



THREATS TO CIVIC SPACE IN LATIN AMERICA AND THE CARIBBEAN



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CIVICUS

WHO WE ARE

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.

This report was authored by Inés M. Pousadela, CIVICUS Policy and Research Officer, and reviewed by Mandeep S. Tiwana, CIVICUS' Head of Policy and Research. Andrew Firmin, CIVICUS Policy and Research Editor, edited the report. We wish to express our sincere thanks to our partners, to other local, national and regional civil society organisations, and to several individual civil society leaders and activists based in some of the countries named in this report for their valuable contributions to our work.

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ABBREVIATIONS

AI: Amnesty International	LGBTI: Lesbian, gay, bisexual, trans and/or intersex
AWID: Association for Women's Rights in Development	NGO: Non-governmental organisation
CCDHRN: Cuban Commission for Human Rights and National Reconciliation	OAS: Organisation of American States
CEJIL: Center for Justice and International Law	OECD: Organisation for Economic Co-operation and Development
CELS: Center for Legal and Social Studies (Argentinian CSO)	OMCT: World Organisation Against Torture
CIVICUS: CIVICUS: World Alliance for Citizen Participation	OSF: Open Society Foundations
CONADI: Chile's National Indigenous Development Corporation	PBI: Peace Brigades International
CPDH: Permanent Committee for the Defence of Human Rights (Colombian CSO)	RSF: Reporters Without Borders
CPJ: Committee to Protect Journalists	SDGs: Sustainable Development Goals
CPT: Brazil's Pastoral Land Commission	TI: Transparency International
CSO: Civil society organisation	UDEFEQUA: Unit for the Protection of Human Rights Defenders in Guatemala
EEI: Enabling Environment Index	UNDP: United Nations Development Programme
EENA: Enabling Environment National Assessment	UNHRC: United Nations Human Rights Council
EEP: Paraguayan People's Army	UPR: Universal Periodic Review
FIDH: International Federation for Human Rights	US: United States
FOPRIDEH: Federation of NGOs for Honduras' Development	USAID: United States Agency for International Development
FLD: Front Line Defenders	WB: World Bank
GDP: Gross domestic product	WHRD: Woman human rights defender
GW: Global Witness	WOLA: Washington Office on Latin America
HRD: Human rights defender	
HRW: Human Rights Watch	
IACHR: OAS' Inter-American Commission on Human Rights	
ICCPR: International Covenant on Civil and Political Rights	
ICNL: The International Center for Not-for-Profit Law	
IHRFG: International Human Rights Funders Group	
IPI: International Press Institute	
ISHR: International Service for Human Rights	
ITUC: International Trade Union Confederation	
LAC: Latin America and the Caribbean	

EXECUTIVE SUMMARY

CIVIC SPACE IN LATIN AMERICA AND THE CARIBBEAN

If citizens are to have strong opportunities to take part in the making of decisions that affect their lives, there needs to be space for civil society to function, flourish and play a full range of roles. The space for civil society – civic space – rests on the realisation of three fundamental rights: the freedoms of association, peaceful assembly and expression. If these three rights are respected, citizens can exercise dissent, propose solutions and contribute meaningfully to democratic governance.



MANY LAC COUNTRIES HAVE ALSO WITNESSED AN INCREASE IN THE STATE'S COERCIVE POWER TO MAINTAIN PUBLIC ORDER, WHICH IMPINGES ON THE FREEDOM OF PEACEFUL ASSEMBLY.



The importance of civic space is recognised in international law, which compels governments to respect, facilitate and protect the three fundamental civil society rights. The role of civil society has also been recognised in a number of recent landmark international agreements, including the Sustainable Development Goals (SDGs).

However, this survey of civic space in Latin America and the Caribbean (LAC) offers compelling evidence that civil society rights are not being realised. On the positive side, core freedoms of association, assembly and expression are constitutionally recognised in most LAC countries, and mechanisms for civil society participation are increasingly being institutionalised in the region. But against this, legal and administrative barriers to the creation, functioning, communication and resourcing of civil society organisations (CSOs) have either been maintained or recently introduced in numerous LAC countries. These constrain the freedom of association.

Alongside legal and administrative barriers, restrictions on the effective exercise of the freedom of association take various forms, including increased scrutiny and surveillance; moves to close CSOs forcibly; smear campaigns; arrests, imprisonment, and miscarriages of justice; and the intimidation and targeted assassination of activists and human rights defenders (HRDs). Such measures disproportionately affect the work of CSOs, HRDs and journalists that engage in advocacy, seek to hold governments to account, and work to expose poor governance and realise the rights of excluded people.

Many LAC countries have also witnessed an increase in the state's coercive power to maintain public order, which impinges on the freedom of peaceful assembly. Laws have been passed or proposed in several countries that privilege the free circulation of traffic over the right of people to join together in public space to express dissent, and that allow for the more authoritarian policing of protests. More often than not, protests have been violently suppressed. This has come in response to an upsurge of citizens' protests in response to entrenched issues of inequality, corruption and abuses of political power.

Further, despite a continuing trend towards the adoption of legislation on the right to access information, conditions for the exercise of the freedom of expression have deteriorated in several LAC countries. Judicial persecution and violence against journalists, as well as against CSOs and activists using the media, are among the most troubling limitations on the freedom of expression. Related issues that impact on the space for expression include conflicts between governments and critical media, and increasing concentration of media ownership.

Finally, two pressing and connected issues further affect the quality of civic space in LAC: government corruption and the influence of predatory business interests. A key concern here is the existence in many LAC countries of extensive corruption networks that link business interests, public officials and elements of the security forces, particularly at the local level. These structures of corruption cause widespread violations of the human rights of communities affected by their activities, and of CSOs and activists that work to uphold the rights of those communities. Affected populations include those whose livelihoods and environments are threatened by the advance of extractive industries, agribusiness and large-scale construction projects.



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KEY RECOMMENDATIONS

States should recognise the legitimate role that independent CSOs and networks play in society by guaranteeing the freedom of association. This implies that unwarranted legal and bureaucratic obstacles against the formation and functioning of CSOs should be removed, and all laws and regulations relating to civil society should be transparent and unambiguous, and respect the autonomy of civil society.

Activists and HRDs should be given protection by law enforcement agencies to ensure that the environment for civil society is safe and secure. Actions that should be taken include the public condemnation and independent investigation of all attacks on and threats against civil society, and the establishment and strengthening of protection mechanisms for activists and HRDs. The targeting of women HRDs should be publicly recognised as a form of violence against women and cultures of impunity ended.

For detained persons, all due process guarantees set out in article 14 of the International Covenant on Civil and Political Rights (ICCPR) on the rights of people undergoing criminal or judicial proceedings should be ensured. All HRDs and civil society activists detained for exercising the freedoms of assembly, association and expression should be released unconditionally.

There is a need for sound guidelines to be applied on the proper management of assemblies. This means that prior permission should not be required to hold a peaceful assembly, law enforcement bodies should offer adequate protection to all participants, and excessive force should not be used to disperse gatherings.

To uphold the freedom of expression, national legislation should be revised and aligned to the provisions of the ICCPR. In particular, legal restrictions that limit dissent should be removed, libel should be classed as a civil rather than criminal offence and impunity for attacks on journalists, and activists and journalists using media, should be ended.

Finally, to ensure that there is adequate scrutiny over the realisation of rights, government officials and security forces should strengthen their cooperation with CSOs and international human rights bodies.

Civil society in LAC has proved its worth, time and again, in serving excluded people, challenging human rights abuses and fighting for democracy. In doing so, LAC civil society has shown itself to be committed, creative and resilient, even in the face of challenges. Broad-based civil society alliances, including those that cross borders and mobilise international support and solidarity, have been an important part of the LAC civil society response, and must continue to play a vital role in upholding and enabling LAC civic space.

INTRODUCTION

A number of recent international commitments have acknowledged the important role of civil society. In 2008, the Accra Agenda for Action, signed by donor and recipient governments and CSOs from around the world, recognised CSOs as “independent development actors in their own right whose efforts complement those of governments and the private sector.” It committed to creating the enabling conditions that would ensure “that CSO contributions to development reach their full potential.”¹

In late 2011, 45 organisations and the governments of 160 countries, including most in Central and South America, endorsed the Busan Partnership for Effective Development Cooperation, thereby committing to promote an “enabling environment for civil society, consistent with agreed international rights, that maximises the contribution of CSOs to development.”²

More recently, on 1 January 2016, the 17 Sustainable Development Goals (SDGs) that constitute the 2030 Agenda for Sustainable Development officially came into force. Adopted at a United Nations (UN) Summit in September 2015, these new goals will direct efforts to end poverty, fight inequalities and tackle climate change over the next 15 years. Many targets for the goals directly involve civil society and civic space, most notably those concerning access to information and fundamental freedoms (target 16.10) and civil society partnerships (target 17.17).³

More broadly, under international law, governments are compelled to respect, facilitate and protect three fundamental rights: the freedoms of association, peaceful assembly and expression. As suggested by the United Nations Human Rights Council (UNHRC),⁴ the exercise of these three rights determines the extent and quality of civic space - the space for civil society. Together, these three basic rights give citizens opportunities to take part in the making of decisions that affect their lives, contribute to the governance of their countries and exercise democratic dissent.

However, over the past decade, an increasing recognition of civil society as an essential development actor, or more emphatically, as “the oxygen of democracy,” as outgoing UN Secretary-General Ban Ki-moon put it,⁵ has been accompanied by an equally growing concern around the world about the lack of safe and enabling conditions for CSOs to operate free from unwarranted restrictions. As CIVICUS’ research has documented, restrictions have increased in several countries, including many that signed the Busan declaration and acclaimed the SDGs.⁶ This pressing concern has led to the development of various UN resolutions regarding the safety of civil society and protection for HRDs being issued in the past few years.⁷

1 ‘Accra Agenda for Action’, Third High Level Forum on Aid Effectiveness, 2008, <http://goo.gl/Siq7hj>.

2 ‘Busan Partnership for Effective Development Co-operation’, Fourth High Level Forum on Aid Effectiveness, 2011, <http://goo.gl/CnZwhn>.

3 Sustainable Development Goals, United Nations Development Programme (UNDP), <http://goo.gl/ZypmiO>.

4 ‘Civil society space: creating and maintaining, in law and in practice, a safe and enabling environment’, United Nations Human Rights Council (UNHRC), 23 September 2013, <http://goo.gl/UzBge1>.

5 Video message by UN Secretary-General Ban Ki-moon on International Day of Democracy, 15 September 2015, <https://goo.gl/qRsqyn>.

6 ‘Civil Society Watch Report’, CIVICUS, June 2016, <http://goo.gl/o1zcs1>.

7 UNHRC, 23 September 2013, op. cit.; ‘Concluding Intense Session, Third Committee Approves Final Draft Resolution on Human Rights Defenders, Sending Package of 62 Texts to General Assembly’, United Nations (UN), 25 November 2015, <http://goo.gl/IHCmig>.

CIVICUS' concern with the conditions for civil society has long seen it involved in generating debate, raising awareness and promoting the expansion of environments that are enabling for civil society. As part of this, CIVICUS works to research and document trends in civic space and the conditions for civil society. Under our Civic Space Initiative, new tools have been introduced, such as the Enabling Environment Index (EEI), launched in 2013, and the Enabling Environment National Assessment (EENA), developed jointly with The International Center for Not-for-Profit Law (ICNL) and applied since 2013.⁸ In October 2016, CIVICUS launched the CIVICUS Monitor, an online platform that rates countries on the basis of how open or closed their civic space is.

CIVICUS' research indicates that civic space has deteriorated throughout LAC. Although LGBTI and women's rights activists in particular have achieved some recent, partial progress, conditions as a whole have worsened in many LAC countries. Within countries, civic space has also declined in particular regions and localities.

A key difference from past challenges in LAC, and from other regions of the contemporary world, is that the current decline in civic space is occurring in a context where democracy prevails. Indeed, with the exception of Cuba, all LAC countries are now procedurally democratic, in that they regularly hold elections that are generally considered to be free and fair.

In LAC, electoral democracy has survived, if not flourished, in environments characterised by deep social inequalities that disproportionately affect women, young people, indigenous peoples, rural populations and people of African heritage. This demonstrates that democracy, at least in its minimal, procedural definition, can coexist with high levels of inequality. Considering the alternatives, the prevalence of democracy may be considered as welcome news in the region that has been singled out as the most unequal in the world.⁹ However, this also means that the quality of democracy must be called into question. Challenges here include those of how representative, responsible and accountable democratic institutions are, how open they are to citizens' participation, and the extent to which they help realise human rights. All of these affect civil society's ability to act and prosper.

With government corruption and predatory business interests emerging as two main themes, it should also be clear that threats to civil society are not coming only from governments. Indeed, many of the most serious violations of civil society freedoms come from non-state actors that are tolerated or enabled by, or act in collusion with, governments and security forces, particularly at the local level. Much of the danger for civil society results from webs of corruption that mesh the interests of politicians and other public officials with those of private corporations and organised crime. More often than not, crackdowns on civil society are driven by the efforts of political and economic elites to hold onto power and resources, rather than by ideological considerations. It is therefore not surprising to find that CSOs and activists that protest against extractive industries are among those most targeted.

While there are both positive and negative trends, the negative trends are most concerning, because they include some extreme attacks against civil society and embolden forces that seek to restrict civil society. Without ignoring the good news, when it arises, this report therefore seeks to document instances where LAC states and non-state actors are currently suppressing civil society freedoms.

⁸ Between 2013 and 2016 CIVICUS Enabling Environment National Assessments were implemented in 22 countries, six of them in Latin America. Reports are available at: <https://goo.gl/G21XLh>. The CIVICUS Enabling Environment Index is available at <http://civicus.org/eei>.

⁹ 'Lessons from the World's Most Unequal Region', UNDP, 2013, <http://goo.gl/RR7VUS>.



A KEY DIFFERENCE FROM PAST CHALLENGES IN LAC, AND FROM OTHER REGIONS OF THE CONTEMPORARY WORLD, IS THAT THE CURRENT DECLINE IN CIVIC SPACE IS OCCURRING IN A CONTEXT WHERE DEMOCRACY PREVAILS.



This report seeks to provide evidence on the most relevant restrictions on civic space in LAC, and to offer a series of examples of these. In its first three sections this report describes and analyses various categories of problems that challenge the freedoms of association, peaceful assembly and expression. In its last section this report discusses the impact that government corruption and predatory business interests are having on the quality of civic space.

THE FREEDOM OF ASSOCIATION

While the freedom of association is largely constitutionally recognised, and mechanisms for civil society participation are increasingly becoming institutionalised throughout the region,¹⁰ legal and administrative barriers to the creation, legal recognition, functioning, communication and funding of CSOs have been either maintained or recently introduced in various countries.

RISE IN LEGAL RESTRICTIONS AND FINANCIAL CONSTRAINTS

Several LAC governments use legislative tools to control civil society activities and suppress dissenting voices. The amount of legislation regulating civil society has increased, imposing limitations on the ability of civil society groups to undertake their legitimate activities. Tactics include the expansion of government discretion to restrict CSOs from working on some areas, the granting of ill-defined powers to government agencies to dissolve organisations without judicial oversight and on arbitrary grounds, and the imposition of limitations or outright bans on CSOs receiving international funding.¹¹

Governments have typically sought to justify these restrictions in the name of national security, national interests and even democratic accountability. However, an examination of the contexts within which legal restrictions have been introduced suggests an intent to silence civil society activists and curtail their ability to expose poor governance. The effects of restrictions have been greatest on CSOs that prioritise advocacy and policy work; these are the sections of civil society that states most frequently perceive to be challenging their authority.

