**“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 Member States** 
   1. What percentage of development (whether domestically or abroad) assistance/social services tenders provided by your government is channelled through associations and civil society organisations compared to business entities?
   2. Registration and formation issues
      1. What are the requirements for the formation/registration of a local business entity/entry of international business entities in your State?
      2. What State bodies are responsible for registering and regulating private sector entities
      3. What are the requirements for the formation/registration of local civil society organisations/international non-governmental organisations in your State?
      4. What State institution is responsible for registering and regulating civil society organisations?
   3. What conditions are placed on businesses and civil society organisations re their operating procedures including: geographical area of operation, transparency and reporting requirements, disclosure of owners/founders/shareholders/officeholders (both natural and legal persons)?
   4. Does your State impose any restrictions on private sector entities/civil society organisations communicating or co-operating with foreign entities such as foreign governments, international organisations, and foreign corporations within or outside the State?
   5. Does your State impose any restrictions on private sector entities/civil society organizations in relation to financial transactions with local and external sources (including ability to receive and transfer funds out of the country, acquire and own assets)?
      1. Are there limitations/restrictions on civil society receiving resources from foreign sources
      2. Are there limitations/restrictions on direct or indirect foreign investment in business activities, e.g., are some sectors such as defence or transportation off limits?
   6. Do civil society partners and private sector partners enjoy similar levels of access and participation in decision-making at the government level? Please elaborate.