



# **GLOBAL TRENDS ON CIVIL SOCIETY RESTRICTIONS**

**MOUNTING RESTRICTIONS ON CIVIL SOCIETY:  
THE GAP BETWEEN RHETORIC AND REALITY**

**CIVICUS: World Alliance for Citizen Participation  
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## **ABOUT CIVICUS**

CIVICUS: World Alliance for Citizen Participation is an international alliance of civil society organisations and activists working to strengthen citizen action and civil society throughout the world, especially in areas where participatory democracy and citizens' freedom of association are challenged.

CIVICUS has a vision of a global community of active, engaged citizens committed to the creation of a more just and equitable world. This is based on the belief that the health of societies exists in direct proportion to the degree of balance between the state, the private sector and civil society, and that governance is improved when there are multiple means for people to have a say in decision-making. CIVICUS seeks to amplify the voices and opinions of people and their organisations, share knowledge about and promote the value and contribution of citizen participation and civil society, and help give expression to the enormous creative energy of a diverse civil society.

CIVICUS, with its numerous partners, works by bringing together and connecting different civil society actors and other stakeholders in civil society; researching into and publishing on the health, state and challenges of civil society; and developing policy positions and advocating for the greater inclusion of and a more enabling environment for civil society. CIVICUS was founded in 1993 and is headquartered in Johannesburg, South Africa.

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CIVIL SOCIETY RESTRICTIONS:  
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## GLOBAL TRENDS ON CIVIL SOCIETY RESTRICTIONS

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### *Introduction*

In December 2011, at the 4th High Level Forum on Aid and Development Effectiveness (HLF4) in South Korea, 160 governments and 45 organisations committed to the [Busan Partnership for Effective Development Cooperation](#) (BPd), a framework to enhance development effectiveness.<sup>1</sup>

The BPd, which is a major milestone in the development effectiveness discourse, sets forth a number of conditions to ensure the advancement of inclusive and robust development practices. Key among these conditions is the recognition of the vital role civil society organisations (CSOs) play in “enabling people to claim their rights, in promoting rights-based approaches, in shaping development policies and partnerships, and in overseeing their implementation.”<sup>2</sup>

Notably in Busan, the civil society sector was officially recognised as a negotiating partner in the multi-stakeholder dialogue on aid effectiveness. This built upon the recognition accorded to the civil society at the previous High Level Forum in Accra, Ghana (2008) as “an independent development actor in its own right.”<sup>3</sup>

In the run up to the Busan meeting, the [Open Forum for CSO Development Effectiveness](#) and [Better Aid](#), coalitions of national and international civil society groups, mobilised hundreds of CSOs to engage in national, regional and global discussions on development effectiveness and the enabling environment for civil society in over 90 countries.

There was a strong demand from civil society for a clear and explicit agreement of minimum standards for an enabling environment for civil society.<sup>4</sup> This demand was supported by the multi-stakeholder task team on [Civil Society Development Effectiveness](#) under the [Working Party on Aid Effectiveness](#) of the Organisation for Economic Cooperation and Development’s Development Assistance Committee (OECD-DAC). The task team identified the following fundamental rights guaranteed in regional and international instruments for protection: 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.<sup>5</sup>

In light of these developments, the BPd makes unprecedented commitments to create and promote an “enabling environment for civil society, consistent with agreed international rights, that maximises the

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1 A full list of governments and organisations that endorse the Busan Partnership for Effectiveness Cooperation is available at <http://effectivecooperation.org/about-list.html>

2 CSO Development Effectiveness and the Enabling Environment: Key Messages for the Fourth High Level Forum on Aid Effectiveness, Task Team on CSO Development Effectiveness and Enabling Environment, Working Party on Aid Effectiveness, OECD- DAC. The key messages are available at [http://csoeffectiveness.org/IMG/pdf/final\\_key\\_english\\_c3.pdf](http://csoeffectiveness.org/IMG/pdf/final_key_english_c3.pdf)

3 Para 20, the Accra Agenda for Action, OECD, 2008. The full text is available at <http://www.oecd.org/development/effectiveness/34428351.pdf>

4 CSO Development Effectiveness and the Enabling Environment: Key Messages for the Fourth High Level Forum on Aid Effectiveness, Task Team on CSO Development Effectiveness and Enabling Environment, Working Party on Aid Effectiveness, OECD- DAC. The key messages are available at: [http://csoeffectiveness.org/IMG/pdf/final\\_key\\_english\\_c3.pdf](http://csoeffectiveness.org/IMG/pdf/final_key_english_c3.pdf)

5 Ibid

contribution of CSOs to development.”<sup>6</sup> These commitments mark a welcome advancement in the ongoing movement to recognise civil society as an essential development partner and to engender safe and enabling conditions for civil society to operate free from unwarranted restrictions.<sup>7</sup>

**The United Nations Human Rights Council (UNHRC)** has taken measures to affirm the value of protecting and expanding the operating space for civil society. During the 24th UNHRC Session in September 2013, the UNHRC passed a resolution, “Civil Society Space,” stipulating a number of steps governments should take to foster an enabling operating environment for civil society at the national level.

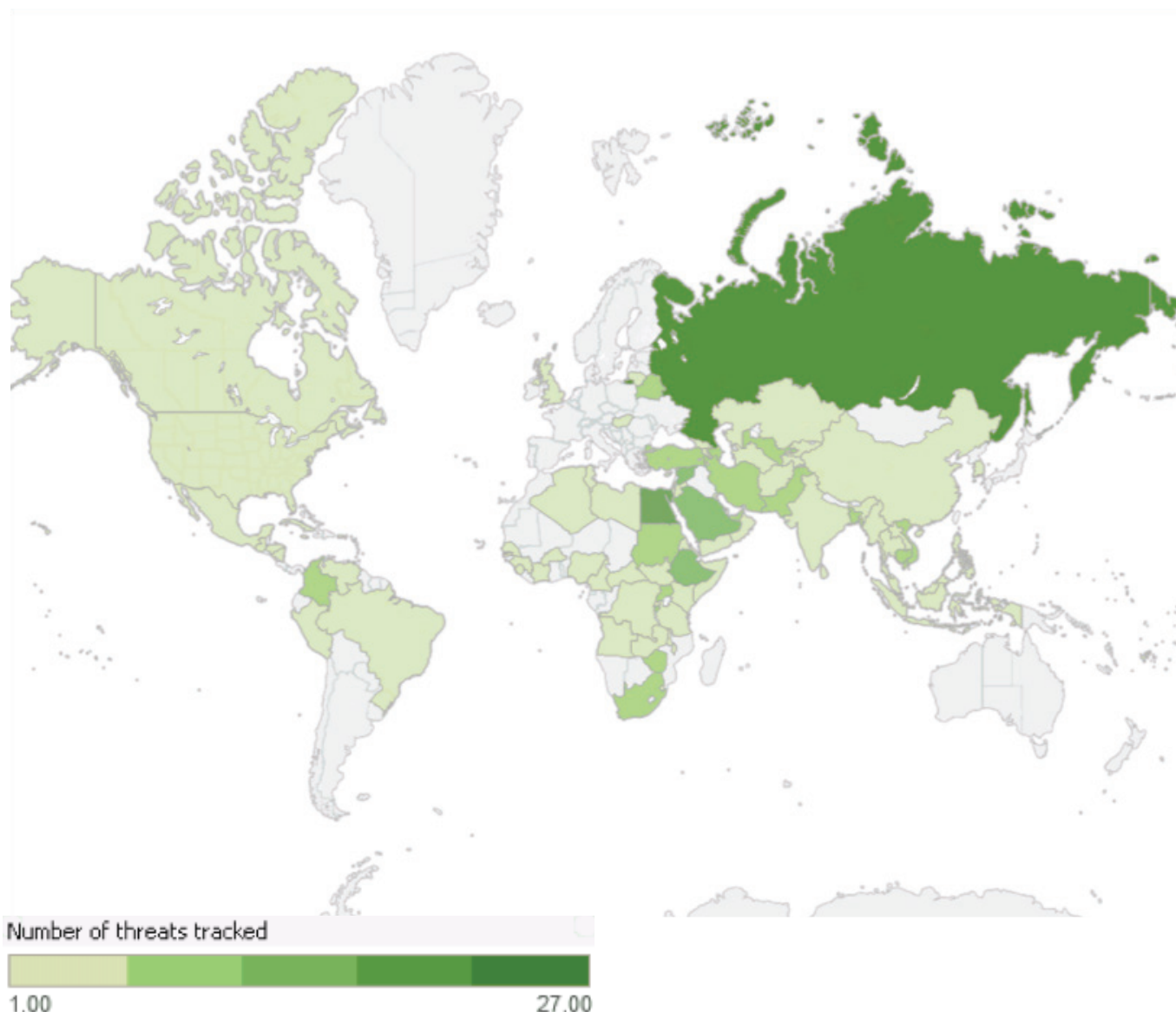
Specifically, the resolution urges “States to create and maintain, in law and in practice, a safe and enabling environment in which civil society can operate free from hindrance and insecurity.” The resolution further calls on “States to acknowledge publicly the important and legitimate role of civil society in the promotion of human rights, democracy and the rule of law, and to engage with civil society to enable it to participate in the public debate on decisions that would contribute to the promotion and protection of human rights and the rule of law and of any other relevant decisions.”

