

ANNUAL REPORT 2019-2020

KEEPING CIVIC SPACE HEALTHY



ICNL
INTERNATIONAL CENTER
FOR NOT-FOR-PROFIT LAW

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2019-2020

THE YEAR IN REVIEW

In our 2019-2020 annual report, we highlight how ICNL and our partners have worked to keep civic space healthy in an exceptionally challenging year. We have been providing up-to-date information on coronavirus responses affecting civic freedom in 164 countries. We have supported over 3,000 partners in nearly 90 countries to protect and strengthen civic space. Our partners launched initiatives to address pandemic-fueled domestic violence in East Africa, promote rights-respecting use of artificial intelligence in Brazil, and safeguard peaceful assembly in the United States.

The stories in this report illustrate the pillars of ICNL’s mission. Working with partners, we strengthen the legal framework for civil society, philanthropy, digital rights, and civic participation around the world.

THANK YOU

We deeply appreciate our staff, partners, Board, Advisory Council, and donors. The impact described in this report is the result of your dedication, perseverance, and skill throughout this challenging year. Thank you, and we look forward to our continued work together to help keep civic space healthy.

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TRACKING CIVIC SPACE DURING THE PANDEMIC

As COVID-19 began to spread globally, the ICNL Alliance was among the first to highlight that it was not just a public health crisis, but also a crisis for civic space. In just over two weeks after the WHO officially declared a pandemic, ICNL and ECNL launched the [COVID-19 Civic Freedom Tracker](#). The Tracker currently covers 164 countries and more than 400 measures – emergency declarations, laws, and practices that affect the freedoms of association, assembly, and expression.

While quick actions are necessary, some governments have been using the pandemic to justify undue civic space restrictions. As the Tracker shows, emergency laws in Zimbabwe punish sharing vaguely defined “fake news” about the pandemic with up to 20 years in prison. Algeria, Eritrea, and Mexico have indefinitely banned protests and public gatherings. In Brazil, data regarding cases and deaths has been removed from government websites, preventing people from making informed decisions and evaluating personal risks.

The Tracker swiftly became a go-to source of information on the implications of COVID-19 on civic space. Its data has been cited by [The New York Times](#), [CNN](#), [The Washington Post](#), and a host of [international media outlets](#) from [Argentina](#) to [Australia](#). It has also informed initiatives to safeguard rights during the pandemic, from Nigerian civil society activism against an unduly restrictive “Infectious Diseases Bill,” to U.S. lawmakers’ development of the bipartisan “Protecting Human Rights During Pandemic” bill.

As the pandemic evolved, we adapted our efforts to help keep civic space healthy in a rapidly changing landscape. Alongside the Tracker, we created [user-friendly tools](#) to assess regional trends; shared up-to-date analyses on an array of COVID-related issues; and identified positive government responses that protect civic space. We held high-level briefings for donors and government officials, including a hearing before a U.S. Congressional subcommittee, to help set regional and national priorities around COVID-19 and civic space. We convened civil society hubs around the world to identify urgent threats and are supporting our partners’ efforts to navigate and push back against overreach.

Together with civil society allies worldwide, we will continue working to protect the health of civic space.



TAKING A RIGHTS-BASED APPROACH TO EMERGING TECHNOLOGY

Governments and private actors are increasingly reliant on artificial intelligence and digital technologies, which raises concerns for civic freedoms. Technologies, such as facial recognition, have been used to identify and arrest protesters. Meanwhile, the distribution of fake or misleading information online is becoming a widespread tool to harm civil society representatives. To ensure that new technologies support rather than undermine civic freedoms, civil society needs a deeper understanding of how AI and other emerging technologies work.

With this in mind, ICNL partnered with the Global Digital Policy Incubator (GDPI) at Stanford University to host the first-ever Tech Camp for civic space defenders. During the intensive three-day event, twenty-five participants from the Global South met with leading experts, including GDPI's Executive Director Eileen Donahoe, GDPI Principal Investigator Larry Diamond, and former UN Special Rapporteur for Freedom of Opinion and Expression David Kaye, among others. The group examined technologies from machine-learning to blockchain to discuss how they impact civil society, philanthropy, and civic space.

