

A photograph of a fire truck spraying water on a building, with a teal overlay and white text. The text is centered and reads "YEAR IN REVIEW:" followed by a horizontal line, and "CIVIC SPACE" followed by another horizontal line. The background shows a fire truck with a water cannon spraying water onto a building, with a large plume of smoke or steam rising from the scene. The entire image is overlaid with a teal color and the text is in white.

YEAR IN REVIEW: CIVIC SPACE

photographer: Igor Rugwiza

CIVIC SPACE: RIGHTS IN RETREAT, CIVIL SOCIETY FIGHTING BACK

1. INTRODUCTION

Each year the CIVICUS State of Civil Society Report looks at the major events that have affected civil society around the world. We seek to celebrate the major achievements of civil society, identify the key challenges it has faced, and assess how recent events have impacted on civil society, and how civil society has responded to them. In particular, we explore how civil society has reacted to and been affected by conflict and disaster; how citizens have mobilised to seek change; how the space for civil society has changed; and how civil society has worked internationally to address the pressing issues of the day. This section of the year in review considers trends in the space for civil society, and civil society freedoms.

Our report is of and from civil society. Alongside the four sections of our year in review, our report consists of 33 guest contributions from civil society activists, leaders and experts, on this year's special theme, of civil society and exclusion, and a thematic essay that draws from those contributions. Our report is also informed by 27 responses to our annual survey of national and regional civil society coordination bodies that are members of our Affinity Group of National Associations (AGNA), and a series of interviews with members of the CIVICUS alliance who were close to the year's major stories. We are very grateful to all our contributors for their efforts in developing this report.

PART ONE: KEY THEMES IN CIVIC SPACE RESTRICTION

2. OVERVIEW: CIVIC SPACE UNDER ATTACK

Civil society's ability to act rests on the realisation of three fundamental rights: the right to association, the right to peaceful assembly and the right to freedom of expression. Together, these define the boundaries of the civic space within which civil society can function. Since the State of Civil Society Report was first published in 2012, our analysis in successive reports has been that these three fundamental rights are under renewed and sustained assault. Six out of seven people live in countries where civic space has experienced serious recent challenges.¹

Our research has found particular concentrations of current attacks and restrictions in Sub-Saharan Africa and the Middle East and North Africa (MENA), but it is important to note that this is a trend seen around the world: in 2015 there were significant violations of civil society rights in all global regions.²

This assault is being driven by a number of motivations, including an increasing focus by states on enforcing national security and countering terrorism; pushback against the successes that mass protests have achieved in recent years; the capture of many governance systems by super-wealthy elites pursuing private sector interests; and the reduced influence of aid from global north states in the global south and the rise of alternate funding sources that have little interest in supporting democracy and human rights.

One encouraging sign, at least, is that the restriction of civic space can now be seen to have become a mainstream issue among the global human rights and international development community. An increasing number of international civil society organisations (CSOs) have started to pay attention to the urgent decline in civic space, opening up the potential for new, concerted action to build international solidarity, defend civil society's fundamental rights, and assert civil society's right to exist and act.³

1 'CIVICUS statement during the High-Level Segment of the 31st Human Rights Council Session', CIVICUS, 2 March 2016, <http://bit.ly/218hdE0>.

2 'Media statement: human rights defenders and civil society organisations face increasing threats', CIVICUS, 10 December 2015, <http://bit.ly/1Nd-5m3h>.

3 See, for example 'Amnesty International Report 2015/16: the State of the World's Human Rights', Amnesty International, 23 February 2016, <http://bit.ly/1WTfOCE>; 'Human Rights Watch World Report 2016', Human Rights Watch, <http://bit.ly/1JE2Dlo>; 'Civic Charter – The Global Framework for People's Participation', International Civil Society Centre, 2016, <http://bit.ly/1PtbcSG>; 'Why the Space for Civic Engagement is Shrinking', Open Society Foundations, 21 December 2015, <http://osf.to/1S97zA3>.

3. TERRORISM AND SECURITY: PRETEXTS FOR RESTRICTION

States are increasingly using justifications of combating terrorism and protecting state security to restrict civic space. This is not to deny that extremist forces such as al-Qaeda, al-Shabaab, Boko Haram and ISIL have had a profoundly negative impact on human rights in some parts of the world. It should also be noted that it is citizens, rather than power-holders and government institutions, that disproportionately experience the effects of terrorism, as terrorists most often target crowded public spaces, and act indiscriminately. But in many places, the response to terrorism is disproportionate, and the impacts on civic space and human rights significant.

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Human Rights Watch, in its 2016 World Report, further draws attention to the rise of anti-terrorism and security discourse and its connection with the restriction of civic space.⁴ In its assessment, current emergencies are offering pretexts for restriction and giving rise to tyranny. Human Rights Watch draws attention to the ways in which security crises have resulted from the systematic denial of human rights: for example, there is a need to connect the rise of extremist forces in **Syria** with past policies of supporting repression for strategic reasons. Given the repression they have experienced at the hands of the state, extremism may seem to offer a plausible alternative for citizens. The current crackdown in **China**, discussed further below, is being exercised particularly in heavily Islamic regions, in which legitimate criticism is equated with violence, and dissent with terrorism. This creates a sense of a community being under siege on the basis of an identity, which in turn fuels extremism. In **Kenya**, security forces respond in heavy handed ways and abuse citizens under the banner of addressing terrorism, which fuels anger and suspicion, offering recruiting grounds for extremism. Further, when civil society or the media expose these abuses, the response is not to challenge impunity, but to attack the messenger. There is a need to understand that extremism and security crises that arise from the denial of human rights cannot be solved by further restrictions on human rights.

In many contexts, state forces that seek to limit participation and dissent are using the tackling of terrorism as a convenient mask for their restriction of civil society. They are often overstating the terrorist threat to do so. For example, extremist terrorist groups in several African countries have had a profound impact on citizens, but these concentrate in some countries and sub-regions. Compared to this, the footprint of crackdown on African civil society under the branding of anti-terrorism measures goes much wider, covering much of the continent. Notions of national security and national stability are often being conflated and left ill-defined as part of this restriction. Challenges to ruling elites are wilfully misinterpreted as threats to the nation, and the expression of political dissent labelled as terrorism.

In October 2015, the UN’s Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ben Emmerson, drew attention to an “ideological pandemic” in which, in the past three years, over 60 states have passed or proposed laws to restrict the freedom of assembly, or limit the ability of CSOs to receive funding.⁵ As Ben Emmerson points out, such laws, and even proposed laws that do not pass, impact on civil society both directly, in limiting

⁴ ‘Twin Threats. How the Politics of Fear and the Crushing of Civil Society Imperil Global Rights’, Human Rights Watch, 2016, <http://bit.ly/1JE2Dlo>.

⁵ ‘Lawful civil society groups ‘are not enemies of democracy, but key allies,’ says UN expert’, UN News Centre, 26 October 2015, <http://bit.ly/1T5IHGU>.

its ability to operate without undue interference, and indirectly, by exerting a chilling effect: CSOs in contexts where restrictive laws have been introduced or proposed are more likely to rein in their activities and self-censor to avoid attention.

This is not a trend that is confined to the world's poorest or most autocratic countries: **Brazil**, one of the major democracies of the global south, is proposing broad anti-terrorist legislation that would impact on civil society rights, including the right of assembly.⁶ As the examples discussed further below from **France, Spain** and the **UK** indicate, long-established democratic governments of the global north have also introduced laws in recent years with reference to fighting terrorism that impact on civil society freedoms. This is a particularly worrying development, because if major democratic governments introduce such measures, they give grounds for justification to more repressive governments to do so, and forfeit any potential leverage that comes from leading by moral example.



The surveillance of online activity is commonly justified with reference to national security and the prevention of terrorism.



Many of the other restrictive actions highlighted in this report have been introduced as anti-terrorism measures. For example, the surveillance of online activity is commonly justified with reference to national security and the prevention of terrorism.⁷ When civil society activists are arrested or jailed, they are often labelled terrorists or extremists. To offer just a few recent examples:

- In **Ethiopia** in August 2015, 18 people, including protestors, journalists and Islamic leaders, received lengthy sentences under the anti-terrorism law, for protesting in support of religious freedom. Ethiopia's government justifies its anti-terrorism law by saying it is similar to laws in the UK and USA.⁸
- In **Jordan**, Palestinian rights activist Amer Juban was sentenced to 10 years in jail in July 2015 for terrorism-related offences, including "acts that threaten to harm relations with a foreign government" after being tried by a special State Security Court. Amer Juban signed a pre-written confession following bouts of torture, and continues to be threatened in jail.⁹
- In November 2015, **Oman** jailed human rights activist Saeed Jadad, after the court of appeal confirmed his sentence for damaging the status of the state and using the internet to disseminate material prejudicial to public order. He helped organise protests in 2011 and had been subject to harassment ever since.¹⁰
- In **Sudan**, the country's National Intelligence and Security Service is regularly used to deal with civil society activists that the state finds troublesome. In 2015, human rights defender Amin Mekki Medani faced trial at the Special Anti-Terrorism Court

6 'Brazil anti-terrorism law too broad, UN experts warn', Office of the UN High Commissioner for Human Rights, 4 November 2015, <http://bit.ly/1WwsOiw>.

7 'Privatizing Citizenship, Eroding Privacy. Freedom on the Net 2015', Freedom House, October 2015, <http://bit.ly/1M2mx89>.

8 'Ethiopia Claims U.S. Precedent for Crackdown on Journalists', Human Rights Watch, 23 July 2015, <http://bit.ly/1locLxe>; 'CIVICUS alert: lengthy sentences for religious freedom activists highlight continuing repression in Ethiopia', CIVICUS, 7 August 2015, <http://bit.ly/1KVDsKi>.

9 'Jordan: Human Rights Activist Sentenced to 10 Years in Prison After Unfair Trial Before State Security Court', Alkarama, 5 October 2015, <http://bit.ly/1UhOXPX>; 'Jordan: Investigate Alleged Torture', Human Rights Watch, 3 November 2015, <http://bit.ly/1H6DP3L>.

10 'Oman arrests anti-government activist', Gulf News, 12 December 2014, <http://bit.ly/1XWnnXI>; 'Oman: Rights Defender "Saeed Jadad" Should Be Freed Urgently', The Arabic Network for Human Rights Information, 10 March 2015, <http://bit.ly/1YUJXNC>; 'Oman: Prominent human rights defender Saeed Jadad jailed', Gulf Center for Human Rights, 29 November 2015, <http://bit.ly/1NASBTI>.

for “waging war against the state,” a charge that was also applied against Adil Bakheit of the Sudan Human Rights Monitor, arrested in April 2015 after carrying out a human rights workshop.¹¹

As we will see in the country case studies below, the use of anti-terrorism laws as an excuse to detain and jail civil society activists is sadly not limited to these examples.

THE CONTINUING ONSLAUGHT ON FOREIGN FUNDING

Ben Emmerson calls attention to the particular tactics of introducing laws and regulations to restrict the ability of CSOs to receive funding, something that was highlighted in the 2015 State of Civil Society Report, which had the special theme of civil society resourcing. Restrictions on the receipt of funding can serve to stigmatise CSOs that receive funding and tie up their energy in compliance, encourage self-censorship, and starve CSOs of the support that they need to function. This trend has continued unabated.

Time and time again, particularly in the rhetoric about foreign funding, a deliberate misunderstanding by states about the nature of civil society can be observed, along with a clear signalling of intentions to bifurcate civil society: CSOs are viewed positively or at least tolerated when they help the state achieve its goals, but classed negatively when they work to empower citizens to achieve their rights. This is often broadly communicated as states accepting that CSOs should help deliver development projects, and services that states cannot or do not want to provide, providing that CSOs do not expect to have a say in the definition of a project, but denying that CSOs can legitimately undertake functions such as advocacy, sensitisation about rights, mobilisation, research, documentation and the exercise of accountability. Reality is more complex, and any notion that CSOs can be divided into camps according to their functions is false: often when CSOs have established themselves in delivering services, they realise that their work can achieve more if they also seek policy change, and their connections to citizens enable them to understand needs. When states overlook this, it is often because they seek to apply divide and rule tactics to civil society.

For example, in **Israel**, laws working their way through parliament at the time of writing would require a CSO receiving over half its funds from a foreign government to designate itself as a foreign agent and advertise this designation in all its communications and publications. The CSO would also be subject to taxation and required to wear a badge to signal this status in any meeting with public officials, demonstrating a clear intent to stigmatise. The bill passed its first reading in the Knesset, Israel’s parliament, in February 2016.¹² A further bill in progress introduces new restrictions on CSOs that conduct what are deemed to be political campaigns, particularly during election periods.¹³ The implications of these proposed laws would be to single out and isolate CSOs that are active in Palestine and scrutinise human rights abuses by the military and Israeli settlers in

11 ‘Sudan: Human Rights Council must not let impunity prevail’, International Service for Human Rights, 2 September 2015, <http://bit.ly/26vcXEe>; ‘Case History: Adil Bakheit’, Front Line Defenders, 2015, <http://bit.ly/1TxfiYc>.

12 ‘Human rights groups face global crackdown ‘not seen in a generation’’, The Guardian, 26 August 2015, <http://bit.ly/1NHIGJE>; ‘Israel: repressive bills could severely undermine civil society’, CIVICUS, 3 September 2015, <http://bit.ly/1T5oOyK>; ‘Israeli MPs to resume work on NGO gag laws’, EU Observer, 12 October 2015, <http://bit.ly/1G3126W>; ‘International community must urge Israel to withdraw repressive NGO bill’, CIVICUS, 16 February 2016, <http://bit.ly/23edsOU>.

13 ‘Israeli Cabinet Greenlights Bill Limiting NGOs’ Funding of Political Campaigns’, Haaretz, 20 March 2016, <http://bit.ly/1TxfyGL>.

occupied territories, including those that cooperated with the 2014-2015 UN Human Rights Council (UNHRC) inquiry into the Gaza conflict. These measures aim to discredit CSOs with which the government disagrees.

We spoke to an Israeli civil society activist about these developments; in a further indication of the current climate of restriction, the activist would only do so on condition of anonymity. As the activist points out, Israel now essentially has two different environments for civil society, depending on whether the state sees a CSO as friendly or hostile:¹⁴

The overall environment of civil society in Israel is characterised by a different approach towards different organisations. On one hand, Israel provides a fairly safe and enabling environment for many religious groups, humanitarian charities and educational organisations, among others. On the other hand, organisations that are more critical towards specific policies of the state and those who are involved with advocacy, social justice and human rights issues, particularly those dealing with Palestinian-Israeli issues, receive a more aggressive and hostile attitude from the authorities.

Publicly and frequently, leading Israeli politicians make serious allegations against human rights organisations, including blaming them for anti-Israel reports and deliberately discrediting Israel's image in the world, and accusing them of spreading lies, collaborating with terror supporters or anti-Semitic bodies, and promoting foreign political agendas. Israeli politicians invoke the notion of the 'protection of state sovereignty' against external interference to restrict foreign funding, which is depicted as a new form of foreign intervention, and use it to portray human rights activists as enemies of the state.

The anonymous activist also notes that, even if the bills do not become law, they have an impact:

Restriction on funds is just one aspect of the story. The other aspect of the bills, which have been achieved regardless of whether they will become laws, is the stigmatisation and the undermining of the public status of Israel's most prominent human rights organisations. As a result of long going smear campaigns led by prominent politicians, the ability of Israel's vibrant civil society to work toward positive change has significantly decreased. Additionally, the unavoidable chilling effect of such ongoing attacks is self-censorship by various civil society actors arising from such legal threats.

As the Voluntary Action Network India (VANI) indicates, the receipt of foreign funding has also been a particularly contested issue in **India**:¹⁵

The Foreign Contribution Regulation Act (FCRA), which regulates the flow of foreign money to civil society, has often been used, or rather misused, to attack the space for voluntary action in India. The FCRA wing under the Ministry of Home Affairs (MHA) remains unaccountable for its actions. Enquiries on the suspension of FCRA accounts are lost in timeless delays, while old communication problems persist. Selective leaks to the media, which began during the previous regime, continue unabated.

14 'Interview: Israel's international funding bills dangerous for civil society', CIVICUS, 2015, <http://bit.ly/237eTy6>.

15 Contributions from VANI are edited extracts from its response to the annual AGNA survey.

The throttling of Greenpeace India by the suspension of its FCRA registration is a recent case of an attack by MHA on a dissenting voice. The Delhi High Court passed a judgement in this regard that the right of free speech and expression “necessarily includes the right to criticise and dissent”, and thus “cannot be muzzled.” It is however shocking that the government froze all the accounts of the organisation, including its domestic accounts. The Madras high court recently ruled in favour of Greenpeace and ordered a stay of the cancellation of the organisation’s registration.

In 2015, almost 10,000 registrations of organisations falling under the FCRA were cancelled, which made a direct threat to their survival. While the justification given for the cancellation of registrations was largely non-compliance with the FCRA law and the non-filing of annual returns, it was also reported that organisations were not given enough time to respond to the ministry. It was further noted that this was a process to clean up the ministry’s data, which had been pending for a long time.¹⁶



Photographer: Peter Tkac



Photographer: Salvatore Barbera

The government’s attempt to ban Greenpeace India proved a long battle; at the time of writing the organisation has won six court judgements against the ban over a year and a half, and before its most recent court victory it was given 30 days to close. But even when successful, the campaign ties up energy and resources, and helps to tarnish its reputation among government supporters.¹⁷ It is of concern that this and other such battles are taking place in a context where defamatory language is

¹⁶ ‘Fund misappropriation at NGOs: 17 cases referred to CBI’, The Economic Times, 8 December 2015, <http://bit.ly/1VT8VIV>.

¹⁷ ‘India bans Greenpeace in ongoing row over foreign donations’, DW, 6 November 2015, <http://bit.ly/1riOim8>; ‘HC stays order cancelling Greenpeace registration’, The Times of India, 21 November 2015, <http://bit.ly/1TeBWC5>; ‘Indian court overturns Greenpeace operating ban’, DW, 21 November 2015, <http://bit.ly/1WTjcxm>.

regularly used against CSOs by the government and media supportive of it, particularly when those CSOs are seen to challenge government economic policies that support big business.¹⁸ As VANI states:

The media has been used to vilify and tarnish certain organisations and their leaders, labelling them as ‘foreign agents’. Relationships with government have thus deteriorated in the past year, with rights based organisations clearly the target of the government.

Russia is the market leader when it comes to interference in funding. As the case study on Russia below points out, there is now an evident culture of imitation at work, in which Russia’s neighbouring states, and those further afield, take inspiration from the success of its measures in using funding limitations to restrict civil society.¹⁹ There is also a sense that states are becoming bolder and more blatant in applying such measures, with a growth in discourse that explicitly positions CSOs as obstacles to national security and the prevention of terrorism becoming more normalised and confident.



Russia’s neighbouring states, and those further afield, take inspiration from the success of its measures in using funding limitations to restrict civil society.



Narrow notions of national sovereignty, implying sovereignty of those who hold offices of power, rather than broader notions in which the people, as active citizens, are understood to hold sovereignty, are being reasserted. Repressive governments tend to rebuff external pressure as unacceptable interference in state sovereignty, which is why they position CSOs that ask difficult questions as the agents of foreign powers.

There is, of course, considerable hypocrisy on display here: governments that decry foreign support for CSOs are more than happy to accept foreign funding themselves, including support from donors for their national budgets, or by courting foreign direct investment in the private sector; indeed, the restriction of civic space can in part arise because a government sees CSOs as competitors for resources. Far more of the Official Development Assistance (ODA) from member states of the Organisation for Economic Cooperation and Development (OECD), which includes most long-term donor agencies, has always gone to governments rather than civil society, and our ongoing analysis of funding patterns suggests that donor support for CSOs has at best plateaued. At the same time, many of the worst offenders against civic space now enjoy financial and political support from China and, to a lesser extent, Russia, which have little interest in supporting civil society and few qualms about propping up repressive states. Given that donor support for CSOs is not increasing, as our section on civil society at the global level makes clear, it begs the question of why it is now perceived as a larger problem that CSOs receive foreign funding than it was in the past.

18 ‘Civil society in India being demonised says global civil society alliance’, CIVICUS, 15 April 2015, <http://bit.ly/1St9Czg>.

19 ‘Russia’s bad example’, Free Russia Foundation, Human Rights First, February 2016, <http://bit.ly/1VVQQTa>.

4. THE INTERNET: A KEY ARENA OF CONTESTATION

The internet has become a major arena of contestation between civil society and other supporters of freedom of expression and internet privacy, and governmental, political and private interests that seek to restrict freedom of expression and gather information on internet activity. Increasingly, countries are penalising dissenting internet activity with jail sentences.

Freedom House's 2015 Freedom on the Net Report concluded that internet freedom has now declined for five successive years: 61 per cent of internet users now live in countries where there is censorship of internet criticism of the government, ruling family or military, and 58 per cent in countries where people have been jailed for sharing information on political, religious or social issues. The report notes a particularly insidious trend in which states are pressuring private companies to remove content with which they disagree, something that forces companies to become more cautious about content in general. There has also been a growth in private companies selling intrusive surveillance technologies to repressive governments. Topics that attract most restriction are criticism of authorities, exposure of corruption, mobilisation of the public and social commentary, all of which should be recognised as legitimate civil society activities. The report also draws attention to discussion of religion, ethnic and religious minorities and lesbian, gay, bisexual, transgender and intersex (LGBTI) issues as being controversial areas that attract online restriction, something that denies excluded groups voice.²⁰

Human Rights Watch reports a sense that the world now stands at a fork in the road when it comes to the question of internet freedom. On the positive side, there can now be seen to be a growing international movement when it comes to demanding and defending internet freedom, and Edward Snowden's revelations about state surveillance and private sector complicity have exposed the size of the problem; but on the negative side, the pressures from states to exercise surveillance over online behaviour have never been greater. Human Rights Watch draws attention to the disproportionate behaviour of the governments of the **UK** and **USA** in this regard in which, through practices of or plans for sweeping data collection, mass surveillance threatens to become the norm rather than the exception. US surveillance in particular is making it harder to conduct investigative journalism and exercise accountability. One danger here is of the imitative effect, as other states copy such behaviour; it also robs the governments of the UK and USA of any legitimacy to challenge repressive states on this issue.²¹

China remains amongst the world's worst abusers of internet freedom. In 2015, authorities blocked the internet and text messaging in the Xinjiang region, and also imposed a broader media blackout, as part of an ongoing crackdown, in a location where it sees the practice of Islam as a threat to its authority.²² Further, in December 2015 human rights lawyer Pu Zhiqiang received a three year suspended sentence, meaning that he will no longer be able to practise law, for posting comments on

²⁰ Freedom House, October 2015, op. cit.

²¹ 'Internet at a Crossroads. How Government Surveillance Threatens How We Communicate', Human Rights Watch, 2016, <http://bit.ly/1TxTVG6>.

²² 'China's war on terror becomes all-out attack on Islam in Xinjiang', The Washington Post, 19 September 2014, <http://wapo.st/1jmJKY9>; 'Xinjiang Seethes Under Chinese Crackdown', The New York Times, 2 January 2016, <http://nyti.ms/1YXp77w>.

social media.²³ These events took place as part of a broader clampdown on civil society rights and academic freedom, with academics and lawyers being targeted: between July and August 2015 alone, at least 232 activists or lawyers were detained or interrogated in China; most of the lawyers were working on human rights issues. In all, over 300 lawyers and legal staff were estimated to have been affected, and at the time of writing a number remain under detention, the whereabouts of some are not known, while travel bans have also been imposed on many.²⁴ At the time of writing, a new law is being proposed that will make it very difficult for foreign CSOs and individuals to work in China, or to work on issues of which the government does not approve.²⁵

Internet restrictions do not take place in a vacuum; they come alongside and reinforce other acts of repression. For example, in **Malaysia**, internet restriction is one of a range of recent measures that inhibit civic space. The government announced in August 2015 that new laws would be introduced to limit internet freedom of speech, because people are being “irresponsible” online. The real concern was more about how the internet is being used to expose corruption, express dissent and organise protest: the state blocked websites and suspended a newspaper in July 2015 for reporting on a corruption scandal, in which it was alleged that US\$600 million government money had been paid into bank accounts controlled by the prime minister.²⁶ The government also announced that it would block websites encouraging people to participate in the Bersih 4 demonstration, on the grounds that they threatened national stability.²⁷ Bersih (Malay for ‘clean’) is a CSO coalition that held three previous demonstrations calling for a change in the electoral system, which biases towards the party that has held power since independence.²⁸ Despite the protest being declared illegal, it proceeded regardless, and a least 50,000 people camped in the centre of the capital, Kuala Lumpur, wearing the yellow colours of the movement. In response, the prime minister called into question the patriotism of the protestors, while protestors at an earlier August 2015 protest against corruption were met with police violence, and over 30 people were arrested.²⁹

23 ‘China: Ai Weiwei’s human rights lawyer Pu Zhiqiang handed 3-year suspended sentence’, International Business Times, 22 December 2015, <http://bit.ly/1UizsY4>.

24 “Lawyers Need To Be Protected Not Harassed” – UN Experts Urge China To Halt Detentions’, UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, 16 July 2015, <http://bit.ly/1VW9FWV>; ‘China: lawyers and activists detained or questioned by police since 9 July 2015 (as of 5.00pm Beijing time, 3 August 2015)’, Amnesty International, 3 August 2015, <http://bit.ly/1VDKSH9>; ‘It’s getting worse’: China’s liberal academics fear growing censorship’, The Guardian, 6 August 2015, <http://bit.ly/1M9PGhe>; ‘China: Open letter to States for joint action to address worsening crackdown on human rights defenders and lawyers’, Human Rights Watch, 11 August 2015, <http://bit.ly/1plCmsw>; ‘China must respect due process and uphold the rule of law: a call for the release of 36 illegally detained human rights lawyers and defenders’, CIVICUS, 11 January 2016, <http://bit.ly/24q3MDC>.

25 ‘Submission to the Legislative Affairs Committee of the Chinese National People’s Congress on the draft Non-Mainland Non-Governmental Organizations Management Law’, CIVICUS, 3 June 2015, <http://bit.ly/1VU2wXN>; ‘China still mulling draft NGO law’, Associations Now, 22 March 2016, <http://bit.ly/1Tfpt10>.

26 ‘Malaysia: Stop Treating Criticism as a Crime’, Human Rights Watch, 26 October 2015, <http://bit.ly/1ic4Ire>; ‘Malaysia risks a political meltdown with its attack on free speech’, The Guardian, 30 October 2015, <http://bit.ly/1Rn8VVj>; ‘Malaysia: Drop charges against cartoonist for tweets’, Amnesty International, 5 November 2015, <http://bit.ly/1NVI2FJ>.

27 ‘Gov’t to block websites promoting Bersih 4’, Malaysiakini, 27 August 2015, <http://bit.ly/1qWwEnD>.

28 ‘Online abuse of free speech makes Internet laws necessary, minister says’, The Malay Mail, 13 August 2015, <http://bit.ly/1Nt4oP4>; ‘NGO alert: Malaysia government blocks internet and threatens to send army against Bersih rally’, The Guardian, 27 August 2015, <http://bit.ly/1F2D5qb>.

29 ‘Malaysia: End ‘far-reaching’ crackdown in wake of corruption scandal’, Amnesty International, 4 August 2015, <http://bit.ly/1NBUaAN>; ‘Malaysia’s Mahathir joins protestors calling for PM to go’, Reuters, 29 August 2015, <http://reut.rs/1pIEFMf>; ‘Malaysia protestors camp overnight against PM Najib’, Al Jazeera, 30 August 2015, <http://bit.ly/1JEpCpF>.

These restrictions can be seen as part of an increasing trend of treating democratic dissent as a crime, marked also by the increased use of sedition laws: in February 2015, Eric Paulsen, of the Lawyers for Liberty CSO, was charged with sedition for posting a tweet accusing a government agency of promoting extremism. Satirical cartoonist Zunar, meanwhile, faces a potential 43 year jail sentence on sedition charges, also for tweeting.³⁰ Further concern centred on the passing of a new National Security Law in December 2015, which gives the state broad powers to declare “security zones” in which many human rights are suspended. The law was rushed through, and could clearly be used to restrict protest.³¹

In **Pakistan**, civil society has expressed concern about a new bill on cybercrime, introduced in August 2015, for containing unclear and broad language and stipulating excessive punishments, which would have a potentially disproportionate impact on the right to privacy and freedom of expression, and hinder legitimate online activity.³² That internet freedoms are compromised was acknowledged by BlackBerry, which threatened to pull out from Pakistan in November 2015, expressing concern about state surveillance.³³ While the government lifted a three-year ban on YouTube in January 2016, this was on condition that a local version be introduced that gives the government broad scope to apply censorship.³⁴ These restrictions are consistent with a broader attack on civic space, which has included the prosecution of peaceful protestors, and the introduction of new laws to constrain CSOs, discussed further below.³⁵

Well known pro-democracy activist Nabeel Rajab spent two months in jail in **Bahrain** in 2015, before being freed on health grounds, for posting a tweet that was judged to be insulting to the country’s security forces. This is not the first time Nabeel has been jailed for expressing legitimate dissent: he spent three months in prison for posting a tweet critical of the prime minister in 2013, and also served a two year sentence for his role in the country’s 2011 democracy protests. He was also handed a travel ban in July 2015. Nabeel is one of many activists who have experienced time in Bahrain’s tough jails.³⁶

Thailand’s notorious lèse majesté law continues to penalise heavily any perceived slight on the monarchy, including views expressed on the internet. The law has long offered a challenge to the freedom of expression in Thailand, but it is being more vigorously enforced since the country’s May 2014 military coup: in the year following the coup, at least 46 people faced charges. The heavy enforcement of this law can be seen to be having a chilling effect on the freedom of expression.³⁷ While the case of a man being arrested for mocking the king’s dog went viral in December 2015, the joke was a sick one: also in December 2015, a woman was sentenced to seven years in jail for ‘insulting’ the king on Facebook, while two of a group of three detained in

30 ‘Case History: Eric Paulsen’, Front Line Defenders, 2015, <http://bit.ly/1QC7Hmg>; ‘Malaysia: Court Rejects Cartoonist Zunar’s Sedition Act Challenge’, Benar News, 14 April 2016, <http://bit.ly/1TxVZOW>.

31 ‘Malaysia defends passing of controversial security bill’, Channel News Asia, 4 December 2015, <http://bit.ly/1NVJKab>; ‘Malaysia Passes Controversial National Security Law’, The Diplomat, 24 December 2015, <http://bit.ly/1rjMnh5>.

32 ‘Civil society organizations urge govt not to pass Prevention of Electronic Bill’, Pakistan News Express, 18 August 2015, <http://bit.ly/244W9oU>; ‘A Deeper Look Inside the PECB, Pakistan’s Terrible Cyber-Crime Bill’, Electronic Frontier Foundation, 30 November 2015, <http://bit.ly/24IAitW>.

33 ‘Why BlackBerry is Exiting Pakistan (Updated Dec 31)’, Inside BlackBerry, 30 November 2015, <http://blck.by/1MZsno6>.

34 ‘Pakistan lifts ban on YouTube after launch of local version’, Reuters, 19 January 2016, <http://reut.rs/1WmTEgg>.

35 ‘Pakistan: drop criminal charges against peaceful protestors’, International Commission of Jurists, 3 August 2015, <http://bit.ly/1NBWebU>.

36 ‘Bahrain frees dissident Nabeel Rajab for health reasons’, Al Jazeera, 14 July 2015, <http://bit.ly/21gggEE>; ‘Bahraini Activist Nabeel Rajab has Been Freed – For Now’, Vice News, 14 July 2015, <http://bit.ly/1qWAUUj>; ‘Joint letter to King of Bahrain on Nabeel Rajab’s travel ban’, CIVICUS, 22 January 2016, <http://bit.ly/23aRJa9>; ‘Bahrain 2015/2016’, Amnesty International, 2016, <http://bit.ly/1qWB2TJ>.