Unfortunately, despite the explicit and positive commitments made in the Busan Partnership Document, a number of governments have ignored their promises by taking steps to restrict civil society voices, especially those that are critical of their actions. Between the period January 2012 to October 2013 CIVICUS has documented 413 threats to civil society in 87 countries.

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6 Para 22(a), The Busan Partnership for Effective Development Cooperation, November 2011. The full text is available at <http://www.oecd.org/dac/effectiveness/Busan%20partnership.pdf>

7 Ibid



*Figure 1: Map of number of threats tracked by the Civil Society Watch Programme between January 2012 - October 2013*

In the following pages, we highlight examples of restrictions and threats to civil society in 35 countries which breach the spirit of the Busan agreement. In a number of countries, civil society groups have been forced to contend with unjust legislative obstacles, including the introduction of draconian laws restricting access to foreign funding and limiting the scope of their permissible activities. We also provide concrete evidence of civil society activists facing heightened intimidation, harassment and reprisals, including imprisonment, for undertaking their legitimate activities and for actively engaging with the international community to fulfill the development aid objectives set out in the BPd. The report further documents the growing use of targeted assassinations to silence civil society members including the unabated targeting of land rights and environmental activists operating in Southeast Asia and Latin America. Finally, we discuss a worrying trend in which governments are increasingly targeting civil society activists who cooperate with United Nations (UN) bodies to highlight human rights concerns. Nevertheless, these examples are merely illustrative and only provide a glimpse into what is the tip of the iceberg.

## Rise in legislative restrictions on civil society

Since the 4th High Level Forum on Aid and Development Effectiveness, a growing number of governments have sought to utilise legislative tools to control and suppress the activities of civil society groups.

Trends include the adoption and consideration of new NGO framework laws which impose severe practical limitations on the ability of civil society groups to undertake their legitimate activities. Among other issues, many of these legislative developments jeopardise the flow of foreign funding to domestic CSOs, provide the government with excessive discretionary powers to restrict CSOs from working on certain sensitive areas and permit the government to arbitrarily and subjectively dissolve organisations without judicial oversight.

The key issue here is whether governments perceive sections of civil society to be a threat to them. As our examples will demonstrate, advocacy and policy-oriented CSOs face frequent challenges to their legitimacy. The evidence presented in this report illustrates moves in **Algeria, Azerbaijan, Bangladesh, Egypt, Israel, Indonesia** and **Russia** to delegitimise vocal and independent civil society groups by using two main legislative tactics – restricting access to funding and imposing barriers on legitimate civil society activities, which challenge the authority of the State.

**Algeria's** new 2012 *Law on Associations* (Law 12-06 of 2012) limits the scope of activities for civil society groups to “professional, social, scientific, religious, educational, cultural, sports, environmental, charitable and humanitarian domains,” providing the authorities with a tool to prevent CSOs from undertaking activities relating to human rights, democracy promotion and gender equality. Also, under the law, CSOs can be subjected to forced dissolution for having objectives and undertaking activities which contravene “national values” or which “interfere in the internal affairs of the country.” The law also places restrictions on foreign funding for CSOs restricting receipt of foreign funds to only those entities with which the government has “duly established cooperative relations.”<sup>8</sup>

Sadly, the bad practice from Algeria also appears to have been replicated in **Azerbaijan**. On 15 February 2013, the Azeri Parliament approved far-reaching amendments to the *Law on Non-Governmental Organisations*, the *Law on Grants*, and the *Code on Administrative Offences*. Of principal concern are provisions found within the amendments which unduly curtail the independence of international and national CSOs by requiring them to reveal the identities of their benefactors. Critically, the revisions stipulate that CSOs generate a formal agreement with donors for all contributions over 200 Azerbaijani Manats (nearly 250 US dollars), prohibiting anonymous cash contributions by donors who fear persecution for openly supporting groups that focus on human rights, anti-corruption advocacy and democracy promotion. CSOs which do not provide the Ministry of Justice with a copy of grant agreements with donors are also subject to excessive fines of 7,000 Azerbaijani Manats (about 9,000 US dollars) or the confiscation of property.<sup>9</sup>

In 2012, the **Bangladesh** NGO Affairs Bureau (NGOAB) released a draft Foreign Donations (Voluntary Activities) Bill, which contains a number of worrisome provisions undermining the financial and operational independence of civil society organisations in Bangladesh. These include: (i) a requirement that CSOs receive government approval for every project and excessive power to unilaterally amend proposed projects; (ii) imprecise time periods within which approval for foreign funded projects will be granted and unspecified terms upon which the government can deny approval of foreign funded projects; (iii) overly broad and vague grounds upon which CSOs registration can be revoked and; (iv) wide discretionary authority to inspect, monitor and assess the activities of CSOs. At the time of writing, this Bill was still in abeyance.<sup>10</sup>

<sup>8</sup> NGO Law Monitor: Algeria, The International Center for Not-for-Profit Law (ICNL), 6 June 2013, <http://www.icnl.org/research/monitor/algeria.html>

<sup>9</sup> Global Civil Society Alliance condemns growing authoritarianism in Azerbaijan, CIVICUS, 28 March 2013, <https://civicus.org/media-centre-129/press-releases/1572-global-civil-society-alliance-condemns-growing-authoritarianism-in-azerbaijan>

<sup>10</sup> More transparency and less control needed in Bangladesh's foreign donations bill: International CSOs, CIVICUS, 7 December 2012, <http://www.civicus.org/media-centre-129/press-releases/1236-more-transparency-and-less-control-needed-in-bangladesh-s-foreign-donations-bill-international-csos>



In **Egypt**, a pending “Associations Law” presented in May 2013 empowers officials to block both international and national funding to civil society groups. Under the Bill, a Coordination Committee tasked with overseeing all foreign funding and foreign organisations would also be permitted to object and order a halt to any activity proposed by foreign groups operating in the country. Despite the developing political situation in the country resulting from July 2013 removal of President Morsi, concerns persist that the “Associations Law” will be embraced by the interim government to silence independent civil society groups.<sup>11</sup>

