



**ATTACKS ON CIVIL SOCIETY
UNDERMINING DEMOCRACY AND
DEVELOPMENT IN KENYA**

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ABOUT THE AUTHORS

CIVICUS is a global alliance of civil society organisations and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS strives to promote marginalised voices, especially from the Global South, and has members in countries throughout the world.

The National Coalition of Human Rights Defenders – Kenya (NCHRD-K) is a national organization incorporated in the Republic of Kenya as a Trust. Its mission is to strengthen the capacity of human rights defenders (HRDs) to work effectively in the country and to reduce their vulnerability to the risk of persecution, including by advocating for a favourable legal and policy environment in Kenya. Established in 2007, NCHRD-K is the only national organisation that works primarily for the protection of HRDs. NCHRD-K is managed by firmly committed and capable professionals. These include its staff, Board of Trustees and a team of volunteer regional representatives. The NCHRD-K has a track record in advocacy and protection of the rights of human rights defenders (HRDs).

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1. INTRODUCTION: THE JUBILEE COALITION GOVERNMENT'S BACKSLIDING

This policy action brief presents an overview of the challenging environment for civil society in Kenya, particularly since the March 2013 elections which brought the Jubilee Coalition government in power. It argues that even though major lessons were learnt from the violence that ravaged communities during the 2007-2008 post-election period and despite constitutional provisions which guarantee fundamental freedoms for all Kenyans, threats to civil society and socially active citizens persist in Kenya at present.

On 9 April 2015 President Uhuru Kenyatta's Jubilee Coalition government will complete two years in office. While many analysts have mixed feelings about the government's handling of political and economic challenges, civil society in Kenya is deeply disturbed by official attitudes towards the non-profit sector. Many in civil society believe that by unfairly targeting socially conscious citizens and organisations, the Jubilee Coalition is squandering opportunities to consolidate democracy and deepen constitutional values.

The Jubilee Coalition came to power following landmark elections in March 2013, the first since the disputed 2007/2008 polls in which at least a 1000 people lost their lives and over 600,000 were displaced. Much hope was pinned on the outcome of the 2013 elections as they were preceded by the adoption of a progressive constitution in 2010 through referendum, and following extensive public consultations. The constitution itself was a major outcome of the Kenya National Dialogue and Reconciliation (KNDR) agreement entered into between the Party of National Unity (PNU) representing the current government and their political opponents, the Orange Democratic Movement (ODM). Further, lessons learnt from the ethnic violence that characterised the 2007/2008 elections were usefully applied, prior to and during the March 2013 polls in efforts to prevent a recurrence of the past turmoil.

The people of Kenya and civil society groups working to preserve the peace collectively heaved a sigh of relief when the elections passed off without too much violence. Thus, it was expected of the new government to take the lead in promoting national reconciliation through respect for human rights and constitutional principles. Sadly, the Jubilee Coalition has floundered. It has shown scant regard for the right to express democratic dissent, viewing civil society as an antagonistic irritant rather than a strategic partner in the nation-building project.

Assessment of the Jubilee Coalition government's actions over the last two years reveal worrying patterns of restrictions on fundamental freedoms and targeting of civil society activists and journalists engaged in exposing rights violations and governance failures. At particular risk are individuals and organisations working on corruption, land and environmental rights cases. Activists advocating against security sector reviews in counter-terror operations and accountability of law enforcement agencies have also faced physical attacks and various forms of intimidation to prevent them from continuing their work. Public protests have been disrupted, sometimes violently, and the Jubilee Coalition government has shown a worrying willingness to push through repressive legislation undermining fundamental freedoms and constitutional safeguards.

The following sections of this report assess the current operating environment for civil society in Kenya, and highlight worrying threats to civic space. Several recommendations have also been made on steps to create an enabling environment for civil society.

2. BUREAUCRATIC TARGETING OF THE CIVIL SOCIETY SECTOR

Kenya has a vibrant civil society community and a historically active associational culture. The civil society sector makes substantial contributions to Kenya's economy and also provides vital assistance in the provision of social services. Nevertheless, civil society organisations (CSOs) working on politically sensitive issues have to contend with defamatory accusations by government officials of acting at the behest of foreign parties. Some organisations are starting to engage in self-censorship by withholding criticism of government officials for fear of bureaucratic reprisals including arbitrary cancellation of their registration and/or freezing of their bank accounts on flimsy grounds.

