieve some of their goals if they were voluntary or focused on one clear goal, such as the coalition for Resolution 1325. A national emergency plan was adopted due to the campaign led by this network and cooperation with other organizations. Another example was the coalitions and networks working on major changes in the draft law on freedom of expression, assembly, and peaceful demonstration or the law on domestic violence. On the other hand, the respondents indicated major failures in partnerships based on implementing projects funded by external organizations, since such coalitions would break up as soon as the funding ends.

Partnerships between international and local organizations could lead to some positive results if they aimed to achieve long-term goals. The majority of respondents, with very few exceptions, said that international organizations do not build the capacity of partner local organizations, especially in the field of institutional building or ability to work with a broader scope. On the contrary, many international organizations implemented their programs directly without cooperation or partnership with local organizations, which impacted the sustainability and follow-up of those projects. In other cases, international organizations sought to establish local organizations, whose boards of directors were headed by foreign persons. These international organizations would exclusively contract the local organizations that they established and actually run. This is a stark negative example of conflict of interest encouraged by international organizations in Iraq and probably in other countries in the region and around the world.

Other types of partnerships are between local or international organizations and state institutions in general, such as ministries and independent bodies, the parliament, and governorate council. The impact of such partnerships was clear and positive. The respondents concurred that the government has been unable to conduct its tasks, due to the deteriorating humanitarian situation in the country, in addition to the austerity measures imposed by the government after the sharp decline in state income due to dependency on oil whose prices have fallen sharply. This opened the doors wide for CSOs to work with state institutions to partially alleviate the situation. Additionally, youth and civic organizations and initiatives, which are not registered according to Iraqi law, played a positive role in alleviating the suffering of IDPs in the governorates to which they were displaced. This situation contributed to improving the image of those organizations and pushed state institutions to encourage cooperation with them, improving the performance of state institution. This role is a clear and important part of the demands of CSOs and opens the door for cooperation.

On the other hand, the capacities of CSOs in this respect are still weak. The religious mentality of some of their leaderships, their weak strategies and inability to attract volunteers or mobilize society, and their capacities in general are an obstacle to the role of CSOs in developing partnerships and solidarity.

Sixth

Recommendations

● Develop the internal performance and enhance the interior structures of CSOs, through drafting financial, administrative, and human resources regulations in a clear, public, and transparent manner.

● Improve gender sensitivity for actual actors and organizations, since the organizations working on gender issues are either women's organizations or led by women; develop training programs for organizations' leaders and management in the field of gender sensitivity.

● Build a human rights culture based on the Universal Declaration of Human Rights and related charters.

● Review the Istanbul Principles - according to the majority of respondents in this report, they were drafted based on the priorities and orientations of international organizations and did not take into consideration the role of local organizations and developing partnerships with them to ensure sustainability and effectiveness.

● Create a training program on embodying gender equality inside NGOs.

● Stress the importance of national ownership; involve local organizations in drafting the projects implemented by international organizations in Iraq, instead of using external expertize whose opinions and culture does is not in line with the culture of the country, which could lead to the limited impact of such projects and programs on the local level.

● Enhance the legal environment for the work of NGOs, which suffer from harassment in some countries; enhance the environment for partnership between them and with public institutions to contribute to the rebuilding process.

● Develop capacity on the Istanbul Principles in addition to presenting a document on the historical process (from Paris to Accra to Busan), even in two pages, so the Principles do not seem to have been parachuted in an unclear manner. The majority of activists and organizations do not have an idea about Aid Effectiveness or Development Effectiveness.

Seventh

Organizations and Individuals Included in the Report

1. Al-Rafidain Peace Organization
2. Cultural Association For Youth Of Iraq
3. Mercy Corps
4. Al-Mortaqa for Development
5. Bent al-Rafedain Organization
6. Awan Organization
7. Ther Development Center
8. Baghdad Women's Association
9. Al-Noor Universal Foundation
10. Iraqi al-Firdaws Association
11. Tammuz Organization for Social Development
12. Public Aid Organization
13. Village of Small Projects in Zakho
14. The Justice Center to Support Marginalized Groups in Iraq
15. Civic Center For Studies And Legal Reform
16. Iraqi al-Amal Association
17. Nala Moatasem Ali - UNDP Consultant
18. Elham Makki Hamadi - Gender Expert

Part 4

The Jordanian civil society and Istanbul principles for CSOs development effectiveness

Prepared by
the lawyer Hussein Al Otaibi

First

Introduction

Associations are the most important institutions that organize the work of groups; they are a type of organization in society, any form of civil society, where the individual could work voluntarily with relative independence from the state. Associations are the backbone of civil society and play a pivotal role in public life.

The existence of civil society has been associated with the concept of Democracy, namely the right of citizens to participate in political and social equality and freedom of speech, association, and assembly. It is the fruit of the struggle between social classes existing in the community. In civil society, the main characteristics and relationships are limited to citizenship. Thus they tend to be civilian, voluntary, contractual, rights oriented, and egalitarian.

Nowadays, the compromise between peoples reached the level, as a result of the information and communication revolution, where it is necessary to work on strengthening the institutions of civil society to play a leading role in development and engage people in the public affairs process.

Moreover, participation is the essence of the democratic process in any society of the modern state, which is different from the traditional state by the extent of involvement of individuals and groups in political work. The more political participation increases, the better it gets, as an indicator that reflects the healthy relationships between the state and society in terms of opportunities for the members of the community to enter the civil sphere through the creation of new institutions through which civil society organizes its activities independently from the public administration. These chances allow to enlarge the size of the participation of community members in the areas of human development, and even the size of a political and social representation through associations and civic organizations in all its diversity, and thus enable them to participate in public affairs.

Non-governmental organizations have proven, on many occasions, that they are a social force and a conscience creating an impact, although they do not represent or seek to possess any political power. Some of them handle disseminating a message of human rights principles, and the defense of the victims and the oppressed, and some work in the field of development and the relief of poverty, while others prefer charitable work, and in between there are those organizations involved in providing humanitarian aid.

In every sphere of life, active non-governmental organizations struggle to achieve welfare and human dignity. This is the message of non-governmental organizations. This is what the vast majority of them have done, even if some of them have not expressed this content or message.

Cooperation between authorities (such as parliament and the government and local governments) and civil society organizations has witnessed a remarkable development around the world in the past years, which continues upon local needs. There is a clear trend to expand the scope and forms of cooperation, and the institutionalization of this participation, so as to ensure continuity and sustainability.

In fact, the government realizes that a vital and sustainable civil society contributes to responding to the needs and that it allows the citizens to become active participants in the society. Moreover, civil society organizations play a key role in this process; through these organizations, citizens work on organizing themselves, and express their legitimate interests more effectively.

Civil society organizations have started to tackle the needs of their audience, and they seek to access the best solutions to the issues raised. They often resort to innovative ideas that could be developed to cover various aspects of events and provision of services. In addition, some civil society organizations are working on developing a strategy to answer citizens' needs on an ongoing basis, in order to be able to respond immediately to the emergent needs, without going through lengthy bureaucratic procedures. At the same time, they are working on attracting the resources, and capacity building in areas where they operate. To do so, public authorities transfer and entrust some of the governmental functions to civil society organizations; they are aware that CSOs work closer to the public, are more understanding of local needs, and that their work is more efficient in terms of costs and flexibility.

On the other hand, civil society organizations play an important role in shaping policies and laws and in the promotion of the citizens' needs in the midst of these processes. The right of citizens to participate in public affairs management is one of the fundamental principles of democracy, which ensures that people are able to deal with problems that affect their lives directly. Moreover, the participation of citizens enables the authorities to activate their potential more efficiently. Since it is often difficult for citizens to access decision-makers and influence the process individually, civil society organizations are considered as a bridge between citizens and public authorities, helping to explain the views of concerned citizens in a constructive way.

Second

Sustainability of civil society organizations

1. Legal Environment:

Public authorities are working on the support of civil society organizations by enacting suitable legal environment for the establishment and sustainability of these organizations. Legislation creates a protecting framework that limits the ability of governments to interfere with the fundamental rights of civil society organizations in Jordan. This environment is necessary to make sure that these organizations are able to perform their role and to deal with the needs that they seek to meet. On the other hand, the potential legal framework creates strong and trusted partners in the civilian sector, which is not less important than the former; as it contributes to the development of partnership between civil society organizations and public authorities.

The associations' law No. 51 issued in 2008 is still the main law governing civil society organizations. It imposes on civil society organizations to register in order to operate. Recommendations could be issued by the competent ministry - such as the Ministry of Political Development, the Ministry of Tourism, the Ministry of Environment and the Ministry of Interior regarding registration applications, but the final decision will be left to the Board of Registration. Non-profit companies are registered by the Ministry of Trade and Industry under Companies Act No. 73 of 2010. There is also a special category of royal non-governmental organizations, which are recorded under separate laws based on royal decrees and parliamentary ratifications. Royal non-governmental organizations have fewer restrictions on permitted activities and messages, and may receive more funding from both the public and private sector resources. Royal NGOs also receive governmental funding that is not available for other civil society organizations.

Law No. 51 contains a vague language; it is ambiguous regarding many issues such as the protection against arbitrary dissolution of associations, and the procedures for imposing sanctions on civil society organizations, as well as the mechanisms of political participation. Moreover, in accordance with paragraph -9a of Law No. 51, it should not be the main objective of the CSOs to achieve political or religious goals; these conditions are not clearly defined.

CSOs are facing interference in their work; for example, non-profit registered partnerships under the supervision of the Ministry of Commerce, Industry and Associations need to get the approval of the Prime Minister on all funds, and the procedures are long and complicated. On the other hand, royal non-governmental organizations are not subject to these requirements. Civil society organizations must provide notice to the administrative governor before organizing any meeting forty-eight hours beforehand at least. Moreover, the registration office imposed on associations to provide lists of staff and volunteers and employees' wages in their annual reports, which a number of associations consider as a violation of privacy, especially since other sectors are not subject to these rules.

Instead of working towards the improvement of the legal environment that rule civil society organizations and overcome the challenges facing the implementation of the law and encourage the development and activity of civil society in Jordan, the proposed draft law for associations put severe restrictions that will hinder the work of local and foreign non-governmental organizations and donors, as follows.

- Restrictions on the objectives and activities of associations:

Article IV of the draft law prohibits the registration of any association with objectives conflicting with public security, public order, public safety or public health or morals or the rights and freedoms of others. Article II of the draft law prohibits any political objectives within the scope of activities of political parties within the association. The draft law also delegates the competent minister (the minister appointed to oversee the association upon its main objectives) to raise a recommendation to the Board of registry of associations (the Board of Registration) to dissolve any association based on these justifications.

- Restrictions on foreign funding:

Article XV of the draft law confirms new requirements that were adopted by the Council of Ministers with respect to requests of foreign funding. According to article XV of the draft law, requests for foreign funding must go through two rounds of review, as they are reviewed by the association registrar (unit of foreign funding) as well as by the Council of Ministers. The draft law also gives a mandate to the government to issue additional regulations to set the criteria for the approval of funding. The law does not impose on the Council of Ministers to clarify the rationale for rejection of foreign funding requests and the conditions of spending this financing.

- Restrictions on foreign non-governmental organizations:

Article IX of the draft law imposes new conditions on the establishment and management of foreign associations, as the draft law prohibits the foreign branch of the organization to receive funds from any source other than the main center of the organization, whether inside or outside Jordan; it also requires the consent of the Council of Ministers on the money provided by the main headquarters of the organization.

- The increase of the minimum number of founders:

The draft law provides for the requirement of 50 founders in order to establish a non-governmental organization. This will hinder the establishment of small organizations, including organizations that serve rural areas, as well as specialized organizations and those of a technical nature, such as medical organizations. Many important organizations will find it difficult to find such a large number of founders to get established and maintain this number of founders.

- Restrictions on the founders and members of non-governmental organizations:

Article XIII of the draft law stipulates that all the founders and members of the organization be of Jordanian nationality. Article VIII prohibits founders of non-governmental organizations from serving as board members of another organization, registered under the supervision of the same competent ministry.

- Cancellation of automatic registration:
The current Association's Law states that if the registration board did not finish the license application within sixty days from the date of application, then the application is considered acceptable, while article XI of the draft law cancels this provision for both local and foreign organizations.

- Excessive government oversight:
The new draft law gives the concerned minister the right to request control over the association's reports by the Court of Audit. The draft law does not provide a justification for such a referral, which leaves the door wide open to the minister to request a review of the association's accounts. The draft law also empowers the competent minister to recommend the suspension of a foreign organization branch, or to solve an association, or to appoint a temporary board of directors based on very vague justifications.

2. Organizational Capacity:

Organizational capacity remains as it is for most sectors. This said, royal non- governmental organizations and large civil society organizations enjoy more stability at work, more powerful messages, strategic plans, and organizational structures.

Many organizations which focused on the Syrian refugee crisis have gained a new experience at the national level and at the same time raised the efficiency and scope of the programs that they offer to the Jordanian society. These organizations entered into a partnership with international organizations and have opened branch offices outside Amman, where the Ministry of Planning imposed on any foreign organization that seeks to work with the Syrian refugees to enter into a partnership with national organizations.

The strategic planning of organizations is weak in general. This said, some of the specialized organizations have strategic goals and they sometimes refuse financing when it is not compliant with their strategies. On the other hand, small civil society organizations have plans and short-term expectations.

The internal management and governance structure is not effective, as civil society organizations work as a "one-man show" by the founder, playing the role of each of the Chief Executive of the organization and chairman of the board. He would also have relatives in the Board of Directors. Royal NGOs often have representatives from ministries and private sector companies in their boards of directors, which can also help them get funding.

On the other hand, employment has increased in civil society organizations in response to the influx of Syrian refugees, as civil society organizations recruited additional staff and volunteers to work on this issue. This has increased the capacity of the organizations to respond to the emergency needs through the creations of teams, delegating tasks, and the promotion of volunteerism. In Irbid, Mafraq, Ajloun, and Zarqa, civil society organizations benefited from donors projects and programs and were able to raise their capabilities to meet these conditions. Most civil society organizations rely on volunteers to operate, and this affects the consistency and the ability of human resources. The few organizations that have permanent staff have difficulty in retaining these employees, because the funding is not secure, and civil society organizations cannot offer competitive salaries.

3. Financial safety:

The lack of diversification of funding remains a major issue facing civil society organizations in Jordan. Most of the sector is still dependent on foreign funding. Key bilateral partnerships in Jordan include partnerships with the United States, the European Union, Japan, and Canada. There are no official figures with regards to the support of foreign donors. Civil society organizations working with Syrian refugees continued receiving abundant foreign funding. Smaller civil society organizations, particularly community associations and youth clubs, have less power to enter into direct partnerships with international donors. Therefore, they tend to rely on funding from local organizations and individuals, as well as entities such as the Ministry of Planning and the Ministry of Social Development, although a lot of funding from these sources also is from foreign sources.

CSOs have access to local funding from both the public and the private sectors, including banks, telecommunications companies, and large private companies. The Tkiyet Um Ali, and King Hussein Cancer Center, and other organizations that focus on charity work and humanitarian support are the most successful organizations in collecting local donations. Civil society organizations must improve their capacity in advocacy, fundraising and proposal writing to attract funding, especially from the private sector.

Civil society organizations could apply for a maximum of two licenses a year to organize fundraising events, such as charity markets. Nevertheless, they remain so incompetent in attracting donations.

Some ministries, such as the Ministry of Social Development, establish contracts with civil society organizations to provide services to Syrian refugees and other groups. However, there is a fierce competition from the private sector on government contracts and civil society organizations get small fees in exchange of services and membership fees.