Participants shared the challenges they face while working toward better public participation and respect for human rights, allowing knowledge to flow both ways. Together, with the high-level speakers, they identified policy responses, research methods, and built lasting connections.

At the Tech Camp, ICNL introduced its Innovation Fund, which awarded ten grants to support participants' work on digital rights issues in their countries. Transparencia Brasil is training an algorithm to scrape government websites for the use of AI-systems to provide insights on the risks they pose for human rights. SOCH Nepal is creating a model Artificial Intelligence Governance Act through a series of multi-stakeholder workshops. The Zaina Foundation in Tanzania trained 50 women human-rights defenders on digital security to ensure they could safely monitor the October 2020 elections. These projects exemplify practical applications from the knowledge gained at the Camp.



“Digital technologies profoundly impact civic space in both positive and negative ways. The goal of the camp was to help civic space defenders better understand how various emerging technologies work, preparing them to defend against risks and advocate for policies that protect rights.”

Eileen Donahoe, Executive Director, Global Digital Policy Incubator

A close-up photograph of a person's head and hands. The person has thick, purple braided hair. They are holding a black smartphone in their right hand, which displays a news article with a red header and a photo of a person on a motorcycle. The background is dark and out of focus.

BUILDING A SAFE DIGITAL SPACE IN EAST AFRICA

Civic space is tightening across East Africa with increasing attacks on civil society organizations, journalists, and human rights defenders.

In September 2019, ICNL and the East Africa Civil Society Organizations' Forum (EACSOF), joined local partners to launch the Protection of Civic Space in East Africa Platform. The platform's goal is to facilitate collaboration among members of the media and civil society from across the region. It provides a safe space for members to reflect on emerging trends, share best practices, and build solidarity to navigate increasingly restrictive legal environments. With over 70 organizations, it has formed a vibrant regional community focused on protecting civic space.

When COVID-19 began its global spread, governments from across the region used the pandemic as justification to further restrict civic space. Measures included bans on public gatherings, restrictions on access to information and freedom of expression, broad surveillance practices, and limited redress for victims of human rights violations. During this time, the platform became an essential tool for East African civil society.

In June 2020, upon the request of the Protection Platform community, ICNL and EACSOF mobilized a digital convening to discuss pressing issues facing civil society in East Africa and the emerging impacts of government pandemic responses. The event brought together diverse actors from Uganda, Kenya, Tanzania, Rwanda, Burundi, Ethiopia, South Sudan, as well as partners from Europe and the US.

The collaboration resulted in new initiatives that will have lasting impacts. This includes the creation of a regional Gender-Based Violence Working Group. The pandemic has fueled an increase in domestic and gender-based violence while reducing the capacity of organizations to support survivors. This working group aims to establish permanent regional mechanisms that can mitigate the effects of crises like the pandemic on gender-based violence and ensure that survivors can continue to access the support they need.

“The quest for an enabling environment for civil society in Kenya has been long. But through strategic partnerships with organizations like EACSOF and ICNL, we can see the light at the end of the tunnel. The Protection of Civic Space in East Africa Platform, in particular, has served to raise our work's profile.”

Suba Churchill, Civil Society Reference Group Presiding Convener and Protection Platform member

A woman with dark hair, wearing a plaid jacket and a blue lanyard, is shown in profile, resting her chin on her hand and listening intently. In the background, two other women are partially visible, also appearing to be part of the same event.

EDUCATING FUTURE CIVIC SPACE ADVOCATES IN CENTRAL ASIA

In spring 2020, Toraighyrov University in Kazakhstan launched a course to equip a new generation of lawyers with much-needed training in civil society law.

This course, and several others in the region, are being formed with the help of ICNL as part of our strategy to address civic space issues in Central Asia. In the fall of 2019, we organized the International Workshop on Teaching Nonprofit Law, which drew on our experiences working with universities worldwide. The two-day workshop held in Kazakhstan, hosted international experts and over 60 participants from Central Asia. Attendees discussed the future of civic space in the region and the importance of forming nonprofit law courses to protect civil society in their communities.

