



CIVICUS MONITOR

TRACKING CIVIC SPACE WORLDWIDE

CIVIC SPACE IN THE AMERICAS

June 2017



Executive Summary

People's rights to organise, speak out and take action are being extensively violated in a large number of countries in the Americas. This is according to new research by global civil society alliance CIVICUS, the Caribbean Policy Development Centre (CPDC), the Charity and Security Network, the Latin American and Caribbean Network for Democracy (REDLAD) and the *Rendir Cuentas* initiative. Our findings are based on data from the [CIVICUS Monitor](#), a new research collaboration to track and compare civic freedoms on a global scale.

Although the space for civil society (or “civic space”) in the Americas is more open than in some other regions of the world, it is still seriously restricted in more than a third of the countries in the region. The CIVICUS Monitor describes the level of respect for civic space through a spectrum of country ratings: open, narrowed, obstructed, repressed and closed. Ratings for the Americas show that civic space is narrowed in 21 of 35 countries, obstructed in nine and repressed in three. In population terms, **more than half of people in the Americas live in countries with either obstructed (32%) or repressed (21%) civic space**. A further 45% lives in countries where civic space is rated as narrowed. The Americas is home to one country in the closed category and one country in the open category.

In practical terms, this means that large numbers of civil society organisations (CSOs) and human rights defenders (HRDs) in the region face serious obstacles, including threats to personal safety, denial of the right to protest, surveillance and censorship, as a direct result of their activism. These findings reflect a reality of extensive repression and government failure to protect CSOs and HRDs and guarantee an enabling civic space in a significant minority of countries in the region.

According to our analysis of reports published on the CIVICUS Monitor between June 2016 and May 2017, the most common abuses and violations in the Americas are the **disruption of protests through excessive force; violence against journalists and censorship of the media; the detention and criminalisation of activists; and the introduction of legislative restrictions on core civic space freedoms**. Among the most serious civic space abuses and violations, the CIVICUS Monitor included 18 reports of **killings of journalists**, 14 reports of **killings of civil society activists or HRDs**, and 12 reports of the **killing of protesters**.

This research also provides an indication of what is driving this civic space crisis. We find that states in the Americas most often respond with repression when citizens, journalists or organisations **criticise or challenge state officials, policies or institutions**. People engaged in **defending land rights and the environment against extractive industries and infrastructure projects, human rights activism and monitoring** and pushing for **basic economic and social needs** to be met also regularly attract repression from both state and non-state actors.

Importantly, our findings also describe specific categories of organisations and activists which are much more likely to face restrictions than others. Far from affecting every citizen equally, civic space violations tend to be targeted at groups that are already excluded, such as **indigenous peoples, Afro-descendants, women, LGBTI people, migrants and other minority groups**.

This report concludes with a series of recommended actions that should be taken to address the problem of restricted civic space in the Americas. The authors of this report strongly encourage all governments in the Americas to implement standards and best practices developed by international institutions including the Inter-American Commission on Human Rights (IACHR) and the Organisation of American States (OAS) to ensure the highest standards of legal protection, effective protect mechanisms for threatened activists, foster conditions in which it is safe for all citizens to peacefully dissent and open channels of communication and negotiation with civil society.

Introduction

The CIVICUS Monitor is an online research tool aimed at providing dynamic data on the state of civil society freedoms around the world. It rates countries based on how well they uphold the three core freedoms that constitute civic space – those of **association**, **peaceful assembly** and **expression** - and provides regular updates to track on-going developments.

By applying a series of standard calculations and checks on data from a variety of sources, the CIVICUS Monitor produces a guiding score that is used to assign ratings on the state of civic space in every country.¹ Countries are accordingly classified as having **open**, **narrowed**, **obstructed**, **repressed** or **closed** civic space. Ratings change as a result of input received from local civil society activists, regional civil society experts, research partners, other national and international CSOs, independent news media and platform users.

This report offers an overview of the quality of civic space in the 35 countries of the Americas.² It starts by examining the spread of CIVICUS Monitor ratings for all countries of the region and comparing those with the global breakdown of ratings. It then provides an overview of the categories of civic space violations documented by the Monitor for the countries in the Americas, all the while highlighting countries of concern – notably those in the lowest ratings categories as well as those on the CIVICUS Monitor [Watch List](#) - and examining the nature of the most common violations and the driving forces behind them. These are illustrated with country examples, including links to relevant reports on the CIVICUS Monitor. Finally, the report looks at some positive developments and provides some recommendations to address the problem of restricted civic space in the region.

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Global and Regional Distributions

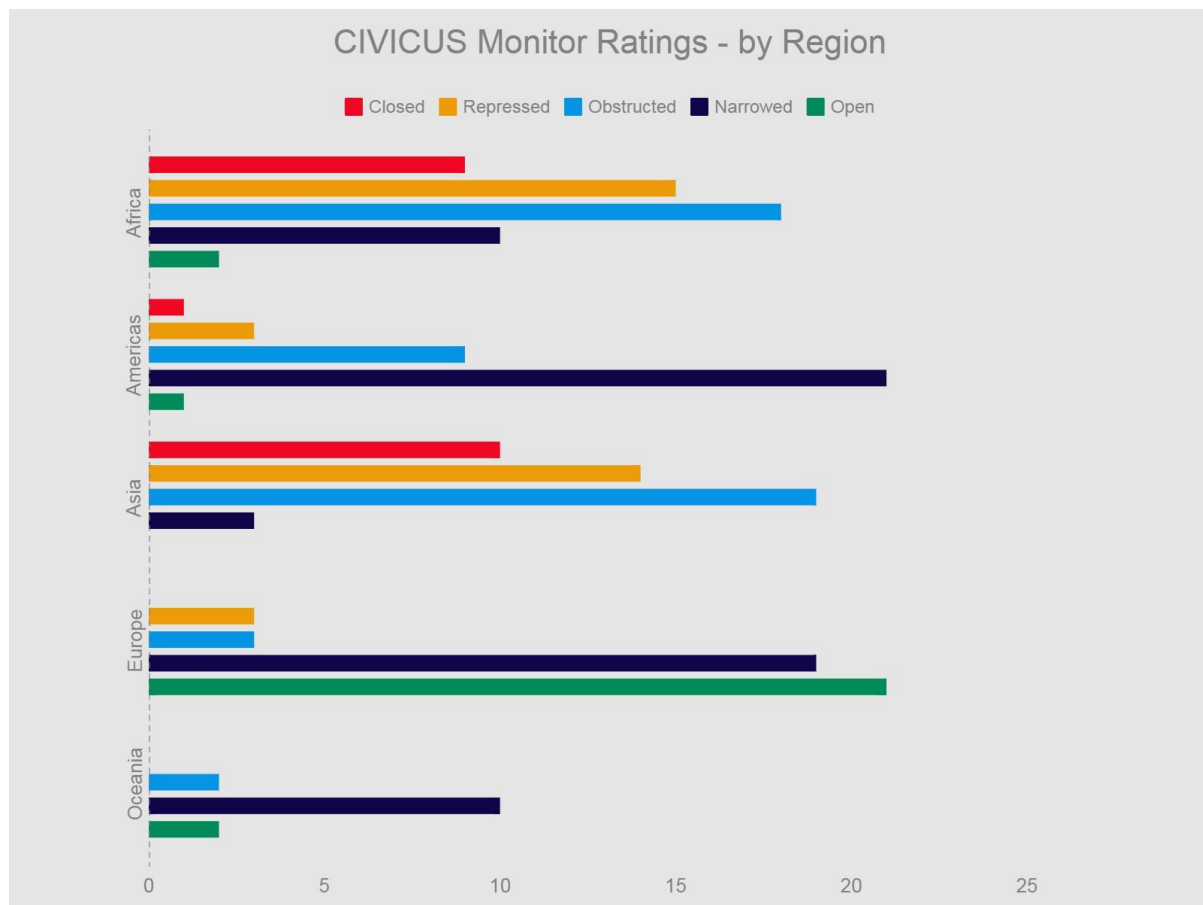
Out of the 195³ countries covered by the CIVICUS Monitor, at the time of writing civic space is rated as closed in 20, repressed in 35, obstructed in 51, narrowed in 63 and open in just 26. Ten of the countries with a closed civil space are in Asia, nine are in Africa and only one is in the Americas. Of the countries rated as repressed, 15 are in Africa, 14 in Asia, and three each are in the Americas and Europe. Among the countries classified as having an obstructed civic space, 19 are in Asia, 18 in Africa, nine in the Americas, three in Europe and two in Oceania. Within the narrowed category, the highest number, 21 are in the Americas, 20 in Europe, ten in Africa, ten in Oceania and two in Asia. Notably, civic space is rated as narrowed in almost 60% of the countries in the Americas. Of the 26

1 In order to take account of inherent biases in source data and to prevent over-reliance on any particular data set, the Monitor combines quantitative and qualitative data from a range of sources, including scores from Freedom House, Reporters without Borders and the University of North Carolina's Political Terror Scale; qualitative research produced by CIVICUS (including Civil Society Index research, Enabling Environment National Assessments, submissions to the United Nations' Universal Periodic Review process and Policy Action Briefs), qualitative analytical reports by other organisations, standardised reports from regionally-based research partners, civil society consultations and information provided by users.