4. Advocacy:

Civil society organizations were asked to become a more effective and influential force in the process of setting, modifying, and implementing policies. These organizations had more direct contact with the local government, as they were able to be involved in initiatives such as "My Nationality is a Right for Me and My Family" to easily reach the decision-makers. Thus, they were able to influence the amendment of some laws. CSOs were involved in various government committees overseeing rehabilitation centers and centers for persons with disabilities. The civil society organizations also established memorandums of understanding with various ministries, as well as partnerships with municipalities to implement projects in the provinces. For example, King Hussein Cancer Center signed a memorandum of understanding with the Ministry of Education for a fundraising campaign that aimed to provide financial support for patients who are not insured and who are unable to pay for cancer treatments.

The coalition "My Nationality is a Right for Me and My Family" helped to eliminate all forms of differentiation based on gender in the Constitution, with an emphasis on the right of Jordanian women married to foreigners to transfer their nationality to their children, which will provide them with access to health, education, and employment services.

While no legislative changes were made, these efforts forced the government to pay serious attention to this issue, as well as a campaign to protect forests in Burqush. Moreover, civil society organizations encouraged the participation of women and people with disabilities in parliamentary elections.

Civil society organizations were also involved in human rights issues such as opposition gender-based violence, as evidenced by the work of many civil society organizations in the Shamaa database network, and securing the rights of the disabled. However, from time to time, competition between organizations undermines advocacy efforts and building coalitions.

Civil society organizations are also prohibited by law from participating in political activities. As a result, there is no regulatory pressure or awareness of pressure mechanisms between civil society organizations.

5. Provision of services:

The civil society organizations sector offers a variety of goods and services. The majority of them participate in charity related activities, or in education, health, culture, children, youth, women, orphans, people with disabilities, and Syrian regfugees. Syrian refugees have received various services from civil society organizations, including humanitarian assistance, health care, shelter, psychosocial support for children, reproductive health, food, clothing, and education.

Some civil society organizations participated in projects targeting the needs of the local communities, which they identify through need assessment, while others follow the priorities of donors, such as the environment and political participation of women. Civil society organizations are known for their abilities to provide services to a broad base of local circles, rather than just providing services to their members.

Civil society organizations that provide basic services such as training, health care, and legal consulting impose symbolic fees, in line with the current economic situation. These fees help cover their operating costs, while the services provided offer job opportunities, especially for women.

6. The overall picture:

Official media still provides weak coverage of the issues of civil society, while the coverage of the Rou'ya channel and news sites on the Internet is more comprehensive. For example, private media, independent journalists, and social media gave effective coverage of the campaign "My Nationality is a Right for Me and My Family", which highlighted economic and social problems faced by Jordanian women married to non-Jordanians, thus not capable of transmitting Jordanian nationality to their children. On the other hand, public media only covered the opinion of the government in this regard. Private media provided more positive coverage than the official media of civil society activities related to workers' strikes and the government's closure of websites in accordance with the electronic press law. There is a need for more specialized coverage by journalists who understand and interact with civil society and media. Royal NGOs typically earn more attention than other civil society organizations from both the public and private media.

Because of the negative media coverage, the public is in doubt regarding civil society organizations that receive foreign funding. The public also lacks awareness of the role of civil society organizations. Rural communities are more familiar with civil society organizations and their work. In 2013, the public gained extensive knowledge of the role of civil society organizations - including international organizations such as Save the Children and the International Rescue Committee - in providing relief to Syrian refugees.

There are various government agencies in Jordan that have a positive perception of civil society organizations and recognize their role in providing social services. The government supports the expansion of civil society and seeks, at the same time, to keep it in line with the government's policies. In general, companies have a positive perception of civil society organizations, especially royal NGOs and larger civil society organizations. They also develop their relations with royal non-governmental organizations to cultivate relations with the Jordanian government.

Third

The right to freedom of opinion and expression

In Article 15, the Constitution guarantees the freedom of opinion and expression and the freedom of the press and media. International covenants enshrined these rights as a prerequisite for the achievement of the principles of transparency and accountability. The protection of this right is one of the most important boosters to the protection of human rights and the fight against corruption and it contributes to the advancement of society economically, politically, socially, and culturally, and therefore, the maintenance of the freedom of expression is vital to the individual. Reviewing recent amendments to some the legislations concerning freedom of opinion and expression and freedom of the press and media, it is evident that they did not contribute in the form required to create a legislative environment and atmosphere suitable to raising the ceiling of media freedoms and freedom of expression in general and strengthening the democratic climate in the country.

It is worth mentioning that although all the laws that have been modified had some positive aspects, the amendment of the majority of their texts came to broaden the circle of restrictions on freedom of expression and freedom of the press and media in Jordan. This is contrary to the targets of the information strategy and the obligations of Jordan, under human rights conventions. Some of those even opened the door to the arrest of journalists and media professionals and their imprisonment.

Recently, there has been an increase in the arrest of people, some under the so-called popular movements or other independent persons who expressed their opinions and criticized Jordan's positions and the government's public policies regarding regional and international issues.

Charges against these persons ranged between acts that disturb Jordan's relations with foreign countries, exposing the kingdom to risks of hostilities or revenge, being anti-regime, inciting its opposition, and slandering official prestige. The majority of those were arrested and tried in the State Security Court, and they were detained for long periods, often while awaiting a judicial ruling.

It is noteworthy that Human Rights Watch issued a report on the human rights situation in the world for 2015, which indicated that the Jordanian authorities extensively used the Prevention of Terrorism Act for the arrest and prosecution of opposition activists, journalists, politicians, and persons involved in marches or the various protests. The report also pointed to shrinking space for the freedom of the media throughout 2015.

Fourth

The right to assembly

National and regional legislations, as well as the international conventions, ensured the right for citizens to peaceful and protected assembly, including the exercise of organizing rallies and protests and public events, and the right to participate in them and join them whatever their forms and objectives are, and the right to freedom of holding opinions and expressing them.

Increasing restrictions on peaceful assembly emerged recently and a prior approval of government authorities is required to establish events. Such practices constitute a clear violation of what was brought by Public Meetings Law No. (7) of 2004. Accordingly, the authorities prevented group activities having a peaceful nature. The administration prevented the implementation of peaceful events dedicated to the peaceful expression of opinion. Authorities also detained a number of people after participating in peaceful sit-ins and marches.

Fifth

The right to access information

Jordan has several international commitments regarding the right to access information. Nonetheless, the Jordanian Constitution contains no reference to this right. However, many voices called for the need to include it in the constitutional amendments passed in 2011. The law ensuring the right to access information remains the principle law that regulates this right, but this law needs a comprehensive review; it expands the exceptions circle and makes a great deal of information inapplicable, as it makes the application of other laws a priority, which constitute a major obstacle to the flow of information, and especially the law protecting state secrets documents.

Sixth

Recommendations

1. The right to form associations and to join them:

- To review in a timely manner the Law on Associations and amend and develop it in a manner consistent with international human rights standards.

- To ensure to individuals the right to create associations, by providing notice to the relevant administration, which has the right to object to it at the courts; otherwise, the establishment of the association would depend on the approval of the governmental administration.

- To make sure the law states the right of associations to set their charters and rules of procedure without any restrictions except what is required in a democratic society, for the maintenance of national security or public safety, public order, public health or morals, with no expansion in the interpretation of the concept of public order.

- To grant the administrative board of associations total administrative, financial and technical independence to oversee the management of associations.

- To have an explicit provision requiring that the associations enjoy complete freedom in managing their matters under the supervision of the associations' register, which has the right to resort to the judiciary to hold accountable any association that violates the law.

- To state the right of associations in the free election of their governing bodies without the intervention of the administration in it.

- To cancel the sanctions contained in the law and submit any irregularities committed by the association to the penal code.

- To stipulate in the law the inadmissibility of granting any official party the right to dissolve associations, and that this matter should be entrusted either to public bodies with relative large majority or the competent courts.

- To make explicit the right of associations to receive aid and donations from Jordanian and foreign sources, on the condition that they disclose it and that it appears in their annual budgets.

- To ensure that associations adopt the basics of good governance and best practices in all their administrative and financial matters and that they consider national priorities in the implementation of their activities.

2. The right to freedom of opinion and expression:

- To complete the review of the laws on media and freedom of expression in general, going over it as one legislative package in order to avoid contradictions and inconsistencies between the laws.

- To amend the Prevention of Terrorism Act, so that criminal activities become more accurate for the individual, in order to allow him to adjust his behavior according to the legal text, especially the amendment of Article (3 / b), upon which many journalists and holders of different opinions have been tried, and Article (3 / e) regarding the use of information networks to promote the ideas of a terrorist group.

- To amend the Penal Code, particularly Article (1/149); due to the generality and breadth of the legal text and the possible inclusion of many actions in its framework.

- To subject the process of information classification in the various institutions to a single methodology and process with the need for a body that oversees the rating process, not to leave it to the whims of the person in charge, starting from the principle of maximum disclosure of information.

- To replace the penalty of imprisonment and criminal fines by expanding the scope of compensation for those affected by false news, and including compensation for psychological harm, and thus eliminating the criminal nature of these offenses or decreasing it as much as possible.

3. The right to meet:

- To promote and ensure the rights of individuals to peaceful assembly and guarantee that the law enforcement agencies protect this right for citizens, on the level of legislation and practices.

- To secure greater protection for individuals during marches and protests, to obtain justice for victims of violations, to compensate them financially and morally, and to prosecute those who attack them.

- To organize training for law enforcement agencies on international standards, concerning the right to freedom of opinion and expression and in dealing with the demonstrators and journalists during the rallies.

Seventh

Background on the Istanbul principles

The Open Forum held its meeting for the first year in Istanbul, Turkey, in September 2010. Through the proposals of thousands of organizations represented in the meeting from all over the world, the Istanbul principles were born, which represent a document of the utmost importance and a landmark to guide the way to the work of civil society organizations through eight pivotal principles. The overall aim of these principles is to establish standards for the work of civil society organizations and enhance their active role in the development and responsibility towards positive change. In 2011, the Fourth High Level Forum on Aid Effectiveness in Busan adopted the Istanbul principles and the participants in the Forum agreed on the following:

A) To enable civil society organizations to exercise their role as independent actors concerned with the achievement of development, giving special emphasis on the enabling environment in line with the agreed international conventions, which leads to maximizing the contribution of civil society organizations in the development process.
B) To encourage civil society organizations to implement practices that promote responsibility and their contribution to development effectiveness, guided by Istanbul principles and the international framework for the development effectiveness of civil society organizations.

Hence the importance of the Istanbul principles as a document drafted by the same society organizations, and therefore that takes into account the priorities for action and possible challenges. In fact, the Istanbul principles derive their importance from civil society. Civil society organizations are a vital and essential element of democratic life in all countries of the world. They are organizations working for development and in favor of the most marginalized groups, one of the basic catalysts for positive change in society. Civil society organizations formulated their own principles and standards in the Istanbul principles and developed a mechanism to monitor and evaluate the commitment of organizations to these principles and criteria which are as follows:

• Respect and promote human rights and social justice
Develop and implement strategies, activities and practices that promote human rights, including the right to social justice and equity for all people.

• Embody gender equality while promoting women and girls' rights
Gender equality and work on women's issues and enable them to carry out active roles considering active participants and partners in development, and address all forms of violence and discrimination against women.

• Focus on people's empowerment, democratic ownership and participation
Enable the target groups and involve them in the development plans to strengthen their knowledge of the proposed policies and development initiatives that mainly involve their lives. Thus these groups become partners in development and not just a beneficiary.

• Promote environmental sustainability

Promoting environmental sustainability of current and future generations, including rapid response to climate crises taking into account the economic and social aspects in regards to environmental justice.

• Practice transparency and accountability:

Institutional commitment to transparency and accountability within the organization and adoption of clear mechanisms to ensure adherence.

• Pursue equitable partnerships and solidarity:

Signing a partnership agreement, establishing transparent relationships with different institutions that share this institution's goals and principles and endeavoring to make it a long term partnership, built on organizational independence and mutual respect.

• Create and share knowledge and commit to mutual learning

Diversifying learning methods to benefit from the experience of various organizations and exchange information.

• Commit to realizing positive sustainable change

Working on achieving durable results through development programs which enjoy effective results in improving people's lives especially for marginalized and poor categories and ensuring the persistence of this positive effect for the current and future generations.

Eighth

Research methodology

The research focused mainly on a methodology aiming to analyze the state of organizations through surveys that include many questions asked to a number of organizations selected according to their geographical location, which included Amman, Madaba, Russeifa, Zarqa, Ma'an, Aqaba and Irbid; and taking into consideration the organization's specialization and field of work since they encompass human rights, legal, cultural, philanthropic, social, and developmental organizations. In addition to all general information, the survey also included Istanbul Principles, as such:

Organization's Field of Work
a- Which fields is your organization specialized in?

b- Which category are the activities of your organization focused on?

c- Approximately, how many employees does your organization employ?

Organization's activities:
a- Does your organization have a specific and written mission and does it follow a strategic plan?
- Written mission
- Strategic plan

b- What kind of activities does your organization do?

c- In the last twenty four months, what were the three most important projects or achievements recorded by your organization in the following fields:
- Spreading awareness or conducting general campaigns
- Scientific research
- Conferences and workshops
- Direct help or direct intervention

d- How does your organization reach its target category?

e- Does your organization use any of the modern communication means to communicate with its audience or decision-makers?

f- How do you generally evaluate the success of your organization in reaching its target category?

g- How does your organization endeavor to influence the policies?

h- What are the major obstacles that hinder the efforts your organization deploys to influence policies?

i- Does your organization include human rights, social equality, gender equality and woman empowerment in its organizational goals, vision and mission?

j- Does your organization adopt programs pertaining to human rights to educate its employees?

k- Does your organization work in advocacy work and rallying support in fields related to spreading democracy and urging other active parties working in the field of development, gender equality and woman empowerment?

l- Does your organization adopt a developmental approach focused on human rights?

m- Does your organization practice cultural and educational exchange as part of its activities and does this exchange include partner organizations and beneficiary parties?

n- Does your organization apply durable environmental approaches in its operations (including reduction of resource usage and/or waste recycling and so on)?

o- How would you describe the level of interference in the civil society's programs and activities?

Future work plan for the organization:
a- Can you describe the future activities your organization is planning for the upcoming two years?

b- How does your organization design, execute and evaluate its programs and projects?

c- What is the level of contribution of the beneficiary and the partners in your organization's programs and projects aimed at decision making during the conception, execution and assessment phases?

Collaborating with other organizations:
a- How many times did your organization work or communicate with other organizations in Jordan?

b- In which ways did you collaborate with other Jordanian organizations?

c- Did your organization hold institutional long-term relations?

d- How many times did your organization work with other regional organizations? In what ways?

e- How many times did your organization work with other international organizations? In what ways?

f- How many times did your organization communicate with Jordan's National Center for Human Rights? In which way did you communicate?

g- How would you describe the level of collaboration among civil society organizations in Jordan?

Governance and Transparency:

a- What is the status of decision-making and governance when it comes to right to access and ensuring equality and justice between genders?

b- Does your institution apply auto-organization mechanism? Do you abide by a written code of conduct and/or ethical pact?

c- Does your organization have a complaint mechanism?

d- Does your organization give access to the private information of its projects and programs including result projections and assessments?

e- What practices does your organization follow in terms of reporting and writing reports? Does it respect transparency and fields of transparency included in the standards of the International Aid Transparency Initiative?

Challenges:

a- From your point of view, what is the biggest challenge for your organization?

b- What is the challenge that comes in the second and third place in terms of importance?

Information about the respondent:

a- What is the name of your organization?

b- What is your current position in your organization?

c- Since when do you work in the organization?