According to a recent study by ICNL, systems in which prior authorisation must be obtained from the state for the granting of legal personality to a CSO are fairly common in LAC, as opposed to the better practice, in which a CSO must simply inform the state of its formation. Also fairly common are complex systems for granting CSOs the status required to receive benefits and incentives, such as tax exemptions, from the state. In several countries procedures are intricate, centralised and sometimes expensive, with no effective time limits for applications to be processed; they involve ambiguous requirements regarding the documentation that should be submitted; significant discretion is granted to state officials in evaluating requests; and there are limitations on who can establish a CSO.¹²



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10 In Cuba, the only country in LAC that is not an electoral democracy, the law allows for CSO registration, but legal recognition can be denied for decades and freedom to operate is severely limited. The Law for the Protection of National Independence and the Economy of Cuba outlaws 'counterrevolutionary' and 'subversive' activities and has been used to harass and imprison dissidents and human rights activists.

11 For a study of legal frameworks in Latin America, see 'Estudio regional sobre marcos regulatorios de las organizaciones de la sociedad civil en América Latina', Mesa de Articulación, 2014, <http://goo.gl/fFZ2qu>.

12 'Challenges and Opportunities to Promote More Enabling Legal Environments for Civil Society Organisations: A Look at Six Latin American Countries', International Center for Not-for-Profit Law and Open Society Foundations, October 2015, <https://goo.gl/Jl6Y3O>. Individual reports also available for Argentina, Bolivia, Chile, Colombia, Ecuador, El Salvador, Guatemala, Mexico, Nicaragua, Panama, Paraguay and Peru.

At least some of the recent changes in legislation governing CSOs appear to be linked to social mobilisations that were triggered by conflicts between the agendas of extractive industries and the demands of local populations affected by their actions. This seems to have been the case in **Ecuador**, where regulations issued in June 2013 (under Executive Decree No 16) provided a new framework for CSO activity, requiring all organisations to re-register and giving authorities broad discretion to deny or withdraw legal status. This decree, and new regulations granting the government broad powers over media content, were issued just two months before the controversial decision to drill for oil in the Yasuní National Park was announced. Not surprisingly, the first victim of Executive Decree No 16 was a prominent environmental organisation, the Pachamama Foundation, which worked in indigenous territories. It was summarily dissolved in December 2013.¹³



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Also in 2013, **Bolivia's** Law No 351 on Granting Legal Personality (supplemented by Supreme Decree No 1,987 of 2014) imposed heavy bureaucratic burdens on CSOs and gave the government the right to dissolve them if they pursue activities that do not coincide with those explicitly listed in their statutes.

Unprecedented administrative burdens were also placed on CSOs in **Mexico** as a result of a 2013 anti-money laundering law that treats donations to CSOs as potentially 'vulnerable activities', and requires CSOs to report large donations on a monthly basis, disclose information about donors and sign up to a public record before soliciting donations.¹⁴

Even in countries where no additional hindrances have recently been introduced, bureaucracy and the power granted to officials can make it difficult for CSOs to register and function. As pointed out by an interviewee from **Argentina**:

"A particularly troubling issue is the discretion that the Civil and Commercial Code gives public officials to grant legal recognition... The law requires that civil associations and foundations pursue the 'common good.' There have been cases of legal recognition being refused as a result of the arbitrary interpretation of this requirement, such as those of the Argentine Homosexual Community (CHA) and the Association of Struggle for Transvestite-Transsexual Identity (ALITT). It took CHA many years to obtain legal status, while ALITT acquired it in 2006 through a Supreme Court ruling."¹⁵

Without appearing to be as authoritarian as the power to dissolve a CSO, the introduction of limits or bans on the receipt of international funding has proved an effective tactic for dramatically restricting or halting CSO activities in some areas. In most LAC countries, dependence on foreign donors is particularly high among CSOs that seek to advance democracy, the rule of law and human rights. Such CSOs are rarely, if ever, supported by domestic governments, which tend to see them as competitors. In a regional context where changing funding patterns are challenging advocacy-oriented CSOs,¹⁶ as they are steadily losing ground to CSOs that prioritise the delivery of services, the effects of funding bans or the expulsion of foreign donor organisations can be devastating.

13 'Ecuador: Rights Group Shut Down. Reverse Decision and Revoke Presidential Decree', Human Rights Watch (HRW), 6 December 2013, <https://goo.gl/jcVHBM>.

14 'Closing Space for Civil Society and Cross-Border Philanthropy', International Human Rights Funders Group, 20 October 2014, <https://goo.gl/VVAYTa>.

15 'What Argentina's government can do to improve civic space', Interview with Fernando Braccacini, CIVICUS, 31 May 2016, <http://goo.gl/pO0bwG>.

16 'The Sustainability of Latin American CSOs: Historical Patterns and New Funding Sources', Inés M Pousadela and Anabel Cruz, *Development in Practice*, vol. 26, issue 5, 2016, pp. 606-618.



The United Nations' Special Rapporteur on the rights to freedom of peaceful assembly and of association emphasises the importance of access to funding:

“The ability to seek, secure and use resources is essential to the existence and effective operations of any association, no matter how small. The right to freedom of association not only includes the ability of individuals or legal entities to form and join an association but also to seek, receive and use resources – human, material and financial – from domestic, foreign, and international sources.”¹⁷



Increasing government distrust of international aid to civil society has recently led to the introduction of bans or constraints on the receipt of non-domestic funding and of restrictions on the activities of international CSOs in at least three South American countries. Typically, these regulations have been justified on the grounds that foreign actors have no right to engage in ‘political objectives’ or to impose ‘ideological conditions’.

Venezuela pioneered this trend when it passed its 2010 Law for the Protection of Political Liberty and National Self-Determination, prohibiting international funding for individuals, political organisations, CSOs or any organisation pursuing political objectives or advocating for political rights.¹⁸

President Rafael Correa of **Ecuador**, in turn, issued a decree in 2011 prohibiting international CSOs registered in Ecuador from receiving funds from bilateral and multilateral sources for their activities in the country; in 2012, the operations of 26 international CSOs were shut down, and another 18 were threatened with closure if they did not comply with newly issued regulations mandating the alignment of their activities with the government’s planning priorities.¹⁹

In other cases, no prohibition has been introduced, but administrative obstacles have been put in place. This is the case in **Bolivia**, where Law No 351 on Granting Legal Personality (2013) requires CSOs that are classified as non-governmental organisations (NGOs) to register all of their funding sources, an obligation that had already been established through a Supreme Decree (No 29,308) in 2007. In what were considered to be ‘acts of sovereignty’, the US bilateral cooperation agency USAID and the Danish CSO IBIS were expelled from Bolivia, in May and December 2013 respectively, having been accused of political meddling and attempts at destabilisation. In the case of IBIS, the organisation’s work with indigenous communities was described as conspiratorial, as it was blamed for causing indigenous organisations to oppose the government.²⁰

As well as making it harder for CSOs to obtain much-needed funding, these measures have made it more difficult and costly for CSOs to obtain other forms of support, such as solidarity, from abroad.

17 ‘Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association’, Maina Kiai, UNHRC, 2013, <http://goo.gl/ZYKULZ>.

18 The full text of this law is available at: <http://goo.gl/3C1i8z>.

19 ‘Nuevas normas para ONGs extranjeras en Ecuador generan inquietud’, La Hora, 15 July 2011, <http://goo.gl/1m2356>; ‘Seteci no renueva permisos de funcionamiento a 26 ONG extranjeras’, Andes-Agencia Pública de Noticias del Ecuador y Suramérica, 4 September 2012, <http://goo.gl/wkcpYk>.

20 ‘Bolivian President Evo Morales orders expulsion of USAID’, CNN, 1 May 2013; <http://goo.gl/zGQYxV>; ‘Bolivia expels Danish NGO IBIS for meddling’, Gulf Times, 20 December 2013, <http://goo.gl/LIFs8X>.

In response, CSOs are urging their states to contribute actively to the creation of an enabling environment, including by consolidating dispersed regulation regimes, establishing a system of voluntary registration to replace systems of state approval, easing procedures, eliminating bureaucracy, simplifying tax exemption mechanisms and, above all, reducing the space for arbitrary decision-making.

INCREASED SCRUTINY, SMEAR CAMPAIGNS, AND MOVES TO FORCIBLY SHUT DOWN CIVIL SOCIETY ORGANISATIONS

As a result of the legal changes outlined above and de facto changes in government policy orientation, a number of CSOs in LAC have been subjected to extensive scrutiny, delegitimising attacks and increased government interference, leading in extreme cases to the expulsion of international CSOs or dissolution of domestic CSOs. Increased controls have often been introduced with the stated aim of improving the legitimacy, transparency and accountability of CSOs, but restrictions have been applied particularly against CSOs that engage in advocacy activity.

An example of this widespread phenomenon can be observed in **Peru**, where women's rights organisations that promote the legalisation of abortion have reported an escalation of hostilities, including stigmatising media attacks, judicial harassment (including a bizarre criminal complaint initiated against them for 'apology of abortion'), and the targeted scrutiny of bank accounts linked to pro-choice campaigns, which intensified immediately after a surge of controversy erupted in the US around Planned Parenthood, a CSO that funds Peruvian women's rights CSOs. Peruvian CSOs point out that recent budget increases for the agency in charge of supervising them has resulted in 150 new members of staff being recruited and assigned to control tasks.²¹

Another case that illustrates how women's groups in particular are being stigmatised for advocating for women's rights can be found in **El Salvador**, where two leading organisations promoting sexual and reproductive rights have been systematically harassed and stigmatised, both for their ongoing work and their role in providing legal assistance to 17 women convicted of homicide after suffering obstetric emergencies that led to miscarriages. Public officials and religiously affiliated groups have repeatedly described them as 'unscrupulous', 'pro-death' and 'unpatriotic traitors'.²²



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21 'Nueva ofensiva contra las ONG que defienden los derechos de la mujer', La República, 10 October 2015, <http://goo.gl/SvWAoc>.

22 'Defenders under attack! Promoting sexual and reproductive rights in the Americas', Amnesty International (AI), 9 December 2015, <https://goo.gl/QQ7sGD>.

Many other examples could be offered of aggressive pronouncements and derisive statements by politicians and government officials against CSOs and rights advocates in LAC. Smear campaigns have emanated from sites of authority in countries ruled by governments of every political colour. Several presidents and other high-level public officials have waged personal wars against specific CSOs in the national media, characterising them as undemocratic destabilisers, bearers of dangerous ideas and mercenaries at the service of foreign interests, particularly those of ‘American imperialism’.²³ Dirty campaigns have often been accompanied by bureaucratic manoeuvres aimed at preventing the normal functioning of organisations.²⁴ At the core of such moves lies the assumption that given their lack of electoral legitimacy CSOs should have no role in evaluating public policy or calling governments to account.²⁵



“In Nicaragua we have a political and institutional crisis due to the way in which power is exercised. This has placed the public officials leading the current administration above state institutions. [...] The context does not favour autonomy, as critical independent CSOs suffer persecution. Mobilisation, direct work with the public and the dissemination of the products of critical thought are penalised. The conditions are not conducive for CSOs to exercise a role as a social watchdog. There are no resources for them to do that kind of work and as a consequence, many organisations have chosen to keep a low profile, working quietly and becoming invisible in order to survive. Conditions have worsened as of late as controls and restrictions have increased. We have less and less access to official information since there is no space for political dialogue and the government has banned its officials and state agencies from interacting with CSOs. We face constant harassment from government institutions such as the General Direction of Revenue (the tax agency) and the Nicaraguan Institute of Social Security, as well as from local governments. This situation is likely to worsen as the elections approach.” Coordinadora Civil’s Executive Team, Nicaragua²⁶



More often than not, delegitimising strategies point to the international connections of activists and organisations, seeking to position CSOs and activists as anti-national or imperialistic. Smear campaigns, along with a variety of complementary tactics, including threats, travel bans, fines, harassment, arrest and imprisonment, are being used to discourage CSO representatives from cooperating with UN and Organization of American States (OAS) bodies.

²³ For example, anti-corruption CSOs have been depicted as ‘conservative elitists’, implying that a preoccupation with corruption is a luxury of the rich that runs counter to the interests of the masses, while feminist organisations have been criticised for reproducing an imported ‘gender ideology’ considered to be contrary to nature, good morals, tradition and common sense.

See, for example, ‘Rafael Correa rechaza la “absurda” y “peligrosísima” ideología de género’, Infobae, 3 January 2014, <http://goo.gl/IL9YOT>; ‘Una ONG acusa al Gobierno de Ecuador de intimidaciones’, El País, 28 January 2014, <http://goo.gl/Q6lQ1Q>; ‘What’s Behind the Bolivian Government’s Attack on NGOs?’, NACLA, 3 September 2015, <https://goo.gl/Dll7qI>; ‘Panama: NGOs “aim to destabilise” Latin American governments says Argentine President Kirchner’, Ruptly TV, 12 April 2015, <https://goo.gl/7C4B7j>; ‘Presidente Maduro encabeza fase superior de ataques contra ONG y activistas de derechos humanos’, PROVEA, 22 August 2015, <http://goo.gl/7p0xNi>; ‘Monagas: Cabello acusó a ONG venezolanas de “conspirar” contra el país’, Instituto Prensa y Sociedad, 1 December 2015, <http://goo.gl/XOJWaT>.

²⁵ For example, in a statement rejecting the interference of the New York-based NGO Natural Resource Governance in the evaluation of Bolivia’s anti-corruption policies, Bolivia’s Minister of Institutional Transparency stated: “We do not accept the interference of any NGO regarding an evaluation of our country. As a government we are responsible for public policy for the prevention and fight against corruption.” ‘Bolivia no acepta injerencia de ONG para evaluar lucha anticorrupción’, JornadaNet, 12 November 2015, <http://goo.gl/C4quCO>.

²⁶ ‘Repression hinders growth of civic space in Nicaragua’, Interview with Coordinadora Civil’s Executive Team, CIVICUS, 20 June 2016, <http://goo.gl/eGpeSN>.



WITHOUT AN OFFICIAL EXPLANATION, THE VISITORS WERE DENIED ENTRY WHEN ARRIVING FOR A HUMAN RIGHTS EVENT IN MAY 2016, AGGRESSIVELY SEARCHED, AND IMMEDIATELY DEPORTED.



Examples of such tendencies can be found in several countries across LAC, and they have elicited strong reactions from the global human rights community. In **Honduras**, HRDs were stigmatised in reprisal for exercising their right to interact with the UNHRC's Universal Periodic Review (UPR) process.²⁷

In **Venezuela**, a "shameful and televised harassment of rights activists" was noted by a group of UN and Inter-American human rights experts as forming part of

"a clear pattern to intimidate and defame human rights defenders for merely promoting human rights in their country and for engaging with international and regional human rights bodies."²⁸

In March 2015, several Venezuelan HRDs who were returning home after presenting their concerns before the Inter-American Commission on Human Rights (IACHR) were followed, photographed and filmed by unidentified men at Caracas airport. The government's complaint that the work of inter-American bodies amounts to undue interference recently led the Venezuelan Ministry of Foreign Affairs to 'prohibit' OAS Secretary General Luis Almagro from making public comments on Venezuela.²⁹

Attacks on CSOs' international connections also see limitations placed on foreign partners seeking to work within countries, as attested by the mistreatment received at **Nicaragua's** main airport by two visiting lawyers from the Center for Justice and International Law, a regional human rights organisation. Without an official explanation, the visitors were denied entry when arriving for a human rights event in May 2016, aggressively searched, and immediately deported.³⁰

While harassment is fairly common, the forced dissolution of CSOs is an extremely rare occurrence in LAC. Two such instances, both in **Ecuador**, have been reported in recent years. Besides that of the Pachamama Foundation reported above, there was the case of the National Educators' Union (UNE), Ecuador's oldest and largest trade union, which was forcibly dissolved in August 2016. While the government justified its dissolution on the basis of alleged violations of a number of provisions contained in the newly enacted rules of the Unified System of Information on Social Organizations, UNE representatives viewed the measure as a reprisal for their participation in recent International Labour Organization (ILO) and UNHRC sessions where they reported on violations of teachers' rights in the country.³¹

27 'Honduras: End defamation of human rights defenders, guarantee their security and legislate for their effective protection', International Service for Human Rights (ISHR), 16 April 2015, <http://goo.gl/GNRLYN>.