Another worrying development is the passing of the Law on Mass Organisations (ORMAS Law) in **Indonesia** by the House of Representatives in July 2013. The ORMAS Law suffers from the following defects: it bars CSOs from propagating ideology that conflicts with ‘Pancasila’ - the principles of official State philosophy of Indonesia – thereby providing government officials with a powerful tool to silence organisations that oppose official policy; it prevents CSOs from undertaking activities falling within the purview of law enforcement agencies and government, curbing activities related to reform of the political, legal and security sectors; and international CSOs are subjected to ambiguous demands to refrain from activities which “disrupt the stability and oneness” of Indonesia or “disrupt diplomatic ties,” creating obstacles for projects related to good governance and democratic reform. The banning of these activities severely undermines the watchdog function of independent civil society which is vital to a healthy democracy.<sup>12</sup>

As part of the government of **Israel’s** ongoing campaign to silence independent criticism of the State in July 2013, the Israeli Knesset was considering amendments to the Amutot (Non-Profit) Organisations Law, which prevents CSOs from receiving over 20,000 Israeli New Shekels (approximately 6000 US dollars) from international sources if they have called for the trial in international courts of Israeli Defence Force soldiers or for having employees or members who call for boycotts, divestments or sanctions against Israel. The Bill, which represents excessive and unwarranted bureaucratic controls, would require organisations to self-censor for fear of official persecution.<sup>13</sup>

**The Observatory for the Protection of Human Rights** in its 2013 annual report, “Violations of the right of NGOs to funding: from harassment to criminalisation,” highlighted the following:

Since the return of Vladimir Putin to the Presidency in early 2012, the government of **Russia** has engaged in an unprecedented campaign to criminalise the legitimate work of civil society groups. In a move clearly designed to stigmatise civil society organisations, the Russian government introduced amendments to the Non-Commercial Organisations Law, which targets civil society groups receiving foreign funding. Under the law, which came into force on 21 November 2012, CSOs receiving funds from abroad are required to register with the government under the derogatory term of ‘foreign agents’ and provide detailed information describing the amount of funds and other property received from foreign sources. Furthermore, publications issued and disseminated by organisations in receipt of foreign funds must include a notice that it has been developed by a CSO registered as a ‘foreign agent.’<sup>14</sup>

On a practical level, limitations placed on access to foreign funding for national civil society will result in a large section of civil society being forced to shutdown completely or drastically reduce their organisational output and further undermine commitments made in the BPD to “facilitate, leverage and strengthen the impact of diverse sources of finance to support sustainable and inclusive development.”<sup>15</sup>

The summary findings of CIVICUS’ 2008-2011 Civil Society Index note that often policy and advocacy oriented CSOs have difficulty in attracting resources domestically and are therefore reliant on funding from abroad.<sup>16</sup> This is particularly true in low and middle income countries. Of course, foreign funding leaves civil society groups open to the specious argument that they are the mouthpieces of their donors. However, foreign

11 Egypt: New Draft Law an Assault on Independent Groups, Human Rights Watch, 30 May 2013, <http://www.hrw.org/news/2013/05/30/egypt-new-draft-law-assault-independent-groups>

12 Indonesia NGO Law a setback for freedom of association, CIVICUS, 18 August 2013 <https://civicus.org/media-centre-129/press-releases/1822-indonesian-ngo-law-a-setback-for-freedom-of-association>

13 Another Blow for Civil Society and Dissent in Israel, CIVICUS, 14 August 2013, <http://civicus.org/media-centre-129/press-releases/1821-another-blow-for-civil-society-and-dissent-in-israel>

14 Moves to stifle civil society in Russia demand strong international action, CIVICUS, 10 August 2012, <http://www.civicus.org/media-centre-129/press-releases/1019-moves-to-stifle-civil-society-in-russia-demand-strong-international-action>

15 Para 9, The Busan Partnership for Effective Development Cooperation, November 2011. The full text is available at <http://www.oecd.org/dac/effectiveness/Busan%20partnership.pdf>

16 Bridging the gaps: Citizens, organisations and dissociation, Civil Society Index summary report: 2008-2011, CIVICUS, August 2011. The full text is available at <http://civicus.org/downloads/CSIReportSummary.pdf>





# 2

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## Moves to forcibly shut down civil society organisations without justification

CIVICUS has observed that a number of civil society organisations have been subjected to arbitrary and punitive acts, which States have attempted to justify through vague appeals to the notion of legitimacy, transparency and accountability (LTA). As a result of its longstanding work in this arena, CIVICUS acknowledges the importance of strengthening civil society accountability and transparency mechanisms. A 2010 CIVICUS report on LTA affirms that:

“Even in the hardest conditions and times, CSOs are fighting for their right to occupy more spaces in the public sphere, gain access to more financial and political resources, and increasingly influence public policies and fostering social change. This is our right. We also have an interest to use such power well, be credible on the issues, be legitimate as institutions, be accountable and trustworthy to the stakeholders (target groups, funders, volunteers and partners), be clear and understood about the actions and way we operate. This is our responsibility.”<sup>17</sup>

We recognise, encourage and support initiatives to improve transparency and accountability within the civil society sector. However, a number of governments have been forcibly dissolving and deregistering CSOs to prevent them from engaging with their constituency on sensitive areas under the guise of strengthening LTA in the sector.

Organisations in **Afghanistan, Canada, Ethiopia, the Maldives, Sudan, Tajikistan, Yemen and Zambia** have been threatened with closure on vague and subjective grounds. Such acts violate international norms protecting the right to free association and severely undermine governments’ obligation to positively engage with the broad spectrum of civil society. Moreover, States have disproportionately targeted civil society groups that engage in advocacy and report on politically sensitive issues.

Civil society organisations continue to be subjected to closures in **Afghanistan**. On 18 January 2012, at least 600 Afghan and 195 foreign civil society groups were forcibly closed. Reportedly, the groups were dissolved for failing to provide the Ministry of Finance with biannual reports detailing their activities and budget as required under the Law on NGOs. Following the closures, the Minister, Abdul Hadi Arghandiwal, stated that, “These NGOs either didn’t send us their work reports or committed other violations.” With some 1,715 Afghan and 301 foreign NGOs closed for contravening the Law on NGOs since 2001, persistent concerns remain that the Afghan authorities continue to arbitrarily dissolve CSO without due diligence.<sup>18</sup>

In **Canada**, the conservative government headed by Prime Minister Stephen Harper has taken a number of overt steps to undermine opposition to its policies from Canadian civil society.<sup>19</sup> The government, in an attempt to disempower and marginalise civil society groups working on sensitive issues, has actively sought to revoke the charitable status of a number of independent civil society groups. The CSO, Rights and Democracy, a prominent human rights organisation created by a 1998 Act of Parliament, was forced to close its offices in 2012 after undergoing a forensic audit. The audit was initiated after Rights and Democracy’s President, Rémy Beaugard, was falsely accused of meeting with ‘terrorists’ during an official summit in the Middle East attended by several Lebanese government officials. In 2012 and 2013, several environmental organisations including Tides Canada, Canadian Mennonite magazine, Physicians for Global Survival and Environmental Defence, have also been threatened with deregistration by the Canadian Revenue Agency (CRA) for engaging in excessive political activities.<sup>20</sup>

17 Turning Principles into Practice: A Guide to Legitimacy Transparency and Accountability, CIVICUS, August 2010. The full text is available at <http://lta.civicus.org/download/Turning%20principles%20in%20practice.pdf>

18 NGO Law Monitor: Afghanistan, The international Center for Not-for-Profit Law, 14 May 2013, <http://www.icnl.org/research/monitor/afghanistan.html>

19 C Pegus, Canada: Selling out civil society too?, CIVICUS, 21 May 2013, <http://blogs.civicus.org/civicus/2013/05/21/canada-sell-ing-out-civil-society-too/>

20 P Elaidis, N Skuce and F Reilly-King, ‘Silencing Voices and Dissent in Canada’ in the State of Civil Society 2013, CIVICUS, April 2013,