Elida Nogoibaeva the Dean of the Law Faculty at American University of Central Asia (AUCA) in Kyrgyzstan, highlighted that these courses help ensure that local civil society organizations can act as important “checks and balances in democracies and are able to hold [state officials] accountable,” adding that “without them, we cannot build the rule of law.”

With ICNL’s continued support, nine universities have expressed interest in establishing nonprofit law courses. In Kazakhstan, in addition to Toraighyrov University’s course, Zhetysu State University introduced its Master of Laws program in September 2020. In Uzbekistan, Tashkent State University of Law intends to launch its first course in the 2020-21 academic year.

The region “needs specialists in this area who can use their experience to enhance civil society legislation so that people [can] join together and improve their lives,” said AUCA Noncommercial Law Associate Professor Victoriia Shutii.

Many graduates of these programs go on to work in civil society or the public sector where they can build a stronger and more sustainable local civil society. “By building a strong civil society organization course in our curriculum, we can help improve our individuals, our communities, and our government,” said Nogoibaeva.

“A deeper recognition of the legal aspects of nonprofit work is badly needed in Kazakhstan. In January 2020, we started teaching nonprofit law as an elective course. Students responded positively, noting its importance and usefulness. We also started working on teaching guides, using a wide variety of ICNL materials. I would like to thank ICNL for its important contribution in developing these programs.”

Meiram Begentayev, acting rector at Toraighyrov University, Kazakhstan

PROTECTING PEACEFUL ASSEMBLY ONLAND AND ONLINE

In recent years, the right to peaceful assembly has been under threat worldwide. Many governments have unduly restricted assemblies, cracked down on online gatherings, used excessive force against protesters, and deployed new surveillance technologies against activists. COVID-19 has exacerbated this issue, with significant restrictions on gatherings imposed in the name of public health.

To help address these troubling trends, in July 2020, the UN Human Rights Committee issued General Comment No. 37: the UN's first comprehensive guidance on the right to peaceful assembly, as enshrined in Article 21 of the International Covenant on Civil and Political Rights. It sets out clear standards relating to assemblies off and online.

ICNL, alongside ECNL, provided key assistance by acting as both a source of expertise and a link to civil society. This included supporting research, convening experts, and organizing consultations to ensure that all voices were included in the drafting process. Additionally, we provided analyses urging the Comment to protect online and private assemblies, solidify the universal definition of assembly, and decisively denounce internet shutdowns. The final Comment sets out progressive guidance, as urged in ICNL's submission, and the Committee acknowledged ICNL's influence on many of these issues.

We are working globally with ECNL and other partners to share guidance with civil society organizations on how the Comment can be used to protect peaceful assembly. One example is Iraq, where there has been an increase in lethal attacks on peaceful assembly by government actors. In response, ICNL and local partners are using the General Comment to train organizations to monitor assembly rights with the goal of defending the lives and freedoms of all Iraqis.

Furthermore, we published a guide to the Comment, available in four languages. It presents user-friendly information about the Comment and recommendations for action, drawing on initiatives that our partners have implemented globally to protect peaceful assembly in their home countries.





PROTECTING PEACEFUL PROTEST IN THE UNITED STATES

In May of 2020, during the early months of the COVID-19 pandemic, protests over the killing of George Floyd exploded across the United States and grew into a nationwide movement for racial justice and against police violence.

Protesters were often met with an aggressive and militarized response by law enforcement. Over half the states deployed their National Guards. Meanwhile, in 100 cities police fired tear gas and rubber bullets into crowds, causing injuries and maiming dozens. Health professionals criticized the widespread use of tear gas as it can exacerbate the effects of COVID-19.