28 'High time to pull the plug on televised reprisals against rights defenders in Venezuela', Office of the UN High Commissioner for Human Rights, 22 July 2015, <http://goo.gl/HxQjK>.

29 'Venezuela: End reprisals against those cooperating with the Inter-American Commission', ISHR, 21 March 2015, <http://goo.gl/OGEQck>; 'Marco Antonio Ponce, el activista venezolano de derechos humanos en el punto de mira de Diosdado Cabello', ABC Internacional, 15 April 2015, <http://goo.gl/l5x1mu>; 'Canciller venezolana le "prohíbe" a Almagro referirse sobre Venezuela', Diario Las Américas, 9 March 2016, <http://goo.gl/ZlcTNM>.

30 'Nicaragua: Defensores de derechos humanos deportados arbitrariamente', AI, 19 May 2015, <https://goo.gl/nwjORf>.

31 'Gobierno disuelve al gremio de educadores más grande y antiguo del Ecuador', Fundamedios, 18 August 2016, <http://goo.gl/b4gG9f>.

More positively, an attempt to apply Ecuador's Executive Decree No 16 to Fundamedios, a media freedom CSO, failed following widespread outrage both within Ecuador and abroad. The official justification of the move against Fundamedios rested on accusations of 'political meddling'.³² It is clear that, although uncommon, this extreme form of reprisal is targeted at CSOs that engage in advocacy on politically sensitive issues.

ARREST, IMPRISONMENT, AND MISCARRIAGES OF JUSTICE AGAINST CIVIL SOCIETY ACTIVISTS

A number of civil society activists have been arrested and imprisoned in LAC, with the intention of preventing them from carrying out their legitimate work and offering a deterrent to others. Several cases documented across LAC raise concern that the criminal justice system is being deliberately used against HRDs in an attempt to undermine their work.

According to a 2016 report by the Observatory for the Protection of Human Rights Defenders,³³ the abusive use of criminal legislation to penalise HRDs is pervasive in Latin America and involves not only state actors - the police, the military, government officials and judges - but also private ones, particularly business corporations and landowners. Tactics of judicial harassment often form part of an escalation of hostilities that can eventually lead to murder. Not surprisingly, one of the best documented examples of judicial harassment was that of Berta Cáceres, a Honduran environmental and human rights activist who was assassinated in March 2016, just a few weeks after the Observatory's report was published.

While most of the activists profiled in CIVICUS' Civil Society Behind Bars Campaign³⁴ are incarcerated by authoritarian and autocratic regimes, LAC's defective democracies also see activists jailed and under harassment by the legal system. Women's rights advocates, grassroots organisations speaking out in the name of underprivileged populations and watchdog groups exposing government wrongdoing are hit particularly hard by such tactics. Many imprisoned activists are denied basic due process rights and some are subjected to abuse while in detention.



“Women HRDs face even more severe obstacles, particularly when we demonstrate for women's rights and gender equality. For several years we have suffered threats, harassment, judicial harassment, persecution and repression. In 2007 a lengthy investigation against nine women HRDs was opened following a complaint against them raised by an NGO linked to the Catholic Church, regarding their work in the field of sexual and reproductive rights. [...]. The investigation lasted two and a half years and was eventually closed for lack of substance, but in the meantime it caused enormous difficulties for these women and their families, and achieved its goal of obstructing and disrupting their work. Similarly

32 'NGO alert: Ecuadorian government orders press freedom group to disband', The Guardian, 9 September 2015, <http://goo.gl/XKRkVl>; 'Expertos piden a Ecuador detener la disolución de organización civil promotora de la libertad de expresión', UN News Centre, 15 September 2015, <http://goo.gl/twq1RS>; 'Ecuadorian government shelve the dissolution process against NGO Fundamedios, but sends a "last warning"', Journalism in the Americas, 28 September 2015, <https://goo.gl/3jMHYj>; 'US-Funded NGO in Ecuador Accused of "Political Meddling"', Telesur, 10 September 2015, <http://goo.gl/yMtgkA>.

33 'Criminalización de defensores de derechos humanos: Un fenómeno regional en América Latina', World Organisation Against Torture (OMCT) and International Federation for Human Rights (FIDH), February 2016, <http://goo.gl/zHB9Sy>.

34 'Civil Society Behind Bars', CIVICUS, <https://goo.gl/Xzklpj>.

in the streets, whenever women mobilise for our rights, groups of government supporters or anti-riot police show up and they close the way to prevent us from exercising our right to peaceful protest.” Coordinadora Civil’s Executive Team, Nicaragua³⁵



Cases of judicial harassment and unwarranted detention have been reported in at least a dozen Latin American countries. Again, this trend is present in countries ruled by political parties of all persuasions, as the following examples indicate.

According to Amnesty International’s 2015-16 Report, despite increasingly open diplomatic relations, human rights activists and journalists in **Cuba** routinely continue to be subject to arbitrary arrests and short-term detention for exercising the freedoms of association, peaceful assembly and expression. As documented by the Cuban Commission for Human Rights and National Reconciliation, politically motivated detentions of political opponents and social activists have increased: such detentions averaged 172 people per month in 2010, 343 in 2011, 550 in 2012, 536 in 2013 and 741 in 2014. In the first five months of 2015, detentions averaged 452 per month. In spite of promises of releases on the occasion of Pope Francis’ visit to Cuba in September 2015, arrests increased, preventing activists from approaching the Pope to discuss human rights.³⁶

In **Colombia**, 16 young social activists were rounded up and arrested in July 2015 for their alleged connection to a bombing in the capital city of Bogotá, despite a marked lack of evidence. In mid-September 2015, indigenous leader Feliciano Valencia was arrested for allegedly holding captive a member of the security forces who had infiltrated an indigenous protest. Although he denied the charge, Valencia, long a target of harassment by civilian and military officials, was sentenced to 18 years in prison.³⁷

Meanwhile in **Paraguay**, lengthy judicial proceedings were brought against 11 peasant farmers accused of participating in the killings of six police officers and other related crimes during a 2012 land dispute in the Curuguaty district. While no member of the security forces was charged for the deaths of 11 peasant farmers who were also killed during the clashes, all the accused peasants were found guilty and sentenced to between four and 35 years in prison.³⁸

Javier Ramírez, a rural environmental activist from **Ecuador**, was arrested in April 2014 as he headed home from the capital Quito, where he had met the Interior Minister to discuss his community’s objection to a local mining project. He was charged with rebellion for an incident in which a local resident had thrown a rock at engineers attempting to enter the town, although he had not been present. In February 2015, after spending 10 months in jail awaiting trial, he was convicted and handed a 10-month sentence, at which point he was released because he had served his time.

35 CIVICUS, 20 June 2016, op. cit.

36 ‘Amnesty International Report 2015-16’, AI, 2016, <https://goo.gl/mfqScH>; ‘Informes Mensuales de Represión’, Commission for Human Rights and National Reconciliation, 2015, <http://goo.gl/LnlOme>.

37 ‘Colombia Arrests Social Activists for Bogotá Bombing Despite Lack of Evidence’, Truthout, 20 July 2015, <http://goo.gl/iTV2FP>; ‘Urgent action: Detention of indigenous authority Feliciano Valencia’, Colombia Solidarity Campaign, 26 September 2015, <http://goo.gl/UyC2Bm>.

38 ‘Paraguay: Continúa la impunidad a tres años de las muertes en Curuguaty’, AI, 15 June 2015, <https://goo.gl/Quuv75>; ‘Sentencia Curuguaty: condenan a los 11 campesinos’, La Nación, 11 July 2016, <http://goo.gl/CUL8mC>.



...61-YEAR-OLD ENVIRONMENTAL AND INDIGENOUS RIGHTS DEFENDER MARGOTH ESCOBAR WAS VIOLENTLY ARRESTED IN AUGUST 2015, IN THE AFTERMATH OF A GENERAL STRIKE AND DEMONSTRATION IN THE TOWN OF PUYO...



Also in Ecuador, 61-year-old environmental and indigenous rights defender Margoth Escobar was violently arrested in August 2015, in the aftermath of a general strike and demonstration in the town of Puyo, despite the fact that the protest had ended by the time she was detained. She remained in preventive detention for over a week, only being freed following petitions regarding her deteriorating health and the need for medical attention as a result of injuries sustained during her arrest. She was brought to court regardless and the charges against her were only dismissed three months later.³⁹

In **Venezuela**, where estimates of the current number of political prisoners vary from a couple of dozens to over a hundred, depending on the source, two political activists who participated in the organisation of anti-government marches were arrested in March 2014 and sentenced to eight years in prison on charges of ‘intimidating the public’ and ‘conspiring to commit crimes’ during a protest. While they were appealing against their sentences in August 2015, their plans of running for Congress were dashed by a sudden ruling that barred inmates from seeking public office.

Earlier in the year, a Venezuelan judge ordered the LGBTI rights activist Rosmit Mantilla to face trial on charges that included incitement, arson and conspiracy to commit a crime during the 2014 protests, despite the lack of credible evidence against him. While in pre-trial detention, Mantilla was elected to Congress, and thus became the first openly gay politician to enter the National Assembly.⁴⁰

In **Argentina**, Milagro Sala, a prominent social leader in the province of Jujuy, was arrested in January 2016 after participating in peaceful street protests in the centre of San Salvador, a provincial capital. Sala and other demonstrators had gathered to protest against a decree issued by the provincial governor that purports to regulate organisations such as Sala’s that implement government-funded housing and other welfare programmes. In pre-trial detention at the time of writing, Sala faces charges of sedition and the disturbance of public order, along with corruption charges that are being investigated separately.

In the meantime in Formosa, another northern province of Argentina, indigenous leader Félix Díaz faces criminal proceedings in three separate cases on charges dating back to 2010 of illegal occupation of his community’s lands, resistance to authority and theft.⁴¹

39 ‘Ecuador’s Authoritarian Drift: Correa Cracks Down on Environmental Activism’, Foreign Affairs, 27 August 2015, <https://goo.gl/ixM3Fo>; ‘Ecuador: Concern over the ongoing detention and deteriorating health of human rights defender Margoth Escobar’, Association for Women’s Rights in Development (AWID), 21 August 2015, <http://goo.gl/jP3Ock>.

40 ‘Jailed activists barred from seeking office in Venezuela’, Fusion, 2 August 2015, <http://goo.gl/ZFs13q>; ‘Elected congressmen fight to get out of jail in Venezuela’, Fusion, 14 December 2015, <http://goo.gl/1JC9zD>.

41 ‘Protester behind bars in Argentina’, HRW, 28 January 2016, <https://goo.gl/ITlmfr>; ‘Argentina indigenous chieftain leads fight to reclaim ancestral land’, The Guardian, 5 July 2015, <http://goo.gl/kpKlbz>. See also Amnesty International Report 2015-16, op. cit.

INTIMIDATION AND TARGETED ASSASSINATION OF CIVIL SOCIETY ACTIVISTS

In early 2016, the publication of the 2015 Front Line Defenders (FLD) report resulted in Latin America being labelled as the deadliest region for HRDs, accounting for more than half of the world's killings of HRDs.⁴² In several countries across LAC, and particularly in rural areas and in the context of land and environmental conflicts, civil society leaders and organisations are subjected to various forms of intimidation, both individually and collectively, that prevent them from carrying out their work. Forms of intimidation involve misuse of powers by state officials and criminal acts perpetrated mostly, but not exclusively, by non-state actors, who have not stopped short of murder in their attempts to silence critics.

As of 30 November 2015, FLD had recorded that 87 HRDs had been murdered in LAC in 2015, with **Colombia** accounting for around 60 per cent of the total with 54 cases. Among them were Daniel Abril, an activist who opposed extractive industries in the Casanare department, and Luis Francisco Hernández González, a leader of land restitutions processes in the Córdoba department, who were both killed on 13 November 2015.⁴³ According to a civil society interviewee, the risk for HRDs increased when they started participating in peace talks between the government and the FARC guerrilla movement, launched in Havana, Cuba in 2014. Paramilitaries have become the main source of threats and violence against HRDs, and the nature of violence has also changed.

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“In the time when war was most intense, the number of denunciations [of human rights violations] was at its lowest, and we could not keep track of the threats, exiles and murders. Collecting data mattered far less than saving people’s lives. As violent actions declined, we have gained more access to information, and also people have felt safer making denunciations. So now we have more data and we can say that the proximity of the peace has changed the nature of violence against defenders. First, it is not the main leaders or the most visible activists who are being attacked, because the political cost for doing so is too high. Instead, the most targeted ones are the ‘hinge leaders’, that is, those connecting the local populations with civil society’s top leadership. More than 80 per cent of those murdered over the past three years fit that description. Second, a specific form of aggression – espionage and theft of sensitive information - has skyrocketed.” Carlos Guevara (Somos Defensores), Colombia⁴⁴

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In response to this dire situation, the Colombian CSO Permanent Committee for the Defence of Human Rights submitted to the Interior Ministry a proposal for a protection protocol for HRDs in rural areas, including proposals such as the establishment of humanitarian refuges and peasant guards.⁴⁵

42 ‘Human Rights Defenders in the Balance’, Annual Report, Front Line Defenders (FLD), 2015, <http://goo.gl/cVn8Oj>.

43 ‘IACHR Condemns Killings and Threats Directed against Human Rights Defenders in Colombia’, Organization of American States, 26 February 2016, <http://goo.gl/AYKYz2>.

44 ‘Effort of Colombia’s civil society in peace negotiations not acknowledged’, CIVICUS, 18 April 2016, <http://goo.gl/T7P10S>.

45 ‘Protocolo de protección para defensores de derechos humanos en áreas rurales’, El Espectador, 17 February 2016, <http://goo.gl/XSp60b>.

According to FLD data, targeted murders of civil society members also occurred at alarming rates in 2015 in Brazil (nine cases), Mexico (eight), Honduras (seven) and Guatemala (six).

Among those killed in **Guatemala** was 28-year-old Rigoberto Lima Choc, murdered on 11 September 2015 in a remote rural town, immediately after a court had ordered the temporary closure of a company that grew palm trees for oil production in response to a complaint that he had made over the contamination of a local river. On 16 March 2016, Walter Méndez Barrios, a well-known environmental rights defender devoted to protecting natural resources in communities of the Maya Biosphere Reserve, was shot and killed outside his home in Las Cruces, in the department of Petén. Méndez Barrios had received death threats for his activities to raise awareness about the negative impact of palm oil production on the Petén Rainforest.⁴⁶

As for **Brazil**, according to the Pastoral Land Commission, the total number of deaths linked to land conflicts in 2015 was the highest since 2004, at 46 up to November 2015. Deaths occurred mostly in the poorer northern states, which have an economy largely based on plantation, agricultural extraction and mining.⁴⁷

Targeted assassinations of civil society activists were also recorded in other countries, including **El Salvador** and **Nicaragua**. 2015 ended with a further murder in **Peru**, as Hitler Ananías Rojas Gonzales, a peasant and environmental leader who vocally opposed a dam project on the Marañón River, was shot dead as he walked to his house in the town of Yagen.⁴⁸

Additionally, enforced disappearances - a widespread phenomenon in **Mexico** - came to the attention of the international community as protests multiplied both in Mexico and abroad in response to the 2014 disappearances and presumed murders of a group of 43 protestors. Although it is still not clear what happened to them, it appears that the 43, who were trainee teachers in Ayotzinapa, commandeered several buses to travel to Iguala in Guerrero state, to hold a protest at a conference led by the mayor's wife. However they were intercepted by local police, taken into custody and, apparently under the mayor's orders, handed over to members of Guerreros Unidos, a local criminal organisation, which presumably killed them.⁴⁹

The 43 form part of a much larger number. Official data issued in 2015 counted more than 27,000 'missing' people in Mexico, but no information was made available on the number of enforced disappearances. Evidence collected by civil society across Mexico however shows that forced disappearances are widespread, that they happen at the hands of state agents or with their participation, collusion or acquiescence, that activists working on and protesting against enforced disappearances are also at risk, and that impunity overwhelmingly prevails. Indeed, many 'disappeared' people are not even searched for, and when they are, criminal investigations are generally flawed and yield inconclusive results.⁵⁰

46 'Guatemala activist killed, day after court ruling on pollution dispute', Global News, 18 September 2015, <http://goo.gl/GWw2GT>; 'Case history: Walter Méndez Barrios', FLD, 22 March 2016, <https://goo.gl/4SMDYk>. See also 'The deadly price of environmental activism', Deutsche Welle, 21 August 2015, <http://goo.gl/PR9Ge6>.

