

AUGUST

YEAR IN REVIEW

MYANMAR: Sustained military violence against the Rohingya people led to a major humanitarian crisis.

ANGOLA: Civil society saw grounds for cautious optimism when President José Eduardo dos Santos stepped down after 38 years in power.



ETHIOPIA: A 10-month state of emergency came to an end, but civil society continued to face many restrictions.

HONG KONG: Tens of thousands protested against the jailing of three young pro-democracy activists, leaders of 2014's 'umbrella movement'.

TOGO: Several people were killed in protests for political change and constitutional reform.



MEXICO: The assassination of journalist Cándido Ríos emphasised the deadly threat for Mexico's media workers.

NICARAGUA: By August, community groups had held more than 90 protests against the planned Inter-Oceanic Canal project.

LATIN AMERICA AND THE CARIBBEAN: Civil society had to threaten to walk out of negotiations on a regional treaty on environmental rights, in order to ensure that fundamental rights were protected.

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August saw civil society win gains in women's rights in the Middle East and North Africa. Following years of civil society advocacy in Lebanon, a law that allowed rapists to escape prosecution by marrying their victims was **repealed**. Jordan's parliament **voted** to repeal a similar law in August, while another such law was **overturned** in **Tunisia** the month before, suggesting that momentum was building. Vanuatu also took a small step forward when acting Prime Minister Joe Natuman signed an **order** to implement its access to information law, passed in 2016 but not implemented.

However, a **potential new law** in Tajikistan raised civil society concerns: CSOs contacted the Ministry of Justice to ask that they be represented in the working group drafting a proposed law on non-commercial organisations, given fears that any new law could be used to further restrict CSOs. Despite the lack of opportunities for civil society input, the Ministry responded that the draft law had already moved forward.

Ethiopia's state of emergency, in effect since October 2016, finally came to an end in August, but civil society continued to face many restrictions, and conflict increasingly took an ethnic turn. **Angolan elections** resulted in a clear victory for the ruling party, which has been in power since Angola gained independence in 1975, but at least offered the novelty of a new president after 38 years, giving civil society cautious grounds for optimism. In Rwanda, elections resulted in a predictable landslide and third term for President Paul Kagame, a 2015 constitutional change having removed the two-term limit. Although his victory was assured, **ahead of the election** several independent candidates were disqualified or experienced intimidation, and opposition rallies were prevented or severely limited. Following the election, disqualified candidate Diane Rigwara was detained on tax evasion charges and threatened with the **seizure and sale** of her assets. This came as part of an evident post-victory **crackdown** that saw several people who had opposed the ruling party harassed, arrested or disappeared. Another of the banned candidates, Gilbert Mwenedata, fled the country, fearing detention.

Thousands marched on the streets of Hong Kong following the jailing of three young pro-democracy activists, but Hong Kong's democracy movement continued to face a formidable foe in the government of China. Rare **spontaneous protests** broke out outside the Supreme Court of Uzbekistan, as a crowd of several hundred people, angered at the long wait for appointments, **broke down** the Court's gates. Eyewitnesses confirmed the reports, even as the government denied them. Chile saw **several protests** during August, including by students opposing proposed education changes, and against abuses of indigenous peoples' rights. There were violent clashes and arrests. Unemployed **nurses and teachers** protested in Accra, capital of Ghana, about the lack of jobs for trained professionals. Earlier in the year, Ghana saw protests on issues such as utility costs and corruption. A two-day **workers' protest** over pay and conditions also took place in Guyana. Nicaragua experienced its latest in a series of **protests against a planned canal development** that would displace vast numbers of people.

An opposition protest involving over half a million people in Guinea saw **Thierno Hamidou Diallo** shot dead by police forces, apparently while sitting peacefully outside his home. Twelve other people were wounded. The protest was one of several in which opposition supporters called for the holding of much-delayed local elections, which were eventually scheduled to be held in February 2018. More people were **killed** during protests in September and October, highlighting the frequent use of live ammunition by police.

Several people were killed during **protests seeking constitutional reform in Togo**. In Morocco, protester **Imad El Attabi** died due to head injuries sustained in a protest, reportedly having been struck by a teargas canister. Protests started in Morocco's Rif region in October 2016 when **Mouhcine Fikri**, a fish seller, was crushed to death in a rubbish bin while trying to retrieve his stock, which had been confiscated by the police. Protests called attention to the marginalisation of the region and its indigenous community, and the lack of development and economic opportunities, and demanded the release of political prisoners. The state's response was repressive: over

the course of the protests, **hundreds of people** were arrested and detained, with protest leader Nasser Zefzafi held in sustained solitary confinement, and reports of torture, forced confession and other forms of ill treatment of those detained. At the end of 2017, it was reported that **over 400 people** remained in detention over the protests.