37 ‘The Kingdom of Thailand: Joint Submission to the UN Universal Periodic Review, 25th Session of the UPR Working Group’, CIVICUS, 21 September 2015, <http://bit.ly/26wjP4m>.

October 2015 under the law subsequently died in military detention.³⁸ In another case, the ‘Banpodj 10’ were sentenced on 14 July 2015 by a military court on charges that they belonged to the anti-monarchy Banpodj network. Banpodj produced podcasts that allegedly insulted the king. Eight of the group were sentenced to 10 years in jail, and the other two were sentenced to eight years, with sentences halved for guilty pleas.³⁹

There are also concerns about the Cyber Security Bill, in progress at the time of writing, which would give a government-run committee sweeping powers, including access to information on computers, phones and other devices, without the need for a prior court order.⁴⁰ Again, these restrictions in Thailand should be placed within a broader pattern of repression by the military government: in March 2015, Thailand’s military stated that the state would “probably just execute” any journalist whom it deems not to be telling the truth. Meanwhile 14 student protestors were detained on sedition charges in June 2015, and another group was detained in December 2015 for attempting to stage a protest.⁴¹

The above are just a few examples of many that could be given, and the country case studies below offer further instances. We asked Anriette Esterhuysen, Executive Director of the Association for Progressive Communications, what is at stake in the struggle over the internet:

Governments realise that the internet is being used by social movements and CSOs to amplify their impact as actors in the public sphere. Access to and use of the internet increases the capacity of civil society to demand meaningful and substantive participation in decision-making and in holding governments to account, and to express dissent. As a result, the internet has become a target for surveillance and restriction.

Some states use the combating of terrorism and cybercrime as justifications for increasing surveillance and restrictions on speech. Others claim they are countering blasphemy, or use child protection measures to restrict information and communications related to sexuality, sexual minorities and sexual expression. In some contexts, such as the USA, pro-choice groups, such as Planned Parenthood, have been targeted, for example through denial of service attacks on websites. It should also be noted that business models responsible for the explosive growth of social networking platforms are based on the mining of users’ personal data.

This has had a chilling effect on the freedom of expression and association on the internet, particularly, but not only, in countries where respect for fundamental freedoms is not strong.

38 ‘Second Thailand lese majeste detainee dies in military custody’, BBC, 9 November 2015, <http://bbc.in/1XWlrxh>; ‘A Thai Man Faces Nearly 40 Years in Jail for Insulting the King’s Dog’, Time, 15 December 2015, <http://ti.me/1rBkrWo>; ‘A Woman Has Been Sentenced to 7 Years for ‘Insulting’ the Thai King on Facebook’, Time, 16 December 2015, <http://ti.me/1rBkv8z>.

39 ‘Thailand ‘Banpodj Network’ Jailed: 10 Members Sent To Prison For Anti-Monarchy Recordings’, International Business Times, <http://bit.ly/26wlp63>.

40 ‘Thailand’s Digital Economy Bills Could Worsen Media Repression’, Global Voices, 3 February 2015, <http://bit.ly/1SRGNyM>.

41 ‘Thai PM warns media, says has power to execute reporters’, Reuters, 25 March 2015, <http://reut.rs/1TfuCWE>; ‘Thailand slammed for ‘disturbing’ student sedition charges’, The Jakarta Post, 30 June 2015, <http://bit.ly/238o6X7>; ‘Thai Army Blocks Anti-corruption Protest, Detains Activists’, Anti-Corruption Digest, 7 December 2015, <http://bit.ly/2450jwR>.



Some states use the combating of terrorism and cybercrime as justifications for increasing surveillance and restrictions on speech.



Anriette Esterhuysen also details the new methods of restriction that are currently being seen:

New tactics include mass surveillance practices by governments that use sophisticated algorithms and interception at the infrastructure level, such as at or near landing points of undersea fibre optic cables. There is also a growing commercial market for services and products that are used for censorship, filtering and blocking, for example of individual websites or services such as YouTube, interception and surveillance. A prominent example in 2015 was the Italian company Hacking Team, which provided law enforcement agencies, commercial companies and intelligence surveillance with products and services.

Other methods include limitations on the use of encryption; restrictions on and criminalisation of anonymity; hacking or defacement of websites, including compromising individual users' accounts, distributed denial of service (DDoS) attacks, and man-in-the-middle attacks [where a hacker secretly intervenes in communications between two users]; violation of the net neutrality principle and limitation of the quality of internet access to privilege specific content and applications; making internet intermediaries liable for content of users and third parties; cutting off entire parts of communication networks, in the form of disruptions and blackouts; and restrictive application of copyright laws. It is worth noting here that secret trade agreements, such as the US-led Trans-Pacific Partnership (TPP) are used to do precisely the latter, and can potentially hinder developing country access to information via the internet.

Human Rights Watch also suggests that the current key battle is around encryption; encryption is a logical response to surveillance, but states are pushing back, with the UK and USA accusing those who encrypt of aiding criminals and terrorists.⁴²

It should be noted that the battle is two way, and citizens and civil society are pushing back against restriction, including by using encryption when they are able, public campaigning and by taking cases to court. For example, in **India** in March 2015, the Supreme Court declared a key clause of the Information Technology Act, Section 66A, unconstitutional and disproportionately invasive of the right of internet free speech. The action came as a result of civil society petitioning.⁴³ In October 2015, **Austrian** campaigner Maximilian Schrems won a notable victory in the European Court of Justice to the effect that US data storage systems do not provide sufficient privacy from state surveillance.⁴⁴ And in January 2016, campaigning group Access Now brought together digital rights campaigners from 42 countries to call on governments and IT companies to uphold the right to encryption.⁴⁵

Anriette Esterhuysen further relates how civil society is fighting back, but asserts that more needs to be done:

Civil society is fighting back in a number of ways, including by engaging policy and monitoring any internet-related policy, such as cybercrime and security legislation. Encryption and anonymity tools are used by human rights defenders, activists, journalists and others to circumvent censorship, express political and religious views confidentially amid state

42 'Internet at a Crossroads. How Government Surveillance Threatens How We Communicate', Human Rights Watch, 2016, op. cit.

43 'SC strikes down 'draconian' Section 66A', The Hindu, 25 March 2015, <http://bit.ly/1Ckvxkr>; 'Victory for team of young lawyers, activists', The Hindu, 26 March 2015, <http://bit.ly/1QCbQab>.

44 'European court online data ruling welcomed', RTÉ News, 6 October 2015, <http://bit.ly/1GtT80Q>; 'Max Schrems: the law student who took on Facebook', Reuters, 7 October 2015, <http://reut.rs/1WsdWQL>.

45 Secure the Internet website, <http://bit.ly/1pINNjV>.

repression of online speech, and counter hate speech and online violence. These tools are also useful for disseminating information, such as reports on abuses, particularly in states that crack down on free media and citizen journalism.

There is a need to promote and expand the use of and capacity to use encryption and anonymity tools such as pretty good privacy (PGP) email encryption; virtual private networks (VPNs); proxy or onion routers, such as Tor; off-the-record (OTR) private chat applications, such as Cryptocat; instant messaging services such as Jabber and Pidgin; and mobile apps such as TextSecure and Telegram.

Software and protocol developers have a role to play in addressing the technical limitations of metadata in order to provide true anonymity for users who want to communicate confidentially as well as privately. Encryption communications protocols and standards should be constructed with privacy in mind, and designed so that they cannot be used to deduce or construct the identity of an anonymous individual, either by linking the properties of anonymous traffic on a computer network (linkability), or by comparing the properties of anonymous traffic to externally available data (fingerprintability). We need more tools, and better protocols, and more tools and protocols that are developed in and with the global south.



Photographer: Anonymous900

Civil society should advocate for the responsibility of internet intermediaries and the private sector to protect and respect human rights, and push for the adoption of principles for internet governance that are oriented towards ensuring that the internet, as a global resource, is managed in the public interest and based on human rights standards.

There is also a need to support human rights defenders and civil society under threat; document laws, regulations and practices that limit civil society space online; and provide guidance to states on how to improve laws, regulations and practices to better protect spaces for civil society online, so that they are in line with international human rights standards.

At the heart of the contestation of the internet, as with many current negotiations about human rights, is the question of where the lines should be drawn in the implied social contract between citizens and states, in which citizens are assumed to bargain some liberty in return for the state's protection. Across many of the issues covered in this report, the tension is between security, which is tending to be interpreted as the security of the state, and which entails citizens conceding some rights, and liberty, which entails citizens being secure from state interference and enjoying rights, including the right to privacy. In the real world, there may always be some kind of trade off, but that trade off should result from an informed negotiation, which is impossible when one side has excessive power; good civic space and an empowered civil society are essential if there is to be a high level of public debate and the striking of a proper balance between internet freedom and internet restriction.

The stakes on internet freedom can be seen to have been raised by the Sustainable Development Goals (SDGs), agreed by all UN member states in September 2015. The Connectivity Declaration, signed by key civil society networks and campaigns, including Action/2015, Ushahidi and CIVICUS, at the same time as the SDGs were finalised, makes the point that universal internet access will be needed to achieve the goals. For this, it needs to be understood that mere internet connectivity is not enough. Freedom of expression, internet privacy and net neutrality - the principle that all data should be equal, without commercial or government use being privileged - need to be guaranteed if access is to be properly universal.⁴⁶ More broadly, it should be understood that development and human rights are indivisible: development goals are not narrow, technocratic targets, and the SDGs' ambitious agenda demands widespread citizen and civil society participation, including in articulating demands, exercising accountability and mobilising communities. All of these are harder with restricted internet access. Freeing the internet will help to enable human rights and make development gains.

⁴⁶ 'The Connectivity Declaration: Demanding Internet access for all and implementation of the Global Goals', One, 26 September 2015, <http://bit.ly/1WseeHo>; 'Merely Connecting the Developing World to the Internet Isn't Enough', Slate, 13 October 2015, <http://slate.me/1GFMyV5>.

5. PLURALISM UNDER FIRE: CIVIL SOCIETY ATTACKED BY EXTREMISM

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Ben Emmerson suggests that there is a need to take on and reverse the regressive argument that civil society is a threat to national security and an obstacle to fighting terrorism. The UN High Commissioner for Human Rights, Zeid bin Ra'ad has asserted that the only plausible long-term solution against extremism is to promote equal human rights for all members of society.⁴⁷ The counter argument needs to be made that a healthy and secure society is one in which citizens feel that they have multiple opportunities to make their voices heard, and believe that they are listened to and have influence in determining their futures. A strong civil society also needs to be understood as a bulwark against extremism, by enabling debate and compromise between multiple points of view, and offering a space to negotiate difference. This is why our thematic section, on civil society and exclusion, calls for a reassertion of pluralism. When citizens have multiple opportunities for voice and participation, they are less likely to fall back on extremist identifications, which are fuelled by narratives of humiliation, exclusion and powerlessness. These flourish most strongly in conditions where human rights are most denied. A healthy civil society should therefore be seen as an indicator of and contributor towards a society in which extremism and terrorism are less likely.

The irony is that extremism and terrorism exist, but these forces target legitimate civil society. Extremist groups implicitly recognise civil society's valuable, multiple roles by targeting CSOs and activists. In some parts of the world, a major source of threat to civil society comes from religious fundamentalists and political extremists. This is the case in the conflict situations discussed in our section on conflict and disaster. Conflicts give extremists conditions in which they can operate with impunity. Further, civil society in conflict situations can find itself caught in a pincer movement, between terrorist and extremist forces that attack it, and governments that restrict it.⁴⁸

In several contexts, extremism led to the denial of civil society rights in the past year. There is now an epidemic of killings of bloggers in **Bangladesh**: in the period covered by this report, seven secularist or atheist writers, bloggers and publishers were hacked to death by extremist mobs: Avijit Roy, Oyasiqur Rahman, Ananta Bijoy Das, Nilol Neel, Faisal Arefin Dipan, Nazimuddin Samad and Rezaul Karim Siddique. Further, in April 2016, Xulhaz Mannan, editor of Roopbaan, Bangladesh's only LGBTI magazine, and Tanay Mojumdar, who also worked for Roopban, were hacked to death.⁴⁹ Each met their death at the hands of fundamentalist mobs not prepared to tolerate any questioning of their beliefs.

While the mobs are the ones to blame for the killings, the murders also call the government into question. K Anis Ahmed, a Bangladeshi writer and publisher, calls attention to the erosion of pluralism in Bangladesh as a result of political polarisation.

47 'Respecting human rights is key to prevent and counter violent extremism', Office of the UN High Commissioner for Human Rights, 8 April 2016, <http://bit.ly/1QCIG5x>.

48 '29th Session of the Human Rights Council. Panel discussion on the effects of terrorism on the enjoyment of all persons of human rights and fundamental freedoms', CIVICUS, 30 June 2015, <http://bit.ly/1qWVNi8>.

49 'Bangladesh: UN experts condemn killing of blogger Niloy Neel, a strong critic of extremism', Office of the UN High Commissioner for Human Rights, 7 August 2015, <http://bit.ly/1UjNZD9>; 'Liberal Bangladeshi blogger killed by machete-wielding attackers', Reuters, 7 April 2016, <http://reut.rs/1PVBt5v>; 'Who Is Rezaul Karim Siddique? Bangladesh Rajshani University's Professor Hacked To Death', International Business Times, 23 April 2016, <http://bit.ly/1XOaOO0>; 'Bangladesh LGBT editor hacked to death', BBC, 25 April 2016, <http://bbc.in/1NtcMD4>.

“ Myanmar offers an example of how extremism and government repression go hand in hand: Myanmar has made much progress in democratising, but political and civic freedoms do not extend to Rohingya people, who are officially regarded as foreign citizens, denied citizenship and not able to vote.

While claiming to be upholding the secularism enshrined in Bangladesh’s constitution, the government can be accused of soft-peddling on extremism, or even appeasing it, at the cost of human rights. The government has also been accused, including by Zeid bin Ra’ad, of not doing enough to protect those threatened by extremists.⁵⁰ The attacks come within an overall climate of declining respect for civic space, which includes excessive state reactions to protests, the targeting of journalists and a threat to introduce new laws to restrict CSO access to funding.⁵¹ This points to a connection between failures to address extremism and failures to enable civic space: they can both be seen as failures of governance.

Bangladesh is not the only country in which the state should bear some responsibility for extremist attacks, whether in failing to protect adequately those at risk of attacks, failing to condemn attacks strongly enough, or fuelling extremism through political rhetoric.

In **India**, Mohammad Akhlaq, a Muslim man, was beaten to death by a mob in September 2015 over rumours that he had slaughtered a cow. The following month, a Muslim truck driver, Zahid Rasool Bhat, was killed in a petrol bomb attack after being suspected of delivering beef.⁵² The issue of beef-eating has become a lightning rod for extremism in India. The current government of the BJP (Indian People’s Party, Bharatiya Janata Party), stoked and capitalised on Hindu nationalism to gain power. BJP politicians went so far as to characterise Mohammad Akhlaq’s killing as an “accident” and condemned murder charges brought against his killers, while a senior BJP official responded to the attacks by reasserting that Muslims should not eat beef.⁵³ Although nationalist rhetoric has been used to silence critics by all political parties when in power, its blatant use against India’s civil society by the government and its political allies has led some organisations to resort to self-censorship. VANI notes the challenge, but also the civil society response:

This year saw a lot of debate in India on increasing intolerance in the country. This was due to the murder of three well-known rationalist thinkers, the mob lynching of a Muslim man over cow slaughter rumours and the killing of Dalit children. A number of civil society members, including scientists, historians, writers and film-makers, returned their top government awards to protest against this communal unrest. Many have questioned the reasons for hyping this debate now, as intolerance has always been in Indian society, arguing that the country was worse during the emergency period under the Congress government’s rule in the 1980s.

Attacks on **Myanmar’s** Islamic Rohingya minority, encouraged by Buddhist extremists, are systematic and routine. The use of inflammatory political discourse, hate speech and organised violence is such that the treatment of Rohingya people can

50 ‘Bangladesh: a secular State with a State religion?’, Office of the UN High Commissioner for Human Rights, 9 September 2015, <http://bit.ly/1QE4S4P>; ‘State must offer better protection to writers, publishers and others threatened by extremists in Bangladesh – Zeid’, Office of the UN High Commissioner for Human Rights, 5 November 2015, <http://bit.ly/21gD8L8>; ‘Bangladesh’s ideological murders are a further attack on its liberal ideals’, The Guardian, 7 November 2015, <http://bit.ly/1pj5K1H>.

51 ‘Bangladesh: restore democratic freedoms and end onslaught on dissent’, CIVICUS, 30 March 2015, <http://bit.ly/1ysz7Uk>; ‘Bangladesh NGOs: UN Expert Warns Against Proposed Funding Bill’, UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, 6 November 2015, <http://bit.ly/1VUbR1O>.

52 ‘A Man in India Was Beaten to Death Over Rumors He Ate Beef’, Munchies, 30 September 2015, <http://bit.ly/1SuydUH>; ‘India: Truck Driver’s Death in Petrol-Bombing Angers Kashmiris’, Benar News, 19 October 2015, <http://bit.ly/1SuymrD>.

53 ‘India BJP leader says Muslims should stop eating beef’, BBC, 16 October 2015, <http://bbc.in/1WsnQqJ>; ‘India Is Tearing Itself Apart Over Eating Beef’, Munchies, 19 October 2015, <http://bit.ly/1WsnGQJ>; ‘Violence against Indian Muslims who eat beef has hypocrisy at its heart’, The Conversation, 23 October 2015, <http://bit.ly/1SRyWwu>.

be located on the spectrum of genocide, and civil society groups have called for urgent investigation and action.⁵⁴ Myanmar offers an example of how extremism and government repression go hand in hand: Myanmar has made much progress in democratising, but political and civic freedoms do not extend to Rohingya people, who are officially regarded as foreign citizens, denied citizenship and not able to vote. The government is accused of being too prone to pressure from Buddhist extremists, and there is evidence of state forces colluding in extremist attacks.

The run up to the November 2015 election saw a rise in anti-Muslim sentiment and the use of the term Muslim as a label to demonise opponents. Many Muslim candidates were disqualified ahead of elections, and such was the level of exclusion that no Muslim candidates were elected.⁵⁵ Myanmar's new government will doubtless receive much international support, and donor money has poured into the country in recent years to support democratic transition. That support will help to build institutions of governance, promote healthy political competition and foster the growth of CSOs. But it could inadvertently help to strengthen the instruments of repression for Rohingya people, unless a pluralist civil society is built that can challenge and bridge across religious and ethnic divides.



In Pakistan, civil society finds itself attacked on two fronts, by both the government and religious extremists.



Challenges such as these are not confined to the global south: Sikh congregations in the **USA** continue to remain at risk from attacks by fundamentalists.⁵⁶ Arguably, murderous attacks on abortion clinics in the USA, such as the one committed in Colorado Springs in November 2015, which left three people dead and directly impacted on the human rights of many more, could be understood as extremist violence by Christian fundamentalists, which demands being bracketed alongside violence by Islamic fundamentalists.⁵⁷

CASE STUDY: PAKISTANI CIVIL SOCIETY CAUGHT BETWEEN GOVERNMENT AND EXTREMISTS

In Pakistan, civil society finds itself attacked on two fronts, by both the government and religious extremists. As well as the limitations on internet freedom discussed above, Pakistan's government has introduced many restrictions on civil society. Consistent with the global trend of suspicion about non-domestic CSOs, in June 2015 the government ordered Save the Children to leave the country, stating that it was working against the national interest.⁵⁸ In October 2015, the government introduced a suite of highly restrictive and intrusive measures for international CSOs (ICSOs) operating in Pakistan.⁵⁹ ICSOs will now have to agree a memorandum of understanding with the government, report to the government every six months and submit an annual plan to government, detailing projects, budgets, international funding sources and bank accounts.

54 'Myanmar's Buddhist terrorism problem', Al Jazeera, 18 February 2015, <http://bit.ly/1JpZ6pE>; 'Exclusive: 'Strong evidence' of genocide in Myanmar', Al Jazeera, 28 October 2015, <http://bit.ly/1H4sgVx>; 'Who's At Risk? Burma backgrounder', United to End Genocide, <http://bit.ly/24ISvtU>; 'Genocide Watch Alert: Burma/Myanmar', Genocide Watch, 2015, <http://bit.ly/24IT68r>.

55 'The Rohingyas: The most persecuted people on Earth?', The Economist, 11 June 2015, <http://econ.st/1lx9bh4>; 'No vote, no candidates: Myanmar's Muslims barred from their own election', The Guardian, 3 November 2015, <http://bit.ly/1SkIkKI>; 'Myanmar's Muslims win no seats in new parliament', The Guardian, 15 November 2015, <http://bit.ly/1HVNkhx>.

56 'Years after a white supremacist's mass shooting, Sikhs in US remain on guard', The Guardian, 28 December 2015, <http://bit.ly/1OhfppN>.

57 'Yes, The Planned Parenthood Shooter Is A 'Christian Terrorist'', Think Progress, 1 December 2015, <http://bit.ly/24ITSIZ>.

58 'Pakistan orders international charity to leave', Al Jazeera, 12 June 2015, <http://bit.ly/1JK2hYU>.

59 'Pakistan: Withdraw Repressive New NGO Rules', Human Rights Watch, 6 October 2015, <http://bit.ly/1LwXagB>; 'Media statement: Pakistan moves to restrict international NGOs with new policy', CIVICUS, 22 October 2015, <http://bit.ly/1WU2Qoi>.

Registration with and agreement to monitoring by the ministry of information will be mandatory. Approval will need to be given by provincial and local authorities for ICSOs to implement projects. ICSOs will be forced to limit administrative spending to no more than 30 per cent of project costs, and be allowed to recruit no more than 10 per cent of their staff internationally. Visas for foreign staff will be limited to one year. Prior permission will be needed to give funding to any other ICSO or domestic



Photographer: ILO in Asia and the Pacific

CSO, and to undertake fundraising in Pakistan. ICSOs will be prohibited from conducting any political activity or acting against the national interest, but neither of these terms are defined, suggesting potential for broad and selective interpretation. The government will be able to ban any ICSO that it deems to fall short of these rules.

Pakistan's government is therefore seeking to mandate state interference on a grand scale. The only inference that can be drawn is that government is seeking to make the operations of ICSOs as bureaucratic and time-consuming as possible, in order to draw energy away from action and into compliance, and encourage self-censorship.

And yet it is not ICOSOs, which between them reach an estimated 20 million Pakistani citizens each year, that threaten Pakistan's people. Religious extremists present far more of a threat to citizens, and yet Pakistani CSO staff and activists are attacked by religious extremists. Pakistani civil society activist Taimur Rahman describes the attacks civil society faces, and the poor response from the state:

Civil society activists in Pakistan have received death threats. The most notable case of a civil society activist being shot down in cold blood was the murder of my comrade Sabeen Mehmud. She was a progressive, a pacifist who ran a cafe that was no threat to anyone. But while she was returning from a seminar on human rights abuses in Balochistan, she was gunned down at a traffic intersection. The entire country was shaken by this tragic murder. At the same time, a vicious campaign was unleashed against her own comrades, including myself. The campaign was mounted online as well as on TV. It claimed that we were traitors to the country and that we had conspired to murder Sabeen in order to get publicity. A month later the state arrested two young men who were guilty of many crimes of terrorism. In addition to confessing to many other crimes, they also confessed to Sabeen's murder. They said they had murdered her for her campaign against the cleric of Lal Masjid, Abdul Aziz. But very few people were convinced that these boys were truly responsible, or that the killing was unconnected to her work towards Balochistan. The whole incident introduced enormous fear in civil society, and human rights activists and Pakistan's already battered civil society is only recovering from this loss very slowly.

Taimur Rahman points to the lack of government action to protect activists, and the role civil society outside Pakistan can play in supporting activists:

The government needs to act much more quickly to arrest terrorists and be accountable to the people. We have been campaigning that those human rights activists who have been killed, such as Sabeen, should be properly recognised for their hard work and sacrifice. The government needs to be seen standing with and not against human rights activists.

While fighting religious extremists and bringing them under the rule of law is the work of the state, the larger and more influential battle is between extremism as a narrative and the plural narratives of secularism, democracy and progressive values. I think the most important service that coalitions and international connections can provide is to help the otherwise very vibrant civil society develop and strengthen anti-extremist narratives. In my opinion, the ideological struggle, the struggle over the narrative, is the most crucial, and a domain in which human rights activists and civil society can play a decisive role.

Where pluralism is under attack, as in Pakistan, it needs to be reasserted, and part of the response for civil society, as Taimur Rahman suggests, is to reject narrow identity positions and build coalitions that bridge across difference. This includes respecting and enabling the many positive contributions that faith-based civil society can make, something discussed further in our section on exclusion. But bridging across difference is made harder when civil society is restricted and characterised as unhelpful by governments. The smearing of civil society as a front for extremism needs to be taken on and addressed; part of how a response can be mounted is by civil society demonstrating its civil, pluralist nature and its deep connection to citizens, and modelling voluntarily high standards of accountability and transparency. Civil society also needs to work proactively

through new and traditional media to challenge narratives that link dissent to extremism and that attempt to justify the erosion of human rights by reference to the countering of terrorism.

6. HUMAN RIGHTS DEFENDERS IN THE FIRING LINE

It is necessary to make the argument that a strong, free and diverse civil society makes extremism and terrorism less likely. But even if this argument is won, it will never be enough. The real reasons behind restriction need to be exposed. In many cases, governments' stated concerns about national security and combating terrorism mask other motivations. Civil society is targeted most when it asks difficult questions of those who hold political office, and those who sit at the apex of economic power. Civil society, when it challenges power, makes those who hold economic and political power feel less secure and more vulnerable, which produces a counter reaction.

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likely.”

This is the reason why, in addition to the restrictions of internet freedom discussed above, in many countries journalists are at risk when they ask difficult questions. The 2015 State of Civil Society Report drew attention to the overlap between restrictions on civil society and restrictions on the media: the tactics and motivations are the same, and wherever one is restricted and attacked, so is the other. Not surprisingly, 2015 was another dismal year in this regard: Reporters Without Borders records that 110 journalists were killed in 2015, 67 of them for reasons that can be proved to be a direct consequence of their journalistic practice, along with 27 citizen journalists and seven other media workers.⁶⁰ The Committee to Protect Journalists also draws attention to the challenge of impunity with its annual Global Impunity Index: in only two per cent of its recorded cases were the ultimate perpetrators of crimes against journalists prosecuted, and there were 14 countries in 2015 where at least five journalists were killed without anyone being convicted.⁶¹

As a whole, Front Line Defenders reports that extreme violence against human rights defenders has increased, and judicial harassment has become normalised. In 2015, 156 human rights defenders were recorded as having been assassinated or having died in detention, a figure which is likely to be an underestimate, given the difficulties in obtaining accurate figures in some contexts. Front Line Defenders also points to another growing trend, the targeting of family members of human rights defenders.⁶²

The legal system is not necessarily a protection: Protection International, in its research on the criminalisation of human rights defenders, draws attention to the multiple ways in which the legal system is being used against activists. Laws are being used selectively to target particular groups, notably critical minority voices, and in many contexts double standards are seen in how the laws are applied: cases against activists are prosecuted far more vigorously than cases activists bring against the powerful, while activists find themselves taken to court for defamation when they criticise the powerful, but laws fail to protect activists

60 'RSF annual round-up: 110 journalists killed in 2015', Reporters Without Borders, 29 December 2015, <http://bit.ly/1SC7TV2>.

61 'Getting Away With Murder', Committee to Protect Journalists, 8 October 2015, <http://bit.ly/1G1HEGQ>.

62 '2016 Annual Report', Front Line Defenders, 14 January 2016, <http://bit.ly/1TyzEAq>.

from being demonised by the state. Criminalisation can, they suggest, have profound impacts on activists; even if they are eventually cleared, activists must put considerable time, energy and money into defence, and the wearying and stressful experience of being prosecuted can exert a powerful deterrent effect. Long and cumbersome legal processes may be applied precisely for this reason. Protection International also points to the ways in which unrelated laws, such as traffic laws, are being misapplied to hinder protests.⁶³

Civil society comes under particular restriction and attack when it seeks to advance alternatives, shed light on corrupt practices, or challenge the interests of people who abuse political and economic power. Recent years have been marked by the increasing concentration of political and economic power into the hands of a global super-wealthy elite. As discussed in our thematic section on exclusion, many of our societies are becoming increasingly economically unequal as wealth concentrates in the hands of fewer people, and economies are restructured to benefit the already wealthy.

Transparency International describes a situation of ‘grand corruption’, in which leaders dominate their countries and use their position to extract resources, to the extent that they cause fundamental damage to their societies.⁶⁴ The release of the Panama Papers by the International Consortium of Investigative Journalists in April 2016 reveals the extraordinary extent of the web of corrupt connections between political leaders, of both the global north and global south, and offshore financial interests, and the ability of political leaders to benefit from their positions to steal and hide vast wealth.⁶⁵ Leaders who benefit from grand corruption are unlikely to give up their control of society’s resources without a fight, and are liable to see themselves as above the law. On this basis, the fall in the world oil price since 2014 can be seen as a driver of restriction; elites of oil-rich states, many of them repressive, feel more vulnerable, and have fewer resources to grease corrupt systems and buy off public pressure by distributing patronage and welfare.⁶⁶

ENVIRONMENTAL, LAND AND INDIGENOUS RIGHTS ACTIVISTS

The super-wealthy and the companies they benefit from also remain acquisitive. For this reason, among the most targeted civil society activists are those who seek to uphold land, environmental and indigenous people’s rights.

That this is an area where civil society rights are particularly contested has been recognised by Maina Kiai, the UN special rapporteur on the rights to freedom of peaceful assembly and of association, who made civil society rights in the context of natural resource exploitation the special focus of his 2015 report to the UNHRC.⁶⁷ The report sets out some of the key issues encountered here. It notes that often there is a lack of legislation that recognises the traditional ownership of land, and the abuses most often come against those who are already most remote from power and excluded. Processes that are highly technical and secret around land and natural resource development lend themselves to a lack of transparency, and the potential for corruption. At the same time, requirements to involve and consult communities may be seen by companies as

63 ‘Criminalisation of Human Rights Defenders’, Protection International, December 2015, <http://bit.ly/1NWVEQY>.

64 ‘Transparency International: Vote out grand corruption on unmaskthecorrupt.org’, Transparency International, 9 December 2015, <http://bit.ly/1TgfKqY>.

65 ‘The Panama Papers’, The International Consortium of Investigative Journalists, 2016, <http://bit.ly/1RYO2hM>.

66 ‘The Hidden Consequences of the Oil Crash’, Politico Magazine, 21 January 2016, <http://politi.co/1PjXroZ>.

67 ‘Assembly And Association Rights In The Context Of Natural Resource Exploitation’, UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, June 2015, <http://bit.ly/24myA7F>.

an irritating additional expense. The report suggests that when protests come, this should be taken as a sign that consultation processes have been found wanting, but too often the response is force, including from private security companies. Impunity is a challenge, with few abuses against activists investigated, but a rising number of convictions for protestors. Ultimately, the needs are to resist a global race to the bottom, in which states lower standards to attract private investment; to remind states of their obligations to uphold the rights of citizens, which should not be impinged on by private sector partnerships; and to develop international and national level legal standards on businesses and human rights. There is certainly huge scope and need for improvement: the Resource Governance Index finds that under 20 per cent of the oil, gas and mining sectors of the world's major producers have satisfactory transparency and accountability.⁶⁸

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Many governments and businesses simply do not recognise civil society as a legitimate stakeholder when it comes to making decisions about natural resource exploitation.”

