



Civil Society: The Clampdown is Real

Global Trends 2009-2010

Mandeep Tiwana and Netsanet Belay
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Introduction

The last decade and especially 2009 and 2010, have been particularly hard for civil society and human rights defenders. Negative global trends that began soon after 9/11 have come to a head as governments have continued to encroach on fundamental freedoms through harsh security measures and other legal and policy restrictions.

As highlighted by civil society watchdog groups, UN human rights bodies and other close observers, these trends began soon after 9/11 when UN Security Council Resolution 1373 calling on all UN member states to take concrete steps to tackle terrorism was introduced. While the intention behind the resolution to protect innocent civilians and state structures from mindless acts of terrorism may have been sound, the negative consequences on fundamental freedoms, including the rights of civil society actors have been devastating as governments have used the climate of fear to dilute civil liberties, reduce personal privacy, lower fair trial standards and restrict the free movement of people across borders. Moreover, the ability of citizens and civil society to express democratic dissent has been severely curtailed through a clampdown on the freedoms of expression, association and assembly in the global north as well as the south.

Overzealous officials and law makers in longstanding democracies, emerging democracies and in overtly authoritarian countries have relentlessly chipped away at democratic freedoms curbing the ability of civil society to ensure transparency, accountability and respect for human rights in the public sphere.

From Cape Town to Cairo, Managua to Manila and New York to Moscow, civil society has increasingly found itself cornered and impeded in its quest to make social and political systems fairer, just and more equitable as restrictive measures and undemocratic practices have multiplied. On 10 December 2010, the **UN Secretary General**, Ban Ki-moon, in acknowledging these negative trends, dedicated the observance of International Human Rights Day to human rights defenders who continue their work despite the multiple risks - including harassment, being stripped off their jobs, wrongful imprisonment, torture, beatings and murder - being faced by them. He emphasised that states bear the primary responsibility to protect human rights advocates.¹

The UN Secretary General's message came close on the heels of the stark warning issued by the **UN High Commissioner for Human Rights**, Navanethem Pillay, to the UN Human Rights Council in September 2010. *"Special procedures mandate holders, press reports and advocates consistently point out that human rights defenders, journalists, and civil society activists in all regions of the world face threats to their lives and security because of their work."*²

Significantly, the **UN Special Rapporteur on Human Rights Defenders**, Margaret Sekagayya, chose to focus her 2008-2009 report on the security of human rights defenders and the various protection measures implemented at the national, regional and international levels that should guarantee their physical safety. She identified a number of *"worrying trends"* and called for *"urgent and effective solutions not only by states, but also defenders themselves"*. These included stigmatisation of human rights defenders and their growing categorisation as "terrorists", "enemies of the State" or "political opponents" by State authorities and the State owned media which contributed to the perception that defenders are legitimate targets for abuse by State and non-State actors.³

CIVICUS' own monitoring, as well as reports by well respected groups from across the globe, report sharp spikes in the frequency and intensity of attacks on civil society in 2009 and 2010. Shrinking civil society space was the leading theme echoed at the CIVICUS World Assembly

¹ <http://www.un.org/en/events/humanrightsday/2010/sg.shtml>

² <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10319&LangID=e>

³ Report of the Special Rapporteur on the situation of human rights defenders presented to the UN General Assembly on 30 December 2009
<http://www2.ohchr.org/english/issues/defenders/docs/A.HRC.13.22.pdf>

in August 2010 where over 500 civil society activists, official representatives and business leaders met to discuss solutions to global civil society issues. Testimonies from activists revealed that heightened security concerns have become an excuse to clampdown on civil society organisations and their ability to challenge governments on their democratic records and non-fulfilment of human rights commitments. **Over the last two years, CIVICUS has observed a multitude of restrictions being placed on civil society in approximately 90 countries around the world.**

This synthesis report highlights the pressing global crisis of shrinking civil society space which began soon after 9/11 and appears to have peaked in 2009 and 2010. It illustrates key cases and major trends in 2009 and 2010, providing conclusive evidence that hard fought civil liberties attained in the latter half of the twentieth century are being seriously eroded.

The CIVICUS Civil Society Index defines civil society as “the arena outside the family, state and the market, which is created by individual and collective actions, organisations and institutions to advance shared interests”.

The Office of the Special Rapporteur on Human Rights Defenders in the Office of the United Nations High Commissioner for Human Rights describes human rights defenders as “people who, individually or with others, act to promote or protect human rights. Human rights defenders are identified above all by what they do and it is through a description of their actions and of some of the contexts in which they work that the term can be best explained”.⁴

⁴ <http://www2.ohchr.org/english/issues/defenders/who.htm>

1. Legal restrictions on civil society's ability to exist and operate freely

A number of laws and bills to regulate civil society have continued to proliferate around the world, critically impacting the ability of civil society in multiple regions to express, associate and assemble as well as access resources. In many instances, governments have sought to justify these restrictions in the name of protecting security or national interests. Nevertheless, an examination of the context within which these legal measures were introduced reveals that more often than not, their true intent is to curtail the ability of civil society to herald in political change by exposing bad governance and lack of accountability. Authoritative analyses point to significant breaches of the international human rights framework, giving credence to the argument that their primary motivation is to employ them as tools of repression to silence human rights defenders.