2 A full list of countries in the Americas and their CIVICUS Monitor ratings can be accessed here: https://monitor.civicus.org/country/list/?country_or_region=region_2&status_category=all&submit=Search

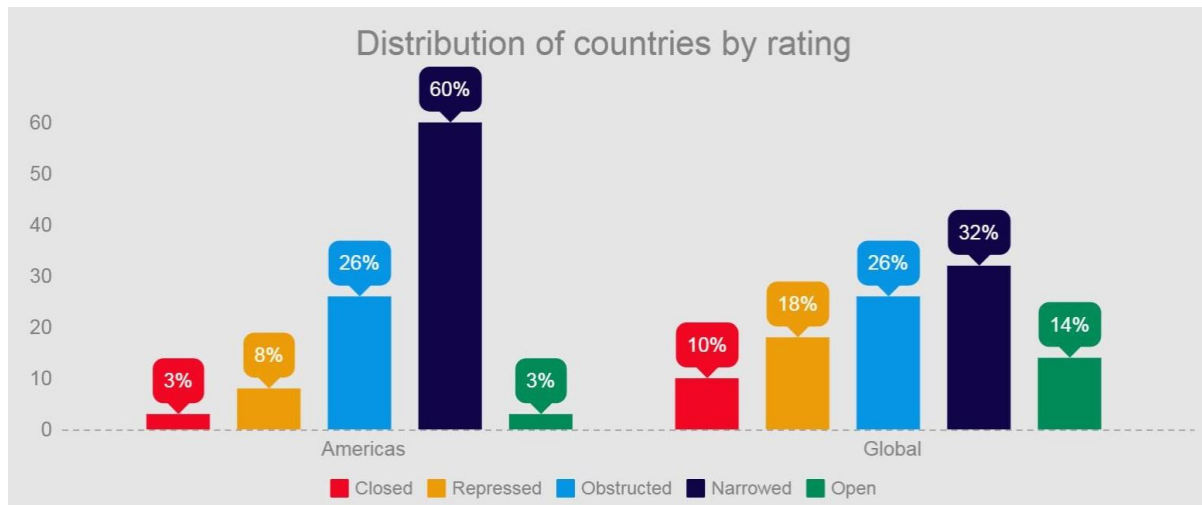
3 In addition to ratings for 193 UN Member States, the CIVICUS Monitor provides ratings for Kosovo and Palestine.

countries rated as open, 21 are European, and only one – Barbados – is in the Americas.⁴



As shown in the chart below, the distribution of ratings for the countries of the Americas differs widely from the global distribution. The Americas contain fewer countries in categories at either end of the scale (open and closed) as well as fewer countries with a repressed civic space, and a markedly higher proportion of countries rated as narrowed (59% as opposed to 32% globally). For the obstructed category, however, the Americas closely follow the global trend.

⁴ The list of countries included in each of these regional classifications can be found at goo.gl/ZYMz73.



It should be noted, however, that while the region has fewer repressed and closed countries, a number of alarming developments in countries rated as narrowed have been recently flagged by the CIVICUS Monitor, resulting in one of them – the United States - being put on the Monitor’s Watch List, as discussed below.

Monitor Ratings

Civic space is rated as **closed** in just one country in the Americas: Cuba. Typically, civic space in closed countries is completely shut down both in law and practice. An atmosphere of fear and violence typically prevails in countries with a closed civic space, although in the Cuban example, civil society is mostly repressed through social control, indoctrination and propaganda rather than state-led terror. In countries with a closed civic space, the state and non-state actors routinely imprison and physically harm citizens to prevent them from or punish for exercising their rights to associate, peacefully assemble and express themselves. Criticism of the ruling authorities is severely punished and there is virtually no media freedom. The internet is heavily censored, many websites are blocked and online criticism of power holders is subject to severe penalties.

Civic space is currently rated as **repressed** in three countries in the region: Colombia, Mexico and Venezuela. In these countries, HRDs and civil society members who criticise power holders risk surveillance, harassment, intimidation, imprisonment, injury and death, as a result of actions by state and/or non-state actors, including illegal criminal organisations, drug cartels and armed pro-government groups. Although CSOs exist, the advocacy work of many is regularly impeded and they may face threats of de-registration and closure by the authorities. People who organise or take part in peaceful protests may be targeted through the use of excessive force, including the use of live ammunition, mass arrests and detention. Much of the media reflects the position of the state, and independent voices are likely to be targeted through raids, physical attacks and protracted legal harassment. Websites and social media platforms may be blocked and Internet activity may be heavily monitored.

Nine countries of the Americas are rated as **obstructed** on the CIVICUS Monitor: Brazil, the Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Nicaragua, Paraguay and Peru. An obstructed rating indicates conditions in which civic space is heavily contested by power holders, who impose a combination of legal and practical constraints on the full enjoyment of fundamental rights. CSOs are undermined by state authorities through various means, including the use of illegal surveillance, bureaucratic harassment and demeaning public statements. In countries in this category, citizens can organise and assemble peacefully but are vulnerable to frequent use of

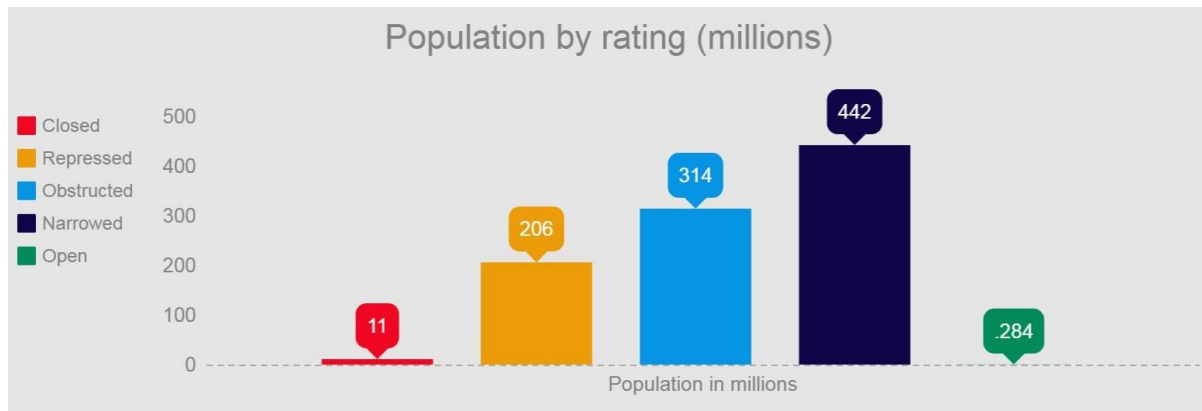
excessive force by law enforcement agencies, including rubber bullets, teargas and baton charges. There is some space for non-state media and editorial independence, but journalists face the risk of physical attack and criminal defamation charges, which encourage self-censorship.

Twenty-one out of 35 countries in the region, including much of the Southern Cone and the Anglophone Caribbean, are rated as **narrowed** on the CIVICUS Monitor: Antigua and Barbuda, Argentina, Bahamas, Belize, Bolivia, Canada, Chile, Costa Rica, Dominica, El Salvador, Grenada, Guyana, Jamaica, Panama, Saint Lucia, St Kitts and Nevis, St Vincent and the Grenadines, Suriname, Trinidad and Tobago, the United States and Uruguay. In countries with a narrowed civic space, the state normally allows individuals and CSOs to exercise their rights to the freedom of association, peaceful assembly and expression, but significant violations of these rights still take place. People can form associations to pursue a wide range of interests, but full enjoyment of this right is impeded by occasional harassment, arrest or assault of people deemed critical of those in power. Protests are conducted peacefully, although authorities sometimes deny permission, citing security concerns, and excessive force, which may include teargas and rubber bullets, is sometimes used against peaceful demonstrators. The media are free to disseminate a wide range of information, but press freedom is undermined through strict state regulation, political pressure on media owners and excessive media concentration in either state or private hands⁵.

Only one country in the region, Barbados, is currently rated as **open** on the CIVICUS Monitor. Countries in this category are not completely devoid of challenges to the freedoms of association, peaceful assembly and expression; however, civil society is largely able to speak up and engage in a wide range of legitimate activities. The state safeguards civic space, levels of fear are low and citizens are free to form associations, demonstrate in public places and receive and impart information without restrictions in law or practice. The authorities are tolerant of criticism from civil society groups and provide space and platforms for open and robust dialogue with members of the public. As a rule, the police protect public protesters, and laws governing the freedom of peaceful assembly adhere to international law and standards. There is a free media, online content is uncensored and citizens can access government information easily.

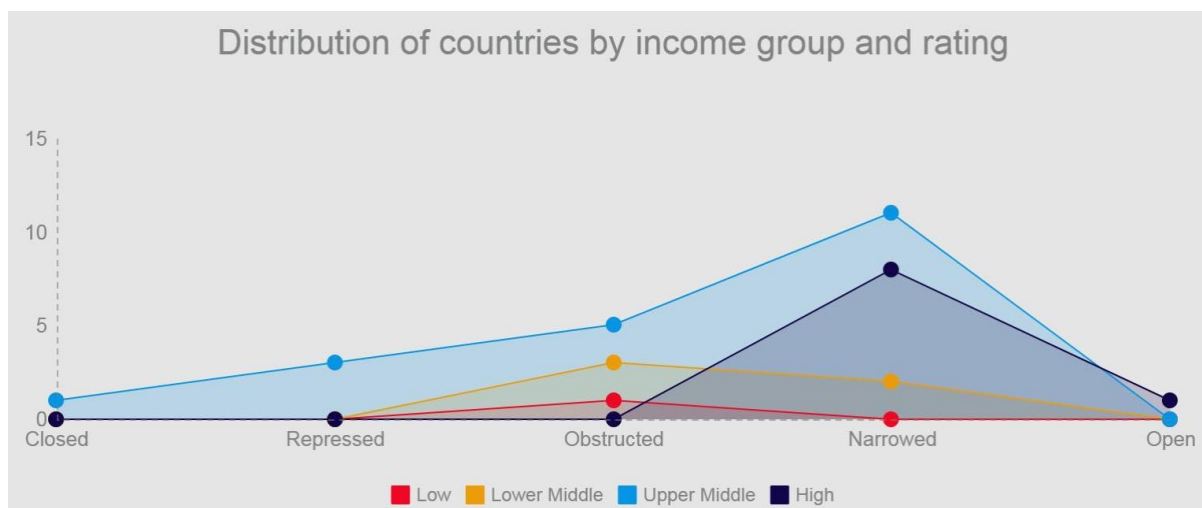
Concern with civic space conditions in the Americas mounts when we examine the number of people living in poorly-rated countries. While Barbados, rated as 'open', accounts for a meagre 0.03% of the region's population and Cuba, rated as 'closed', accounts for 1.17% of the total, more than half the population of the Americas currently lives in countries with either an obstructed (32.21%) or repressed (21.28%) civic space, while 45.41% live in countries where civic space is classified as narrowed.