Maina Kiai's report urges that civil society must be recognised as having a valuable role to play in ensuring accountability. Many governments and businesses simply do not recognise civil society as a legitimate stakeholder when it comes to making decisions about natural resource exploitation. Civil society is best placed to ensure that affected communities are represented and non-monetary arguments are made.⁶⁹ These may, of course, be arguments that the powerful would prefer not to hear.

Certainly there is ample evidence that those voices are being denied at present. There are particular locations where attacks on environment, land and indigenous activists are worst. The killings of human rights defenders recorded by Front Line Defenders show some regional hotspots: in 2015, over half took place in Latin America, with 54 deaths in Colombia alone; outside Latin America, 31 human rights defenders were killed in the Philippines. Over 45 per cent of all killings of human rights defenders were of environment, land and indigenous peoples' rights defenders.⁷⁰ Similarly, while environment, land and indigenous peoples' rights defenders are attacked around the world, Global Witness has identified two key regions in which attacks are worst, Latin America and South East Asia, with Brazil, Colombia, Honduras and the Philippines the most dangerous countries for activists. To offer just a few recent examples:

- In **Brazil**, Semião Fernandes Vilhalva, an indigenous leader who defended land rights, and Raimundo dos Santos Rodrigues, who campaigned against environmental crimes by logging companies and landowners, were both shot dead in September 2015. One source puts the number of environmental activists killed in Brazil in 2015 at 49, 45 of them in the Amazon.⁷¹
- In **Colombia**, three peasant leaders - Jhon Jairo Ramirez Olaya, Daniel Abril and Luis Francisco Hernandez Gonzales - were killed in a two-week period in November 2015, part of what one source estimates could be as many as 300 such killings in 2015.⁷²

68 'Resource Governance Index', Natural Resource Governance Institute, <http://bit.ly/1rCftIU>.

69 UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, June 2015, op. cit.

70 Front Line Defenders, 14 January 2016, op. cit.

71 'Brazil: Killing of Mr. Raimondo dos Santos Rodrigues', Worldwide Movement for Human Rights, 8 September 2015, <http://bit.ly/21hmA5s>; 'Brazil: Killing of Mr. Semião Fernandes Vilhalva, one of the leaders of the Guarani-Kaiowá indigenous people in Brazil', Worldwide Movement for Human Rights, 10 September 2015, <http://bit.ly/1XX58I0>; 'Never seen it so bad': violence and impunity in Brazil's Amazon', The Guardian, 16 February 2016, <http://bit.ly/1L-s2P2q>.

72 'Colombia: 300 Campesino Leaders Killed in 2015', teleSUR, 21 November 2015, <http://bit.ly/1NDa3qC>; 'Three Human Rights Defenders killed in five days', ABColumbia, November 2015, <http://bit.ly/1qYbVjf>.

- In the **Philippines**, Lita Abion, an indigenous activist who had defended human rights in the face of a mining project, was shot dead in September 2015.⁷³

In **Honduras**, two members of the same indigenous people's rights group were murdered in March 2016: first Berta Cáceres, and then Nelson Garcia. They were both members of the Civic Council of Popular and Indigenous Organisations of Honduras, and had been active in opposing the development of hydroelectric dams in indigenous territory, a project that is supported by USAID, the US state aid agency.⁷⁴ The attacks were particularly troubling because in 2015 Honduras adopted a law to provide a protection system for human rights defenders, as Brazil, Colombia and Mexico have previously done. The persistence of attacks, in Honduras as in these other countries, suggests that protection systems are inadequate and need to be properly implemented and improved.

Following these attacks, we asked Rolando Bú, of the Federation of Non-Governmental Organisations for the Development of Honduras, to share his thoughts on what drives insecurity for civil society activists in Honduras, and whether women are at particular risk:⁷⁵



The climate of insecurity in Honduras has multiple causes. One of the biggest problems is the fact that judicial institutions are weak, which makes them very vulnerable to penetration by organised crime, which has grown exponentially over the last decade. These infiltrated institutions have not been able to prevent or investigate killings promptly, which has been apparent in the cases of human rights defenders assassinated for their work for land rights and against the exploitation of natural resources. Another closely related factor is the concession of environmental licences allowing large domestic and foreign companies to make large investments to exploit those natural resources, often to the detriment of the ancestral territories of indigenous people.

Generally speaking, violence affects both men and women, and especially younger men and women. But traditionally women have been at a higher risk because they have been more vulnerable to the actions of hired assassins and abuses by judicial officials, as well as by illegal groups that have operated with impunity.

Honduras also experienced mass demonstrations against state corruption in 2015, as detailed in our section on protest and activism, which it met by jailing those who expose corruption. In this contested context, we asked Rolando Bú to identify what challenges CSOs face, and how outside support would help:

After the coup that ousted former President Manuel Zelaya in 2009, Honduran civil society became highly polarised and still remains largely so. This has had a negative impact on CSOs' abilities to work within broad, plural partnerships to promote an enabling environment for civil society, and to advocate for other causes of national relevance.

The legal and tax framework for CSOs in Honduras has several limitations, which forces CSOs to do permanent advocacy work with the bodies in charge of the implementation of CSO regulations. There has been some progress, but much remains to be done to ensure full exercise of the freedoms of association and expression. On top of the climate of insecurity, this results in an increasingly complex, costly and risky context for CSOs, many of which are ceasing to operate. Also, although legislation to protect human rights defenders has been recently passed, it has not been fully complied with, so human rights defenders remain vulnerable.

In this era of advanced globalisation and increasing democratisation of communications, information of developments in one country rapidly reaches the international community. Hence the reactions of solidarity and support by CSO movements worldwide in the face of the killings of activists and civil society leaders such as the recent case of Berta Cáceres. Part of the international community immediately suspends financial support for development projects until reliable investigations of these crimes are undertaken, facts are set straight and the culprits are punished. Other countries, however, have companies that have invested heavily in sensitive areas, such as hydric and metal mining projects, and therefore take more cautious stances, because financial capital from those countries is at stake.

It is key that external actors support Honduran CSOs, promote respect for human rights and demand that the state fully implement and comply with national legislation and international conventions and treaties on the protection of human rights. It is also important that they allocate resources to strengthen CSOs, so that their work has impact in the short

and medium terms through political dialogue with the government, participation in regional and international forums on the freedoms of association and expression, and international advocacy activities.

Rupert Quinlan of Global Witness identifies the common conditions in dangerous locations, including Honduras:

Activists around the world are being killed in record numbers trying to defend their land and protect the environment in the face of increased competition over natural resources. In 2014, we found 116 cases of killings of land and environmental defenders in 17 countries: on average more than two victims per week, and almost double the number of journalists killed in the same year. Between 2004 and 2012 the rate of killings has more than tripled.

These hotspots have the following in common: a high proportion of indigenous territories where extractive industries have encroached on ancestral lands, weak rule of law, high rates of impunity and a severe lack of accountability, historical imbalances in land distribution, strong civil society who are aware of their rights and protest against projects, lack of state presence and little protection for activists, and governments that pursue a commodities-led development path and are outwardly critical of civil society action. Last year saw an increase in murders relating to hydropower projects, with mining, agribusiness and logging also among the most dangerous areas.

Disputes over the ownership, control and use of land formed a backdrop to nearly all fatalities. Indigenous groups are increasingly finding themselves on the frontline of the scramble for land and natural resources, accounting for 40 per cent of killings in 2014. Beyond the killings, activists face increasing risks, including physical violence, criminalisation and restrictions on their freedoms.

In responding, Rupert Quinlan assesses that the problems that need to be addressed include marginalisation, a disconnection between environmental, land and indigenous activists and other civil society actors, and the emboldening effect of impunity:

Marginalisation has caused a high level of risk for environmental and land defenders. More often than not, defenders depend solely on natural resources for their livelihoods, living deep within the forest or in remote farming villages. They come mostly from poor, rural areas where communications are difficult and the state often has a limited presence. Their isolation and inability to access public institutions makes them especially vulnerable. Indigenous communities, long marginalised on the basis of their traditions and way of life, form an integral part of this struggle. Often these defenders lack sufficient resources for campaigning and are unaware or have limited understanding of their rights, increasing the risk of abuses. Given out-dated perceptions that environmental and land activists do not work on 'traditional' human rights issues, they find it more difficult for their work to be seen as legitimate, making it harder to get the protection they need, and further increasing their vulnerability. As the defence of their natural resources often clashes with the notions of development pushed by powerful businesses, political actors and development banks, their voices can be side-lined. The stigmatisation of these defenders as 'anti-development' means they have a harder time attracting funding, media coverage and political support, making it easier for the abuses they suffer to be ignored. In particular, this affects their ability to seek justice from the state.

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As crimes against activists go unpunished, abuses are more likely to occur, as perpetrators know there is little chance of repercussions. By opposing the activities of large industries such as oil, mining and agriculture, defenders come into conflict with local and international elites with access to financial, legal and political muscle, used to committing and getting away with abuses. This further heightens the risks environmental and land activists face. These business interests may have a criminal element, and in some cases links to organised crime, and either collude with the state or are able to operate beyond the state's reach. In many countries where activists suffer threats, assassins or thugs can be contracted cheaply and are used to conduct illegal surveillance, threaten, attack or kill activists.

Rupert Quinlan concludes that there are, however, some clear steps that international civil society can take to challenge impunity and to end cycles of restriction:

Civil society must urge governments to call for a UNHRC resolution to address the heightened threat posed to environmental and land defenders; ensure any future bilateral and multilateral trade or aid agreements involving governments of countries where environmental and land defenders are under threat should include measures to address these violations and include conditions for robust investigations of cases; introduce binding regulations to ensure that large-scale land acquisitions and investments do not violate legitimate customary, traditional or collective land rights, and are in line with the Voluntary Guidelines on the Governance of Tenure of Land, Forests and Fisheries, in the context of National Food Security.

They should also call on the UNHRC's Special Procedures, specifically those mandated to Human Rights Defenders, Indigenous Peoples, Business and Human Rights, Environment and Human Rights, and Extrajudicial Killings to address the increase in risk posed to environmental and land defenders in their reporting procedures. The ASEAN (Association of South East Asian Nations) Human Rights Commission and African Commission on Human and Peoples' Rights should also establish a mechanism based on the Inter-American Human Rights Commission's framework to provide emergency protection ("precautionary measures") for human rights defenders. The UN Working Group to Develop a Treaty to Prevent and Address Corporate Human Rights Violations should address the heightened risk posed by business activities to environmental and land defenders in any text of a future treaty.

CASE STUDY: EXTRACTIVE INDUSTRIES AND CIVIL SOCIETY RIGHTS IN PERU

One case study of how the extractive industries impacted on civil society rights in 2015 came in Peru, where the authorities declared a 60-day state of emergency and deployed troops in the Tía María region in response to public opposition to a proposed new mining project. In a country where an estimated 40 per cent of the land has been handed to private interests to exploit, the stakes in Peru are particularly high.⁷⁶ José De Echave of CooperAcción, a CSO that promotes alternatives to the imposition of extractive industries on communities, gives the background, in which an attempt to develop a mining project has gone hand in hand with the restriction of civic space:⁷⁷

76 'Communities as Counterparties: Preliminary Review of Concessions and Conflict in Emerging and Frontier Concessions', Rights and Resources Initiative, 30 October 2014, <http://bit.ly/1SN4bds>.

77 This is an edited extract. For the full interview see 'CIVICUS Interview with José De Echave, Co-founder of CooperAcción', CIVICUS, 16 July 2015, <http://bit.ly/1Q6gR0l>.

One of the characteristics of Peru in the last few years is that the great majority of social conflicts taking place in the country are related to socio-environmental issues, linked mainly to extractive industries' activities in areas such as mining, oil and gas extraction. The push to expand these activities has in turn affected the economic, social, cultural and environmental rights of rural populations in general, as well as the rights of peasant communities and, unquestionably, the rights of indigenous peoples.

What is happening in the region of Tía María is an attempt by the Peruvian government and the Southern Copper company to impose a mining project on the people that has already been rejected by the vast majority of the population. The opposition is not new. It is something that had already emerged during the previous government, where there was public consultation, mobilisation and postponement of the project. Thus, this is a conflict that was waiting to happen. In 2014, several opposition leaders were elected as provincial and district mayors in the province of Islay. The opposition mobilised the people of Islay in large numbers, but the government remains adamant about imposing this project one way or the other. There has been severe opposition to the project, resulting in deadlock. Thus, the authorities have imposed a state of emergency, with not only a heavy police presence, but also the militarisation of the whole province.

Having been engaged in the defence of human rights and the monitoring of violations, we have seen time and again tendencies by both the state and private enterprises to criminalise protests and victimise social leaders, including those linked to environmental struggles, which are often land disputes. There is an increasingly tougher and more restrictive legal framework for civil society in Peru, which has reduced the rights of affected populations. This trend has been very clear and is being accompanied by hostility by the state against civil society groups that support victimised populations. There are many CSOs facing such restrictions, and after conflicts such as Tía María, they are being harassed by state authorities. These CSOs are increasingly being monitored, which is in itself not a problem because their work is done with complete transparency. However, we oppose the harassment by the state of those who think differently.

Therefore, a climate of tension is being created, whereby it is suggested to the public that these conflicts are allegedly due to the actions of some sectors of civil society. There is a lack of comprehension that conflicts are borne out of rights violations.

José De Echave points to the work civil society is doing, even in the face of restrictions, and what its international support needs are:

While violations of rights have occurred, social initiatives have also flourished to highlight these conflicts and encourage debate on public policy matters. Initiatives focus on exposing the causes of these conflicts, which are the result of the implementation of public policies that promote investment while undermining the protection of the rights of populations in affected areas. The main task of civil society, including social movements and CSOs, in this situation is to work in partnership and coordination with each other, not only at the national level, but also at local and subnational level.

I believe that solidarity is very important, including to help disseminate information about what is happening. Therefore, it is often interesting that civil society in the countries of origin of companies that seek to invest in countries such as Peru - mining and oil and gas extraction enterprises - are aware that such investments are negatively affecting the rights of the people. It's very helpful to give visibility to what is taking place, as well as to show the behaviour of those companies in our countries and help sensitise public opinion about the violation of human rights. At the same time, it shows countries that acquire the minerals that we produce in the global south that this production is impacting on rights, and in some cases, causing the displacement and disappearance of entire populations. The mobilisation of civil society is very important when we are talking about transnational corporations that work across borders. As investment goes global, solidarity also needs to be globalised.

There are also challenges in **India**, VANI reports, where a particular challenge comes with the current prioritisation of infrastructure development projects, which need access to land, and lead to CSOs that oppose them being seen as standing in the way of national development:

The work of civil society is threatened by the development mandate of the current party in power. The current government's development blueprint intends to address the persistent shortcomings in basic infrastructure, such as electricity and water supply, while pushing for futuristic investments in high-speed rail and 'smart cities'. The government's stress on an infrastructure-driven development model poses a real threat to the poor, their lands and natural resources. The fear of undemocratic acquisition of land, without the consent of people, and greater displacement of poor and marginalised people, looms large. The government, however, appears to be desperate for amendments to the land acquisition law, despite vociferous opposition from many quarters, especially civil society.⁷⁸

The leakage of an intelligence report, which painted civil society as an impediment to the growth of gross domestic product (GDP) by stalling development projects, has been a huge setback for civil society. This has been followed by media overreactions on the issues of compliance of civil society and raised questions about whether foreign money is needed for development, thus demeaning the contributions of civil society.⁷⁹

In **South Africa**, the brutal murder in March 2016 of land and community rights activist and chair of the Amadiba Crisis Committee (ACC), Sikhosiphi Rhadebe, brought to the fore the deep faultlines between communities and politically well-connected mining companies. The ACC has been seeking to prevent the South African subsidiary of an Australian firm from carrying out open-cast titanium mining in a pristine section of the remote Eastern Cape province. The killing of Sikhosiphi Rhadebe bore the hallmarks of a targeted assassination, and his murderers were still to be apprehended at the time of writing.⁸⁰

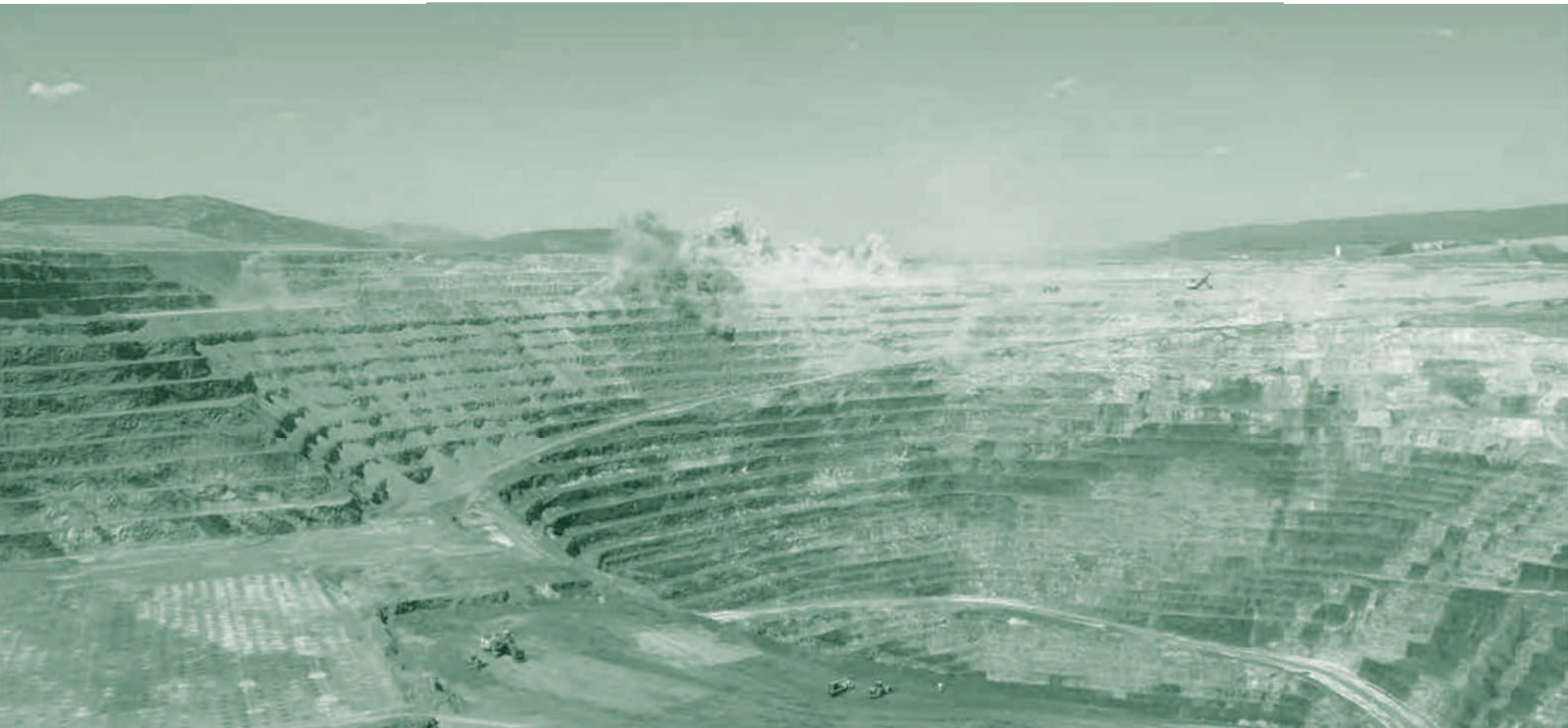
78 'Organisations vow to fight against amendments to Land Acquisition Act', The Hindu, 24 November 2015, <http://bit.ly/1Wt6lw1>.

79 'Foreign-aided NGOs are actively stalling development, IB tells PMO in a report', The Indian Express, 7 June 2014, <http://bit.ly/1NX786W>.

80 'Media statement: recent attacks on South African civil society worrying', CIVICUS, 24 March 2016, <http://bit.ly/1TyIqXA>; 'Opinion: Why South Africa Must Not Lose Plot on Civil Society', Inter Press Service, 5 April 2016, <http://bit.ly/1Szs4T8>.

Sikhosiphi Rhadebe's colleague and vice chair of the ACC, Mzamo Dlamini, told us about the dangers faced by the group:⁸¹

We are not safe, especially myself and Nonhle Mbuthuma, secretary of the ACC, as well as community members. Sikhosiphi Rhadebe is the 15th opponent of this mining venture to die an unnatural death. Other headmen, sub-headmen and ACC members have died in mysterious ways. They include a well-known local leader, known as Balashelele, who was a vocal member of the ACC. We are deep in rural areas so these things are not reported by the media. For a very long time we have heard rumours that there are intentions to get rid of the leadership of the ACC. So death is something we are expecting because of the hostility. We cannot do much about it.



Photographer: wikicommons

81 This is an edited extract. For the full interview see 'Death is something we were expecting: interview with Amadiba Crisis Committee', CIVICUS, 5 April 2016, <http://bit.ly/1Ydl827>.

Mzamo Dlamini also explains why the local community and the ACC are so strongly opposed to mining activities in their area, as these would entirely change their way of life:

We are residents of this area and we are well-informed of the dangers caused by open-cast mining. The nature of open-cast mining - which is how titanium is extracted - is such that it raises a lot of dust into the air, which causes respiratory problems. Open-cast mining also contaminates water sources. Besides that, open-cast mining requires a lot of water and our community relies on streams for water provision. So we cannot afford to share this already limited resource with a mine that will require large volumes for its operations. The mine is also unable to tell us where it will get water from, which means they want to draw it from our sources. Mining activities would also mean we would have to relocate from our homes to unknown places. The mining company has said it will not pay for the relocation of anyone. Also of big concern is that the mining company says it has identified only three graves in the area that need to be relocated, but this is untrue. We have hundreds of graves here. Our people are buried here. The graves will just be desecrated. Also, the land they want to mine provides pastures for our livestock. We survive on farming, so all this would be destroyed by open-cast mining.

These above viewpoints, while highlighting the precarious position of many environmental, land and indigenous peoples' rights activists, also suggests some starting points for how their protection and ability to work can be enhanced. Challenging cultures of impunity is essential if attacks are to be deterred, and more investigative journalism, that reaches and informs the public, is needed to expose abusers and their motivations, and challenge dominant narratives against activists. In particular, the idea that activists are somehow obstacles to development needs to be challenged, and narrow notions of economic exploitation of resources as being synonymous with development rebutted. Activists and CSOs are being targeted because they are the only ones standing up for the rights of the excluded.

Further, civil society coalitions need to be strengthened to better connect CSOs promoting human rights at the international level with activists experiencing human rights abuses on the ground. Civil society needs to advocate for protection systems, and to critique and call for the improvement of those that exist.

Ultimately, the efforts of CSOs should be on pressuring states to do more to uphold human rights, because transnational corporations cannot be expected to do so. At the same time, campaigns in the home countries of large corporations can help to embarrass them into improvement, and at the global level, efforts should be strengthened over the long haul to develop new international human rights standards to which businesses and governments can be held.

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7. THE CHALLENGES OF FORMAL DEMOCRACY

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For global north states that have traditionally supported the strengthening of democracy in other countries, questions are now being asked about their legitimacy to do so.”

From the examples given so far, and country case studies of worsening civil society conditions offered below, it will be clear that threats to civic space do not come only from states widely recognised as autocratic, although of course one of the defining characteristics of autocratic states is a contempt for civil society rights. The threat is more widespread, and comes also in states that carry the formal trappings of democracy, such as regular elections and the existence of multiple political parties. This is being seen even in democracies that are customarily regarded as established and mature; one trend observed over the series of State of Civil Society Reports is a movement into more fragmented, polarised and extremist politics in global north countries, which impacts particularly on the civic space of minority and excluded groups. For global north states that have traditionally supported the strengthening of democracy in other countries, questions are now being asked about their legitimacy to do so, given the sometimes contested and compromised nature of the workings of their own democracies.⁸²

In some parts of the world, recent decades have seen considerable progress in the development of political institutions, with regular elections being held. In Latin America, for example, many countries once run by generals are now governed by elected civilian presidents. And yet, as shown above, many of Latin America’s democratic countries also have appalling records on the rights of activists and journalists, because these are seen to threaten entrenched political and business elites. What this underlines is that good governance and civil society rights are not guaranteed solely by formal political competition. Explicit provision for civil society rights needs to be made, and civil society rights should be recognised as an indicator and guarantor of a healthy, participatory democracy.

A participatory democracy should be understood as one in which the opportunity to influence decision-making is not something that happens only at elections, but rather where there are frequent opportunities for citizens of diverse opinions to engage. Elections need to be seen not as ceremonies to legitimise existing power, or competitions that are won or lost by competing factions, but as events embedded in larger processes, in which it is as important to listen to the voices of those who vote for losing sides, or do not vote, as those who back the winners. In polarised contexts the notion of elections as winner-takes-all competitions risks driving extremist responses from the losing side.⁸³ As Alfred-Maurice de Zayas, the UN’s Independent Expert on the promotion of a democratic and equitable international order, and Maina Kiai, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association pointed out in September 2015, true democracy cannot exist without space for civil society.⁸⁴

Not only are elections an inadequate signifier of democracy; elections themselves are often times of heightened difficulty for CSOs. At the very least, they can cause engagement with government by civil society to be put on hold, as the Argentine

82 ‘Look Homeward, Democracy Promoter’, Foreign Policy, 27 January 2016, <http://atfp.co/1OPw7LO>.

83 ‘Twin Threats. How the Politics of Fear and the Crushing of Civil Society Imperil Global Rights’, Human Rights Watch, 2016, op. cit.

84 ‘For the international day of democracy, Tuesday 15 September 2015’, Office of the UN High Commissioner for Human Rights, 11 September 2015, <http://bit.ly/1Vvpde1>.

Network for International Cooperation (Red Argentina para la Cooperación Internacional, RACI), an AGNA member, indicates was the case in **Argentina** in 2015:

In the context of an electoral year, local CSOs in Argentina experienced a pause in their relationship with government structures, as the central scene was focused on a long electoral campaign, that in the case of national authorities was extended until November, with uncertain results until the end of the process.

Elections can also be occasions when threats to civil society increase. As Maina Kiai noted in his 2013 report, elections should be landmark moments in which the value of people's participation is demonstrated and exemplified. The reality, however, is that periods around elections often become occasions when civil society rights are restricted and space shrinks for democratic dissent. This happens even when elections are largely ceremonial affairs, designed to confer a stamp of legitimacy on a dictator; space tightens because dictators, even when certain to win, fear that elections will spark debate and dissent. In such cases, the absence of protest becomes an essential part of the legitimising veneer that formal elections confer.

Maina Kiai's report drew attention to the need to look at the contexts of elections - the period before and after elections, rather than just the narrow polling period itself - and called for civic space to be increased rather than restricted during election processes.⁸⁵ Elections should offer space for civil society to engage - including to monitor elections and educate voters on their rights and voting processes - but more broadly to encourage participation by citizens to engage with candidates, debate their views and come to an informed decision. To do so ultimately strengthens the legitimacy of the resulting government.

ELECTIONS LEADING TO ATTACKS AND RESTRICTIONS IN SUB-SAHARAN AFRICA

Unfortunately, many recent elections held in Sub-Saharan Africa showcased democracy at its most narrow, rather than its finest, through increased polarisation and contestation, and restrictions on civic space. While there were some successes, such as a mostly peaceful election in **Côte d'Ivoire** in October 2015, an achievement given the violence that followed the 2010 election, and a democratic change of president in **Nigeria**, a country once notorious for its inability to pass on the reins of power peacefully, elections in many places were flawed or marred by restriction violence:

- Elections held in **Chad** in April 2016 confirmed the continuance in power of the President, General Idriss Déby Itno, who has ruled since 1990. In the run up to the election, a ban on any public activities other than electoral campaigning was introduced, denying civil society the ability to engage in debate. From February to April, a number of activists were detained and remained in jail during the elections, and ahead of the release of the results, around 60 members of the military were apparently detained for voting against the incumbent. There is little external pressure from states that see Chad as a key ally in combating terrorism in the region.⁸⁶

85 'Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association. Report to the 68th session of the UN General Assembly', UN, 7 August 2013, <http://bit.ly/1QDuMFz>.

86 'Media statement on Chad: release civil society activists ahead of April 10 elections', CIVICUS, 8 April 2016, <http://bit.ly/1PZ0rkq>; 'Chad: Rights groups call for release of detained activists', Africa News, 9 April 2016, <http://bit.ly/1St277n>; 'Chad: Where are 60 missing soldiers who 'voted against' incumbent president Idriss Deby?', International Business Times, 21 April 2016, <http://bit.ly/24mQSpj>.

- **Equatorial Guinea** has been run by the same man for 37 years, and counting. President Teodoro Obiang Nguema and the ruling elite benefit from the country's vast oil and gas wealth, even as its citizens live in abject poverty. Given the state's control over every aspect of the political machinery, there was no prospect of him losing the April 2016 presidential election, but still, ahead of the election, the government ordered the indefinite suspension of all activities of the Centre for Studies and Development Initiatives (Centro de Estudios e Iniciativas para el Desarrollo, CEID), accusing them of inciting civil disobedience, on the basis of some comments allegedly made at a youth forum. This formed part of a broader crackdown on independent and opposition voices.⁸⁷
- In **Ethiopia**, a country where dissent has been made very difficult, it was not surprising that the ruling party and its allies won every single seat in the less than credible May 2015 election. Ahead of this, many journalists were detained and there were reports of opposition candidates being attacked and killed. As discussed further in our section on protest and activism, civil society activities remain severely restricted by repressive legislation and government intolerance.⁸⁸
- The October 2015 election in **Guinea**, in which incumbent President Alpha Condé won a second term, was marked by pre-election violence, and the accusation of ballot rigging and intimidation, continuing the government's dismal tradition of using lethal violence against its citizens. In April 2015, at least six people were shot dead in a protest about the timing of the election.⁸⁹
- In **Sudan**, it was no surprise that President Omar al-Bashir continued his 25-year-plus occupancy of the office in April 2015 elections, given the heavy restrictions on civic space that make the expression of dissent very difficult. International observers criticised the elections for being neither free nor fair.⁹⁰

In **Tanzania**, elections in the semi-autonomous region of Zanzibar, held in October 2015, were nullified for alleged violations of electoral law. The head of the opposition Civic United Front, which campaigns for more autonomy from the mainland, had declared himself the winner before the results were announced, and was believed by many to have ousted the ruling Chama Cha Mapinduzi (CCM) party, providing the real reason for the annulment; deadlock preceded the March 2016 re-run, which was held by the CCM following an opposition boycott amidst a low turnout.⁹¹ On Tanzania's mainland, the CCM held on to power in elections that were less close than anticipated, demonstrating how institutionalised the party that has ruled Tanzania since independence has become. The context clearly suggests a need for civil society not to take sides, but to play a role in encouraging openness and debate, and in monitoring elections to discourage abuse. We asked Nicodemus Siyaki Soko of CSYM

87 'Joint NGO statement urging a half of pre-election civil society crackdown in Equatorial Guinea', CIVICUS, 4 April 2016, <http://bit.ly/1QDe7ll>; 'Equatorial Guinea election expected to extend president's 37-year rule', Reuters, 24 April 2014, <http://reut.rs/22ZyvnQ>; 'Equatorial Guinea's Dictator To Win Election In Landslide Following Crackdown On Media And Civil Society', Sahara Reporters, 26 April 2016, <http://bit.ly/1SvHoEk>.

88

89 'At least six shot in anti-government protest in Guinea', Reuters, 13 April 2015, <http://reut.rs/1NXOPi8>; 'Guinea: Excessive and lethal force by security forces must not be repeated during election period', Amnesty International, 3 September 2015, <http://bit.ly/26vfmy1>; 'Guinea's President Alpha Conde easily wins re-election', Al Jazeera, 17 October 2015, <http://bit.ly/1VYscxm>.

