**“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** 
   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 specifically for multilateral institutions**
   1. What proportion of your funding is directed towards supporting States in creating a conducive business and investment climate compared to an enabling environment for civil society?
   2. What proportion of your development assistance is channelled through civil society organisations compared to business entities and/or direct assistance to governments to work on improving the business environment?
   3. Do funding/investment agreements concluded with States place similar emphasis on a conducive environment for civil society as they do a conducive investment/financial environment?
      1. To what extent are assistance packages ever conditioned on a State making reforms in the financial or business sectors?
      2. To what extent are assistance packages ever conditioned on a State making reforms designed to create more civic space?
   4. Do civil society partners and private sector partners enjoy similar levels of access and participation in decision-making at your institution? Please elaborate.