The International Center for Not-for-Profit Law (ICNL) in its inaugural issue of the quarterly publication 'Global Trends in NGO Law' published in March 2009, highlighted: *"Despite the increasing attention paid to the backlash against civil society and democracy, many governments continue to use the legislative tools at their disposal to control and restrict NGOs. A number of the laws considered or enacted in the past two years have raised serious questions as to their compliance with international norms governing the right to free association as well as the practical obstacles that they raise to NGO operations. Among other issues, some of these laws impose restrictions on the ability of NGOs to form and become legal entities, and carry out activities without undue government interference. Others provide governments with broad discretion to shut down NGOs".*⁵

An analysis of recent legal regulatory initiatives attests to the above-mentioned trend. In the run-up to the elections of May 2010, authorities in **Ethiopia** left no stone unturned to curtail the ability of civil society groups to sensitise voters on key governance issues and highlight electoral malpractices as they also did in the contentious 2005 elections. The Controversial Charities and Societies Proclamation brought into force in early 2009, has cut off the funding base of Civil Society Organisations (CSOs) engaged in human rights advocacy. Under the law, any CSO that receives more than 10 per cent funding from abroad is relegated to a service delivery role through prohibitions from working on key areas including advancement of human and democratic rights, gender equality, conflict resolution and accountability of law enforcement agencies.⁶

Zambia's new Non Government Organisation (NGO) law introduced in August 2009, seeks to undermine the independence of CSOs by vesting a government-dominated NGO registration board with far-reaching powers. These include: (i) the power to approve the area of work of NGOs, which allows the government to determine their thematic and geographic areas of functioning and exercise control over their affairs, (ii) the power to provide policy guidelines to harmonise the activities of NGOs with the national development plan, which co-opts NGOs into assisting in the fulfilment of the political priorities of the government reflected in the plan, and (iii) the power to advise on strategies for efficient planning and coordination of activities of NGOs, which treats NGOs as government subsidiaries as opposed to independent entities free to formulate and execute their action plans in line with identified priorities.⁷

In **India**, following concerns raised by right wing groups and law enforcement agencies that civil society was exposing human rights violations by state agencies to the international community, the Foreign Contributions Regulation Act (FCRA) was passed in August 2010. Among other things, the law allows for broad executive discretion to designate organisations as being of a 'political nature' and thereby prevent them from accessing funding from abroad. It also subjects CSOs to additional bureaucratic red tape by requiring them to renew their

⁵ <http://www.icnl.org/knowledge/globaltrends/GloTrends1-1.pdf>

⁶ <http://www.civicus.org/media-centre/press-releases/archieve/468-new-law-will-cripple-ethiopian-civil-society>

⁷ http://www.civicus.org/media/446-CIVICUS-Zambia-NGO-Bill-2009-submission%208_7_09.pdf

permission to receive funding from abroad every five years, and places an arbitrary cap of 50 per cent on the administrative expenses of an organisation. Human rights organisations are deeply concerned about the impact the law will have on their independence and ability to criticise government actions without fear of official retribution.⁸

In December 2010, President Hugo Chavez of **Venezuela** urged the National Assembly to adopt a "severe law" to effectively stop foreign funding for a wide range of NGOs who in his opinion, were ideologically opposed to official policies and could destabilise his government. Venezuela's International Cooperation Bill, under consideration by the National Assembly, requires CSOs to seek additional permission from the authorities to obtain funds from abroad. It also significantly reinforces executive control over CSOs by creating an Agency for International Cooperation with wide ranging powers to control the receipt and disbursement of international funds. Moreover, it seeks to deny NGOs critical of official policies access to much needed funds from abroad.⁹

The **Euro-Mediterranean Human Rights Network** in its 2010 report on the situation of NGOs in the east and south Mediterranean region and Europe, concluded the following: "A close examination of recent developments in the Euro-Mediterranean region reveals that freedom of association has experienced setbacks in the past few years and there has been very little positive development worth mentioning. Since 2007, some countries have amended their laws on NGOs (Jordan) or have announced changes (Egypt, Syria), while others have recast their legislation in ways that have a direct impact on NGO activities (Israel, Tunisia). The trend observed in the past three years is that new restrictions have been put in place in the name of public order, security and the fight against terrorism. These restrictions have led to arbitrary denials of registration for many organisations, in particular those active in the human rights field (Libya, Syria, Tunisia), including in promoting diversity and minorities (Greece, Morocco, Syria, Turkey). The restrictions have also taken the form of ever-growing interference in NGO activities by the authorities, for example by impeding their right to peaceful assembly (Algeria, Israel, Egypt), intervening in the affairs of their boards (Syria, Tunisia) or dissolving organisations on arbitrary grounds (Palestine)".¹⁰

In **Egypt**, where civil society has long complained about the restrictive burden of the political environment as well as the existing law governing associations and foundations, a new NGO Bill has been drawn up. The bill grants the Minister of Social Solidarity unchecked authority to deny registration to or de-register and liquidate any organisation. In a bid to deter NGOs from carrying out human rights advocacy, the bill limits the scope of their work to "social care, development and community awareness raising," and requires NGOs to obtain official permission before entering into partnerships with or seeking resources from foreign organisations.¹¹