47 'Violência no campo bate recorde esse ano', Pastoral da Terra', October-November 2015, <http://goo.gl/upBv3Y>.

48 'Another environmental activist is killed in Peru over his opposition to a major dam project', Mongabay, 30 December 2015, <http://goo.gl/MuFxBO>.

49 'Ayotzinapa: A Timeline of the Mass Disappearance That Has Shaken Mexico', Vice News, 25 September 2015, <https://goo.gl/sgQJbm>.

50 'Mexico: Protect human rights activists working against enforced disappearances', ISHR, 10 February 2015, <http://goo.gl/mbCKl4>. It is worth noting that civil society activists and communities are caught in the middle when public officials collude with criminal organisations and when governments wage war against these forces. Several recent reports have documented the abuses of power committed by the Mexican police and armed forces in their fight against drug gangs. See 'The Human Rights Situation in Mexico', Inter-American Commission on Human Rights (IACHR) and OAS, 2015, <http://goo.gl/GnFR5l>; 'Mexico: Widespread



OFFICIAL DATA
ISSUED IN 2015
COUNTED MORE
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“The Ayotzinapa case exposed the evil of enforced disappearances in Mexico. Some elements raised the profile of the case. These were poor youths, students with faces, personal stories, identities, who studied in a teachers’ school and went missing in a state like Guerrero. During the Calderón administration (2006-2012) thousands disappeared, but as it was thought that organised crime was responsible for this, people were more afraid to report them, and the state itself did its part to make them invisible. In the case of Ayotzinapa they did not succeed in doing so, and [the case] had the merit of placing the very serious problem of enforced disappearances on the national and international agendas. [...] [But] almost two years have passed and it seems that the Mexican state has enough intelligence to watch us and know everything about [us] but at the same time they are unable to determine what happened to those youths.

We clearly have a human rights crisis in Mexico. But far from admitting it, the government is dedicated to denying it [...] They do not recognise that the reason [human rights violations] have not been eradicated is the lack of sanctions and non-repetition guarantees.” Yésica Sánchez Maya, Consorcio Oaxaca, Mexico⁵¹

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Generally speaking, alleged perpetrators of these crimes include law enforcement agents, state-aided militias, private security forces that defend economic interests, drug trafficking gangs and guerrilla groups. In **El Salvador**, for example, much of the violence has been credited to gang action. In **Colombia**, it appears that murders occurred mainly at the hands of paramilitary forces, although the vast majority of the assailants were labelled as unidentified.

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“Civil society activists [in El Salvador] are under a lot of pressure, as a result not only of gang activity but also of state actions to recover territory. Depending on their location, civil society activists, NGOs and members of social movements are suffering restrictions in access, not only to internet and Skype, but also to transportation, electricity and even water. Work in the communities is impaired, since people cannot move freely from one barrio to another in the same community, and much less from town to town. My and many others’ email and Skype accounts are intermittently blocked, which obstructs coordination. My fellow activists and I cannot count on anyone we can really trust, because corruption is everywhere and most institutions have been infiltrated. I recently received repeated death threats, and I took them very seriously. Given the fact that it was wiser not to reach for help to the authorities, the best I could do was be quiet and stay put [...] We try to keep a low profile, but the truth is once the gangs identify a victim, usually this person must leave the area, or country... this is rampant and many communities have been left empty as people had to flee for their lives. In order to carry out our work and stay alive, we are using some of the same measures we used during the

Rights Abuses in ‘War on Drugs’, HRW, 9 November 2011, <https://goo.gl/Ok3fd2>; ‘Mexico: Events of 2014’, in ‘World Report’, HRW, 2015, <https://goo.gl/ent4dj>.

51 ‘The international community must keep watch on Mexico’s violations of human rights’, CIVICUS, 15 July 2016, <https://goo.gl/cEyPPH>.

civil war in the 1980s. [...] We are not armed, we just plan well how we move, and take exactly one step at a time. We have had to cancel visits to communities and other regular programmes and attend only those for which we could provide reasonable security measures.” Anonymous civil society activist, El Salvador⁵²

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According to Colombian CSO Somos Defensores (We Are Defenders), 18 trade unionists were among those killed in 2015.⁵³ Also particularly threatened in Colombia are the leaders of the Afro-descendent community, with at least three verified murders between November 2015 and January 2016: Jhon Jairo Ramírez Olaya, who worked to prevent the forced recruitment of teenagers by paramilitaries in Buenaventura; Luis Francisco Hernández González, leader of land restitution processes and representative of the Afro-Colombian community in the Córdoba department; and Johan Alexi Vargas, leader of the National Coordination of Afro-descendants Organizations and Communities and Patriotic March spokesman in the department of Nariño.⁵⁴

Trade unionists are also specifically targeted in **Guatemala**, with around 70 union activists killed since 2007. One of the latest victims was Mynor Rolando Ramos Castillo, a municipal worker and union activist who was shot and killed in front of his home in the south-eastern city of Jalapa in late September 2015, becoming the sixth member of his union to be assassinated. Available data reveals exceedingly high rates of impunity for these crimes throughout Latin America.⁵⁵

Of critical concern are the near endemic levels of violence against land, indigenous and environmental rights defenders in several countries in Central and South America. As reported by FLD, killings of members of this particular group of HRDs accounted for 41 per cent of the total number in 2015. According to an April 2015 report by Global Witness, in 2014 **Brazil** was the country with the highest number of killings of land, indigenous and environmental rights defenders, while **Honduras** had the highest number of killings per capita.⁵⁶ A vast majority of those killed were targeted for urging that communities be consulted, advocating for greater controls on extractive industries, and highlighting collusion between government officials and business interests. Perpetrators of killings were rarely apprehended; on the contrary, in various instances they were afforded state protection. Other groups specifically targeted included HRDs working on corruption and impunity and journalists and other HRDs denouncing abuses.

52 Unpublished interview with anonymous civil society activist, El Salvador, CIVICUS, 23 June 2016.

53 See 'El cambio. Informe anual SIADDHH 2015 sobre agresiones contra defensores de derechos humanos en Colombia', Somos Defensores, 2015, <http://goo.gl/1Fq7MA>.

54 'IACHR Condemns Killings and Threats Directed against Human Rights Defenders in Colombia', OAS, 25 February 2016, <http://goo.gl/flzA5l>.

55 'Guatemalan union activist murdered in front of his home', Solidarity Center AFL-CIO, 1 October 2015, <http://goo.gl/uqFrTd>.

56 'How many more? 2014's deadly environment: the killing and intimidation of environmental and land activists', Global Witness, 20 April 2015, <https://goo.gl/qhGnsW>.



A recent report by the United Nations Special Rapporteur on the situation of human rights defenders identified three major trends regarding the increasingly hostile environment faced by environmental human rights defenders (EHRDs):

- Overall impunity with which the perpetrators of crimes against EHRDs can act*
- Woefully lacking or ineffective protection measures available for EHRDs at risk*
- Involvement, in almost every affected Latin American country, of both government and corporate actors in the murders of EHRDs**



LGBTI and women activists working on issues of sexual orientation, gender identity, gender violence and sexual and reproductive rights were also specifically targeted in various countries. According to FLD, LGBTI rights defenders account for approximately 15 per cent of the killings reported in the region, which makes them the second most attacked group. In Honduras, 70 per cent of all HRDs reported as killed were LGBTI rights defenders, and over half were trans women. The Arcoiris Association, a Honduran LGBTI rights CSO, reported 21 attacks and five murders between July 2015 and January 2016 alone.⁵⁷

Among Latin American trans activists murdered in 2015 were Francela Méndez, a member of the Salvadoran Women’s Network of Human Rights Defenders, killed in the city of Sonsonate, **El Salvador**, on 31 May 2015, and Diana Sacayán, whose body was found on 13 October 2015 in her apartment in Buenos Aires, **Argentina**.⁵⁸ In each case, as in the countless cases of aggression suffered by the LGBTI population in general and by trans individuals in particular, the brutal nature of the murders left no doubt that the attacks were meant not just to kill but to degrade the victims. Impunity is the rule rather than the exception for such crimes.

Also in **Argentina**, Senegalese activist Massar Ba, a vocal advocate for the rights of African migrants, died on 8 March 2016 as a result of injuries sustained when he was attacked and beaten in the street. Although the motivations behind the murder remain unclear at the time of writing, CSOs and members of the Senegalese community believe that he was killed for his commitment to the cause of migrants’ rights.⁵⁹

Rural and indigenous women human rights defenders (WHRDs) also face specific risks. As noted above, Berta Cáceres, an indigenous land rights defender, was gunned down in her home in La Esperanza, **Honduras**, in the early morning hours of 3 March 2016. As a WRHD, Cáceres had been subjected to risks associated with her gender, such as rape threats and intimidation of her family members, including her children, which were meant to discourage her from pursuing her work. Targeting of WHRDs has also been documented in Brazil, Colombia, Cuba, Ecuador, El Salvador, Mexico, Paraguay, Peru and Venezuela.⁶⁰

57 ‘Honduras: LGBT community at high risk. Security situation of Arcoiris Association’, Peace Brigades International (PBI), February 2016, <http://goo.gl/OE4Kf9>.

58 ‘El Salvador: Killing of transgender human rights defender Francela Méndez’, AWID, 3 June 2015, <http://goo.gl/88JXkd>; ‘Prominent Activist Becomes Third Trans Woman Recently Murdered in Argentina’, Advocate, 15 October 2015, <http://goo.gl/JqgNxx>.

59 ‘Murió un activista por los derechos de los inmigrantes africanos y sospechan de un ataque’, Infobae, 11 March 2016, <http://goo.gl/69o6ZA>.

60 ‘Media statement: CIVICUS urges justice for murdered Honduran activist Berta Cáceres on International Women’s Day’, CIVICUS, 8 March 2016, <http://goo.gl/tMg8zg>. Less than two weeks after Cáceres’

* ‘They spoke truth to power and were murdered in cold blood’, UN Special Rapporteur on the situation of human rights defenders, 2016, <http://goo.gl/tgqwqt>.



“One of the biggest problems [in Honduras] is the fact that judicial institutions are weak, which makes them very vulnerable to penetration by organised crime, which in turn has grown exponentially over the last decade. These infiltrated institutions have not been able to prevent or promptly investigate killings, 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.” Rolando Bú, Federation of NGOs for Honduras’ Development, Honduras⁶¹



In every country where HRDs have been killed, stories abound of escalating hostilities from state and non-state actors, which often include delegitimising tactics and personal threats, culminating in murder. It comes as no surprise that Berta Cáceres had been the target of increasingly serious death threats in the months prior to her murder, to the point that IACHR repeatedly called on the Honduran government to provide her with protection, although this never came.⁶²

Threats and physical attacks are the most frequent rights violations reported by civil society activists throughout LAC, reaching alarming levels in **Colombia**,⁶³ **Honduras** and **Guatemala**. The Unit for the Protection of Human Rights Defenders in Guatemala, a human rights CSO, documented 337 attacks and acts of intimidation against HRDs in the first half of 2015 alone, with almost 71 per cent of acts of aggression targeting indigenous leaders and environmental and land rights defenders.⁶⁴ Intimidation, harassment, surveillance and stigmatisation are commonplace. Complaints filed by HRDs are often ignored, while impunity for violations is the norm.

In response to repeated exhortations by CSOs and international bodies, a law was passed in **Honduras** in April 2015 to establish a national system for the protection of HRDs, journalists, social communicators and justice officials.⁶⁵ Similar structures already existed in **Brazil**, **Colombia** and **Mexico**. This means that, as International Service for Human Rights observes:

“On paper Latin America is the continent with the greatest State protection of human rights defenders. [...] Yet Front Line documented more murdered defenders in Latin America in 2014 than in any other continent.”⁶⁶

death, another member of her organisation, Nelson García, was also assassinated. See ‘Two Weeks After the Murder of Berta Cáceres, Another Activist Is Killed in Honduras’, Time, 17 March 2016, <http://goo.gl/bOJDJD>.

61 ‘Weak judicial system makes being a human rights defender in Honduras risky’, Interview with Rolando Bú, CIVICUS, 12 April 2016, <http://goo.gl/CVjlcS>.

62 ‘Drugs, dams, and power: The murder of Honduran activist Berta Cáceres’, The Intercept, 11 March 2016, <https://goo.gl/YBCGAo>.

63 For example, see AI’s reports on Colombian HRDs Blanca Nubia Díaz (‘Colombia: Harassed for Fighting Sexual Violence’, 16 January 2015, <https://goo.gl/dMHO3V>) and Iván Madero Vergel (‘Colombia: Director of Human Rights NGO Threatened: Iván Madero Vergel’, 2 July 2015, <https://goo.gl/omZkGi>).

64 ‘Informe de Situación de Defensores y Defensoras de Derechos Humanos en Guatemala’, La Unidad de Protección a Defensoras y Defensores de Derechos Humanos – Guatemala, January-June 2015, <http://goo.gl/AhwWSy>.

65 ‘Honduras: The National Congress unanimously approved the Law for the Protection of Human Rights Defenders’, Focus, 17 April 2015, <http://goo.gl/Gk3a14>.

66 ‘Latin America: Strong steps needed to protect human rights defenders’, ISHR, 26 March 2015, <http://goo.gl/wsUghO>.

In other words, current mechanisms are weak and under-resourced, and have not proved effective in protecting threatened individuals. Radical changes are required to make them work.⁶⁷



“In Mexico there are no guarantees for defenders to do our work. There has recently been a smear campaign against large organisations such as the Centre of Human Rights Miguel Agustín Pro Juárez (ProDH) and the Mexican Commission for the Defence and Promotion of Human Rights, which seemed untouchable. So if they are able to defame, harass and persecute those larger organisations, what can community and local defenders expect? If they are able to disqualify a report by the IACHR, the expert on torture or the Working Group on Arbitrary Detentions, what guarantees are left for us?”

All requests of protection made to the state fall short, because the state is the main aggressor. When you demand protection from the government, they first question if you are indeed a defender; then they question that you are really at risk; then they tell you they have no money or they trap you in a bureaucratic process, when what you need is really urgent. That is why we are building self-protection mechanisms. By doing that we are by no means relieving the Mexican government of its responsibilities, but we are raising awareness of the risks and producing security measures, because the work we do is not minor and the Mexican state views us as anti-system entities, virtually turning us into the number one public enemy.” Yésica Sánchez Maya, Consorcio Oaxaca, Mexico⁶⁸

“Colombia has had a state protection mechanism for about 15 years. It provides physical measures of protection such as armoured vehicles, armed bodyguards, bulletproof vests and emergency mobile phones. In 2011 this mechanism was upgraded to a full protection programme targeted not only at HRDs but also at journalists, public officials and politicians. But its management was left in the hands of private security companies, and therefore protection became a huge business. Nowadays more than half the people under protection are public officials rather than civil society activists. And after we submitted a number of reports, an investigation was eventually launched and a high degree of corruption was uncovered: it was revealed that some US\$150 million had been embezzled. Not surprisingly the effectiveness of that mechanism decreased.

⁶⁷ For an analysis of the shortcomings of the protection mechanism established in Mexico in 2012, including shortages of staff and funding, insufficient training, poor coordination with and lack of cooperation from state and local governments, delays in carrying out risk analyses, backlogs of cases, inability to respond in a timely and effective manner, and non-implementation of measures, among others, and recommendations for improvement, see ‘The Mechanism to Protect Human Rights Defenders and Journalists in Mexico: Challenges and Opportunities’, PBI and Washington Office on Latin America, January 2015 <http://goo.gl/6zpFGV>. For a global and regional overview, see ‘Protection of human rights defenders: Best practices and lessons learnt’, Protection International, 2011, <http://goo.gl/3ZN6Zt>.