⁵ It is worth noting - particularly for a region like the Americas, in which 60% of the countries share a single rating - that CIVICUS Monitor ratings are wide categories, each covering 20% of the whole civic space spectrum, and therefore two countries with the same rating do not necessarily reflect precisely the same civic space conditions. On the one hand, a country rated narrowed may be a few improvements away from being upgraded to open, while another one similarly rated might be just a few restrictions away from being downgraded to obstructed. On the other hand, two countries may be placed within the same category for very different reasons, as tactics to restrict civic space and political dynamics may be widely different from one country to the next.



There is some correlation between income level and the quality of civic space for the countries of the region. Notably, all nine high-income countries of the region are placed in one of the two highest ratings categories: open (one) and narrowed (eight).⁶ While more than half (11 out of 20) of the upper-middle income countries of the region are rated as having narrowed civic space,⁷ five within this income group are rated as obstructed, three as repressed and one as closed.⁸ All three countries in the region with repressed civic space are upper-middle income countries; two of these, Brazil and Mexico, are by far most the populated countries in Latin America.

Finally, in three out of five lower-middle income countries of the region – Guatemala, Honduras and Nicaragua – civic space is rated as obstructed, while it is classified as narrowed in two – Bolivia and El Salvador. In Haiti, the sole remaining low-income country in the Americas, civic space is rated as obstructed.



6 The high-income countries with a narrowed civic space are: Canada and the United States in North America; Antigua and Barbuda, Bahamas, St Kitts and Nevis and Trinidad and Tobago in the Caribbean; and Chile and Uruguay in South America.

7 The upper-middle-income countries with a narrowed civic space are: Belize, Costa Rica and Panama in Central America; Dominica, Grenada, Jamaica, Saint Lucia and St Vincent and the Grenadines in the Caribbean; and Argentina, Guyana and Suriname in South America.

8 The upper-middle income countries with an obstructed civic space, most of them located in South America, are Brazil, the Dominican Republic, Ecuador, Paraguay and Peru; those with a repressed civic space are Colombia, Mexico and Venezuela.

Beyond Ratings: The Watch List

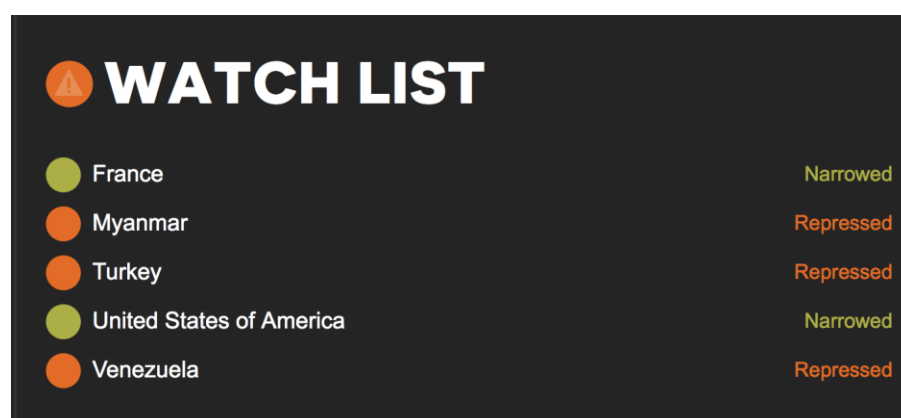
The CIVICUS Monitor's [Watch List](#) is an advocacy tool that seeks to draw the attention of policy-makers, intergovernmental bodies, the media and international civil society to countries where there are sudden increases in abuses of the rights to freedom of association, peaceful assembly and expression. Criteria for inclusion are intentionally flexible - a country is placed on the Watch List based on an assessment of a serious and rapid decline in respect for civic space. The Watch List is not a list of the countries where civic space is worst; countries in any of the five rating groups could appear on the Watch List if a situation of special concern is observed, such as an on-going crackdown on dissent (including massive roundups of dissidents, media shutdowns, interference with communications channels); a sustained and targeted crackdown on a subset of civil society or activists (through the courts, the police and the control of airwaves, for instance); the approval of a range of laws or policies aimed at eroding civic space protections; or an armed conflict, a humanitarian emergency, an alteration of constitutional order or a post-election scenario in which the incumbent refuses to step down and fraud allegations lead to street violence and a hostile environment for HRDs, among other possible scenarios. The Watch List is dynamic, frequently updated and reflects current and pressing concerns about civic space conditions.

As of May 2017, our Watch List included two countries from the Americas: the United States and Venezuela. With their civic space rated, respectively, as narrowed and repressed, these countries' contexts differ widely, and they were placed on the list for different reasons.

In [Venezuela](#), mass protests have repeatedly been met with excessive force, including the use of teargas in residential areas, shopping malls and universities. Members of the National Guard, as well as armed, pro-government civilians, have recently intimidated and physically attacked demonstrators and residents. According to the Public Prosecutor, 38 people were killed during protests and 830 injured between April and the first days of May alone. As reported by civil society sources, 1,668 citizens were arrested during protests in April; at least 517 of them were later released without charge while 275 were prosecuted by military courts. Journalists were specifically targeted during these demonstrations: dozens were arrested and many had their equipment confiscated. Various violations of the freedom of expression took place in the context of the recent protests, including the blocking of online platforms by order of the National Telecommunications Commission. Additionally, the government continued to use the media to stigmatise and criminalise citizens. Before being placed on the Watch List, Venezuela had been the subject of a number of CIVICUS [interviews](#), [statements](#) and [alerts](#).

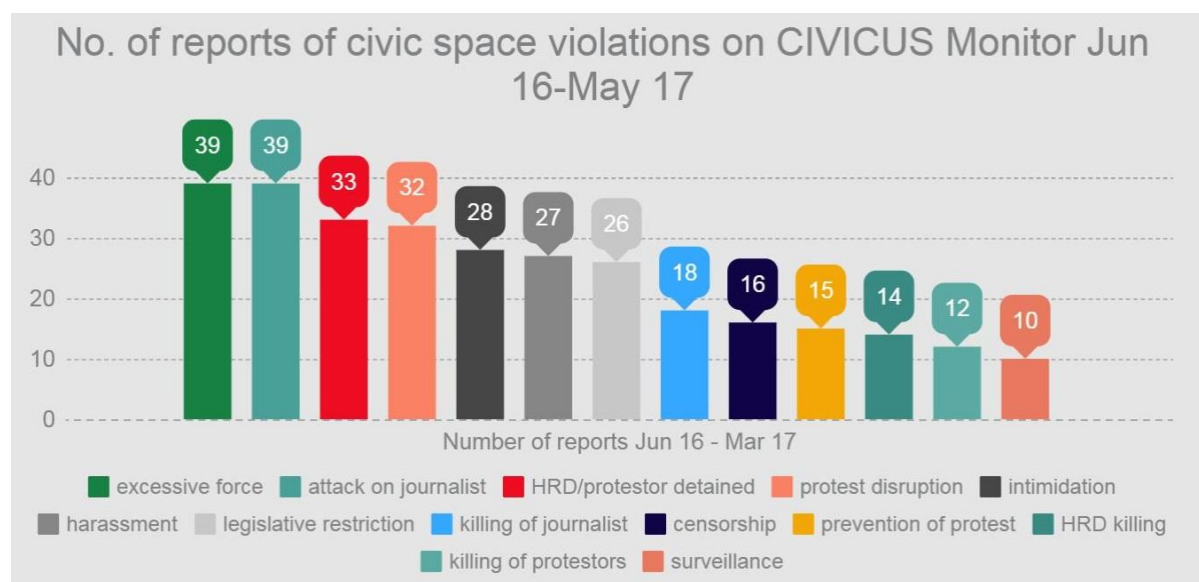
The [United States](#) in turn was placed under closer scrutiny as nineteen state legislatures either proposed or passed bills to limit certain protest tactics or increase penalties for 'illegal' protests. Various local police departments are also reportedly conducting surveillance of protesters, including members of the Black Lives Matter movement and those arrested during President Donald Trump's inauguration. This is in addition to the repression and arbitrary arrests experienced in 2016 by the Standing Rock Sioux tribe members and activists protesting against the [Dakota Access Pipeline](#). Later [reports](#) confirmed that the Inauguration Day protests had been infiltrated by undercover police agents. It was also reported that two-thirds of US non-profits working internationally have experienced banking issues as a result of recent anti-money laundering and terror-financing laws.

CIVICUS Monitor's Watch List as of May 2017



Civic Space Violations

Our analysis of all CIVICUS Monitor reports published for the Americas between June 2016 and May 2017 shows that civic space freedoms are most frequently violated through the **use of excessive force during protests** and the outright prevention or disruption of protests, **attacks on journalists**, the **detention of HRDs and protesters**, and their harassment and intimidation, and the introduction of legislative restrictions on fundamental freedoms (including restrictive CSO laws).⁹ Other relatively common violations include some of the most serious ones – such as the targeted assassination of journalists and HRDs, and the killing of protesters – in addition to media censorship and surveillance and public vilification of CSOs and activists.



During the period under consideration, the CIVICUS Monitor published numerous reports concerning the most serious kinds of civic space violations in the Americas. These included 18 reports of killings of journalists, 14 reports of killings of civil society activists, and 12 reports of

⁹ This date range refers to the date of publication of the update on the Monitor. Some of the violations described here took place prior to June 2016.

killings of protesters. The Monitor also contained three reports focusing on torture or ill treatment and two involving enforced disappearances.¹⁰



Between June 2016 and May 2017, instances of journalists being killed were recorded in nine countries of the Americas: Brazil, Colombia, Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Peru and Venezuela. Guatemala (five reports) and Mexico (three) jointly accounted for almost half the reports of assassinated journalists. In turn, five countries - Brazil, Colombia, Guatemala, Honduras and Mexico - had at least one report of an assassinated HRD. Not surprisingly, HRDs and journalists are being killed in many of the same places and for similar reasons.

While reports on the killing of protesters were spread among eight countries - Bolivia, Brazil, Colombia, Guatemala, Mexico, Paraguay, Peru and Venezuela – it is worth noting that one third (four out of 12) of those reports came from Venezuela. Finally, torture, ill treatment of detained activists and protesters and enforced disappearances were observed in Colombia and Mexico.