90 'Interview with leading civil society activist in Sudan: Abdel-Rahman El Mahdi', CIVICUS, 6 May 2015, <http://bit.ly/1rD0mPF>; 'Omar al-Bashir wins Sudan elections by a landslide', BBC, 27 April 2015, <http://bbc.in/1NXP8JK>.

91 'Zanzibar annuls recent election, new vote expected', Al Jazeera, 12 November 2015, <http://bit.ly/21hSkr9>; 'Zanzibar faces fresh elections amid crisis talks', News 24, 12 November 2015, <http://bit.ly/1WVo2KE>; 'Tanzania: Post-Election Stalemate in Zanzibar', All Africa, 8 January 2016, <http://bit.ly/1rl-HT9H>; 'Zanzibar president declared winner as election boycotted', Daily Nation, 22 March 2016, <http://bit.ly/21hSNtw>; 'Tanzania: The botched election that cost half a billion dollars, and counting', Daily Maverick, 30 March 2016, <http://bit.ly/1SCjvTY>.

HUDUMA (Christian Spiritual Youth Ministry) what opportunities there had been for civil society to participate in the Tanzanian election; the answer is that there were few:

CSOs worked on public awareness and voter education seminars and workshops. But CSOs lack funding for this work, and not as much was done as needed to be done. Without funding, Tanzanian civil society cannot ensure that



it reaches particularly vulnerable and marginalised groups and communities, and furthers public participation in elections.

Civil society had no role in election monitoring - instead there was government threatening CSOs, and giving no room for freedom to work effectively. Up to this time there is no fair and free election committee, as all its members come from the ruling party.

CASE STUDY: CRACKDOWN AHEAD OF ELECTION IN UGANDA

Past tactics applied in elections in Uganda, where President Yoweri Museveni has held power since 1986, include having the main opposition leader arrested on spurious charges, ahead of the 2006 elections, and harassment, intimidation and alleged denial of the vote to many people in 2011.⁹² At the same time, a barrage of legislative measures introduced over recent years has systematically tightened the space for civil society. An NGO bill passed by parliament in December 2015 will compel all CSOs to re-register, and give the government sweeping powers to interfere in CSO affairs, including to vet any foreign staff and refuse to grant registration. CSOs will be assessed as to whether they act against the 'public interest', which the government

92 'Uganda's Museveni Wins Vote; Opposition Rejects Result', Bloomberg, 20 February 2011, <http://bloom.bg/1qZgfPv>; 'Uganda: government-backed harassment and repression of critics increasing', Amnesty International, 1 November 2011, <http://bit.ly/1NDSORb>.

gives itself the power to define.⁹³ Clearly, the law could be applied to close down CSOs that raise issues the government deems controversial, such as LGBTI issues.⁹⁴

In the view of many in Ugandan civil society, the purpose of this bill was clearly political rather than regulatory, with one of its main purposes being to occupy civil society's energy and make it more cautious in the run-up to February 2016 elections. Ahead of elections, there were reports of arbitrary arrest and torture of people associated with the opposition, repeated arrest of the leading opposition candidate, violence against opposition supporters, covert surveillance of opposition figures, banning of groups that call for change, intimidation of journalists that try to report on opposition campaigns, obstruction of rallies, arbitrary use of force, and harassment of civil society activists and journalists. There was also concern about apparent impunity of police and security forces, training of vigilante groups and selective interpretation of laws, which allowed President Museveni to hold and address rallies, but not his challengers.⁹⁵

Ahead of the election, the Ugandan National NGO Forum described the restrictions on free assembly in particular, and drew attention to the difficult relationship between the government and advocacy-oriented CSOs:

The Public Order Management Act barred groups of citizens from meeting without authorisation by police, and was largely misinterpreted and misused by security agencies. There has been growing police brutality against journalists and opposition party leaders, with tear gas and beatings that left some bedridden. Growing restrictions are attributed to the election season, where the ruling government is determined to curtail any form of association, assembly and expression.

The relationship between civil society and government is of a mixed character, with growing understanding and appreciation by government of CSOs' work in areas of service delivery. Where there is advocacy around human rights, governance and constitutionalism, there is suspicion and mistrust, with a belief that CSOs are closer to opposition entities serving a foreign or donor agenda than playing a complementary role. This suspicion has been deepened with the emergence of more governance and human rights CSOs for the past few years.

Ahead of the elections we also spoke to Orishaba Bagamuhunda Justus, executive director of National Foundation for Democracy and Human Rights in Uganda, who has twice been detained himself:

93 'Uganda / NGO Bill: UN human rights expert calls for meaningful consultations with civil society', Office of the UN High Commissioner for Human Rights, 25 June 2015, <http://bit.ly/1XXjhyo>; 'CIVICUS and FHRI urge Ugandan parliamentarians to reject or radically overhaul NGO Bill', CIVICUS, 4 August 2015, <http://bit.ly/1gMsbiY>; 'Uganda Parliament Passes Controversial NGO Bill', Voice of America, 15 December 2015, <http://bit.ly/1k0LrtV>; 'NGO Law Monitor: Uganda', International Center for Not-for-Profit Law, 2 January 2016, <http://bit.ly/1qZgGt4>.

94 'Uganda passes terrifying new law that could be used to shut down all pro-gay charities', Pink News, 27 November 2015, <http://bit.ly/1XXjxxA>.

95 'Uganda: Arbitrary arrests and excessive use of force hindering debate in run-up to elections', Amnesty International, 7 December 2015, <http://bit.ly/1YVWXWf>; 'Uganda: Our Top 2015 Human Rights Stories Told In Tweets', Chapter Four Uganda, 2015, <http://bit.ly/1TgWqKf>; 'Uganda presidential rivals fear violence', eNews Channel Africa, 9 January 2016, <http://bit.ly/1WtAK2J>; 'Museveni employs intimidation tactics ahead of Ugandan elections', Mail and Guardian, 22 January 2016, <http://bit.ly/1pLlgKD>; 'Civil society calls on Uganda to respect citizens' rights and media freedom ahead of elections', CIVICUS, 14 February 2016, <http://bit.ly/1WV85Em>; 'Clashes after Ugandan presidential candidate detained days before election', The Guardian, 15 February 2016, <http://bit.ly/1ObwpsC>.

The state of human rights in Uganda is very bad. There are ongoing threats to freedom of expression, assembly and association, which continue to raise serious concerns in Uganda. Security forces such as the police largely enjoy impunity for the torture of people during peaceful protests. The government has banned political pressure groups that call for peaceful change, obstructed opposition rallies, and harassed and intimidated journalists and civil society activists working in the areas of human rights, corruption, oil, land rights and sexual rights.

Ahead of the elections, more restrictions on fundamental freedoms are to be expected. Some journalists are being warned against discussing topics on good governance and there are some reports that some journalists are being given money in order to promote the interests of government instead of criticising it for increased levels of corruption and human rights abuses.

None of this restriction helped encourage Ugandan citizens to engage their current and potential leaders, debate and form and share opinions. Little wonder, given these constraints, that there was little popular enthusiasm about the election, with at least five million registered voters staying away from the February 2016 poll; an August 2015 opinion poll revealed that only 33 per cent of citizens believed the election would be free and fair, 49 per cent did not trust the police to act impartially, 61 per cent did not believe Museveni would hand over power if defeated, and 76 per cent wanted presidential term limits to be reintroduced.⁹⁶

In the event, Museveni triumphed in an election widely judged to be flawed, with EU and Commonwealth observers calling attention to the lack of independence and transparency of the country's Electoral Commission, the constraints applied to opposition campaigns by the security forces, the use of state funds to support the president's party, and the late arrival of ballot papers in urban areas, where opposition support is highest. The main opposition candidate was placed under house arrest shortly before the results were announced, and social media was shut down.⁹⁷ Another opportunity to uphold human rights and practise democracy well has been missed in Uganda. Now the election has passed, civil society faces another fight to win back rights.

A DOWNTURN IN GOVERNANCE AMID THIRD TERM SYNDROME

Overall, alongside these democratic deficits, there is some indication that progress on improving governance has stalled in Sub-Saharan Africa, and this is directly impacting on civil society rights and the quality of civic space. The annual Mo Ibrahim Index of African Governance, published in October 2015, suggests that governance progress has flatlined in the region: 21 countries, including five of the ten highest ranked, have deteriorated on governance indicators, with Central Africa in particular having worsened and East Africa ranking low in comparison with other parts of Africa. In general, indicators on safety and the rule of law have declined.⁹⁸

96 'Opinion Poll Report. Measuring the National Political Temperature ahead of the 2016 General Elections', Research World International, 14 August 2015, <http://bit.ly/26ykwdc>; 'Ugandan elections marred by shambolic polls and claims of fraud', The Guardian, 22 February 2016, <http://bit.ly/1LEuj4X>.

97 'Uganda's Museveni re-elected amid controversy', Al Jazeera, 20 February 2016, <http://bit.ly/1SwygPO>; 'Yoweri Museveni wins a fifth term as Uganda's president', The Economist, 21 February 2016, <http://econ.st/1Q25xxn>; 'Uganda election: Besigye held again as march planned', Al Jazeera, 22 February 2016, <http://bit.ly/1Tz5Bsn>.

98 'African Governance Survey Sends Warning Signals', All Africa, 29 September 2014, <http://bit.ly/1sAOXJu>; 'Governance progress in Africa stalling, reports Mo Ibrahim Foundation' Mo Ibrahim Foundation, 5 October 2015, <http://bit.ly/21hYibM>.

What this suggests is that, while some progress has been made over the past 15 years, something that could be characterised as ‘improvement fatigue’ has set in: the institutions and holders of power may have reached a point where they are not prepared to strengthen the governance environment and concede power further, and as part of this, civil society rights are being pushed back.

As discussed in past State of Civil Society Reports, the increased role that China is playing in most African countries, with its emphasis on supporting economic development and infrastructure projects, and its profound lack of concern with the state of democracy, human rights and civil society in its partner countries, has emboldened autocratic leaders to act in defiance of international norms. Further, the renewed concern with stability, security and counter-terrorism among globally powerful states has allowed transgressions of civic space to flourish in states deemed to be strategic in combating terrorism.

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Manoeuvrings to rewrite constitutions are bad news for civil society, because they generally come with measures to suppress the dissent and protest that such moves inevitably provoke.
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Processes of democratisation came particularly in Sub-Saharan African states during the 1990s, with the end of the cold war, a change in France’s position of promoting stability above democracy in its former colonies, and the withdrawal of apartheid South Africa’s anti-democratic influence. These reduced the resources available to dictators to resist change, gave new political impetus to establishing democracy, and opened some space for civil society. Many of Africa’s current leaders came to power by surfing that wave of change, and benefited from increased flows of development aid during a period of much hope. Global north donors tended to look up to strong, interventionist leaders who prioritised economic development as reform minded. Many of these leaders should have moved on by now, to make way for fresh ideas and energy, underpinned by constitutions that usually limit presidents to two terms, but in several cases, they remain. In a number of contexts, presidents have recently pushed through constitutional changes to enable them to hang on to power. Instead of being bedrocks of governance, constitutions have become malleable, to be rewritten for short-term advantage.

Manoeuvrings to rewrite constitutions are bad news for civil society, because they generally come with measures to suppress the dissent and protest that such moves inevitably provoke. Civil society is also at the forefront of responses, in defending democratic freedoms, human rights and civic space.

The case of **Burundi**, where the president pushed through a constitutional amendment to stand for a third term, at the cost of sparking a conflict that has worsened into a humanitarian crisis, is discussed further below, while the case of **Burkina Faso**, where an attempt to change the constitution in 2014 sparked a citizens’ uprising that toppled the president, is considered in detail in our section on protest and activism. These two apart, there are, alas, other examples of African states where attempts by presidents to cling to power have given rise to dissent and repression, in what can now be identified as a clear pattern of constitutional disdain.

In **Congo** (Brazzaville), President Denis Sassou Nguesso, who ruled from 1979 to 1992, and then from 1997 onwards, should have been doubly barred from standing again by the constitution, according to both his age and term limits. Rather than accept the constitution, the president decided to rewrite it, holding a disputed referendum to legitimise the change. The referendum campaign was characterised by the suppression of dissent: opposition figures were intimidated by members of the presidential guard, 18 activists were arrested when trying to organise a press conference, and protestors were tear-gassed and shot dead

by security forces.⁹⁹ Protests were large-scale and sustained, organised under the ‘Sassoufit’ (that’s enough) banner. When thousands of people protested on 27 September 2015, comparisons were made with 2014’s successful protests in Burkina Faso, but critically in Congo, the army sided with the president and, following the protests, communications and public gatherings were further suppressed, with internet, text messaging and some radio stations shut down.¹⁰⁰ The referendum resulted in an overwhelming vote for the constitution to be changed to allow the president to run again, but this was disputed: there were vast disparities between the official turn-out and the very low turn-out reported by the media and opposition groups.¹⁰¹

In the Democratic Republic of Congo (DRC), President Joseph Kabila, who is coming to the end of a two-term limit ahead of elections scheduled for November 2016, appears to be taking a different tack to cling onto power. In November 2015, he announced that the election could be delayed by up to four years, on the basis that electoral rolls will not be ready and a national census should first be conducted. The president is also accused of starving the National Electoral Commission of funding and adding pressure to it by scheduling local and provincial elections ahead of the presidential election.¹⁰² In January 2016, it was duly announced that it would take 18 months to prepare the electoral roll, and that a new electoral law would have to work its way through parliament.¹⁰³ President Kabila is keeping everyone guessing about whether he will seek a third term, but is clearly in no hurry to step aside.

Alongside this has come a crackdown on dissent, particularly dissent that calls on the president to respect the term limits and the electoral timetable. Amnesty International has recorded a pattern of arbitrary arrests and detentions of government critics on clearly false charges.¹⁰⁴ Youth activists are particularly being targeted, in what is presumably a recognition of the important role that young people have played in mass protests in other contexts. Two young activists, Fred Bauma and Yves Makwambala, marked one year in detention in March 2016 for launching a youth movement to encourage young people to take part in civic life, while in February 2016, six youth activists were handed two year sentences on a charge of attempting to incite public disobedience.¹⁰⁵ Extreme violence has also been used against protestors by people linked to security forces and ruling party officials; during a week of protests in January 2015, against an attempt to cause delay by introducing a law to require that a national census be carried out before the election, internet access and text messaging were blocked, at least 40 people killed and over 300 people detained.¹⁰⁶

99 <http://bit.ly/1Pc4Zqc>; ‘Congo-Brazzaville: Protestors Tear-Gassed Ahead of Referendum’, All Africa, 21 October 2015, <http://bit.ly/1rD5S4Q>; ‘Army surrounds home of Congo Republic opposition leader’, Reuters, 22 October 2015, <http://reut.rs/1PLnAeu>.

100 ‘Another African president tries to change the rules’, The Economist, 24 October 2015, <http://econ.st/1VWRab9>.

101 ‘Congo-Brazzaville: Referendum Passes Allowing President to Extend Rule’, All Africa, 27 October 2015, <http://bit.ly/1VVwzy5>; ‘10% or 70% turn-out? No matter, as Congo officials say over 90% backed president-for-life vote’, Mail and Guardian, <http://bit.ly/1SNG8LB>.

102 ‘Can Joseph Kabila cling to power?’, Al Jazeera, 15 September 2015, <http://bit.ly/1TgQyAV>; ‘DRC: Elections delayed by up to four years is ‘troubling but not surprising’, International Business Times, 1 November 2015, <http://bit.ly/1pLckVk>.

103 ‘DRC slip-slides into electoral delays’, Institute for Strategic Studies, 14 March 2016, <http://bit.ly/21tcoFK>.

104 ‘Repression and secret detentions escalate in the DRC ahead of 2016 elections’, CIVICUS, 9 April 2015, <http://bit.ly/1TgQ9yp>; ‘Democratic Republic of Congo: treated like criminals: DRC’s race to silence dissent’, Amnesty International, 26 November 2015, <http://bit.ly/1SNxF1p>.

105 ‘Media statement on Democratic Republic of Congo: CIVICUS urges AU to act on the first anniversary of the imprisonment of youth activists’, CIVICUS, 15 March 2016, <http://bit.ly/1VWNVdA>.

106 ‘DR Congo’s Joseph Kabila is taking a slippery path to a third term’ Quartz, 9 December 2015, <http://bit.ly/1pLbHeG>; ‘DR Congo: Youths paid \$65 to attack peaceful anti-third term protesters says human rights group’, International Business Times, 6 October 2015, <http://bit.ly/1MaDPjZ>; ‘Deadly clashes in DR Congo as government urged to scrap election law’, International Business Times, 22 January 2015, <http://bit.ly/1VWO6p1>.

We asked Jonas Tshiombela Kabiena of the New Congolese Civil Society, a platform of around 300 CSOs in the DRC, about the response to the January protests, and more broadly about the conditions for civil society in his country:¹⁰⁷

In January 2015 many Congolese took to the streets to demonstrate against proposed changes to the electoral code that will enable President Joseph Kabila to stand for another term. The brutal response to the protests has had many consequences on fundamental freedoms in the DRC. Additional restrictions were imposed on freedoms of assembly and expression. The government reported that 27 people were killed during the protests, but international human rights groups noted that more than 42 people died

The state of human rights and fundamental freedoms is a source of concern in the DRC, especially as the country moves towards holding a poll. Human rights defenders are targeted on the basis of the work they do and subjected to threats, harassment, arbitrary arrests, judicial persecution and prolonged detentions. In addition, freedom of assembly and expression are severely constrained. Freedom of assembly is restricted, as those who take part in protests are arrested. In addition, media freedoms are restricted and the authorities have closed down some television stations perceived to be sympathetic to the political opposition. Steps taken arbitrarily by the authorities to close down television stations contradict laws in the DRC that promote freedom of expression and the media.

Similarly, in **Rwanda**, a referendum, held at short notice in December 2015, overwrote the constitution to give President Paul Kagame an opportunity to stand again. Under the amended constitution, Rwanda's leader since 1994 could now rule until 2034.¹⁰⁸ President Kagame enjoys a strong level of support among international financial institutions for overseeing the rebuilding of the country following genocide, with high levels of economic development, but economic development has come at the price of the complete suppression of dissent¹⁰⁹ Such is the political dominance of President Kagame and his ruling Rwandan Patriotic Front, and the lack of space for dissent and concomitant self-censorship, that it is hard to get a clear sense of what level of opposition there may be in Rwanda. Certainly almost all independent civil society groups have now been forced out of Rwanda, while the government has co-opted other groups and networks, rubbing away at their independence and ability to ask questions of the state; the existence of these groups is then used to project the state as friendlier to civil society than it is.¹¹⁰ In the current political climate, President Kagame will almost certainly win the next election in 2017. His acceptance of constitutional term limits, and the act of standing down from a position of popularity, would have sent a strong signal around the continent about the need to accept limits on presidential power. This opportunity has unfortunately been missed.

These examples carry wider resonance outside their borders: part of the value of the people's revolt in Burkina Faso is that it serves as a warning to dictators who take for granted their ability to rewrite constitutions. Burundi matters in part because it has raised the stakes: other African rulers take encouragement if Burundi's President Nkurunziza prevails.¹¹¹

107 This is an edited extract. For the full interview see 'The world must not forget persecuted human rights defenders in the DRC', CIVICUS, 11 November 2015, <http://bit.ly/1SlcRpK>.

108 'Rwandans vote on constitution changes to let Kagame extend rule', Reuters, 18 December 2015, <http://reut.rs/1QtApvC>; 'US again condemns Kagame move to run for third term as Rwanda president; Kigali will ignore it', Mail and Guardian, 3 January 2016, <http://bit.ly/1SwG2ZK>.

109 'Rwanda votes to give President Paul Kagame right to rule until 2034', The Guardian, 20 December 2015, <http://bit.ly/1QBdPRA>; 'Analysis: Can third-term Kagame prove his critics wrong?', Daily Maverick, 11 January 2016, <http://bit.ly/24nmwDd>.

110 'Rwanda: Takeover of Rights Group', Human Rights Watch, 14 August 2013, <http://bit.ly/1NDY7VC>.

111 'Dear Mr President: it's time to go', Institute for Security Studies, 22 July 2015, <http://bit.ly/1Jf1rIU>.

What the current experience suggests is that too much attention has been paid to investing in charismatic leaders, and in developing institutions and processes narrowly focused around elections. Considerable financial support has failed to develop strong, accountable institutions and processes of popular governance, in which civic space is respected. Too often, elections are seen only as occasions for legitimising existing power. Much more support for the growing of deep-rooted and diverse civic institutions, and their ability to work ahead of, during and after elections, is needed.

PART TWO: CIVIC SPACE RESTRICTION: COUNTRY CASE STUDIES

Our country case studies offer a series of detailed examples where several of the current trends identified above can be seen to be having real implications for CSOs, activists and communities. In the following countries, we believe there is clear evidence that the conditions for civil society worsened in the past year, largely resulting from the actions of governments and political leaders. While these case studies show civil society under political attack, they also provide some examples of how civil society is fighting back.

8. ANGOLA: READING IS DANGEROUS

A wealthy elite has tightly controlled Angola since independence in 1975, enjoying the riches generated by Africa's second largest oil producer, even though much of the population still lives in poverty.¹¹² Angola can be characterised as an extractive state, where a tiny minority has captured control and uses state institutions as machinery to extract wealth, often laundered through institutions in Portugal, the former colonial power.¹¹³

With such economic power, one might expect that the elite would enjoy a sense of security, but evidently they feel threatened. For in Angola, even the act of reading is considered a subversive activity. On 20 June 2015, 13 youth activists were arrested for holding a discussion group on a book, *From Dictatorship to Democracy: a conceptual framework for liberation*, by Gene Sharp. The 13 were taken away in handcuffs and their homes were ransacked by heavily armed security forces, with computers and personal items seized. Two more were arrested in the following days, and two further people, with uncertain connections to the group, were added to the case.¹¹⁴

112 An estimated 68 per cent of the population live below the poverty line. See 'Rural poverty in Angola', Rural Poverty Portal, <http://bit.ly/1XXlqsY>.

113 'Forty years on from independence, Angola still lacks freedom', The Guardian, 11 November 2015, <http://bit.ly/1kM5hK7>.

114 'Angola: Detained activists must be immediately released', Amnesty International, 22 June 2015, <http://bit.ly/1NF3YtY>.

Throughout the process, the rights of the 17 were not respected. The 15 group members were detained without trial for over five months, in violation of Angola's legal limit of 90 days, experienced bouts of solitary confinement and were denied family visits. Some of them reported being tortured in prison. One of the detained, rapper Luaty Beirão, went on a hunger strike for 36 days, marking one day for each year of President Dos Santos' lengthy rule, to protest about the conditions in which they were held. When the trial finally began in November 2015, problems continued: the trial was moved at short notice to a small venue, which limited the number of people able to observe, and charges were altered by the prosecutor at a late stage of the trial, denying the accused the chance to defend themselves against the new charges.¹¹⁵ Regardless, the protestors were defiant and used their trial to continue their protest, walking barefoot into the courtroom and writing messages on their prison uniforms, and were met with applause by public observers.¹¹⁶ The flawed process culminated in March 2016 with the passing of guilty verdicts against all 17, for offences of "preparatory acts of rebellion" and "association with criminals", with the lowest sentence being over two years and the highest being eight and a half years. The group were detained pending any appeal.¹¹⁷

Outside the detention and trial, the circle of repression widened further. In August 2015, a protest led by mothers of some of the detainees was broken up violently by police. A further 20 people were arrested in October 2015 for holding a vigil calling for the activists' release, after the 90 days' maximum detention period had passed, while protests were also prohibited around independence day celebrations in November 2015.¹¹⁸

The trial of these young activists served as a rallying point for public anger with the regime, while also demonstrating the extent of the ruling elite's paranoia. The state has attempted to push back against dissent, characterising the group as committing crimes against state security, and claiming that the activists were planning to overthrow the government and begin violent conflict, even though it seems clear that the activists had no access to weapons, and the discussion group and book explicitly focused on non-violent civil disobedience; one of the detainees has also written extensively about the need for non-violent action as the only way to build democracy in Angola.¹¹⁹ What the activists are guilty of is calling for improvements in the social and economic conditions for Angolan citizens, and the realisation of democracy and human rights. Activists were also involved in monitoring restrictions on civil society freedoms and police brutality.

This attack on activism is not a one-off, but forms part of a pattern. In May 2015, investigative journalist Rafael Marques de Morais received a suspended six month sentence and had his passport seized on the grounds of defamation. His crime was writing a book on human rights abuses in Angola's diamond trade; his book discusses murder and torture by the private security forces of diamond mining companies, and the complicity of army generals closely connected to the presidency. Further,

115 'CIVICUS alert: Angolan activist on hunger strike facing life threatening condition', CIVICUS, 16 October 2015, <http://bit.ly/1jsyDx4>; 'Angola: Kangaroo court undermines judicial independence as trial of activists enters fourth week', Amnesty International, 8 December 2015, <http://bit.ly/1VXiHwk>; 'Guest Post: The Trial of the 'Angola 15'', Fair Trials, 22 December 2015, <http://bit.ly/1r12gIM>.

116 'Angola – trial of the barefoot activists', Africa – News and Analysis, 17 November 2015, <http://bit.ly/26zMAgs>.

117 'Angola Sends a Rapper and 16 Activists to Prison for Plotting Rebellion', Vice News, 28 March 2016, <http://bit.ly/1SxPZGp>; 'CIVICUS condemns sentencing of 17 Angolan activists, urges their release', CIVICUS, 29 March 2016, <http://bit.ly/23cf3ED>; 'Angola: Sentencing and arbitrary detention of 16 pro-democracy activists', World Organisation Against Torture, 31 March 2016, <http://bit.ly/1Wuv4W7>.

118 'Angolan hunger-strike rapper Luaty Beirão 'deteriorating'', BBC, 13 October 2015, <http://bbc.in/1pNAJKa>; 'Media statement: Angola urged to drop spurious charges against youth activists', CIVICUS, 13 November 2015, <http://bit.ly/1VEpwtg>; 'The trial of the 17 Angolan activists begins', The World Weekly, 19 November 2015, <http://bit.ly/1QEu0bm>.

119 'Analysis: The book club that terrified the Angolan regime', Daily Maverick, 25 June 2016, <http://bit.ly/1rmOoZO>; 'Angola: Being Against a Coup d'Etat Is Crime of Rebellion in Angola', All Africa, 4 November 2015, <http://bit.ly/1T9laE6>; The World Weekly, 19 November 2015, op. cit.

in March 2015, two activists were detained on charges of threatening state security and sedition for planning a peaceful protest about poor governance, human rights violations and corruption in Angola's Cabinda region, a heavily militarised, oil-rich enclave. While one activist was subsequently released, the other, José Marcos Mavungo, received a six-year sentence, condemned by the UN Working Group on Arbitrary Detention as a violation of international law.¹²⁰ The government has also strived to cover up information about a massacre state security forces committed against members of a Christian sect on Mount Sumi in April 2015, including by locking down the site and apparently shutting down websites. Together, these indicate the government's fear of any views that might be seen to challenge their authority, and their determination to suppress freedom of expression in response to damaging publicity.¹²¹

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Attacks on civil society are only likely to become more systematised and routine following the passing of a Presidential Decree in March 2015 that enables the public prosecutor's office to inspect the activities of CSOs, both national and international, on broad grounds, including suspicion of money laundering and acts that are deemed to harm Angola's sovereignty and integrity. Additional burdens have also been placed on CSOs to report on their programmes, budgets and funding sources. This is likely to intensify existing attempts to portray CSOs that investigate human rights abuses as foreign agents, and add to ongoing challenges that several CSOs face in having registration certificates delayed.¹²²

Angola's rulers can be seen to be trying to retreat to narrow notions of sovereignty in which sovereignty is impunity: the freedom of the ruling elite to do as it pleases without outside interference. In response, there is a need to internationalise the pressure on Angola's government, and to remind the government of its international commitments to respect civil society rights, made as recently as 2014 as part of the UNHRC Universal Periodic Review (UPR) process. International pressure is growing. For example, in November 2015, 32 CSOs working on youth issues in a range of African countries and further afield asked South Africa's President Jacob Zuma to intervene.¹²³ Weekly protests have also taken place in Portugal, whose banks are complicit in enabling the regime.¹²⁴

As the world oil price plummets and presumably makes them feel less secure,¹²⁵ Angola's ruling elite has shown it is increasingly becoming scared of discussion and the dissemination of ideas; these are the tools by which it increasingly should be challenged.

120 'Angola in Focus: Rafael Marques, on the eve of his verdict – 'It's torture'', Daily Maverick, 27 May 2015, <http://bit.ly/1rEbgVn>; 'Angola journalist Rafael Marques de Morais receives six-month suspended sentence', Index on Censorship, 28 May 2015, <http://bit.ly/1WuvOdR>; 'Angola: end crackdown on civil society, uphold international commitments', CIVICUS, 29 June 2015, <http://bit.ly/1Hrs2LJ>; 'Angola: Independence Celebrations Marred By Crackdown On Human Rights', All Africa, 11 November 2015, <http://bit.ly/1SUCp1S>, 'Opinions adopted by the Working Group on Arbitrary Detention at its seventy-fourth session, 30 November – 4 December 2015', UN Human Rights Council Working Group on Arbitrary Detention, 16 December 2015, <http://bit.ly/1YW584K>.

121 'Angola in Focus: The Mount Sumi massacre – an atrocity that will come to define the new country', Daily Maverick, 27 May 2015, <http://bit.ly/1rmP9IG>; 'Angola sect deaths: "It was a real massacre by the police"', France 24, 5 June 2015, <http://f24.my/1rEbCLJ>.

122 CIVICUS, 29 June 2015, op. cit.; 'Angola's saga of repression', Equal Times, 9 July 2015, <http://bit.ly/1TitXUu>.

123 'Request to urge the Angolan government to release human rights defenders', CIVICUS, 11 November 2015, <http://bit.ly/23chGpW>.

124 The World Weekly, 19 November 2015, op. cit.

125 'As oil prices drop, repression in Angola is on the rise', Global Risk Insights, 3 November 2015, <http://bit.ly/1TzSvuL>.

9. AZERBAIJAN: A SPORTING DISTRACTION AMIDST FURTHER CRACKDOWN

The dismal situation for civil society in Azerbaijan was covered in the 2015 State of Civil Society Report, but since then the situation has deteriorated further. President Ilham Aliyev effectively inherited power from his father in 2003, and sits atop a system of endemic and institutionalised corruption, in which the ruling family and those close to them are tightly enmeshed in state banks and oil, construction and gold mining companies.¹²⁶ Because of the high levels of state corruption, it is necessary to silence attempts to exert accountability. It is therefore no coincidence that legislation has continually been amended in Azerbaijan to criminalise dissent and tighten restrictions on the freedom of expression. In the words of Leila Alieva, an Azerbaijani political analyst:

The draconian amendments to the NGO law adopted in 2014, which practically makes the reception of foreign grants impossible, in combination with the bank accounts of more than 30 CSOs being frozen, criminal cases being opened against the leading human rights defenders and activists, imprisonment and emigration, significantly decreased the capacity of civil society to influence policy in 2015. The government also put pressure on activists abroad by various means, including interrogation of former staff and imprisonment of relatives.



Photographer: Human Rights for All FIDH Worldwide Human Rights

The style of the government is authoritarian, which requires total control over society. Any pluralism, or action which is not under the control of the government, is perceived as a threat to monopoly on power. The government has so far succeeded in cutting all financial sources of political opposition, and now the target is civil society. Demonstrating the effect of crackdown and intimidation is another purpose of the government, as civil society activists had been viewed by the rest of society as protected, due to their national and international influence and reputation. Insecurity is a deeply rooted motivation of each authoritarian leader, whose power is not based on popular legitimacy.