Ninth

Research results

The survey, which constituted the basis of this research, revealed that many among the organizations who were included in the survey are relatively committed to the most important principles in the "Istanbul Civil Society Organizations Development Effectiveness Principles" without previously reading them or knowing about them. None of these organizations has heard of these principles and/or the course that led up to these principles and their importance.

While reviewing the answers of the organizations included in the sample questioned, we reach the following deductions:

- When it comes to organizations including the principles of human rights, social equality, gender equality and/or women empowerment in their organizational charter as well as their mission and vision statement.
Some of these organizations list human rights principles within their vision, especially the ones working in the field of human rights in general, given that these principles are mentioned in the mission and vision of the organization including the goals they seek to achieve. When it comes to gender equality and women's empowerment, women's rights organizations are the ones most interested in this issue and work on achieving it constantly, given that it is their core goal, while other organizations include these causes in general among the activities and projects.

Many organizations seek to reinforce the principles of human rights, social equality, gender equality and women's empowerment through workshops, advocacy campaigns, violations monitoring, and writing supporting reports along with a comprehensive regular discussion and influencing policies through law amendments and constitutionalizing rights. Some among these organizations have succeeded in reinforcing these rights in spite of the difficult challenges that they face in this regard.

- In terms of setting decision making and governance structures that allow the right of access as well as ensuring gender equality and justice:
Many organizations lack internal regulations, organizational structures, monitoring systems, and questioning and accountability mechanisms; since most of these organizations will make do with their bylaws which is a requirement to enroll it in the Organizations Register and which is limited to its goals, membership conditions, and the jurisdiction of the general committee and administrative committee. Meanwhile big organizations have organizational structures and internal regulations, similarly to big companies in the private sector.

Concerning decision making mechanisms, many among these organizations limit making decisions in every matter to the head of the administrative committee and/or the director; whether these decisions are administrative, financial, and/or executive organizational. Some of the bigger organizations separate authorities and each among them has a specific mechanism to make decisions through written lists and written regulations that set decision making mechanisms.

When it comes to equal representation of men and women within the departments of the organization, especially the leadership departments, there are no specific mechanisms for representation. The absence of women is noticed in numerous leadership committees in these organizations, while their presence is strictly limited to women's rights organizations.

- In terms of civil society designing, implementing and evaluating their programs and projects:
Many among these organizations depend in preparing their programs and projects on the programs and projects of supporting parties. These programs may also be a result of the organization's plan to achieve their goals, since some of them lack sufficient and permanent financing to put together the programs the targeted categories require and everything they entail; while others among them work on the same programs and projects whenever support is provided.

Concerning assessing the programs and projects of the organizations, many among them depend on self-assessment, based on the annual report specimen adopted by the board of the Organizations Register in 2013, which organizations are required to present yearly to the council to assess their achieved goals and suggest improvements. No organization seeks the help of professional experts from abroad to assess programs and projects then offer suggestions to improve any flaws.

- In terms of the amount of participation from beneficiaries and partners in decision making in the conception, implementation and assessment phase of the organization's programs:
Most organizations do not include beneficiaries in their programs and projects. Most of the time, they do not include partners in conceiving the programs that meet the need of these beneficiaries. They are merely included in the implementation process of these programs and projects.

Concerning the assessment of the programs and projects of these organizations by the targeted categories, this happens through assessment forms distributed at the end of every activity to improve the performance of the organization.

- In terms of the organizations adopting programs related to human rights to educate their employees:
Many among these organizations, especially those who depend on volunteers or those who recruit employees for certain projects only, do not include human rights programs in their activity programs to educate their employees. Meanwhile some of these organizations depend on special human rights programs to educate their employees by enrolling them in workshops and training them on these rights through other organizations or by having their employees benefit from the alliances and partnerships of the organizations to reinforce human rights and their involvement in these alliances.

- In terms of organizations applying self-regulatory mechanisms, accountability mechanisms and codes of conduct:
Not all the organizations have internal regulations for the organization's internal work, whether administrative, executive and/or financial. Their work is limited to consulting the bylaws, based on which the organization acquired its license from the authorities and which includes general information related to the organization's goals, the competences of the general assembly, the

administrative committee, membership conditions, the competences of the treasurer, the records the organization should keep, open and organize in its headquarters, and the conditions of dissolution of the organization.

As for the code of honor and/or code of conduct, most of these organizations do not have codes and/or written charters that can be referred to or abided by.

- In terms of practices related to reporting, report writing, respect of transparency and transparency fields mentioned in the International Transparency Aid Initiative:
Most organizations pointed out that they are internally committed to the principles of transparency in revealing their work, future plans, funding sources, and preparing reports about the stakeholders, through the annual report they must present to the Organizations Register and the relevant ministries. This report includes a brief on the organization's projects, an analysis on the organization's performance, a self-assessment about its goals, and a summary about its general yearly budget, in addition to a yearly financial report showing the organization's revenues including its local and foreign financing sources.

When it comes to publishing the information on the official websites of these organizations or their pages on social media platforms, most organizations confirmed that they do not usually do that. This information is limited to the organizations' members.

- In terms of complaint mechanism in these organizations:
Most organizations confirmed that they do not have any written texts that clarify complaint mechanisms and none among these organizations have penal regulations that stipulate the infractions and the decided penalty for these infractions. These organizations have confirmed that any disagreement with their members or employees will be dealt with amicably through the organization   director.

- In terms of organizations applying environmentally sustainable approaches in their operations:
Most organizations pointed out that they do not adopt any environmentally sustainable approaches in their work, such as the consumption of resources, recycling waste or reducing energy consumption; and they do not have any environmental programs.

- In terms of establishing institutional and long-term partnerships:
Many among these organizations have some form of liaisons with some other organizations, which do not take the form of a long-term or institutional partnership. They are not bound by any written and specific partnership contracts that stipulate the rules and regulations of this partnership.

Collaboration is limited to underlying partnerships resulting from the continuous collaborations between these organizations, which usually take the form of coalitions and alliances for certain causes. They usually end along with the project which initially required an alliance or a coalition to receive financing from donor parties to any project.

Concerning networking and coordinating work between civil society organizations, some among the surveyed organizations confirmed that networking and joint work is part of the strategy they depend on in their activities such as lobbying and rallying campaigns. Other collaborations might take the shape of capacity building through workshops and training sessions.

Some organizations attribute the scarcity in collaboration and networking between organizations and institutional partnerships to competitiveness on financing between these organizations.

- In terms of the organization's involvement in advocacy and lobbying to support democratic ownership, promoting collaboration with active stakeholders working on development, gender equality, and women empowerment:

Some among these organizations have worked in a limited way on empowering people and contributing through the important initiatives launched by Partners Jordan organization in collaboration with the municipalities; "The Shared Budget" an initiative that includes individuals in setting the priorities of municipal work and drawing its general policies through drawing budgets that meet citizens' needs; the initiative "My Nationality is my Right and the Right of my Family", which succeeded in reaching decision makers and achieved positive results towards abolishing all forms of gender-based discrimination. Despite not making any changes on the level of legislations, these efforts forced the government to pay serious attention to this issue, through the National Jordanian Commission for Women and Shamaa Network.

- In terms of organizations adopting developmental approaches that focus on human rights:

Some of these organizations confirmed a relationship between development and human rights, while pointing out their concentration on some of these rights was through their development activities and their relationship with development organizations by promoting these rights in common activities aiming to achieve a specific goal in the development field and connecting this goal to human rights work.

- In terms of organizations creating and sharing knowledge within their activities:

Many among these organizations seek to exchange expertise and collaborate with other organizations through workshops, seminars and conferences, whether these organizations are local, regional or international; despite their limitations.

Tenth

Recommendations

- Working on creating a suitable legal environment for the organizations' work through a community culture that recognizes the efforts and importance of civil society institutions. This will aim to change the stereotypical picture of the civil society which many parties worked on ruining its reputation, accusing them of following foreign agendas, seeking foreign financing as their only goal.

- Working on spreading awareness within organizations about the necessity and importance of founders committing to transparency, accountability, governance, and empowering all parties in the targeted categories, partners and workers to reach all the information related to the work of the organization and working on building its capacities in this field.

- Working on finding replacements for foreign financing since this issue represents the biggest challenge for most organizations and forbids most of them from setting long term strategies that tackle the needs of the local community through which the organization operates. In addition to that, organizations should be empowered to hire a number of employees to do the work they must do in the directorates as well as monitoring, assessment and research systems, etc.

- Working on building a culture of rights in organizations and reiterating its importance while linking it to achieving all the developmental goals they work on through their various activities.

- Working on establishing a culture based on equality and justice between the genders inside the organization, and empowering women to conduct an active and leading role as active and essential partners in development issues.

- Working on raising awareness within organizations about the importance of their role in sustainable development with active partners including governments. They also play a major role in designing projects as decision makers and at the phase of implementation and assessment.

- Working on raising awareness within the organizations about the importance of environmental responsibility in their work and activities through building the capacity of their workers in this field and through collaborating with specialized environmental organizations.

- Working on raising awareness within the organizations about the importance of establishing long-term institutional partnerships, networking and coordinating work with other organizations active in influencing the policies and effective in development.

- Working on raising awareness within the organizations and defining the Istanbul Principles, which lay down the standards for the work of civil society organization and reinforcing the active role they play in development and their responsibility towards affecting positive change.

Eleventh

Organizations that responded to the questionnaire

- Anti-corruption commission
- Tamkeen Center - fields for Aid
- Al Hayat Center for Civil Society Development
- Partners Jordan for training
- YWCA
- Ousrat el -Qalam (i.e. "Pen family") club
- Al Anwar charity for Women
- Sons of Hitteen Camp Association
- Sanabel
- Abdul Rahman bin Auf Charitable Society

Part 5

Civil Society in Sudan and the Implementation of the Istanbul Principles

Prepared by
Madani Abbas Madani

First

Introduction

This study attempts to get to know the level of commitment of the civil society to the Istanbul Principles for CSO Effectiveness. The 2010 open forum ratified the Istanbul Principles as the basis for civil society organizations to become an active party to development and reflect its vision.

The study covers many topics; as it deals with the civil society as a concept and its development both in theory and on the field in Sudan. It also discusses previous studies pertaining to the effectiveness of the civil society; it then showcases and assesses the results of self-assessment forms distributed to a random sample from the civil society in Sudan.

Second

The Civil Society Concept

According to Abdul Rahim Bilal, the most popular definition of civil society is the organization that works as a link between the government, the profitable private sector entities, and the families. It can also be defined from the point of view of values in civil society organizations. These values are: voluntary work, rejection of violence, non-hereditary authority, not seeking power, amicable solution of violence, transparency, democracy, non-profitability, aiming to build the social capital and achieving political, civil, economic, social and cultural human rights. [1]

Abdul Rahim Bilal's definition seems wider than the relational definition, as it also points out clearly to the difference between civil society, the political party, and the private sector. It also differentiates between civil society organizations and the movements that use violence regardless of what they call for. In counterpart, this definition, in some points, seems to tackle the goals of civil society organizations more than their description. It might describe the perfect model they are supposed to follow.

According to Azmi Bechara, it is about the term's historical development. The theoretical aspect of how the West sees civil society is a reality that was historically formed by a set of contrasts:
1. Stressing on separating the state from society and governmental institutions from organizational institutions.
2. Realizing the difference between the framework of the state and that of the economy.
3. Considering the individual as a citizen i.e. as a legal entity within the state, regardless of his/her different affiliation.
4. Stressing the difference between the framework, the goals, and the functions of the social institutions, on the one hand, and, on the other hand, those of the economy.
5. Seeing the difference between the society organizations formed, in theory, by free citizens who willfully got together and the granted membership in organizations for life.
6. Stressing the difference between representative democracy in a liberal state and the direct democracy in voluntary organizations and modern society institutions.[2]

Researchers see that some religious organizations and those based on family ties are civil society organizations based on social services and functions organized in various fields such as education and health etc. However this makes one ignore important values related to democracy, transparency, and succession, where leaders are elected and held accountable, meaning that they are not subjected to the direct authority of religious or family leaders. This same principle applies to the institutions founded by the private sector that work in the field of the civil society organizations.

---

[1] Abdul Rahim Bilal, «The Social Cause and the Civil Society in Sudan» Al Khartoum, Al Khartoum University Publishing House, First Edition, 2004, p. 16.

[2] Azmi Bechara, Civil Society: A Critical Study, Beirut, Center for Arab Unity Studies, Third edition, 2008, p. 33.

Third

Civil Society in Sudan

The establishment of the civil society in Sudan dates back to the student movement at the end of the first quarter of the 20th century, calling for changing policies by creating organizations. However, this movement was soon influenced by the failure of the White Banner Revolution in 1924 and what followed from restricting their activities; as many of them resorted to forming cultural organizations and sports clubs. This lasted throughout the 30s when the cultural aspect was prominent in emerging civil society organizations at the time.

The students were able to gain the right of forming a conference to represent them in 1938, which played a major role in the public life in Sudan. This conference's role was limited to cultural work and strengthening the ties among youth. However, it broadened to encompass fighting illiteracy and ignorance, establishing schools, and managing them in various regions in Sudan. It also progressed to become a platform for demanding freedom in Sudan. The difference between intellectual schools led to establishing political parties in Sudan. Throughout the 40s and 50s, the country witnessed the founding of students union, professional unions, and other unions such as the Sudanese Woman's Union.

By the end of the 1970s, organizations working with civil society started to emerge slowly, such as the Sudanese Environment Conservation Society. Nevertheless, the most influential development resulted from a draught and desertification wave that hit the African Horn in the beginning of the 1980s, which led to a famine in many regions in the west of Sudan. It also led to the migration of tens of thousands of people from their homes. Many international organizations came to Sudan to contribute to alleviating the humanitarian crisis that took place. This phase also witnessed the rise of many national organizations aiming to fight the draught crisis, its repercussions, and the results of the migration wave in addition to the war in South Sudan, which broke out again in 1983. Many organizations, such as "Amal" and "Sabah" worked on the rising phenomenon of homeless children.

The work of organizations and unions in Sudan bloomed in the third democratic phase, between 1985 and 1989. However, following the military coup in June 1989, unions were dissolved and reassigned as authority affiliated established unions. Meanwhile, national organizations faced curtailing as some of them were considered to represent political opposition movements. This contributed to weakening the already existing organizations, while it was not easy to register new organizations except those affiliated with the ruling party.

Since 2003, many civil society organizations were founded due to the relative freedom permitted by the agreement between the Sudanese Government and Sudan's People Liberation Movement. Many organizations working in the field of human rights, women empowerment, peace building, democracy strengthening, and education were established, something that was not possible before the peace treaty.

This led to an increase in the number of registered organizations in Sudan and the diversification of activities. At the same time, the number of donor organizations in Sudan increased for two reasons: the peace treaty between the north and the south; and the outbreak of the war in Darfur in 2003 which led to an extremely complicated humanitarian situation. The media coverage helped with the Darfur crisis at the time, as many international organizations came to Sudan. All the above contributed, to ensure financing to emerging national organizations; however, many organizations were established and benefit from the financing from international organizations or depend on it completely. This makes these organizations an ineffective partner as it links their activities to the priorities of the donor rather than the priorities of the local communities.

This aspect of the civil society organization's work did not last long. After the separation of South Sudan and the expiration of the peace treaty, civil society organizations in Sudan suffered two consequences:

1- Securitypressure by governmental authorities, namely targeting organizations working on rights and democracy.
2- Decrease of foreign financing to organizations in Sudan, as many organizations decided to work in South Sudan, while others split their financing between South of Sudan and Sudan.