It is clear from the Monitor findings that civic space restrictions rarely have a uniform effect across civil society. Throughout the region, indigenous, environmental and land rights activists led the body count, followed by trade union leaders. The situation appears to be particularly serious in four countries: [Brazil](#), where two HRDs – Antonio Mig Claudino, a cacique of the indigenous reservation Terra Indígena Serrinha, and land rights activist Waldomiro Costa Pereira – were killed in the states of Rio Grande do Sul and Pará, respectively, on a single day of March 2017; [Colombia](#), where at least 16 social activists, Afro-Colombian, indigenous and rural leaders were killed during the first six months of 2016, mostly by neo-paramilitary groups, and where an additional 19 were murdered between January and April 2017 alone; [Guatemala](#), where 14 activists were reported assassinated between January and November 2016; and [Honduras](#), which, according to Amnesty International, has the highest per capita murder rate of land rights activists in the world.¹¹ As reported by Global

¹⁰ It should be noted that one report labelled 'killing of journalist' does not equal one journalist killed. The numbers provided here are not to be considered an exhaustive count of cases. Reports typically cover two months' worth of news on civic space, and therefore only include the most relevant information regarding events during that period; they also may include an unspecified number of cases within any given category.

¹¹ Amnesty International (2016) *'We are defending the land with our blood': Defenders of the land, territory and environment in Honduras and Guatemala*, available at: goo.gl/Ny2Asn.

Witness, 109 activists working on environmental issues were murdered in Honduras between 2010 and 2015.¹²

The CIVICUS Monitor also recorded a wider range of additional civic space restrictions in the countries of the Americas between June 2016 and May 2017. These included:

- surveillance (10 reports)
- office raids (eight)
- internet restrictions or the blocking of social media or websites (eight)
- the public vilification of HRDs and their organisations (seven)
- the introduction or use of bureaucratic restrictions (seven)
- the use of criminal defamation statutes (six)
- negative court rulings (five)
- the imposition of disproportionate time and place restrictions on protests (three)
- funding restrictions (three)
- the forced closure of CSOs (three)
- travel bans (two)¹³

Among those targeted by many of these restrictions were indigenous people (25 reports), women (23) and LGBTI leaders or organisations (11), along with other excluded groups (six), including migrants (two).

The following sections briefly analyse and provide examples for some of the most common types of civic space violations recently reported to the CIVICUS Monitor for the countries in the Americas, namely: the disruption of protests through excessive force; violence against journalists and censorship of the media; the detention and criminalisation of activists; and the introduction of legislative restrictions on core civic space freedoms.¹⁴

1. Protest disruption through excessive force

Between June 2016 and May 2017, the CIVICUS Monitor included 39 reports of security forces employing excessive force to disrupt peaceful protests in 14 different countries, which made this the most common civic space violation recorded in the region. Venezuela alone accounted for seven of those reports, while Argentina and Peru each accounted for four, and three instances were recorded in Chile, Honduras, Mexico, Nicaragua and Panama. Bolivia, Brazil and the United States each accounted for two reports. In the most extreme cases, militarised police used live ammunition against demonstrators. Examples of this were seen in Venezuela, as already described, and in [Mexico](#), where the police opened fire against striking teachers blocking a highway in the southern state of Oaxaca, leaving at least 10 dead and over 100 injured in June 2016. Although the government initially denied that the federal police were carrying deadly weapons, photographic evidence and eyewitness reports revealed otherwise.

Other cases of excessive police force resulting in injuries and death were reported in Paraguay and Peru, among other countries. In [Peru](#), one person was killed and 20 were wounded as the police

12 Global Witness, 4 March 2016, “New data on the murder rate of environmental and land activists in Honduras, the highest in the world”, in goo.gl/TLus99.

13 Some of these violations are found in clusters. Eight out of 10 reports on surveillance, for instance, come from Canada and the United States (for each), while half the reports on office raids come from Argentina and Cuba (two each).

14 It should be noted that we do not attempt to provide an exhaustive account of civic space violations during the period, but rather use examples to illustrate wider trends.

violently disrupted a villagers' protest against the exploitation of the Las Bambas copper mine in October 2016, an incident similar to one that had left four protesters dead in the same place the previous year. In [Paraguay](#), as hundreds of people assembled outside of Congress in late March 2017 to protest against a Senate decision that would open way for a constitutional amendment allowing presidential re-election, some protesters broke into and caused severe damage to the building. The police responded by indiscriminately firing teargas and rubber bullets at the crowds, causing injuries to dozens of demonstrators.

While in the overwhelming majority of cases protests were suppressed and protesters were hurt or killed as a result of actions by the state's security forces, there have also been instances in which violence against protesters was perpetrated by non-state actors. Such was the case in [Guatemala](#), where an armed group opened fire on farmers and land rights activists protesting against a hydroelectric project in Huehuetenango in January 2017, killing one person. According to official sources, the same armed group also attacked police when they tried to intervene. Moreover, it is not uncommon, as attested by the already mentioned case of [Venezuela](#) as well as in other instances such as [Nicaragua](#), for pro-government civilians to also play a role intimidating and attacking demonstrators.

Additionally, a large number of protests, particularly concerning land rights and environmental issues, have been repressed by a different type of non-state actor, namely private security forces working under the orders of corporations or landowners. A recent example of this was reported in [Honduras](#), where a group of 210 farmers from Aguán Valley was attacked by private security agents while trying to recover land that a powerful landowner had illegally taken away from them.

Regarding the drivers of the use of excessive force against protesters, data on the CIVICUS Monitor shows that states (and, on occasion, non-state actors) are particularly using excessive force to repress **environmental and land rights protests** carried out by local communities, often of indigenous descent, against the advances of extractive industries and the development of infrastructure projects on their territories.

Several recent studies have emphasised the role of extractive industries as a general driver of repression against civil society,¹⁵ and a number of civic space violations recorded by the CIVICUS Monitor for the Americas accord with this trend, giving examples of a growing repression of community environmental protests against mining and other activities that threaten their livelihoods. In [Ecuador](#), for instance, a state of emergency was declared in December 2016 in the Morona Santiago province in response to the violence that erupted as the indigenous Shuar communities tried to recover their lands, from which they had been forcibly evicted. The Shuar were repeatedly repressed through military force between 2006, when they expelled a Chinese mining company from their territories, and 2016, when they mobilised against the Panantza-San Carlos and Mirador copper development projects. Several other peaceful demonstrations against the advances of extractive industries, including one in opposition to Chinese President Xi Jinping's visit to the country, were violently suppressed by the police in [Ecuador](#).

In turn, Mapuche indigenous communities have recently faced police repression, both in Southern [Argentina](#), as they mobilised against the appropriation of their ancestral territory by a multinational clothing company, and in [Chile](#), where communities demonstrated for the release of political prisoners and against the on-going repression and criminalisation of indigenous communities and leaders resisting the occupation of their ancestral lands by forestry corporations. Also targeted with police force were community members camping in protest against the construction of an oil well in

15 See for instance CIVICUS and Publish What You Pay (2016) *Against all odds: The perils of fighting for natural resource justice*, available at: goo.gl/GvVrTN, and the recently released 2017 CIVICUS State of Civil Society Report, focused on the relationships between civil society and the private sector, available at: goo.gl/mU6LdV.

[Colombia](#) and indigenous communities demonstrating against the Barro Blanco hydroelectric project in [Panama](#), among many others.

In the case of the [United States](#), members of the Standing Rock Sioux tribe and other activists protesting against the Dakota Access Pipeline recently faced repression from both state and non-state forces, including private security forces hired by the pipeline company that turned dogs and pepper spray on demonstrators.

As well as the use of force to disperse protests, there are numerous examples of pre-emptive actions being taken to stop protests from taking place. In [Nicaragua](#), for instance, the December 2016 protests against the construction of the Great Canal, which faced police repression and resulted in about a dozen arrests, were preceded by the erection of police roadblocks throughout the country to prevent demonstrators from reaching meeting places. Several people were injured as the police used teargas and rubber bullets against them at roadblocks, while peasant leaders trying to join the protests had their vehicles seized by the authorities. Enabled by the 2015 Sovereign Security Act, both state and non-state actors in [Nicaragua](#) have repeatedly suppressed and repressed protests against the Great Canal project over the period covered in this report. Pre-emptive actions against street protests, including surveillance, assault, harassment and detention, are the norm rather than the exception in [Cuba](#).

Additionally, police in several countries have also used excessive force against protesters calling for action on **human rights abuses** committed by state or non-state actors. In [Honduras](#) for example, police violently attacked a group of indigenous people after they gathered outside the president's office to demand an investigation into the murder of Berta Cáceres, a well-known environmental and indigenous rights activist. A few months later, several students from the *Universidad Autónoma de Honduras* were injured as the police attempted to [suppress](#) a demonstration held to demand justice for Cáceres and to raise awareness over the growing number of young people dying due to street violence. The [United States](#) has also recently witnessed police repression and criminalisation of protests, notably of the Black Lives Matter movement, which denounces systemic racism and police brutality.

Citizens are also often being met with excessive force as they gather to demand that the state do better at meeting their **social and economic needs**, including issues of employment, food aid, retirement and welfare payments, and access to government services and basic goods and services provided by private companies that they believe the government should regulate better. In August 2016, members of the Independent Movement of Retirees were met with water cannons and baton charges as they demonstrated to denounce the extremely low level of retirement pensions, and protesters from the Movement of Unemployed Workers were forcibly dispersed with rubber bullets and teargas in [Argentina](#). In [Colombia](#), authorities used excessive force to disrupt protests of Minga, a movement against neoliberal economics that calls for a more equitable society. In [Panama](#), in turn, police used pepper spray to stop a farmers' protest against agricultural imports in January 2017.

Also in early 2017, the police used teargas and rubber bullets against demonstrators protesting against toll collection on a road that crosses an urban area in Lima, [Peru](#). Local dwellers claimed that the lack of an alternative route made charging for road use a violation of the constitutional right to the freedom of movement. Police repression, occasionally causing severe injuries and deaths, was also reported against citizens protesting against increases in toll prices in [Honduras](#), coca growers and miners in [Bolivia](#) and against people marching on a range of issues in [Brazil](#), such as a proposed freeze on public spending, proposed pension reform, personal security and the costs of hosting the Olympic Games.

