



A Disabling Environment for Civil Society: Push-back, Persecution and Protection Strategies in 2011

Summary of section from the CIVICUS State of Civil Society Report 2011, forthcoming

2011 was a momentous year for civil society. Significant victories were achieved by civil society which led to the removal of dictators in some countries and steps towards ushering in more democratic rule in others. The year demonstrated the power of popular movements and their potential to usher in positive change.

Nonetheless, while protest movements led by informal and institutionalised civil society groups met with varying degrees of success, both in seeking redress of the denial of democratic freedoms and highlighting the nexus between big business and unaccountable government, the corresponding pushback against civil society was also severe. The freedoms of peaceful assembly, association and expression which are fundamental to civil society and citizen action were widely violated in 2011. Some of the major trends experienced in 2011 are highlighted below.

The rise of mass protests, and pushback

2011 will be remembered as the year of protests and dissent, where at least 88 countries saw different forms of mass citizens' action. Protest movements against the denial of democratic freedoms, inequality, corruption, poverty and poor services – against the breach of the fundamental social contract - gathered momentum and spread from the Middle East and North Africa to the rest of the world, including Sub-Saharan Africa, Europe, the Americas and Asia.

It was also a year that demonstrated wide-ranging intolerance of protests by governments, not only in authoritarian or semi-authoritarian regimes, but also in countries with established democratic cultures and institutions. The risks to protestors and the brutality of techniques used were of course much higher in authoritarian or less democratic regimes, where the simple act of peaceful protest on the streets could be a life-threatening activity. Mass arrests were a tactic used across a wide range of countries.

Targeted persecution of activists

Murders and physical attacks on civil society activists were pronounced in some countries and often inadequately investigated, emboldening the perpetrators. Local, grassroots activists, particularly those working on environmental and indigenous issues, were at particular risk of assassination from vested economic interests, often linked to political elites. Targeted assassinations of activists were witnessed in Brazil, Colombia, Democratic Republic of Congo, India, Indonesia, Iraq, Pakistan, Philippines, Thailand, Uganda and Yemen.

A frequent and growing tactic to silence civil society activists in 2011 was criminalisation through false prosecution. A number of activists were jailed during the year on the basis of ill-founded accusations and manipulation of the criminal justice system. This phenomenon was particularly pronounced in countries ruled by longstanding despotic regimes or monarchies, whose leaders became increasingly nervous about being overthrown by popular movements. Belarus, China, Egypt, Ethiopia, UAE and Vietnam are some examples.

Increased risks for women human rights defenders and LGBTI activists

A report released by CIVICUS in 2011 on the challenges faced by women's human rights defenders in civil society in Africa pointed out that they face more intimidation and harassment due to the nature of their work than their male colleagues. The UN Special Rapporteur on Human Rights Defenders also highlighted that women human rights defenders and those working on women's rights and gender issues continue to be threatened, harassed, attacked, killed, disappeared, arbitrarily arrested, detained, or subjected to different forms of judicial harassment to prevent them from doing their work.

Advocates for the rights of lesbian, gay, bisexual, transsexual and intersex (LGBTI) people remained at heightened risk across the African continent, both through legislation criminalising same-sex relations and their 'promotion', and through physical attacks.

Worsening legal and policy environment for civil society

In many countries, the operating environment for civil society suffered further deterioration, where reference to security and the control of terrorism was frequently used to justify restrictions on fundamental freedoms.

This trend was not limited to authoritarian countries such as Saudi Arabia, where an anti-terror bill was leaked to civil society which would make merely questioning of the integrity of the king an offence punishable by ten years imprisonment. Even in democratic South Africa, the National Assembly passed the so-called 'secrecy bill' which places hurdles for CSOs and journalists on obtaining information to expose official wrongdoing, despite fierce resistance from its civil society.

A number of countries sought to place legal and policy restrictions on civil society funding while others sought to subject civil society to increased surveillance and control. While in some instances, following intensive campaigning from domestic and international civil society, plans were shelved to introduce laws that restricted civil society activities, such as in Cambodia, Iran and Israel, the threat of legislation remains a potent weapon for governments to subdue civil society voices from raising difficult issues, such as corruption and human rights violations.