In addition to these external factors, some internal factors also largely contributed to weakening the work and influence of the organizations. This is related to the ability to deal with the challenges that civil society faces as a whole in Sudan, while serious questions remain about its institutionalism and influence in local communities. As the abilities of the organizations that have been working competently for long years decreased, many unregistered initiatives taken by some, namely Al Hawadeth Initiative and Nafir Initiative, have succeeded in attracting hundreds of volunteers and draining the resources of local communities to fund their projects.

We can identify different forms of civil society organizations in Sudan in terms of activities:
1- Organizations working in the field of humanitarian work and different fields such as education, health, protection, etc.
2- Organizations working in the human rights field.

We can also categorize them based on the scope of work, as there are organizations that work in all the regions in Sudan and organizations that only work in one province. We can also distinguish between them based on the way they were registered. There are:

1. Organizations registered in the Humanitarian Aid Commissions; which is the case for most active organizations in Sudan.
2. Organizations registered as cultural organizations, working in the field of awareness, culture, and spreading democracy, which are registered in the Ministry of Culture.
3. Organizations registered as non-profit companies which are registered in the Ministry of Justice.

The number of locally registered organizations in the Humanitarian Aid Commission is about 15 thousand organizations, of which 4000 are in Al Khartoum. The number of organizations registered as cultural organizations ranges between 500 and 600 organizations. In spite of the high number of organizations, the number of active ones does not exceed %10 according to the 2014 Civil Society Organizations Sustainability Report.

The volunteer work law in Sudan:

The volunteer work law in Sudan, dated 2006, governs the work of registered organizations in the Humanitarian Aid Commission. It determines the procedures related to organizations registrations, work, registration renewal, license withdrawal, and receiving financing, while it determines also the competences of the Humanitarian Aid Commissioner and the competent Minister dealing with organizations.

Articles 1- 40/1-39 38 ,29 ,27 and 48 of the Transitional Sudanese Constitution in 2015 set a precise frame to the freedom of civil society institutions in Sudan and possible ways to secure it. However, the 2006 volunteer work law remains a limitation to the rights granted by the constitution. Below are some of the articles of this law which constitute obstacles for organizations:

First: <u>Receiving financing and grants – the law states the following:</u>

7:       (1) The solicitation of funds to finance organizations' programs must be done through a project document certified by the commission according to the stipulations of the regulations.

(2) No registered civil society organization shall be allowed by virtue of this law to accept money or funds from abroad or from a foreign person inside the country or from any other party unless by the Minister's approval.

The first provision of the article VII is effectively applied; it restricts and complicates the work of the organizations. This procedure often takes several months to get the approval of the commission, which requires the approval of all relevant parties. The second provision concerning the approval of the competent minister is not effective, but it is a threat that may be used at any moment against the active organizations.

Second: <u>Registration</u>

Article 9 provides conditions that appear to facilitate the process of registration, consisting of a general assembly of at least 30 members, the payment of the agreed fees and the payment of an application fee. The law also provides that the registration certificate shall be granted to every organization fulfilling the conditions within thirty days, and that the organizations that have their registration rejected have the right to appeal. But the law omits to mention the applications that are ignored by the competent authorities and not rejected. In fact, some organizations that apply for registration never get a response to their application for periods of time that may exceed one year. Also, re-registration annually is a requirement to renew the license, and in cases such as the Sudanese Observatory for Human Rights, the registration has not been renewed in a lawsuit regarding an investigation that the Observatory has not reported or discussed.

Third: Cancelation of the registration

The law provides the following:

14 (1)The Registrar may cancel the registration of the national, foreign, charitable or civil society organization registered under the provisions of this law after conducting the necessary investigations and being convinced of the following:

(a) The registration was obtained by counterfeit or by fraud or on the basis of incorrect information,
(b) The non-governmental, charitable or civil society organization has violated the provisions of this law, regulations or any other applicable law,
(c) The organization failed without acceptable justification in the exercise of its activities for one full year,
(d) The organization used humanitarian aid to obtain illegal gains,
(e) The organization, by a decision of its General Assembly, applied for the voluntary request of its dissolution or the cancellation of its registration.

The second clause of the law is broad and general, so that organizations are at the mercy of the registrar's interpretation of the law and regulations; it makes of the registrar both an inspector and a judge, empowered to cancel the registration of the organization.

Fourth

Previous Studies

1. National Civil Society Report on Development Effectiveness for 2016

The study dealt with the second indicator on the effectiveness of development, which is the enabling environment for civil society organizations in Sudan. The study relied on the distribution of a questionnaire and discussion panels as a means of collecting information. The questionnaire was distributed to a number of organizations. Two seminars were held, as the study tackled four main axes: Creating a space for dialogue between civil society organizations and other actors, Accountability and transparency, Formal cooperation with civil society organizations, and the legal environment and the regulatory system.

The study reached several results, most particularly the following:

• Weak knowledge of the Istanbul Declaration and the principles of development effectiveness due to the lack of international participation of civil society organizations in Sudan.
• Poor partnership between civil society organizations and the government, with the exception of some organizations in the health and education sectors.
• Limited networking between civil society organizations in Sudan. There is no unified mechanism representing civil society organizations in regional and international development meetings and forums.
• The voluntary labor law in the country needs amendments that help enable civil society organizations to play their different developmental roles.

2. Report on the sustainability of civil society in Africa [3]

The report, which examines the situation of civil society in Africa in terms of effectiveness and continuity, relies on the use of seven main indicators:
1. Environment and legal status
2. Organizational capacity
3. Financial capacity
4. Advocacy
5. Provision of services
6. Infrastructure
7. The general image of civil society organizations

---

[3] The 2015 Sustainability Index For Sub-Saharan Africa, developed by: United States Agency for International Development - Bureau for Democracy, Conflict, and Humanitarian Assistance - Center of Excellence on Democracy, Human Rights, and Governance Bureau for Africa - Office of Sustainable Development.

The report for the year 2015 reflected a clear deterioration in the seven indicators over the past three years, as the legal environment is unfavorable. What the constitution allows is copied by the law, which is limited by the regulation. The law, although it grants the right to register, is not binding for the concerned party in the conclusion of the applications, at a certain time. Many organizations have been closed without following the legal process of accountability and punishment. Also, the report reflected the decline in the financial capacity of the organizations as they rely mainly on foreign funding, and the weakness of a popular support base for these organizations. The report also addressed some flaw in the image of civil society and the distortion by the media of the image of its performance. It also pointed to the lack of cooperation between the organizations and the government, especially at the central level. Things seem better in areas that suffer from the weakness of resources and benefit from the efforts of the organizations in support of health and education and the provision of various services.

Fifth

Self-assessment form
Civil Society in Sudan and its Adherence to the Istanbul Principles

The study attempts to assess how much civil society is committed to the Istanbul principles as a framework. Accordingly, the primary purpose of the information contained in this questionnaire is to monitor civil society in Sudan and the relevance of these principles.

A repetitive table showing the responses of the organizations surveyed about their commitment to the Istanbul principles:

| Question	Yes	No	To a certain extent
Principles of human rights, social justice, gender equality and / or women empowerment	90%	10%	0
Human rights programs	60%	0	40%
Gender representation	50%	0	50%
Employment without discrimination on the basis of gender	80%	0	20%
Complaint system	100%	0	0
Decision making process	80%	0	20%
Self-regulation mechanisms	80%	0	20%
Transparent accounting system	100%	0	0
Global transparency standards	100%	0	0
Environmentally sustainable approaches	40%	20%	40%
Partnerships	80%	20%	0
Partnerships and alliances with community organizations	100%	0	0
Access to project information	90%	0	10%
Advocacy work in promoting community participation	90%	0	10%
A development approach based on human rights	100%	0	0
Cultural and educational exchange	80%	0	20%
The existence of mechanisms that coordinate programs and projects	80%	10%	10%
Istanbul principles	80%	20%	0
Participation in activities related to the Istanbul Principles	50%	30%	20%

Graphs explaining the respondents' answers

• **1. Does the organization include human rights, social justice, gender equality and / or women's empowerment in the organization's goals and in shaping its vision and mission?**
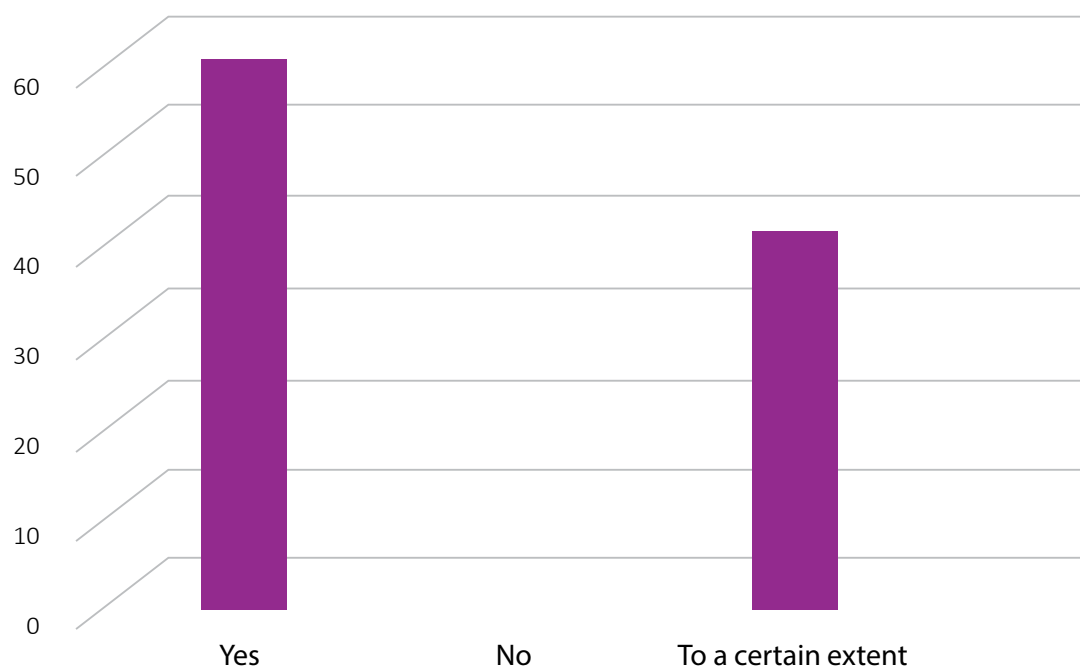
Principles of human rights, social justice, gender equality and / or women empowerment

○ To a certain extent   ○ Yes   ● No
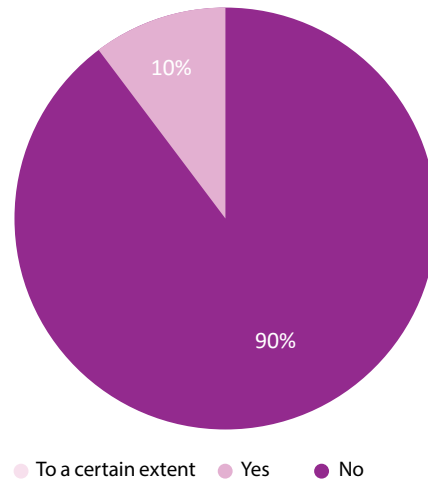
• **2. Does the organization adopt human rights programs to educate its staff?**
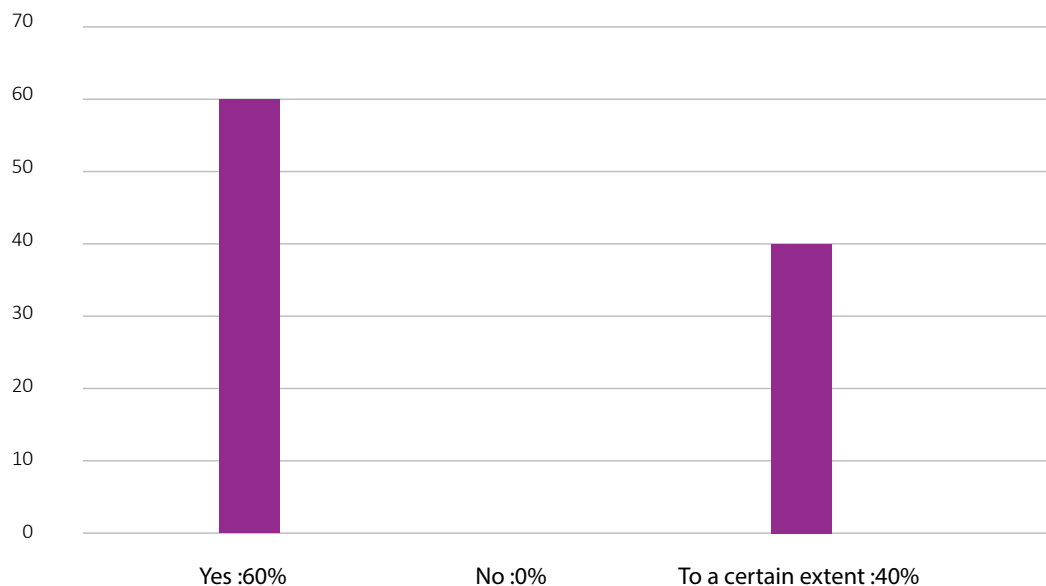
• 3. Is there a consideration for gender representation in the organization's various administrative and legislative structures?


• 4. Is the right to membership in the General Assembly and the right to employment available without discrimination on the basis of gender?

Discrimination based on gender
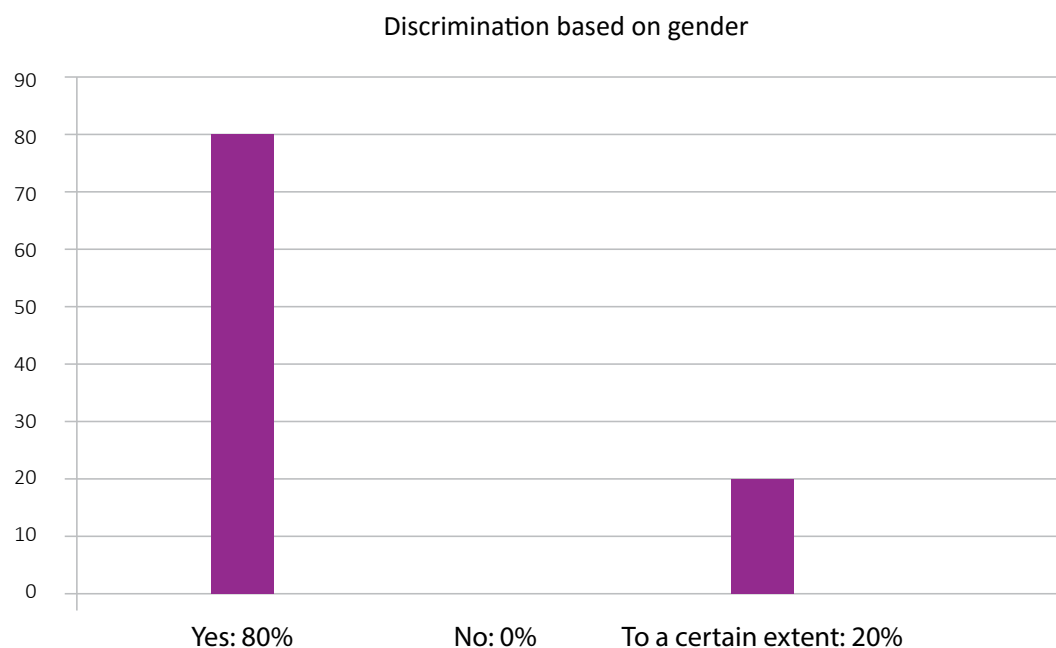
• **5. Is there a complaint, objection and redress system in the organization?**



