**“Getting down to business - a comparative survey of enabling environments for businesses and associations”**

*Oct. 2015 thematic report to the UN General Assembly by the Special Rapporteur on the rights to freedom of peaceful assembly and of association*

**Questionnaire**

*In his upcoming report to the UN General Assembly to be presented in October 2015, the Special Rapporteur compares the treatment of businesses and associations with a view to assessing how States facilitate the exercise of the rights to freedom of peaceful assembly and of association (FOAA rights) for each of these non-State actors. The rights to freedom of peaceful assembly and of association are relevant to both businesses and associations to enable organisations accomplish their objectives be it marketing, entertainment, peaceful protest or advocacy. Activities that involve gathering in public and private spaces, collaborating and partnering with like-minded individuals and organisations, expressing support or opposition to the actions of others, rely on the availability of a favourable environment to associate and assemble. The report starts from the premise that all non-State actors should be accorded similar treatment in relation to the exercise of FOAA rights, and will explore the differentiation in treatment that often exists in law, policy, practice and perception.*

*The report will focus on several key actors with obligations and responsibilities with respect to the promotion and protection of FOAA rights: (1) States (including host States, government development assistance, and States of origin of businesses and associations (2) businesses (including multinational, national small and medium enterprises) engaged in activities within a State, (3) associations and civil society organizations, both local and foreign, carrying out activities within a State (4) multilateral agencies and institutions supporting investment activities within a State.*

*This questionnaire solicits information from these and other relevant actors with a view to assisting the Special Rapporteur in his assessment.*

*Kindly send your responses by 5 June 2015 to* [*freeassembly@ohchr.org*](mailto:freeassembly@ohchr.org)

*You may submit your responses in English, French or Spanish.*

1. **General questions (to all categories of respondents)**
   1. Should all non-State actors be treated equally in relation to registration, operation from unwarranted State interference, free expression, freedom of peaceful assembly, ability to seek and secure resources and benefiting from the State’s duty to protect? Please explain.
   2. In your experience, are all non-State actors provided similar facilitation by the State in the exercise of the rights to freedom of peaceful assembly and of association? Facilitation may include issues related to registration, operation from unwarranted State interference, free expression, freedom of peaceful assembly, ability to seek and secure resources and benefiting from the State’s duty to protect. If the answer is no, provide examples of the unequal treatment and explain why you think the differentiation is fair or unfair.
   3. Are the examples of unequal treatment provided in question (b) above based in law, policy or practice? Kindly provide details, including specific provisions and copies of the laws or policies where available.
   4. Has the unequal treatment been challenged in a judicial, quasi-judicial or administrative tribunal? If so, provide details, including a specific citation of the case and copies of decisions or judgments where available.
   5. What are the regulatory requirements for holding a public event (e.g., protests, promotional events, or any public gathering) in your State, whether staged by a company or a civil society organization?
      1. Do they require permission? If so, from who?
      2. Are there limits on the number of attendees or on where the event can be staged?
2. **Questions specific to Civil Society Organisations**
   1. Is legal status required to function as a civil society organization in your country?
   2. What are the requirements to form/establish a legal entity e.g., non-governmental organisation (or network of civil society legal entities) in your country of origin/country of operation?
      1. What documents are required to register?
      2. How long does the registration process take?
      3. What government agency is responsible for registering/regulating civil society organisations?
   3. What obligations are civil society organisations required to fulfil in relation to transparency and accountability? For example, reporting requirements, disclosure requirements, access to information requirements, election of office bearers. To whom are these obligations owed? For example, government, beneficiaries, funders?
   4. Has your organization every experienced any barriers to communication and cooperation with partners, including access to and use of the Internet and communications technologies imposed by the government? If yes, describe.
   5. Please provide details of government assistance or incentives to create a conducive environment for civil society operation in your country of origin/country of operation, for example tax incentives, simplified reporting procedures for smaller associations or grant schemes?
      1. How do you feel these compare to similar incentives provided to businesses?
   6. What mechanisms have been implemented by your State of origin to encourage civil society organisations engaging in activities in other States, for example by providing diplomatic and consular support, legal services, fundraising conferences?
      1. How do you feel this compares to similar support given to businesses?
   7. Do civil society organisations experience any impediments to accessing funding from local and external sources (including ability to receive and transfer funds out of the country, acquire and own assets)? Please provide detailed examples of these impediments including laws, policies, executive decrees, and/or cases.
      1. How do these restrictions fare compared to businesses’ ability to receive foreign investment?
   8. What sanctions does the law impose for failure to meet legal requirements related to the operation and registration of associations (e.g., dissolution of the association, fines for the association, fines for individuals involved in the association, prison terms)
   9. Are business/for-profit entities provided with a more favourable or less favourable environment to operate than not-for-profit entities? Please explain.
   10. Are you satisfied with the level of access, representation and participation that your organization (or civil society as a whole) has in government policymaking that affects you? Describe the positive and negative aspects of the current situation.