A far-right, white supremacist **rally** in Charlottesville, Virginia, USA, ended in sad and predictable bloodshed. The far-right protest formed around the removal of a statue of a Confederate leader. A sizeable counter-protest mobilised, and the atmosphere grew increasingly tense. After violence broke out when far-right supporters marched chanting Nazi slogans, the rally was banned. Following this, rights activist Heather D Heyer paid with her life when a man drove his car into a crowd of counter-protesters, killing her and injuring 19 others. President Trump was widely criticised for remarks in which he condemned hatred and violence on many sides, implying an equivalency between activism for human rights and support for Neo-Nazi ideology. The political and racial climate in the USA continued to be polarised, typified by the controversy over the **'take a knee'** protests in the following months, in which sports stars refused to stand during the playing of the national anthem to oppose police brutality and racism. President Trump's vigorous and divisive condemnation of the take a knee protests only fuelled the flames. Macedonia also continued to be blighted by xenophobic political speech – associated with the former ruling party in particular – and hate crimes. In August, a TV crew was **attacked** while trying to report on a petition against the construction of migrant camps.

Hundreds of refugees and asylum seekers being held in an Australian government facility on Manus Island, Papua New Guinea, began sustained **protests** after their electricity and water supplies were cut off in an attempt to force them out. The closure of the centre was ordered by the Papua New Guinea Supreme Court in 2016, and it was eventually closed in October, but inmates were reluctant to leave, fearing that they would be moved to a location more vulnerable to xenophobic attacks from the local population. The last inmates were **forcibly removed** by the police in November.

A humanitarian and human rights crisis began to unfold in Myanmar and Bangladesh, when Myanmar's **minority Rohingya population** was targeted in a systematic campaign of violence, causing hundreds of thousands of people to flee across the border. The ongoing Syrian conflict saw attacks on civil society, including humanitarian workers, human rights defenders and journalists, throughout 2017. In August, the offices of the **Violations Documentation Centre** in Douma, east Syria, were attacked by a group of around 100 supporters of the Islamic Army. Staff were assaulted, the office was destroyed and equipment and papers were stolen. The Centre, which documents human rights violations committed under the Syrian conflict, previously experienced attacks. The same month, 21 attacks against journalists and media workers were documented, suggesting that, if anything, journalists were coming under repeated threat even as the conflict was supposedly becoming less severe. By the end of the year, the Syrian Network for Human Rights **reported** that 42 media workers had been killed, 47 injured and 93 arrested or abducted.

Attacks on humanitarian workers continued in the Central African Republic, where six **Red Cross volunteers** were among 50 people killed in a militia attack on a hospital in the town of Gambo. With an estimated **80 per cent** of the country controlled by armed groups, increasing risks forced humanitarian agencies to pull out of some areas: in July, Médecins Sans Frontières (MSF) was forced to **withdraw** from the town of Zemlo after an armed militia attack. But with around half of the population dependent on humanitarian aid, the consequences threatened to be devastating: the withdrawal of humanitarian agencies from the town of Kaga-Bandoro was reported to have left around 25,000 internally displaced persons without help. The dire situation in the Central African Republic, as in Myanmar and Syria, highlighted the continuing need for civil society to work with the UN system to challenge impunity for crimes against humanity. Later in the year, a coalition of 28 CSOs **called** on the UN to strengthen the UN Mission in Central Africa and make the protection of civilians its main task.

Humanitarian response was challenged by the scale of devastation wrought by **floods** in Bangladesh, India and Nepal, where the worst rains in living memory caused **over 1,200 deaths** and impacted on an estimated **45 million people**. Humanitarian work also became harder in the Mediterranean Sea, where three CSOs were forced to **suspend** migrant rescue operations because of increasing hostility from Libyan forces, who have opened fire on their ships.

Argentinian activist **Santiago Maldonado** went missing after a Mapuche indigenous community protest was broken up with rubber bullets, forcing activists to run towards a river. His disappearance provoked widespread speculation that he had been detained, and led to a protest by several thousand people demanding answers about his disappearance. That protest was also met with heavy-handed response, leading to around 30 arrests, including of three journalists reporting on the protest, and several injuries. It was one of several protests that took place before Santiago's body was found in **October**. An autopsy concluded he had died by drowning, with no signs of external injuries. There was, however, continuing **disbelief** at the official finding that no violence was involved in Santiago's death.

Within five weeks in July and August, **three journalists** were arrested in Puntland and Somaliland, all apparently for expressing critical views on social media. Ahmed Ali Kilwe was arrested on 2 July and held for two weeks, after criticising the president of Puntland and his use of public funds. On 8 July Omar Ali Hassan Serbiya was arrested in Somaliland for posts alleged to have threatened Somaliland's "security and stability." And on 6 August Omar Saeed Mohammed was arrested in Puntland and held incommunicado until his release on bail on 12 August. Again, he alleged presidential involvement in corruption. In Mexico, the deadly risks faced by journalists were emphasised in August, when **Cándido Rios became the country's 10th journalist to be assassinated** in 2017. The government of Israel, meanwhile, unusually followed in the footsteps of Saudi Arabia (*see June*) when it **announced** its intention to close down Al Jazeera's Jerusalem operations and withdraw press credentials from its journalists, in another clear attack on media freedom.