In **Ethiopia**, as part of the government's campaign to curtail support for and coverage of widespread protests by Muslim groups that began in early 2012 demanding autonomy in religious affairs, the Ethiopian Charities and Societies Agency revoked the licences of three CSOs engaged in religious affairs. The organisations, including One Euro, the Islamic Cultural and Research Centre and Gohe Child, Youth and Women Development were forced to discontinue their work for supposedly undertaking 'illegal religious activities' and contravening provisions of the 2009 Charities and Societies Proclamation (CSO Proclamation) in February 2013.<sup>21</sup>

In the **Maldives**, as part of President Mohamed Waheed Hassan's ongoing crackdown on civic and political activism in the run up to September 2013 elections, the ruling coalition took unwarranted steps to curtail the legitimate activities of the civil society groups in the country. On 18 March 2013, the Minister of State for Home Affairs (Registrar of NGOs), Abdulla Mohamed, issued a notice that the Ministry would dissolve approximately 70% of the legally registered NGOs in the country for allegedly failing to adhere to reporting requirements and to elect executive committees. The Minister's decision to forcibly dissolve 1300 of 1853 of the country's civil society groups for noncompliance with reporting and governance requirements has been criticised as a clear contravention of the government's responsibility to ensure judicial oversight by an independent and impartial court of any executive decision to shut down NGOs under the Maldivian Constitution.<sup>22</sup>

In **Sudan**, in an apparent attempt to quell continued anti-austerity demonstrations, the government has imposed severe restrictions on civil society groups under the guise of protecting national security. In December 2012 alone, Sudanese authorities forcibly shut down two prominent civil society groups. These organisations include the Sudanese Studies Centre, which promotes democratisation and the Khatim Adlan Centre for Enlightenment (KACE), an organisation dedicated to promoting democracy through multiculturalism. It is clear that these groups have been targeted on ideological grounds.<sup>23</sup>

The **UN Special Rapporteur on the rights to freedom of peaceful assembly and of association**, Maina Kiai, in his second annual report to the UN Human Rights Council in 2013 highlighted the growing tendency of governments to invoke calls for greater CSO transparency and accountability as a tool to silence dissent groups, concluding the following:

"The transparency and accountability argument has, in some other cases, been used to exert extensive scrutiny over the internal affairs of associations, as a way of intimidation and harassment. The Special Rapporteur warns against frequent, onerous and bureaucratic reporting requirements, which can eventually unduly obstruct the legitimate work carried out by associations. Controls need therefore to be fair, objective and non-discriminatory, and not be used as a pretext to silence critics. Composition of the supervisory body also needs to be independent from the executive power to ensure its decisions are not arbitrary. The Special Rapporteur is of the view that if an association fails to comply with its reporting obligations, such minor violation of the law should not lead to the closure of the association (e.g. Belarus) or criminal prosecution of its representative (e.g. Egypt); rather, the association should be requested to promptly rectify its situation. Only this approach corresponds to the spirit and the letter of freedom of association."<sup>24</sup>

In **Tajikistan**, on 24 October 2012, a court in the City of Khujand ordered the dissolution of prominent civil society organisation, the Association of Young Lawyers "Amparo," on grounds that it failed to adhere to a number of legal and administrative obligations under the Law on Public Associations. Prosecutors cited several unsubstantiated administrative offences including claims that Amparo had changed its legal address without re-registering with the local Department of Justice and that it had created an official website in contravention of the Law on Public Associations. Amparo was subjected to an impromptu, extensive government audit just weeks after its staff presented at a conference organised by the European Union on the need to enhance monitoring of torture and excessive hazing in the Tajik army. On 15 January 2013, the Syghd Regional Court denied an appeal lodged by Amparo to overturn the City of Khujand Court's decision.<sup>25</sup>

In November 2012, the Yemeni Ministry of Social Affairs and Labour took unprecedented steps to dissolve nearly 20% of the national civil society organisations operating in **Yemen**. In an apparent attempt to intimidate

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[http://socs.civicus.org/?page\\_id=4289](http://socs.civicus.org/?page_id=4289)

21 Global body speaks out against suppression of Ethiopian media and Civil Society, CIVICUS, 19 March 2013,

<http://www.civicus.org/media-centre-129/press-releases/1503-global-body-speaks-out-against-suppression-of-ethiopian-media-and-civil-society>

22 Maldives: Stop the harassment of NGOs, CIVICUS, 5 April 2013, <http://www.civicus.org/media-centre-129/press-releases/1576-maldives-stop-the-harassment-of-ngos>

23 Sudan: End the attack on NGOs, Amnesty International, 11 January 2013, <http://www.amnesty.org/en/appeals-for-action/CrackdownOn-SudanNGOs>

24 Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, 24 April 2013, [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.39\\_EN.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.39_EN.pdf)

25 Tajikistan: Utmost concern about the arbitrary closure of the human rights NGO "Amparo", OMCT, 30 January 2013, <http://www.omct.org/human-rights-defenders/urgent-interventions/tajikistan/2013/01/d22143/>

and control the country's civil society sector, the government delisted at least 2,000 of the country's registered 10,000 civil society organisations, including foundations, associations, syndicates and federations. The decision to dissolve these organisations was based on the purported need to strengthen and improve civil society organisations in the country. The groups were deregistered without prior notification and based on the government's assessment that they had either failed to effectively implement their prescribed activities or realise their mandate.<sup>26</sup>

In **Zambia**, the threat to deregister has been used as an intimidation tool against vocal CSOs. In December, 2012 the Foundation for Democratic Process (FODEP), a non-governmental organisation dedicating to promoting and strengthening democratic governance was notified by the Office of Registrar of Societies that their registration would be discontinued in 28 days. This decision, which was later rescinded following significant international opposition, was based on several unfounded allegations of organisational misconduct including "pursuing objectives contrary to the objectives for which [FODEP] was formed" and "failing to furnish [the Office of Registrar of Societies] of such duly audited accounts".<sup>27</sup>

In many instances, pretexts of failure to comply with onerous reporting obligations and the commission of minor legal infractions continue to be used as a tool for officials to harass outspoken CSOs that challenge governments on their performance.

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<sup>26</sup> F Darem, Yemen aims to improve NGO sector through regulation and guidance, Al-Shorfa, 5 November 2012, [http://al-shorfa.com/en\\_GB/articles/meji/features/2012/11/05/feature-01](http://al-shorfa.com/en_GB/articles/meji/features/2012/11/05/feature-01)

<sup>27</sup> CIVICUS urges Zambia to guarantee an enabling environment for Civil Society, CIVICUS, 8 February 2013, [www.civicus.org/news-and-resources-127/1327-civicus-urges-zambia-to-guarantee-an-enabling-environment-for-civil-society](http://www.civicus.org/news-and-resources-127/1327-civicus-urges-zambia-to-guarantee-an-enabling-environment-for-civil-society). It is worth noting that this decision was rescinded after international pressure

# 3

## Targeted assassination of civil society activists

In 2012, the assassination of civil society activists perpetrated by both State and non-State actors continued with impunity. CIVICUS is alarmed at reports of targeted murders of civil society members in **Brazil, Cambodia, Cameroon, Colombia, Costa Rica, Guatemala, Honduras, Pakistan, and the Philippines**. The death of one activist is one too many. Of critical concern are the near endemic levels of violence committed against land, indigenous and environmental activists in Southeast Asia and South and Central America. By some estimates, nearly two social and environmental activists were murdered each in week in 2012.<sup>28</sup> Many of those killed were targeted for advocating for greater transparency in the extractive industry. Worryingly, perpetrators of such acts, including law enforcement officials, State-supported militias and members of rebel groups were rarely apprehended and in many instances, afforded protection by the State.