⁶⁸ CIVICUS, 15 July 2016, op. cit.

At this point the government is not in a position to provide guarantees either to demobilised guerrillas or peace activists. First, because there are too many of them; second, because resources are insufficient; and third, because the protection model that it uses is obsolete. [...] You cannot militarise life when what you are trying to do is pacify a country that has been overflowing with weapons for 50 years. What we need instead is political guarantees. The level of impunity for crimes against defenders is currently 95 per cent. We cannot overcome the conflict without a justice system that actually delivers justice and without strong and transparent institutions.” Carlos Guevara, Somos Defensores, Colombia⁶⁹

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69 CIVICUS, 18 April 2016, op. cit.

THE FREEDOM OF PEACEFUL ASSEMBLY

Protests are frequent in LAC. Countless mobilisations take place every year to demand the fulfilment of a wide variety of rights, including to education, health, good governance and non-discrimination, with great variations among countries and localities.

During the past few years, many LAC countries have witnessed an increase in the state's coercive power to maintain public order. Laws privileging the free circulation of traffic over the right to petition the authorities have been passed or proposed in several countries, and more often than not protests have been violently suppressed. As emphasised by Article 19 in the case of **Brazil**:

“the rise in repression has not been limited to the streets, but is also mirrored in the judiciary, which has begun sentencing demonstrators on the basis of weak accusations, and in the legislature, where there has been an explosion in the number of bills aimed at restricting the right to protest.”⁷⁰

Although systematic data are lacking, accumulated evidence seems to point to some types of protests and protestors being restricted more than others.

LEGAL CHANGES TOWARDS MORE AUTHORITARIAN POLICING OF PROTESTS

States in LAC are increasingly adopting punitive measures to maintain public order, resulting in restrictions on the right to protest. In various countries, actions such as roadblocks, which have historically been employed by social movements, are now being codified as crimes. The criminal justice system is also being used as a tool to inhibit protests, as activists in several countries have been routinely jailed for organising or participating in protests.

Several countries in the region regulate protest through their criminal codes, and have requirements that protests must receive prior authorisation.

In **Chile** for example, a decree issued under authoritarian rule in the 1980s establishes strict authorisation requirements for demonstrations, and as a result these are often prevented or dissolved by force.⁷¹

In **Colombia**, demonstrators are required to write to the authorities 48 hours before a protest to request authorisation. Since the Citizen Security Law was passed in 2011, the obstruction of roads and transportation infrastructure is considered a crime punishable by steep fines and two to four years in prison. In 2013 the Colombian president ordered the militarisation of Bogotá after demonstrations in support of a peasants' strike left two people dead and more than 100 wounded.⁷²



“Our legislation on the regulation and management of public space use is severely lacking. The constitutional right to peaceful protest is restricted by authorisation requirements; we need to go and ask for permission in an office of the municipal government. The state has the power to autho-

70 ‘Brutal repression of protests continues in Brazil’, Article 19, <https://goo.gl/iQwPQ0>.

71 Authorisation request form for Santiago de Chile, <http://goo.gl/jf1cS6>.

72 ‘Santos “militarizes” Bogota after farmers’ strike riots’, El País, 30 August 2013, <http://goo.gl/o24DdZ>.

rise or not authorise the demonstrations. Unauthorised demonstrations propitiate a much more violent environment, since the special forces act with disproportionate force. Given its inability to find a political solution to the conflict, the government denies permission for our demonstrations, deploys more police forces and even mistreats us at police stations just for fighting for a better education for Chileans. In this situation we cannot just sit idly by, so we continue protesting for change.” Camila Rojas, University of Chile Student Federation (FECh), Chile⁷³

Similarly, as a response to the growing threat posed by the Paraguayan People’s Army (EEP), a guerrilla group, a law was passed in **Paraguay** in 2013 authorising the president to deploy the military and police to fight terrorism and armed violence. A year later, political and social organisations reported a dramatic increase in the repression of peasant protests.⁷⁴

In **Guatemala**, CSOs have criticised a 2014 law aimed at guaranteeing vehicular circulation as having the motivation of restricting social protest. Additional attempts were made to revive an initiative to prevent commercial and industrial terrorism and espionage that could be used against land rights defenders and other activists campaigning against hydroelectric and mining corporations.⁷⁵

A Counterterrorism Law passed in February 2016 in **Brazil** introduced a vaguely defined offence of ‘terrorism’ into the Criminal Code. Civil society representatives and international bodies have warned that this could be used to criminalise activists, including demonstrators.⁷⁶

In **Argentina**, where over the past decade social protest has mostly been tolerated at the federal level but frequently repressed at the local level, a bill was proposed by the federal government in early 2014 to regulate protest through authorisation procedures. The bill introduced a distinction between legitimate and illegitimate demonstrations. Although this bill was not approved, another anti-protest bill was introduced in early 2016, immediately after a new government was sworn in.⁷⁷

“The problem with the ‘anti-picketing protocol’⁷⁸ is that it subordinates protest to the free circulation of traffic and dispenses with case-by-case assessments, as it mandates eviction for any situation in which traffic is obstructed. It also establishes the use of physical violence as the state’s main response to protest. [...] In recent months there were large demonstrations including roadblocks, such as the one led by the five main trade union confederations on 29 April 2016. The security forces, however, not

73 ‘Despite violent repression, we continue protesting for change’, Interview with Camila Rojas, CIVICUS, 15 June 2016, <http://goo.gl/GqyW1M>.

74 ‘Denuncian “militarización” con excusa de combatir al EPP’, Paraguay.com, 17 September 2014, <http://goo.gl/Nb1QBI>.

75 ‘Ley prohíbe bloqueo de las carreteras’, Prensa Libre, 20 February 2014, <http://goo.gl/glpOf3>; ‘Líder propone cárcel para quien desactive a empresas o las investigue sin su autorización’, Plaza Pública, 17 September 2014, <https://goo.gl/6SXfx7>.

76 ‘Brazil: Counterterrorism Bill Endangers Basic Rights’, HRW, 13 November 2015, <https://goo.gl/RptWPI>.

77 ‘El CELS señaló su “preocupación” por el proyecto de regulación de protestas sociales’, El Intransigente, 17 April 2014, <http://goo.gl/EJxKKc>; ‘The end of the “Piquetes”? Argentinian government puts up anti-protest protocol’, Latin Correspondent, 22 February 2016, <http://goo.gl/60t04l>; ‘International Campaign Against Argentina’s New Anti-Protest Law’, Left Voice, 25 February 2016, <http://goo.gl/yVUtSW>.

78 Picketing is a protest tactic in which a street or site is blocked with the purpose of calling public attention to a demand. It was a tactic intensively used by unemployed workers against neoliberal policies in Argentina since the mid-1990s and later became a common form of protest throughout the region.

only failed to apply the protocol, but also did not use force to end the roadblocks. In contrast, violence has indeed been used to disperse other kinds of demonstrations, which should alert us to the selective use of repression depending on the nature of the protests, and as a form of censorship of action by specific groups.” Fernando Bracaccini, Civil Association for Equality and Justice (ACIJ), Argentina⁷⁹

In **Venezuela**, where 2014 anti-government protests led to 43 deaths, including of opposition protesters, bystanders, government supporters and members of the security forces, a resolution issued by the Ministry of Defence in early 2015 allows the security forces to use deadly force with firearms in order to counteract violence by demonstrators.⁸⁰ While the government claims these regulations are aimed at protecting human rights, CSOs insist they are dangerously vague and unconstitutional, since the Venezuelan Constitution explicitly bans the use of firearms and toxic substances to manage peaceful assemblies.⁸¹ According to Diana Vegas, vice-president of the Venezuelan CSO Sinergia:

“A direct consequence of those mobilisations is the increase in the street presence of military and police forces. The country is now militarised. [...] Public investment in weaponry, riot gear, and military exercises to defend against protests has also significantly increased.”

A 2016 decree establishing a state of exception and economic emergency introduced additional restrictions against the voicing of dissent.

“Decree No 2,323, published on 16 May 2016, suspends constitutional guarantees and gives even greater discretionary powers to the executive, without any checks and balances whatsoever. The decree criminalises any person or group opposing the national government by labelling them ‘internal enemies’. It also allows for the suspension of the right of peaceful assembly by categorising protests as ‘destabilising actions’ against national sovereignty and security. Additionally, Decree No 2,323 promotes what are normally illegal mechanisms of public order control by attributing law enforcement surveillance and control functions to partisan political groups, the Local Committees of Supply and Distribution. In what concerns civil society, the freedom of association is also constrained through the prohibition of international cooperation funding for activities that are vaguely defined as having ‘political purposes’ or aiming at the ‘destabilisation of the Republic’. In practice, this decree poses an additional obstacle for autonomous and independent CSOs to function.”

Diana Vegas, Sinergia, Venezuela⁸²

79 CIVICUS, 31 May 2016, op. cit.

80 ‘Gaceta Oficial de la República Bolivariana de Venezuela’, No 40,589, 27 January 2015, <https://goo.gl/1sGdc5>.

81 ‘Autorizan uso de armas mortales contra protestas’, El Nacional, 29 January 2015, <http://goo.gl/L4ulRh>; ‘Uno por uno, estos son los 43 muertos en las protestas contra el régimen de Maduro en Venezuela’, Infobae, 12 February 2015, <http://goo.gl/LjShB>. See also ‘Comunicado ante la resolución 008610 del Ministerio de la Defensa, publicada en la Gaceta Oficial del 27 de enero de 2015’, Conferencia Episcopal Venezolana, 30 January 2015, <http://goo.gl/QnvEI3>.

82 ‘Help us shed light on the situation in Venezuela’, Interview with Diana Vegas, CIVICUS, 7 June 2016, <http://goo.gl/wM1Mjv>.

CRACKDOWNS ON DEMONSTRATIONS BY LAW ENFORCEMENT AGENCIES

With or without newly enacted repressive legislation backing their actions, law enforcement agencies frequently suppress protest demonstrations through unjustified and disproportionate use of force, a practice that has resulted in serious injuries and deaths in various LAC countries in recent years. It is common throughout LAC for deaths allegedly caused by excessive police force during protests to remain unaddressed by the justice system. Too often no charges are filed, and when they are, progress in bringing perpetrators to justice is typically slow. Several human rights organisations have repeatedly denounced this situation, calling for the IACHR to develop standards on the policing of protest and monitor their implementation. In the meantime, self-protection initiatives have been promoted by CSOs across LAC.⁸³

Brazil, a country with a long-established problem of widespread police brutality, has seen an escalation of police repression of demonstrations. As detailed in a report by the local chapter of Article 19, the high incidence of rights violations during 2013 protests in Rio de Janeiro and São Paulo persisted in the following years. Impunity encouraged this, as hardly any officer who committed acts of violence against protesters in 2013 was punished. Typical violations included the failure of police officers to identify themselves, arbitrary detentions, disproportionate deployment of police officers, disproportionate use of sub-lethal weapons and, in at least four demonstrations, the use of lethal weapons.⁸⁴

The police force has also been used against protesters in **Argentina**, most notably in localities far away from the capital. Two recent examples took place in mining areas in the northern provinces of La Rioja and San Juan. On 15 October 2015, the police forcefully put down a small, peaceful anti-mining march in Famatina, La Rioja, using tear gas and rubber bullets. A week later, residents of San Juan Jáchal, San Juan, were dispersed by federal troops as they set up a protest road-block in response to a recent cyanide spill at Barrick Gold's Veladero mine, and 23 demonstrators were arrested.⁸⁵

Anti-mining protests have also been repressed in **Peru**. In May 2015 Ramón Colque was shot dead by police as he and other residents attempted to block the Southern Pan-American Highway during demonstrations against the planned Tía María copper mining project in the Tambo Valley. Protestors believed the project would affect the community's access to clean water. Three other men were killed, including a police officer, and many others were mistreated and arbitrarily arrested. Later in the year, four civilians died and many people were injured, including police officers, during protests against copper mining projects in the Apurímac and Las Bambas regions. A state of emergency was declared in the Apurímac and Cusco regions for four weeks at the end of September 2015.⁸⁶

83 For example, see 'Protect your protest', Article 19, <https://goo.gl/dkazkX>. This resource provides demonstrators with advice on how to stay safe.

84 'Protests in Brazil and their Repression', Truthout, 17 February 2015, <http://goo.gl/uPTRrG>; 'Police brutality in Brazil is out of control', Think Progress, 4 August 2015, <http://goo.gl/chxIGw>; 'Brazil: Police repression mars peaceful protest in São Paulo', AI, 22 January 2016, <https://goo.gl/6gXVym>; 'Streets under attack: The 2014 and 2015 protests', Article 19, <https://goo.gl/aFcays>.

85 'Police repress anti-mine protest in Famatina', The Argentina Independent, 15 October 2015, <http://goo.gl/Dtsu5S>; 'Argentina: more repression of anti-mine protests', World War 4 Report (WW4), 23 October 2015, <http://goo.gl/9mCZ6q>.

86 'Peru: Urgently investigate two deaths in past two weeks amid anti-mining protests', AI, 6 May 2015, <https://goo.gl/A22QXZ>. See also Amnesty International Report 2015-16, op. cit.



THE POLICE FIRED
TEAR GAS INTO
THE BUILDING,
DESPITE KNOWING
THAT WOMEN AND
CHILDREN WERE
PRESENT.



In **Bolivia**, indigenous Guaraní protestors, including women, children and older people, were dispersed with tear gas in August 2015 as they stood at a road blockade in protest against the government's efforts to explore their lands for oil. According to local media reports, police officers then forcibly entered the homes of those who had run back to their village to avoid arrest. A Guaraní spokesperson reported that several protest leaders were arrested and others were injured or went missing.⁸⁷

In the context of land disputes, excessive force and arbitrary detentions have become commonplace in police operations against indigenous Mapuche communities in southern **Chile**. In September 2015, for instance, some 40 Mapuche people who had been occupying the offices of the National Indigenous Development Corporation in Temuco for three weeks were violently evicted by the military police. The police fired tear gas into the building, despite knowing that women and children were present. Protestors demanded the restitution of usurped lands and the demilitarisation of the Mapuche community of Ercilla, Malleco province, which had been occupied by police troops for months.⁸⁸

Student mobilisations are also routinely repressed in Chile. As emphasised by a student leader interviewed by CIVICUS, the media play a key role in enabling this, as mainstream media focus almost exclusively on the actions of a small minority of violent protesters and use this to characterise the movement as a whole. This serves to legitimise repressive approaches to protests that become perceived as a security threat.⁸⁹

Several protests in **Ecuador** in the second half of 2015 were suppressed by the police with batons and tear gas as thousands participated in a wide variety of demonstrations against proposed constitutional amendments. These would allow for the president's indefinite re-election, the development of oil and mining projects, changes to water and education policies and labour laws and pensions, and a trade agreement with the European Union. Ironically, the repression of protests fuelled further protests, as demonstrators marched in Quito in August 2015 to demand the release of those arrested during previous demonstrations.⁹⁰

In **Paraguay** unionised workers suffered police repression in August 2015. At least 30 demonstrators were injured when shot in the back by rubber bullets.⁹¹ In other countries, such as the **Dominican Republic**, **Haiti** and **Nicaragua**, citizens have faced police violence for protesting against election fraud or government corruption. In the case of Haiti, one person was shot dead during the protests.⁹²

87 'Brutal represión y cacería de indígenas guaraníes en Bolivia', Agencia de Noticias Pueblos Originarios, 21 August 2015, <https://goo.gl/FvOq6x>.

88 'Chile: outrage over repression of Mapuche protest,' WW4, 1 October 2015, <http://goo.gl/DMs5xz>.