This heavy-handed response stems from a larger pattern. Since 2016, [ICNL has been tracking proposed state and federal laws that restrict the right to assembly](#). We have seen a growth in government actions targeting demonstrators. For example, police have surveilled peaceful protest movements and states have enacted draconian penalties for blocking traffic. These practices make it more dangerous to exercise the fundamental right to assemble and often escalate tensions between law enforcement and the public.

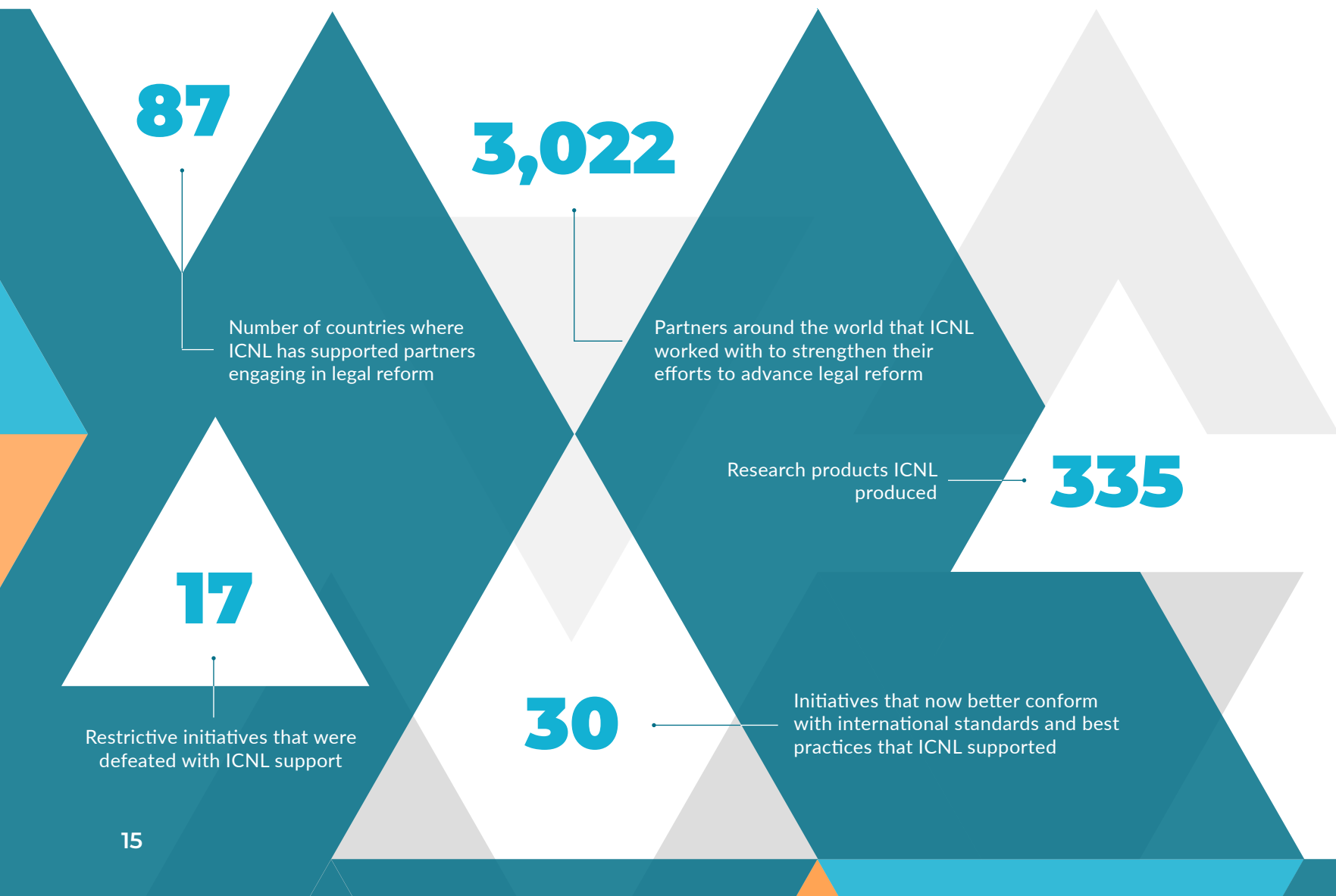
To respond to this evolving situation, ICNL helped lead a coalition of groups working to protect the freedom of assembly. We listened to our partners' needs and reacted quickly by producing in-depth analyses and resources, including [a briefer](#) calling for prohibiting the use of certain less lethal weapons, such as tear gas, rubber bullets, and sonic weapons, during protests. We also created [a dynamic online resource](#) that tracks new initiatives at the local, state, and federal level to better protect assembly rights. These resources have been utilized in successful advocacy efforts and [featured in the national press](#).