As with other autocratic countries, Azerbaijan holds formal, non-free elections to confer a legitimising stamp on dictatorship, and increases restrictions in the run-up. Given the climate of restriction and intimidation, it was impossible that the November 2015 parliamentary election could be free or fair. The opposition routinely boycotts elections, and no election held under the current president has been recognised as free and fair by international observers. Remarkably, and for the first time, the Organization for Security and Co-operation in Europe (OSCE), an intergovernmental organisation of which Azerbaijan is a member, announced that it would not send election observers. The OSCE stated that the level of restrictions would make it impossible to have credible election observation.¹²⁷ The opposition alleged widespread fraud, along with restrictions of observers' ability to scrutinise, and turnout was low, at around 55 per cent.¹²⁸ Sometimes, the only freedom available to citizens is to stay away from the polls and refuse to confer legitimacy.

The election came in a difficult period for Azerbaijan's oil-based economy, something that could be further assumed to have increased the insecurities of the ruling elite. Ahead of the election, pressure was renewed on civil society personnel. In October 2015 two Amnesty International staff members were deported,¹²⁹ while in August 2015, two prominent civil society activists, Leyla Yunus and Arif Yunusov, were given long jail sentences, of eight and a half and seven years, for tax evasion, fraud and illegal entrepreneurship. This conviction was condemned by a panel of UN human rights Special Rapporteurs, who made clear that the couple had been targeted for their human rights activism, and also noted that the trial was flawed, with independent observers not allowed access.¹³⁰ Their appeal trial against this conviction saw the two placed in a glass cage, where they were unable to hear what was happening.¹³¹ The pair were eventually released on health grounds in November and December 2015, but trials for treason still await. They were refused permission to travel abroad for urgent medical attention until April 2016.¹³²

September 2015 also saw journalist Khadija Ismayilova jailed for seven and a half years, on similar charges, of tax evasion, illegal entrepreneurship, embezzlement and abuse of office, while on October 2015, Azerbaijan's Attorney General accused

127 'Restrictions imposed by Azerbaijan compel cancellation of parliamentary election observation mission, says ODIHR Director Link', Organization for Security and Co-operation in Europe, 11 September 2015, <http://bit.ly/1ij7Br9>.

128 'Azerbaijan ruling party wins elections', Al Jazeera, 2 November 2015, <http://bit.ly/1NkQPnG>.

129 'Azerbaijan: Amnesty International staff deported amid pre-election crackdown', Amnesty International, 7 October 2015, <http://bit.ly/1SxXPjk>.

130 "Deeply distressing" – UN experts condemn latest prison sentencing of rights defenders in Azerbaijan', Office of the UN High Commissioner for Human Rights, 20 August 2015, <http://bit.ly/23cr3G3>.

131 'Azerbaijan: New developments concerning the appeal trial against Ms. Leyla Yunus and Mr. Arif Yunusov', Worldwide Movement for Human Rights, 28 October 2015, <http://bit.ly/1pNLNXq>.

132 'Azerbaijan: Court decision forbidding Leyla Yunus and Arif Yunusov to travel abroad to receive medical treatment', Worldwide Movement for Human Rights, 21 March 2016, <http://bit.ly/1YW7AZ5>; 'Azerbaijan: Leyla and Arif Yunus finally out of the country to receive urgent medical treatment', World Organisation Against Torture, 19 April 2015, <http://bit.ly/1rmVtJZ>.

CSOs and journalists of corruption in the use of foreign resources.¹³³ As well as these legal attacks, independent journalists also face physical attack: Rasim Aliyev, chair of the Institute for Reporters' Freedom and Safety, died following an attack in August 2015.¹³⁴ While a New Year amnesty saw 200 prisoners released, none was on the list of 93 political prisoners submitted by the non-governmental Working Group of Political Prisoners.

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And yet, against this backdrop of repression, Azerbaijan also put on a sporting show in 2015, as it hosted, and largely funded, the inaugural European Games. It is not unusual for autocracies to seek to launder their reputations by hosting prestige sports events, as the forthcoming World Cups in Russia and Qatar suggest. The fact that President Aliyev is also head of the country's National Olympic Committee indicates the close involvement of the ruling elite in staging the event. In a year in which the leadership of FIFA was finally exposed as corrupt, the games further suggested a need to shed more light on the accountability and responsibility of powerful international sporting institutions and their connections to corrupt and repressive elites: the European Olympic Committee first approached autocratic Belarus before alighting on Azerbaijan to fund the games.¹³⁵

Yet events that dictators hope will burnish their international reputations have a habit of backfiring, by focusing attention on poor governance and human rights abuses. The Sports for Rights coalition, whose founder Rasul Jafarov was also jailed on spurious charges after a flawed trial in April 2015, used the event as an opportunity to draw attention to the restriction of civil society activists and the media, making the point that the arrest and detention of journalists had been timed ahead of the games to reduce the risk of critical reporting.¹³⁶ If so, the tactic failed: a letter from jail by Khadija Ismayilova was published internationally, and the regime showed its insecurity and weakness by banning journalists from entering Azerbaijan, including sports journalists who had written stories critical of Azerbaijan's hosting of the games, and international civil society groups with media credentials.¹³⁷ The real heroes of the games were not the sporting stars who grudgingly came to Azerbaijan, but the civil society activists who risked everything to expose corruption and demand human rights.

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Khadija Ismayilova's example shows that Azerbaijan's embattled civil society is not giving up, even when it is imprisoned and attempts are made to silence it. As Leila Alieva observes:

Azerbaijani civil society continues its struggle both abroad and within the country. In Azerbaijan, the Civil Society Defence Committee continues its activities, and the Working Group on Political Prisoners, political parties and social and youth movements use all opportunities to be active, both in social media and in limited real space. In particular,

133 'Certain NGOs, reporters don't respect Azerbaijani laws – attorney general', Trend News Agency, 1 October 2015, <http://bit.ly/1SOGlhv>.

134 'Azerbaijan: Journalist Rasim Aliyev murdered as human rights crackdown continues', Index on Censorship, 10 August 2015, <http://bit.ly/1NZsrVG>.

135 'Baku reminds us our top athletes are overgrown infants', The Guardian, 13 June 2015, <http://bit.ly/1cTpls>.

136 'Rasul Jafarov sentenced to six and a half years in prison', Human Rights House Foundation, 16 April 2015, <http://bit.ly/1WuDU6e>; 'Azerbaijani Activists Must Be Freed Before The Baku 2015 Games' – UN Expert', UN Special Rapporteur on the rights to freedom of peaceful assembly and of association', 2 June 2015, <http://bit.ly/1SCPdES>.

'Azerbaijan: Sport for Rights coalition condemns sentencing of journalist Khadija Ismayilova', Worldwide Movement for Human Rights, 1 September 2015, <http://bit.ly/21iS1wj>.

137 'Amnesty, Platform banned from entering Azerbaijan on the eve of European Games', Index on Censorship, 10 June 2015, <http://bit.ly/1pNNxQw>; 'Letter From Azerbaijan Jail: Khadija Ismayilova Speaks Out', The New York Times, 11 June 2015, <http://nyti.ms/1BbO9obl>; 'European-Media bans have nothing to do with us – Games organisers', Reuters, 13 June 2015, <http://reut.rs/1TiLAGE>.

electronic media is carrying the major burden of true reporting. Activists abroad are initiating and participating in advocacy campaigns, in international conferences and congresses.

When asked what more is needed to support Azerbaijani civil society, Leila suggests:

We need a strong and principled position of western governments, regarding the violation of human rights and the country's democracy record, both at the bilateral and multilateral level. We need international civil society solidarity, financial support to activities and activists, and support to keep the case of Azerbaijan in permanent media attention.

The government's launching of missile attacks in April 2016 on the enclave of Nagorno-Karabakh, which it disputes with Armenia, can be seen as an attempt by the state to distract citizens from governance and human rights deficits at home, and from the consequences of plummeting oil prices on the economy and employment, by mobilising patriotism and nationalist sentiment.¹³⁸ Western countries have tended to see Azerbaijan as a strategic bulwark between Russia and Iran, and a valued alternative oil supplier, and so little external reform pressure has been exerted in the past as they tried to pull Azerbaijan closer to Europe.

But 2015 saw signs of a shift: as the games were taking place, in June 2015, 25 governments criticised Azerbaijan's record at the UNHRC, in a highly unusual collective move. Governments, including many European governments and Australia, Canada and the USA, issued a joint statement about civic space restriction in the country, and urged the government to adhere to European Court of Human Rights standards.¹³⁹ As the statement suggests, the government's attempts to promote itself internationally are only serving to focus attention on its shattered reputation at home. Civil society now needs to work with the 25 governments to ensure that they adhere to their commitment to monitor closely and continue to report on the situation for civil society in Azerbaijan.

10. BURUNDI: THE HUMANITARIAN CONSEQUENCES OF A GOVERNANCE CRISIS

Burundi offers a tragic example of how a governance crisis can spiral into a humanitarian crisis. President Pierre Nkurunziza announced his intention to stand for a third term in April 2015, in defiance of constitutional limits, and against the spirit the 2000 Arusha peace agreement that ended decades of civil war. The move prompted a civil society campaign, Halte au Troisieme Mandat (Stop the Third Term), which brought together over 300 CSOs, while the Catholic Church, an important institution in

138 'Fighting erupts in Nagorno-Karabakh, dozens of casualties reported', Reuters, 3 April 2016, <http://reut.rs/1RTwkCg>; 'A frozen conflict explodes', The Economist, 9 April 2016, <http://econ.st/1qxE80P>.

139 'Human Rights Council - 29th session (15 June - 3 July 2015). Joint statement on the situation of human rights in Azerbaijan. Delivered by Ambassador Patricia O'Brien, Permanent Representative of Ireland', Department of Foreign Affairs and Trade Ireland, 24 June 2015, <http://bit.ly/1e3rwYA>; 'Azerbaijan condemned at UN body whilst hosting European Games', CIVICUS, 29 June 2015, <http://bit.ly/1CEXvnT>.

Burundi, also took a clear stance against a third term. Weeks of protest sparked by the move in the capital Bujumbura met with harsh response by the state, with excessive force and the restriction of independent media, internet and phone networks. The government quickly reached for the rhetoric of describing protestors as “terrorists and even enemies of the country.”¹⁴⁰

The decision to stand again was cleared by a constitutional court, but only after its vice president fled Burundi, claiming the court was being intimidated.¹⁴¹ This announcement prompted renewed protests. The security situation worsened after an attempted coup in May 2015: troops were deployed on the streets of Bujumbura, and the leader of an opposition party was killed. The government further cracked down on the media, banned gatherings and continued to characterise protests as insurrection.¹⁴²

The presidential election went ahead regardless in June 2015. Opposition parties boycotted it and the president was duly returned for a third term, and then sworn in ahead of schedule with little of the customary ceremonial fanfare. UN observers described the overall environment, characterised by profound distrust and polarisation, as not conducive for the holding of an inclusive, free and credible election.¹⁴³

Levels of violence only increased following the election, and civil society leaders, prominent military officials and opposition politicians all experienced assassination or attack. Most notable was the attempted assassination of high profile civil society activist Pierre-Claver Mbonimpa in August 2015. His family also paid a heavy price, with his son and son-in-law assassinated.¹⁴⁴ The youth wing of the ruling party - the Imbonerakure - has become increasingly militant and militarised, and has committed and threatened violence against dissenters, apparently acting with impunity and in collusion with government agencies. There were also claims that Hutu extremists from neighbouring Rwanda worked with and helped to train the Imbonerakure and other armed forces.¹⁴⁵ Shortly after the president was sworn in for his third term, we spoke to a Burundian civil society partner, who asked to remain anonymous, given the dangerous political climate, about the conditions for civil society:¹⁴⁶

Right now in Burundi, there is no freedom of expression, information, assembly or association. The right to engage in political activities is severely curtailed. Anyone who dares speak out about what is going on in the country faces threats of death, imprisonment or torture. Many people, including political opponents, civil society activists, journalists and

140 ‘Media statement: CIVICUS urges protection of civic freedoms ahead of presidential elections in Burundi’, CIVICUS, 30 April 2015, <http://bit.ly/1NZGytU>; ‘Burundi calls opposition protestors ‘terrorists’’, BBC, 2 May 2015, <http://bbc.in/1QEN6hm>;

141 ‘Burundi court backs President Nkurunziza on third-term’, BBC, 5 May 2015, <http://bbc.in/1fM1hn>; ‘Burundi court ‘forced’ to validate leader’s third term’, Al Jazeera, 14 May 2015, <http://bit.ly/1bRBzOV>.

142 ‘Opinion: Burundi – Fragile Peace at Risk Ahead of Elections’, Inter Press Service, 24 April 2015, <http://bit.ly/1KCEON1>; ‘Kenya asks Burundi president to postpone election’, Al Jazeera, 18 May 2015, <http://bit.ly/1HmXfhj>; ‘Opposition breaks off Burundi peace talks over killing of opposition leader’, Reuters, 25 May 2015, <http://reut.rs/1YWb8dT>; ‘Burundi: braving bullets: excessive force in policing demonstrations in Burundi’, Amnesty International, 28 July 2015, <http://bit.ly/1rn8hjl>.

143 ‘Obama Says Burundi Elections ‘Not Credible’’, Voice of America, 25 July 2015, <http://bit.ly/1YWbilu>; ‘Burundi: Security Council calls for political talks to resolve crisis peacefully’, UN News Centre, 12 November 2015, <http://bit.ly/1QzRjr8>.

144 ‘NGO alert: Burundi human rights campaigner hospitalised by shooting’, The Guardian, 4 August 2015, <http://bit.ly/1Ulo8dV>; ‘Burundi is burning – help us put out the fire before it’s too late’, The Guardian, 1 October 2015, <http://bit.ly/1iNq3ru>; ‘Alert on Burundi: downward spiral of violence needs urgent attention’, CIVICUS, 4 December 2015, <http://bit.ly/1SUD9Ea>.

145 ‘Who are the Imbonerakure and is Burundi unravelling?’, IRIN, 28 April 2015, <http://bit.ly/1zchm1g>; ‘Les rebelles interahamwe au Burundi?’, DW, 28 April 2015, <http://bit.ly/1Syh5gO>; ‘Is Rwanda stoking ethnic fires in Burundi?’, Daily Maverick, 11 February 2016, <http://bit.ly/1T9DRY2>.

146 This is an edited extract. For the full interview see “‘Burundi is not an isolated island and the people of Burundi have the right to be protected against dictatorship and oppressive regime’”, CIVICUS, 21 August 2015, <http://bit.ly/1WwojYZ>.

ordinary citizens, have fled and continue to flee the country for fear of escalating violence and oppression. Killings and torture against opponents of the third term of Pierre Nkurunziza are rife.

Parliamentary and presidential elections held on 29 June and 20 July have been qualified by the international community and UN as non-credible. Since then, the ruling party in Burundi and the government have refused to engage in political negotiations about the situation, despite several calls from the UN, African Union (AU), European Union (EU), USA and many other bilateral partners.

As the political and diplomatic channels for solving the crisis in Burundi seem to have narrowed, the great fear now is that all sides will turn to violence to end the crisis. The killings of General Adolphe Nshimirimana, the former chief of the secret services of Burundi, on 2 August 2015 and Colonel Jean Békomagú, former chief of staff of the Burundi Army during the civil war of 1993, on 15 August 2015, are key flashpoints that could ignite ethnic tensions. Up to now, the motives and perpetrators of the killings are not known. The Burundi National Independent Commission on Human Rights has deplored targeted assassinations. In its report, released in August 2015, the Commission reported on 14 cases of assassination perpetrated over a three week period.¹⁴⁷

Rumours - because official or recognised independent sources of information no longer exist in Burundi – are high about arming the Imbonerakure militia, backed with the Interahamwe-FDLR (Rwandese Hutu extremists), destabilisation of the Burundi Police and Defence Force, and especially the killings of members of security and defence forces who were the armed forces of Burundi during the civil war. Imbonerakure and members of FDLR are reported to have also infiltrated the Burundi defence and security forces.

The violence and repression drove people to flee Burundi. In October 2015, it was estimated that around a thousand people a week were leaving Burundi, and by December 2015, estimates were that around a quarter of a million people had left since April; many others wanted to leave but faced intimidation not to do so from the Imbonerakure, as the government sought to avoid further damaging publicity¹⁴⁸ Many refugees live in camps in neighbouring countries in poor conditions, and lack food, water and other essentials.¹⁴⁹ In addition, information on the number of internally displaced persons is hard to gather.¹⁵⁰

Our civil society source in Burundi offered this comment on the role of those who have left the country:

To the journalists, civil society and human rights activists who have fled Burundi, I really understand their situation. They were frightened of being killed, tortured and jailed. What they have to know is that their fight has not been

147 'La CNIDH est profondément préoccupée par la recrudescence des cas d'assassinats et d'enlèvements suivis de mort', Commission Nationale Indépendante des Droits de l'Homme, 19 August 2015, <http://bit.ly/21j2N5L>.

148 'Burundi in Crisis', The Huffington Post, 1 October 2015, <http://huff.to/1N6dqGO>; 'Burundi's descent into hell', IRIN, 5 October 2015, <http://bit.ly/1XXT6Yo>; 'Burundi: UN experts urge Security Council to follow resolution with 'concrete' steps to stop rights abuses', UN News Centre, 13 November 2015, <http://bit.ly/1TA8id2>; 'Burundians living in daily fear face stark choice: flee, or risk dying in the attempt', The Guardian, 4 December 2015, <http://bit.ly/1YTKfrk>.

149 'Burundi refugee crisis: stops on the journey of refugees fleeing to Tanzania', Oxfam, 2015, <http://bit.ly/24oQRkF>.

150 'Regional humanitarian outlook', Humanitarian Bulletin, Eastern Africa, UN Office for the Coordination of Humanitarian Affairs, September-October 2015, <http://bit.ly/1XGagZo>.

won and it should not be abandoned. There are more than 10 million Burundians who face many difficulties at social, economic and political levels. All these people need someone to advocate for them. They need voices from everywhere.

It is important that these journalists and activists remember their colleagues, relatives, and friends who remain in Burundi, and who are still facing deportation, assassination and torture. Many civil society activists and journalists in Burundi are also currently living in deep poverty because the Bujumbura regime does not allow them to work. All these problems that Burundians are facing need to be reported about so that the world knows it. Wherever they are, they have to continue their work. I understand their situation, but if they took refuge where freedom exists, they have to use that space to inform others about the situation in Burundi. I am supportive of their work and I would use this opportunity to show compassion. Being a refugee is never an easy life. I hope that Burundi will overcome the hard times it is going through.

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Militias
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incorporated
into the security
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all opposing
voices, and
the judiciary
has been
transformed into
an instrument
of political
repression.”

As the security situation deteriorated further, those who could leave continued to do so. By December 2015 some international partners with offices in Burundi had relocated, and the Belgian government was calling on its citizens to leave. This however created concerns that impunity would flourish as the ability to monitor abuses grew harder, given that many civil society activists, journalists and lawyers had fled.¹⁵¹ In the worst night of violence, on 11 December, around 87 people were killed, many of them apparently executed by security forces; security force claims that they had acted against leaders of attacks on the military were undermined by the fact that several of those killed were children and young people.¹⁵² In December 2015, Zeid Ra'ad Al Hussein, the UN High Commissioner for Human Rights, reported that the country should now be considered as being on the brink of civil war, and by March 2016 the UN was estimating that at least 474 people had been killed, with 5,000 having been detained.¹⁵³ A further anonymous civil society source informed us that:¹⁵⁴

Militias have been incorporated into the security forces to silence all opposing voices, and the judiciary has been transformed into an instrument of political repression. The suppression of civic space, banning of national and international media and statements made by the authorities which have the potential of inciting all-out violence, all point to the fact that Burundi is heading towards an abyss if drastic action is not taken to stop these atrocities.

As our interviewee suggested earlier, Burundi's government has shown itself unmoved by external pressure and international attention, even though this has been considerable. Belgium, a key donor as the former colonial power, and the EU suspended some aid in May 2015, including aid earmarked to support elections, on the basis that these had no prospect of being free and fair, and aid to support the police, on the grounds that police forces were being used to attack protestors.¹⁵⁵ The EU announced a further freeze of all but humanitarian aid in March 2016, and the Organisation Internationale de la Francophonie announced the suspension of some cooperation in April 2016.¹⁵⁶ The EU continued to pressure Burundi to hold human rights talks, while

151 'Burundi civil war fears as president accused of campaign of murder', The Guardian, 5 January 2016, <http://bit.ly/1OwDsRF>.

152 'Burundi: 87 killed in worst violence since April coup attempt', The Guardian, 12 December 2015, <http://bit.ly/21XtdeW>.

153 'Burundi on 'very cusp' of civil conflict, warns UN human rights chief', The Guardian, 17 December 2015, <http://bit.ly/1k4uz5x>; 'Senior UN official warns Burundi's tensions could fuel violence throughout Great Lakes region', UN News Centre, 22 March 2016, <http://bit.ly/1YWc8i7>.

154 This is an edited extract. For the comments in full, see CIVICUS, 4 December 2015, op. cit.

155 'EU states halt some Burundi aid over crackdown on protests', Reuters, 11 May 2015, <http://reut.rs/1XXTOF9>.

156 'Burundi Shrugs Off EU Suspension of Direct Aid Over Crisis', Bloomberg, 15 March 2016, <http://bloom.bg/1pO9vD4>; 'Francophonie suspends cooperation with Burundi, reinstates CAR', Africa News, 8 April 2016, <http://bit.ly/1VEw3Et>.



Photographer: Jordi Bernabeu Farrús

the UN Security Council (UNSC) passed a resolution in November 2015 condemning the killings and human rights violations, and calling for inclusive peace talks; UN human rights experts have called for stronger action to realise the resolution.¹⁵⁷ In December 2015, Zeid Ra'ad Al Hussein appealed for a concerted international effort, rather than piecemeal efforts, including action by neighbouring states, while in a special session held that month following civil society advocacy, the UNHRC backed a call to send a mission of independent human rights experts to Burundi to investigate abuses.¹⁵⁸

However, the familiar failings of the international system have surfaced, raising a suspicion that fine words are not backed by action. The UN's position would have been stronger had it not bowed to pressure from the Burundi government in December 2014 to close its political mission to Burundi and replace it with a much weaker election observation mission, even as civil society groups were pointing to a deterioration in human rights.¹⁵⁹ Further, the scale of funding to address the burgeoning

157 'EU calls on Burundi to hold talks on human rights violations', The Guardian, 22 October 2015, <http://bit.ly/1kzsHCu>; 'Call for a special session of the Human Rights Council to contribute to UN and regional efforts to prevent atrocities in Burundi', Worldwide Movement for Human Rights, 9 November 2015, <http://bit.ly/1h7AVZ>; UN News Centre, 13 November 2015, op. cit.

158 'U.N. Rights Council Presses for Inquiry in Burundi', The New York Times, 17 December 2015, <http://nyti.ms/1NZMwev>.

159 'Could the UN have done more to prevent Burundi's escalating violence?', The Guardian, 21 December 2015, <http://bit.ly/1S4YOXD>.

humanitarian crisis, in Burundi and amongst its refugees, fell far short, indicating a lack of international priority and profile: in November 2015, the humanitarian appeal of the UNHCR, the UN's refugee agency, was only one-third funded, and in March 2016 it was reported that only one-tenth of the funds required had been secured by a further appeal.¹⁶⁰ Attempts to pass a UNSC resolution to send a peacekeeping force have been blocked, and at the time of writing an inadequate response in which the UN sends a small police force that cannot protect the population seems on the cards.¹⁶¹

Burundi's government has virulently resisted the pressure, and condemned external forces for "supporting a radical opposition who has decided to attack democratically elected institutions."¹⁶² Its leadership complained that the US government's introduction of sanctions against key Burundi officials in November 2015 amounted to vilification, and accused the USA of acting colonially in a March 2016 exchange at the UNSC.¹⁶³

Our anonymous civil society source sets out what is needed from the international community:

Despite all the efforts of the international community and Burundian civil society, the political and social situation in Burundi continues to worsen. Nkurunziza continues with his project of ruling Burundi, despite the risks of plunging Burundi into a deep political and economic crisis. The calls and sanctions of the international community seem to have had no effect on Nkurunziza's project.

The international community must play a key role in taking stronger measures to protect civilians and to prevent further escalation of violence. Unfortunately, diplomatic and political solutions have not had a significant impact on the politics in Burundi. Rescuing the Arusha Peace and Reconciliation Agreement and protecting democratic rule is the responsibility of the international community, as Burundi has ratified different conventions, especially the Cotonou Agreement and all other conventions under UN and AU auspices. Burundi is not an isolated island and the people of Burundi have the right to be protected against dictatorship and an oppressive regime.

The first support the international community can offer is to urge the government of Burundi to ensure peace and security for all Burundians and to restore fundamental freedoms, so that all Burundians can fully exercise their rights.

Secondly, the international community should support the efforts of Burundi's civil society to find political solutions to the crisis, especially by urging the UN and the AU to take further measures to push Burundian authorities and the political opposition to come together at the negotiation table with guarantees of the safety of civilians and the victims of oppression and violence.

160 UN Office for the Coordination of Humanitarian Affairs, September-October 2015, op. cit.; 'The world looks away as blood flows in Burundi', The Guardian, 10 April 2016, <http://bit.ly/1SHjgdX>.

161 'Burundi on the Brink: A Year of Violence, and the World Isn't Sure What to Do', Vice News, 28 April 2016, <http://bit.ly/26A8gZW>.

162 Worldwide Movement for Human Rights, 9 November 2015, op. cit.; The Guardian, 17 December 2015, op. cit.; 'Joint EHAHRDP, Protection International and CIVICUS statement on the Special Session of Human Rights Council of Burundi', CIVICUS, 22 December 2015, <http://bit.ly/1XXUmuE>.

163 'Burundi says U.S. sanctions on officials, others 'scandalous'', Reuters, 26 November 2015, <http://reut.rs/1NZNGGM>; 'Rwanda: Govt, Burundi Fire Back After U.S. Rebukes Leaders for 'Power Grabs'', All Africa, 23 March 2016, <http://bit.ly/21GDZTM>.

Thirdly, the international community must respond to the economic crisis faced by the population of Burundi in general, and activists in particular. If civil society activists lack financial support to continue their jobs and fail to get support for their basic needs, the situation may worsen. The deterioration of the economic situation of Burundi due to the crisis, coupled with the economic sanctions imposed by Burundi's main donors, have also affected the work of civil society. The international community's support to overcome this situation will be of great help.

As for the regional response, although ahead of the election the AU and some African leaders called on the president not to stand again, less pressure came from states closer to home.¹⁶⁴ Engagement by African leaders has been inconsistent, perhaps because many of them have been compromised by also seeking third terms. Uganda's President Museveni made some mediation attempts, but these were criticised as half-hearted; he may have been distracted by his own elections, and as a long-term ruler unimpeded by constitutional limits, he lacked credibility. Tensions between Burundi and its neighbour Rwanda endure, and hinder cooperation; in March 2016 Burundi's foreign minister accused Rwanda of interference and trying to "export genocide" in Burundi.¹⁶⁵ The East African Community stopped short of calling for the president not to stand again, only rather weakly asking for the election to be delayed.¹⁶⁶ Notably, many African states did not sponsor the December 2015 UNHRC resolution on Burundi.¹⁶⁷

The AU has engaged, but can be accused of inconsistency. The initial response was strong: the AU refused to send a team to observe the parliamentary and local elections in June 2015, on the basis that they could not be credible, and condemned violations and called for media freedom in November 2015.¹⁶⁸ In December 2015, after some prevarication, the AU committed to send up to 5,000 peacekeepers for at least six months, in recognition that citizens are under threat and the conditions are not safe for dialogue.¹⁶⁹ President Nkurunziza however pushed back against this attempt at continental peacekeeping, stating that it was a violation of borders and that the country would fight back against peacekeepers, while in January 2015, the government announced that it would not take part in peace talks.¹⁷⁰ The AU then took a step backwards at its January 2016 summit, when it re-elected Burundi to its Peace and Security Council – the very body that should be dealing with the Burundi situation. The AU also made no progress on its decision to send a peacekeeping force, making a vague commitment to send a panel to encourage dialogue.¹⁷¹ At the time of writing, the government continues to block moves to start peace talks: in April 2016, it stated that it would not enter talks unless it could determine who is present, and the time and location of the talks.¹⁷²

164 'Why the world can't stand by as Burundi becomes a failed state', Mail and Guardian, 8 December 2015, <http://bit.ly/1NFy68h>.

165 'East Africa: Burundi to Sue Rwanda for 'Destabilizing' the Country', All Africa, 28 March 2016, <http://bit.ly/1r1llcQ>.

166 'Crisis in Burundi: From non-interference to non-indifference, invoking the responsibility to protect', Daily Maverick, 15 December 2015, <http://bit.ly/1NZ0c7H>.

167 CIVICUS, 22 December 2015, op. cit.

168 'The African union reiterates the imperative need for dialogue and consensus for a lasting solution to the crisis in Burundi and announces that it will not observe the elections scheduled for 29 June 2015', African Union Peace and Security, 28 June 2015, <http://bit.ly/1lIGSnx>; 'Communique of the Peace and Security Council of the African Union (AU), at its 557th meeting held on 13 November 2015, adopted the following decision on the situation in Burundi', African Union Peace and Security, 14 November 2015, <http://bit.ly/1SsAWLn>.

169 'Communiqué of the 565th meeting of the PSC on the situation in Burundi', African Union Peace and Security, 17 December 2015, <http://bit.ly/1m2i1gH>; 'Burundi rejects African Union peacekeeping force', Associated Press, 19 December 2015, <http://apne.ws/1SUeCUl>.

170 'Burundians will fight against any AU peacekeepers: president', Reuters, 30 December 2015, <http://reut.rs/1mpk9i8>; 'Burundi government says will not join peace talks', Reuters, 5 January 2016, <http://reut.rs/23cVIDc>.

171 'African Union goes backwards on Burundi', Daily Maverick, 31 January 2016, <http://bit.ly/24oWkrU>.

172 'Burundi: Govt will not join crisis talks unless consulted', African News, 28 April 2016, <http://bit.ly/1VEtFxr>.

While the violence has continued, domestic civil society has suffered further restriction: some civil society leaders have had their freedom of movement restricted, and in November 2015 three CSOs had their bank accounts, and those of their leaders, frozen, while 10 CSOs had their licences cancelled, after being accused of anti-government activities and disturbing the country's security. This meant that the CSOs were unable to continue activities legally while their work was under review. One of the CSOs targeted was that headed by Pierre Claver Mbonimpa, while independent radio station Radio Publique Africaine also had its bank account frozen.¹⁷³ In addition, many independent media organisations and journalists have experienced violent attack.¹⁷⁴

The government also lashed out at the Catholic Church's attempts at peacebuilding, accusing it of playing a political role and of talking to insurgents and "sponsors of terrorism".¹⁷⁵ In March 2016, it even showed its paranoia by detaining a comedian, Alfred Aubin Mugenzi, for performing a sketch about the president. Civil society meanwhile remains concerned about Marie-Claudette Kwizera of the Iteka League, who has been missing since being abducted, apparently by the Burundian National Intelligence Service, in December 2015.¹⁷⁶

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lasting solution
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society.”