Norwegian authorities boarded Greenpeace ship **Arctic Sunrise** and arrested its crew as they protested against oil drilling in the Barents Sea. The crew were held for four days and fined. Greenpeace Norway claimed that coastguards acted unlawfully in boarding the ship. At the international level, civil society participating in talks to develop an environmental rights treaty in Latin America and the Caribbean had to **threaten to walk out of negotiations**, fearing that some states were using the process to water down rights commitments.

MYANMAR: GROSS HUMAN RIGHTS VIOLATIONS DEMAND INTERNATIONAL COMMITMENT

Myanmar's long-persecuted Rohingya minority were tipped into a full-blown humanitarian and human rights crisis in August. An armed attack by a Rohingya insurgent group brought the response of a prolonged, violent and hugely disproportionate military crackdown, causing over half a million people to flee their homes in Rakhine State. The government of Myanmar blocked access to Rakhine State by international civil society and media, trying to prevent the world knowing the crimes against humanity being committed, although courageous activists took personal risks to expose systematic rights abuses. The events made the plight of Myanmar's long-oppressed Rohingya people impossible to ignore and provoked widespread anger at the actions of Myanmar's government, which had enjoyed much international goodwill since the return of democracy. The crisis also forced civil society to confront questions about its ability to respond: while civil society scrambled to provide essential **humanitarian support** on insufficient resources, domestic civil society groups faced criticism for apparent failures to condemn the crimes.

Susannah Sirkin of Physicians for Human Rights (PHR) describes the dire situation that hundreds of thousands of Rohingya people found themselves in during 2017, with persecution ongoing in Rakhine State and living conditions **insecure** for those who fled to Bangladesh:

Essentially, the world has witnessed the virtual destruction of a culture, a community and a portion of the Burmese population... What we have witnessed over the past six months – although this has been building up for years – is what the UN High Commissioner for Human Rights has referred to as possible genocide, and what most organisations concerned with international law and human rights have denounced as crimes against humanity. Dozens of Rohingya villages have been burnt to the ground, forcing people to flee on long journeys through the jungle to reach a very precarious situation in Bangladesh. There have also been very serious reports of mass rapes of women and girls, as well as killings of babies and young children. The situation couldn't be worse on any count.

In Bangladesh, refugees are living in incredibly overcrowded, under-resourced and dangerous camps. It's hardly fair to even call them 'camps', although the situation has improved a little over the past couple of months. More than 620,000 Rohingya people, about half the population, fled Rakhine state, and they have nowhere else to go. So they are forced to stay on a very small piece of land in one of the poorest and already most densely populated countries in the world. There have been outbreaks of infectious diseases, and given the problems of overcrowding and lack of basic hygiene and sanitation, it is possible for infectious diseases to spread rapidly and with lethal results... We've seen reports of outbreaks of diphtheria, and there are fears of a cholera epidemic.

While the scale of what happened in 2017 was shocking, it was not entirely unpredictable. Myanmar's Rohingya people have a sad history of being



Rohingya women find safe haven in 'Widow's Village', a refugee settlement in Bangladesh where no men are allowed

Credit: Getty Images

denied rights, including not being recognised as citizens of their own country. Years of exclusion and victimisation can be seen to have built to this point, as Susannah continues:

There's a long history of discrimination and persecution of minority groups in Myanmar, not only of the Rohingya minority. Historically, it has been a problem for people who are not Burmese to live in Myanmar. There is a hyper-nationalist strain among both the population and the country's leadership and, on top of this, the country lived for decades under a military dictatorship that persecuted not only the political opposition but also ethnic and religious minorities.

The Rohingya, a Muslim minority in a Buddhist majority country, have long been deprived of their citizenship and treated as if they were illegal immigrants from Bangladesh. Many Rohingya have lived in Rakhine State for several generations and belong in Myanmar as much as anybody else. However, in the latest census they were not counted among Burmese minorities but rather as foreigners lacking the protections that citizens receive under the law.

The idea that a certain group does not belong in a country is instrumental in enabling discrimination and persecution against it. Violent actions had long been encouraged by racist and anti-Muslim rhetoric, fuelled by a few very charismatic Buddhist monks who have much influence with the population.

The crisis forced some questioning about the workings of the aid industry, and whether civil society could have done more and acted sooner to work against repression and prevent human rights abuses. Following the end of military rule and the restoration of democracy in 2015, vast amounts of **official development assistance** (ODA) poured into Myanmar, much of it to develop institutions and infrastructure, including of governance. It seems fair to ask whether donor money could have done more to strengthen human

rights institutions and oversight, and help realise the rights of Rohingya people, or whether considerations of gaining access to natural resources and developing business opportunities were greater priorities.

