

## [End restrictions on NGO access to funds for human rights advocacy](#)

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In his [annual report](#) to the Human Rights Council, UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, says 'In recent years, civil society actors have been facing increased control and undue restrictions in relation to funding they received, or allegedly received.'

According to Mr Kiai, the 'problem is not isolated and exists in all parts of the world', with the restrictions aiming, 'in many cases, to silence the voices of dissent and critics.'

The right of NGOs and civil society organisations to access and to receive funding is a fundamental aspect of the right to freedom of association. It is expressly guaranteed in Article 13 of the UN Declaration on Human Rights Defenders, which provides that 'Everyone has the right, individually and in association with others, to solicit, receive and utilise resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means'.

According to ISHR Director, Phil Lynch, the Special Rapporteur's report exposes a disturbing global trend.

'The Special Rapporteur's report rightly calls attention to illegitimate and disproportionate restrictions on NGO access to funds in Algeria, Bangladesh, Ethiopia, Egypt, Jordan, Russia, Sudan, Uganda and Zimbabwe. However, the problem is not limited to the Global South. Just last week, new guidelines were announced in New South Wales, Australia which effectively prohibit community legal centres from undertaking "political advocacy or political activism".'

The NSW Legal Assistance Services Funding Principles state that this includes, but is not limited to, 'lobbying governments and elected officials on law reform and policy issues' and also includes 'public campaigning and advocacy... seeking changes to government policies or laws'.

According to Mr Lynch, laws and policies such as those described in the Special Rapporteur's report or recently adopted in Australia are incompatible with international human rights law and directly contradict a landmark resolution adopted by the UN Human Rights Council in March 2013 and explicitly supported by Egypt and Australia. Human Rights Council resolution 22/6, entitled '[Protecting human rights defenders](#)', calls upon States to ensure 'that no law should criminalize or delegitimize activities in defence of human rights on account of the origin of funding thereto.'

The International Service for Human Rights warmly welcomes the Special Rapporteur's report and calls upon States to endorse and fully implement its key recommendations, including by:

- Enshrining the rights to rights to freedom of association and of peaceful assembly in law and practice,
- Ensuring that any restriction on the rights to freedom of association and of peaceful assembly is strictly necessary, reasonable, proportionate and non-discriminatory; and
- Recognising and protecting the right to NGOs and other civil society organisations to seek and receive funding – whether from domestic, foreign or international sources – and to use those funds to promote and protect human rights, including through advocacy.

An ISHR briefing paper on the right to access funding is available here (May 2009).

An opinion piece written for ISHR by Human Rights Watch Executive Director, Ken Roth, on the right of NGOs to receive foreign funding is available [here](#) (April 2013).

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