100%

● Yes 100%   ● No   ● To a certain extent
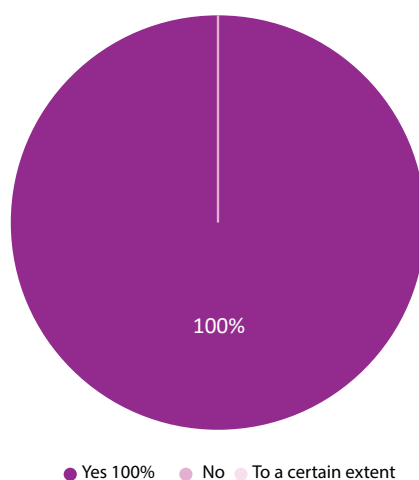
• **6. Are beneficiaries and partners of the organization actively involved in the decision-making process in the design, implementation and evaluation phases of programs and projects set up by the organization?**

Participation in decision−making

Yes: 80%   No: 0%   To a certain extent: 20%
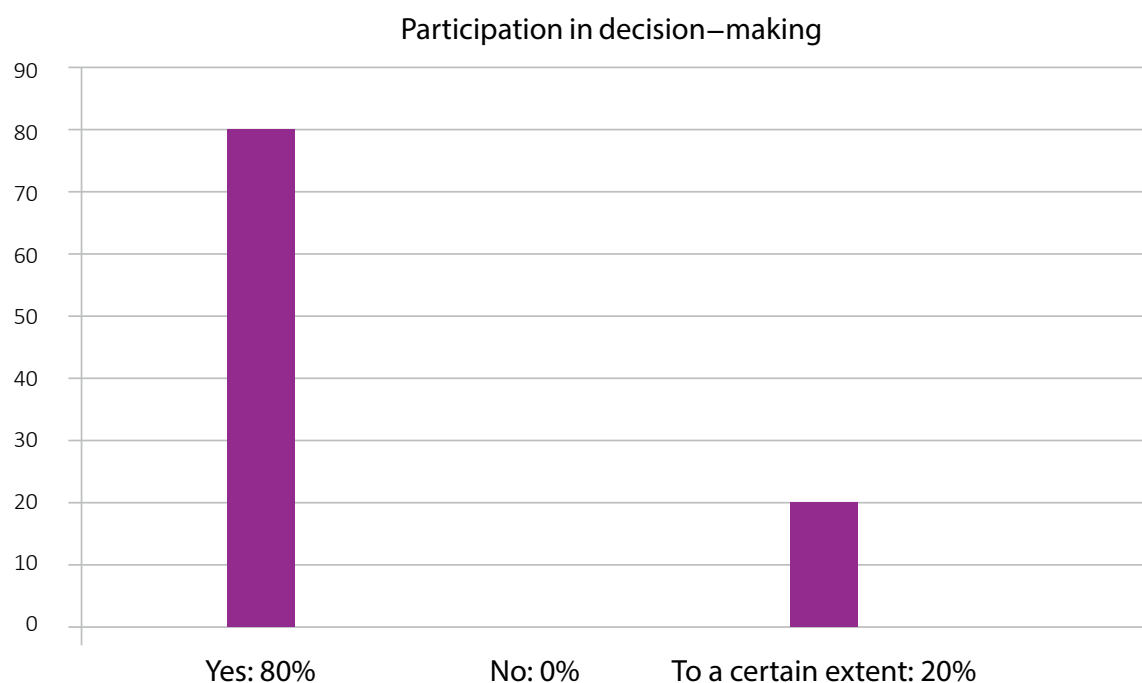
• 7. Do organizations apply self-regulatory mechanisms and do they join a written code of conduct, ethical code and / or other accountability mechanisms?
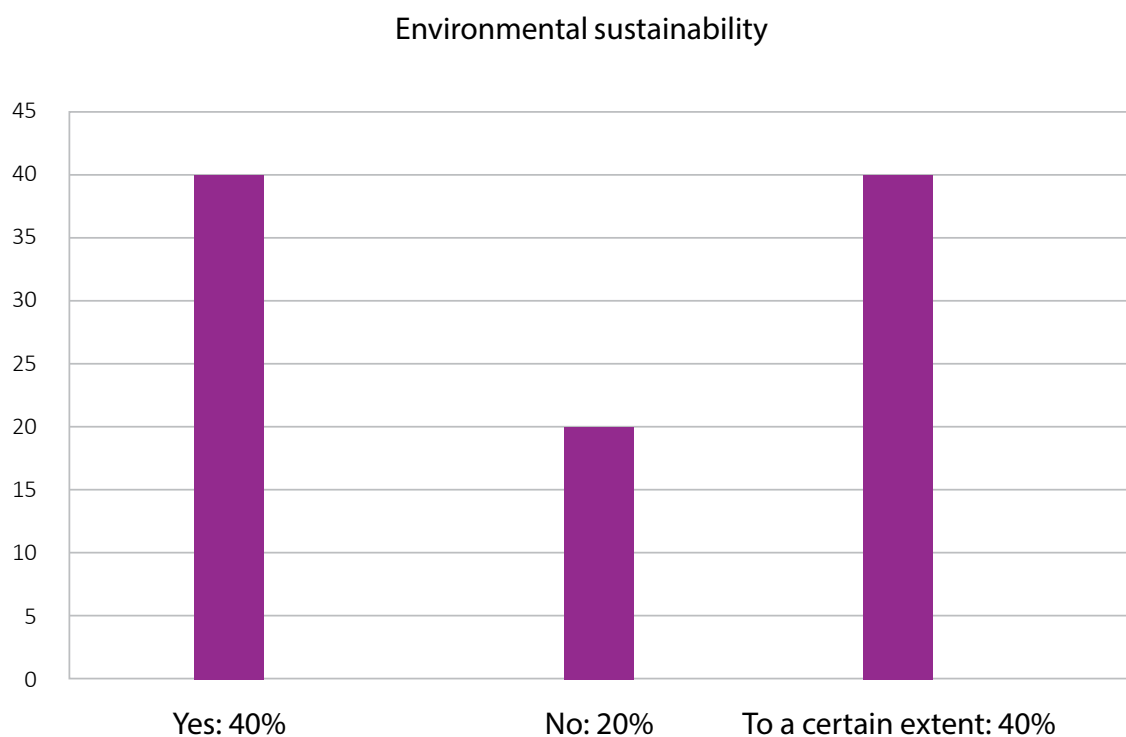
Self−organization

Yes: 80%   No: 0%   To a certain extent: 20%
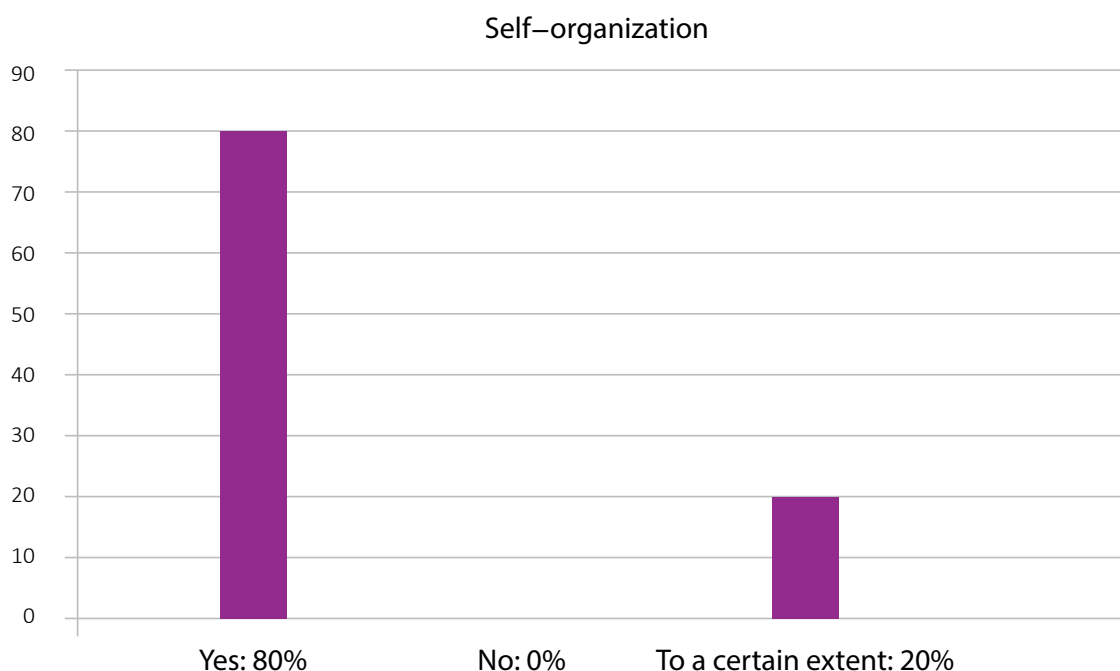
• 8. Is there a transparent accounting system that serves as a basis for all development processes and projects implemented by civil society organizations?

Accounting system

Yes: 100%   No: 0%   To a certain extent: 0%
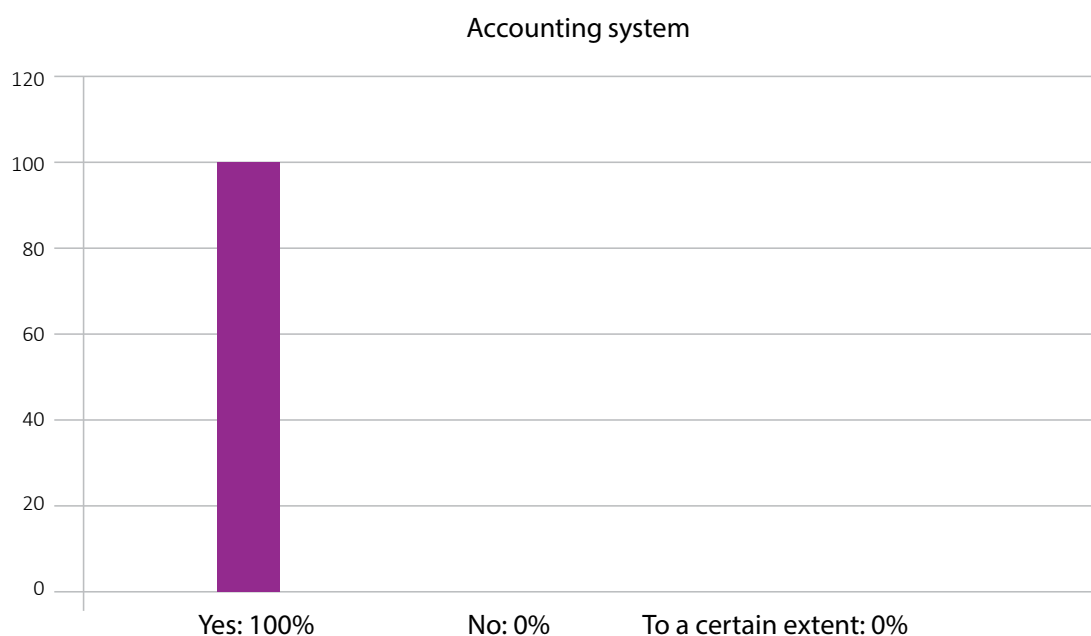
• **9. Does the organization adopt global transparency standards in its various operations and in its report writing?**

Global transparency standards

Yes: 100%   No: 0%   To a certain extent: 0%
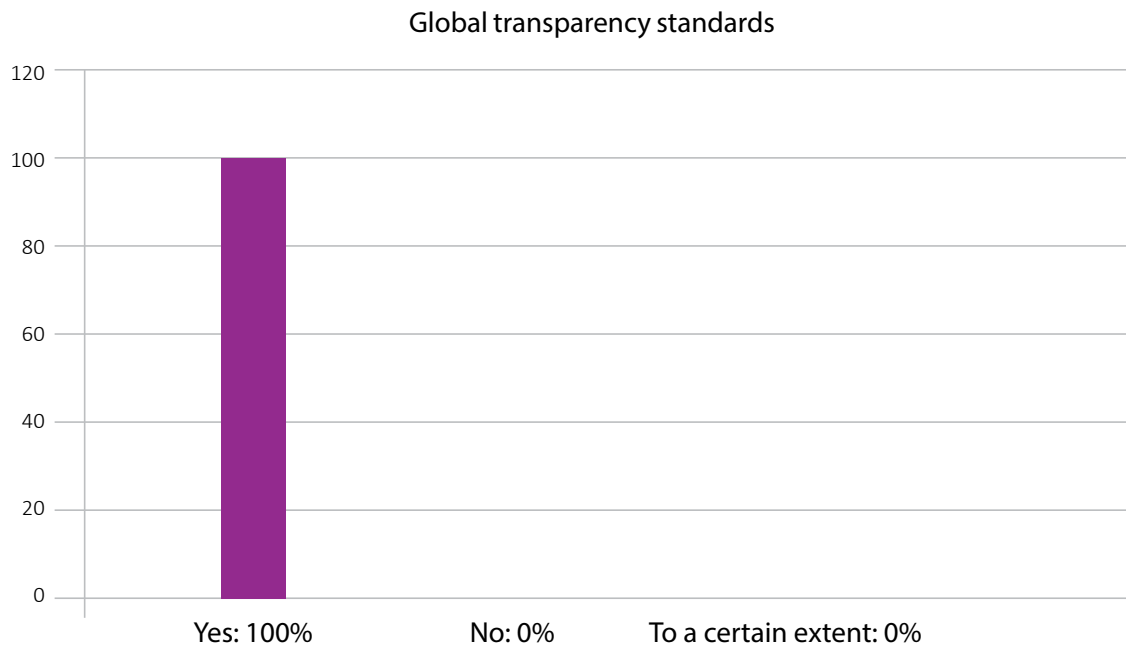
• **10. Do these organizations apply environmentally sustainable approaches to their operations (including reduced resource consumption, waste sorting and / or recycling, energy consumption reduction, etc.)?**

Environmental sustainability

Yes: 40%   No: 20%   To a certain extent: 40%

• **11. Have the organizations established long-term institutional partnerships?**

Institutional partnerships

Yes: 40% No: 20% To a certain extent: 40%
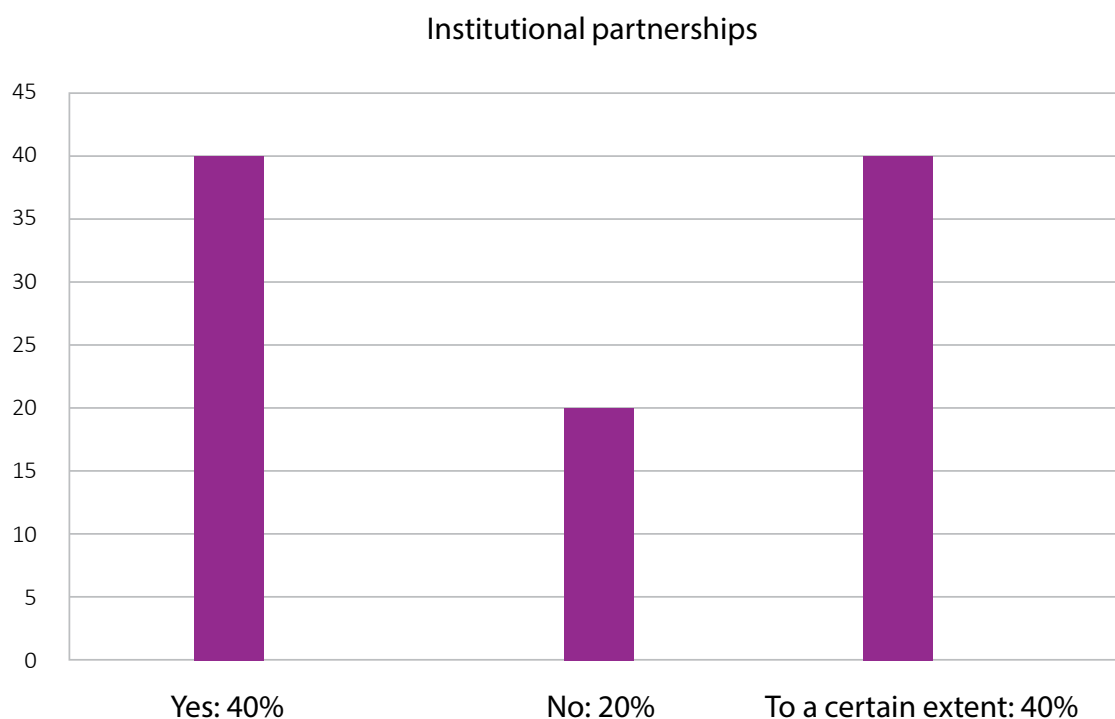
• **12. Does the organization participate in partnerships and alliances with other organizations of the community?**