Popular opposition to international agreements has also been met with violence in [Peru](#), where police fired flares and teargas at an anti-Trans-Pacific Partnership protest, injuring several protesters in February 2016.

Excessive force has also been used against those **criticising government decisions and policies or exposing high-level corruption** within the government. While not as frequent as in other regions, **protests surrounding elections** – either during campaigns or after contested results have been made public – have also been a source of violence and repression in the Americas. Such has recently been the case in [Haiti](#), where electoral results were challenged through daily street protests that repeatedly turned violent, causing panic amongst the population and eliciting an increasingly aggressive police response. Several other countries, including [Paraguay](#) and [Venezuela](#), have witnessed the repression of protests focusing on the political process, including those to demand stability, new elections or changes in rules. In a similar vein, in [Brazil](#), large and peaceful demonstrations opposing the impeachment of former President Dilma Rousseff and calling for new elections were dispersed with teargas and batons.

Additionally, the CIVICUS Monitor has tracked a wave of **teachers’ and student protests** that were met with excessive state force. Repression of such demonstrations, typically calling for or resisting educational reform, criticising mismanagement of education institutions, demanding higher salaries and better work conditions for teachers or advancing student demands such as affordable tuition and quality education, is particularly common in Latin America, e.g. in [Chile](#), [Honduras](#), [Mexico](#) and [Peru](#). In these cases protesters frequently occupy campuses, school buildings and other public spaces, and instances abound of police raids on university premises and forceful evictions of occupations. Most recently in [Argentina](#), the police used teargas and batons to evict teachers from the square facing the Congress building in Buenos Aires as they were trying to set up a mobile tent for which they allegedly lacked official authorisation.

These serious violations of the right to the freedom of peaceful assembly constitute a deliberate attempt to stifle dissent and popular mobilisation. As shown in a recently published CIVICUS study that examines the factors influencing the sustainability of protest movements around the world, the use of excessive force by states is among the top structural factors that curtail protest movements’ ability to survive and succeed.¹⁶

2. Violence against journalists and censorship of the media

CIVICUS Monitor data show that there is a wide variety of circumstances in which journalists are censored, physically or verbally attacked and killed. As abundantly documented, journalistic freedom and the integrity of journalists are most compromised in a subset of Latin American countries including Guatemala, Honduras and Mexico.¹⁷ The situation appears to be particularly dire in some Mexican states – notably Chihuahua, Guerrero and Veracruz – that are current hot spots of drug cartel violence.

Journalists killed over the first months of 2017 include Manuel Salvador Trujillo and Vilma Gabriela Barrios in [Guatemala](#), Igor Padilla in [Honduras](#), Cecilio Pineda, Ricardo Monlui Cabrera, Miroslava Breach and Maximino Rodríguez Palacios in [Mexico](#), and José Feliciano Yactayo Rodríguez and Julio César Moisés Mesco in [Peru](#). Typically, the perpetrators of these crimes have been labelled as ‘unknown’, the link between the murder and the journalist’s work deemed unconfirmed, and impunity has typically prevailed, often resulting in self-censorship and silence for other journalists.

Coercion and outright violence against journalists are widespread and have many sources. Journalists have recently been intimidated and murdered in [Guatemala](#) and [Honduras](#), shot dead on air while reading the morning news in the [Dominican Republic](#), intimidated and kidnapped by

16 CIVICUS (2017) *Keeping up the pressure: Enhancing the sustainability of protest movements. Key findings of research on protest movements in Bahrain, Chile and Uganda*, available at: goo.gl/EPycso.

17 See for instance Reporters Without Borders’ 2017 World Press Freedom Index, available at: <https://rsf.org/en/ranking>.

guerrillas and criminal gangs, or ambushed by gunmen in [Colombia](#), threatened and harassed by [Salvadoran](#) gang members, and killed for resisting gang recruitment in [El Salvador](#), and arrested for the content of a publication in [Panama](#) and for ‘spreading enemy propaganda’ in [Cuba](#).

While no journalists have been reported assassinated in [Cuba](#), the country remains a top media freedom violator, as Cuban journalists systematically face arbitrary arrests, imprisonment, threats and smear campaigns, and have their equipment confiscated and their websites shut down.

The reasons why journalists suffer aggression vary widely. Many attacks against journalists take place while they are **reporting on protests**. In some cases, the security forces attack them to prevent them from photographing or recording the use of inappropriate policing tactics or excessive force during protests. Sometimes these attacks are highly targeted and perpetrated despite journalists wearing visible identification, as documented in recent events in [Mexico](#) and [Nicaragua](#). More often than not, however, journalists simply get caught up in **untargeted violence against protesters**, and suffer the effects of teargas, water hoses and rubber bullets alongside other demonstrators, as has repeatedly been the case during recent protests in [Paraguay](#). It should also be noted that the state is not the only one responsible for such attacks; it is not uncommon for journalists to be attacked by protesters angered by their perceived political affiliation or sympathies. This happened recently on several occasions in [Argentina](#), as media workers were beaten by union members protesting against a transportation company’s labour practices, attacked by protesters during the 2017 International Women’s Day March in Buenos Aires, and wounded by demonstrators who threw an incendiary bomb in their direction in San Salvador de Jujuy. Attacks against reporters by demonstrators have also been repeatedly reported in [Bolivia](#).

Local journalists and media **covering social conflict** – and particularly those linked to social movements and community organisations – are also being targeted, as attested by various aggressions against community radio stations in [Honduras](#). Short of physical violence, **ensorship** in its various forms, including the removal of media outlets from the air, as recently observed in [Venezuela](#), and the encouragement of **self-censorship** through threats and intimidation remain effective mechanisms to silence critical journalism.

Reporting on **political affairs** is a risky endeavour in many countries, and particularly in certain localities within countries. CIVICUS Monitor reports show how reporting on political events, stating an opinion about them, criticising government officials or siding with the cause of social movements can carry serious consequences for journalists in countries including [Cuba](#) or [Mexico](#). Even in [Uruguay](#), a country that is generally considered safe for the exercise of the profession, a journalist recently barely escaped a murder attempt the day after she published an online article on the police misconduct and ill treatment she had experienced while investigating a femicide.

Those who speak up or write to **expose government corruption or mismanagement** have an increased risk of being attacked or censored. Local media and journalists reporting on wrongdoing in local municipalities or police stations, or criticising inefficient or unresponsive local administrations are particularly targeted. Such was the case of radio host Hernán Choquepata Ordóñez, shot dead on 20th November 2016 during a live broadcast in Arequipa, [Peru](#). The reporter ran a programme where listeners voiced their complaints and criticised the authorities. He had received death threats, which had gone unaddressed.

Much in the same way as HRDs, journalists are criminalised, and often subjected to lengthy trials based on flimsy evidence. Journalists have been charged with “criminal mischief and contempt of court” in [Canada](#), “treason” and “spreading national secrets” in [Peru](#), and “wilful disruption of governmental processes” in the [United States](#).

Attempts to silence journalists through the courts, undertaken by private actors as much as by public officials, often take the form of the filing of **libel and defamation charges**. These sometimes lead to lengthy judicial proceedings and often result in the payment of disproportionate monetary

damages or fines, as was recently the case in [Ecuador](#), [Panama](#) and [Peru](#), and in prison sentences, including for journalist David Natera in [Venezuela](#). The publication of information deemed misleading or incorrect has also resulted in government agencies to oblige the media to publish rectification articles in [Ecuador](#). Defamation lawsuits against reporters covering the embezzlement of public funds, nepotism and electoral fraud at the local level have been documented in [Brazil](#) and [El Salvador](#), among other countries.

Attacks against independent and critical media have also taken the form of server attacks in [Guatemala](#); website hacks, break-ins and vandalism in [Argentina](#); police raids and the blocking of Twitter accounts in [Ecuador](#); surveillance and smear campaigns in [Honduras](#) and [Nicaragua](#); threats against family members, intimidation and confiscation of journalists' work equipment and of media print editions in [Colombia](#); intimidation through the use of explosive devices in [Ecuador](#) and [Paraguay](#); the arbitrary allocation or removal of official advertisements in [Bolivia](#), [Costa Rica](#), [Nicaragua](#) and [Paraguay](#); and the issuance of court orders requiring the release of communications between a journalist and his sources in [Canada](#).

3. Detention and criminalisation of HRDs

Between June 2016 and May 2017, the CIVICUS Monitor published 33 reports from countries in the region containing information about people detained because they tried to protest, organise or speak out. Reasons for detention were not always laid out explicitly or even given at all: activists in various countries have been detained under bogus accusations of “media lynching”, “mischief”, “association to commit crimes”, “disrespecting authority”, illegal entrepreneurship, drug possession, land usurpation, tax evasion, libel, conspiracy, incitation to social discord, disturbing the peace, dissemination of knowingly false information and cybercrime, among others.

Regardless of the alleged reasons for detention, analysis of CIVICUS Monitor data shows that states frequently detain and judicially harass citizens to prevent them from **expressing criticism or challenging state officials, policies or institutions**, and to warn others not to follow the dissenters' path. Governments have recently done this in various countries, from the United States to Cuba and from Canada to Chile and Peru. Arrests and detentions often come as part of efforts to suppress rising tides of anger and frustration at ineffective, corrupt or authoritarian governments. Given that it is commonly perceived as a form of criticism, **human rights activism and monitoring** is also a major trigger of the detention of activists, particularly in countries with closed or repressed civic space.

Governments throughout the region have arrested critics **during demonstrations**, allegedly for blocking transportation routes, disturbing the peace and damaging private or public property. **Arbitrary short-term detentions** have been identified as a systematic practice against government critics in [Cuba](#), where civil society sources documented more than 6,000 such arrests in the first half of 2016 alone. These have taken place in the context of street protests, often as a pre-emptive measure, as well as following raids on CSOs and activists' homes.