On 16 December 2014, the Nongovernmental Organisation (NGO) Coordination Board, responsible for the registration, coordination and facilitation of NGOs, ordered the suspension of 510 organisations on the grounds they had failed to submit annual reports and audited accounts.¹ Some of the organisations subjected to bureaucratic sanctions focused on the rights of women, children and the disabled, education and environmental rights while others were charitable and faith-based organisations. This action occurred in contravention of the constitutional provision mandating that registration may not be withheld or withdrawn unreasonably and there shall be a right to have a fair hearing before a registration is cancelled.²

Although by 2 January 2015, it was reported the registration of 179 NGOs had been reinstated following widespread condemnation from national and international civil society organisations, this knee-jerk reaction by the government has created significant insecurity within the civil society community.³ The NGO Coordination Board later confirmed that the organisations had submitted audit reports and made payments for outstanding penalties for non-compliance with the law.⁴

3. INTIMIDATION AND ATTACKS ON ACTIVISTS

Kenya's government has failed to create a secure environment for human rights defenders and civil society activists to carry out their work. Incidents abound of activists receiving threatening messages warning them to withdraw from campaigns or legal cases. Some have been physically assaulted while others have been brutally assassinated. A worrying pattern of failure to properly investigate these cases and bring the perpetrators to justice is exacerbating insecurity experienced by activists.

Wendy Wanja Mutega, a human rights lawyer and chair of the Law and Social Development Trust (LASODET) was confronted by unidentified individuals on 23 September 2014 and warned to stop working with 3,000 members of the Atiriri Bururi ma Chuka Trust, a local environmental rights group.⁵ Similarly, Emily Kwamboka, a grassroots activist from Mathare and founding member of the *Sauti Yetu* (Our Voice) Political Debates Programme was threatened at gun point on 20 February 2014. As she moderated a public discussion on accountability, a representative of the county ward warned her she will be killed if she continued with her human rights activities. On 21 January 2014, four armed men attempted to break into the house of Amina Mohamed, a community/gender activist and member of *Bunge La Wamama Mashinani* (Women's Parliament at the Grassroots). She has also received threats to her life, stemming from her defence of a victim of sexual assault.⁶

Human rights activist Peter Wanyonyi Wanyama was assassinated on 17 September, 2013 outside his home in Bungoma, Western Kenya. Wanyama had represented victims of police brutality in a case in which police had shot dead a protester during demonstrations in March 2013. In August 2013, Hassan Guyo, a human rights activist and founder of the organisation, Strategies for Northern Development (SND), was shot dead by security forces in north eastern Kenya while he was carrying out investigations at the scene of demonstrations that had been violently repressed by security forces.⁷

Other activists have been threatened and warned to stop taking on cases in which they defend victims of human rights violations. Those who are perceived to be witnesses in International Criminal Court (ICC) cases or human rights defenders advocating for justice in ICC cases have been particularly targeted over the last few years. For example in September 2013, the UN Special Rapporteur on the Rights to Freedom of Assembly and Association raised alarm at being subjected to hate speech by social media bloggers linked

1 "500 Charities Shut and Accounts Frozen," *Daily Nation*, <http://mobile.nation.co.ke/news/500-charities-shut-and-accounts-frozen/-/1950946/2559302/-/format/xhtml/-/jwwddx/-/index.html>, accessed 14 January 2015.

2 Article 36(3) Constitution of Kenya 2010

3 "Kenya: Kenya Embarks on Massive Crackdown on top NGOs in the Country," <http://www.developmentnewsafrika.com/kenya-kenya-embarks-on-massive-crackdown-on-top-ngos-in-the-country/>, accessed 4 February 2014.

4 "Board Lifts Ban on 179 Charity Firms," *Daily Nation*, <http://mobile.nation.co.ke/news/Board-lifts-ban-on-179-charity-firms/-/1950946/2565122/-/format/xhtml/-/rlosu6/-/index.html>, accessed 8 January 2015.

5 "Kenya: Human Rights Lawyer Wendy Wanja Mutegi receives threats," *AWID*, <http://www.awid.org/Get-Involved/Urgent-Actions3/Kenya-Human-Rights-Lawyer-Wendy-Wanja-Mutegi-Receives-Threats>, accessed 6 January 2015.