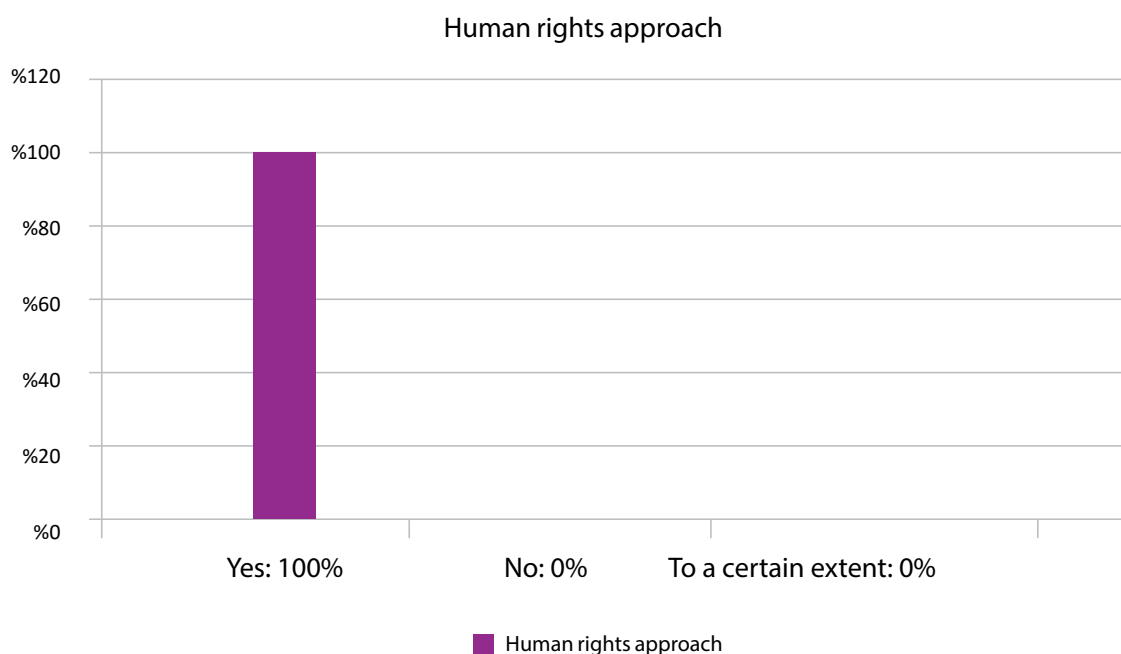Partnerships and alliances

Yes: 100% No: 0% To a certain extent: 0%
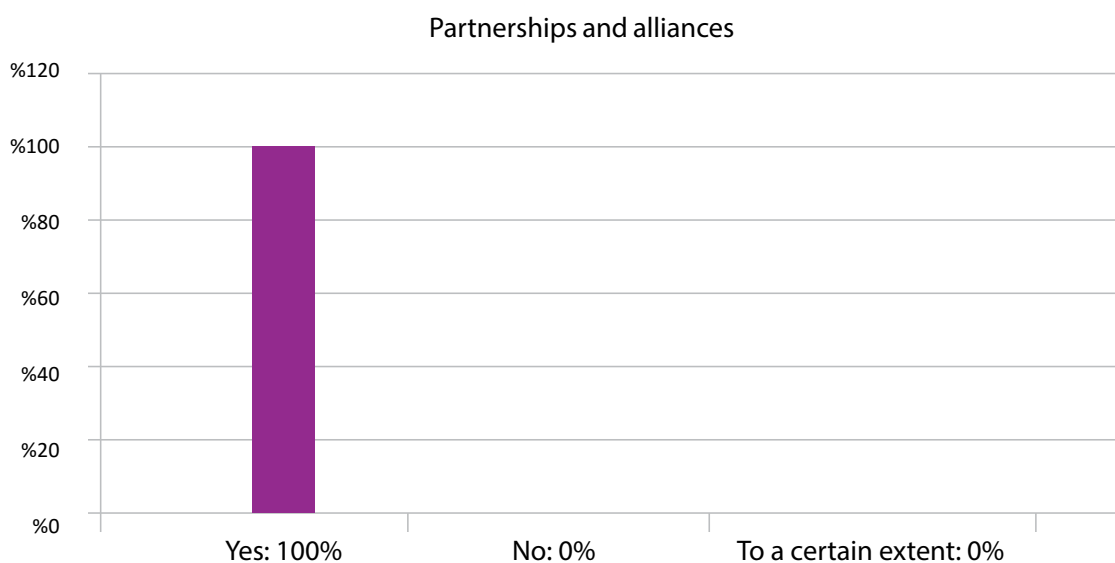
• **13. Does the organization provide access to projects and programs information, including estimates and evaluation of results?**

Access to information

Yes: 90%   No: 0%   To a certain extent: 10%

■ Access to information
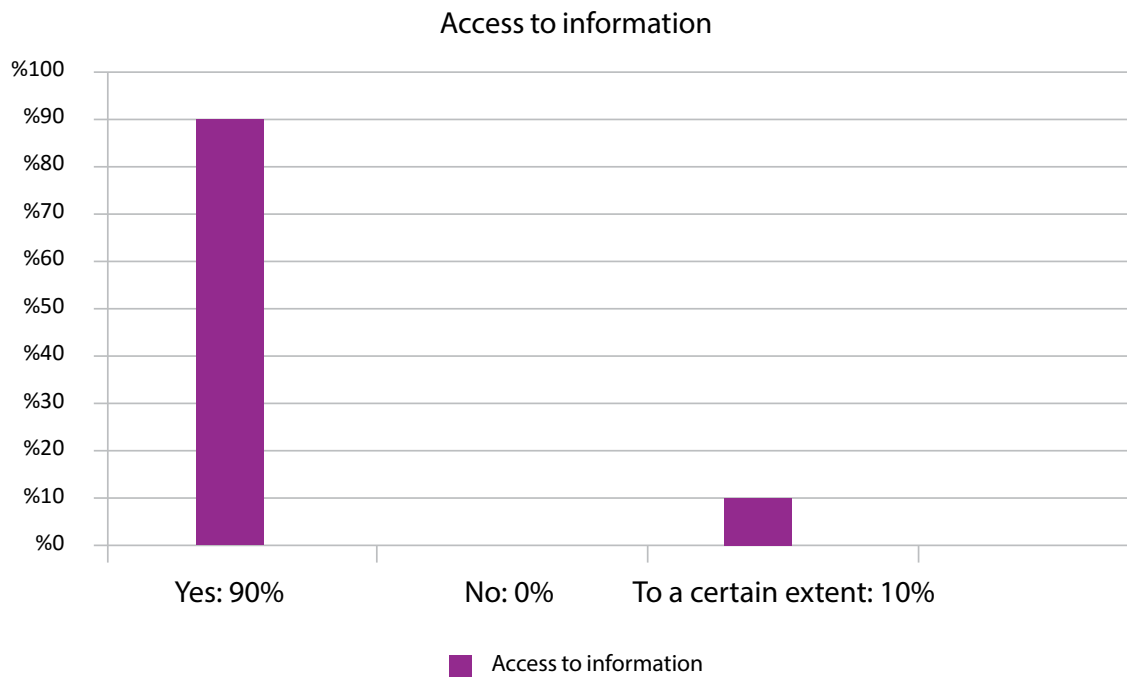
• **14. Does the organization participate in lobbying to promote community participation and encourage the participation of other actors involved in development, gender equality and women empowerment?**

Community participation

10%

90%

Yes: 90%   No: 0%   To a certain extent: 10%
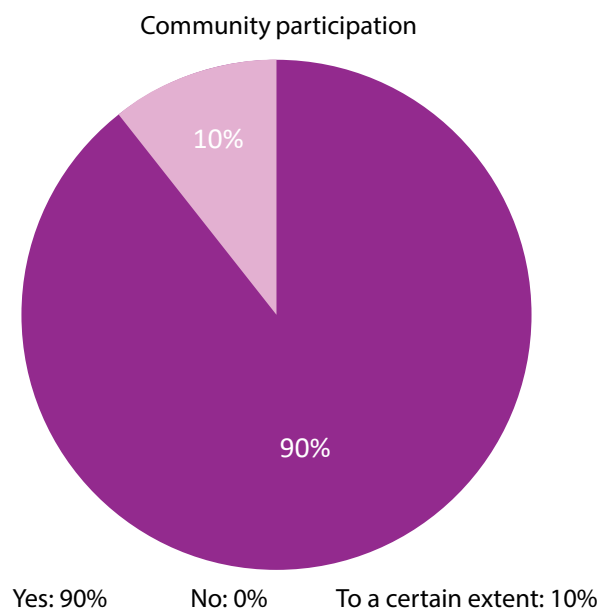
• 15. Do organizations adopt a development approach based on human rights?

Human rights approach

Human rights approach

Yes: 100%   No: 0%   To a certain extent: 0%

16. Do these organizations make cultural and educational exchange (meetings, training courses, conferences, peer reviews, etc.) in their activities, and does this exchange include partners and beneficiaries?

Cultural and educational exchange

Yes: 80%   No: 0%   To a certain extent: 20%

124
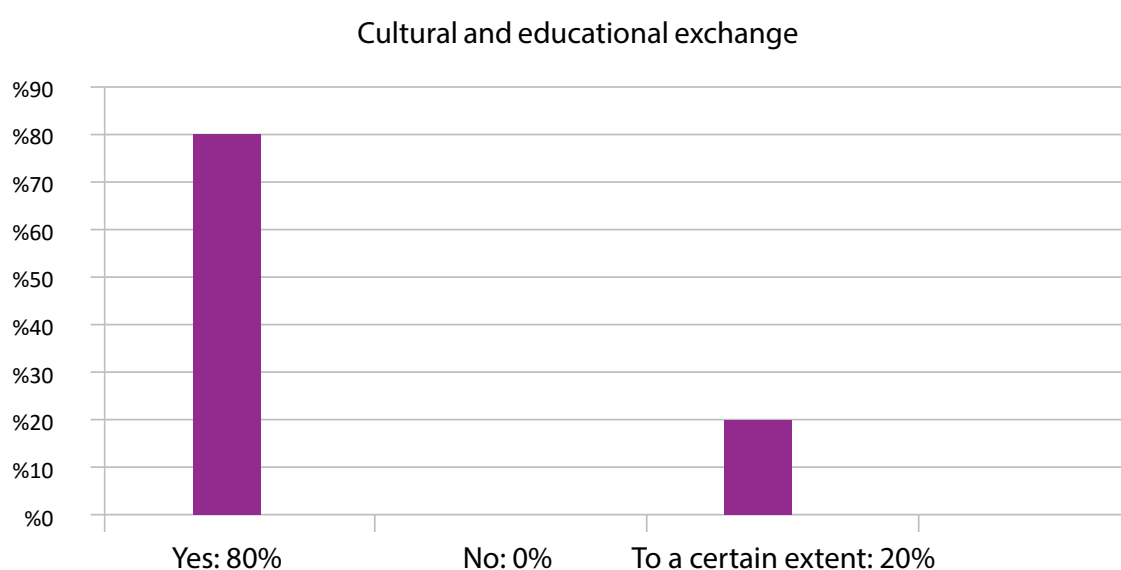
• 17. Do civil society organizations have mechanisms to coordinate programs and projects related to national development policies on the one hand and with effective development actors on the other?

National Development Policies
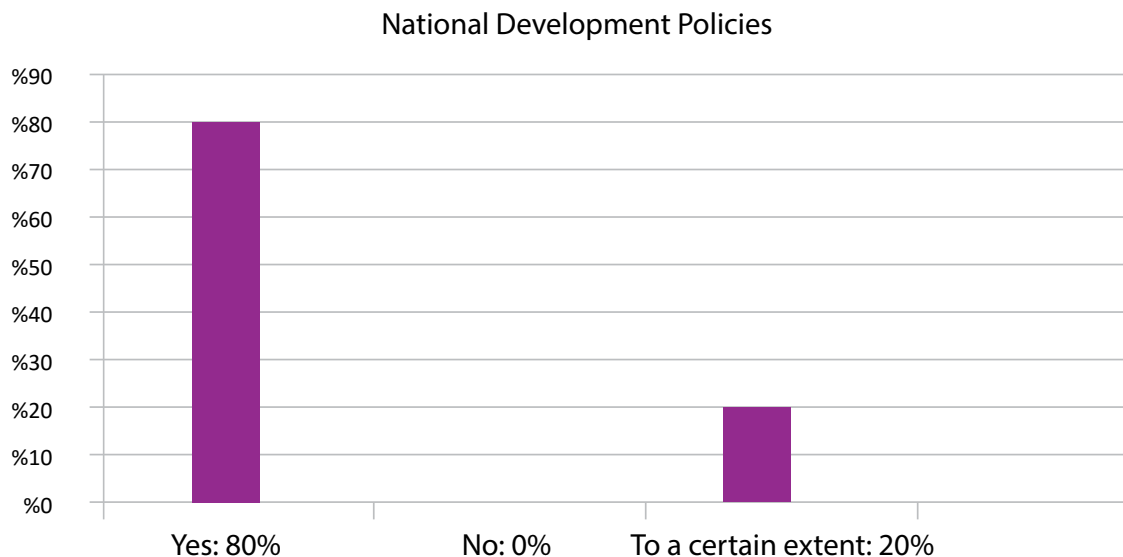
If the answer is no: In your opinion, what are the factors leading to the absence of these mechanisms?

- The competition for funding, which is shrinking day after day, keeps organizations from cooperating.
- There are no actors other than the government that are not enthusiastic about involving civil society institutions.

• 18. Have you heard of the Istanbul Principles for Civil Society Effectiveness?

Have you heard of the Istanbul principles ?
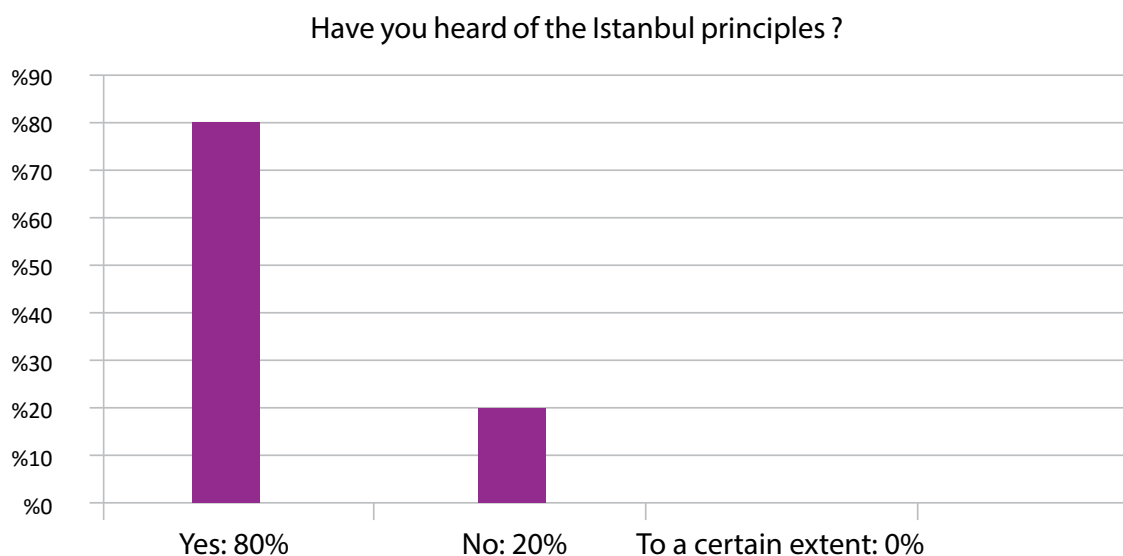
19. If yes, did the organization participate in any activity related to the implementation of the Istanbul Principles?