Zeid Ra'ad Al Hussein condemned the move to restrict CSOs as being concerned with the silencing of dissent and the closing of democratic space, rather than with security. He asked how constructive dialogue could realistically be expected in such restricted conditions, and expressed concern about how long the suspensions would continue, given that five media organisations similarly targeted in June 2015 remained suspended.¹⁷⁷

The violence continues at the time of writing, as the crisis entered its second year: the UN reported that 31 people were killed in April 2016.¹⁷⁸ A lingering fear is that the violence will take ethnic lines, in a country that experienced a brutal civil war, characterised by conflict between its large Hutu majority and prominent Tutsi minority. The army, a key player in Burundi, was once dominated by Tutsi people, and part of the post-war peace-building process focused on introducing more Hutu officers into the military, but there have been some signs that Hutu officers are rebelling and defecting to organise rival forces, with reprisal killings of officers between the two sides, and the police also moving to take sides. Some tension between army and government adds to the uncertainty.¹⁷⁹ A rise in the use of inflammatory language by the government has been noted, including demonising language that is comparable to other pre-genocide moments.¹⁸⁰

173 'Burundi: Temporary suspension of the activities of 10 human rights NGOs', World Organisation Against Torture, 25 November 2015, <http://bit.ly/1YWe1vj>; CIVICUS, 4 December 2015, op. cit.; 'Joint CIVICUS EHAHRDP Burundi UNHRC Oral Statement', CIVICUS, 18 December 2015, <http://bit.ly/1SyoWe5>.

174 'Burundi's Independent Media Finds Itself in the Crossfire of a Deadly Crisis', Global Voices, 16 February 2016, <http://bit.ly/1rng2pO>.

175 'Burundi official accuses Church of 'sponsoring terrorism' as crisis engulfs the country', Catholic Herald, 7 April 2016, <http://bit.ly/1NFBa4z>.

176 'Burundi Just Arrested a Comedian For Making Fun of the President', Vice News, 1 April 2016, <http://bit.ly/1Tj6KBq>.

177 'Burundi: UN rights chief deplores suspension of human rights groups, warns of 'civil war'', UN News Centre, 25 November 2015, <http://bit.ly/249eSQa>; 'Burundi: Zeid deplores NGO crackdown; renews call for inclusive dialogue', Office of the UN High Commissioner for Human Rights, 25 November 2015, <http://bit.ly/1Ned4u0>.

178 'Burundi death toll jumps to 31 in April: U.N. rights chief', Reuters, 27 April 2015, <http://reut.rs/1QB0rHu>.

179 'A l'intérieur de la crise burundaise (I): Une armée divisée et en perte de repères', Mpire Burundi, 2 October 2015, <http://bit.ly/249fmFS>; 'Cracks widen within Burundi's army', IRIN, 12 October 2015, <http://bit.ly/1K8bLHP>; 'Burundi military officer launches new force to challenge president', Reuters, 23 December 2015, <http://reut.rs/1JwBX05>.

180 'Burundi experiencing 'deep political crisis; with hundreds dead since April'', Security Council told', UN News Centre, 9 November 2015, <http://bit.ly/249fmFS>.

At the same time, there is a risk that to view the conflict through an ethnic lens, and to characterise Burundi as another Rwandan genocide in the making, could further inflame the situation and make a peaceful solution harder. Civil society should continue to resist being pushed into adopting ethnic-based positions. It is important to assert that the origins of the conflict lie in poor governance, low accountability and a lack of respect by ruling elites for democracy, civil society and human rights. There can therefore be no lasting solution to the conflict without respect for human rights, including those of civil society. Burundian civil society is taking responsibility even in times when it is restricted. For example, in December 2015, it convened to develop a clear plan for peace and the rebuilding of democracy.¹⁸¹ Civil society, both within Burundi and that recently exiled, must be recognised and fully included as part of the answer in resolving the Burundi conflict.

The Burundi conflict remains essentially a political one. As a political conflict, the violence cannot be solved by a security clampdown applied by a paranoid regime; it needs a political solution. Peace talks need to be inclusive, bring together all parties and be neutrally convened, and they should reject impunity and move away from hate speech. As Burundian civil society has made clear, embedded practices of corruption, violence and impunity that preceded this crisis need to be recognised and addressed in order for peace to be built.¹⁸² There is also a need to reform state institutions, including defence and the judiciary, which have become politicised and rejected as lacking legitimacy, for political prisoners to be released, and a constructive plan to be developed for the safe return of Burundi's many exiles.¹⁸³ Economic stagnation and youth unemployment also need to be addressed if peace is to be lasting. Civil society and the international system must continue to advocate for such inclusive, wide-ranging peace processes. There can be no solution that does not involve civil society.

11. EGYPT: A STRONG-ARM STATE FEARS INTERNATIONAL EXPOSURE

The Egyptian state continues to betray the hopes of the 2011 revolution by systematically suppressing dissent and controlling the spaces for participation, under the guise of countering extremism and preventing terrorism. Among the tactics employed are the criminalisation of dissenting activity through a politicised judicial system, widespread use of execution and extra-judicial killings, and laws that interfere in the ability of CSOs and activists to operate.

While acting tough at home, the Egyptian regime however seems notably sensitive about international efforts to expose its human rights abuses. For example, the Cairo Institute for Human Rights Studies found its activities and funding sources placed under investigation in 2015, after its director spoke at the Human Rights Committee of the European Parliament. This ironically

[ly/1VXyemi](http://bit.ly/1VXyemi); 'UN ramps up pressure on Burundian government with resolution on violence', The Guardian, 12 November 2015, <http://bit.ly/1WU18jt>.

181 'Burundi Crisis: Diagnosis and Solutions Proposed by the Burundi Civil Society', Document of the Campaign 'Halte Au Troisieme Mandat', December 2015.

182 Ibid.

183 'Op-Ed: Dealing with increasing insecurity in Burundi', Daily Maverick, 15 November 2015, <http://bit.ly/1TAeK3S>; 'What talks in Burundi should look like', IRIN, 17 November 2015, <http://bit.ly/1PzovQh>.

added weight to its report that civil society rights are being heavily restricted.¹⁸⁴ It is hard to escape the conclusion that it was penalised for speaking out in the international arena.

In another example of how the state fears international exposure, Mohamed Lofty of the Egyptian Commission for Human Rights was subjected to a travel ban in June 2015, which stopped him from visiting Germany to undertake advocacy alongside a visit by President Abdel Fattah el-Sisi. President Sisi's visit came just two weeks after a preliminary death sentence was handed to the former president, Mohammed Morsi, who was ousted by Sisi in a military coup, along with over 100 members

184 'Egypt: Government targets Cairo Institute for Human Rights Studies (CIHRS) under NGO Law', Gulf Center for Human Rights, 11 June 2015, <http://bit.ly/1VEC97D>; 'Egypt: Cease administrative harassment of Cairo Institute for Human Rights Studies', East and Horn of Africa Human Rights Defenders Project, 11 June 2015, <http://bit.ly/1r2ei4S>; '29th Session of the Human Rights Council. ID on High Commissioner's Update', CIVICUS, 15 June 2015, <http://bit.ly/1SUGxyU>.



Photographer: Alisdare Hickson

of the once again banned Muslim Brotherhood movement. President Sisi has become a regular traveller as he seeks to build up his legitimacy and rescue his country's economy by positioning himself as a guarantor of regional security and stability.¹⁸⁵ It is therefore unsurprising that those members of Egypt's civil society who have avoided jail sentences and killings are denied a similar platform to tell their side of the story. Mohamed Lofty's experience is not a one-off: in February 2016, Gamal Eid, of the Arabic Network for Human Rights Information, was stopped at the airport and told he was subject to a travel ban, and in January 2016, Omar Hazek, an activist and poet was also stopped, ironically when he was on his way to collect a PEN International prize for the freedom of expression.¹⁸⁶

We spoke to Mohamed Lofty about the bigger picture behind the travel ban:¹⁸⁷

My de facto travel ban points to the fact that only those who support the Al-Sisi government were allowed to travel to Germany during his visit.

But what happened to me is nothing compared to the grave violations so many human rights defenders and civilians face every day in Egypt. Systematic attacks against civil society in Egypt have escalated since the military takeover in July 2013. Although my travel ban is symptomatic of the repressive attitude of Egyptian authorities, there are many other examples. The arbitrary detention of Hassan Mubarak, who is the owner of a printing shop that publishes works of CSOs, and the arrest of several members of April 6 Youth Movement illustrate that anyone expressing dissent is prone to unlawful attacks from the government. In addition, the Egyptian state is continuing to clamp down on the sources of funding for human rights organisations, which jeopardises their ability to respond to the increasing repression against opponents and activists.

In the most internationally notorious example of Egypt's assault on dissent, 2015 saw three Al Jazeera journalists, first arrested in December 2013, found guilty for broadcasting false news and aiding a terrorist organisation, as the Muslim Brotherhood is now designated. The trial process was condemned for being politically motivated and deeply flawed, indicative of a judiciary that has been captured by the political elite.¹⁸⁸ A high profile campaign throughout the detention and trial mobilised public support and, following the sentencing, called for the release of the two jailed journalists, the other having been trialled in absentia following deportation to his native Australia. The two were eventually pardoned and freed, as part of a pardon and release of around 100 people, ostensibly to mark a religious holiday in September 2015, but perhaps not coincidentally just before President Sisi was due to fly to New York to attend the UN General Assembly.¹⁸⁹

185 'Sisi's German Visit Highlights His Growing International Legitimacy', The Wall Street Journal, 3 June 2015, <http://on.wsj.com/1VECib9>; 'Sisi comes to London: why is David Cameron welcoming Egypt's autocrat to the UK?', The Guardian, 31 October 2015, <http://bit.ly/1KSs4Jf>.

186 'Egypt: Travel bans systematically used to silence Human Rights defenders' voices', World Organisation Against Torture, 12 February 2016, <http://bit.ly/1rnvX7q>.

187 This is an edited extract. For the full interview see 'CIVICUS interview with Mohamed Lofty (ECRF)', CIVICUS, 24 June 2015, <http://bit.ly/1T9UaEg>.

188 'Al-Jazeera ruling 'disturbing sign for the future of the Egyptian press': Rights groups', Daily News Egypt, 24 June 2014, <http://bit.ly/1SUGS4E>; 'Al Jazeera staff sentenced to jail in Egypt', Al Jazeera, 29 August 2015, <http://bit.ly/1PEpwmv>; 'World reacts to Al Jazeera journalists' jail sentences', Al Jazeera, 29 August 2015, <http://bit.ly/1hL4msf>.

189 'Al Jazeera journalists freed from Egypt prison', Al Jazeera, 23 September 2015, <http://bit.ly/1NTx5IH>; 'Egypt's President Sisi Pardons 100 Prisoners, Including Al Jazeera Journalists and Activists', Egyptian Streets, 23 September 2015, <http://bit.ly/23drP5E>.

Freed journalist Mohamed Fahmy credited the #FreeAJStaff and #JournalismIsNotACrime international campaign for keeping up the pressure for his release, but also pointed to the need to maintain campaign energy and focus on the many other activists and journalists who remain in jail.¹⁹⁰ For example, the past three Egyptian presidents have agreed on little, but something they have in common is that they have all detained Alaa Abd El-Fattah, a blogger who was a prominent figure in the 2011 uprising. At the time of writing, he has entered the second year of a five year jail sentence for violating a law that bans unauthorised demonstrations.¹⁹¹

So politicised is the law in Egypt now that even to be a witness risks becoming a defendant. Azza Soliman, founder of the Centre for Egyptian Women Legal Aid, voluntarily went to the police in January 2015 to give a witness statement on police violence against a protest, which resulted in the death of an activist, Shaimaa El Sabbagh. Even though she was not part of the protest, she was charged with breaching security and public order and taking part in an unauthorised protest. She spent much of 2015 mired in Egypt's politicised judicial process before finally being acquitted in late October. The message this sends out is that witnesses of police brutality should keep quiet.¹⁹²

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Egypt can be characterised as a prison state, in which the government deals with dissent by locking up those with opposing views.”

Indeed, Egypt can be characterised as a prison state, in which the government deals with dissent by locking up those with opposing views. Since October 2014, civilians can be trialled in military courts, which makes convictions more likely. In January 2015, Human Rights Watch reported that over 41,000 people had been jailed under Sisi, while the Arab Organization for Human Rights UK placed politically-motivated arrests at a staggering 17,840 people in 2015 alone.¹⁹³ Prisons are now dangerously overcrowded, at 160 per cent to 200 per cent of capacity, which means that, while the economy is stagnating, one growth area is prison construction: five new jails opened in the second half of 2015 alone, and two more were under construction.¹⁹⁴

Egyptian jails are dangerous places for convicted activists; CSO Alkarama has documented that the number of deaths in detention has trebled since Sisi took power, as a result of torture, denial of medical care and other maltreatment. These deaths should not be seen as accidental: changes to the prison laws, introduced in October 2015, give prison staff the right to use force against prisoners as they see fit. Other measures introduced included increasing solitary confinement periods and raising the penalties for bringing prisoners forbidden items, which can include medication.¹⁹⁵

What this means is that, while Egypt's government positions itself internationally as cracking down on terror, for any Egyptian that takes an opposing view, it is rather a source of terror. Many who try to express dissent receive worse than a jail term: Egypt

190 'In-depth interview with Mohamed Fahmy: 'I am free. Now let's free the others', African Arguments, 13 October 2015, <http://bit.ly/1UIKMCZ>.

191 'Egyptian Blogger Alaa Abd El Fattah Sentenced to Five Years in Jail', Global Voices advox, 23 February 2015, <http://bit.ly/1WXoOqs>; 'Offline: Alaa Abd El Fattah', Electronic Frontier Foundation, 2016, <http://bit.ly/1WXoVCv>.

192 'Continuous Targeting of Human Rights Defenders in Egypt; Witnesses Become Defendants', Cairo Institute for Human Rights Studies, 28 March 2015, <http://bit.ly/1SyRxxV>; 'Egypt: Continued judicial harassment of Ms. Azza Soliman', Worldwide Movement for Human Rights, 24 June 2015, <http://bit.ly/1WXptrP>; 'Egypt: Acquittal of Ms. Azza Soliman, human rights lawyer and founder of Centre for Egyptian Women Legal Aid (CEWLA)', Worldwide Movement for Human Rights, 29 October 2015, <http://bit.ly/1WvieHa>.

193 'Egypt: Human Rights in Sharp Decline', Human Rights Watch, 29 January 2015, <http://bit.ly/1PcwnlW>; 'Human Rights Violations in Egypt in 2015', Arab Organization for Human Rights in UK, 7 January 2016 <http://bit.ly/1Tqiqpk>.

194 'Egyptian prisons on the rise', Egypt Independent, 2 June 2015, <http://bit.ly/1SySVCJ>.

195 'Egypt: New Prison Law Creates Breeding Ground for Abuses and Restricts Prisoners' Rights', Alkarma, 27 October 2015, <http://bit.ly/21jpOW5>; 'Egypt rights lawyers say new prison law legalises abuses', The New Arab, 27 October 2015, <http://bit.ly/249Apbk>; 'Egypt : Death Behind Bars - Torture and Denial of Medical Care in Detention in Egypt 2015', Alkarma, 4 November 2015, <http://bit.ly/1O0jE5N>.

has become notorious for flawed trials in which hundreds of government opponents are simultaneously sentenced to death. In 2015, 395 Egyptians were sentenced to death.¹⁹⁶

And then there are the killings without sentences. The military killed at least 2,500 people in its first eight months of power, and the Arab Organization for Human Rights UK recorded that 267 people were extra-judicially killed in Egypt in 2015.¹⁹⁷ This latter figure is even worse than it first appears, because it does not include the Sinai peninsula, where monitoring is harder. In Sinai, with the stated aim of combating Islamist terrorism, the army is alleged to have killed 1,600 people in 2015.¹⁹⁸

Alongside killings and jailings, laws have tightened to prevent meetings and movement, again under the guise of combating terrorism. An anti-terrorism law approved in August 2015 introduces heavy fines for “false reporting” by the media on terrorist attacks or military operations,¹⁹⁹ and at time of writing, a new draft law was under discussion to further tighten state control over CSOs. The new law would give the state the power to suspend CSO activities if they are seen to threaten national unity, public order or morality, which are vaguely defined to allow the government broad scope to act. The law would also make it harder to register a new CSO, and give the state the power to block foreign funding to a CSO.²⁰⁰ Gamal Eid has called attention to the apparent role of national security forces in the development of the law.²⁰¹

These legal changes are of particular concern, because they come in a context where there is a climate of political discourse that positions human rights and national security as being opposed. In March 2016, CSOs spoke out that they feel they are being treated as enemies of the state;²⁰² as Amal Elmohandes, of Nazra for Feminist Studies, told us:²⁰³

The Egyptian government has for a while now been targeting human rights defenders not only through the protest law that restricts mobilisation, meetings and conferences but also through a discourse used by the media and the government on how human rights issues tamper with national security.

Amal Elmohandes should know; Nazra for Feminist Studies has faced persistent harassment, including a smear campaign, and in 2016 it has found itself exposed to renewed judicial persecution, along with the Cairo Institute for Human Rights Studies: staff from the two CSOs were summoned to court in March 2016 for alleged breaches of foreign funding regulations. Representatives of the Arab Network for Human Rights Information and the Egyptian Initiative for Personal Rights were subsequently summoned, and at the time of writing, foreign funding cases, which had been dormant since 2013, had been reopened against six of Egypt’s most prominent CSOs. Heavy restrictions, including detention, asset freezes and travel bans are

196 Arab Organization for Human Rights in UK, 7 January 2016, op. cit.

197 ‘Egypt’s Unprecedented Instability by the Numbers’, Carnegie Endowment for International Peace, 24 March 2014, <http://ceip.org/1dsjJCs>; Arab Organization for Human Rights in UK, 7 January 2016, op. cit.

198 ‘Egypt: Thousands Evicted in Sinai Demolitions’, Human Rights Watch, 22 September 2015, <http://bit.ly/1WXFK0a>; Arab Organization for Human Rights in UK, 7 January 2016, op. cit.

199 ‘Egyptian president ratifies law curtailing journalists’, France 24, 17 August 2015, <http://f24.my/1SDhYkI>.

200 ‘NGO bill sparks controversy in Egypt’, Al Monitor, 3 January 2016, <http://bit.ly/1ZKkUBg>.

201 ‘New NGO draft law worse than previous laws due to National Security interference: Gamal Eid’, 3 April 2016, <http://bit.ly/1r2MmO4>.

202 ‘Egypt: NGOs ‘being treated like an enemy of the state’, say 14 leading NGOs’, Amnesty International, 23 March 2016, <http://bit.ly/23dYY1d>.

203 ‘Media statement: international community must not fail Egyptian activists and civil society’, CIVICUS, 21 October 2015, <http://bit.ly/1jCYGS4>.

all options available to the state while pursuing investigations, and a gagging order has been issued against media coverage.²⁰⁴ There has also been recent political rhetoric about banning all foreign funding to civil society.²⁰⁵ Further, in February 2016, the government issued a closure order against the Nadeem Centre for the rehabilitation of victims of violence and torture, for unspecified ‘violations’ of regulations, an order that it attempted to enforce in April 2016.²⁰⁶

Given how difficult it has become to participate, debate and express dissent in Egypt, how could any election be considered free and fair? And yet Egypt held its parliamentary elections, over two phases, in October and November 2015, as part of its so-called ‘Roadmap to Democracy’. As in other cases discussed in this report, when there are few opportunities to express dissent, and a lack of alternatives on offer, one way left to show dissent is to refuse to vote; this seems to have been the case for the 2015 elections: official turnout estimates for the October 2015 phase started out at 16 per cent before being upwardly revised to a still low 26.6 per cent. After the first two days of voting, turnout stood at only 2.27 per cent, and the state resorted to threatening to fine non-voters. Even if non-voters are merely apathetic, the verdict is still damning: not voting may be an acknowledgement that parliament no longer has power. In a further acknowledgement that these were elections without purpose, most international bodies chose not to send election observers.²⁰⁷

While there is some support in Egypt for strong rule, including military rule, upon which President Sisi capitalises, this is not the only current of thought; it is, however, increasingly the only one that is not suppressed. Neither support for dictatorial rule nor the suppression of opposition to it are compatible with any notion that Egypt is truly moving towards democracy. It should be clear that Egypt can make no progress towards democracy without the full participation of civil society, which can only happen if civil society rights are realised.

Egypt’s failed revolution has come about because each successive wave that has captured the presidency has seen Egypt as a resource to be controlled in a winner-takes-all exercise. None has been interested in developing pluralism, something that demands a capacity to tolerate dissent. But Egypt is storing up problems. If participation in elections continues to decline, then these will no longer have the effect of conferring false legitimacy. If the economic problems that helped fuel public anger in 2011, including rising inequality, lack of economic opportunity and youth unemployment, continue, then public outrage can be expected to flare again.

While the dismal experience of Egypt can seem a throwback to the cold war era, when strategic states could position themselves as bastions of stability to mitigate international pressure to conform to human rights norms, the cultivation of international relations should be recognised as a double-edged sword. Through his frenetic programme of jet-assisted

204 ‘Egypt: Ongoing harassment and restrictions to freedom of association against several human rights organisations’, World Organisation Against Torture, 16 March 2016, <http://bit.ly/1OODzI2>; ‘Egypt imposes gag order in NGOs foreign funds case’, Ahram Online, 22 March 2016, <http://bit.ly/1XYcXH6>; ‘Human Rights on Trial in Egypt as NGO Funding Case Revived’, Fortune, 27 March 2016, <http://for.tn/1SPmBun>; ‘Egypt: 43 NGOs condemn the escalating measures taken by the Egyptian government against Nazra for Feminist Studies and her leader Mozn Hassan’, World Organisation Against Torture, 28 March 2016, <http://bit.ly/1SzaC51>.

205 ‘Foreign funded NGOs face new attacks from Egypt MPs’, Ahram Online, 4 April 2016, <http://bit.ly/1pPeRxW>.

206 ‘Egyptian anti-torture group vows to defy government move to shut it down’, The Guardian, 22 February 2016, <http://bit.ly/1XH1ewI>; ‘Egyptian anti-torture NGO remains open despite another closure attempt’, Al Bawaba, 6 April 2016. <http://bit.ly/1SUJL5D>.

207 ‘Why almost nobody participated in the Egyptian parliamentary elections’, Open Democracy, 23 October 2015, <http://bit.ly/1VEJc6S>; ‘Low turnout as Egyptians continue election run-off’, Al Jazeera, 28 October 2015, <http://bit.ly/1QFrZM2>; ‘Egyptian Election 2015: Low Turnout And Voter Indifference Makes Victory For President El-Sisi Inevitable’, International Business Times, 29 October 2015, <http://bit.ly/1NGm4M3>.

diplomacy, President Sisi has shown that external perceptions matter to the state. The restrictions on civil society have been condemned by UN human rights special rapporteurs, but Egypt's allies in the west, which rely on Egypt for its military cooperation against regional terrorism, have largely been silent. For example, the UK does not list Egypt on its list of human rights priority countries, while in March 2015, the USA revoked a suspension on the provision of military aid to Egypt.²⁰⁸

This suggests that civil society, in the countries important to Egypt, has a role to play. The government's concern about its international reputation can be used against it: greater advocacy is needed by civil society in states that are Egypt's allies, to challenge governments to change policies towards Egypt. In addition, increased pressure should be exerted to make human rights conditions stronger in international agreements made with Egypt's government, and greater support should be given to those, in Egypt and abroad, who shed light on the state's dubious claims to legitimacy

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judiciary, no
media freedom
and no freedom
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12. ERITREA: ESCAPING A MILITARISED STATE

Eritrea has been characterised as Africa's North Korea, a militarised state on a permanent war footing. Shortly after Eritrea achieved independence from Ethiopia in 1991, the Eritrean People's Liberation Front, subsequently rebranded as the People's Front for Democracy and Justice, established a one-party state, and has ruled ever since. Its constitution, agreed in 1997, has never been implemented, elections have never been held, its president, Isaias Afewerki, has now been in power for 25 years, and its national assembly has not met since 2002. Today, Eritrea should be understood as a state with no independent judiciary, no media freedom and no freedom of movement. Civil society rights are non-existent. To express dissent is to risk detention, torture and execution, and restriction is underpinned by intensive surveillance of Eritrean citizens, at home and abroad.²⁰⁹

All adults under 50 face indefinite military conscription in Eritrea's national service. An 18-month limit on national service is widely flouted, and national service often entails forced labour on infrastructure projects, such as building roads.²¹⁰ For those in national service, little dissent is tolerated, the practise of religion is banned and arbitrary detention and physical and sexual abuse are common. If soldiers desert, family members are detained and fined. A UN inquiry in 2015 described the conditions as being “slavery-like,” concluding that human rights violations are systematic and routine, to the extent that it can only be assumed these are deliberate government policy.²¹¹

The government remains resistant to international pressure; it expelled most aid agencies in 2011, and did not engage with the UN investigation. This meant that the inquiry, which has continued into 2016, has not been able to visit Eritrea, something that the government has tried to use to rebut its findings. When pressed to offer a justification, the government claims that

208 ‘Obama administration ends long hold on military aid to Egypt’, The Washington Post, 31 March 2015, <http://wapo.st/1SDjzHh>; ‘Human rights work has been downgraded by Foreign Office, says MPs’, The Guardian, 5 April 2016, <http://bit.ly/236wZWg>; ‘U.N. experts decry Egypt's crackdown on NGOs and human rights’, Reuters, 11 April 2016, <http://reut.rs/1TajsCo>; ‘Twin Threats. How the Politics of Fear and the Crushing of Civil Society Imperil Global Rights’, Human Rights Watch, 2016, op. cit.

209 ‘There must be no compromise with Eritrea's tyrannical Afewerki regime’, The Guardian, 28 October 2015, <http://bit.ly/1MpUYSS>; ‘Statement on Eritrea at UN Human Rights Council’, CIVICUS, 14 March 2016, <http://bit.ly/1SUKPWZ>.

210 ‘Miserable and useless’, The Economist, 10 March 2014, <http://econ.st/1h92WkB>.

211 ‘Eritrea Is The Last Place In The World You Would Want To Serve In The Military’, Task and Purpose, 30 June 2015, <http://bit.ly/249YBua>; ‘Commission of Inquiry on Human Rights in Eritrea’, UN Office of the High Commissioner for Human Rights, 2016, <http://bit.ly/1KLz2Qy>.

restrictions are necessitated by its ongoing border dispute with Ethiopia. The reality, however, may well be the desire of the ruling elite to keep a close grip on Eritrea's economic wealth. Political elites are closely connected to mining projects, and the UN inquiry found evidence that forced labour had been used in the construction of the Bisha Mine, a copper mine that is jointly owned by the Eritrean state and a Canadian company, Nevsun Resources. At the time of writing, three Eritreans are bringing a lawsuit against Nevsun Resources in Canada, alleging that they have experienced "cruel, inhuman and degrading treatment" while being forced to work at the mine.²¹²

Given such persistent denial of their human rights, it is not surprising that Eritrea's citizens are prepared to risk great danger and uncertainty, including the threat of being shot on sight, to escape the country in large numbers. An estimated 5,000 people flee Eritrea each month, and between six and 10 per cent of Eritrea's citizens are now registered as refugees by UNHCR. In 2014, almost as many people fled Eritrea as Syria, even though Eritrea's population is smaller and Eritrea is not in a state of civil war.²¹³ If people are risking death to flee a country that is not at war, then it tells us that something is very wrong.

Often finding themselves in hostile conditions, Eritrean refugees have formed their own support networks. For example, a weekly radio show, Voices of Eritrean Refugees, is broadcast by internet and satellite and compiled by a Swedish-based



Photographer: Alisdare Hickson

Eritrean to offer advice and support to refugees.²¹⁴ But rather than find ways to support such valuable civil society-led initiatives in response to the flow of refugees, donor governments of the global north now seem to be moving to support Eritrea's repressive government. Eritrea has long been treated as a pariah state and subjected to sanctions, but in July 2015, the EU announced that it was planning to give new aid to Eritrea.²¹⁵ This falls into a larger pattern discussed in our section on exclusion, in which European governments, feeling overwhelmed and politically exposed by a surge of refugees, are seeking a short-term political fix, and treating symptoms rather than causes. By giving the Eritrean state more resources, the EU will help it to consolidate its grip on citizens and keep them within its borders, but it will not address the human rights deficits that drive people to flee. In doing so, European states are making a category error, in seeing Eritrean refugees as economic migrants rather than political refugees.

Human Rights Concern Eritrea drew attention to these issues in April 2015, suggesting that European aid to Eritrea would conflict with the EU's often stated commitments to democracy and human rights.²¹⁶ They also noted that the giving of development funding to militarised states in conditions of zero accountability is unlikely to lead to development that benefits people and opens up space for human rights; instead the fear must be that funding will benefit the political elite and be spent on projects close to the president.

In short, a politically stable Eritrea may seem good news for European governments facing political heat about refugees, but if stability means the further consolidation of an autocratic regime, it can only be more bad news for Eritrea's citizens. The Newsun mining case however offers one indication of how an international response can be mounted, not only in the case of Eritrea, but also for other resource rich, democracy poor countries, by using the courts in the headquarter countries of transnational corporations that benefit from cheap access to minerals by denying human rights. Even if cases fail to result in legal sanctions, they help expose bad corporate practice and bring damaging publicity to corporations. In addition, if global north governments are suppressing qualms on security and stability grounds, this also suggests, as with Egypt, a role for civil society in global north countries to expose deals and pressure their governments to insist that demonstrable human rights progress comes in return for their support. It must be made clear that with the acceptance of aid from the EU should come greater openness and accountability as a response.

13. MAURITANIA: CIVIL SOCIETY STYMIED IN CHALLENGING SLAVERY

Mauritania is a country on which the gaze of the outside world rarely falls. It is a nation in which slavery remains a fiercely contested issue: Mauritania has the highest prevalence of slavery in the world, with an estimated four per of the country's

214 'Eritrean refugee radio hotline gears up for looming winter', The Guardian, 29 October 2015, <http://bit.ly/1rFxyU>.

215 'EU wants new aid for Eritrea soon to help stem migrant crisis', Reuters, 17 September 2015, <http://reut.rs/1O0NjvL>;

'EU Appears Poised to Resume Development Aid to Eritrea', Voice of America, 15 October 2015, <http://bit.ly/1jFZ3L5>; The Guardian, 28 October 2015, op. cit.

216 'HRCE Sends a Letter to EU Stating Concern over Development Aid to the Eritrean Government', Human Rights Concern Eritrea, 15 April 2015, <http://bit.ly/1SDnF25>.

population living in slavery, although Mauritanian campaigners suggest the figure might stand as high as 15 per cent.²¹⁷ Only in August 2015 was a law passed to make slavery a crime against humanity in Mauritania, punishable by a prison term of 20 years, and only in 2007 was slavery first outlawed.²¹⁸

But while the eventual passing of this law should be a cause for celebration, slavery remains a particularly sensitive issue for Mauritania's rulers; it is still strongly embedded in the country's social and power structures, and connections between slave owners and political and judicial elites remain deeply entrenched. Existing laws have not been enforced, and a special tribunal to prosecute crimes of slavery, established in 2014, appears to exist only on paper.²¹⁹ Only one case of slavery has successfully been brought to prosecution since 2007, and it appears that the slave owner was released pending an appeal that never took place.²²⁰ Activists believe that judges sympathise more with slave owners than with slaves and, even when slavery cases are taken to court, official language shies away from using the terminology of slavery.²²¹ Victims are often reluctant to come forward, having been born and raised in a subservient culture. In some ways, the laws have created a new obstacle, in that they have enabled an official culture of denial, which maintains that, now slavery has been made illegal, it can be claimed no longer to exist.

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Mamadou Moctar Sarr, executive secretary of the National Forum for Human Rights Organisations (Forum nationale pour l'organisation des droits humains, FONADH) draws attention to the lack of practical action to eliminate slavery in Mauritania:²²²

In 2007, a law criminalising slavery practices was adopted by the National Assembly. A roadmap comprising 29 points was also adopted to eradicate slavery. However, all these instruments failed in regulating this situation as they were not implemented by the authorities. Indeed, several cases of slavery were brought to the attention of the public by anti-slavery organisations, but Mauritanian magistrates, all originating from slave-owning societal groups and feudal settings, never wanted to apply the law.