As military rule gave way to democracy, international CSOs, once excluded, were able to expand into Myanmar, and domestic CSOs began to spring up. But while **international CSOs** were quick to condemn the attacks, call attention to the crisis and mobilise support, domestic CSOs largely failed to speak out to condemn the actions of their military, with some **honourable exceptions**. This raised the difficult question of whether, in **repressive conditions**, Myanmar's civil society was largely silent because of self-censorship fuelled by fear, or whether there were elements in civil society that agreed with widely-shared sentiments of racism and religious nationalism. Susannah suggests that self-censorship was a key challenge:

*The situation is compounded by the denial of human rights on multiple levels. We have recently seen a frightening crackdown on the **freedom of expression**, and for some time the area in northern Rakhine State has been closed off to journalists. For some years now, it has been very difficult for humanitarian aid to reach the area. When a government shuts down access, one can only fear the worst, because it strongly suggests that they are trying to hide something.*

There have been efforts by very courageous individuals and organisations inside Myanmar, especially those representing minority groups, as well as human rights and humanitarian organisations. But it is extremely dangerous, if not impossible, to be an independent civil society voice inside Myanmar right now. For the Rohingya in Rakhine State, speaking up means sure death. Unfortunately, even the most courageous members of civil society have been silenced by persecution.

International CSOs and agencies also faced major barriers in trying to respond; international CSOs were **prevented** from accessing conflict areas, and in

September the government **blocked** UN agencies from delivering essential aid and UN human rights experts from access. These challenges remained over time, with the continuing lack of humanitarian and media access to Rakhine State an issue highlighted by **Surakiart Sathirathai**, head of a board tasked with advising on the implementation of the recommendations of the independent **Advisory Commission on Rakhine State**. **Phil Lynch** of **ISHR** also points out that while the UNHRC tried to act on Myanmar, it found the government unwilling to cooperate:

The UNHRC established a fact-finding mission at its 34th session in March, extended the mandate of that mission at its 36th session in September, and then convened a special session on the situation in December. The special session was significant, with the call initiated by Bangladesh with strong support from other members of the Organisation of Islamic Cooperation – states better known for championing principles of sovereignty and non-interference than those of accountability and justice. It remains to be seen, however, whether this is a posture particular to the ethnic and religious dynamics of the situation.

To date, the government of Myanmar has refused to cooperate with the fact-finding mission, demonstrating the need for such mechanisms to be complemented and supported by other actors with leverage, such as states and multinational enterprises with business, trade and investment interests in the country.

Susannah further describes the problems encountered by the international community in trying to access Rakhine State, in comparison to civil society's ability to access refugees in Bangladesh:

The number one challenge is that international human rights groups can't get into Myanmar. It is therefore extremely difficult to do what we are supposed to do: properly and independently document and assess the facts inside the country where the crimes have occurred.



More than 620,000 Rohingya people were forced to flee Rakhine State, with many of them seeking shelter in Bangladesh

Credit: Getty Images

As we lack access to Myanmar, we instead documented what has happened to people by interviewing them in Bangladesh. Thankfully, human rights groups and humanitarian organisations have had access to refugee camps, and this has been critical to documenting and reporting the plight of the Rohingya and their current humanitarian situation.

Doing this in the middle of a huge humanitarian crisis poses specific challenges. We are basically interviewing survivors who are desperately in need of trauma recovery, medical care, shelter, food, water, sanitation and information about their missing family members. We have interviewed people who lost everybody in their families and are the sole survivors: people who have seen their homes burned to the ground, who had family members raped and shot dead, who were shot at even while crossing the river to get to Bangladesh. Documenting these kinds of human rights violations is certainly challenging for the person that is being interviewed, but it is also challenging for the one doing the reporting, because the need is so intense and the trauma is so acute.

Much international attention focused on the failure to act of ruling party head and Nobel Peace Prize laureate Aung San Suu Kyi. Many who looked to her for moral leadership were angered by her silence, and the complicity this implies. Late 2017 saw Suu Kyi **stripped** of many of the honours she had been awarded for her leadership of Myanmar's democracy movement, and facing calls for her Nobel Peace Prize to be rescinded. This suggests one way in which individuals, who might feel appalled but helpless, could act and bring moral pressure to bear. Susannah also calls for pressure on Suu Kyi to act:

There have been high expectations regarding the role of Aung San Suu Kyi, and her apparent lack of concern and acknowledgment of what her government has been doing have been very concerning. We need to understand that she has limited control over the country's

military forces enacting the brutal campaign against the Rohingya. However, the international community needs to send Suu Kyi a strong message, since so much of the Burmese population views her as a leader and a hero, and her voice could change the tenor of this crisis – it could turn the population away from prejudice, discrimination and persecution of the Rohingya and other minorities.

With the crisis ongoing, there is a need to ask what the international community, and particularly international civil society, can do to help. Susannah suggests that both humanitarian response and work to hold the perpetrators of gross human rights violations to account are needed:

First, what most urgently requires a response from global governments is the humanitarian crisis unfolding on the ground in Bangladesh, to meet the most desperate needs of refugees.

Second, there is a need for governments of the most powerful countries with influence on the Myanmar government, including China, which has consistently supported the government, to exert pressure so Myanmar immediately stops persecuting this population and gives them the citizenship and associated guarantees they are due.