With 32 rural activists reportedly murdered in 2012, Brazil remains one of the most dangerous places in the world to be a human rights defender.<sup>29</sup> In June 2012, during the United Nations Conference on Sustainable Development (Rio+20 Conference) Brazilian environmental activists, Almir Nogueira and João Luiz Telles, were murdered near their village on Guanabara Bay, 84 km north of Rio de Janeiro. Nogueira and Telles were leading members of AHOMAR, an association of fisherfolk, which works to combat the social and environmental impact of big industries, and actively campaigned against the excessive pollution of Guanabara Bay which serves as their primary source of livelihood.<sup>30</sup>

In **Cambodia**, several independent journalists and civil society activists have been attacked and murdered for their role in investigating environmental mismanagement and forced evictions. In April 2012, environmental activist and founder of the National Resource Protection Group, Chut Wutty, was shot and killed by members of the military police while researching alleged illegal logging and land seizures in Koh Kong Province. Investigations into his death have been marred by inconsistencies and government interference.<sup>31</sup>

In **Cameroon**, threats and attacks against activists working to defend the rights of the country's lesbian, gay, bisexual, transgender and intersex (LGBTI) community remain rampant. On 15 July 2013, the body of prominent Cameroonian gay rights activist Eric Lembembe was discovered in his home in the capital, Yaounde with signs of torture. Just two weeks before his murder, Lembembe was appointed director of the Cameroonian Foundation for AIDS (CAMFAIDS), a Yaounde-based advocacy organisation which fights against AIDS and for the rights of LGBTI people.<sup>32</sup>

According to national reports, January to June 2013 was the deadliest six months for activists on record in **Colombia**, with at least 37 human rights defenders killed.<sup>33</sup> In July 2013, at least two environmental activists associated with peasant farmer organisation ASODECAS, were killed. On 26 July, Elmer Antonio Serna Usuga, who had recently taken part in a public rally to highlight the humanitarian crisis in the Tierralta region of Cordoba was shot and killed by unidentified assailants. Moreover, Emel Antonio Varela Tuberquia, who was also President of a local community organisation in Zaiza, Cordoba, was killed after he was shot by a group of unknown perpetrators.<sup>34</sup>

28 F Pearce, Grisly Trend: Green Activists Are Facing Deadly Dangers, Environment 360, 19 February 2013, [http://e360.yale.edu/feature/grisly\\_trend\\_green\\_activists\\_are\\_facing\\_deadly\\_dangers/2620](http://e360.yale.edu/feature/grisly_trend_green_activists_are_facing_deadly_dangers/2620)

29 Two convicted of Amazon activists' murders, The Guardian, 5 April 2013, <http://www.theguardian.com/environment/2013/apr/05/amazon-activist-murder-trial>

30 Brazil: Killing of human rights defenders Mr Almir Nogueira de Amorim and Mr João Luiz Telles Penetra, Frontline Defenders, 27 June, 2012, <http://www.frontlinedefenders.org/node/18768>

31 Government backs jailing reckless bankers, Global Witness, 22 October 2012, <http://www.globalwitness.org/library/cambodian-court-denies-justice-family-murdered-activist-chut-wutty>

32 Cameroonian LGBTI activist found tortured to death in his home, GLAAD, 17 July 2013, <http://www.hrw.org/news/2013/07/17/process-ing-murder-eric-ohena-lembembe>

33 1st half of 2013 worst period on Colombia's record for human rights workers, Colombia Reports, 6 August 2013, <http://colombiareports.com/january-june-worst-period-on-record-for-safety-of-human-rights-workers-in-colombia/>

34 Three activists killed in one week, Justice for Colombia, 6 August 2013, <http://www.justiceforcolombia.org/news/article/1446/three-farmer-activists-killed-in-one-week>



**Front Line Defenders** in its 2013 Annual Report on Global Trends for Human Rights Defenders, highlighted:

“Alarming, the killing of human rights defenders continued across all regions. Front Line Defenders reported on 24 killings of HRDs in 2012 in a number of countries including Brazil, Burundi, Cambodia, Colombia, Guatemala, Honduras, India, Mexico, the Philippines, Somalia, South Africa, Tanzania, Thailand, and Ukraine. This number represents only the tip of the iceberg. To put things into perspective, in Somalia alone there were reports of 18 journalists killed, most of whom were targeted in retaliation for the stories they produced, which in many cases highlighted human rights violations or gave a voice to the community. In Latin America, ten HRDs lost their lives for denouncing corruption, exposing abuses by police, working on land rights, providing legal assistance, and reporting on drug cartels and the links between organised crime and corrupt government officials. The number of those killed for their work on economic, social and cultural rights increased in Asia, where ten HRDs working on indigenous rights, land rights, the environment, and corruption were murdered. Virtually all these killings remain unpunished, and in some cases the authorities failed even to open an investigation.”<sup>35</sup>

In **Costa Rica**, conservationists working to protect the habitats of endangered species continue to be subjected to violence and harassment perpetrated by criminal enterprises. On 30 May 2013, Jairo Mora Sandoval, a 26-year-old environmental activist and member of the Wider Caribbean Sea Turtle Conservation Network (WIDECAST) was kidnapped while patrolling Moín Beach in Limón Province. Mora, who worked extensively to protect endangered sea turtles and their nests from poachers, was discovered the following day beaten to death.<sup>36</sup>

In **Guatemala**, impunity for attacks and killings of environmental activists remained rampant. From January to August 2013, national watchdog groups have registered nearly 300 attacks against human rights defenders. Recently, on 8 April 2013, Daniel Pedro, a member of the Assembly of Peoples of Huehuetenango (ADH) and a community leader from Santa Eulalia was kidnapped in Santa Cruz Barillas. Pedro was an active campaigner against the proposed construction of a hydroelectric dam in Barillas. His body was discovered a few days later on 17 April.<sup>37</sup>

Civil society activists in **Honduras** have been targeted for advocating for more equitable and inclusive peasant land rights policies. On 22 September 2012, Antonio Trejo Cabrera, the lead lawyer for a peasant group in the Bajo Aguán Valley, the Movimiento Auténtico Reivindicador Campesino del Aguán (MARCA), was murdered after attending a wedding south of Tegucigalpa. Trejo was one of several lawyers who filed a constitutional challenge on 5 September 2012 to prevent the establishment of “special development regions” in Honduras. Trejo had previously received multiple threats in June 2011 and was detained on 21 August 2012 while taking part in a demonstration outside of the Honduras Supreme Court to highlight land disputes in the Bajo Aguán Valley.<sup>38</sup>

In **Pakistan**, aid workers and human rights defenders, particularly those seeking to protect women’s rights are facing growing insecurity and targeted assassinations by religious fundamentalists and outlawed groups. On 5 July 2012, Fareeda Kokikhel Afridi, a women’s rights activist, was killed by unidentified perpetrators as she left her house in Tehsil Jamrud Ghundi Kali for her office in Hayatabad. Afridi, who was the head of women’s rights organisation, the Society for Appraisal & Women Empowerment in Rural Areas (SAWERA), worked extensively in Pakistan’s Federally Administered Tribal Areas (FATA) to help empower women through improving female literacy and combating domestic violence.<sup>39</sup>

Extrajudicial killing and enforced disappearance of activists advocating for land rights and environmental protection have continued in the **Philippines** raising serious concerns about the government’s ability to create a safe and enabling environment for civil society in the country. On 30 June 2012, Romualdo Palispis, chair of the human rights organisation, Justice and Peace Action Group in Aurora, was shot and killed outside

<sup>35</sup> Annual Report on Global Trends for Human Rights Defenders, Front Line Defenders, 23 January 2013, <http://www.frontlinedefenders.org/node/21376>

<sup>36</sup> Costa Rican turtle defender found slain on the beach he patrolled, The New York Times, 1 June 2013, [http://dotearth.blogs.nytimes.com/2013/06/01/costa-rican-turtle-defender-found-slain-on-the-beach-he-patrolled/?\\_r=1](http://dotearth.blogs.nytimes.com/2013/06/01/costa-rican-turtle-defender-found-slain-on-the-beach-he-patrolled/?_r=1)