In **South Africa**, a Protection of Information Bill is being considered by the government with the potential to create numerous obstacles for exposing corruption and other government malpractices for civil society and media groups. The bill will give officials extensive powers to prevent communication of information in the "national interest" defined through omnibus provisions. These include broad categories such as "all matters relating to the advancement of public good", the protection of trade secrets of state organs including "profits, losses or expenditures of any person" and the "pursuit of justice, democracy, economic growth, free trade, a stable monetary system and sound international relations".¹²

⁸ <http://www.civicus.org/media-centre/press-releases/archieve/313-civicus-world-assembly-delegates-express-deep-disappointment-at-indias-new-curbs-on-civil-society>

⁹ <http://www.icnl.org/knowledge/news/2010/Venezuela%20Alert.pdf>

¹⁰ The Euro-Mediterranean Region, A Threatened Civil Society, Euro Mediterranean Human Rights Network 2010, page 3

http://en.euromedrights.org/index.php/publications/emhrn_publications/68/4758.html

¹¹ <http://www.civicus.org/media-centre/press-releases/archieve/309-call-for-sustained-pressure-on-egypt-amid-clampdown-on-civil-society>

¹² <http://www.civicus.org/media-centre/press-releases/archieve/447-civil-society-deeply-concerned-about-roll-back-in-democratic-freedoms-in-south-africa>

In a controversial decision, the **United States** Supreme Court in July 2010 overruled constitutional provisions protecting the freedom of speech and association by upholding a law banning material support to designated terrorist groups even if that support involved CSOs engaging banned armed groups through training on international law to pursue peaceful means to achieve their political objectives. The decision will have a far reaching impact on peaceful dispute resolution activities of CSOs.¹³

**CIVICUS Civil Society Index
Survey of the external environment for civil society (2008-2010)**

The CIVICUS Civil Society Index (CSI) is a participatory action research project assessing the state of civil society in over 40 countries around the globe. During the second phase implementation period (2008-2010) survey results were collected from 25 geographically and politically diverse countries. A total of 4122 organisations participated (minimum of 90 organisations per country).

The CSI Organisational Survey results provide information regarding the relationship between the state and civil society. In particular, one of the dimensions (external environment) reflects the socio-economic, socio-political and socio-cultural context that civil society in the country is operating in. One of the sub-indicators of the external environment, experience of the legal framework, provides a glimpse of CSOs perception regarding regulations and laws affecting civil society.

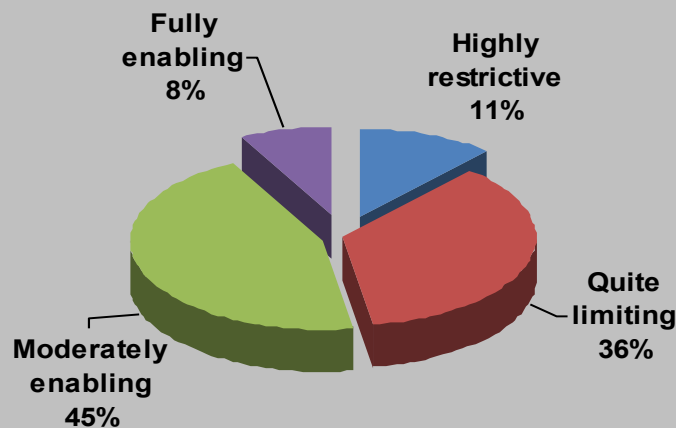


Figure 4: Do you believe that your country's regulations and laws for civil society are restrictive? (CSI, Organisational Survey, phase 2008-2010)

This recent survey indicates that 47% of respondents believe that their country's regulations and laws for civil society are quite limiting. Of these, 11% had a perception of extremely high levels of restrictions being placed on civil society. Particularly, the vast majority of organisations surveyed in Japan (65%), Turkey (77%), Venezuela (81%) and South Korea (84%) reported a restrictive legal environment.

Of the same group of organisations surveyed by CIVICUS, 58.8% reported having experienced illegitimate restrictions or attacks by the authorities.

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http://www.charityandsecurity.org/news/Supreme_Court_Ban_Peaceful_Conflict_Resolution_Support_Terrorist_Groups

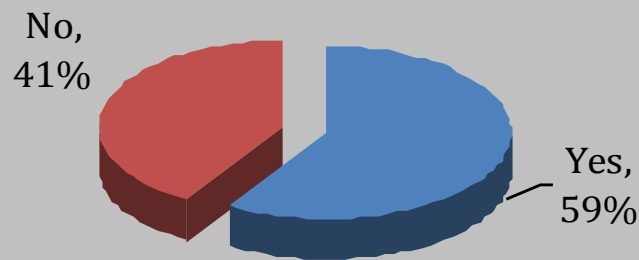


Figure 5: Has your organisation ever faced any illegitimate restrictions or attacks by the local or central government? (CSI, Organisational Survey, phase 2008-2010)

Specifically, The responses in Liberia (91%), Togo (90%), Jordan (90%), Japan (88%), Mexico (88%) and Georgia (87%) reflect that illegitimate restrictions or attacks by the authorities appear to be a widespread method of controlling the activities of civil society organisations across regions.