6 See CIVICUS, National Coalition of Human Rights Defenders and North Rift Human Rights Defenders Network Joint UPR Submission to the UN Universal Periodic Review, June 2014, P. 4.

7 "World Report 2014," *Refworld*, <http://www.refworld.org/docid/52dfddd043.html>, accessed 7 January 2014.

to the presidency and threatened by a group calling itself the Nyaribo Support Group. The group threatened to burn down the Special Rapporteur's house amid false reports that he was to testify in the trial of President Kenyatta at The Hague.⁸ In March 2013, the Kenyan President's Director of Digital Media and Diaspora published a list of representatives of civil society organisations and members of the political opposition calling them "evil" backers of ICC procedures. Supporters of the President have also occasionally posted hate messages on social media revealing the identities of witnesses in the ICC case.⁹

4. DISRUPTION OF PROTESTS AND JUDICIAL HARASSMENT

Since March 2013 Kenyans have organised peaceful demonstrations against government proposals to introduce restrictive laws, initiatives to increase the salaries of members of parliament, against socio-economic and governance challenges and corruption in government. Law enforcement officials have followed a policy of low-tolerance against protestors. Arrests on flimsy grounds and subsequent initiation of legal proceedings have been effectively used to harass civil society activists.

On 19 January 2015, two prominent human rights defenders, Irungu Houghton and Bouz Waruku, were arrested during the "occupy playground" demonstrations as they advocated for the rights of school children. They appeared in court on 20 January, were charged with "incitement" and were later released on cash bail.¹⁰ On 18 December 2014 security forces dispersed demonstrators peacefully proceeding towards Parliament to protest against the ongoing debate on contentious security laws. Eight protesters were detained and charged for taking part in an unlawful assembly and incitement to violence.¹¹ They are expected to appear in court on 3 March 2015 for their first hearing.¹²

On 14 May 2013, the authorities used excessive force to disperse protests by civil society against the planned increase of the salaries of parliamentarians.¹³ Tagged "occupy parliament", the protesters used live pigs to demonstrate against the "excesses" of parliamentarians. 17 protesters were arrested as the police used tear gas to disperse them. Again, on 30 March 2013, police used live ammunition on protesters in Kisumu who demonstrated against the ruling of the Supreme Court which upheld the results of the elections paving the way for Uhuru Kenyatta to be elected as president. During the protests, two protesters were killed and at least eleven were injured as a result.¹⁴

5. SHRINKING CIVIL SOCIETY SPACE THROUGH RESTRICTIVE LEGISLATION

The Jubilee Coalition's willingness to propose new laws to limit civil society space is indeed worrying. Ever since assuming power, it has drawn up a spate of restrictive bills with a number of draconian provisions to severely restrict fundamental freedoms and civil society's ability to operate independently. Activists have raised red flags on the pushing through of legislation through Parliament without proper public consultation or rigorous evaluation of their impact on society.¹⁵

A typical example of a knee-jerk reaction to Kenya's terrorism problem was the Security Laws (Amendment)

8 "My Life in Danger over ICC Cases," *Daily Nation*, <http://mobile.nation.co.ke/News/My-life-in-danger-over-ICC-cases-Maina-Kiai/-/1950946/2000700/-/format/xhtml/-/14m13t/-/index.html>, accessed 5 January 2015.

9 "ICC Judges warning over revealing identity of witnesses," *Daily Nation*, <http://mobile.nation.co.ke/News/ICC-judges-warning-over-witnesses/-/1950946/1997996/-/format/xhtml/-/138650x/-/index.html>, accessed, 26 February 2015.

10 Although they were released on bail, the Director of Public Prosecution noted he will carry out further investigations on the case.

11 "Chaos rock MPs' ill-tempered, rowdy debates on divisive bill," *Daily Nation*, <http://mobile.nation.co.ke/news/Parliament-Security-Bill-Chaos-MPs-Senators/-/1950946/2561754/-/format/xhtml/-/2a0v3l/-/index.html>, accessed 9 January 2015.

12 They appeared in court on 19 December, were refused bail on cash and had to deposit a bond of Ksh 300,000 (US \$ 3,240) per person before they were eventually released.

13 "Piglets dropped outside Parliament as Civil Society Protests MPs demand for Higher Salaries," *Standard Digital*, <http://www.standardmedia.co.ke/the-counties/article/2000083610/drama-as-civil-society-protest-mps-greed>, accessed 12 January 2015.