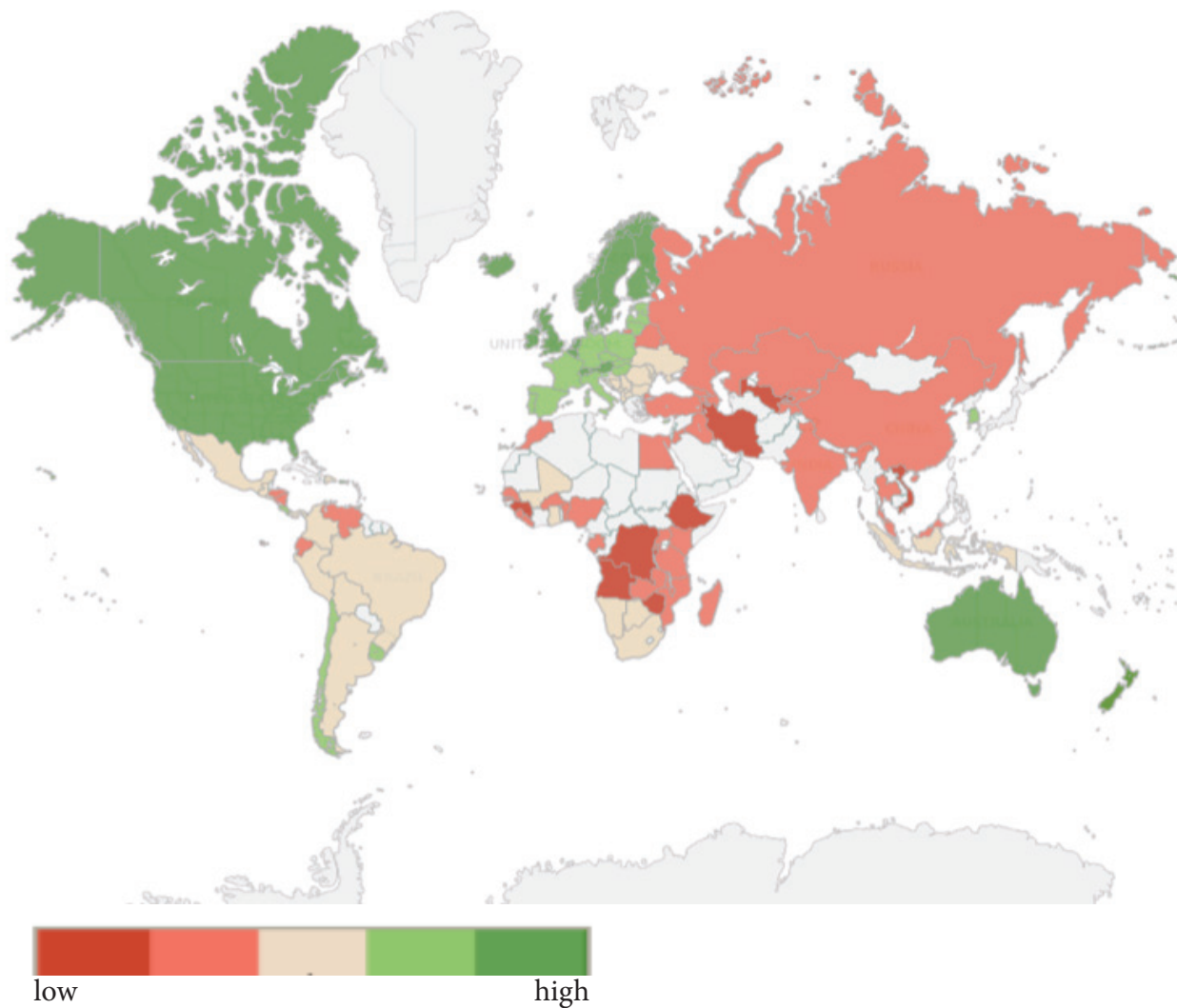
<sup>37</sup> Recent attacks on land rights activists cause alarm, Guatemala Human Rights Commission, 14 May 2013, <http://www.ghrc-usa.org/our-work/current-cases/recent-attacks-on-land-rights-activists-raise-alarm/>

<sup>38</sup> Honduras: Investigate Murder of Rights Lawyer, Human Rights Watch, 24 September 2012, <http://www.hrw.org/news/2012/09/24/honduras-investigate-murder-rights-lawyer>

<sup>39</sup> Pakistan: Women’s rights activist killed, Global Voices, 7 July 2012, <http://globalvoicesonline.org/2012/07/07/pakistan-woman-rights-activist-killed/>

of his home. Days later, on 3 July 2012, Willem Geertman, Executive Director of CSO Alay Bayan-Luzon Inc., a citizen's disaster response group in Central Luzon, was assassinated in his office compound. Both men were leaders in the campaign against corporate mining and logging and were actively engaged in mobilising opposition to the development of Aurora Province as a designated economic zone.<sup>40</sup>

The above case studies illustrate that several States are seriously failing in their duty to guarantee the lives and safety of civil society members. The State duty to protect is a critical component of an enabling environment for civil society.



*Figure: In September 2013, CIVICUS released the Enabling Environment Index which covers 109 countries. It is the first index that attempts to measure the long-term conditions affecting the potential of citizens to participate in civil society on the basis of three key dimensions: socio-economic environment, socio-cultural environment and the governance environment. The map highlights low and high scores among countries covered by the index moving from red to green. Countries not covered by the index are highlighted in grey. More information on the EEI can be found at: <http://civicus.org/what-we-do-126/2013-05-06-10-38-39>*

<sup>40</sup> Killings of activists must end in the Philippines, CIVICUS and Karapatan, 30 July 2012, <https://civicus.org/en/media-centre/press-releases/1007-killings-of-activists-must-end-in-the-philippines-civicus-and-karapatan->



# 4

## Imprisonment of civil society members to suppress their legitimate work

Since the Busan commitments, many governments have imprisoned civil society activists to prevent them from carrying out their legitimate work. Despite commitments made within the BPd to “extend protection to whistleblowers,” harassment of civil society watchdog groups for exposing government corruption and wrongdoing remains rife. CIVICUS has profiled cases of activists imprisoned because of their work and beliefs in its [Civil Society Behind Bars Campaign](#).<sup>41</sup> Reactionary attempts to stifle dissenting voices have been made in **Azerbaijan, Bahrain, Burundi, China, Saudi Arabia, Turkey, Uzbekistan and Zimbabwe**.

In **Azerbaijan**, President Ilham Aliyev’s regime has employed a number of strong-arm tactics to subdue street protests inspired by the Arab Spring. In one particular case, human rights defender, Ilham Amiraslanov was sentenced to two years in prison for possessing unauthorised firearms and ammunition on 12 September 2012 on politically-motivated charges. Amiraslanov, a member of the Kura Civil Union, has actively supported growing protests against corruption and government malfeasance in the delivering of assistance to Kura River flood victims. According to reports, his trial was marred by a number of inconsistencies including the presiding judge’s refusal to submit the testimony of key defence witnesses. While in detention Amiraslanov has also been subjected to torture and inhuman and degrading treatment, including being beaten on the head and face.<sup>42</sup>

On 16 August 2012, Manama’s Lower Criminal Court in **Bahrain** sentenced Nabeel Rajab, President of the Bahrain Centre for Human Rights (BCHR) and Director of the Gulf Centre for Human Rights, to three years in prison for “participation in an illegal gathering, calling for a march without prior notification” and “inciting others to join in illegal gatherings using social networking sites.” Mr. Rajab, who has repeatedly been subjected to judicial harassment, was already serving a three month sentence for “insulting an official authority over twitter” at the time of his August sentencing. While an appeals court reduced Mr Rajab’s sentenced to two years on 11 December 2012, it is reported that Rajab is being kept in inhumane conditions and subjected to ill-treatment at al-Jaw Central Prison and has been denied access to a doctor and medication.<sup>43</sup>