2. Policy and other measures to restrict civil society participation in governance processes

Apart from legal restrictions, a number of policy changes, including pronouncements and statements by politicians and government officials, are having a negative effect on civil society's ability to function in a number of jurisdictions. This is clearly linked to the shrinking democratic space and growing intolerance of legitimate dissent being experienced around the world. In many instances, the policy changes have been introduced to curb the independence of CSOs. This has been done by clamping down on their ability to obtain financial and moral support from abroad in breach of commitments made by governments at international forums.

In **Libya**, where the freedom to associate is already severely limited, the leader of the country, Moamar Kadhafi, questioned the very existence of independent non-partisan civil society in January 2010. He labelled the idea of civil society not aligned to state policy as a "bourgeois culture and an imitation of the west" that had no place in his country.¹⁴ Following the release of a report on pre-election violence in the country, which blamed the ruling party for excesses, authorities in **Burundi** similarly ordered the Human Rights Watch researcher in May 2009 to suspend her work and leave the country.¹⁵

Government officials in **Vietnam** denied permission to two members of the international advocacy group, FIDH, to attend the People's Forum of the Association for South East Asian Nations (ASEAN) being organised in Vietnam as part of its role as chair of ASEAN. The exclusion of FIDH representatives at the Forum, which is a major civil society event bringing together representatives of CSOs and social movements, is a symptom of the government's efforts to restrict the outreach of human rights advocacy groups in the country.¹⁶

In a number of instances, particularly in relation to disbursement of aid related funds, many governments have deliberately misinterpreted the principle of "national ownership" of aid-articulated in the widely accepted Paris Declaration on Aid Effectiveness and the Accra Agenda for Action - to prevent aid money from reaching independent civil society groups. In a bid to penalise NGOs working on civil and political freedoms, authorities in **Zimbabwe** issued

¹⁴ <http://www.google.com/hostednews/afp/article/ALeqM5iHN4BDASgALw7xKVBgxPDjZKqvjg>

¹⁵ <http://www.frontlinedefenders.org/node/2545>

¹⁶ <http://www.omct.org/index.php?id=&lang=eng&actualPageNumber=1&articleId=9472&itemAdmin=article>

directives in July 2010 to diplomatic delegations of donor countries to furnish information about their activities with the details of organisations they were supporting. The Regional Integration and International Cooperation Minister issued a statement saying, “It is the government that defines where aid should go. We now require everyone in the country to inform us about their aid work, how much they are spending and which areas they are working on”.¹⁷

Sierra Leone’s 2009 Aid Policy seeks to dilute the independence of NGOs largely dependent on funds from abroad by affirming that the purpose of the policy is to assert the government’s “leadership in aid coordination, harmonisation and alignment” in the pursuit of government priorities and strengthening of state institutions. The policy further enjoins NGOs to have a clear mission statement in conformity with the government’s development policies, failing which their registration applications will be disqualified.¹⁸

CIVICUS was informed in January 2010 by the Registrar of Associations in **Nicaragua** that its government had started to implement policy directions contained in the draft Manual on International Cooperation. The manual creates a web of bureaucratic red tape requiring local and international NGOs wishing to work together to seek permission from multiple offices. It also gives the government wide powers to arbitrarily terminate agreements with foreign CSOs, particularly those working to engender political reforms in the country.¹⁹

Civil society in **Canada**, a historical supporter of civil society freedoms both at home and abroad, suffered a serious setback in 2010 when previously consistent government funding for the Canadian Council of International Cooperation, a network of over 90 civil society groups which has been monitoring and analysing national policies on matters related to foreign affairs, aid, trade, environmental justice and human rights for over 40 years, was suddenly discontinued.²⁰

3. Imprisonment of civil society activists to prevent them from pursuing their work

Throughout 2009 and 2010 a number of civil society activists were imprisoned on the basis of seemingly motivated prosecutions and flawed trials to prevent them from continuing their work to highlight human rights violations. A common occurrence was the labelling of the detained activists as supporters or members of terrorist or rebel groups. Many of them have alarmingly been denied basic due process rights and subjected to abuse by the detaining authorities. CIVICUS has profiled some of these activists in its *Civil Society Behind Bars Campaign*.²¹

Concerned at the increasing clampdown on human rights defenders and civil society organisations, the **Commonwealth Human Rights Initiative** chose ‘Silencing the Defenders’ as the subject of its bi-annual report to the Commonwealth Heads of Government Meeting in 2009. *“That the work of human rights defenders is not popular in many Commonwealth jurisdictions is clear from the frequency with which they are targeted. Whether they are active in a conflict situation or a stable democracy, anything that suggests criticism of the government can attract dire consequences. Human rights defenders are likely to suffer a range of abuses, from having their activities unreasonably restricted and their organisations unfairly scrutinised, to being spied on or defamed, denied access to funding, or being subject to arbitrary arrest, physical violence and death – all imposed with the intention of deterring them from pursuing their valuable work”.*²²

¹⁷ <http://www.theindependent.co.zw/local/27501-decision-on-ngos-threatens-western-aid.html>

¹⁸ <http://allafrica.com/stories/200909080232.html>

¹⁹ http://www.civicus.org/csw_files/CIVICUS-statement-Nicaragua.pdf

²⁰ http://www.ccic.ca/files/en/media/backgrounder_defunding_e.pdf

²¹ <http://www.civicus.org/get-involved/take-action/civil-society-behind-bars>

²² Silencing the Defenders: Human Rights Defenders in the Commonwealth, Commonwealth Human Rights Initiative, 2009 page 18