89 CIVICUS, 15 June 2016, op. cit.

90 'Ecuador: Widespread Protests from Left and Indigenous Sectors Demand Progressive Changes', Upside Down World, 20 August 2015, <http://goo.gl/67sJPO>; 'Anti-government protest march in Ecuador demands release of detainees', Agencia EFE, 20 August 2015, <http://goo.gl/a5CUFW>; 'Ecuador: Crackdown on Protesters. Excessive Use of Force, Arbitrary Detentions, Illegal Home Searches', HRW, 10 November 2015, <https://goo.gl/cZKUgh>; 'Protests in Ecuador as lawmakers approve unlimited presidential terms', The Guardian, 4 December 2015, <http://goo.gl/GsGLyr>.

91 'Paraguay: police repress union protest and leaves 30 injured,' Iainfo.es', 27 August 2015, <http://goo.gl/8zAgJK>.

92 'Protests against election fraud turn violent in Nicaragua', Deutsche Welle, 9 July 2015, <http://goo.gl/Msh1qY>; 'Dominican Republic protest of govt. corruption turns violent', Dominican Today, 7 October 2015, <http://goo.gl/PUcpXI>; 'Another killed in post-election protests in Haiti', Haiti Sentinel, 22 November 2015, <http://goo.gl/9jBsQQ>.

Not all repression comes openly and reactively; it can also be clandestine and pre-emptive. This could be seen in Mexico in September 2014 with the kidnapping and presumed killing of the 43 students from Ayotzinapa, who were on their way to hold a protest. But this particular crime became a tipping point for further protest: the attempt at suppressing a demonstration inspired a new wave of protests on a scale rarely seen in Mexico. Mass protests were held across Mexico in November and December 2014, and demonstrations soon encompassed the larger underlying issues of corruption and state failure in the provision of key public goods, such as education and healthcare.⁹³

In countless other, less extreme cases protests have been suppressed rather than repressed, effectively prevented from taking place by credible threat and force. In **Nicaragua**, for instance, in October 2015 the government deactivated a national mobilisation against the Inter-Oceanic Canal Project, a large-scale project to build a canal to connect the Atlantic and Pacific Oceans, by placing its supporters on key intersections and roads leading into the capital on the previous day, and used riot police to set up roadblocks on the day of the march. Numerous skirmishes took place as protestors from peasant communities tried to enter the capital, but the march was effectively suppressed.⁹⁴

Also in **Cuba**, where the state has a wider range of arbitrary powers at its disposal, members and supporters of the Ladies in White, a women's group demanding the release of political prisoners, are regularly arrested and kept in detention for periods of up to 30 hours in order to prevent them from attending their regular Sunday demonstrations. This tactic is used against supporters of other dissident organisations, and was employed on 10 December 2015, International Human Rights Day, when the political police detained activists, placing many under house arrest, to prevent peaceful protests. The police also kept journalists in their offices to prevent them from reporting the story.⁹⁵

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“Short-term detentions [are being increasingly] utilised to interrupt street protests and even meetings of the dissident movement that take place inside the homes of opposition members. The use of this tactic [...] has increased in the same measure that social discontent has grown and the opposition has become more active. [...] The situation is Kafkaesque: there are thousands of agents in plain clothes in the streets at all times. This is readily apparent in any emblematic spot: when three or four demonstrators stage a protest and record it (because the increase in internet access, while still very deficient and restricted, has indeed allowed activists to make their work more visible) you can see a group of plainclothes agents coming out at once, because they are permanently stationed in the main sites of La Habana and every provincial capital, and their job is to prevent any public demonstration. Armando Chaguaceda Noriega, Cuban researcher, University of Guanajuato, Mexico⁹⁶

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93 ‘Mexico on the brink: thousands to protest over widespread corruption and student massacre’, The Guardian, 29 September 2015, <http://goo.gl/oBxYkI>.

94 ‘Nicaragua: Canal project advances –amid repression’, WW4, 17 November 2015, <http://goo.gl/69XOr1>.

95 Amnesty International Report 2015-16, op. cit.

96 ‘Still a long road ahead for Cuban civil society’, Interview with Armando Chaguaceda Noriega, CIVICUS, 11 April 2016, <http://goo.gl/lnrhoj>.

Despite the many constitutional and legal provisions that guarantee the freedom of expression and the press, and increasingly, the right to access public information,⁹⁷ journalism is a dangerous profession in many parts of LAC. This has come mostly as a result of the spread of violence, particularly linked to armed conflict, the drug trade and organised crime, and growing political polarisation, including severe conflicts between the state and media in various countries. Journalists in several countries routinely suffer threats and harm from both state and non-state actors, and some have been forced to flee.

Not surprisingly, according to Reporters Without Borders' 2015 World Press Freedom Index, the media freedom situation is unsatisfactory in most LAC countries.⁹⁸

TABLE 1. LAC countries according to the 2015 World Press Freedom Index

GOOD	2: Costa Rica, Jamaica
SATISFACTORY	7: Belize, Chile, Eastern Caribbean states, El Salvador, Suriname, Trinidad and Tobago, Uruguay
NOTICEABLE PROBLEMS	11: Argentina, Bolivia, Brazil, Dominican Republic, Ecuador, Haiti, Guyana, Nicaragua, Panama, Paraguay, Peru
SERIOUS PROBLEMS	5: Colombia, Guatemala, Honduras, Mexico, Venezuela
VERY SERIOUS PROBLEMS	1: Cuba

Attacks on the media typically coincide with attacks on CSOs, and journalists are no less the targets of restrictive governments, corrupt politicians, security forces and corporate interests than HRDs are. They are also harassed, attacked, imprisoned and killed for the same reasons: because they ask uncomfortable questions, expose corruption and denounce shady deals between politicians, public officials, police, organised crime and business interests; they become obstacles for lucrative large-scale projects; or their work has a role in triggering protest. As with environmental activists and HRDs, journalists experience the most serious dangers at the local level.

Journalists also receive death threats of a similar calibre to those made to HRDs, and a high proportion of those who have been assassinated are reported to have received escalating threats prior to their deaths. Many murdered journalists were local reporters covering corruption, public mismanagement and conflict. It seems clear that when they upset local powers, media workers risk their lives. As with murdered HRDs, impunity in cases of assassinated journalists is high, with Mexico and Brazil ranking highest in LAC on the Committee to Protect Journalists (CPJ) Impunity Index.⁹⁹

97 The list of LAC countries with federal freedom of information laws includes Belize (1994), Trinidad and Tobago (1999), Jamaica (2002), Mexico (2002), Panama (2002), Peru (2002), St Vincent and the Grenadines (2003), Antigua and Barbuda (2004), Dominican Republic (2004), Ecuador (2004), Honduras (2006), Nicaragua (2007), Chile (2008), Guatemala (2008), Uruguay (2008), El Salvador (2010), Brazil (2011), Guyana (2013), Colombia (2014), Paraguay (2014) and Argentina (2016). In early 2016 a freedom of information initiative was also introduced in the Venezuelan National Assembly.

98 '2015 World Press Freedom Index,' Reporters Without Borders, <https://index.rsf.org>.

99 The Committee to Project Journalists' (CPJ) Impunity Index calculates the number of unsolved

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As emphasised in **CIVICUS’** 2015 State of Civil Society Report, restrictions on civic space typically affect civil society activists and journalists alike:

*“Wherever CSO activists are being attacked, you can be sure that journalists are too. Of course, to some extent, any distinction is arbitrary: many civil society activists are targeted for blogging and using social and traditional media in their work. The worst 10 countries in the Committee to Protect Journalists’ 2014 Global Impunity Index, based on the number of unsolved murders of journalists proportionate to population, are Iraq, Somalia, the Philippines, Sri Lanka, Syria, Afghanistan, Mexico, Colombia, Pakistan and Russia: these are countries where it is dangerous for civil society to ask difficult questions of those who hold power. Impunity occurs in the same countries year after year, telling us that media repression is entrenched and systemic.”*¹⁰⁰

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journalist murders (cases where no conviction was obtained) as a percentage of a country’s population. The Index includes only those countries that have at least five unsolved cases. Out of 14 countries that made the list in 2015, two were in LAC: Mexico (eighth on the list, with 19 unsolved cases) and Brazil (11th, with 11 unsolved cases). See ‘Getting Away With Murder. CPJ’s 2015 Global Impunity Index spotlights countries where journalists are slain and the killers go free’, CPJ, 8 October 2015, <https://goo.gl/owSGsp>.

100 2015 State of Civil Society Report, CIVICUS, <http://goo.gl/ThbrZ9>.

THE FREEDOM OF EXPRESSION

JUDICIAL PERSECUTION

According to a comprehensive study by CPJ, steps have been taken in many LAC countries towards the decriminalisation of defamation, libel, slander and calumny, and in several cases partial decriminalisation efforts have succeeded. However:

“There is no current trend toward completely decriminalising these laws in the Americas. Most countries... currently have a number of different criminal laws that might restrict freedom of expression such as libel, slander, defamation and calumny, punishable with fines and in some instances imprisonment. Criminal defamation laws are enforced and have resulted in imprisonment in Argentina, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Grenada, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, the United States, Uruguay and Venezuela. Currently, the only country with no criminal defamation laws is Jamaica, which recently reformed its criminal laws to this effect; both Mexico and the United States have no criminal defamation laws at the federal level only. Criminal defamation laws in most of the countries in the Americas also apply, at least on the face of the law, to internet and mobile communications.”¹⁰¹

Examples of criminal defamation laws being used against journalists have recently been observed in Honduras and Venezuela.

In **Honduras**, journalist Julio Ernesto Alvarado was convicted in December 2013 on charges of defamation against the former dean of the School of Economics at the Autonomous National University of Honduras. In September 2015 he lost his appeal, and in October 2015 he was banned from leaving Honduras and therefore could not attend a meeting on his case convened by the IACHR. In an unprecedented measure, he was subsequently banned from practising journalism.¹⁰²

In **Venezuela**, David Natera, a journalist and owner of a regional newspaper, was sentenced to prison after being sued for defamation for his writings on corruption by an official of a state-owned company. His investigative work led to the conviction of that official, who served two years but sued the journalist following his release.¹⁰³

101 ‘Critics are not criminals. Comparative study of criminal defamation laws in the Americas’, CPJ, <https://goo.gl/C2noXH>. See also ‘Jamaica decriminalises defamation’, International Peace Institute, 6 November 2013, <http://goo.gl/Qu5XMA>; ‘Regional countries urged to abolish criminal libel’, Jamaica Observer, 3 May 2014, <http://goo.gl/cOu3g1>.

102 ‘Honduras: Journalist prevented from testifying at Inter-American Commission on Human Rights’, Pen International, 21 October 2015, <http://goo.gl/yTA6hx>; ‘Prohibición oficial para ejercer el periodismo a Julio Ernesto Alvarado’, Reporters Without Borders, 17 November 2015, <http://goo.gl/8vklhZ>. For other cases, see ‘Declaran culpable por seis delitos de difamación e injuria a David Romero’, El Heraldo, 13 November 2015, <http://goo.gl/o1GN93>; ‘Honduran journalist sentenced to 10 years in prison for defamation’, CPJ, 17 March 2016, <https://goo.gl/xEprhl>.

103 ‘Espacio Público rechaza sentencia contra el Correo de Caroní por informar sobre corrupción’, Espacio Público, 11 March 2016, <http://goo.gl/fHduqc>. For another case, see ‘Continúa juicio por difamación contra periodista de Mérida’, El Universal, 13 December 2015, <http://goo.gl/js1JkQ>.

The freedom of expression is equally violated when it is civil society activists who are charged with slander or defamation, which is a relatively frequent occurrence in LAC. Criminal defamation charges form part of the tactics of judicial harassment used against HRDs, as discussed above. One such case was recorded in March 2015 in **Honduras**, where women’s rights defender Gladys Lanza was sentenced to 18 months’ imprisonment after charges of defamation and slander were brought against her by the director of the Foundation for the Development of Urban and Rural Social Housing. This came after Lanza’s organisation supported a woman who had accused the director of sexual harassment.

Another such case was that of **Guatemalan** indigenous leader Daniel Pascual Hernández, a leading figure in the Campesino Unity Committee, who faced criminal charges after the leader of a far-right organisation accused him of slander. In 2013 Hernández was physically attacked by unidentified men who told him that his political work was the cause of social tensions. After the incident, Hernández accused a former military officer and the head of the Foundation Against Terrorism of prompting the attack in columns written in a local newspaper, which in turn prompted the counter-accusation of slander.¹⁰⁴



IN A SINGLE
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VIOLENCE AGAINST JOURNALISTS

In a single week of March 2015 three journalists were murdered in **Guatemala**.¹⁰⁵ A month earlier a journalist was killed in neighbouring **Honduras**.¹⁰⁶ Corruption, organised crime and the subsequent breakdown of the already weak rule of law have fuelled an alarming rise in attacks against journalists in both countries. Impunity prevails: in most cases, slow and negligent investigations have made it difficult to determine motives, and killings have gone unsolved.

In both countries, fear has resulted in self-censorship. Journalists are most afraid to report on sensitive issues in the outer provinces, where the rule of law is weakest and organised crime groups are most powerful. But even in capital cities, many journalists are concerned that the space for critical reporting is shrinking. As a result, citizens of Guatemala and Honduras are being deprived of information about some of the most important challenges their countries face.

According to a special report published by CPJ in 2014, the situation is particularly desperate in Honduras, where the stories that journalists can no longer tell are also unlikely to be reported by American or European correspondents. This is because the last permanently based foreign correspondent left Honduras in 2014 out of security and other concerns. International correspondents visit from time to time, but foreign news outlets with limited budgets rarely focus on Honduras while conflicts rage in more geopolitically significant parts of the world. Even the Salvadoran journalists from the online newspaper *El Faro*, the only outlet in Central America that conducts investigative reporting on organised crime, know that there are limits to how much they can say in Honduras.¹⁰⁷

104 ‘Guatemalan Activists Say Freedom of Expression Under Threat’, Telesur, 25 February 2016, <http://goo.gl/3HMxBD>.

105 ‘Consternación por muerte de dos periodistas’, Prensa Libre, 11 March 2015, <http://goo.gl/v9StwJ>; ‘Guatemala: matan a tercer periodista en menos de una semana’, BBC Mundo, 14 March 2015, <http://goo.gl/m2Pj2h>.

106 ‘Periodista de Rapcos asesinado al finalizar noticiario’, Conexihon, 6 February 2015, <http://goo.gl/ZDp0gC>.

107 ‘Who is killing Central America’s journalists?’, CPJ, 24 September 2014, <https://goo.gl/5ZAfp4>. See also ‘Danger on the rise: Three journalists killed in one week in Guatemala’, IFEX, 16 March 2015, <https://goo.gl/6F7CQL>.



...THE RISE OF THE INTERNET AND SOCIAL MEDIA MEANS THAT THERE IS OFTEN NO CLEAR DISTINCTION BETWEEN JOURNALISTS AND ACTIVISTS...



Reporters Without Borders records incidences of media workers killed in connection with their journalistic work; its statistics only include the cases where that link has been confirmed. According to the organisation, there were 20 documented cases of journalists assassinated in LAC in 2015: eight in Mexico, six in Brazil, three in Honduras, two in Colombia and one in Guatemala. Worryingly, an additional 18 journalists were killed in the region between January and August 2016 alone: 11 in Mexico, four in Brazil and one each in El Salvador, Guatemala and Honduras.

Among those assassinated in **Mexico** in 2015 was Filadelfo Sánchez Sarmiento, the director of a radio station and the host of a news programme in Miahuatlán de Porfirio Díaz, Oaxaca state. Sánchez had been very critical of the failure of local authorities to collect garbage adequately and to complete public works projects, and had received threatening phone calls before his death on 2 July.¹⁰⁸

One of the six journalists murdered in 2015 in **Brazil** was 30-year-old blogger Ítalo Eduardo Diniz Barros, fatally shot by two people riding a motorcycle on 13 November in Maranhão state. He had received multiple threats over the contents of his blog, where he published interviews with public officials and posts criticising them.¹⁰⁹

In **Colombia**, an unidentified gunman on a motorcycle shot Edgar Quintero multiple times as he was entering his workplace at Radio Luna, in Palmira, a city in the south-western department of Valle del Cauca. In his daily radio programme Quintero often criticised local government and police officials and discussed sensitive issues including corruption.

