

APPENDIX 12

Administrative Measures against HRDs

Administrative law is one of the three basic areas of public law (the other two being constitutional and criminal law). The powers to implement administrative laws or measures (also sometimes called 'Regulations') are delegated to administrative agencies. The breaking of a binding administrative regulation normally incurs an administrative penalty.

Administrative measures are increasingly used to harass HRDs and occupy their time.

Administrative measures may be used in different ways in different countries – these are some examples.

- Charges of having unlicensed software:
 - Review all your software and delete all counterfeit software, and any other breaches of licensing agreements (eg using home edition versions on office computers). Install (free) open source software or purchase licensed software for your office.
 - Keep all receipts and boxes of licensed software
- Demands for frequent inspection of your tax records:
 - Ensure you have an excellent accountant
 - Set up meticulous record-keeping and filing systems
- Different regulations for different types of funding:
 - Check if there are different legal regulations relating to charitable donations, international financing, commercial activities and membership contributions
- Unworkable requirements for cash handling:
 - Issue an order banning cash handling within your organisation. All payments to be made only using cards and to staff personal accounts, as well as to the accounts of external experts and organisations.
- Registration of your NGO:
 - Ensure you are aware of and comply with all registration requirements, taking expert advice as appropriate
- Permits for workshops or demonstrations:
 - Know what are the legal requirements regulating such activities and comply with them or consider the risks of not doing so and plan for the consequences (eg having lawyer on standby in case of arrest, knowing where to get medical treatment if assaulted at a demonstration)
 - If possible, ensure video recording of events to have evidence of your compliance with the law (in case participants are charged with violating the law)
- Office searches
 - Know what the law is, what can be searched for
 - All staff should be aware of who to call and what to do if a permit for a search is presented

General advice:

- Know what rights are guaranteed under your country's legislation for people in administrative detention / imprisonment (access to a lawyer, right to choose the lawyer, access to doctor, right to notify family members etc). This will be useful if you are subjected to administrative detention / imprisonment for violating administrative laws.
- Make up a schedule of all reports to be submitted by your organisation to its donors and national

authorities (judicial authorities, tax authorities, statistical agencies, pension funds and social security fund, etc) and stick to it.

- Keep all the records of correspondence with national authorities, postal notices of deliveries and envelopes. Keep telephone contact with regulating bodies' officials (prosecution office, internal affairs, justice authorities, tax authorities etc) to a minimum and instead forward replies and document copies by special delivery post (at a later stage it could be impossible to prove what had been said in a telephone conversation).
- Prepare action plans for emergencies: ask your staff to sign to show that they have read them
- Make sure that there is no conflict of interests: such as contracts between your organisation and founders, members, partners or close relatives of the organisation management.
- Discuss regularly with other NGOs what types of harassment they receive, and how they protect themselves