In the **Philippines**, where civil society groups are involved in highlighting abuses by government forces in counter-insurgency operations against leftist guerrillas and Islamist militants, a group of 43 community health workers and medical practitioners (popularly known as the 'Morong 43') were detained in February 2010 when they were arrested during a training exercise on medical practices. Security forces entered the premises where they were residing during the training on the basis of a defective search warrant and accused them of being in possession of weapons and explosives, which is inconsistent with their peaceful work as community activists. It was only after sustained pressure from within and outside the country that the authorities agreed to release the Morong 43 after the lapse of considerable period of time in December 2010.²³

In **Bahrain**, as part of a continuing crackdown that began in the run up to the October 2010 elections, 24 prominent human rights defenders have been subjected to trial under anti-terrorism laws. They have been charged with collaborating with foreign organisations and circulating false information. They have also been accused of forming terrorist networks, destruction of public and private property and defaming the authorities. The arrested activists have complained about torture and abuse, including beatings, electrocutions, verbal and physical assaults besides denial of adequate sleep, meted out to them by the National Security Agency. It has been reported that prior to, during and after the national elections, about 350 activists had been arrested.²⁴

In **Israel**, Ameer Makhoul, head of Ittijah, a network of Palestinian NGOs which promotes Palestinian Arab civil society and advocates political, economic and social change for Palestinians denied access to infrastructure and services due to discriminatory practices, has been languishing in prison since May 2010 when he was arrested on charges of spying. He was previously subjected to a travel ban preventing him from leaving the country to attend civil society events and conferences. Since his arrest, he has been denied his constitutional right to consult with lawyers privately and confidentially and was reportedly subjected to ill-treatment by interrogators.²⁵

Two Greenpeace activists in **Japan**, Junichi Sato and Toru Suzuki, were handed out one year suspended sentences in September 2010 for their role in carrying out a public interest investigation into corruption in the Japanese whaling industry. Despite their uncovering of embezzlement, smuggling and illegal trading at the expense of Japanese taxpayers, the court chose to convict them. They were accused of trespassing and stealing a box of whale meat to film its contents as part of their public interest investigation into Japan's whaling programme. The box was handed over to the police before it was reported lost. They were also subjected to a 26 day detention that the UN Working Group on Arbitrary Detention described as a breach of their human rights and politically motivated, in addition to a lengthy two year prosecution.²⁶

Uzbekistan psychologist and HIV AIDS campaigner, Maksim Popov, was convicted in September 2009 to seven years in prison. He was denied a public trial and accused of promoting homosexuality, corrupting minors in anti-social behaviour and embezzling funds from international donors. To date, none of the charges of fund embezzlement have been confirmed by donors. Popov has written a book on HIV AIDS prevention which was deemed "illegal" by the court and "disrespectful of the national culture of the Uzbek people".²⁷

In **Syria**, prominent human rights lawyer and winner of the prestigious 2010 Martin Ennals award, Muhannad al-Hassani, was sentenced to three years imprisonment in June 2010 on vague charges such as "weakening national sentiment" and "conveying within Syria false

http://www.humanrightsinitiative.org/publications/chogm/chogm_2009/silencing_the_defenders_chogm_2009_report.pdf

²³ http://www.civicus.org/csw_files/Letter_to_President_Philippines.pdf

²⁴ <http://www.civicus.org/civicus-home/1619>

²⁵ http://www.civicus.org/csw_files/Letter_of_Appeal_Ameer_Makhoul.pdf

²⁶ <http://www.greenpeace.org/china/en/news/t2-trial-verdict>

²⁷ <http://www.civicus.org/media/Letter%20to%20HCHR%20re%20Popov%20final.pdf>

news that could debilitate the morale of the nation". Muhannad al-Hassani, who had been involved in publicising unfair and politically motivated trials of activists, was also assaulted in prison shortly after his conviction.²⁸

4. Assassinations of civil society members as the ultimate form of intimidation

A number of civil society activists have sadly had to pay the ultimate price for their work in the defence of human rights, coming under attack from both state and non-state actors including law enforcement agents, state-aided militias as well as members of terrorist and rebel groups. Information gleaned from the countries in which they were assassinated reveals that many of the perpetrators remain at large, revelling in the impunity afforded to them by the state.