14 "Kenya: two dead and at 11 injured," *allAfrica*, <http://allafrica.com/stories/201304010411.html>, accessed, 12 January 2015.

15 "Kenya must address concerns ahead of human rights council review," Joint statement by CIVICUS and the East and Horn of African Human Rights Defenders Project (EHAHRDP), <http://civicus.org/index.php/en/media-centre-129/news-and-resources-127/2171-kenya-must-address-concerns-ahead-of-human-rights-council-review>, accessed 26 February 2014.

Act 2014, parts of which have now been declared unconstitutional by the judiciary.¹⁶ The law seeking to amend 22 pieces of legislation was hurriedly passed by Parliament and signed into law by President Kenyatta in December 2014 amid protests by opposition members and civil society. Some worrying aspects of the original Security Act included empowering the Cabinet Secretary, a senior government official to designate areas and times for public gatherings and processions, criminalising the publication of offensive material that could potentially cause fear and alarm to the public or disturb public peace, prohibiting individuals and media organisations from broadcasting information that could undermine investigations or security operations to curb terrorism without the approval of the National Police Service, criminalising publication of photographs of victims of terrorist attacks without authorisation from the police. Additionally, sections in the Security Act with provisions to vastly expand the powers of the security agencies to monitor communication without authorisation from the courts, arrest and detain accused persons for up to 90 days without charging them was declared constitutional and retained by the High Court. The provision which sought to empower prosecutors to withhold evidence considered sensitive from accused persons was among those declared unconstitutional by the High Court on the basis that all evidence must be revealed to the defence to enable them prepare their defence.

The efforts by the authorities to push through the Security Laws (Amendment) Bill 2014, were preceded by two attempts to amend the Public Benefit Organisations (PBO) Act 2013 through the restrictive Statute Law (Miscellaneous Amendment) Bills of 2013 and 2014. The proposed amendments were sent to Parliament twice in 2014 and withdrawn on both occasions, on the grounds that members of Parliament could not deliberate on them before going to recess and subsequently because the leader of the Majority in Parliament had not received requisite reports from various agencies by the time the proposed amendments came to Parliament. A task force comprising stakeholders from all major sectors has now been created to ensure inclusive participation in discussing future amendments following the submission of a third round of amendments. However, civil society leaders remain anxious about the future of the sector in Kenya.

The Miscellaneous Amendment Bill of 2013 and 2014 were both omnibus bills containing amendments to a number of laws. The initial amendments had sought to prevent NGOs and PBOs from receiving more than 15% of their funding from external donors. They increased bureaucratic processes for NGOs receiving funding from external sources and stipulated that all funding from foreign donors be received through the Public Benefits Organisation Federation.¹⁷ The amendments had also granted extensive powers to the PBO Regulatory Authority to “impose terms and conditions for the granting of certificates of registration, permits of operation and public organizational status.” These amendments were initially defeated on 4 December 2013 following criticism from local and international civil society organisations.¹⁸

The second set of amendments proposed on 30 May 2014 retained certain restrictive clauses including an expansion of the powers of individuals (particularly the President and Cabinet Secretary) over the operations of NGOs¹⁹. A third set of amendments were introduced in October 2014. These included stringent provisions such as the compulsory re-registration, regulation and control of all agencies working for the benefit of the public. The third round of proposed amendments reintroduced the 15% cap on foreign funding, noting that all PBOs who receive above 15% of their funding from foreign donors would have to register as foreign PBOs. The implications of the proposed amendments on civil society will be severe. It is estimated that if implemented, these new PBO regulations would result in approximately 240,000 jobs being lost, about 20 million people prevented from accessing public health care facilities and human rights groups ceasing to operate altogether or having to operate covertly.²⁰

16 “Security Laws illegal declares High Court,” *Daily Nation*, <http://www.nation.co.ke/news/politics/Security-laws-illegal-declares-High-Court/-/1064/2633342/-/dcaek0z/-/index.html>, accessed 26 February 2015.

17 See “The Statute Law (Miscellaneous Amendments) Bill 2013: Why it is a bad law for the country and why Civil Society Organisations will resist it,” *National Coalition of Human Rights Defenders-Kenya* <http://nchrk.org/the-statute-law-miscellaneous-amendments-bill-2013-why-it-is-a-bad-law-for-the-country-and-why-kenyas-civil-society-organizations-will-resist-it/>.