*Third, there needs to be credible efforts to establish accountability and justice. This is critical, given the seriousness of the crimes that have been committed. Unfortunately, efforts to refer the crimes in Myanmar to the **ICC** for assessment have been blocked by China, among others.*

This will not be an easy crisis to solve. Global politics are not looking particularly good at the moment. World leaders and the UN Security Council have many other crises to deal with, including the North Korea situation, Iran, Syria, Yemen and South Sudan. Many of us are worried that people are going to forget about this particular crisis unfolding in a remote part of the world, so it is vital to continue to call attention to

serious human rights abuses and not let the world forget that this is an ongoing humanitarian crisis. The long-term solution to this crisis will require continuous surveillance, reporting and action by UN bodies, regional organisations, individual governments and civil society.

ANGOLA: CAUTIOUS OPTIMISM FOR CIVIL SOCIETY AFTER CHANGE AT THE TOP

August brought a change at the top in **Angola**, when after a staggering 38 years in power, President José Eduardo dos Santos stepped down at the election, to be replaced by João Lourenço. President dos Santos' rule was characterised by close control of the nation's oil wealth, to the benefit of his family and the ruling elite, which necessitated a tight grip on civil society to prevent it exposing corruption and demanding a fairer distribution of oil riches.

The repression of civil society could be observed in the run-up to the election, which brought **numerous violations** of the freedoms of assembly and expression, including the suspension of two TV channels after airing programmes critical of the ruling regime, and a rising security force presence in two areas with autonomy movements. Riot police violently dispersed autonomy demonstrations in June, leaving one person dead and detaining over 70 people, and in August, the government **banned** protests by activists and organisations not standing in the election.

While the return of the party that has ruled Angola since independence was a formality, the election of a new president seems to offer some prospect to move on from the worst excesses of the dos Santos regime. Activist and rapper **Luaty Beirão** was one of a group of **young activists** arrested in 2015 for taking part in a discussion about a book on liberation. Along with other

members of the group, Luaty was detained, mistreated and found guilty of rebellion in an unfair trial, resulting in him spending a year in prison. Having seen the old regime at its most threatening, he describes the sense of cautious optimism among civil society after the change of president, which was followed by some unravelling of the webs of corruption and privilege the ruling family had grown accustomed to enjoying:

2017 was a very interesting year for us. After six years of struggle aimed at our president – who, when we started had been in power for 32 years, and in 2017 marked 38 years in power – he finally did not run for the presidency again. So we have a new presidency for the first time. I was born under dos Santos, and finally I have a second president.

*It's the same regime and the same party that has been in power for 42 years, so we were not expecting the new president to act against his predecessors. What dos Santos did towards the end of his mandate was put his family, especially his children, in very sensitive positions in our economy. His daughter **Isabel dos Santos** was chair of the national oil company, Sonangol, and his son José Filomeno dos Santos managed the US\$5 billion sovereign wealth fund. We did not expect the new president to move so swiftly, but within 90 days he'd sacked Isabel dos Santos and got José Filomeno dos Santos under control: he should not last much longer because he was implicated in the **Panama Papers** scandal. Two other children – Welwitschia and José Paulino dos Santos – were in charge of private companies, Westside and Semba Comunicações, which had a state contract of US\$30 million to run public TV service Channel 2. But now they have lost the contract and Semba Comunicações has closed its doors.*

The new president is also giving some space for judicial and state investigators to see how public money was used. Some cases are starting to arise, including some that touch the former president's

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family interests. Isabel dos Santos, the richest woman in Africa, is also being sued abroad. Things are starting to catch up with them really quickly. It is interesting to see the new president giving this space, although it might come back to bite him: he cannot be clean because he has been in government for so many years.

For a civil society used to either taking an oppositional stance, at great personal risk, or practising self-censorship to avoid danger, changes under the new president may imply some need to shift tactics. Luaty outlines how civil society has changed tack, as well as the sheer relief that he and other activists feel at no longer being forced to confront power head on:

For us, there are signs of hope, and a sign that the new president's intentions are apparently good. We should give him the benefit of the doubt.

In 2011, we decided that confrontation was the only way to go, because if we tried to do small projects on the side, they would only come and shut us down. We decided that to get our ideas working, we first needed to liberate ourselves from totalitarian rule.

Now that the old president has gone and the new president is showing some openness, we want to explore this, to see how far this openness reaches. So instead of looking for confrontation, as we had to do in the past, we have started proposing ideas, especially on social networks. To show himself as more democratic and open to modern society, the new president has official accounts on Facebook and Twitter, as do the Minister of Communication and the Governor of Luanda. So we know they are reading our comments and they know we are not just there to be critical, and that we want to give them the benefit of the doubt. We have things we want to propose and see how they react to them, so we are testing them. I hope this interesting phase we're now in will shift us away from the need to be confrontational that we had before.

Even huge opponents of the old regime are applauding some of the new president's initiatives. Hope is rising in Angola. We hope he is wise enough to keep it going longer. I hope he takes in all this positive energy and finds it contagious and carries on going.