The **Observatory for the Protection of Human Rights Defenders**, which produces an annual report every year on the situation of human rights defenders, made the following conclusions in its 2010 report in the sections on Sub Saharan Africa and the Americas:

Sub Saharan Africa: *"The year 2009 was also marked by an increase in assassinations of defenders in countries such as Burundi, DRC, Kenya, Nigeria, the Republic of the Congo and Somalia. The intensification of repression against defenders was facilitated through systematic denigration by certain heads of State, like in The Gambia, where President Yahya Jammeh who, during a television programme held in September, openly threatened to kill human rights defenders, accusing them of seeking to "destabilise the country".¹*

Americas: *"Human rights defenders who work to protect and promote human rights continued to be subjected to attacks against their freedom of expression in most countries in the region (Bolivia, Chile, Cuba, Ecuador, Haiti, Mexico, Nicaragua, Venezuela), freedom of association (Cuba, Venezuela), freedoms of peaceful assembly and of movement (Cuba), as well as to defamation and discrediting campaigns (Argentina, Colombia, Peru, Venezuela), judicial harassment (Brazil, Chile, Colombia, Ecuador, Guatemala, México, Nicaragua, Peru, Venezuela), arbitrary detention (Argentina, Chile, Cuba, Colombia, Ecuador, Mexico, Venezuela), threats (Argentina, Bolivia, Brazil, Colombia, Guatemala, Mexico, Peru), disappearances (Colombia), attacks, ill-treatment and attempts on their lives (Argentina, Bolivia, Brazil, Colombia, Guatemala, Mexico, Nicaragua), and ultimately to assassinations (Brazil, Colombia, El Salvador, Guatemala, Mexico).²⁹*

Floribert Chibeya Bahizire, Executive Director of Voix des Sans Voix, an organisation working to protect the rights of prisoners in the **Democratic Republic of Congo**, was found murdered in June 2010 after he was summoned by the General Inspectorate of Police. After intense pressure from the international community to ensure a thorough and impartial investigation, the government has been forced to proceed against the suspected perpetrators.³⁰

In the **Philippines**, signature style assassinations of civil society members by killers astride motorcycles are continuing with frightening regularity. Pro-government militias and members of the security forces who accuse community based activists of being aligned with leftist rebels are widely believed to be behind these assassinations. In June 2010, Pascual Guevarra, leader of an alliance of displaced farmers, was shot dead at his house in Nueva Ecija province. A few days later, Fernando Bejino, also a member of a farmers' association opposed to private interests seeking to take over land from small and marginal farmers, was shot dead in Negros Oriental province. He was harassed by vigilante groups a few days prior

²⁸ <http://www.hrw.org/en/news/2010/11/04/syria-jailed-rights-defender-assaulted-punished-prison>

²⁹ Steadfast in Protest: Annual Report 2010: Observatory for the Protection of Human Rights Defenders, page 111-112

³⁰ <http://www.wmd.org/alerts/world-movement-participant-found-dead-drc>

to his death who tried to pressure him to confess that he was a member of an anti-government rebel group.³¹

Trade unions activists also continue to be murdered in **Columbia**. Right wing organisations supported by wealthy landowners and businessmen are endangering the lives of trade union members. Nelson Camacho Gonzalez, a member of the oil industry's united workers union, and Ibio Efen Caicedo, an activist from the Antioquia Teacher's Association, were murdered within the space of a few days in June and July 2010.³²

Execution of dissidents sentenced to death by flawed prosecution and trial processes remains endemic in **Iran**, sending a chilling message to activists critical of the current regime. In May 2010, five persons accused of being dissidents were hanged for national security offences in addition to the crime of "enmity with God".³³

In **Cuba**, Orlando Zapata Tomayo, a prisoner of conscience who was arrested in 2003 as part of a massive crackdown on political activists, died after a prolonged hunger strike in February 2010. The circumstances surrounding his demise point to authorities' negligence and complicity in his death.³⁴

Six staff members of the international NGO, World Vision, were killed in north-west **Pakistan** after its office was stormed in March 2010 by militants using guns and explosives. Non-Muslim faith-based groups in the country have been targeted by militants who accuse them of seeking to convert Muslims to other faiths.³⁵

5. Physical attacks and bureaucratic harassment to intimidate civil society members

Apart from motivated prosecutions and targeted assassinations, civil society members are being subjected to various forms of intimidation individually and collectively to prevent them from carrying out their work. Forms of intimidation involve misuse of powers and criminal acts by government officials.

Freedom House's 2010 annual survey of global political rights and civil liberties rued that 2009 was: *"Marked by intensified repression against human rights defenders and civic activists, declines for freedom were registered in 40 countries in Africa, Latin America, the Middle East, and the former Soviet Union, representing 20 percent of the world's total polities"*. The organisation also reported that 2009 was the fourth consecutive year in which global freedom suffered a decline – the longest consecutive period of setbacks for freedom in the nearly 40 year history of writing the report. *"This year's findings reflect the growing pressures on journalists and new media, restrictions on freedom of association, and repression aimed at civic activists engaged in promoting political reform and respect for human rights"*.³⁶

Authorities in **Russia** have pursued a relentless campaign to prevent civil society groups from speaking out against government policies. The campaign peaked in September 2010 when coordinated raids were carried out on roughly 40 NGOs in Moscow and other key cities across the country by prosecutors' offices. A number of procedural violations occurred during the raids, including failure to provide a reasonable explanation for the raids. A vast quantity of

³¹ <http://www.fidh.org/Open-Letter-to-the-authorities-Deep-concern-about>

³² <http://www.ituc-csi.org/two-more-trade-unionists.html>

³³ <http://www.hrw.org/en/news/2010/05/11/iran-executed-dissidents-tortured-confess>

³⁴ <http://www.amnesty.org/en/for-media/press-releases/death-cuban-prisoner-conscience-hunger-strike-must-herald-change-2010-02-24>

³⁵ <http://www.wvi.org/wvi/wviweb.nsf/0/59678CD8A66B358D882576E200596AE2?opendocument>