Another journalist dedicated to writing about corruption and the misuse of foreign funds, Danilo López, a reporter for the **Guatemala** City daily Prensa Libre, was shot dead along with a colleague while walking in a park in Mazatenango, in the south west of the country, on 10 March 2015.¹¹⁰

The role of non-state actors in violence can be clearly observed in the case of Nicolás García, a 23-year old community radio host in El Carrizal, a village in **El Salvador's** western department of Ahuachapán, whose mutilated, bullet-riddled body was found on 10 March 2016. In his radio programme García used to advise local residents on how to protect themselves from violence, and interviewed members of the Civilian National Police. After several threats to silence him, the Mara Salvatrucha criminal gang had suggested he join them, and offered payment in exchange for information about police movements. His refusal cost García his life.¹¹¹

As noted above, the rise of the internet and social media means that there is often no clear distinction between journalists and activists, and this is particularly the case when local journalists are involved in the struggles they report on. Such is the case of César Estrada, a journalist and member of the Network of Indigenous Communicators in **Peru** who reports on environmental issues and human rights violations concerning land disputes. As a result of his work, he was the target of an assassination attempt in September 2015 and has long suffered various forms of persecution and intimidation, defamation, judicial and other forms of harassment, death threats, attacks, cyber hacking and thefts.¹¹²

108 'Silencian a locutor de La Favorita', El Imparcial, 3 July 2015, <http://goo.gl/8jPwii>.

109 'Blogger killed in northeastern Brazil; second journalist murdered in country in less than a week', Knight Center, 18 November 2015, <https://goo.gl/FTymlt>.

110 '71 Journalists Killed in 2015/Motive Confirmed', CPJ, <https://cpj.org/killed/2015>.

111 'Gang members kill 23-year-old radio journalist', Reporters Without Borders, 23 March 2016, <https://goo.gl/Py5RNR>.

112 'Intimidation and death threats against environmental rights defender and journalist Cesar Estrada Chuquilin', FLD, 23 March 2016, <https://goo.gl/Q3Ba43>.

Along with civil society activists, journalists are also often singled out and attacked during protests, as seen in demonstrations held in 2014 in **Venezuela**, where people who took photographs or filmed the security forces in action, whether professional journalists, protesters or bystanders, were deliberately targeted by the security forces.

In some contexts, even journalists who cover seemingly uncontroversial issues can experience threats because of the surrounding conditions of violence. Anabel Flores Salazar, a Mexican journalist collaborating with the crimes section of the local paper El Sol de Orizaba, was kidnapped on 8 February 2016 and found dead the next day. She practised her profession in Veracruz, where at least three journalists were killed in 2015. Less than three weeks earlier another journalist, Marcos Hernández Bautista, was murdered in the neighbouring state of Oaxaca. Impunity has typically prevailed for these crimes.¹¹³

In both **Brazil** and **Mexico**, advocacy CSOs have recently launched initiatives to map attacks and counteract threats against journalists. Progress in combating impunity has been observed in **Brazil**, which has seen six convictions in murder cases over the past two years.¹¹⁴

113 'Critical reporter shot dead in Oaxaca, Mexico', CPJ, 26 January 2016, <https://goo.gl/OdQHaI>; 'Another journalist killed in Mexico: body of kidnapped journalist from Veracruz found in Puebla', Knight Center, 9 February 2016, <https://goo.gl/Mdn3fi>; 'Mexico suffering from "serious crisis of violence and impunity", report says', The Guardian, 2 March 2016, <http://goo.gl/2CRB4q>. See also (IACHR) and OAS, 2015, op. cit.

114 'Advocacy groups in Mexico and Brazil map attacks on journalists to counteract threats', Knight Center, 22 December 2014, <https://goo.gl/OCSFIX>; 'Syria, France most deadly countries for the press', CPJ, 29 December 2015, <https://goo.gl/DxAxb3>.

PRESSING CHALLENGES: GOVERNMENT CORRUPTION AND PREDATORY BUSINESS INTERESTS

LAC is a middle-income region, and the most urbanised region in the world. It is not the world's poorest region, but it is the most unequal. This is despite having recently experienced its highest level of economic growth since the 1960s and achieving impressive declines in poverty, as well as significant decreases in inequality in several countries. LAC is also highly heterogeneous, with countries ranging from the western hemisphere's only low-income country, Haiti, to high-income economies such as Chile and Trinidad and Tobago, and from heavily indebted poor countries such as Bolivia and Nicaragua to rising powers such as Brazil. Most LAC countries, including those with the highest incomes, are also internally heterogeneous and highly unequal.¹¹⁵

The region is also heterogeneous in the penetration of corruption and other political evils. Although by its nature corruption is difficult to measure, measurements of the prevailing perceptions of corruption can give some idea of the extent of the problem. According to Transparency International's 2015 Corruption Perceptions Index, which measures the perceived level of public sector corruption in a given country on a scale of 0 (highly corrupt) to 100 (very clean), most LAC countries have a 'serious corruption problem', being rated below 50.¹¹⁶

115 Even the most equal country in the region, as assessed on World Bank World Development Indicators would qualify as very unequal when compared with most non-Latin American members of the Organisation for Economic Co-operation and Development (OECD). See 'World Development Indicators: Distribution of income or consumption', World Bank, <http://wdi.worldbank.org>.

116 'Corruption Perceptions Index 2015', Transparency International, <https://goo.gl/3O7T4G>.

TABLE 2. LAC country ratings on the Transparency International 2015 Corruption Perceptions Index

COUNTRY	SCORE (OUT OF 100)
URUGUAY	74
CHILE	70
COSTA RICA	55
CUBA	47
JAMAICA	41
EL SALVADOR	39
PANAMA	
TRINIDAD AND TOBAGO	
BRAZIL	38
COLOMBIA	37
PERU	36
SURINAME	
MEXICO	35
BOLIVIA	34
DOMINICAN REPUBLIC	33
ARGENTINA	32
ECUADOR	
HONDURAS	31
GUATEMALA	28
NICARAGUA	27
PARAGUAY	
HAITI	17
VENEZUELA	

Corruption is by no means restricted to the state: it primarily takes place in the space that lies at the intersection of the public and private sectors. Bribery and kickbacks are among the most widespread forms of corruption, and they occur on a grand scale where interactions take place between the bearers of two distinct forms of capital: political power and financial power. Corruption happens when money, a means of exchange that is legitimate within the sphere of the market, penetrates the political sphere to buy goods that should not be up for sale, namely public policy decisions. Corruption can take place at any step of the policy-making process: when rules are made by the legislative and executive branches of government, when they are implemented by state bureaucracies, and when transgressions are, or are not, scrutinised and punished by the judiciary. It can therefore involve a wide variety of actors.¹¹⁷

117 'América Latina ante el desafío de la corrupción. La transparencia del poder y el poder de la rendición de cuentas', Inés Pousadela, in 'El Poder de la Transparencia', Banco Interamericano de Desarrollo and Instituto de Comunicación y Desarrollo, 2012, <http://goo.gl/hCnqh7>.

INDIGNATION AND MOBILISATION

With corruption increasingly perceived as a major problem throughout LAC, public anger has triggered a variety of major demonstrations in recent years. Within protest movements, anger with corruption has typically functioned as a catalyst for the articulation of a wide array of discontent and has focused on governments of all political persuasions.

In countries such as **Argentina**, **Mexico** and **Venezuela**, anti-corruption and anti-government protests reached their height in 2013 and 2014. In 2015, the most resounding protests took place in **Guatemala**, where they succeeded in forcing the resignation of then-President Otto Pérez Molina, who was subsequently detained and indicted. Spread over several weeks, the unprecedented mass demonstrations that peaked in August 2015 were triggered by the publication of evidence collected by the International Commission against Impunity in Guatemala, which had been established by agreement between the UN and the government of Guatemala in 2007 to uncover organised crime networks and political complicity with them.¹¹⁸

In **Honduras**, where hopes abounded that a similar international commission would be set up, weekly protests began in May 2015 in response to the revelation that private businesses had embezzled sums equivalent to hundreds of millions of US Dollars from the country's social security institute to fund the president's election campaign. These revelations hit people hard because the stolen money was supposed to fund public hospitals, and many patients died for lack of appropriate medical care. As expressed by one protestor:

“We've spent our lives sitting down. But when the government plays with the health and wellbeing of its people? It's time to stand up to the bully.”¹¹⁹

For months on end, hundreds of thousands of people marched on the streets of the major cities of **Brazil** to protest against corruption and demand President Dilma Rousseff's impeachment, which eventually occurred in September 2016. As in other cases, multiple grievances converged during the protests, with inflation and unemployment cited as grievances as much as the bribery scheme uncovered in the national oil company Petrobras, which affected corporate networks across economic sectors and multiple political parties. While major media outlets railed against President Rousseff and her predecessor Lula Da Silva, the Workers' Party government dismissed the protests as a coup attempt orchestrated by the right-wing opposition. Indeed, while many anti-government protestors mobilised against corruption, the political instigators of the protests, many of them as deeply involved in corruption as the government officials they sought to replace, appeared to be most concerned with removing a government that they could not defeat electorally. In turn, supporters of the Workers' Party responded by rallying to defend the government and president.¹²⁰

118 'Guatemalan president faces growing threat of impeachment amid scandal', The Guardian, 27 August 2015, <http://goo.gl/1EOP22>; 'Otto Pérez Molina of Guatemala Is Jailed Hours After Resigning Presidency', The New York Times, 3 September 2015, <http://goo.gl/2NBbgk>.

119 'Honduras Breaks the Silence: Protests Persist Against Corruption', Truthout, 26 July 2015, <http://goo.gl/Ry8xVR>; 'Protesters across Honduras take on alleged social security embezzlement', The Guardian, 1 June 2015, <http://goo.gl/VNjilwG>; 'Honduras: As protests over corruption swell, many see "positive moment"', The Christian Science Monitor, 20 July 2015, <http://goo.gl/RSGAWB>.

120 'Brazilian protesters demand president's impeachment', The Washington Post, 13 December 2015, <https://goo.gl/BIF5UE>; 'Brazil Is Engulfed by Ruling Class Corruption - and a Dangerous Subversion of Democracy', The Intercept, 18 March 2016, <https://goo.gl/ycVNVY>; 'Brazil crisis: Thousands join pro-Dilma Rousseff rallies', BBC News, 19 March 2016, <http://goo.gl/Ova96B>.



WE'VE SPENT OUR LIVES SITTING DOWN. BUT WHEN THE GOVERNMENT PLAYS WITH THE HEALTH AND WELLBEING OF ITS PEOPLE? IT'S TIME TO STAND UP TO THE BULLY.



Smaller demonstrations were recorded in several other countries, including **Chile**, where renewed student protests, following on from protests in previous years, were triggered by a series of corruption revelations as much as by frustration about delays in the implementation of long-promised education reforms.¹²¹

More specifically focused on corruption, thousands of protesters also gathered every week of December 2015 in Santo Domingo, the **Dominican Republic's** capital, and in dozens of other major cities, to form human chains and light Christmas trees carrying messages against corruption and impunity. In this case, protesters demanded that their president act to enforce transparency in public affairs, rather than resign.¹²²

There is no doubt that many anti-corruption mobilisations have been used opportunistically by opposition parties in order to make political gains and destabilise ruling parties. But this does not mean that mobilisations do not reflect real anger. Discontent with questionable deals being reached behind closed doors that damage the public good and the wellbeing of citizens is being voiced with increasing assertiveness. Contrary to common assumptions that passive resignation and widespread tolerance of corruption are characteristic of LAC citizens, recent events attest to the outrage that corruption provokes among people and the mobilisation it has the potential to trigger.

BUSINESS INTERESTS AND HUMAN RIGHTS VIOLATIONS

As global demand has grown for energy, food and consumer goods, businesses have sought new territories to expand their production. More often than not, they have been able to reach extremely favourable agreements with governments that compete to attract inward investment. Huge transnational corporations have found it particularly easy to strike deals on terms that suit them with host countries that have GDPs much smaller than their own. Predatory business practices leading to government corruption, human rights abuses and environmental damage are not, however, exclusive to transnational corporations: they have been replicated by national and local private companies, and even by state-owned corporations. In all cases, public officials have profited by facilitating business demands. Local populations affected by poor business practices have rarely been consulted, even though consultations are mandated in some newly adopted constitutions, such as Bolivia's. Indigenous rights over land, air and water have typically been ignored or, at most, dealt with as annoying side issues.

As communities have reacted in defence of their life sources, they have rarely found government protection. Instead, state and non-state actors have often joined forces to repress them. In the face of this challenge, new international measures may be needed. As stated in a February 2016 report by the Observatory for the Protection of Human Rights Defenders, the majority of the cases seen in the current regional trend of the unwarranted criminalisation of HRDs, typically linked to land conflicts, demonstrate that a change is needed in the relations between companies and citizens. The experiences of the region

121 'Chile: students protest against corruption', Buenos Aires Herald, 17 April 2015, <http://goo.gl/yxlWly>.

122 'Dominican Republic protesters light the corrupt officials Christmas tree', Dominican Today, 3 December 2015, <http://goo.gl/Pku1OP>.

“show the need to move forward on the issue of the relationship between corporations and human rights with the aim of establishing legally binding obligations so the participation of private companies in human rights violations does not go unpunished.”¹²³

“

In its 2016 annual report, FLD highlighted the following: “While a lot has changed in relation to the discourse on business and human rights, the international community remains very far from having effective mechanisms to hold companies to account. In a welcome recognition of how HRDs are affected when working on issues around business, a resolution adopted by the UN General Assembly (UNGA) in November referred explicitly to the responsibility of business toward HRDs, and called on businesses to engage in meaningful consultations with them.

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HRDs and civil society activists who advocate for a fairer distribution of resources and opportunities have increasingly been subjected to a range of unwarranted restrictions in LAC, ranging from harassment to extra-judicial killings. Generally speaking, where business interests have prevailed, restrictions on basic freedoms have increased for any organisation advocating for the rights of economically disadvantaged groups. This includes trade unions.

The experience of trade unionists has not broadly diverged from that of land or human rights defenders, as examples from Colombia and Guatemala attest. According to International Trade Union Confederation (ITUC) data, **Colombia** and **Guatemala** provided no guarantees on trade union rights, including the freedom of association, collective bargaining and the right to strike, in the most recent year for which data was collected.¹²⁴ These countries were also among the most dangerous in the world for trade unionists. In four other LAC countries, Honduras, Mexico, Peru and Trinidad and Tobago, systematic violations of trade unions rights were recorded, as either the government or private companies engaged in serious efforts to stifle the collective voice of workers. A majority of LAC countries - Argentina, Bahamas, Bolivia, Chile, Dominican Republic, Ecuador, El Salvador, Haiti, Jamaica, Panama, Paraguay and Venezuela - were characterised by regular violations of trade union rights, meaning that governments or companies regularly interfered in collective labour rights or failed to fully guarantee them. Additionally, repeated violations were recorded in Barbados, Belize, Brazil and Costa Rica. Only one country surveyed in LAC, Uruguay, was assessed as having irregular or infrequent violations of trade union rights.

Along with the long-established contestation between capital and labour, a broader kind of conflict has more recently emerged, in which local populations oppose powerful business interests not primarily in their role as an exploited workforce, but mainly as inhabitants of the land. They do so in the name of asserting their rights over their means of subsistence and their quality of life, preserving their communities and cultures, and having a say in the making of decisions that will affect their futures.

123 OMCT and FIDH, February 2016, op. cit.

124 ‘Survey of violations of Trade Union Rights’, International Trade Union Confederation, <http://survey.ituc-csi.org>.