In **Burundi**, on 7 February 2012, Faustin Ndikumana, President of Words and Action for the Awakening of Conscience and the Evolution of Mindsets (PARCEM), which advocates for greater transparency and accountability in public life, was arrested and detained in response to a complaint filed by the Minister of Justice after Ndikumana held a press conference and gave radio interviews disclosing corruption within the Ministry of Justice. In July, Ndikumana was sentenced to five years in prison for making “false declarations” including disclosing that several judges had confessed to his organisation that they had been requested to pay bribes to members of the Ministry of Justice to be recruited.<sup>44</sup>

In **China**, civil society activists advocating for greater government accountability and democratic reform continue to face reprisals by State officials for exercising their fundamental rights. Prominent lawyer and human rights defender Xu Zhiyong was formally arrested and detained on 16 July 2013 on charges of “assembling a crowd to disrupt order” following several months under house arrest. Mr. Xu, founder of the now-banned CSO, ‘Open Constitution Initiative’ and member of the New Citizens’ Movement, an initiative urging public officials to disclose their wealth, has been active in the campaign calling for the release of activists and has openly campaigned for greater government transparency.<sup>45</sup>

41 Further information on the Civil Society Behind Bars campaign is available at <http://www.civicus.org/csbb>

42 Azerbaijan: Sentencing of human rights defender Mr Ilham Amiraslanov to two years imprisonment, CIVICUS, 12 September 2012, <http://www.frontlinedefenders.org/node/19827#sthash.Yz7OM2Nd.dpuf>

43 A new low in Bahrain as Nabeel Rajab is sentenced, CIVICUS, 22 August 2012, <http://www.civicus.org/media-centre-129/press-releases/1029-a-new-low-in-bahrain-as-nabeel-rajab-is-sentenced>

44 Letter to the President of Burundi, CIVICUS, 15 February 2012, <http://www.civicus.org/images/stories/resources/Letter%20to%20the%20President%20of%20Burundi.pdf>. In February 2012, Faustin Ndikumana was released on bail

45 China continues to target ‘New Citizens Movement’ with arrest of Xu Zhiyong, Freedom House, <http://www.freedomhouse.org/article/chi->

In **Saudi Arabia**, amid a growing clampdown on independent civil society activists, on 9 March 2013 two Saudi civil society activists and co-founders of the Saudi Association for Civil and Political Rights (ACPRA), Mohammad Al Qahtani and Abdullah Al Hamid, were sentenced to 10 and 11 years in prison on charges that included “breaking allegiance to the King”, “disseminating false information through foreign entities” and “forming an unlicensed organisation.” In addition to the harsh prison sentences, the judge banned Al Qahtani and Al Hamid from traveling for the same amount of time following their release and ordered the immediate dissolution of ACPRA, which reported on human rights violations in the Saudi Arabia.<sup>46</sup>

In **Turkey**, the government has continued to invoke vague and overbroad anti-terrorism laws to silence independent dissent in the country. In January 2013, nine human rights lawyers associated with the Progressive Lawyers’ Association, a non-profit organisation providing legal support to victims of rights violations, were arrested during early morning raids and committed to pre-trial detention under controversial anti-terrorism laws.<sup>47</sup> The lawyers, including Selçuk Kozağaçlı, national head of the Progressive Lawyers’ Association, and Taylan Tanay, head of its Istanbul branch, were among 85 activists arrested from the 18-21 January 2013 as part of the governments growing campaign to suppress the legitimate exercise of freedom of expression, association, and assembly in the country.<sup>48</sup>

Regrettably, arrests of civil society activists have also continued in **Uzbekistan**. In 2012, the government sought to intimidate the heads of two well respected human rights groups. On 27 September 2012, Karshi City police officers arrested Gulshan Karaeva, head of the Human Rights Society of Uzbekistan branch in Kashkadarya, and escorted her to the local police station. Karaeva, who was repeatedly subjected to physical attacks throughout 2011, was falsely charged with humiliation and defamation against two local women. In addition, on 30 September 2012, Uzbek security officials arrested Uktam Pardaev, head of the Djizakh regional department of the Independent Human Rights Society of Uzbekistan.<sup>49</sup>

In **Zimbabwe**, routine arrests of civil society activists perceived to be critical of the government remain commonplace. For instance, in the run-up to national elections held on 31 July 2013, the government of Zimbabwe conducted wide-scale raids on independent civil society groups. On 5 November 2012, the Harare office of the Counseling Services Unit (CSU), which provides counseling services to victims of political violence and torture, was raided by the police. Five CSU employees were arrested during the raids and charged under Article 46 of the criminal code for “defacing any house, building, wall, fence, lamppost, gate, elevator without the consent of the owner or occupier thereof.”

The cases of Nabeel Rajab, Faustin Ndikumana, Xu Zhiyong, Ilham Amiraslanov, Gulshan Karaeva, Uktam Pardaev, Selçuk Kozağaçlı, Said Yousif Al-Muhafdah, Mohammad Al Qahtani and Abdullah Al Hamid illustrate a few of the intimidation tactics employed to decapitate the leadership of well-established civil society organisations.

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[na-continues-target-new-citizens-movement-arrest-xu-zhiyong](#)

46 Civil Society Behind Bars: Mohammad Al Qahtani and Abdullah Al Hamid, CIVICUS, 16 July 2013, <http://civicus.org/dr-mohammed-al-qahtani-and-dr-abdullah-al-hamid>

47 At the end of May 2013, protests erupted in Taksim Square in Istanbul, which have spread rapidly throughout Turkey and are ongoing at the time of writing. President Erdogan’s government has been widely condemned for its heavy-handed tactics used to dismantle protests, with over 500 persons reportedly taken into custody within a 48 hour period in mid-June

48 Dozens arrested as Turkish police raid private addresses in Ankara, Istanbul, Russia Today, 18 June 2013, <http://rt.com/news/turkey-police-raids-arrested-864>

49 Joint submission by CIVICUS: World Alliance for Citizen Participation, Expert Working Group and ‘Fiery Hearts Club’, Submission to the UN Universal Periodic Review 16th Session of the UPR Working Group, 2 October 2012, <https://www.civicus.org/images/stories/CIVICUS%20EWG%20Fiery%20Hearts%20UPR%20for%20Uzbekistan%20Submission%2016th%20Session.pdf>

# 5

## Reprisals against CSO representatives for cooperating with UN bodies

Civil society plays a vital role in contributing to the development and realisation of human rights norms at the international level. However, attacks and reprisals perpetrated by national actors against civil society activists who cooperate with UN human rights mechanisms continue. As shown below, in **Bahrain, China, Oman, Russia, Sri Lanka, Syria and the United Arab Emirates**, national governments have utilised a number of techniques to discourage and obstruct civil society engagement with the UN ranging from smear campaigns, threats, travel bans, harassment, fines, arrest, and imprisonment.

In **Bahrain**, government reprisals against civil society members for cooperating with international bodies increased significantly in the wake of pro-democracy protests which swept the country in 2012. In September, the nationalist Al Watan newspaper published defamatory photographs of civil society activists who made interventions during Bahrain's UN Human Rights Council Universal Periodic Review (UPR), describing them as members of a 'terror cell' funded by foreign groups.<sup>50</sup> Moreover, Mohammed al-Maskati, the president of the Bahrain Youth Society for Human Rights, received a number of threatening phone calls, directly before and following delivery of a statement to the UN Human Rights Council (UNHRC) in Geneva on 13 September.