While in many cases governments resort to short-term detentions to deter criticism, examples also abound of HRDs being **kept in prison for longer periods**, as was the case of four activists from the [Brazilian](#) Landless Workers Movement, who were maintained in “preventative detention” for a time that far exceeded the legally permitted term for pre-trial detention, and were denied due process guarantees including full access to their lawyers. In [Guatemala](#), seven indigenous leaders were held in prison for between one and three years for taking part in a peaceful protest against the implementation of energy projects in their territories. They were eventually released through a court order – a fate better than that of Hamell Santiago Más Hernández, a [Cuban](#) political prisoner who in February 2017 was found dead in the Havana prison where he was serving a four-year sentence for “disrespecting authority”.

Instances of **criminalisation and judicial harassment** of protesters and protest leaders have also been observed in [Honduras](#), where dozens of students have faced legal procedures for protesting to demand structural changes in the National University, and [Canada](#), where a Femen activist was put on trial for a topless protest against sexual tourism during the 2015 Montreal Grand Prix. Unwarranted arrests were also used to target Afro-Colombian and anti-mining leaders in [Colombia](#) and indigenous leaders in [Panama](#), among others.

In [Paraguay](#), 11 peasants were recently found guilty of first degree murder, land invasion and other crimes, and sentenced to prison terms of up to 35 years for the deaths of six police officers during a 2012 police operation to break up a land occupation. No members of the police force were indicted, even though nine peasants were also killed in the clashes. Notably, while HRDs are often put on trial for allegedly committing violence during protests, their own complaints against the security forces for assault and arbitrary detention rarely prosper in the courts, as exemplified by recent cases in [Ecuador](#).

As for the targets of these tactics, a number of reports record the arrest and criminalisation of activists working on **indigenous, land rights and environmental issues**, as it was recently the case in the [United States](#), where protests against the Dakota Access Pipeline, which lasted for the best part of the year, resulted in hundreds of arrests in November 2016.

Large numbers of people concerned with issues of **basic economic and social needs** are also being harassed and detained in the region simply for claiming rights. In several countries citizens have been detained for making public calls for the state to meet their basic needs, including access to land, decent working conditions and greater social protection.

Short of detention, activists are also frequently criminalised in other ways, notably through **judicial harassment**. Both state and non-state actors, including private corporations and landowners, commonly use this tactic against indigenous, environmental and land rights defenders, among other activists. Private companies are increasingly bringing both civil and criminal lawsuits against HRDs whom they hold responsible for hindering their business. By labelling opposition to their business as terrorism, they are even cases where they have succeeded in having activists prosecuted on fabricated terrorism charges.

In [Panama](#), for instance, Hidroeléctricas Los Estrechos S.A. recently sued farmers' leader Larissa Duarte for 10 million dollars for the losses that the company incurred when their hydroelectric project in Río Cobre was cancelled, allegedly as a result of Duarte's activism. In [Guatemala](#), in turn, Peasant Unity Committee leader Digna Dalila Mérida was arrested as a result of accusations made by a local landowner, but was later released as the charges against her ruled as lacking any merit.

According to recent civil society testimonies before the Inter-American Commission of Human Rights, the criminalisation of HRDs, and particularly of those opposing hydroelectric projects, is pervasive in [Guatemala](#); state representatives however claim that the reported instances of criminalisation are isolated cases rather than a reflection of a systematic state bias against HRDs. A number of cases have also been recently reported in several countries, and most notably in [Honduras](#), where HRDs have lost their lives in their battle against these projects.

The tactic of **publicly vilifying activists and their organisations** as irresponsible, undemocratic, politically motivated, anti-patriotic, terrorists, liars, conspirators, and representatives of foreign interests, as in the cases of [Colombia](#), [Ecuador](#), [Honduras](#) and [Venezuela](#), has also been repeatedly used to pave the way for the intervention of the criminal justice system as well as to legitimise attacks against HRDs by non-state parties.

Additionally, **surveillance** of activists and their organisations seems to have become increasingly common, as attested by the case of [Canada](#), whose Royal Canadian Mounted Police force has reportedly compiled systematic information about and made confidential profiles of indigenous protesters who allegedly pose a "criminal threat to Aboriginal public order events". Espionage and

surveillance of CSOs have also been reported in [El Salvador](#) and [Mexico](#), among other countries. Additionally, various forms of **censorship**, including through the use of anti-defamation, anti-terrorism and cybercrime laws, have been used against HRDs, as it is against journalists, to limit the exercise of their right to free expression, both online and offline. A case in point is that of Latoya Nugent, a prominent LGBTI activist and anti-gender-based violence advocate in [Jamaica](#), who was arrested and charged with “using a computer with malicious intent” under the 2015 Cybercrimes Act for leading a campaign to encourage survivors of sexual abuse to reveal the names of their attackers. Also in [Paraguay](#), a digital rights organisation was recently judicially ordered to remove an online story on gender-based violence as a result of a lawsuit filed by a man involved in a quoted conversation who argued that the post violated his privacy and damaged his reputation.

In sum, HRDs are being criminalised, rather than protected, by too many states, at a time when they are being regularly threatened, attacked and killed at an alarming rate in countries across the region.¹⁸

4. Legislative restrictions

CIVICUS Monitor data show that governments in several countries of the Americas have introduced or implemented legal changes meant to restrict core civic space freedoms, and particularly to stop people from gathering to protest in public spaces.

Generally speaking, obstacles to the exercise of the **freedom of peaceful assembly** have resulted from legally sanctioned increases in the state’s coercive power to maintain public order and suppress protests. Laws proposed or passed in a number of countries have introduced more stringent authorisation requirements, privileged the free circulation of traffic over the right of people to join together in public spaces to express dissent, and allowed for the more authoritarian policing of demonstrations. In some cases, such as those of Brazil and Honduras, these changes were presented as part of the fight against terrorism. In [Brazil](#), a new anti-terror law was enacted in March 2016. According to legal experts, given its vague and broad definition of offences, the disproportionate character of the sentences it imposes, and its criminalisation of so-called “preparatory acts”, the legislation could easily be arbitrarily enforced to target social movements. In [Honduras](#), the National Assembly recently amended the Criminal Code to include a broader definition of terrorism that could apply to any participant in demonstrations resulting in damages to public or private property. Highly contested anti-terrorism or sovereignty acts are in place in several other countries, including [Canada](#) and [Nicaragua](#). Additionally, “anti-protest” bills have been proposed or passed in 19 states across the [United States](#).

Regulations that give security forces more leeway in dealing with protests were passed in other countries as well. In [Argentina](#), the Homeland Security Council approved a protocol to regulate security forces operations during public demonstrations that could allow the use of firearms or rubber bullets to disperse crowds. Similarly in [Colombia](#), a Police Code approved in July 2016 authorised the police to dissolve public demonstrations if an “alteration of coexistence” occurs, a vague term that grants the authorities wide discretionary powers. Additionally, decrees establishing states of emergency and restricting the freedom of peaceful assembly have been recently issued in a number of countries, including [Ecuador](#) and [Guatemala](#).

Conditions for the exercise of the **freedom of expression** are deteriorating in various countries as a result of tightened defamation laws, the introduction of cybercrime or cyber-security laws,

18 Activists assassinated during the first months of 2017 include Afro-[Colombian](#) HRD Emilsen Manyoma, indigenous leader José de los Santos Sevilla and transgender activist Sherlyn Montoya in [Honduras](#), environmental activist Laura Vazquez Pineda in [Guatemala](#), and indigenous HRDs Isidro Baldenegro López and Juan Ontiveros in [Mexico](#).

increased surveillance provisions and the designation of “speech crimes” as a form of terrorism under newly enacted anti-terrorism laws, among other tactics. One such cybercrime package was proposed in [Brazil](#), including eight laws that would allow security forces to access IP addresses without a court order and enable courts to block internet applications and services.

In [Uruguay](#), the right to access public information suffered a significant setback as an Executive Decree, issued in February 2017, stated that “any public official who makes public, divulges, or discloses to third parties the documents referred to in this article, except in the cases provided for by law, shall incur a very serious offence”.

As for the [Dominican Republic](#), two bills that could undermine the freedom of expression were recently submitted for parliamentary consideration. One of the initiatives seeks to regulate the protection of the rights to privacy, honour, good name and image, and to establish definitions of media responsibilities and professional secrecy; the other one states that the directors of media outlets have a “duty of cooperation” with the Public Ministry, which “may request the information needed to identify the authors of publications under their supervision”. Similarly in [Ecuador](#), a draft bill was submitted to Congress to establish a National Authority for the Protection of Personal Data, which would be able to temporarily or permanently block information allegedly affecting a constitutional right, including the honour of a public official. In the case of [Peru](#), a bill was proposed to ban those who have been accused of corruption from taking positions in media organisations, a move that has been unanimously condemned as a tool for direct censorship of the press, given the potential for abuse this opens up.

In [Nicaragua](#), in turn, the Supreme Electoral Council presented, although later withdrew, a set of draft rules to regulate comments by political parties, journalists, CSOs and the general public during the electoral campaign. Also rejected was an initiative introduced in the Congress of [Panama](#) to require private media outlets to publish an educational, cultural or electoral message for every five commercials.

Lastly, the exercise of the right to **freedom of association** has been restricted through legal and administrative barriers to the creation, functioning, communication and resourcing of CSOs, as well as limits to the sort of activities these organisations can develop or the issues they are allowed to cover. A major example of this trend is offered by [Ecuador](#), where a bill was recently submitted to Congress containing provisions for CSO registration and dissolution similar to those of controversial Executive Decree No. 16 of 2013, which created a government agency to monitor civil society activities and was used to shut down the environmental and indigenous rights CSO Pachamama and the National Teachers’ Union (UNE). Other organisations, including Fundamedios and Acción Ecológica, were threatened with administrative dissolution under the same decree.

Also in [Nicaragua](#), the Sovereign Security Act introduced in December 2015 empowered the Executive to establish certain topics as being in the national interest and allowed for the persecution of organisations considered to be working against those interests. In the case of [Venezuela](#), a decree establishing a “State of Exception and Economic Emergency” allowed state authorities to restrict the receipt of funding by CSOs when it considers that such resources are being used to pursue political goals that might have destabilising effects.

In [Colombia](#), a recent presidential decree curbed direct state contracting with not-for-profit organisations, which the government views as ‘a favourite tool of the corrupt to skim off the state.’ As the decree was issued, the Colombian Confederation of NGOs expressed concern about the government stifling funding sources and stigmatising CSOs.