In recent years protests against mining and other extractive industries, water and dam projects, and agribusiness and logging, which are at heart disputes over land, have mushroomed throughout LAC. Broadly speaking, those who oppose the advance of such industries call attention to the effects that unrestrained economic activity is having on the land where people live, the water they drink and the air they breathe, and on their health and wellbeing, as much as the concern that projects are introduced with the apparent sole aim of benefiting private companies.

As discussed above, communities have risen against a range of private sector initiatives: mining injustice and mining crimes in Argentina, Colombia and Honduras; illegal logging, deforestation and forced evictions in Brazil, Honduras, Paraguay and Peru; oil and gas exploration and exploitation in Bolivia; a hydroelectric dam in Panama; and the Inter-Oceanic Canal Project in Nicaragua. Civil society and communities are also campaigning for land restitution in Colombia and for land titles and access to ancestral lands in Brazil and Paraguay, among other causes. In several instances, including in Bolivia, Peru and Venezuela, local populations are explicitly demanding their right to free, prior and informed consent regarding any proposal that affects their livelihoods.

Governments and private actors have reacted to the activism of affected populations by stigmatising, criminalising and attacking them. As marginalised and displaced communities have mobilised to defend their violated human rights, they have been the targets of intimidation, threats, judicial harassment, smear campaigns in mainstream and social media, surveillance and the interception of communications, physical attacks, sabotage and assassinations. Supportive HRDs, such as lawyers, have also occasionally faced suspension from their professional associations. Among CSOs and activists, those facing the gravest threats in LAC are the ones that challenge economic interests that seek the exploitation of finite natural resources, as well as illicit endeavours such as drug trafficking.

In repressing such mobilisations, the state is failing its citizens twice over: first, by putting profit above citizens' rights to health, education, housing and access to a means of subsistence; and second, by repressing them, or enabling non-state actors to do so, when they speak up against the injustices committed against them.

“

“In rural areas [of Guatemala] there is a lot of violence from sectors that are threatened by the work of social and community organisations. Local leadership of these sectors and other people with power, who have armed groups at their disposal or have influence over state and municipal security forces, are able to intimidate or threaten those who organise and mobilise for their rights. Violence against those who oppose hydroelectric or extractive mega-projects is pervasive, as it is against those who reject the use of land for non-food crops (such as the African palm trees) and for industry raw materials that do not directly contribute to the sustenance of local families. [...] Water issues are also explosive. Several confrontations are presently taking place between communities and agricultural exporters who are diverting river water to supply their industries and irrigate their crops, leaving whole communities without access to water. [...] Persecutions, arrests and criminal proceedings were resorted to in order to dismantle indigenous and peasant organisations opposing industrialisation and reacting against the pollution in their communities. [...]. In fact, legislative reforms were passed that surreptitiously categorised these groups and their activities as ‘enemies’ and therefore allowed for the use of criminal law against them.”

Carmen Aída Ibarra, Coalición Movimiento Pro-Justicia, Guatemala¹²⁵

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125 ‘Battle for natural resources endangers Guatemala’s CSOs,’ Interview with Carmen Aída Ibarra, CIVICUS, 11 May 2016, <http://goo.gl/FPUFIF>.



DESPITE THE
INEQUALITY OF
POWER AND THE
OCCURRENCE OF
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MOBILISATIONS
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VICTORIES



As seen in Bolivia and Ecuador, the choice to take sides with business and repress indigenous land rights activists and organisations is by no means the preserve of right-wing governments. In **Ecuador**, President Rafael Correa's government has systematically harassed, intimidated and repressed the indigenous communities that object to his plans to expand oil exploitation in the Yasuní National Park.¹²⁶ In **Bolivia**, local communities are demanding that constitutionally mandated public consultations be held prior to the initiation of major construction or exploration projects on their lands, and that the government repeal recent decrees that allow the exploration and exploitation of hydrocarbon resources in protected areas. Some of the projects involve Bolivia's state-run oil company Yacimientos Petrolíferos Fiscales Bolivianos (YPFB).¹²⁷

Despite the inequality of power and the occurrence of repression, some mobilisations have claimed victories. In Famatina, **Argentina**, mining projects run by multinational corporations were thwarted by residents; in **Guatemala**, the Supreme Court revoked mining exploitation licences that had been granted without prior consultation with affected populations and the judiciary suspended a controversial palm oil operation, pending investigation into an environmental disaster in a neighbouring river. The community reactions against contamination caused by the plantations and processing plant however brought reprisals, including the assassinations of Manuel Xi, a community organiser leading a boycott against a palm firm, in 2014, and Rigoberto Lima Choc, a 28 year-old teacher from one of the heaviest hit communities, in 2015.¹²⁸

More recently, in **Colombia**, where the government had declared mining a 'public utility and social interest' activity, allowing for the unilateral expropriation of private property and making protests against the mining industry illegal, the constitutional court has revoked all mining licences in the country's moorlands. It has stated that the state's obligation to return land to the millions of displaced Colombians takes priority over so-called 'projects of strategic national interest'.¹²⁹

126 Foreign Affairs, 27 August 2015, op. cit.

127 'Bolivian Ombuds Warns Extraction Threatens Protected Regions', Telesur, 14 October 2015, <http://goo.gl/XLSBly>. See also 'Indigenous Protests Oppose Amazon Highway in Bolivia', Americas Society / Council of the Americas, 1 September 2011, <http://goo.gl/xwn5d7>.

128 'Famatina: The Town that Keeps Beating the Mining Giants', The Argentina Independent, 3 December 2015, <http://goo.gl/tPavUk>; 'Guatemalan Farmers Stop a Mining Operation', Grassroots International, 28 March 2014, <http://goo.gl/RLGpca>; 'Guatemalan Court Orders Palm Company to Suspend Operations', Upside Down World, 24 September 2015, <http://goo.gl/Ey39rP>; 'La Puya: CSJ resolvió que empresa minera debe suspender la explotación', Prensa Comunitaria Km 169, 22 February 2016, <https://goo.gl/oL4F5O>.

129 'Colombia court revokes all 347 mining licenses in paramos', Colombia Reports, 9 February 2016, <http://goo.gl/4CV1sS>. See also 'Mining in Colombia: At what cost?', PBI Colombia, November 2011, <https://goo.gl/HW4bZt>.

CONCLUSION AND RECOMMENDATIONS

As stated by CIVICUS in its UPR submissions on Colombia (2012), Mexico (2013), Nicaragua (2013), Bolivia (2014) and Honduras (2014), the creation of an enabling environment for civil society to operate in accordance with the rights enshrined in the ICCPR and the UN Declaration on Human Rights Defenders requires, at the minimum, guarantees for the freedoms of association, peaceful assembly and expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, and the right to seek and secure funding.¹³⁰

The evidence provided in this report indicates that despite being essential actors in development and democratisation, civil society activists and organisations in LAC often pay a heavy price for their work. Promises made in global forums to promote an enabling environment for civil society remain largely unfulfilled. Independent and vocal civil society groups are often marginalised and left unprotected, and in several LAC countries, and in particular localities within them, they are openly attacked. Laws, regulatory measures and illegal practices have increasingly been introduced to restrict the rights of citizens to associate, express their views freely and protest.

Methods of civil society repression have included the introduction or more intensive application of laws that limit the freedoms of association, peaceful assembly and expression; the restriction of some CSO activities or funding sources; the tightening of registration requirements, which consume civil society energy and resources in compliance; increasingly aggressive anti-CSO rhetoric; and threats to and physical attacks on CSOs, activists and journalists, sometimes escalating to arrest, imprisonment and assassination.

Attacks come from a range of sources, including state and non-state actors, and at local as well as national levels. It is often the case that the gravest dangers for activists and journalists arise when they come into contact with networks of corruption that link organised crime, elements of the security forces and local public officials. No single case illustrates this better than that of the 43 students from Ayotzinapa, Mexico, who went missing in September 2014.

Reasons put forward for the mistreatment of activists and the restrictions imposed on CSOs have included the principle of national sovereignty, the determination of the government to protect itself against reactionary forces, and the need to take counter-terrorism precautions.

130 'The Republic of Colombia. Submission to the UN Universal Periodic Review, 16th Session, October 2012', CIVICUS, 2012, <https://goo.gl/GqJvui>; 'The United Mexican States. Submission to the UN Universal Periodic Review, 17th Session, March 2013', CIVICUS, 2013, <https://goo.gl/bptqNd>; 'The Republic of Nicaragua. Submission to the UN Universal Periodic Review, 19th Session, September 2013', CIVICUS, 2013, <https://goo.gl/I55qKb>; 'The Plurinational State of Bolivia. Submission to the UN Universal Periodic Review, 20th Session, May 2014', CIVICUS and Fundación Construir, 2014, <https://goo.gl/gVM4D5>; 'The Republic of Honduras. NGO Submission to the UN Universal Periodic Review, 22nd Session, September 2014', CIVICUS, 2014, <https://goo.gl/7y5vzl>; 'Federative Republic of Brazil. Joint Submission to the UN Universal Periodic Review, 27th Session, September 2016', CIVICUS, 2016, <http://goo.gl/3yjSxD>; 'Republic of Ecuador. Joint Submission to the UN Universal Periodic Review, 27th Session, September 2016', CIVICUS, 2016, <http://goo.gl/866opM>.

What such widespread attacks on civil society suggest is that in many countries CSOs are merely tolerated as long as they stay within the narrow confines of service delivery, as they come to the aid of governments in areas where governments are unable to deliver on their own. This is provided that when they do so, CSOs do not compete with governments for donor funds. In emphasising service provision at the expense of civil society's ability to hold the powerful to account, advocate for marginalised communities and demand transparent and democratic governance, governments are restricting CSOs to a fraction of the legitimate, multiple roles they should play.

In order to overcome restrictions on the freedom of association, governments' treatment of CSOs should be elevated to at least the same level as their treatment of businesses, as was recommended in the August 2015 report of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association.¹³¹ In practice, what this means is that:

- independent CSOs and networks should be formally recognised by the state as legitimate actors in society;
- the procedures and requirements that CSOs should follow for their constitution, authorisation, operation and termination should be clarified by law, removing ambiguity and the potential for broad discretionary interpretation;
- the laws governing CSOs should be amended to remove unwarranted bureaucratic obstacles and any other restrictions on their operation;
- all threats to expel foreign CSOs should be revoked;
- the institutions in charge of registering and monitoring CSOs should be allocated adequate resources and training so that officials can assist CSOs that operate at the local level outside the main cities;
- senior government officials and government security forces should ensure greater cooperation with CSOs and international human rights bodies and officials;
- provisions found in regulations and statutory instruments that restrict the right to organise, form unions and bargain collectively should be amended. As part of this, the rights of non-government-affiliated unions should be guaranteed and measures taken to ensure adequate recourse is available when labour laws are infringed.

A safe and secure environment for civil society requires that activists and HRDs be given protection by law enforcement agencies. The following steps should be taken:

- in order to grant protection, high-level public officials should start by publicly condemning all attacks on and threats against civil society activists;
- all instances of violations of the rights of activists must be independently investigated and the perpetrators of violence must be brought to justice;
- any investigation into attacks, harassment and intimidation of activists that is currently suspended should be re-launched;
- in countries where assassinations of HRDs are commonplace, specific protection mechanisms should be established;
- where protection mechanisms exist, their implementation should be closely monitored, and civil society proposals for their strengthening should be taken into account.

131 'Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association', UN General Assembly, 4 August 2015, <http://goo.gl/s34SPK>.

Regarding detained persons, all due process guarantees as set out in article 14 of the ICCPR on the rights of people undergoing criminal or judicial proceedings should be ensured. In particular:

- all HRDs and civil society activists detained for exercising their freedoms of assembly, association and expression should be unconditionally and immediately released, and their cases be reviewed to prevent further harassment;
- depending on each country's context, any specific sub-group that is specifically targeted, such as union leaders, women's reproductive rights defenders, LGBTI rights advocates, indigenous peoples' rights advocates and defenders of the rights of people of African heritage, should be provided with appropriate protection measures to ensure that they are able to carry out their legitimate activities without fear of reprisals;
- the specific targeting of WHRDs should be publicly recognised as a form of violence against women and measures should be adopted to end the culture of impunity that surrounds the abuse and intimidation of WHRDs.

Current restrictions on the freedom of assembly can only be overcome through the adoption of sound guidelines on the proper management of assemblies such as those outlined in the March 2016 Joint Report of the UN Special Rapporteurs on the rights to freedom of peaceful assembly and of association and on extrajudicial, summary or arbitrary executions.¹³² These include:

- simple notification rather than explicit permission to assemble should be required;
- measures should be taken to ensure that law enforcement bodies offer adequate protection to all citizens, regardless of their political affiliation;
- the use of excessive force in the dispersal of protests should be publicly condemned;
- impartial and independent complaints mechanisms should be established;
- a formal investigation should be made of every instance of excessive state violence against protesters;
- recourse should be provided for judicial review and effective remedy, including compensation, in cases when the right to the freedom of assembly is unlawfully denied by state authorities;
- the use of live ammunition against peaceful protesters must be banned;
- security forces in charge of crowd control should be equipped with non-lethal weapons and provided with training on humane methods of crowd control and the UN Basic Principles on the Use of Force and Firearms.

132 'Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies,' UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, March 2016, <http://goo.gl/5veSVS>.

As for restrictions on the freedom of expression, it is key that national legislation be revised and aligned to the provisions of the ICCPR. In particular:

- legal restrictions on the freedom of expression, such as the provision that criticisms of the government should be ‘constructive’ or that some discriminatory expressions are not allowed, should be removed;
- libel laws should be amended to limit libel to being a civil offence, as opposed to a criminal offence;
- to encourage protection by law enforcement agencies, senior government officials should condemn the persecution of journalists, including attacks, harassment, intimidation and slander;
- impartial and independent complaints mechanisms should be established to investigate threats against journalists working on contentious issues;
- timely and effective protection should be provided to journalists at risk, and killings of journalists should be immediately and impartially investigated. Every case of injury caused to journalists should be subjected to a mandatory and transparent investigation.¹³³

The list of recommendations is long, but there are reasons for optimism. Democracy was re-established decades ago with the help of CSOs and social movements across LAC, and the region is currently experiencing its lengthiest democratic period in history. Despite this, it is clear that human rights violations have persisted, and the democratic experience has fallen short of citizens’ expectations, leading to growing discontent. Yet at the same time, LAC is home to a resilient, creative and organised civil society that has typically been able to view every challenge as an opportunity for action.

CSOs across LAC have long worked to address threats to the basic freedoms that make up civic space. Where protests have been violently suppressed, CSOs have pushed for the elaboration of regional standards and monitoring mechanisms for the policing of protest; where journalists have been attacked and killed, CSOs have launched protection initiatives; where HRDs have been assassinated, CSOs have also pressed for the establishment of protection programmes and then monitored their implementation, and as the newly established programmes have failed to stop the killings, CSOs have proposed reforms to make them more effective; where the right to access public information was not yet recognised, CSOs have pushed for the introduction of access to information laws; and where criminal defamation laws are in effect, CSOs have organised campaigns to repeal them.

While exposing abuses, CSOs and activists in LAC have generally been careful not to depict themselves as the powerless victims of the arbitrary actions of powerful governments and corporations. Instead, they continue to develop their own power by defying prohibitions and restrictions and seizing opportunities to expand civic space, including by encouraging civic mobilisation and forming broad-based alliances of civil society actors within and across localities and borders. In particular, CSOs and activists have recognised international solidarity as something that adds value to every struggle, even now as the trend of growing distrust of governments towards what they characterise as ‘foreign meddling’ demands caution in the handling of expressions of international support. As a result, a growing proportion of advocacy campaigns have become regional and even global in scope, and their ripple effects are spreading wider than ever. CIVICUS remains committed to adding its voice to these campaigns and working to make them stronger.

133 For more specific recommendations, see ‘Annual Report of the Office of the Special Rapporteur for Freedom of Expression,’ IACHR/OAS, 2015, pp. 374-382, <http://goo.gl/NS4klS>.

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