The non-implementation of the law criminalising and sanctioning slavery and the lack of implementation of programmes aiming at eradicating slavery creates a serious problem. There is also a lack of a global and integrated strategy to fight slavery in Mauritania once and for all.

Although Mauritania has ratified most international conventions on human rights and freedoms, it does not often adhere to them. Some Mauritanian judges claim they are not aware of these laws and sometimes they pretend these laws have not been published. But the Office of the United Nations High Commissioner for Human Rights

217 The Global Slavery Index: Mauritania, <http://bit.ly/1SUMsEg>; 'Meet the woman freeing Mauritania's slaves', Al Jazeera, 9 December 2015, <http://bit.ly/1SPMxEI>.

218 'Mauritania anti-slavery law welcomed by campaigners', BBC, 14 August 2015, <http://bbc.in/1pPAX3p>.

219 Global Slavery Index, op. cit.

220 'Mauritania anti-slavery law threatened by NGO crackdown plan – activists', Thomson Reuters Foundation, 18 August 2015, <http://tmsnrt.rs/1SzpPmF>.

221 BBC, 14 August 2015, op. cit.

222 This is an edited extract. For the full interview see 'Fighting slavery still an uphill battle for human rights activists in Mauritania', CIVICUS, 22 October 2015, <http://bit.ly/1PPnwdA>.

in Nouakchott, the capital, has funded the publication of an Official Journal that contains the main international conventions, putting to an end the argument used by judges to justify why they don't apply international conventions that have been duly ratified by Mauritania.

In this environment, CSOs and activists that try to act on the continuing challenge of slavery risk finding themselves regarded as trouble-makers, because they raise issues that the powerful want to brush under the carpet. For example, in January 2015, three activists were jailed for two years after organising an anti-slavery march. The bitter irony of this is that, while anti-slavery campaigners are jailed, Mauritania's prisons currently hold not a single slave owner.²²³

As Mamadou Moctar Sarr makes clear, this indicates a bigger failing in the environment for civil society in Mauritania:

Human rights activists working on this issue are continuously threatened or jailed by the powers in place.

In Mauritania, human rights activists face several other challenges. Their organisations are not fully recognised by the authorities. There is an absence of internal legislation protecting human rights activists, to such an extent that activists are often exposed to multiple risks in their attempt to defend human rights violations and victims. Reporting a human rights infringement is dangerous, as those who try to do so are threatened. For example, a humanitarian CSO leader, Aminetou Mint El Moctar, has received death threats for the work he does.

There are also threats, pressure, intimidation and blackmail by public authorities against human rights activists fighting for the rights of minorities and the protection of their languages and culture.

Given such challenges, it seems less an unintended irony than an act of conscious calculation that, in the same month the government legislated to make slavery a crime against humanity, it also introduced a new draft law to limit civil society freedom. The law would give the state the power to authorise CSOs, and seems to have the aim of limiting CSO activity to the delivery of services. It also contains vague provisions. In response, UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, called for the draft law to be rejected, pointing out that it was introduced without any consultation.²²⁴

The only inference that can be drawn is that the work of civil society, including to monitor and exercise accountability over the anti-slavery law, support the rehabilitation of victims - an area where civil society leads - and seek prosecutions for slavery, is going to be made harder.²²⁵ It seems that the government is prepared to have stronger laws against slavery, but is uncomfortable with the scrutiny needed to ensure that the law is fully realised.

223 Thomson Reuters Foundation, 18 August 2015, op. cit.

224 'Mauritania: UN Rights Expert Urges Parliament To Repeal NGO Bill That Threatens Civil Society', UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, 10 August 2015, <http://bit.ly/24a9EDT>.

225 'NGO Alert: anti-slavery NGOs in Mauritania threatened by draft law', The Guardian, 18 August 2015, <http://bit.ly/1hM3VxB>; Thomson Reuters Foundation, 18 August 2015, op. cit.

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defined 'political
activities' to be
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'foreign agent'.
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If the challenge that remains is to realise the slavery law in practice, it is hard to see how this can happen without civil society being able to play its roles of exercising accountability and scrutiny, and advocating for the government to act. Denial and restriction cannot end slavery in Mauritania. As Mamadou Moctar Sarr puts it:

Slavery in Mauritania is a reality that no one can deny, except of course those affiliated to the present regime. If slavery wasn't a reality, why adopt laws on slavery and its legacy or establish a national agency dedicated to this issue? This proves that the fight against this problem is an uphill struggle.

Addressing the culture and practice of denial will be an important first step in ending slavery in Mauritania in reality. Civil society can help to do this. Support for human rights defenders in Mauritania, and a more concerted effort to bring the voices of Mauritanian civil society into the international spotlight, will help to challenge the international obscurity that helps enable lack of progress.

14. RUSSIA: A CAT AND MOUSE GAME

The past year has seen the working out of implications of regressive legislation passed in recent years in Russia. In July 2012, a law was passed that requires all CSOs that receive foreign funding and engage in ill-defined 'political activities' to be registered as a 'foreign agent', with punishment options including heavy fines, organisational bans and even jail sentences. The law clearly has the aim of stigmatising CSOs that receive foreign support. Then in June 2013, amendments to a law to protect minors banned the promotion of 'non-traditional sexual relationships' - the so-called gay propaganda law - and made provisions for heavy fines for CSOs and the suspension of their activities. Finally, in May 2015, the Russian government toughened its stance further, passing a law on 'undesirable foreign organisations', which allows the government to ban the activities of any foreign CSOs that are deemed to undermine Russia's 'national security' or 'constitutional order'; these are, again, very broad categories. The new law also allows the government to impose sanctions on Russian citizens who associate with such CSOs, extending to jail terms of up to six years.²²⁶

Collectively, the aim of these laws seems clear: to isolate CSOs, cost them public trust, starve them of support, force them to put resources into attempting to stave off restriction, and make activists work in a climate of fear and self-censorship.²²⁷ This mesh of repressive laws also threatens to put the state in a win-win position: CSOs can accept the label of foreign agents, and the corresponding loss of public trust, or rein in their activities and self-censor to avoid being accused of taking part in 'political activity', or they can shut down.

The impacts of these laws, on domestic and international CSOs, have been seen in the period covered by this report, in a wave of closures and withdrawals. The first foreign CSO blacklisted as 'undesirable', in July 2015, was the US-funded National Endowment for Democracy, and that same month the MacArthur Foundation, another US CSO, pulled out of Russia after being

²²⁶ 'Russia President signs restrictive law against "undesirable" NGOs', The Jurist, 24 May 2015, <http://bit.ly/1SVjRyB>; 'Russia's Putin signs law against 'undesirable' NGOs', BBC, 24 May 2015, <http://bbc.in/1TkTLiR>.

²²⁷ 'UN HRC: Civic Space Restrictions in Central Asia, Russia and Eastern Europe must be addressed', Article 19, 22 June 2015, <http://bit.ly/1SAz6uF>.

put on a list of 12 CSOs to be investigated for blacklisting. In November 2015, Open Society Foundations and the related Open Society Institute Assistance Foundation were blacklisted.²²⁸

In June 2015, Article 19, noting that human rights and democracy CSOs were being targeted, reported that 12 CSOs had been forced to close, while Human Rights Watch reported in March 2016 that at least 14 groups had closed down rather than accept the label of ‘foreign agent’.²²⁹ A further report in October 2015 had it that the number of CSOs operating in Russia had reduced by a third since the foreign agents law was introduced.²³⁰ While the figures are contested, the trend they indicate is clear: the number of CSOs active in Russia is reducing. Some domestic CSOs have closed, and many international CSOs have also now pulled out of Russia.²³¹ In an example of the power of the law, in February 2016, the supreme court of one of the Russian Federation’s states, Tatarstan, ordered that the human rights CSO Agora should be closed down, for breaching the foreign agents law; the CSO helped in the legal defence of the feminist rock group Pussy Riot, among others.²³²

The law was amended in June 2014 to allow the state to register CSOs as foreign agents without their consent, a reflection of the lack of civil society support for the law: by November 2015, of the 102 CSOs listed as registered as foreign agents, only four had done so voluntarily, and the list contained several prominent CSOs that had fought hard against their designation. Most court rulings have gone against CSOs fighting registration.²³³

Meanwhile, the breadth of what may be defined under the law as political activity can be seen in the listing as a foreign agent of the Dauria CSO, in January 2016, for running a non-partisan hotline to enable voters to report violations during elections.²³⁴ The worst may yet be to come. New amendments suggested to the law in January 2016 would classify as political activity “...the evaluation of decisions accepted by government organs” and activities such as citizen mobilisation and the holding of opinion polls. In other words, any act that involves people questioning any state activity could now be deemed as political. Amendments also propose giving the state the power to shut down CSOs even when they are not receiving any foreign funding, making clear once and for all that the intention of the barrage of recent laws is not to prevent foreign influence, but rather to hamper legitimate domestic dissent. The government would be effectively giving itself the power to shut down any CSO with which it disagrees, making any CSO a potential target.²³⁵ The government has also more clearly signalled its intention to divide and rule civil society, and to split CSOs that cooperate with the state from those that it opposes: in March 2016, at the same time that further restrictions on laws were being discussed, President Vladimir Putin spoke of the prospect of offering special benefits to CSOs that are “irreproachable partners of the state.”²³⁶

228 ‘Russia warns US as NGO blacklisted as ‘undesirable’’, BBC, 30 July 2015, <http://bbc.in/1Jy2fCC>; ‘American NGO to withdraw from Russia after being put on ‘patriotic stop list’’, The Guardian, 22 July 2015, <http://bit.ly/1RUbjY6>; ‘Russia Cracks Down on Open Society’, Open Society Foundations, 30 November 2015, <http://osf.to/1Orov3A>.

229 Article 19, 22 June 2015, op. cit.; ‘Russia: Government against Rights Groups’, Human Rights Watch, 16 April 2016, <http://bit.ly/1JEFiu7>.

230 ‘‘Foreign agent’ law has put 33 percent of Russia’s NGOs out of business’, Bellona, 20 October 2015, <http://bit.ly/1WXThGc>.

231 ‘Putin Outs the NGOs’, Foreign Affairs, 6 October 2015, <http://fam.ag/1OodgIk>.

232 ‘Fresh attack on Russian opposition leader amid crackdown on critics’, The Guardian, 12 February 2016, <http://bit.ly/1RvdTCm>.

233 Human Rights Watch, 16 April 2016, op. cit.

234 ‘Russian green group labelled ‘foreign agent’ in crackdown on NGOs’, The Guardian, 14 January 2016, <http://bit.ly/1WwXkrc>.

235 ‘Russian Justice Ministry sinks NGOs in new mire of ‘political activity’ definitions’, Bellona, 25 January 2016, <http://bit.ly/1QzON4N>; ‘Russian legislators and human rights officials come out swinging over NGO law amendments’, Bellona, 3 March 2016, <http://bit.ly/1L6BdVX>.

236 ‘Russia promises good things for obedient NGOs’, Bellona, 29 March 2016, <http://bit.ly/1VYtnSs>.

While some CSOs have closed down rather than bend to the new rules, there are also signs of CSO adaption to maintain autonomy: some CSOs have moved into different organisational forms to put themselves outside the ambit of the legislation and continue operations. For example, in July 2015, the Committee Against Torture announced that it was shutting down. It had been targeted, apparently, for being effective: since 2000, it had received over 1,800 complaints of human rights abuses, and its work had led to the annulment of over 600 court decisions and the conviction of over 100 state officials. When classed as a foreign agent in January 2015, it first chose to fight the registration, but when it faced a substantial fine for not printing the foreign agents label on all of its materials, as the law mandates, it filed for bankruptcy and closed down.²³⁷ The organisation



Photographer: Farhad Sadykov

also reported that everything it does was now classed as a political activity, raising the darkly comic question of whether being opposed to torture was now to be against state policy.²³⁸ As one of the few human rights groups still operating in the contested region of Chechnya, it also saw its Chechen offices attacked.²³⁹ However, far from closing business, the organisation appears to have transferred its key functions to a partner organisation so that it can continue its work under a different flag.²⁴⁰

237 'How Putin Silences Human Rights Advocates in Russia', The Diplomat, 28 July 2015, <http://bit.ly/1TBbBFf>.

238 'How one NGO exposed contradictions at the heart of Putin's foreign agent law', The Guardian, 18 May 2015, <http://bit.ly/1ebj2in>.

239 'Russian Rights Group Labeled 'Foreign Agent' Closes Down', Radio Free Europe, 9 July 2015, <http://bit.ly/1TkVaWs>.

240 'NGO alert: Russia's Committee Against Torture bankrupted by state fines', The Guardian, 8 October 2015, <http://bit.ly/1VYtwp3>.

Similarly, in October 2015, the Bellona Murmansk CSO announced that it was dissolving after 20 years of activity. The CSO had previously faced treason charges - a tactic that seems to be on the increase - and was declared a foreign agent in March 2015. But rather than give up its work, it is reconstituting as a different organisational type so that it will fall outside the legislative mesh that covers CSOs.²⁴¹

In such examples, the state and CSOs can be seen to be playing a cat and mouse game, in which attempts at state repression generate CSO ingenuity in response. This serves as a reminder that, even in the face of apparently overwhelming state power, civil society should not necessarily be seen as defeated. But clearly there are challenges in this: considerable CSO effort is expended in such manoeuvring, which detracts from the energy and resources that should go into core work. Further, when CSOs morph into other organisational forms, there are risks that they may fall off the radar of those that support civil society, or be disqualified from support schemes. There is also the likelihood that the state will be alive to these shifts, and look to block civil society action in other organisational forms.

A further evident trend in Russia is that organisations and activists that work on environmental or nuclear issues are coming under particular scrutiny. Bellona Murmansk's field is promoting renewable energy and exposing nuclear issues. The Ecodefense CSO was designated a foreign agent after it protested against the construction of a nuclear power plant, which the Justice Ministry described as tantamount to protesting against the state.²⁴² Another CSO that announced it was considering whether to close after being designated as a foreign agent, in September 2015, was Sakhalin Environmental Watch, an environmental campaign group.²⁴³ And in October 2015, an activist was forced to flee Russia and live in asylum in France after a state TV documentary accused her of espionage against the nuclear industry. Nadezhda Kutepova campaigns for the rights of residents of a town where a 1950s nuclear accident left some 25,000 people exposed to dangerous radiation. Her CSO, Planeta Nadezhd (Planet of Hopes), was retrospectively classed as a foreign agent in April 2015 for receiving a grant in 2008, four years before the law was passed, and fined the following month. State TV accused her of using American funding to commit industrial espionage.²⁴⁴

This episode illustrates how being labelled a foreign agent can lead directly to accusations of acting against the state, and also indicates the complicity of Russia's state media in the restriction of civic space. It suggests that energy and nuclear power - including questions of environmental impact and the connection between nuclear power, nuclear defence and security - are becoming more sensitive issues for the Russian state, perhaps because of the demands placed on the environment by the pursuit of economic growth. It is notable that around 20 of the CSOs registered as foreign agents work on environmental issues.²⁴⁵

241 'Two decades of legal harassment dissolve Bellona Murmansk as a Russian NGO – but it will continue its work', Bellona, 12 October 2015, <http://bit.ly/1VFdQqh>.

242 Bellona, 20 October 2015, op. cit.; 'Russia's Ecodefense NGO again refuses to pay state ordered fines over its 'foreign agents' status', Bellona, 28 January 2016, <http://bit.ly/20mqdKP>.

243 'Russia aims 'foreign agent' law at green NGO', Ecologist, 15 September 2015, <http://bit.ly/1KfQMX6>.

244 'Russian NGO leader flees to France amid possible treason charges', Bellona, 22 September 2015, <http://bit.ly/26Dmb18>; 'Russian Rights Defender Receives Political Asylum In France', Radio Free Europe, 30 April 2016, <http://bit.ly/1TBBy3d>.

245 'The project helping Russian reporters speak out about environmental abuse', The Guardian, 4 December 2015, <http://bit.ly/1TkVJ2A>.

RUSSIA'S REGIONAL IMITATORS

Another worrying facet of Russian repression is that there are clear signs that the state is acting as a thought leader and source of inspiration for neighbouring states, given Russia's pivotal political role and heavy economic involvement in many former Soviet countries. The Ukraine crisis to its west gives Russia fresh impetus to stamp down on dissent at home, and hold its neighbours closer to it.

In Russia's neighbour and ally **Belarus**, with which Russia has stepped up military cooperation in the wake of the Ukraine conflict,²⁴⁶ the renegade government simply refuses to cooperate with international human rights mechanisms, and there is almost no space for civil society.²⁴⁷ One of the rare platforms for discussion is offered by the Belarus Free Theatre, which continues to hold performances in secret, but its leaders have now been forced into exile in the UK. January 2015 also saw an order upheld for the deportation of a prominent human rights defender, Elena Tonkacheva, a Russian citizen who had lived in Belarus since 1985. Her residence permit was withdrawn on highly spurious administrative grounds, and she was refused permission to return in February 2016.²⁴⁸

In **Kazakhstan**, which enjoys a close relationship with Russia and supplies vital uranium for Russia's nuclear industry, the state gave itself sweeping powers in January 2015: involvement in unregistered or banned organisations is now a criminal offence, as is the ill-defined 'unlawful interference' in state activities by CSO members. CSO leaders are also now singled out as a special class of offenders that will face stiffer penalties for a range of crimes. Recent times have seen arrests and fines for the holding of protests which did not receive prior approval. A new bill introduced in October 2015 proposes to create a new, centralised body that would allocate all grants, regardless of source, in what would be a clear impingement on civil society's autonomy.²⁴⁹

Kyrgyzstan, which also remains politically close and economically dependent on Russia, seems most closely to be following in its footsteps. An imitative gay propaganda bill was introduced in 2014, and a new law on CSO regulation is working its way through parliament at the time of writing, having passed its second reading in April 2016. The bill when introduced closely resembled Russia's law on foreign agents, both in its wording and apparent motivation: those who brought the bill explicitly referenced Russia's law. One of the bill's co-sponsors suggested that the bill will be used to combat Islamist extremism, but also "...the efforts by some Western-funded organisations to educate some young Kyrgyz about gay rights and reproductive health."²⁵⁰ The bill was subsequently toned down during the legislative protest, but civil society concerns remain around the heavy mandatory reporting requirements the law would impose.²⁵¹ As declining oil prices impact on Kyrgyzstan's economic relations with Russia, it seems its leaders are looking around for a distraction, and CSOs and LGBTI people are the soft targets; the problem is that these restrictions also fuel a social atmosphere that is more permissive of attacks against activists and the LGBTI community.²⁵²

246 'Belarus and Russia to expand military cooperation', Charter '97, 8 April 2015, <http://bit.ly/1VYPHL3>.

247 '29th session of the Human Rights Council. Individual ID with SR on Belarus', CIVICUS, 23 June 2015, <http://bit.ly/1Unk8cV>.

248 'Case history: Elena Tonkacheva', Front Line Defenders, 2016, <http://bit.ly/1WZ8RA6>.

249 'New law threatens civil society independence in Kazakhstan, warns UN expert', UN News Centre, 15 October 2015, <http://bit.ly/1VFed49>.

250 'Kyrgyz 'Foreign Agents' Bill Moves Forward', The Diplomat, 4 June 2015, <http://bit.ly/26DnlK8>; 'Copying Russia, Kyrgyzstan moves to brand some NGOs 'foreign agents'', Reuters, 4 June 2015, <http://reut.rs/1WwZ6Zv>.

251 'NGO Law Monitor: Kyrgyz Republic', International Center for Not-for-Profit Law, 15 April 2016 <http://bit.ly/1N9CzAn>.

252 'Kyrgyzstan's NGO and LGBT Crackdown', The Diplomat, 17 March 2016, <http://bit.ly/1N9MfL3>.

Tajikistan, meanwhile, which depends highly on remittances from its citizens based in Russia, passed a law in November 2014 that forces those seeking to organise protests to obtain prior approval, which effectively gives the state veto power, while amendments to the law made in August 2015 force some types of CSOs to notify the government of foreign support.²⁵³ However, Shamsiddin Karimov, Head of the Tajikistan National NGO Association, an AGNA member, offers an example of successful advocacy, noting that while the legal environment for CSOs has deteriorated, civil society dialogue with the government was able to take the worst edges off the efforts:

A recent incident when the government initiated tightening rules on grants and other forms of financial support for CSOs from the international communities can be considered a great success of civil society, and a good example of fruitful dialogue between the government and CSOs. As a result of the joint efforts, these amendments were adopted in a form that suited both parties. Now Tajik CSOs are not required to obtain permission and to register grants prior to receiving them, as was originally included in the government's first draft, but should only notify the Ministry of Justice after receiving grants via email.

There is also suspicion about the new law on assemblies passed in **Turkmenistan** in July 2015, given that the country already has a context of severe restriction where civil society is being heavily repressed.²⁵⁴ Further, a new constitution being drafted in February 2016 would extend presidential term limits and remove age limits, moves that would enable the current incumbent to rule for life.²⁵⁵

The response the current restriction demands is that those who seek to support civil society in Russia, and its neighbours that borrow Russia's tactics, need to be flexible and look to support civil society across a range of forms, which implies being sensitive in their funding qualification criteria and reporting requirements. CSOs also need to ensure that they can demonstrate broad public support and demonstrate an evidence base behind interventions, in order to prove the legitimacy of civil society. There is also a need for a greater sharing of practice on how to support civil society in restricted contexts such as Russia and the wider region.

15. TURKEY: PROTEST AND DISSENT UNDER ATTACK IN A PARANOID STATE

Everyone should have the right to protest about power. But previous State of Civil Society Reports have documented two concurrent trends in Turkey: the rise of mass protests against the actions of an increasingly dictatorial government, and government crackdown on civil society rights as President Recep Tayyip Erdoğan and his ruling Justice and Development Party (AKP) seek to consolidate their position.

253 'NGO Law Monitor: Tajikistan', International Center for Not-for-Profit Law, 28 September 2015, <http://bit.ly/1NIBjUO>; 'Tajikistan Early Warning: Internal Pressures, External Threats', International Crisis Group, 11 January 2016, <http://bit.ly/1SACSUQ>.

254 Article 19, 22 June 2015, op. cit.

255 'Turkmenistan drafts new constitution extending presidential term', Reuters, 15 February 2016, <http://reut.rs/1SEkl6T>.

The Turkish state and the Kurdistan Workers' Party (PKK), which seeks autonomy for Turkey's long-repressed Kurdish minority, have long been in conflict. A 2013 ceasefire broke down after PKK started to take on ISIL forces in Iraq and Syria, bringing it into conflict with Turkish state forces that are also engaged in Syria. Tensions worsened following the June 2015 general election, when the AKP lost its majority, in part prompted by an increased vote for the People's Democratic Party (HDP), which works across the Turkish-Kurdish divide and advocates for peaceful negotiations.²⁵⁶ A fresh election was called for November 2015, and in the run up to this, the ruling party seemed to be pursuing a deliberate strategy of stoking up divisions with the Kurdish population and fuelling nationalism, in order to shore up its vote and see off the threat of the FDP.

On 10 October 2015, a peace rally organised by several trade unions and the HDP in the capital, Ankara, was bombed, causing the deaths of 106 people. It was the worst terrorist attack in Turkish history, and no group claimed responsibility. The public reaction to the outrage was one of mourning, but also anger: many accused the government of not protecting the protestors, noting a contrast with the heavy security enforced around AKP rallies. Some accused the government of a deliberate policy of fuelling fear and chaos ahead of the November election, with the aim of hardening its vote. The government, meanwhile, variously blamed Kurdish separatists and Islamist extremists. The introduction of media restrictions in the immediate aftermath of the bombings, and the use of tear gas to disperse mourners who gathered to lay wreaths to commemorate the deaths, suggested a knee-jerk reaction on the part of the government, which has shown itself liable in recent years to respond to uncertainty by tightening constraints.²⁵⁷

Semanur Karaman, Women Human Rights Coordinator at AWID and a Turkish feminist activist, describes the civil society response to the bombings and overall pattern of violence and conflict in Turkey:

The October 2015 Ankara bombings were a deliberate attempt to destabilise peaceful advocacy on conflict resolution and peace building in Turkey. University students, members of trade unions and civil society - including ordinary citizens, who don't have formal affiliations with organised civil society but just wanted to express concern over increasing military operations in south east Turkey targeting Kurdish communities - lost their lives. At the moment the bomb went off they were chanting peacefully, "This is a bloody square", referencing the many massacres that have previously taken place there. Therefore, the bombing sent a direct message to anyone working on or wanting a peaceful solution to the almost four decade long conflict: don't advocate for the rights of Kurdish communities, or you might lose your life.

Organised civil society responded by providing psychosocial support to victims' families, calling for an immediate and impartial investigation into alleged government complicity in the bombings, and calling for an unconditional return to the peace process. Many also flagged the Turkish government's alleged involvement or collaboration with ISIL, which is a highly contentious issue in Turkey. Such calls still continue, under severe government surveillance and intimidation.

Civil society, not only today but for the last two decades, has been advocating for an end to military operations, the systematic discrimination against Kurds, forced disappearances and restrictions of freedom of assembly and

256 'Ruling party loses majority in Turkey elections', Al Jazeera, 8 June 2015, <http://bit.ly/1dozafO>.

257 'Police crack down on mourners after bomb blasts rock Turkish capital', Al Jazeera, 11 October 2015, <http://bit.ly/1VNuXqD>; 'Why Turkey risks descending into a bloodbath', The Economist, 'Ankara Explosion: Police Use Tear Gas To Hold Back Mourners At The Scene Of Bombing That Killed 95', The Huffington Post, 11 October 2015, <http://huff.to/1N9Xu69>.

expression, under the harshest of circumstances, harassment and intimidation. Efforts include roundtable meetings with members of different ethnic communities, awareness raising campaigns, knowledge production and sharing of what is happening in areas where military operations take place, given heavy government censorship and politically motivated persecutions of activists who are documenting and advocating abuses.

It must also be noted that women of Turkey have been at the forefront of peacebuilding efforts, both before and following the Ankara bombings. In an environment where civil society too is polarised, a large coalition of women's organisations came together to publish a statement calling for international solidarity in the face of conflict. This is an



incredibly critical initiative, as the women's rights movement is bringing both sides of the conflict together to the same table.²⁵⁸

The AKP won the subsequent election, which played out amidst tension and violence, with the AKP emphasising messages of security and stability. But the question that must be asked is how a free and fair election could possibly be held in conditions where people might fear speaking out, and worry about their safety in public gatherings. As the Third Sector Foundation of Turkey (Türkiye Üçüncü Sektör Vakfı, TUSEV) puts it:²⁵⁹

In Istanbul an estimated 10,000 people marched to denounce the attacks. Nevertheless, these bombings not only traumatised people but also meant that, before snap elections, political parties could not organise gatherings for campaigning. As an example, the HDP was forced to cancel election rallies following two deadly attacks on pro-Kurdish gatherings.

Not surprisingly, international observers suggested that the election could not be considered fair: the Council of Europe called attention to the fear and violence experienced in the campaign, and limited media freedom, which prevented opposition parties from being able to campaign freely.²⁶⁰

Both before and after the election, the government cracked down on civil society freedoms, consistent with its nationalist campaign, and to silence dissenting voices. In advance of the election, the police stormed the offices of an opposition media group, and following its win, the AKP celebrated its success by arresting 35 people linked to a prominent critic of the government.²⁶¹ Independent media have been systematically attacked, and Turkey is now Europe's largest jailer of journalists, with 14 journalists reported to be in jail at the end of 2015, many of them convicted under anti-terror laws; at the time of writing, it is thought that this number has increased to 39, indicating the recent state of deterioration of the freedom of expression.²⁶²

The assault has continued, in what has been described by civil society as an "unprecedented crisis", and of late has been marked by more than a tinge of paranoia: in January 2016 the government announced it would investigate 1,128 academics who signed a petition criticising military action against the Kurdish population, for possible charges of terrorism, incitement and insulting the republic; they were also denounced as "traitors" by President Erdoğan. Prosecution was no idle threat: four of the academics were detained in March 2016, and although they were released in April 2016 they still face prosecution on lesser charges, while other signatories lost their jobs.²⁶³ In January 2016, the government also announced that measures would be taken to ensure that all broadcasts and programmes conform with "traditional family values".²⁶⁴

258 'Urgent call for support and solidarity from women's and LGBTI organisations in Turkey', AWID, 19 November 2015, <http://bit.ly/1WZgJla>.

259 Contributions from TUSEV are edited extracts from its response to the annual AGNA survey.

260 'Turkey goes to the polls amid human rights fears', Green European Journal, 28 October 2015, <http://bit.ly/1pRErCz>; 'Turkish election campaign unfair, say international monitors', The Guardian, 2 November 2015, <http://bit.ly/1SjRuG3>.

261 'Turkish police raid media group linked to Erdogan foe as election looms', Reuters, 28 October 2015, <http://reut.rs/24c0Ltx>; 'Turkish media denounce 'biggest crackdown on press in republic's history'', The Guardian, 29 October 2015, <http://bit.ly/1WlxIVG>.

262 'China, Egypt imprison record numbers of journalists', Committee to Protect Journalists, 15 December 2015, <http://bit.ly/1O6Tgfu>; 'Report on crisis for press freedom in Turkey', English PEN, 23 March 2016, <http://bit.ly/1VFgdJx>.

263 'Freedom of expression in Turkey on a slippery slope', CIVICUS, 16 March 2016, <http://bit.ly/1Wq798v>; 'Turkey: academics detained for signing peace appeal', Amnesty International, 7 April 2016, <http://bit.ly/1pRFZMK>;

'Court frees Turkish academics pending possible fresh charges', The New Arab, 24 April 2016, <http://bit.ly/1VYTOij>.

264 'Turkish media to be inspected on conforming to 'traditional family values'', Hürriyet Daily News, 26 January 2016, <http://bit.ly/26Dx2s7>.

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At times the onslaught has taken on a tinge that would be bleakly comic, were it not for the people left languishing in jail, experiencing demonisation or forced into hiding as a result of threats, for what in less paranoid states would be considered a normal level of dissent. For example, an academic briefly stood trial in February 2016 for setting an exam question about the PKK, while in January 2016, the government jailed someone for almost a year for making a rude gesture at President Erdoğan at a rally, and in April 2016 the government asked Germany's government to prosecute a German comedian for reciting a satirical poem about President Erdoğan. Overall, by March 2016, 1,845 cases had been brought against people for allegedly insulting President Erdoğan since he assumed the presidency in August 2014, indicating quite how insecure the regime is about criticism.²⁶⁵ President Erdoğan has a reputation as a strong-arm leader, but he evidently has a thin skin.

In one of the most bizarre breaches of the freedom of expression, in March 2016 the main opposition newspaper, Zaman, was seized by court order, on the by now customary grounds of terrorism, and taken over by the state; it immediately began parroting a pro-government line. The newspaper's offices were seized by police using teargas and rubber bullets.²⁶⁶

TUSEV sets out some of the other ways in which the freedom of expression has been challenged:

The government routinely blocks advanced web content and applications and prohibits access to websites with opposing views. According to data from Engelli Web, a database on blocked websites in Turkey, over 106,212 websites were blocked as of December 2015. The number of websites blocked by the Telecommunications and Communication Presidency (TİB) is 100,095. An amendment to the internet law in March 2015 allowed the TİB to remove or block access to content within four hours, without a court order. Turkey has made more requests to Twitter to delete content or suspend accounts than any other country in the world.

Media blackouts on information considered as sensitive, including reporting on terrorist attacks, are new approaches towards blocking access to information. Freedom of expression is frequently challenged, in particular through arbitrary and restrictive interpretation of legislation, pressure, dismissals and frequent court cases against journalists, which also leads to self-censorship. There are high numbers of arrests, hearings, detentions, prosecutions and censorship cases. It is known that several international journalists were deported.