Participation in the activities of the Istanbul Principles

Yes: 50%   No: 30%   To a certain extent: 20%
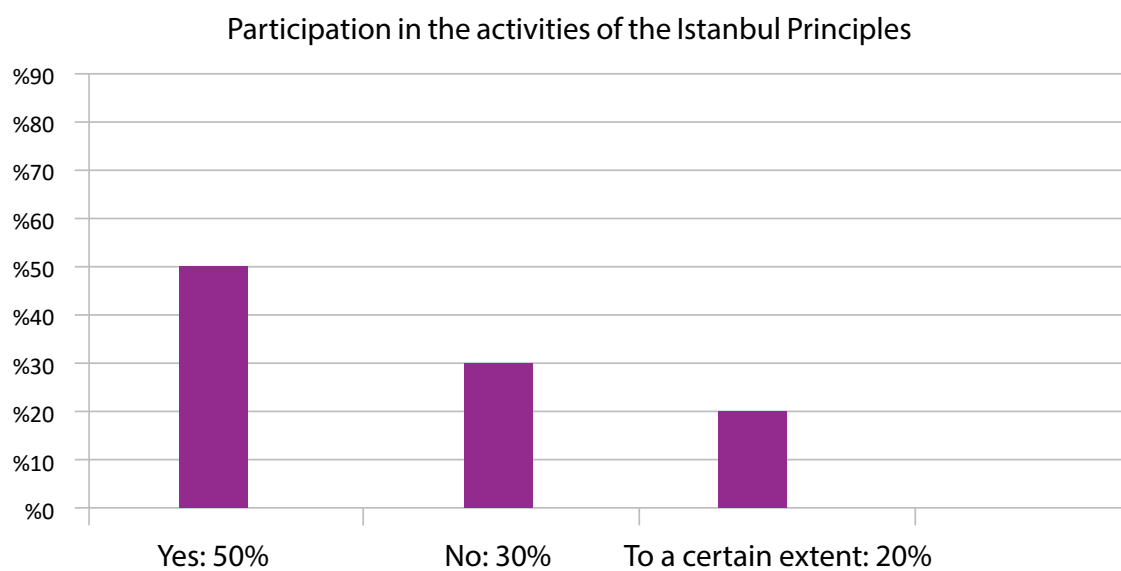
Sixth

Analysis of questionnaire results

The results of the questionnaire included a self-assessment of the organizations' adherence to the Istanbul principles; they generally lead to the following conclusion: the organizations' commitment to transparency standards; their commitment to gender representation standards needs to be reviewed; the organizations are committed to human rights standards and to human rights approaches to development; there is less commitment to environmental standards; also there is a relative knowledge of the Istanbul principles and their content; and there are activities = held in accordance with the Istanbul principles even if not mentioned as a statement.

Istanbul Principles

1. Respect and promote human rights and social justice
2. Embody gender equality and equity while promoting women and girls' rights
3. Focus on people's empowerment, democratic ownership and participation
4. Promote environmental sustainability
5. Practice transparency and accountability
6. Pursue equitable partnerships and solidarity
7. Create and share knowledge and commit to mutual learning
8. Commit to realizing positive sustainable change

The results of the questionnaire show that there is progress in principles 7 ,6 ,5 ,3 ,1 and 8, in the sense that these organizations respect human rights - although they do face difficulties in promoting them and their work is participatory with the communities in which they work, and in their commitment to transparency and accountability, as well as creating alliances, although diminishing funding may exacerbate their competitive behavior, and there is commitment in sharing knowledge and working for sustainable and positive change.

On the other hand, there is a real need for progress in the area of gender equity and the promotion of environmental sustainability, as reflected in the study on the extent to which women participate in different centers of the organization and in the question of commitment to environmental approaches to the work of the organization. Also, when comparing the results of the study with recent studies on the effectiveness of development and on the sustainability of civil society effectiveness, it appears that many civil society organizations, or the majority of them, rely mainly on external financing, putting their continuity at stake. It also makes it a weaker party in the donor engagement loop, and this raises questions about the extent of people's participation, ownership and active participation in development programs. Besides, restrictions on human rights work and donor and government focus on humanitarian relief work, as wars continue, have weakened the human rights aspect of the organizations' work, though not totally. While there are many formal barriers to programs on political rights and freedoms, they appear to be less severe than those relating to children and certain economic and social rights.

There is another aspect of donor support; many of the donors prefer funding programs of a humanitarian and relief nature, while support for programs of a continuing developmental nature is low. Most of Sudan's support and funding support programs have a one-year maximum duration. Donors' insistence on programs of a humanitarian nature, rather than support for development programs with full awareness of their importance, raises serious questions about the willingness of some donors to make a real difference in the areas in which they work.

Through that dark tunnel of pressure which civil society organizations in Sudan are going through, there are experiences worth celebrating and testing at the same time. The celebration is for being successful in proving their existence in spite of this unfavorable climate. The test is because, at the same level, they raise questions about the internal factors associated with the inability of the other civil society organizations to deal with the restriction climate.

Several young initiatives, (including Al-Hawadeeth and Nofir), have succeeded in offering other areas of work and financing outside the official state framework. Although they are not registered institutions, this did not limit their ability to initiate initiatives and mobilize popular funding to implement programs that expose the shortcomings of the state in the health and humanitarian fields, with budgets that exceed the budgets of the organizations with a history in civil and volunteer work. These initiatives mobilized thousands of Sudanese volunteers inside and outside the Sudan, and get considerable credibility from the public, which constitutes social protection against government interference.

These initiatives and programs lead to the importance of focusing within the Istanbul principles on the existence of clear indicators for the existence of public and civil support for CSOs; they also highlight the extent of actual people's partnership in defining the objectives, priorities and working methods of these organizations rather than having CSOs that would be similar to companies and executing agencies. The existence of regular financial reports and an advanced accounting system is important, but it is not considered in view of the value behind it, which is transparency. The execution of prospective studies for projects and reviewing the priorities is important, but more significantly, we stand up for the objective of achieving public participation. Moreover, the organization's general assembly is important but not just a procedure, but it must be a confirmation of the values of accounting and democratic institutional development.

Seventh

Summary of the Study and Recommendations

Summary:

Although most civil society organizations in Sudan may not have knowledge of Istanbul Principles and have not participated in activities under this headline, they are dealing with the content of these principles in other forms and names. They have made clear progress in adopting values of transparency and accountability, attention to human rights issues, and adoption of human rights approaches to development; this, despite the difficulties faced by human rights organizations in Sudan, and the attention of the government and donors and their preference for programs of a relief nature rather than programs of a developmental or rights nature.

The study also reveals progress in networking, although decreasing funding may help fuel some of the competition and conflict. One of the positive trends revealed by the study is the increased interest in community participation and the adoption of democratic ownership.

Other aspects have emerged through the study that call for greater efforts by civil society organizations to address them, such as better representation of women within different institutions within the organizations at different levels. There also appears to be a greater need to address environmental approaches and take into account the environmental aspects in their various activities.

Recommendations:

1. Seek to introduce the Istanbul principles to civil society organizations in Sudan and having them adopt them. This can be done through various mechanisms such as workshops, seminars, training courses and research activities.

2. Work to increase gender and environmental approaches in the work of organizations.

3. Develop the networking in the work of civil society organizations to create a greater role for organizations in the field of development, human rights and policy modification.

4. The importance of the work of the organizations on amending the voluntary law so as to allow free registration without delay from the commission of humanitarian aid, and reject the large powers of the authorities to dissolve the organizations without a specific judicial order or specific violations. It is important that the law be in line with the freedoms guaranteed by the Constitution rather than with restrictive articles and regulations.

5. Continue to work within the framework of developing community participation in prioritizing the work of the organizations and the importance of the work of civil society to find popular support for it. This would be part of the social protection that may be supported by the pressures exerted to limit its role.

6. The importance of the continuation of these studies, which deal with the issues of the Istanbul principles and the development of the working environment of civil society. In addition to its research side, it also plays an educational role for local organizations and links them to regional and local processes.

Part 6

Implementation of Istanbul Principles by Tunisian CSOs

Prepared by
Dhoha El-Jourchi

First

General Framework

This paper is a general assessment of the reality of Tunisian civil society organizations (CSOs) in light of the Istanbul Principles. The questionnaire, which was the practical methodology used in the research, revealed that NGOs, who were willing to participate and answer the questions, are committed to implementing the main principles, despite acknowledging that they do not know the principles and have not read them earlier. This remark indicates that Tunisia civil society is on the right path and is aware of itself and its roles. This could be enhanced and made better if it knows about the document and includes it in its international references, from which it derives its theoretical and practical legitimacy.

The paper also demonstrated the vitality and maturity of Tunisian civil society, in comparison with others, especially in the Arab world. There is no doubt that the revolution and the new political atmosphere in the country post14- January 2011 prepared the general framework and provided the necessary conditions, which were absent during the era of despotism, when civil society was suffering from guardianship and was besieged. Today, however, the doors are open to all activists to improve their performance and new areas are open, which would shift civil society to a phase of constructive and active partnership.

Based on the above, this paper could be the first step for a plan aiming to develop the capacities of Tunisian civil society in the future, to be more attuned to the Istanbul Principles, to commit to it as a necessary reference, and to use it as an important working tool, which would provide an opportunity to bring about a qualitative shift in civil society's mission and performance during the transitory phase in which Tunisia is passing and towards an effective and lasting democratic system.

Second

Istanbul Principles

1. Respect and promote human rights and social justice.
2. Embody gender equality and equity while promoting women and girls' rights.
3. Focus on people's empowerment, democratic ownership and participation.
4. Promote environmental sustainability.
5. Practice transparency and accountability.
6. Pursue equitable partnerships and solidarity.
7. Create and share knowledge and commit to mutual learning.
8. Commit to realizing positive sustainable change.

Principle One: Respect and Promote Human Rights and Social Justice

Today, Tunisia has 17,987 legal associations in the various districts, but most are concentrated in the capital. The number increased in the last few years, witnessing the establishment of more than 6,911 new organizations, almost %70 of the total number before the revolution.

The increase could be due to the new decree related to organizations, which had freed them and removed the constraints imposed before the revolution. The decree, which was the result of the work of the Higher Authority for Realization of the Objectives of the Revolution, Political Reform and Democratic Transition, included an important number of rights of associations, namely:

● The right to access information and hold meetings, demonstrations, conferences, workshops, and all other civil activities.
● The right to publish reports and information, to print publications, and conduct polls.
● The right of acquisition and ownership and to make use of its resources and assets.
● The right to accept aid, donations, gifts, and trusteeship.
● The right to litigate and file lawsuits related to intervention in the context of its aims and goals.
● Associations now have the right to litigate and the personal right to defend its members (for the first time).
● The right to express its political opinions and positions related to public affairs.

The Decree's Stipulations in Relation to the Fundamentals of the Freedom of Establishing Associations

The new decree included some general principles that govern the life of associations, to which the relevant authorities must abide. It also stipulated mechanisms that must be respected by associations.

State guarantees:
The first chapter of the decree guaranteed the freedom of association. It defined the pillars of individual freedom in joining and leaving associations and the freedom to conduct activities in their framework.

It guaranteed the autonomy of associations from political parties and the government. It allowed associations to play their role in pressuring the governments to defend the goals on which they are established and to guarantee the rights of citizens. This would strengthen the role of all the components of civil society and embody its independence.

The constitution prevented mixing between political and associative responsibilities in Chapter 9.

The Decree's Stipulations Regarding the Concept of Associations:
- Non-Profitability

This is guaranteed by Chapter 2 of the decree, which states, "An association is an agreement between two or more people working based on its aims and in a permanent manner to achieve its goals, with the exception of making profits."

As for associations, they are required to: respect the principles of the state of law, democracy, plurality, transparency, equality, and human rights when preparing its internal laws, conducting various activities, or seeking funding, also within the framework of international agreements ratified by the Tunisian Republic.

In this context, it was noted that most of the actors in associations who replied to the questionnaire include the principles of human rights and gender equality in their visions and statutes.

This also explains the variety of activities related to advocacy on human rights issues and empowering women and girls, although these are the most difficult types of activities, where civil actors lack the necessary expertize.

Despite the above, many Tunisian associations were able to conduct successful advocacy campaigns. For example:

● The League of Tunisian Women Voters [Ligue des Electrices Tunisiennes] managed to implement a project entitled, "Building the Capacity of Women in Leadership." It aimed to strengthen the leadership capacity of women in civil society in relation to gender, human rights, and communication techniques, on one hand. On the other hand, it aimed to include women's rights in the constitution, in particular, and other principles, in cooperation with women leaders and men leaders who advocate on women's rights in partner organizations. The League organized meetings, which led to several recommendations that were presented to the Constituent Assembly and were part of a lobbying campaign by the League.

● The associations Radhedh Méditerranéen pour les Arts, Association Defi, and Tanit for Arts managed to create an associative fabric of organizations, associations, institutes, actors, artists, educators, and actors, who worked together on launching a campaign to include cultural rights in the constitution.

● Ibsar Association for Culture and Entertainment of People with Visual Disabilities implemented the project "Against the Marginalization of People with Visual Disabilities." The project aimed to raise the awareness and encourage people with visual disabilities to integrate into society and all its public and private structures and institutions. This is in addition to practicing their right to express opinion and participate in decision-making. It also aimed to spread the culture of human and gender rights between women and young people with visual disabilities, using the Convention on the Rights of Persons with Disabilities and the Convention on the Elimination of All Forms of Discrimination against Women, printing them in Braille and on CDs.

Lessons Learned

The majority of newly formed associations worked on two principles, human rights and gender equality.

They succeeded in using various mechanisms to achieve these principles in their projects, such as the use of art, activating advocacy campaigns, and the inclusion of all stakeholders.

The national dialogue initiative was one of the successes achieved in Tunisia to support human rights and social justice. It took place following the assassinations witnessed by the country, a period of high tensions, and the split in the Tunisian political street, between those demanding the end of the democratic transition experiment and looking for alternatives and those defending electoral legitimacy and clinging to governance structures. Indicators started to show that the Tunisian model could collapse and lead to internal strife.

However, the crisis was averted due to the efforts of CSOs like the Tunisian General Labor Union (the largest trade union organization in Tunisia), the Tunisian Union for Industry and Commerce (representing employers), the National Lawyers Association, and the Tunisian League for Human Rights, which encouraged the continuation of the constitutional process.

The national dialogue enabled the coming together of all political parties and provided them with a chance to agree on a road map to continue the transitional process. It allowed the resumption of the National Constituent Assembly meetings, where constitutional provisions were agreed upon. This was in addition to the consensus reached by the members of parliament as a result of this work, which led a number of constitutional provisions to be drafted outside the assembly and get the support of its members. In addition to national dialogue and the agreements, judges, human rights defenders, and journalists played a role in amending constitutional provisions, through union protests that stood up to stipulations, which would have led the constitution to be merely declaration of principles without ensuring their implementation.