We want to not have to be constantly fighting and going against the powers that be. It's exhausting, especially when you get beaten up, you get stitches in your head, you have to spend a year in prison. I

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would really love to shift my activism. I just want to feel like an active citizen. I want to carry on sharing my thoughts and ideas without being conflictual the whole time.

But we are not just waiting with our arms crossed. We are encouraging reform initiatives and showing this government that we are ready to back its actions if they are going to have positive repercussions in changing how our lives were limited from 1975 to 2017.

Experience tells civil society that when windows of opportunity open, they may not last for long. There must be a danger that the current cautious optimism is disappointed and reforms falter as established interests reassert themselves. We asked Luaty what the government could do next to indicate it is serious about reform:

We are not expecting the new president to transform the country in two days, but want him to show he is willing to listen and put into practice other people's ideas, to experiment and open up... There are many simple things that can be done, and small steps that keep hope alive. We want to carry on believing. We don't want to be disillusioned.

The new president should acknowledge the necessity of having a strong civil society, rather than trying to co-opt people into government. People from civil society should be able to see their points of view being taken into consideration before major decisions are made. The government should show more openness, by being more present on social networks and making live broadcasts of meetings.

There should be constitutional reform. The 2010 constitution was designed to suit dos Santos. It gives the president too many powers. The president appoints judges to the constitutional court, supreme court and military court, and they report directly to the president, so there is no separation of powers. This needs to be reformed. If the president wants to provoke real change, he should reduce his own powers.

The new president should open a public debate in which the public accepts that it is useful to know that people were guilty of stealing public money, but instead of putting them in prison, we find a way of encouraging them to give back most of the money and invest it in Angola.

Indeed, in December, President Lourenço announced a **moratorium** for the repatriation of overseas funds to encourage investment in the Angolan economy. As this move suggests, the impacts of Angolan corruption have been extensive. Corruption has, suggests Luaty, hollowed out essential services in ways that have directly worsened the lives of Angolan people. This leaves the new regime facing some major challenges, on which it needs to demonstrate progress:

There is an urgent need to invest in education and health. Although theoretically we have free access to these public services, in practice that is not the case, and people in the ministries that are supposed to make these services work have stolen money, so we don't have basic equipment. We need a serious investment, starting with education. We need educated Angolans to manage the country. We are still very reliant on foreign capacities and foreign consultants, who charge huge amounts of money. We should also be developing tourism.

Long-term investment is needed. Our national budget for the last 15 years has had double the amount going to security than to education and health. We are not at war. There is no military threat. The only explanation is that it controls society. There are three different secret services operating in Angola.

We've been delaying local elections for over seven years, always with an excuse to delay them, like lack of money and that the law has not been drafted. Of course the ruling party doesn't want elections because it will start losing constituencies. Holding local elections is another important task for this new president.

There are good things going on in this region. Why shouldn't we follow the good examples instead of always comparing ourselves to the worst cases?

International civil society played a key role in exposing the corruption and repression of the dos Santos regime, and in mobilising support for Angolan civil society. When Luaty and his fellow activists were detained and mistreated, international civil society worked to shine the spotlight on Angola and mobilise solidarity. The tentative reforms of the new regime, and the cautious optimism of Angolan civil society, may now challenge international civil society to change its narrative on Angola, and how it engages with and supports Angolan civil society. Luaty sets out some critical international support needs at this moment of opportunity:

When we started our movement in Angola, we were not thinking about finding supporters. We just did it out of urgency. When you act with your heart and conviction, you draw international attention. Luckily for us, there was this worldwide civil society movement when we landed in prison.

There are always more things that can be done. But it's so dynamic on the ground, and it's hard for big structures to follow through and adapt quickly. One of the things big structures need to do is to acknowledge their difficulty in adapting and try to recognise that there is less and less formality in movements worldwide. It's also hard for informal groups to adjust to the formal ways of accessing international civil society organisations. We don't know the jargon or terminology. We don't know how to structure letters to the UN. Maybe there is a need for capacity building, on how to find the right people in the right places, and a need for help in building networks, and identifying similarities and parallels where there could be dialogue.

ETHIOPIA: STATE OF EMERGENCY ENDS BUT REPRESSION REMAINS

Ethiopia's **state of emergency**, imposed in October 2016 in response to anti-government protests, finally came to an end after 10 months in August. During the state of emergency, a reported 26,130 people were detained. The government announced in March that 4,996 of those detained would face charges. Many of those released from detention reported experiencing ill treatment, including torture, and many were forced while detained to attend Soviet-style '**retraining**' programmes, in which they were lectured about Ethiopia's 'developmental state' model and warned about the dangers of protesting and following international media. Even Ethiopia's non-independent National Human Rights Commission reported that 669 people, including 63 police officers, died since protests flared in August 2016, but civil society groups believed the real death toll to be much higher. The true figure may never be known, as the government continued to resist widespread international calls for an independent enquiry into human rights violations during its suppression of protests.