Conclusions and Recommendations

Our analysis of CIVICUS Monitor data gathered between June 2016 and May 2017 shows that people's rights to organise, speak out and take action are being violated across the Americas. Most notably, more than half the region's population currently lives in countries where civic space is either obstructed or repressed. This means that a large number of CSOs and HRDs in the region face considerable or serious obstacles, including threats to personal safety, denial of the right to protest, surveillance and censorship, as a direct result of their activism. These findings reflect a reality of extensive repression and government failure to protect CSOs and guarantee adequate civic space.

Our findings also show that civic space restrictions are highly uneven in their effects. Civic space is not being restricted equally for everybody. Some groups, and particularly those that are structurally excluded – such as LGBTI activists in El Salvador, land rights defenders in Brazil, anti-mining leaders in Colombia, indigenous and environmental rights defenders in Guatemala, Honduras and Peru, migrants' rights activists in the Dominican Republic, trade unionists in Paraguay, anti-racism activists in the United States, critical journalists in Mexico and Central America's Northern Triangle, or advocates of sexual and reproductive rights and women human rights defenders (WHRDs) across the region - are being specifically targeted, while members of privileged elites have tended to face comparatively few hindrances in exercising their rights, and some have even seen their own space grow significantly over the past years.

It is worth noting that while civic space is under serious pressure in many countries across the region, civil society continues to fight to reclaim its space, and in some cases has succeeded in obtaining improvements. The CIVICUS Monitor tracks improvements in civic space conditions, and has documented positive developments as varied as the approval of Access to Public Information laws in [Argentina](#) and [Paraguay](#); the Supreme Court of [Belize](#) ruling on behalf of a harassed and criminalised LGBTI activist that the criminalisation of consensual same-sexual relations between adults is unconstitutional, as well as the recent election of a 13th senator to represent civil society in the legislative branch of [Belize](#); a ruling striking down a controversial by-law seeking to restrict protests following the 2012 student demonstrations in [Canada](#); rulings boosting the freedoms of expression and access to public information in [Costa Rica](#) and partially decriminalising so-called "speech crimes" in the [Dominican Republic](#); a spread of online reporting bypassing prohibitions in [Cuba](#); the prosecution of police officers for an attack against an LGBTI activist, as well as the conviction of gang members for a journalist's assassination in [El Salvador](#); the release of [Guatemalan](#) activists and the progress made in the Public Ministry's probe of the 2015 murder of two journalists in [Guatemala](#); expressions of official support for LGBTI rights leading to a boost in LGBTI organisation and activism in [Mexico](#); and a Facebook decision to block a [Canadian](#) company selling social media-monitoring tools to police departments from accessing its data.

The CIVICUS Monitor has also compiled examples of the successful exercise of the rights to the freedoms of association, peaceful assembly and expression, including the uneventful holding of countless peaceful demonstrations, especially by groups that may be particularly vulnerable in a given context. This reflects the reality that in a large number of cases peaceful protests in the region are well policed and people are able to take to the streets to make their voices heard without being disrupted or attacked. The CIVICUS Monitor will continue to track these positive trends, along with negative ones, in the months and years ahead.

The authors of this report encourage the governments of every state in the Americas to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the American Convention on Human Rights and the American Declaration of the Rights and Duties of Man. In particular, we recommend:

- Best practices to respect and protect the right of peaceful assembly should be adopted by countries in the Americas, especially regarding the necessary and proportional use of force by security forces.¹⁹
- All cases of extra-judicial killing and excessive force by security forces during protests should be impartially investigated and those responsible should be prosecuted and, if found guilty, appropriately sanctioned in accordance with the law.
- Government officials should publically condemn the use of excessive and brutal force by security forces in the dispersal of protests and governments should put in place measures to ensure that their security forces adhere to the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.²⁰
- Demonstrators currently being detained because of the legitimate exercise of their right to freedom of peaceful assembly should be immediately and unconditionally released.
- States should proactively protect freedom of expression by enacting national legislation to ensure media freedom, access to information and the protection of journalists in accordance with international standards.
- Ensure that journalists and media workers can work freely and without fear of retribution for expressing critical opinions or covering sensitive topics.
- Guarantee access to media information to all people, both offline and online.
- Refrain from adopting legislation that restricts the rights to freedom of association, peaceful assembly, expression and access to information, including those measures adopted under the guise of strengthening national security
- Take proactive legislative and policy measures to ensure that human rights defenders are able to carry out their legitimate activities in a safe and secure environments. In this vein, governments in the Americas should consider the adoption of specific laws on the protection and promotion of human rights defenders, as enacted in Côte d'Ivoire,²¹ and ensure that protection measures currently in place are properly resourced and implemented.
- Authorities across the region should without fail conduct impartial and effective investigations into all cases of attacks, harassment, and intimidation against human rights defenders.
- Governments on the continent should strengthen laws on access to public information and establish offices for citizen participation within various institutions in every branch of government.
- The OAS should act as a communication channel between local civil society and states in cases when governments are violating fundamental civil society freedoms.

19 *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*, 4 February 2016, A/HRC/31/66, available at: <http://goo.gl/ufwFSF>.

20 Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 7 August to 7 September 1990, available at: <http://goo.gl/LqtDQW>.

21 *Loi 2014-388 du juin 2014 portant promotion et protection des défenseurs des droits de l'Homme*, available at: <http://goo.gl/gVuYGr>.

Annex – Summarised country overviews

Antigua and Barbuda (NARROWED): In this small and relatively open country, citizens are usually free to express their opinions, assemble in public and form groups to pursue collective interests. Although political pressure sometimes interferes with mainstream broadcast and print media, 64% of people can access the internet, which is free from government restrictions. Civil society also makes active use of social media platforms.

Argentina (NARROWED): Despite limitations in the exercise of some civic freedoms, particularly apparent at the local level, Argentine civil society is robust and highly visible, and has played a positive role in recent legal reforms. The media, however, is highly polarised, and until recently stigmatising statements and criticism by public officials have impeded healthy deliberation of public issues. A recently enacted protocol on police action during protests could allow the security forces to use firearms or rubber bullets to disperse crowds.

Bahamas (NARROWED): A stable democracy, the Bahamas enjoys strong protections for fundamental freedoms. Citizens are allowed to form associations, conduct peaceful protests and assemblies and share dissenting views openly. However, isolated use of force by the police and the retention of criminal defamation and sedition laws have raised concern. More worryingly, a 2014 report stemming from the Edward Snowden leaks revealed the National Security Agency in the United States routinely records and stores data from mobile phone conversations in the Bahamas.

Barbados (OPEN): Civic space is broadly respected in Barbados, which retains a healthy democratic tradition with free and fair elections and a strong rule of law. CSOs are free to operate in practice and to promote a variety of causes. There are some questionable restrictions on public gatherings that impede full enjoyment of the freedom of peaceful assembly, while criminal defamation remains on the statute books and carries a custodial sentence.

Belize (NARROWED): Civic space is protected in law and in practice. Some groups, including the indigenous Maya people, do however experience marginalisation and discrimination. Although people are free to form civil society groups to advance any issue, state protections are weaker for those promoting causes such as LGBTI rights. Protests are common and usually peaceful. There is a free media, but political leaders sometimes use defamation laws against investigative journalism.

Bolivia (NARROWED): The work of civil society activists and journalists has been negatively affected by increasing political polarisation. Civic space narrowed as a result of the introduction of funding restrictions, the selective application of administrative requirements for CSOs, and propaganda damaging the image of the civil society sector. Legal action, administrative harassment and economic punishment of critical media outlets also hamper free expression in the country.

Brazil (OBSTRUCTED): Serious human rights violations affecting civic space include the excessive use of force against demonstrators, the criminalisation and physical attacks against certain categories of HRDs, notably land rights activists; lack of media pluralism, and widespread judicial censorship against journalists and bloggers. Brazilian civil society has a good recent track record of pushing for the approval of protective laws; given the distance between law and practice, civil society is also active in monitoring law implementation and denouncing violations.

Canada (NARROWED): Recent laws, including the Anti-Terrorism Act, have threatened to undermine traditionally strong legal safeguards for the freedoms of expression and peaceful assembly. Most protests are held peacefully, but in recent years there have been several instances of excessive use of police force, particularly during anti-globalisation and student protests. Journalists documenting protests have also been subjected to police detention and assault. Civic space has also contracted due to restrictive legislation and the increasing surveillance of activists by the security services.

Chile (NARROWED): Limitations on the freedoms of peaceful assembly and expression remain as

legacies of the dictatorship era. The freedom of association is largely respected, although indigenous HRDs are sometimes victims of harassment and intimidation. The policing of protest is a particular problem and impunity prevails because military courts still have jurisdiction over the security forces. Violence against journalists is not prevalent, but media ownership remains in the hands of a few private groups and criminal defamation legislation is yet to be repealed.

Colombia (REPRESSED): Violence is the main threat to the integrity of civic space. The situation has evolved as peace agreements have been reached between the government and the Revolutionary Armed Forces of Colombia (FARC), and peace talks with the National Liberation Army (ELN) are underway. However, violent attacks and murders of journalists, lawyers and community, indigenous and religious activists continue to occur on a regular basis. The structure of media ownership, along with threats against journalists – especially linked to coverage of corruption, crime and human rights abuses – significantly undermine free expression and pluralism.

Costa Rica (NARROWED): Costa Rica has a pluralistic and diversified civil society that is able to influence government decision-making processes. Protests are infrequent, and when they occur they rarely turn violent or face excessive use of police force. Certain limitations however persist that restrict the exercise of basic freedoms, especially of expression. Costa Rican civil society continues to call for a freedom of information act and a comprehensive media law to guarantee the plurality of information sources.

Cuba (CLOSED): Despite the ‘normalisation’ of diplomatic relationships with the United States, most restrictions on civic space freedoms have remained in place. Security forces continue to harass and intimidate individuals and groups that organise for political purposes other than promoting the Cuban Communist Party, which remains the only legal option. While long-term prison sentences have become relatively uncommon, short-term arbitrary arrests of HRDs, independent journalists, political dissidents and protesters have dramatically increased. All traditional media are state-owned and have no editorial independence; new media, however, have multiplied despite prohibitions.