In **China**, civil society activists continue to face wanton obstruction by the authorities for attempting to cooperate with the UN human rights mechanisms. In May 2012, four human rights defenders were prevented from attending a training session organised by the CSO, Chinese Human Rights Defenders, in preparation for the 20th UNHRC Session. Among those barred from participating, included two activists prevented from flying to Geneva by the local authorities. Following their return to China, a number of participants who took part in the training reported being interrogated by security officials and the local bureau of justice.<sup>51</sup>

In **Oman**, amid the government's growing crackdown on independent dissent, Mukhtar al-Hinaei, founding member of the Omani Group for Human Rights, was arrested and imprisoned in response to his cooperation with UN bodies. In December 2012, the Appeals Court upheld al-Hinaei's six-month prison sentences on charges of attending an illegal gathering and in January 2013, the same court sustained a one-year sentence against al-Hanaie for defaming the Sultan. While in detention, al-Hinaei was reportedly frequently questioned about his role in a seminar on UN human rights mechanisms, which he attended less than two weeks before his arrest in May 2012. He was also questioned in connection with material shared with UN Special Procedures about the human rights situation in Oman.<sup>52</sup>

**The International Service for Human Rights (ISHR)**, in its 2013 Handbook on Reprisals against Human Rights Defenders, describes how:

"In recent years there has been increased concern at the threats, intimidation and reprisals experienced by human rights activists and defenders, whether at the local, regional, or international levels. Whether it be by speaking to local media, taking part in a protest march, publishing a research paper, or submitting information to the UN or regional human rights systems, raising one's voice in any context against the State or other powerful bodies can bring with it risks. This handbook focuses on reprisals suffered as a consequence of an individual's cooperation or attempted cooperation with the UN or a regional human rights body. Reprisals are often carried out by powerful State agents, such as the police, military or security forces, or the judiciary, who act to protect the State from criticism. They are also often carried out by

50 CIVICUS: Reprisals against Bahraini human rights defenders must end, CIVICUS, 22 November 2012, <https://www.civicus.org/media-centre-129/press-releases/1210-civicus-reprisals-against-bahraini-human-rights-defenders-must-end>

51 Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, United Nations Secretary General, 13 August 2012, [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-18\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-18_en.pdf)

52 Ibid

non-State agents, such as businesses, organised crime, or armed groups, whose links to the State are more or less direct, indirect, or totally absent. These abuses range from defenders having their activities unreasonably restricted and their organisations unfairly scrutinised, to being spied on or defamed, denied access to funding, or being subject to arbitrary arrest, physical violence, and death. In addition to being used punitively, reprisals often take place as a deterrent measure.”<sup>53</sup>

In **Russia**, two prominent civil society groups, Memorial and the Public Verdict Foundation were charged in May and April 2013 respectively with contravening Russia’s new NGO Law. Prosecutors claimed that these organisations which both received foreign funding, illegally engaged in “political activities” by presenting critical reports to the UN Committee Against Torture. If case against them is upheld, both groups could face severe debilitating fines.<sup>54</sup>

In **Sri Lanka**, the government has openly targeted and criticised civil society activists and groups for engaging with UN human rights mechanisms. Directly following their participation in the UN Human Rights Council’s Universal Periodic Review in November 2012, several civil society activists were falsely depicted by state-run news agencies as traitorous supporters of the separatist organisation, the Liberation Tigers of Tamil Elam (LTTE). In addition, on 23 March 2012, the Minister for Public Relations threatened to “break the limbs” of activists if they sought to return to Sri Lanka following the adoption of a UNHRC Resolution calling on the Sri Lankan government to account for violations of international humanitarian law and to further consider implementing recommendations of an inquiry into the civil war in 2009.

Amid the ongoing conflict in **Syria**, the authorities have actively sought to repress the free flow of information emanating from civil society groups within the country. On 16 February 2012, Mazen Darwish, Director of the Syrian Centre for Media and Freedom of Expression (SCM) was arrested in Damascus on politically-motivated charges including “publicising terrorist acts”, under Article 8 of the Anti-Terrorism Act. Among the activities cited by the presiding judge during Mazen’s hearing were “communicating with international organizations with the aim of having the international community condemn Syria” and “publishing studies on the human rights and media situation in Syria.” It is suspected that these offences stem from SCM’s myriad engagements UN human rights mechanisms.<sup>55</sup>

On 17 September 2012, prominent Emirati activist and member of the Human Rights Watch MENA Advisory Committee, Ahmed Mansoor, was brutally attacked in Ajman, **United Arab Emirates**, directly following his participation at the 21st Session of the UNHRC. Upon his return to Ajman, Mansoor was also subjected to a prejudicial smear campaign by national media. Several television stations and print media falsely accused Mansoor and the organisers of the UNHRC event of conspiring with the Iranian Government and attempting to foment chaos and instability in the Gulf Region. <sup>56</sup>

Civil society is a key pillar of intergovernmental systems. Worryingly, the essential role of civil society in UN processes is being severely undermined by the growing number of reprisals against activists and groups who cooperate with the UN to expose violations.

53 Handbook on Reprisals against Human Rights Defenders, The International Service for Human Rights, March 2013, [http://www.files.ishr.ch/public/ishr\\_handbook\\_web.pdf](http://www.files.ishr.ch/public/ishr_handbook_web.pdf)

54 Civil society organizations must not face reprisals from Russia – UN experts, UN Office of the High Commissioner for Human Rights, 6 June 2013, <http://www.un.org/apps/news/story.asp?NewsID=45100&#.UhlPqxWpw1>

55 Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, UN Secretary-General, 31 July 2013, [http://reliefweb.int/sites/reliefweb.int/files/resources/A-HRC-24-29\\_en.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/A-HRC-24-29_en.pdf)

56 Cut Off From the World: Systematic Reprisals Against Human Rights, Cairo Institute for Human Rights Studies (CIHRS), 12 March 2013, <http://www.cihrs.org/wp-content/uploads/2013/02/Cut-Off-From-the-World-Systematic-Reprisals-Against-Human-Rights-Defenders-in-the-Gulf-Region-for-Engaging-with-the-United-Nations.pdf>

## *Conclusion*

CSOs are essential partners of governments in development. They not only help ensure the representation of diverse voices in policy making but in many instances take responsibility for actual delivery of services. CSOs assist in finding solutions to complex development challenges. They also perform an essential watchdog function in the public sphere. Nevertheless, as the evidence generated in this report shows, they often pay a heavy price for their work.

Sadly, despite mutually agreed upon commitments within the BPd to “deepen, extend and operationalise the democratic ownership of development policies and processes” and create an “inclusive space for dialogue, mutual learning and accountability at the global level,” the promise of an enabling environment for civil society remains unfulfilled. Marginalisation of independent and vocal civil society groups, and the failure to protect them in the exercise of their rights undermines the global compact on development effectiveness.

Notably, the Busan Partnership agreement called for the establishment of an inclusive multi-stakeholder forum that maintains and strengthens political support for more effective development co-operation. The OECD and the United Nations Development Programme (UNDP) have been jointly task with developing a global monitoring framework to track progress on the commitments and actions. It is encouraging that one of the indicators in this monitoring framework assesses the extent to which civil society operates within an environment that maximises its engagement in and contribution to development.

Also, in 2013 CIVICUS launched a new tool, the Enabling Environment Index (EEI) to assess the environment for civil society globally using multi-dimensional indicators.<sup>57</sup> CIVICUS hopes that this tool will generate debate and raise awareness of the issue of the enabling environment for civil society.

As a growing range of government and nongovernmental stakeholders – including middle-income countries the private sector and civil society - join the coalition to create more effective development aid policies, it is essential that national level policies governing civil society reflect the mutually agreed objectives set out in the BPd. As the international community works to codify greater cooperation among development stakeholders, this report documents instances where governments are clamping down on civil society freedoms at the national level. CSOs value and endorse the commitments made at the 4th High Level Forum on Aid and Development Effectiveness. We only wish that governments understood the value of their promises too.

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<sup>57</sup> The EEI measures conditions that affect the capacity of citizens (whether individually or collectively) to participate and engage in civil society. CIVICUS includes nonorganised forms of civil society as well as civil society organisations in the EEI. The EEI uses the capability approach, which emphasises the underlying conditions that make individuals ‘capable’ of fulfilling their own goals. Therefore, the EEI does not only measure the governance and policy factors that directly affect civil society, but it also looks at the socio-economic and socio-cultural conditions. Further information is available at <http://www.civicus.org/eei>





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