Although some piecemeal changes were made in the government, the issues of exclusion, inequality and lack of voice that motivated the protests were left unresolved, so it was not surprising that protests flared even after brutal repression. In August a five-day stay-at-home strike was held in the town of Jimma in support of political prisoners, but the protest was interrupted by a **bomb** that reportedly injured 13 people. There were also **reports** in September of a number of deaths following protests in Ethiopia's eastern region.

The protests always had an ethnic dimension, as Ethiopia's largest groups, of Oromo and Ahmara people, united to stand against a government **dominated** by members of the Tigray minority. Worryingly, in October, the Association

for Human Rights in Ethiopia **reported** on a wave of ethnic **violence** between Ethiopia's Oromia and Somali regions that displaced over a thousand people, suggesting that what had started as a movement against an undemocratic government was sliding into communal strife. Border and land disputes were **factors**, while an increased security force presence may have added to the tension. On **27 November**, over 20 people were reported to have been killed in ethnic clashes, while 98 people were reported arrested.

The government imposed a fresh **ban** on public protests in November, and in a further show of state force, at least **10 people** were reported killed by security forces using live ammunition to disperse a crowd that gathered in the town of Ambo in October in response to a rumoured shipment of hard-to-find sugar. At least **15 people** were reported killed in the town of Chelenko in December. Both towns are in the Oromia Region. People in Chelenko were protesting against an alleged killing by the Somali region special police. University protests were also held in the Amhara and Oromia regions following the death of a student.

In a surprise and welcome move, in January 2018 the government **announced** it would release political prisoners and close the notorious Maekelawi jail. But much more must be done to address the long-standing and often complex grievances behind violence. More democratic space, in which there is room for dialogue, dissent, negotiation and peaceful protest, is needed, but the state remains sorely lacking on this score.

HONG KONG: 2017 PROTESTS REMIND THE WORLD OF PRO- DEMOCRACY MOVEMENT

Tens of thousands **marched** on the streets of Hong Kong in August to protest at the jailing of three young pro-democracy activists who played a leading role in the sustained protests of 2014's '**umbrella movement**'. The three



Oromo people protest during the Irreechaa festival – the Oromo thanksgiving day – on 1 October

Credit: Getty Images

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– Alex Chow, Nathan Law and Joshua Wong – received jail sentences of between six and eight months for unlawful assembly. The demonstrations, as described by student leader **Yiu Wa Chung**, were the biggest protests since those of 2014:

*The three had originally been sentenced to community service for storming a fenced-off section of the government headquarters. They were charged with unlawful assembly and inciting people to take part in illegal rallies. However, the government appealed, arguing that community service was too light a punishment, and they were sentenced to jail. Additionally, they were barred from running for public office for five years, which meant that one of them, who was considering running for a legislative position, can no longer do so. In reaction to the sentencing tens of thousands of people took to the streets and **marched** to the Court of Final Appeal. This was the biggest demonstration since 2014.*

However, while another protest was held on **1 October**, China's National Day, calling attention to the decline of judicial independence and the rule of law, Yiu Wa does not see these protests as heralding a return to the kind of mass action seen in 2014. He relates how the Chinese government has worked to make pro-democracy actions harder, including through **numerous convictions** of people involved in 2014 protests. Punitive measures and a lack of demonstrable breakthroughs have sapped momentum:

*Sadly, the August protest was an isolated reaction, probably due to the fact that these students were some of the most visible leaders of the Umbrella Movement and their cases drew lots of attention. In contrast, in December the government **approved changes** to the Legislative Council's Rules of Procedure that would break the balance between pro-democracy and pro-China camps. The democratic camp called for a protest, but only a couple of hundred people showed up and were easily **removed**.*

Mobilisation decreased in the years after 2014 as people were discouraged by the lack of results. After such a big movement and 79 days of occupation that paralysed major roads in the financial centre, we got no reply from the government, and there was no institutional change. People devoted a lot of energy, time and effort and they sacrificed so much. Almost every single young protester who appeared on camera or was interviewed by the media in 2014 is being prosecuted or is in jail. The costs of protest increased and the expected gains decreased, so the momentum passed and street protest declined.

Following the 2014 protests, 2016 Legislative Council elections looked like a step forward, when several pro-democracy candidates were elected, but as Yiu Wa describes, the state targeted those elected:

*After the elections that the pro-democracy camp won, the government found an excuse to **disqualify** six of the elected legislative councillors. For instance, they argued that one of the councillors had not taken his oath properly because he had changed the tone of his words. Another elected councillor took the oath properly, but after he had been sworn in, chanted a pro-democracy slogan, "Rights to the people." Another one paused excessively between words and mispronounced the word "China," and so on.*

The judicial process following a demand for disqualification takes about a year, during which time these elected councillors were banned from taking part in the Council's deliberations. When they were eventually disqualified, they were required to pay back the salaries they had received. This is something that not just anybody can afford. In other words, the government is using every means at their disposal to bend people's opinion, including by forcing us to go bankrupt. The message that Beijing is sending to people in Hong Kong is that resisting is pointless.