Cumhuriyet newspaper's editor-in-chief Can Dündar and Ankara bureau chief Erdem Gül were arrested on 26 November 2015 as part of an investigation into the newspaper's coverage of a National Intelligence Organisation (MİT) scandal. They have been charged with being members of a terrorist organisation, espionage and revealing confidential documents related to trucks of MİT that were allegedly transferring arms to Syria.

At the time of writing, the trial against Can Dündar and Erdem Gül is proceeding; they could face a life sentence if found guilty.²⁶⁷

265 'Turkish teacher to serve year in prison for insulting President Erdogan', Reuters, 20 January 2016, <http://reut.rs/1PHa1Jd>; 'Turkish academic acquitted of 'terror propaganda' over exam question on PKK leader', Hürriyet Daily News, 3 February 2016, <http://bit.ly/1WZhL0r>; 'Turkey: 1,845 cases opened for insulting President Erdogan', Associated Press, 2 March 2016, <http://apne.ws/1QSY4Xd>; 'German Chancellor Merkel allows investigation of satirist Böhmermann', DW, 15 April 2016, <http://bit.ly/1NskgRw>.

266 'Turkey's Zaman: Editorial tone changes after takeover', Al Jazeera, 7 March 2016, <http://bit.ly/1np7lmj>.

267 'Press, professors go on trial in Turkey', DW, 22 April 2016, <http://bit.ly/1rHhUu3>.

These restrictions on the freedom of expression come in a context where there has been a sustained assault on other aspects of civic space. As TUSEV points out, laws have been introduced to push back on civic space under the guise of countering terror:

The Law Amending the Law on Powers and Duties of the Police, Other Laws and Decrees, widely referred as the Internal Security Reform Package and fiercely opposed by opposition parties, was passed on 27 March 2015, and 14 different laws and decrees were amended. The reform package was proposed following extensive protests in Turkey's south eastern provinces in October 2014. It has been widely criticised for considerably strengthening the powers of the police during demonstrations and extending the police's authority to detain anyone without the prosecutor's office requirement. With the new bill, protestors who cover their faces fully or partially during demonstrations can face a five-year prison sentence. The most debated articles of the package also grant extensive powers to the Ministry of Interior, governors and district governors.

“
President Erdoğan told people who criticise the government to “Pick a side. You are either on the side of the Turkish government, or you're on the side of the terrorists.”

Claims related to ‘national security’, ‘public order’ and the ‘protection of morality and the Turkish family structure’ continued to be applied by courts to restrict the freedom of association. It has been reported by the EU Progress Report that at least seven associations dealing with human rights and Kurdish issues are facing court cases intended to close them down. With regard to inspection practices, inconsistencies are observed in the frequency, duration and scope of inspections. Inspection practices can be used as deterrence towards rights-based organisations, especially the ones with anti-government stances.

The election did not mark the end of violence either. In November 2015, a prominent Kurdish human rights lawyer, Tahir Elçi, was shot dead, prompting thousands to gather in mourning and protest.²⁶⁸ As TUSEV describes it:

Diyarbakır Bar Association president and prominent human rights lawyer and activist Tahir Elçi was shot dead in the crossfire of a gun battle between security forces and terrorists while giving a press statement in Diyarbakır on 28 November 2015. A criminal investigation had been opened against Elçi for stating in October 2015, on a TV show, that the PKK was not a terrorist organisation. It is not known whether this was a planned assassination or unfortunate coincidence. Later, in Istanbul, thousands of people marched in Taksim Square but they were driven back by riot police using water cannon and tear gas.

Many more deaths and violence have been seen since. In December 2015, seven people were killed in violence between protestors and security forces in a Kurdish area, while police used tear gas against protestors in Istanbul; between August and December 2015 over 50 curfews were imposed in Kurdish areas, and over 10,000 soldiers deployed in the region.²⁶⁹ Over one weekend in January 2016, Turkish forces killed 32 people in the Kurdish region, and Turkish forces have also shelled Kurdish forces in Iraq and Syria²⁷⁰

268 ‘Prominent pro-Kurdish lawyer shot dead in Turkey’, Al Jazeera, 29 November 2015, <http://bit.ly/1IQKK80>; ‘At the funeral of Tahir Elçi, a giant in Turkey’s human rights movement, the sense of loss is deafening’, Amnesty International, 30 November 2015, <http://bit.ly/1Ss9n5c>.

269 ‘Clashes in southeast Turkey kill seven, new curfews declared’, Reuters, 14 December 2015, <http://reut.rs/1MdcvWA>; ‘Turkish police teargas crowds protesting military action against Kurdish rebels’, The Guardian, 20 December 2015, <http://bit.ly/1OEYXF3>.

270 ‘Turkish forces kill 32 Kurdish militants as conflict escalates: sources’, Reuters, 10 January 2016, <http://reut.rs/1OHYMDR>; ‘Turkey shells Kurd-

Predictably, violence bred violence, and the early months of 2016 saw a spate of bombings, including car bombings and suicide bombings, carried out in Ankara and Istanbul. In the deadliest attack of 2016 so far, 37 people were killed in Ankara in March 2016.²⁷¹ Extremist Kurdish and Islamist forces have been linked to these, but it is citizens who have borne the brunt of the violence.

The government's defence of its attacks on the freedom of civic space explicitly sought to polarise. President Erdoğan told people who criticise the government to "Pick a side. You are either on the side of the Turkish government, or you're on the side of the terrorists."²⁷² This is hardly conducive to the promotion of peace, which calls for the tolerance of different viewpoints. It is also permissive of threats against people who express dissent: the academics who the government accused of terrorism in January 2016 found themselves threatened with violence and ostracised by nationalists.²⁷³

Semanur Karaman describes the challenges civil society faces in the wake of the November 2015 election, amid conditions of declining respect for human rights and increasing violence:

In a highly polarised environment where free speech is curbed through legal and extra-legal measures, the implications of the 2015 election are dire. The assassination of Tahir Elçi sent shivers down the spines of everyone who takes part in peaceful activities to advocate for political reform and peacebuilding. It is a tremendously difficult time for human rights defenders holding the government of Turkey accountable for alleged complicity in the growth and spread of ISIL, extrajudicial killings targeting Kurds in the south east, and arbitrary arrest of journalists. What is also worrying is that increasingly human rights defenders are threatened through extra-legal means. Threats and intimidation cast over social media and heavy surveillance have intimidated a lot of us at home. However, I remain hopeful. As threats and intimidation cast upon peaceful activists increase, so does our determination to carry out our justified cause.

Against such a backdrop, European states in particular might be expected to press Turkey hard over its abuses of human rights and restrictions of freedoms, given Turkey's stated desire to become a member of the EU and the EU's stated commitment to human rights and democracy. However, as our section on exclusion makes clear, hard-headed politics have prevailed over human rights concerns, with EU states increasing their support for and cooperation with the Turkish government.²⁷⁴ Motivations of EU states include a need to keep Turkey on side as an ally in handling refugees from Syria and elsewhere that EU states refuse to accept, and a desire to cement Turkey's position as a supporter of anti-regime forces in Syria, while pulling it away from the potential to support extremists.

Those investing in Turkey's government for political reasons, particularly EU states, must be pressed by civil society to invest also in seeking accountability and democratic freedoms, and not to shore up autocratic rule in the pursuit of short-term objectives.

ish-held air base in Syria's Aleppo', Al Jazeera, 15 February 2016, <http://bit.ly/1TirXiG>; 'Turkish jets attack Kurds as Ankara bomb blamed on PKK', The Guardian, 14 March 2016, <http://bit.ly/1LIRC9e>.

271 'Ankara blast: Kurdish group TAK claims bombing', BBC, 17 March 2016, <http://bbc.in/1OZAczw>.

272 'Blood Disorder: Turkey's Never-Ending Civil Strife', The Huffington Post, 15 January 2016, <http://huff.to/1SErmV4>.

273 'Turkey rounds up academics who signed petition denouncing attacks on Kurds', The Guardian, 15 January 2016, <http://bit.ly/1SRSluk>.

274 'CIVICUS alert: EU must not overlook rights violations in Turkey', CIVICUS, 4 April 2016, <http://bit.ly/1V4o9Ud>.

16. RESTRICTION IN EUROPEAN DEMOCRACIES: FOCUS ON THE UK

The case studies offered above should not lead to the impression that civic space is only being restricted in the global south. New constraints have also been introduced in member countries of the EU, an organisation whose members are supposed to adhere to the highest democratic and human rights standards. Restriction is being seen both in the EU's newer members in Eastern Europe, and in its long-term members, which might be considered as developed, mature democracies.

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Hungary's
President Viktor
Orban has
talked of his
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create “illiberal
democracy”,
and has
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characterising
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raise difficult
questions
as agents of
foreign powers.”

Many European governments have taken a rightward political turn in recent years, which is having implications on how they behave internationally, including the extent and usage of their development giving, as discussed in our section on civil society at the global level. It is also changing how they relate to civil society domestically.

Poland's Law and Justice ruling party leader Jarosław Kaczyński, who routinely dismisses opponents as communists or gangsters, has presided over an insular, xenophobic turn in the country's politics, which includes strong anti-migrant and socially conservative schools of thought. Since his party came to power in October 2015, it has ended the autonomy of the attorney general's office and brought public media under state control, charging it with the role of promoting “Polish traditions and patriotic values”. Party supporters have replaced broadcast heads and senior civil servants; the ranks are being purged, and those who do not agree are labelled as communists. The party has also moved to parachute its supporters into the Constitutional Court, which exists to scrutinise the legality of government actions. In February 2016, a new surveillance law was introduced, which gives the government power to access digital data and monitor communications, without the requirement of prior court permission.²⁷⁵ The rule of law can be seen to be under attack in Poland, and the country's politics have become increasingly polarised as a result. Each move is met by protests, as detailed in our section on protest and activism.

Poland seems to be taking inspiration from, and working in collaboration with, **Hungary**, discussed in the 2015 State of Civil Society Report. Hungary's President Viktor Orban has talked of his aspiration to create “illiberal democracy”, and has adopted the Russian state tactic of characterising CSOs that raise difficult questions as agents of foreign powers.²⁷⁶ In 2015, Hungary's government reacted to the influx of refugees not by extending a helping hand or honouring its EU obligations, but by wreathing its borders in razor wire, passing new laws to legalise excessive response and stoking anti-refugee sentiment. The suspicion was raised that the government was using the refugee situation to boost its position through nationalist rhetoric and push through repressive measures.²⁷⁷

275 ‘How Poland's conservatism is playing home and abroad’, Al Jazeera, 13 January 2016, <http://bit.ly/21lOqxG>; ‘The conspiracy theorists who have taken over Poland’, The Guardian, 16 February 2016, <http://bit.ly/20AwT2C>; ‘Poland: government should listen to the people and stop curbing civil liberties’, CIVICUS, 19 February 2016, <http://bit.ly/1WvIJdp>.

276 ‘Europe's New Dictator’, Politico Magazine, 17 June 2015, <http://politi.co/1RlawNN>; The Guardian, 26 August 2015, op. cit.

277 ‘Hungary Could Use Migrant Crisis for Internal Crackdown’, Voice of America, 18 September 2015, <http://bit.ly/1FIEmhi>; ‘Hungary: EU must formally warn Hungary over refugee crisis violations’, Amnesty International, 8 October 2015, <http://bit.ly/1O3iYMS>.



Photographer: Jaap Arriens

Following the terrorist attacks on Belgium in March 2016, the governments of both Hungary and Poland announced that they would introduce new terrorist laws, including new surveillance and detention powers for the state.²⁷⁸ This is of concern, because many of the recent restrictions introduced in Europe conflate legitimate dissent with terrorist activity. In multiple contexts across Europe, governments are reacting to the real threat of terrorism in hasty and ill-considered ways that have unexpected consequences; sometimes, the suspicion must be that governments are using the threat of terrorism as a convenient pretext to rein in civil society.

278 'Poland joins Hungary in planning stringent anti-terrorism laws in wake of Brussels attacks', DW, 24 March 2016, <http://bit.ly/1PuV24e>.

For example, **Spain's** new Citizen Security Law, commonly known as the Gag Law, passed into effect in July 2015, despite vast protests across Spain when the bill was brought before parliament.²⁷⁹ The law covers a broad sweep of activity, including the promotion of terrorism and illegal downloading, but the danger is that this wide reach will encompass and criminalise activities that have commonly been understood, since the end of dictatorship in Spain, to constitute legitimate public dissent. The law makes provision for large fines for taking part in unauthorised protests outside government buildings and for recording and sharing images of police officers, and gives the police power to fine people who refuse to end public protest when asked to do so.²⁸⁰ It also introduces heavy fines for preventing officials from enforcing administrative or legal orders, which would affect, for example, activists who have worked to resist Spain's high rate of home evictions in recent years.²⁸¹

UN human rights rapporteurs condemned the haste with which the law was introduced, and its introduction of punishments, including imprisonment, for a wide range of offences, including inciting or encouraging public disorder, and broadly defined offences of glorifying or justifying terrorism, risking stretching the definition of what constitutes terrorism.²⁸² The law particularly targets online freedom, and introduces monitoring of online action that in some measures is on a par with that of China.²⁸³

Given the large scale occupations of public spaces that characterised the country's *Indignados* movement in 2011, and sporadically since, it is hard to escape the conclusion that the law has the aim of making it much harder to organise large scale public protests in future. The fear is also that, even if the excessively broad provisions of laws such as the Gag Law are not used to suppress legitimate dissent now, they can have a chilling effect, and will be on the books as tools to be deployed in future, something that can be particularly worrying if a country's politics takes a repressive turn.

Similarly in **France**, while the state's determination to act in the wake of the terrorist attacks in Paris in November 2015 was understandable, there was concern that human rights were compromised, the expression of legitimate dissent was suppressed, and minority communities were targeted and alienated. France organised a derogation from the European Convention on Human Rights when it entered a state of emergency following the attacks. The state of emergency remains in force at the time of writing, and may be extended further. Under the state of emergency, security forces have enhanced search powers, house arrest powers are extended, and large gatherings of people can be restricted.²⁸⁴

The government was criticised for extending the state of emergency based on little evidence, and for using excessive force and targeting Muslim communities. In response, French human rights groups called on the government to respect fundamental freedoms, including the right to assembly.²⁸⁵ Further, as our section on civil society at the global level indicates, for the COP

279 'Spain's new security law sparks protests across country', The Guardian, 20 December 2014, <http://bit.ly/148M79m>; 'Spanish gag law is against European values and basic democratic rights', European Alternatives, 27 April 2015, <http://bit.ly/1SBd0Z6>.

280 'Spain's New Security Law Meets Fierce Criticism From Rights Groups', Time, 2 July 2015, <http://ti.me/1XZEI1S>.

281 'Spain puts 'gag' on freedom of expression as senate approves security law', The Guardian, 12 March 2015, <http://bit.ly/19fLz41>.

282 "'Two legal reform projects undermine the rights of assembly and expression in Spain' – UN experts", Office of the UN High Commissioner for Human Rights, 23 February 2015, <http://bit.ly/1OcMXTJ>.

283 'Spanish Citizens' Security Bill: Many restrictions, few freedoms', EDRI, 28 January 2015, <http://bit.ly/1TbMXUo>.

284 'France seeks to extend state of emergency until end of July', The Guardian, 20 April 2016, <http://bit.ly/1riCPDm>.

285 'France informs Secretary General of Article 15 Derogation of the European Convention on Human Rights', Council of Europe, 25 November 2015,

21 climate change summit, held in Paris in December 2015, the state of emergency made public mobilisation on this crucial planetary issue harder. The state of emergency was not the first worrying development following terrorist attack: the passing of a new surveillance law, accelerated after the January 2015 Charlie Hebdo attacks, removes judicial oversight of online surveillance by security forces.²⁸⁶

It can be argued that global north states, particularly those that are significant supporters of global south civil society through the official development assistance (ODA) that they provide, or that have important global roles, carry a particular responsibility to demonstrate best practice in upholding civil society rights. They should practise at home what they preach abroad. Not to do so undermines their legitimacy when they seek to support civil society in contested contexts, or work to convince partner governments to make more space for civil society. It can therefore be argued that the **UK**, as the world's second largest ODA contributor after the USA, and one of five permanent members of the UNSC, should be a paragon of good practice. And yet its reality seems to be moving farther away from this.

As with France and Spain, The British government's anti-terrorism measures have come in for civil society criticism. A new law before parliament at the time of writing, which would extend state powers to track internet use, has been criticised, not least by parliamentary committees, for impinging excessively on the right to privacy. The new law would allow the bulk collection of personal internet data, and require phone and internet companies to store all their customers' internet connection records for a year.²⁸⁷

Further, in October 2015, the British government announced a new initiative to crack down on extremism, and particularly to stop Islamist extremists from entering the public sector, charities and businesses. This followed a scandal where some faith schools were revealed to be teaching extremism. People who work in statutory organisations are now legally required to report "potential terrorists" to the police. The measures were condemned for demonising Muslims and migrants, for having a weak definition of extremism, and for conflating the expression of points of view with the encouragement and enactment of terrorism, which could have a chilling effect on the freedom of expression.²⁸⁸ They also raise the danger of fuelling alienation that could in turn give rise to extremism, rather than prevent it.²⁸⁹ In an early warning sign of how blurred the lines between the prevention of terrorism and restriction of the freedom of expression can become, a journalist who was communicating with an ISIL member in Syria had his laptop seized in October 2015 under anti-terrorism laws.²⁹⁰ The new measures have produced a

<http://bit.ly/1OgpdAH>; 'France's state of emergency could lead to abuses, say human rights groups', The Guardian, 26 November 2015, <http://bit.ly/1rH-KUBS>; 'UN experts urge France to protect fundamental freedoms while combatting terrorism', UN News Centre, 19 January 2016, <http://bit.ly/24cqe67>; 'France state of emergency 'extended on slim evidence'', Al Jazeera, 18 February 2016, <http://bit.ly/1TljvM7>.

286 'France: New surveillance law a major blow to human rights', Amnesty International, 24 July 2015, <http://bit.ly/1JjhFEi>;

'France: New Law on Intelligence Adopted', Technology's Legal Edge, 11 September 2015, <http://bit.ly/1SR6sUY>;

287 'Minister has not fully made case for snooper's charter, says committee', The Guardian, 11 February 2016, <http://bit.ly/1TUhf2k>; 'Investigatory Powers Bill: May defends surveillance powers', BBC, 15 March 2016, <http://bbc.in/1PaDKt8>.

288 'It's bad, but why? Contextualizing the Counter-Terrorism and Security Act 2015', The Oxford University Politics Blog, 26 February 2015, <http://bit.ly/1XZFmfM>; 'Government unveils new counter-extremism strategy', Channel Four News, 19 October 2015, <http://bit.ly/1rpyw94>.

289 'PREVENT will have a chilling effect on open debate, free speech and political dissent', The Independent, 10 July 2015, <http://ind.pn/1KXNIXC>; 'Government launches hunt for extremists across public sector', The Guardian, 19 October 2015, <http://bit.ly/1QLzPGb>; 'Anti-extremism drive puts British values at risk, says police chief', The Guardian, 19 October 2015, <http://bit.ly/1rpyP3z>; 'Preventing violent extremism: a noose that is both too tight and too loose', Open Democracy, 26 October 2015, <http://bit.ly/1SELqGQ>.

290 'BBC Journalist Secunder Kermani Has Laptop Seized By Police Under Counter-Terrorism Laws', The Huffington Post, 29 October 2015, <http://huff.to/1NjrZ2S>.

civil society response that brought together secular and faith-based civil society to condemn them as excessively compromising of the freedom of expression.²⁹¹

And yet this evident concern with terrorism at home sits oddly with the UK's foreign policy directions: the UK can be accused of downplaying human rights concerns to secure trade advantage,²⁹² given its warm relations with Saudi Arabia, a habitual human rights abuser and terrorist supporter, as covered in our section on conflict and disaster. The government has also cultivated closer ties with China, as evidenced by the UK's lavish hosting of a state visit by Chinese President Xi Jinping in October 2015, in the hope of attracting investment from Chinese state corporations. Further, there is evidence that UK foreign policy towards the Muslim Brotherhood in Egypt may have been influenced by pressure from the United Arab Emirates (UAE) government over arms and oil deals.²⁹³

It was disturbing as well, given its UNSC status, that a new ministerial code, introduced in October 2015, quietly removed the obligation that ministers should comply with international law. This could be seen as a worrying development in the run up to the sanctioning of air strikes over Syria, and something that hardly encourages other states to act against impunity.²⁹⁴

On the domestic front, the Lobbying Act, introduced in 2014, attracted widespread criticism amongst civil society, and from UN Special Rapporteur Maina Kiai, who noted that the law will largely allow well-funded corporate lobbying to continue, while limiting the advocacy of CSOs, including trade unions.²⁹⁵ The inference that can be drawn from the act is that lobbying for corporate advantage is welcomed, but voices more critical of the government's economic, political and social policies are not. The law limits the amount that CSOs can spend on campaigning, and forces a compulsory registration of lobbyists once spending passes a threshold. In February 2015, over 150 organisations called for the Lobbying Act's repeal, while a report on the impact of the Act found that 63 per cent of CSOs believed it would make their work harder to achieve, exert a chilling effect and increase levels of bureaucracy.²⁹⁶ The Commission on Civil Society and Democratic Engagement, a body set up to advise the government on civil society, which involved over 100 civil society groups, also noted that the law imposes a substantial new regulatory burden on CSOs.²⁹⁷ Ahead of the May 2015 election, Amnesty International UK reported that it had been forced to register under the act so that it could continue its human rights campaigning during the election period, raising the danger that it could be perceived as intending to campaign to influence election outcomes, something its statutes prevent it from doing.²⁹⁸

In February 2016 the UK government introduced another measure to limit civil society advocacy, announcing that from May 2016, a clause would be inserted into all its grant arrangements to prevent recipients from using the funds to lobby the

291 'An unlikely coalition warns of threats to free expression in Britain', The Economist, 24 October 2015, <http://econ.st/1GC3lZ8>.

292 'The FCO's administration and funding of its human rights work overseas', Fourth Report of Session 2015-2016, House of Commons Foreign Affairs Committee, 5 April 2016, <http://bit.ly/1VYWlvY>.

293 'UAE told UK: crack down on Muslim Brotherhood or lose arms deals', The Guardian, 6 November 2015, <http://bit.ly/1WGLhcy>.

294 'Ministerial code: No 10 'showing contempt for international law'', The Guardian, 26 October 2015, <http://bit.ly/1rHMFig>; 'Dominic Grieve: PM shouldn't have changed ministerial code', The Guardian, 28 October 2015, <http://bit.ly/1TlsVXQ>.

295 'Coalition's lobbying bill threatens to leave a stain on British democracy', The Guardian, 12 January 2016, <http://bit.ly/1agWsfN>.

296 'Letter to political parties calling for repeal of the Lobbying Act', Bond, 19 February 2015, <http://bit.ly/1pStfp5>.

297 'Lobbying bill passes through House of Lords', The Guardian, 28 January 2014, <http://bit.ly/1bw6NVg>.

298 'Amnesty International UK registers as a non-party campaigner under the lobbying act', Third Sector, 9 April 2015, <http://bit.ly/1FIZmDU>.

government. This move was made without parliamentary discussion. Part of civil society's concern about this move is that it creates an artificial distinction between the service delivery and advocacy functions of CSOs which looks much like the distinction made between supportive and challenging CSOs made in repressive states. The measure denies the possibility that the service delivery work of CSOs might give rise to important ideas and solutions, grounded in experience, that CSOs want to put to the state so that services can be improved, something that government departments have said they valued in the past; it also risks contributing to a denial of the voice of excluded people that CSOs work with, furthering their exclusion. Further, it raises the prospect that repressive states might justify their own divide and rule approach to civil society with reference to the UK's policy.

UK CSOs strongly criticised the move for impinging on the autonomy of civil society, and warned that it may cause some CSOs to pull out of delivering services, because without an advocacy focus their delivery work cannot be effective; around 140 heads of CSOs wrote to the UK's Prime Minister David Cameron to protest against the move, but were not reassured by the response.²⁹⁹ With these recent moves, it is perhaps not surprising that British CSOs believe that their influence towards the government is significantly less than it was five years ago, and that levels of self-censorship have increased.³⁰⁰

The lobbying act can also be seen as part of a suite of measures that is challenging and aims to degrade the UK's trade union movement. A trade union bill currently passing through parliament threatens to curtail the work of unions substantially. While public pressure caused some of the worst measures to be removed as the bill passed through parliament, there is still much that trade unions are concerned about.³⁰¹ The law would make it much harder for unions to take strike action, introducing high turnout and support thresholds, and require picket leaders during strikes to be highly visible and identifiable, raising fears of targeting by employers.³⁰² Restrictions on the legitimate activities of trade unions should be recognised as limitations on civil society rights.

While a strong response from unions and the public has caused the measures to be watered down, it is also concerning that the move to restrict trade unions comes within an ideological climate in which the right of centre ruling party now routinely refers to the opposition party, which is largely financially supported by unions, as a threat to national security, and has accused them as being sympathisers of terrorism.³⁰³ It is of course possible to dismiss this as the cut and thrust of raucous debate in a robust political culture, but it closely imitates the ways in which many autocratic regimes characterise opposition parties, potentially further undermining the UK's ability to promote democracy in other countries.

299 'Anti-advocacy clause is counter-productive', National Council for Voluntary Organisations, 6 February 2016, <http://bit.ly/1VZepek>; 'Charity lobbying restricted', Bond, 11 February 2016, <http://bit.ly/21IT3Yv>; 'Why new anti-lobbying rules leave small charities out in the cold', The Conversation, 16 February 2016, <http://bit.ly/1rpADd1>; 'Charities angered by government failure to address anti-advocacy concerns', civilsociety.co.uk, 8 April 2016, <http://bit.ly/23nG6lJ>.

300 'Sector independence 'at a five-year low', says report', Third Sector, 14 March 2016, <http://bit.ly/1r5GfZy>.

301 'Trade Union Bill: Fresh U-Turn As Ministers Bow To Pressure Over Timetable And E-Voting', The Huffington Post, 26 April 2016, <http://huff.to/1O-3qzuQ>.

302 'About the Trade Union Bill', Trades Union Congress, 2016, <http://bit.ly/1O02TGq>; 'Union campaign scores a win with big changes made to #TU-bill', Trade Union Council, 27 April 2016, <http://bit.ly/1TfSrlS>.

303 'David Cameron claims Jeremy Corbyn is a 'threat to national security'', Independent, 13 September 2015, <http://ind.pn/1VVGeBC>; 'David Cameron Tells MPs Not To Support Labour's 'Terrorist Sympathisers' in Syria Vote', The Huffington Post, 1 December 2015, <http://huff.to/24s01wU>.

These backward steps, in the UK and more broadly in Europe, serve as a reminder that there is a need to take the widest possible view when monitoring, analysing and challenging restrictions on civil society rights. The global north does not have the monopoly of good practice, and global north CSOs, if they are facing a tide of restriction, could benefit from sharing learning about response strategies with global south CSOs that have years of experience of developing these. It also suggests that broad-based civil society campaigns and coalitions are needed to identify common ground for action across all countries, including to defend trade unions as part of civil society, where they are under attack, and to mobilise citizens to support civil society as a whole.



The prevention of violence, and economic development, should never come at the expense of civil society rights; instead, it needs to be understood that a diverse and active civil society will help to build peace in society, and ensure that economic development benefits everyone.



17. CIVIC SPACE: CONCLUSION AND FIVE POINTS FOR FUTURE ACTION

This review of recent trends in civic space has set out that a number of current drivers and enablers foster civic space restriction, including the consolidation of elite economic power, the exploitation of the security and anti-terrorism agenda, the state backlash to popular protests, the rise of extremist forces, and the lessening of pressure to comply with human rights conditions for external funders. The internet and the resourcing of civil society have become new and key areas of contestation, and civil society activists are being targeted on the basis of the challenge their advocacy offers to power, and also on the basis of their identity as members of excluded groups, an issue that is discussed further in our section on exclusion. In the country case studies above, these different forces and pressures can be seen to be combining and interacting in different ways.

None of this analysis is to reject the notion that our societies face significant challenges today, which include conflict, extremism and terrorism, and poverty and inequality. Citizens rightly expect states to protect them from violence, and to enable them to access a livelihood and improve their economic status. But citizens also expect states to uphold their rights, and they demand that their states act responsibly and in the public good. Civil society has to be an essential part of how rights are upheld and accountability is exerted over governments to ensure that they act in the interests of citizens. The prevention of violence, and economic development, should never come at the expense of civil society rights; instead, it needs to be understood that a diverse and active civil society will help to build peace in society, and ensure that economic development benefits everyone. Clearly, in many contexts, the reality is far from this vision, but there remains a need to assert this vision, and work towards its realisation.

While civic space is undoubtedly on a downward trajectory, it is important at the same time to resist the appeal of counsels of despair. There are moments when civil society wins battles in the unequal contest with restrictive states and large corporations that fear accountability. As several of the examples above attest, repressive laws become modified as a result of advocacy, detained advocates get released from jail as a result of campaigns, and development projects that would cause damage are dropped following civil society pressure. More needs to be done, among the emerging international movement that champions civic space, to document, celebrate and encourage learning from civil society successes in upholding rights and resisting

challenges. At the same time, it should be noted that civic space backlash often comes in response to civil society success. It comes when existing methods by ruling elites to hang on to power are being challenged and failing. Continued vigilance, engagement and mobilisation are needed, and structures need to reflect this need for constant response, and preparedness to defend civic space.

Overall, our analysis of current restrictions in civic space suggests some response strategies that international civil society can take to start challenging the tide of restriction:

- There is a need for stronger, clearer and more popular messaging on why civil society matters, why civic space is important, and what needs to be done to defend it. Civil society needs to challenge the misinformation propagated by those who attack it, and needs to win more of the public over to understanding that their rights are civil society rights, that everyone gains when civil society flourishes, and civil society therefore needs to be defended. In doing so, civil society needs to avoid perpetuating narratives of disempowerment, emphasise the positive contribution of civil society and identify the value that is added by participation.
- Those with an interest in supporting civil society, for whatever purpose, including in development cooperation, need to show increased commitment to upholding and promoting the three key civil society rights and acknowledge that, without these, any support for civil society will struggle. Those with an interest in promoting civil society rights also need to work together more closely. A promising start was made in Geneva in October 2015, when CSOs and networks with an interest in civil society rights came together to compare experiences and explore common ground. But there is a need for the coalition of the concerned to move beyond organisations that may be easily dismissed as the familiar voices accustomed to complaining about human rights abuses. Organisations working on different issues, such as internet freedom, democratic reform, LGBTI rights and environmental, land and indigenous people's rights, need to work more closely together, as do global south and global north CSOs.
- Civil society, working together, needs to make concerted efforts to ensure that progressive resolutions and other measures, made at the UN and other regional and intergovernmental bodies that support civil society rights and the rights of human rights defenders, are communicated to citizens. Civil society should engage creatively with national institutions, including apex courts, parliaments and human rights commissions, to uphold in practice what they have committed to in principle at international forums.
- Civil society needs to build demonstrable and impeccable accountability and transparency competence from within. This will develop resistance against externally imposed measures that claim to be about accountability but are in fact about control, and enable civil society to demonstrate that it is not giving rise to extremism, is acting independently of any foreign funders, and is working for the public good.
- More accurate and frequent monitoring and reporting of trends in civic space are needed. Contemporary open data tools could help to track and report whether civic space is worsening or improving in different contexts over time, and trigger early alerts to drive prompt action in cases where civic space can demonstrably be seen to be deteriorating. Better data on

rights abuses, including threats and violence against human rights defenders, and human rights defenders in detention, is needed as part of this, so that reporting, monitoring, support and advocacy can be enhanced.