18 “How Law Makers are Trying to Subvert the Public Benefit Organisation Act,” *Daily Nation* <http://mobile.nation.co.ke/blogs/-lawmakers-Public-Benefit-Organisations-Act/-/1949942/2083204/-/format/xhtml/-/15nfn7c/-/index.html>, accessed 5 January 2015.

19 The initial amendment on the 15% cap on foreign funding was not retained in the second set of amendments, although the amendment was re-introduced in the third attempt.

20 Maina Kiai, “In Kenya averting a move to strangle civil society with the financial noose,” *Open Democracy*

6. HEIGHTENED THREATS TO MEDIA FREEDOMS

The media is a key partner of civil society in ensuring transparency and accountability. Kenya has traditionally had a vibrant media. Journalists regularly report on the actions of politicians, official policies, state responses to terrorist threats and corruption. Independent and critical reporting is bolstered by the presence of daily newspapers, business, weekly and regional papers, independent tabloids, private television stations and private radio and community radio stations. Freedom of expression is guaranteed but can be limited on grounds of incitement of violence and in the interests of preventing ethnic violence.²¹

Despite constitutional safeguards, threats to and legislative restrictions on the independent media appear to be on the rise in Kenya, particularly in relation to reporting on acts of terrorism and ethnic conflict. Blogger Robert Alai was arrested and charged with intent to undermine the authority of the President following tweets published by him on 13 December 2014. He was later released on bail.²² On 7 May 2014, Lydia Ngoolo of the Star Newspaper went into hiding after receiving threatening phone calls. She was warned to stop writing after publishing an article calling on the security agencies to investigate a deserted house in Mwingi. She wrote that there were suspicions that the building was used for illegal activities and by members of the extremist group Al-Shabaab.²³ The police promised to investigate these threats but did not follow-up with appropriate action. On 19 April 2013, Mohammed Ali and John-Allan Namu of the KTN Television station were threatened after they reported on the death of the former Interior Minister George Saitoti following a helicopter crash on 10 June 2012.²⁴ Their report intimated that the death occurred under suspicious circumstances.

In December 2013, the Kenya Information and Communication (Amendment) Bill 2013 and the Media Council Bill 2013 (which sought to provide the government with extensive powers over the media) passed through a second reading in Parliament. The Media Council Bill 2013 proposed the creation of a Media Council and Complaints Commission with the authority to prohibit media content found to be “prejudicial to public or national interest.”²⁵ In addition, the Media Council would have the authority to “prescribe standards of journalists, develop and regulate ethical and disciplinary standards for journalists, media practitioners and Media enterprises.”²⁶

The Kenya Information and Communications Bill 2013 proposed the establishment of a Communications and Media Appeals Tribunal under the state-controlled Communications Authority with wide-ranging powers to impose hefty fines of up to Ksh 20 million on media houses, seize property and revoke the accreditation of media agencies and journalists.²⁷ Both bills were sent to the president who assented to them with minor amendments. Subsequently, Kenya’s journalist associations and media houses filed a petition in court to challenge their constitutionality. On 31 January 2014, the High Court halted the implementation of the bill pending considerations of the legal questions by the court. Although the restrictive legislation is in abeyance for now, its proposed implementation in one form or the other will severely undermine civil society space in the country.

21 Article 33, Constitution of Kenya 2010.

22 “Blogger Robert Alai Charged with undermining President Uhuru Kenyatta,” *Daily Nation*, <http://mobile.nation.co.ke/news/Blogger-Alai-charged-with-undermining-Uhuru/-/1950946/2559710/-/format/xhtml/-/3cg67nz/-/index.html>, accessed 3 February 2015.

23 “Journalists dismayed by threats to writer over Kitui House,” *Standard Digital News*, <http://www.standardmedia.co.ke/kenyaat50/article/2000121801/journalists-dismayed-by-threats-to-writer-over-kitui-house>, accessed 14 January 2015.

24 “KTN Editors Threatened over Saitoti Expose,” *Standard Digital*, <http://www.standardmedia.co.ke/?articleID=2000081848>, accessed 19 December 2014.

25 “Republic of Kenya, Supplement Acts 2013, Nairobi 27 December 2013, *Kenya Gazette* <http://africanmediainitiative.org/content/2014/01/26/MEDIA-ACT-2013.pdf>

26 “Republic of Kenya, Kenya Gazette Supplement: the Media Council Act 2013,” <http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/MediaCouncilAct2013.pdf>, accessed 4 February 2015.