Dominica (NARROWED): Civil society works on a diversity of issues, and the fundamental freedoms of association, assembly and expression are constitutionally guaranteed. Their exercise, however, is restricted for certain segments of civil society, such as LGBTI groups and workers in key industries. In 2015, attempts to hold protests resulted in violent clashes. There is no national human rights institution, the creation of which was recommended in Dominica’s 2014 Universal Periodic Review.

Dominican Republic (OBSTRUCTED): Civil society advocacy efforts have improved the legal environment, but some legal victories have not translated into practice. Street protests over socio-economic issues are a daily occurrence. Many recent protests have revolved around the plight of Haitian migrants and Dominicans of Haitian descent fighting for their right to nationality. Journalists, particularly those covering sensitive issues, suffer violence and intimidation. Human rights activists – and especially those advocating migrants’ rights – are targeted by smear campaigns, harassment and threats.

Ecuador (OBSTRUCTED): Ecuador has a diverse and active civil society. Over the past few years, however, space for civil society participation decreased as state controls over civil society expanded through both legal and de facto restrictions on civic space freedoms. The media environment became increasingly polarised, two CSOs were summarily dissolved, and some protests, particularly those of indigenous groups against extractive initiatives, were severely repressed.

El Salvador (NARROWED): Violence levels are among the highest in the world, and risks for activists could increase further as the government resorts to military force to fight crime. Additional challenges for civil society pertain to financial sustainability and influence over policy-making, an inadequate framework for CSO creation and operation, the arbitrary application of rules and restrictions on free expression, insufficient media pluralism, and intimidation of journalists leading to self-censorship.

Grenada (NARROWED): Grenada, an island country including six smaller islands, with an estimated overall population of 110,000, has a favourable legal environment for civil society. HRDs and independent media outlets and journalists are able to operate freely, although the latter sometimes face intimidation and harassment by government officials.

Guatemala (OBSTRUCTED): Guatemala has one of the highest homicide rates in the world, and police abuse is extremely common. HRDs, trade unionists, and journalists are routinely threatened, intimidated, and attacked. Special military task forces created to fight crime are being increasingly deployed in areas affected by conflict over land and indigenous rights. The judiciary is beset by inefficiency and corruption, and impunity prevails for both present crimes and those committed during the internal armed conflict, which specifically targeted indigenous populations.

Guyana (NARROWED): With a population of just under 750,000, Guyana is geographically in South America, but culturally and politically in the Caribbean. A favourable legal environment allows CSOs and HRDs to operate freely. People frequently join protests, which are generally peaceful. Excessive police force in a 2012 protest however resulted in at least three dead protesters. Although free to operate, independent media and journalists face economic challenges and judicial harassment.

Haiti (OBSTRUCTED): A cholera crisis and a hurricane recently caused a major humanitarian crisis in a country where HRDs and journalists are routinely subjected to intimidation, harassment and arbitrary detention. Although people often protest, many demonstrations were met with excessive police force during the 2015-2016 political and electoral crises, and journalists faced increased attacks from both state and private actors. Defamation remains a criminal offence and accessing government information is difficult in practice.

Honduras (OBSTRUCTED): Political divisions persist long after the 2009 coup against the president led to the temporary suspension of civil liberties, and civil society activism remains constrained by inequality and social exclusion, drug trafficking, organised crime and street gangs. In a country with one of the world's highest homicide rates, violence has particularly affected HRDs, journalists, LGBTI activists and indigenous groups. Freedom of expression is restricted to a point that makes Honduras one of the most dangerous countries in the world for media workers.

Jamaica (NARROWED): Jamaica has a thriving, vocal and well-respected civil society that enjoys a good relationship with the state. The environment however poses deep social and political challenges, including excessive police force, extrajudicial killings, corruption, impunity, organised crime and institutional weakness. LGBTI people are stigmatised, harassed and criminalised, and lack adequate access to justice. Civil society has demanded the establishment of a national human rights institution, and the government has accepted a UPR (Universal Periodic Review) recommendation on this issue.

Mexico (REPRESSED): Despite constitutional and legal guarantees, many parts of the country remain inhospitable to civic activism. This is caused by high rates of violent crime linked to drug trafficking; the infiltration of local governments by organised crime; pervasive corruption; severe human rights violations by both state and non-state actors; and almost complete impunity for these crimes, particularly in remote municipalities that are rarely if ever covered by international media. Intimidation, threats and physical violence against journalists – including murder – have resulted in self-censorship. The security forces sometimes respond to peaceful protests with excessive force.

Nicaragua (OBSTRUCTED): Civil society faces growing restrictions as political power has become increasingly concentrated in recent years. The executive has been able to follow this course of action thanks to a disciplined congressional majority and a highly partisan judiciary. Free expression is being damaged due to the construction of a media empire in the hands of the president's family, the disciplining of critical media through the arbitrary allocation of state advertising, extreme secrecy and a tight control on the flow of public information. The government also exercises control over the streets, which are systematically occupied by the president's supporters to the detriment of opposition groups. Consequently, civil society views its space as dangerously and rapidly narrowing.

Panama (NARROWED): Although not fully enabling, since the 1989 restoration of democracy a hospitable civic space has allowed civil society to grow in size, diversity and influence. Much of the advancement of human rights norms and their translation into public policy can be credited to civil society work. Civil society currently promotes a unified, consistent and enabling framework that adequately reflects the principle of associational freedom, as well as the elimination of government administrative, political and financial arbitrariness in dealing with civil society.

Paraguay (OBSTRUCTED): Plagued by drug trafficking and corruption and one of the poorest countries in South America, Paraguay was also among the last countries to transition to democracy. Funding and trust are central concerns of independent CSOs, as many legally registered organisations are the property of politicians eager to collect public funds. Public demonstrations, especially those of peasants, indigenous groups and students, are frequently met with excessive police force. Violence against journalists is prevalent and often goes unpunished.

Peru (OBSTRUCTED): Since the early 1990s, the growth of extractive industries has caused displacement and a range of environmental, health and economic issues among local populations. Protests against extractive industries are sometimes accompanied by violence and frequently met with excessive police and military force. Civic space is also affected by entrenched corruption, a dependent and discredited judiciary, collusion between powerful public and private actors, and widespread discrimination against women, indigenous populations and LGBTI groups.

Saint Lucia (NARROWED): An active and diverse civil society has participated in still on-going constitutional reform processes. The main factors affecting civic space have been high levels of police violence, including extrajudicial killings, and violent crimes against LGBTI people. There is no national human rights institution, although in 2015 the country received a UPR recommendation to establish one. Lack of progress has been observed in the ratification of core international human rights treaties and the domestication of international human rights obligations.

St Kitts and Nevis (NARROWED): Although the government reports that it is committed to consulting with and involving civil society, it has not yet implemented a 2011 UPR recommendation to establish a national human rights institution, and the powers of the ombudsperson office remain limited. The country has not ratified key international human rights instruments, although civil society has urged the government to do so. The country has high levels of violent crime and police brutality as well as of violence against LGBTI citizens.

St Vincent and the Grenadines (NARROWED): The Constitution recognises fundamental civic freedoms; however, a constitutional reform that would have created a human rights commission and an ombudsperson was defeated in a 2009 referendum. The country does not have a national human rights institution, but as part of its response to the 2011 UPR process it committed to consult with stakeholders and seek international support to create one. It was also urged to adhere to the many international conventions or their optional protocols to which it is not yet a state party.

Suriname (NARROWED): Key institutions and instruments to guarantee human rights are lacking. A draft bill to introduce a Constitutional Court has long been delayed. A law was passed in 2015 to establish a national human rights institution, but there are question marks over its mandate and independence. The judiciary lacks independence and excludes indigenous and tribal peoples, leading political figures are implicated in corruption and drug trafficking, and there is concern about the law's definition of torture. There are many reported instances of violent crime and police abuse, including against LGBTI people.

Trinidad and Tobago (NARROWED): A high-income economy, according to World Bank criteria, Trinidad and Tobago exhibits significant inequality. The country boasts a pluralistic civil society, comprising workers' organisations, advocacy CSOs and organisations providing various social services. Although basic civic space freedoms are constitutionally recognised and mostly enforced, some legal and de facto limitations remain, including defamation statutes, police abuses, a backlogged judiciary and blatant discrimination and frequent crimes against the LGBTI population.

United States of America (NARROWED): People are mostly able to exercise their rights without fear,

and strong legal and judicial protections allow for a vibrant associational culture and a pluralistic media. Nevertheless, civic space is not uncontested. In recent years, members of social movements, including the Occupy Movement and Black Lives Matter, have experienced harassment and police violence, while other organisations advocating for the rights of marginalised groups have not received the full protection of the state. The freedom of assembly has been undermined by mass arrests, excessive police force and restrictions imposed by state laws. Structural racism has resulted in a lack of guarantees for black people to enjoy these freedoms. Free expression has also been affected by electronic surveillance by security agencies and the targeting of whistle blowers.

Uruguay (NARROWED): Uruguay has relatively strong state institutions, low levels of corruption, and some of the lowest crime rates in the region. Core civic freedoms are constitutionally recognised and mostly respected in practice, with recent legal changes representing further improvement. CSOs operate in a safe environment, and various participation, consultation and collaboration spaces and mechanisms have opened up since 2005, particularly in the area of social services delivery. Key civil society concerns include compromised organisational autonomy and the financial sustainability of advocacy efforts.

Venezuela (REPRESSED): Civil society operates in a context of escalating political polarisation, economic crisis and class conflict, leading to the erosion of basic freedoms. Since 2014, the country has witnessed increasing anti-government mobilisation. While most protests have been peaceful, some were met with excessive force, with the situation worsening since mid-2016, when a state of exception and economic emergency was decreed. Subsequent protests, sparked by food shortages and demanding an electoral solution, were repressed with teargas and rubber bullets, and eventually with live ammunition, resulting in numerous injuries and deaths. The government has also eroded CSOs' legitimacy by systematically denouncing them on national media as traitors, conspirators and delegates of US imperialism, and has sought to limit their access to foreign funding.

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