Our partners were able to use these tools to protect freedom of assembly, improve policing of protests, and navigate the COVID-19 response. Oregon, Colorado, and Washington DC have adopted new restrictions on less lethal weapons at protests; New York state and Washington DC repealed their anti-face mask laws; and Washington DC and Virginia have prohibited the transfer of certain military grade equipment from the federal government to local law enforcement.

ICNL BY THE NUMBERS

OUR IMPACT

We partner with civil society organizations, governments, and members of the international community to build a safe, legal space for people to join together and improve their lives. We do this by developing long-term relationships with our partners to advance reforms that keep civic space healthy. You can learn more about our impact [here](#). Here is a snapshot of our work from 2019-2020:



RESEARCH SPOTLIGHT

Virtual Currency Donations

NAVIGATING PHILANTHROPY'S NEW FRONTIER

Can a civil society organization accept donations in virtual currencies—and, if so, how? To answer this, the Blockchain Trust Accelerator at New America, with ICNL's support, brought together an interdisciplinary team of public policy scholars, nonprofit experts, and attorneys to create an international survey of how different jurisdictions are regulating virtual currency donations. Using the survey results, the report assesses opportunities and obstacles in virtual currency donations in ten countries across five continents. [Download the full report here.](#)

Protecting Activists from Abusive Litigation

SLAPPS IN THE GLOBAL SOUTH AND HOW TO RESPOND

SLAPPs, or Strategic Lawsuits Against Public Participation, are suits filed with the intention to use the risks and costs of litigation to silence activism. In this report, ICNL presents the first cross-regional survey of SLAPPs in the Global South, along with the first rigorous comparative analysis of anti-SLAPP policy responses undertaken around the world. Our survey shows that these suits pose a serious threat to the exercise of civic freedoms of activists, civil society organizations, journalists, and community members who dare to criticize powerful entities. [Download the full report here.](#)

The Law Affecting Civil Society in Asia

DEVELOPMENTS AND CHALLENGES FOR NONPROFIT AND CIVIL SOCIETY ORGANIZATIONS

This report provides an overview of the legal framework for civil society and philanthropy in forty Asian countries. Topics include registration, state supervision, and the regulation of cross-border philanthropy. [Download the full report here.](#)

OUR 2019 FINANCES

	Without donor restrictions	With donors restrictions	Total
PUBLIC SUPPORT & REVENUE			
U.S. and other government grants	\$3,844,203	\$2,625,862	\$6,470,065
Foundation and corporation grants	\$71,971	\$836,735	\$908,706
Contracts	\$54,095	--	\$54,095
Interest and dividend income	\$34,415	--	\$34,415
Net appreciation of investments	\$115,430	--	\$115,430
Other revenue	\$5,984	--	\$5,984
Net assets released from donor restrictions	\$6,353,173	(\$6,353,173)	--
Total revenue	\$10,479,271	(\$2,890,576)	\$7,588,695
EXPENSES			
Program services	\$8,074,180	--	\$8,074,180
General and administrative	\$2,289,359	--	\$2,289,359
Total expenses	\$10,363,539	--	\$10,363,539
Change in net assets	\$115,732	--	(\$2,774,844)
NET ASSETS			
Beginning of year	\$2,301,541	\$10,672,844	\$12,974,385
End of year	\$2,417,273	\$7,782,268	\$10,199,541

For more information on ICNL's finances, please see our 2019 IRS Form 990 [here](#).

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