27 “Republic of Kenya, Supplement, National Assembly Bills 2013, Nairobi, 22 July 2013,” *Kenya Gazette* [http://www.researchictafrica.net/countries/kenya/The Kenya Information and Communications %28Amendment%29 Bill 2013.pdf](http://www.researchictafrica.net/countries/kenya/The%20Kenya%20Information%20and%20Communications%20Amendment%29%20Bill%202013.pdf), accessed 15 January 2015.

7. CONCLUSION – ENABLING CIVIL SOCIETY CONSOLIDATES DEMOCRACY AND DEVELOPMENT

The Jubilee Coalition since taking over power has been faced with daunting security challenges. These emanate principally from violent attacks by the terrorist group Al-Shabaab and the ever present possibility of flare up incessant inter-ethnic violence. Nevertheless, the Jubilee Coalition government's response to these and other governance challenges has been far from practical. Kenya's security and governance challenges call for a review of efforts to pre-empt and respond to terrorist attacks while building greater social cohesion at the same time. A thoughtful and comprehensive response predicated on citizen participation and respect for constitutional and international human rights standards is the need of the hour.

As mentioned earlier in this policy action brief, Kenya has a history and culture of active associational life and still boasts an independent and vibrant media that is able to question government's actions and disseminate crucial and timely information on state's policies. Even in a context where civil society and the media are increasingly scrutinised and targeted, they are still able to negotiate the challenges and question decisions taken by the state, publicise government malpractices and advocate for transparency and accountability. This vibrancy and resilience has made it possible for the executive and legislative arms of government to be taken to task on a regular basis. Civil society activism has also led to the suspension, perhaps temporarily in some cases, of restrictive legislation and policies that would otherwise have far reaching implications on fundamental freedoms.

If the restrictive measures – legislative and otherwise- succeed, Kenya's vibrant civil society will face a severe setback. Several civil society organisations (CSOs) may be forced to close, leading to the loss of thousands of jobs while others may be forced to operate covertly creating further suspicion and distrust in society. Arbitrary suspension of CSOs and freezing of their bank accounts also impacts basic services they provide in a host of sectors undermining the country's development efforts.

In attempting to dismantle the democratic edifice of Kenya's constitution through restrictive laws and attitudes of intolerance towards democratic dissent, the Jubilee Coalition has alienated a vital partner - civil society in its nation building project. For Kenya to live up to its reputation as a vibrant democracy the government needs to allow space for civil society to carry out its activities without impediments. This will sometimes mean that state and civil society will disagree on important issues. However, such disagreement is an important sign of maturity in any society and bodes well for the overall development of the state and the growth of democracy.

8. RECOMMENDATIONS TO THE GOVERNMENT OF KENYA

On bureaucratic targeting of the civil society sector

- The practice of arbitrarily suspending the registration of CSOs should be discontinued. Constitutional provisions which provide CSOs with the right to a fair hearing should be respected.
- Civil society activists should be enabled to provide information on human rights violations to domestic and international bodies. Any cases of intimidation or restriction in this respect should be fully investigated with a view to bringing the perpetrators to justice.

On intimidation and attacks on activists

- All cases of attacks on civil society activists should be publicly condemned by senior government officials.
- All cases of threats, intimidation, attacks and harassment of civil society activists by state and non-state actors should be fully investigated with a view to bringing the perpetrators to justice.

On disruption of protests and judicial harassment

- The right to peaceful protest should be guaranteed in all circumstances. The practice of arresting protestors and imposing punitive bail and bond terms should be discontinued.
- Recourse to judicial review and effective remedy should be enabled including through compensation in cases of unlawful denial of the right to freedom of assembly by state authorities.

On shrinking civil society space through restrictive legislation

- All new and proposed legislation should be subjected to extensive public and civil society consultation before being submitted to Parliament.
- All new and proposed legislation should be subjected to a thorough constitutional evaluation before being submitted to Parliament.

On heightened threats to media freedoms

- All journalists and bloggers in jail for expressing their rights to freedom of expression should be unconditionally released and all charges against them dropped.
- The state should fully investigate all cases in which journalists have been threatened and bring perpetrators to justice. The state has the responsibility to publicly condemn threats made to journalists from state and non-state actors.



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