Therefore, assigning the Nobel Peace Prize to the national dialogue quartet was an important symbolic event. It confirmed the importance of civil society in the success of one of the stages of democratic transition in Tunisia. This was in addition to confirming the attempt to break with a despotic past, which had considered CSOs to be a danger to public security and where they were besieged by unfair laws, arbitrary political decisions, and police repression that led to exiles and murder at times. It is also symbolic due to its confirmation of the success of civil society's choices in Tunisia concerning reform, consensus, and realization of human rights.

In addition to the symbolic aspect, Tunisia has witnessed an awakening. It is now the duty of all to transform the successes of the previous period into a type of sustainable approach. This means that dialogue, negotiations, reconciliation, and rejection of violence would become a culture rooted in society and integrated in education, the media, and social dialogue.

Challenges:

The most important challenge in this regard in Tunisia is the need to transition to a situation, where democracy and human rights are always consecrated and not just on particular occasions. This requires investment in various fields to spread the cultures of democracy and human rights. It also requires to continue building democratic institutions, additional support to the role of civil society, and reviewing the old legal system. This is achieved when all capacities of change and effectiveness are provided to education, the media, civil society, elected bodies, and local committees.

Tunisia is today considered to be in the process of establishment. It is a difficult and fragile stage, which should be finished quickly to divert attention to the issues of social justice, justice between the regions, fighting corruption, youth employment, and reforming education and health. If the questions of economic and social rights are not given the necessary attention and priority, political transition would lose its legitimacy for a great number of people.

Principle Three: Focus on people's empowerment, democratic ownership and participation

The 2014 Constitution focused on the participatory dimension, through adopting a participatory approach and the principles of good governance as a means for governance. The new constitution does not only stipulate vast decentralization, it also stipulates an important and central principle, which is participatory democracy.

According to Article 139 of the Constitution: "Local authorities shall adopt the mechanisms of participatory democracy and the principles of open governance to ensure the broadest participation of citizens and of civil society in the preparation of development programmes and land use planning..."

Several experiences demonstrated the success of participatory democracy in achieving real and effective democracy to solve economic, social, and political problems. It ensures involvement from the whole spectrum of society, from citizens, to civil and political society and that participation is not limited to elections. It also strengthens the principle of transparency in the government, promotes the values of active citizenship, and deepens the sense of belonging, in addition to providing more guarantees to the success of projects and achieving actual participation, which could be considered a pillar of democratic practice.

Participatory democracy also contributes to developing the political will of decision-makers and public administration, through achieving their coherence and integration with representative democracy, which is based on electing representatives of citizens for a certain period.

Some CSOs implemented initiatives with municipalities, which led to optimism for many Tunisians. These initiatives included adopting the mechanisms of participatory budgets and the establishment of monitoring organizations. One example is the initiative by Bousla Association, which monitors municipal work. In January 2014, it implemented a project called Municipality Monitor, aiming to monitor the work of municipalities through accessing information and presenting it in a clear and simplified manner.

The project also aims to shorten the distance between municipalities and citizens in understanding local realities and effective contributions to decision-making.

The Municipality Monitor team collected information from municipalities in a uniform manner, asking them to provide information related to the budgets on human resources, real estate and movable property, the municipal council and its activities, and investments by municipalities. The observatory adopted a transparency standard, based on the information provided by each municipality. What made this project stand out is citizens' participation in setting priorities for municipal budget allocations and following up on the execution of projects chosen in mass on the local level.

The project aims to monitor the activities of municipalities throughout Tunisia. This is in addition to adopting a participatory approach in executing investment plans, which achieves participation in decision-making using the principles of governance, through enhancing methods of participation in decision-making related to development projects in the districts or municipalities, land use planning programs, and urban planning for cities.

Building and Collecting Marginalized Voices

● Many associations used their projects to build and collect the voices and capacities of marginalized segments, which made a contribution at the level of implementation. In this regard, the association Advancement of Rural Youth worked with girls in three rural villages in in the Nabeul district, through its project, "My Right to Information, Understanding, and Participation." It conducted training and communications activities with other associations in the area. As a result, 5 of the rural girls were chosen to represent citizens in local development committees and many joined the association to participate in the civil movement.

When asked: How did civil society design its programs and projects and how does it implement and evaluate them? What is the size of the beneficiary and partner participation in the decision-making process in the stages of design, implementation, and evaluation of these programs and projects?

The answers given by associations were based on two approaches. Some design a working strategy for one or more years. The others answered that their activities are designed according to programs suggested by supporting organizations. As for the participation of beneficiaries and partners in design, implementation, and evaluation, many associations answered that this is done through field studies. The needs of the right-bearers are monitored and projects are implemented to support such rights and address violations.

Some associations organize project-writing workshops to try to be in line with the demands of partners and beneficiaries.

Challenges

The issuing of Title 7 of the Constitution is considered the biggest challenge by Tunisians. This is due to the arsenal of modern principles and concepts that establish a direction built on participation and reconciliation, in light of local governance based on the participatory approach and the principles of governance and transparency.

The challenges are:

● The laws have not been activated and they are still draft projects.
● The closed administrative system is finding it difficult to deal with and participate with citizens or with the new chapters of the Constitution.
● Reluctance of citizens, especially women and youth in internal regions, from engaging in public affairs.

The Principles of Transparency and Accountability, Creating and Sharing Knowledge, and Committing to Mutual Learning

The question of accountability and transparency in the state, private sector, and NGOs has been getting plenty of attention lately. This is demonstrated in the multiple local and international governmental and non-governmental issues working on the issue. In Tunisia, the reform, efficiency, transparency, and accountability of state institutions a top priority of legal concerns.

However, the effective reform of public administration and the process of development requires a political commitment that must receive civil society support. CSOs could play an important role in providing the necessary controls related to the power of the government, promoting the values of integrity and transparency in its work, participating in drafting public policies, protecting rights, supporting engagement in public affairs, and strengthening the rule of law, in addition to its role in raising public awareness on corruption and combating it.

This means that CSOs must be democratic, organized administratively, and accountable to the public and stakeholders in all institutions.

Decree 88, which organizes the work of associations, states that they must run based on a set of rules to activate democracy inside the association. The most important are:

Statutes:
This is considered the founding text of an association. It organizes the internal life of an association and relationships between members and structures. The statutes also organize relations between civil society components.

Internal By-Laws:
They are directed towards members to ensure the proper internal functioning of an association.

Charter:
An association could also have a charter, which indicates the goals, ethics, and values agreed upon by the members during establishment or when a new member joins, such as the Association of Journalists and the Tunisian Association for Democratic Women.

From speaking to representatives of organizations, they all said they had statutes and by-laws.

Chapter 6 of Decree 88 regulated sources of funding, which could be public or foreign. The decree indicates that association resources are made up of membership dues, public aid, donations, grants, domestic and foreign bequests, and the revenue generated by the association's property, activities, and projects. However, the decree forbids financial aid from countries without diplomatic relations with Tunisia or organizations that defend the interests of those states. On the other hand, it stipulates that associations must spend their resources to achieve their goals.

The decree also imposes on associations internal and external supervisory regulations and controls its accounting according to the accounting system of institutions and accounting standards based on the decision of the minister of finance. Associations must disclose the source of foreign funding in the media and inform the government's General Secretary. The decree also imposes the hiring of auditors by associations.

However, many associations do not provide their financial reports and do not disclose the sources of funding, especially foreign, except donor organizations that impose monitoring and transparency mechanisms on beneficiary associations.

Additionally, the associations did not have a complaints mechanism.

Challenges:

Legal Challenge

Based on the latest statistics from Ifada Center, the state lacks information on 18,143 associations, including the size and sources of their resources and how they are being used. This was declared by Kamal al-Jendoubi, Minister of State in charge of relations with constitutional bodies and civil society.

Parties concerned with the associations issue unanimously told Tunis Africa News Agency that there are thousands of active associations in Tunisia, without the authorities having any data on their financial resources and how these resources are used.

Nabil Agroud, the General Director of the media, training, studies, documentation, and associations center, Ifada, that more than 8,000 associations have a tax number according to finance ministry statistics. The remainder do not have any financial or tax files.

Finance Department Judge Fadila Qarqouri said that none of the public structures or institutions has full information on the size of public funding or the numbers of associations benefiting from public finances.

She added that despite Decree 88 of 2011 stipulating that associations benefiting from public money must file a detailed report about its spending to the Department of Accounting, only 1,500 associations filed reports to the department about their income and expenditures in 2014.

- According to al-Jendoubi, around %2 of associations have shown signs of corruption and lack of transparency, limited to associations known by the state. However, the general percentage is still unknown, due to lack of updated data on the CSOs, related to their types, human resources, financial resources, target groups, volunteers, workers, and the nature of their activities on the ground.

- The accountability of public funding and aid provided by the state to associations remains difficult to implement in practice. It was considered a challenge in terms of being implemented fast enough and does treat organizations equally. The majority of associations in Tunisia are small, depend on public funding for their activities, and do not have enough internal resources.

- The decree imposed restrictions on the establishment and functioning of associations. However, it decreased state control on the internal work of associations. In its general principles, it gambled on individual awareness and the willingness of associations and regulatory bodies to automatically and voluntarily respect the rules of transparency and governance. But it cannot be immediately implemented, due to the lack of regulatory and evaluation structures.

- The progressive sanctions - starting with a warning to the association by the government's general secretary, then a judicial order to suspend activities, then a judicial order to dissolve the association- was a serious obstacle to sanctions on violations by associations and ensuring their respect of the law. On many occasions and due to multiple abuses by associations condoning violence, which could be involved in terrorism, public authorities found that sanctions were no longer the concern of the Executive and should be handled by the judiciary. They were no longer able to dissolve associations directly and on their own.

Cultural Aspect

● Civil society work is linked with voluntarism. Many believe that the idea of "good intentions" and the need to "respect" any voluntary initiative of a group of people is a positive thing. However, it has its negative consequences on accountability, whether by partners or public opinion.

● Another challenge for civil society is the reluctance of women and young people from participating and engaging in public affairs. This aspect indicates the limited interest within society to make CSO work accountable.

Recommendations

- The need to increase the awareness of civil society on the culture of accountability and increase its capacity by providing tools to allow citizens to access information and knowledge and empowering them to be able to assess them.

- Work to overcome the lack of financial capacities and stable resources, to allow associations to hire employees to follow-up and implement legal and financial procedures.

Principle Four: Promote Environmental Sustainability

The new constitutional direction related to environmental rights reaffirmed the prevailing legislative and judicial direction before issuing the constitutional and provided it with a supreme value. Future legislation will demonstrate the extent of commitment to these constitutional principles, especially since the work on the Environmental Charter is in its advanced stages.

Hundreds of new associations, networks, and universities are interlinked in a process of social transformation, which slowly contributes to changing the behavior of Tunisians in the positive direction regarding the adoption of the environmental issue. This is in addition to engagement, volunteering, and mass action towards putting an end to pollution and the destruction of ecosystems, as well as the requirements of hygiene, aesthetics, and even sustainability.

The level of participation in a partnership on the level of political decisions is evident in the contribution of several environmental experts and activists in the project for a university for the environment and sustainable development and preparing the statutes for the constitutional council for sustainable development and rights of future generations. This is an important indicator of the maturity of the associative fabric and its development towards attention to general environmental strategies.

Challenges

● Considering environmental education as an environmental priority and the need to build environmental   capacities.
● Legislative challenge: There are many laws but the problem lies in implementing these laws on the ground.
● Lack of follow-up and evaluation by associations.
● Lack of professional human resources and ignorance of the services provided by the environmental sector.
●All the presented projects are unique, but remain discretionary efforts, with some exceptions.

Recommendations

● Encourage networking between associations, to strengthen the capacity of civil society on the environment and development.

● Strengthen the role of schools, civil society, and the media in environmental and health education.

● Develop and apply environmental and sustainable development legislation.

● Encourage associations to share expertise and leading experiences.

● Adopt the participatory approach in environmental protection, through the integration of local citizens, educational institutions, and the media.

● Support environmental media.

● Consider environmental and sustainable development education a priority in national strategies and policies.

Third

General Challenges

Based on the above, the comparison between the Istanbul Principles, on one hand, and the realities of civil society in Tunisia, on the other, demonstrates that Tunisian associations generally face a package of challenges, which imposed themselves in the context of transition in the country. The most important internal and objective challenges:

First: Internal Challenges

These challenges appear in several problems on the institutional level regarding the ability of CSOs to play their role efficiently. They are:

● Internal capacity to define a mission, strategies, and long-term programs; it was clear that some of their associations were established due to personal effort.
● Democracy and good governance in the work of CSOs, such as pluralism, transparency, accountability, participation, and democratic transition, as well as regular meetings, renewing leaderships, and adopting a scientific and practical basis in administration.
● Lack of coherence and integration and weak networking, cooperation, and building national alliances; alliances are usually interest-based, short-term, and based on personal relations, not on common goals and visions.
● The question of mixing between volunteerism and professionalism in action is still prevalent. The principle of volunteerism has become absent. The CSO profession is growing and so are salaries, with little volunteering. Some people who do not have work or are looking for job opportunities, without the necessary experience, are getting involved, which leads to a decline in overall performance.
● Weak self-financing, since most CSOs are dependent on funding by international donors and did not develop self-funding mechanisms to obtain the necessary money to achieve their goals.
● CSOs can perform their roles professionally and fully, if they are able to overcome these challenges and others using effective methods, orient themselves towards institutionalism within a clear organization, and based on transparent internal regulations.

Second: Objective Challenges

● CSOs face several objective challenges to their ability to play their role and achieve their mission to protect human rights. The bulk of objective challenges are in the legislative framework for CSO work on the national level. Laws regulating their work still include several problems, which are an obstacle to the work of associations and impedes them from playing their role efficiently, namely:

• Problems in establishment: The laws still impose several procedural and objective hurdles to the establishment of CSOs.
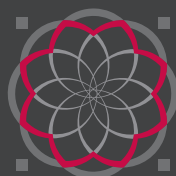
- Obstacles to activities and events: CSO activities are usually restricted. They are forbidden from playing any political role. Controls on organizations are strict, which is incompatible with autonomy, in addition to giving public institutions absolute powers in appointing temporary boards of directors at any time; the obligation to notify the ministry or administration to receive a permit to change internal regulations; and granting the relevant authorities the power to dissolve an association without resorting to the courts.

- Legislative obstacles: The laws contain several vague and broad terms, leaving their explanation to the discretion of the administration, which imposes restrictions on the freedom of peaceful assembly, opinion, expression, and the right to establish associations.

- General community culture: The culture of the community and knowledge about the work of CSOs is one of the most important means for success. Following the terrorist attacks in Tunisia, some said that the reason was human rights and freedom, which distorts the work of CSOs and creates an environment that rejects their work.

- Funding is one of the most important and complex challenges. It is also a basis for the independence and efficiency of CSOs.

Fourth

Conclusion

After analyzing the results of the questionnaire and discussing challenges and gains, most CSOs in Tunisia seem to be young and aspire to achieve the Istanbul Principles, whether they know them or not. These organizations benefit from factors for a common ground to adopt and implement the Istanbul Principles. This is contingent on a future, clear road map, functioning on the short and long terms and aiming to network organizations to work on a common plan to implement the principles internally, among each other, and with all concerned parties.

This will consecrate both the principles of participation and accountability. The first will ensure efficiency of major goals and the second transparency to ensure the advancement and the solid structure of civil society, enabling it to achieve effective development on all levels and strategically secure ways for change, impact, and sustainability.