Technical and legal restrictions to internet freedom

In 2011, the internet, social media and mobile technology played a vital role in catalysing and channelling civic resentment into revolt and the formation of alternatives. Consequently there were also attempts to restrict internet freedom. The much reported internet and mobile network shutdowns in Egypt, Libya and Syria, and the calls by politicians to shut down the blackberry messenger service during the UK riots attest to the fact that the tendency of states to seek clampdown on civic space at critical political junctures such as elections, uprisings and times of political crisis applies to the online arena.

Bloggers, in addition to traditional journalists and human rights defenders that work through the internet, found themselves subject to surveillance, politically-motivated criminal prosecutions, legal penalties, prohibitive fines, confiscation and destruction of property, threats, physical attacks and incarceration in Bahrain, Burma, China, Cuba, Egypt, Ethiopia, Kuwait, Rwanda, Saudi Arabia, Singapore, Thailand, United Arab Emirates and Vietnam

Support from the UN and other multilateral bodies

Much needed support for civil society came from the UN and other multilateral bodies in 2011. UN Secretary-General Ban Ki-moon urged states to ensure that all necessary measures were taken to prevent reprisals and intimidation of human rights defenders. The UN called for all acts of reprisals and intimidation to be investigated and perpetrators brought to justice; and for civil society to be able to submit information to the UN on alleged cases of reprisals.

The Office of the UN High Commissioner for Human Rights was steadfast in its opposition to killings of pro-democracy protestors. The UN Human Rights Council appointed a Special Rapporteur on Freedom of Peaceful Assembly and Association for the first time. The mandate of the UN Special Rapporteur on the Situation of Human Rights Defenders was also extended for another three years.

The Organization of American States passed two resolutions in support of civil society, recognising its legitimate role. The first resolution called for support to human rights defenders in carrying out their work by ensuring a free, transparent and open political environment. The second resolution pledged renewed commitment to foster the engagement of citizens, communities and civil society in the design and execution of development policies and programmes.

The African Court on Human and People's Rights, on receiving an application from the African Commission on Human and People's Rights that grave human rights violations were being committed against protestors in Libya issued a provisional order to the then Libyan government to "immediately refrain from any action that would result in loss of life or violation of physical integrity of persons, which could be a breach of the provisions of the African Charter on Human and Peoples' Rights or of other international human rights instruments to which it is a party."

Mixed results on a civil society enabling environment at Busan

It was hoped that concrete commitments on an enabling environment would be made at the Fourth High Level Forum on Aid Effectiveness in Busan, South Korea in November/December 2011 (HLF 4).

Despite clear and compelling evidence presented by the Multi-Stakeholder Task Team about the marginalisation of civil society and failure by governments to adhere to the spirit of agreements made at previous high level forums on aid effectiveness, the final outcome document from HLF 4 failed to articulate the explicit principles to protect civil society identified by the Multi-Stakeholder Task Team. These are: freedom of association, freedom of expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect.

On the positive side, the outcome document called on governments to implement fully "respective commitments to enable CSOs to exercise their roles as independent development actors, with a particular focus on an enabling environment, consistent with agreed international rights, that maximises the contributions of CSOs to development." It is vital that donor and partner countries continue to monitor progress on this issue.

Looking ahead

Without doubt, 2011 will be remembered in history as a watershed year for civil society. The power of citizen action demonstrated that it was possible to triumph against well-entrenched forces.

In 2012, civil society will remain at the centre of struggles against authoritarian rule, skewed economic policies and environmental degradation. As governments struggle to demonstrate their legitimacy and breach the social contract with their citizens, it is likely that restrictions will continue to be placed on civil society activities to prevent exposure of wrongdoing.

To counter repression, civil society will need the tremendous amount of cross border solidarity and support that took place last year to continue. Social media and the internet, which emerged as powerful conduits to resist human rights violations in 2011 will be key spaces for civil society to communicate and organise against any impending restrictions in 2012. Additionally, the role of multilateral institutions in protecting and expanding civil society space will be crucial.