³⁶ Freedom in the World 2010: Global Erosion of Freedom, Freedom House Press Release launching its 2010 annual report on the state of freedom in the world, January 2010
<http://www.freedomhouse.org/template.cfm?page=70&release=1120>

photocopied and legally verified material was demanded within a short space of time, including registration documents, organisational rules, minutes of meetings, accounts and details of tax paid.³⁷

A ministerial order was issued in **Iraq** in July 2010 banning all trade union activities in the electricity sector, directing the closure of offices and seizure of trade union property. Furthermore, the order indicated that anyone resisting the order should be proceeded against under the anti- terrorism law.³⁸

In **Moldova**, after an outpouring of public protest against election irregularities in April 2009, NGOs were issued notices by the Justice Ministry to state their position with regard to the violence that took place in the demonstrations and to outline what steps they had taken to stop the violence. They were also issued simultaneous notices by the tax inspectorates advising them to have their financial records urgently examined and declare their sources of funding.³⁹

In **Kyrgyzstan**, a human rights lawyer defending members of the Uzbek minority was physically attacked by a mob outside a city court in August 2010. Police officers present at the site of the attack did not intervene, raising concerns about the physical and psychological safety and integrity of human rights defenders in the country.⁴⁰

The **East and Horn of Africa Human Rights Defenders Project** which works in the volatile region, carried out extensive research into the environment in which human rights defenders operate in Ethiopia, Uganda, Rwanda, Burundi and Kenya. Their report produced in 2009 concluded: *“Over the course of 2008, the situation facing HRDs in the East and Horn of Africa region has deteriorated. In fact in most countries in the region, notably those visited during this research project, HRDs felt that the situation they face is worsening, and the space accorded to human rights work is narrowing after a short period of greater openness”*.⁴¹

Police raided the offices of the only gay and lesbian civil society organisation in **Zimbabwe** in May 2010 armed with a search warrant to look for dangerous drugs and pornographic material. Two employees were arrested and denied access to a lawyer. President Mugabe has previously made homophobic comments when gays and lesbians have sought to exert their rights, saying homosexuality was “alien” to African culture.⁴²

Kenneth Kirimi, a civil society activist in **Kenya**, was arbitrarily detained and severely tortured in April 2010 by security operatives for communicating with the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions. Authorities in Kenya are increasingly clamping down on human rights defenders as the international community, including the International Criminal Court, have started to focus attention on impunity in the country.⁴³

³⁷ <http://www.rightsinrussia.info/home/hro-org-in-english-1/ngos/statement>

³⁸ <http://www.ituc-csi.org/iraq-trade-unions-banned-in-the.html>

³⁹ http://www.civicus.org/csw_files/LetterMoldova-12.05.09.pdf

⁴⁰ <http://protectionline.org/Abdumannap-Khalilov-human-rights.html>

⁴¹ : Promoting the rights of Human Rights Defenders in East and Horn of Africa, East and Horn of Africa Human Rights Defenders Project, 2009, page 1

<http://www.defenddefenders.org/documents/EHAHRDP%20Advocacy%20Report%202009.pdf>

⁴² http://www.thezimbabwean.co.uk/index.php?option=com_content&view=article&id=31206:galz-employees-arrested&catid=71:tuesday-issue

⁴³ <http://www.civicus.org/media-centre/press-releases/archieve/312-civicus-warns-of-grave-dangers-to-civil-society-activists-in-kenya>

6. Brutal crackdowns on protest demonstrations by law enforcement agencies

In what are increasing indications of growing intolerance against divergent or dissenting political views, law enforcement agencies in many recent instances have brutally suppressed protest demonstrations through unjustified use of force, causing deaths and serious injuries.

The 2010 Annual Report by **Human Rights Watch** (HRW) begins with an essay titled 'The Abuser's Reaction: Intensifying Attacks on Human Rights Defenders, Organisations and Institutions'. Kenneth Roth, the Executive Director of HRW writes: *"Today, activists are capable of exposing abuses most anywhere in the world, shining an intense spotlight of shame on those responsible, rallying concerned governments and institutions to use their influence on behalf of victims and in severe cases, persuading international prosecutors to bring abusers to justice. These are effective tools, and they have retained their power even as certain traditional allies wavered in their support for human rights. That effectiveness has spawned a reaction, and that reaction grew particularly intense in 2009".*⁴⁴

In September 2009, **Guinea** witnessed one of the most horrific attacks in living memory on street protests organised by civil society. At least 157 protestors were killed and over a thousand wounded during a military crackdown upon a large scale public demonstration in the capital city, Conakry. The protest was sparked by indications given by the leader of the military regime, Captain Moussa "Dadis" Camara that he may stand for the national presidential election scheduled in January 2010, reneging on a previous promise not to contest the election. A number of female protestors were raped and sexually assaulted by soldiers in broad daylight. Nothing substantial has been done to date either by the national government or the international community to bring the perpetrators to justice.⁴⁵

Authorities in **Denmark**, which has traditionally been supportive of civil society freedoms, led a severe crackdown on the right to express legitimate dissent before and during the UN Climate Justice Summit in December 2009. Prior to the Summit, a new law was introduced giving the police additional powers to carry out pre-emptive detentions for up to 12 hours even if the persons detained had breached no law. During the Summit, a number of protestors were severely assaulted by officers using batons, tear gas and pepper spray, requiring them to receive medical treatment. Arrested protestors were forced to sit handcuffed in rows in sub-zero temperatures while others were confined in cages. This sent a clear message that dissent against the policies being debated by world leaders at the Summit was unwelcome.⁴⁶

In **Peru**, protestors from indigenous communities opposing plans by its government to open up parts of the Amazon forest to extraction by private corporations of oil, mineral, timber and other natural resources, had to face the harsh edge of the state. On a single day in June 2009, 40 unarmed protestors were killed and over 100 wounded when the police opened fire after talks between indigenous communities and the government broke down.⁴⁷

In **Uzbekistan**, a peaceful tribute by human rights activists to commemorate the memory of those killed by government troops in a massacre in 2005 in the city of Andijan led to their detention by the police. In pre-emptive measures, security agencies began surveillance activities and followed the activists prior to the anniversary of the massacre.⁴⁸

⁴⁴ Human Rights Watch Annual Report, page 1 <http://www.hrw.org/world-report-2010>

⁴⁵ <http://www.civicus.org/media-centre/press-releases/archieve/471-civicus-calls-for-restoration-of-democracy-and-justice-in-guinea>

⁴⁶ <http://www.civicus.org/media-centre/press-releases/archieve/470-civicus-appaled-at-attacks-on-protesters-at-un-climate-summit-in-copenhagen>

⁴⁷ <http://www.civicus.org/media-centre/press-releases/archieve/472-civicus-condemns-violence-encourages-peaceful-dialogue-in-peru>

⁴⁸ <http://www.civicus.org/media-centre/press-releases/archieve/477-civicus-expresses-concern-over-detention-of-uzbekistan-activist>

Conclusion

The evidence highlighted in this synthesis report clearly indicates that the clampdown against civil society has been concerted and pervasive throughout 2009 and 2010. What began as a knee jerk reaction to a horrific event in 2001 (9/11), assumed a life of its own by the end of the decade when the full force of the unrelenting onslaught on fundamental freedoms through security and other regulatory measures assumed global prominence. The world is presently witnessing a cascade of laws and regulatory measures to restrict the rights of citizens to freely express their views, associate and assemble. Peaceful demonstrators, activists, journalists, human rights defenders and ordinary citizens are increasingly facing motivated prosecution, harassment, physical abuse and threats to their lives for challenging well entrenched power structures. The proffered justifications range from counter-terrorism to national security, cultural relativism to national sovereignty and government ownership of development processes as opposed to democratic ownership.

Moreover, lowering of compliance with international human rights standards by western democracies, which traditionally championed civil society freedoms, has had serious negative consequences. Breaches of international law by these states have been cleverly manipulated by authoritarian regimes and undemocratic leaders to subvert political opposition and silence dissent in their own countries - much to the detriment of civil society globally.

Additionally, 'bad practices' in one country with respect to shrinking of civil society space have often been replicated by its neighbouring governments or close political allies. This is particularly evident in the case of international cooperation regulations in Latin America, NGO laws in Sub-Saharan Africa and attacks on human rights defenders in the Eurasia region. Another worrying phenomenon has been the contraction of space in countries that once took pride in the freedom afforded to civil society such as South Africa and Canada.

Nevertheless, in the overall negative climate for civil society, there are some welcome developments. A landmark resolution on the freedom of peaceful assembly and association was passed at the UN Human Rights Council at the end of September 2010. The resolution, supported by a diverse group of countries, was passed unanimously. It calls upon UN member states to abide by their international human rights obligations and establishes a Special Rapporteur on the Freedom of Peaceful Assembly and Association. The resolution was achieved after sustained lobbying and engagement by the Community of Democracies Working Group on Enabling and Protecting Civil Society, which includes a number of governments and key civil society groups. It is also quite encouraging to observe that the UN - including its highest officials - has raised strong concerns about the clampdown on civil society space and exhorted governments to do more to protect human rights defenders and provide a secure environment for civil society to operate in. The Universal Periodic Review of the UN Human Rights Council that states have taken seriously has also provided a platform to highlight concerns about civil society freedoms.

In 2011, civil society needs to build on these significant positive steps to reclaim the space that has been lost over the past few years. It will require concerted and consolidated actions at the local, regional and international levels. It is vital that the issue of shrinking civil society space is continually taken up at major decision making platforms and at bi-lateral forums. Two big events slated for the latter part of 2011 where issues regarding the operational environment for civil society need be taken up in earnest are the High Level Forum on Aid Effectiveness in Busan, South Korea (HLF-4) and the UN Framework Convention on Climate Change in Durban, South Africa (COP 17). Notably, alliance building, information sharing and coordinated lobbying and advocacy by civil society across borders will be key to making inroads with regard to protection and expansion of civil society space.

At its World Assembly in August 2010, CIVICUS was able to bring together over 500 civil society members from all corners of the globe to share their concerns and build strategic partnerships to protect and expand civil society space. Their collective view was: *in this age of globalisation, we all sink and swim together and there is urgent need for civil society across the spectrum to pool resources and energies to both protect the fundamental freedoms it believes in as well as its right to exist, express and engage.*