*The December Legislative Council procedural changes were accomplished because, with six of its democratically-elected legislators disqualified, the pro-democracy camp did not have enough votes to block them. Over several weeks, numerous pro-democracy legislators were **kicked out** of the chamber for disrupting the debate with filibustering tactics, and the amendments eventually passed. As a result, the president will now have the power to reconvene meetings, ban and combine amendments, and stop legislators from raising adjournment motions.*

The backdrop is the creeping assertion of stronger and closer rule by the Chinese state, impinging on the 'one country, two systems' principle agreed when the UK returned its former colony to China in 1997. Two decades on, its Chief Executive remains selected by a small pool of mostly pro-Chinese elite members, despite a promise to make the role elected by universal suffrage by 2017 – a key demand of pro-democracy activists – while sweeping new national security laws have been **threatened**. As Yiu Wa indicates, the Chinese Communist Party (CCP) is working to insert itself ever more closely into the everyday life of Hong Kong:

The current authoritarian trend is no accident; it fits the long-term plans of the CCP. Since the handover, the CCP has devoted a lot of human and financial resources to setting up satellite organisations in Hong Kong. They have consistently worked to infiltrate each and every sector and change the democratic culture, step by step... Control is also cultural and educational. There is increasing control of the school curriculum, and changes are being introduced to the content of schoolbooks, so young children learn from an early stage that they have to love and obey China and its leaders. There is an ongoing attack on our language, as they are trying to impose Mandarin instead of Cantonese in schools. In short, combined control tactics are being applied from all sides so there is no room to even think of resisting.

In response to the crackdown, Yiu Wa indicates, small-scale actions that command little attention have been emphasised:

All the major tools that we had are gone. For protesting in the streets you get arrested and thrown into jail, and if you try the institutional path, you get disqualified or stripped of decision-making power. But democracy is much more than street protest and institutional politics, and it is much more than what you can see on camera. People in Hong Kong are now resisting in all possible and impossible ways, such as setting up a tiny bookstore to counter state-sponsored indoctrination, using public space for cultural activities or creating semi-public spaces for reading groups.

But, Yiu Wa concludes, the international community needs to be challenged on its evident policy of willful ignorance towards Hong Kong:

*We are not going to defeat the network of control that oppresses us by ourselves, with a music concert or a reading group. We need help. This could take the form of the international media focusing more on Hong Kong, the UN setting up a special commission, or foreign governments putting economic pressure on China to change its Hong Kong policy. However, we know that this will hardly happen. Not even the UK, our former colonial power, reacted strongly as China **stated** that their Joint Declaration on Hong Kong, which laid the blueprint for Hong Kong to organise after its handover to China, no longer had any practical significance. China is not fulfilling its promises and the UK is doing nothing about it. There's a lot the international community could do, but not much they are willing to do, given the facts of China's economic and military rise. They all want to do business with China and do not dare bring up the Hong Kong issue.*

TOGO: PROTESTERS PAY A DEADLY PRICE FOR SEEKING POLITICAL REFORM

Political protests in **Togo** led to several deaths in August. Protesters, many from the main opposition party, the Parti National Panafricain (National Pan-African Party, PNP), called for a return to Togo's 1992 constitution, which limited presidents to serving two terms and permitted Togo's diaspora to vote. The government prohibited the August protests at short notice, and when they went ahead regardless, there were reports of live ammunition as well as teargas use. Later in August, 15 of those who had taken part in protests were handed **prison sentences** of between five and nine months for "damaging public property." This was not the first time a protest was repressed in Togo in 2017: a **student protest** at the University of Lomé in June was dispersed with teargas, and a protester was **killed** in February when police fired teargas and rubber bullets at a demonstration about fuel costs.

Following the August protests, **Koffi Déla Franck Kepomey** of civil society network the **Concertation Nationale de la Société Civile au Togo (CNSC-Togo)** described the violence against protesters:

On 19 August the PNP organised a protest in Lomé, the capital, and elsewhere in Togo – in Anié, Bafilo, Kara and Sokodé – to call for a return to the 1992 Constitution and the right to vote of the diaspora population. In the course of this assembly, several people died – two according to official sources, seven according to the organisers – and numerous people were injured. Sixty-six were arrested.

The organisers and the authorities did not agree on the itinerary of the protest. On 17 August, the Ministries of Territorial Administration and Security declared that no rally would be tolerated on 19 August and protests would be dispersed at the place they began. Peaceful assemblies should normally be guided by police forces, according to the law on conditions of public assemblies. Sadly, there were military officers present who dispersed groups.

Civil society was quick to condemn the repression of the August protests, Koffi relates:

CNSC-Togo issued a public statement the day after the killings condemning violence in all forms, and requesting the government to make urgent provisions to improve the social climate, including the release of those arrested. Additionally, CNSC-Togo called on political parties to better manage their activists and members. The Collectifs des associations contre l'impunité au Togo (Collective of Associations Against Impunity in Togo) also condemned the repression of the protest. On 24 August a group of 32 associations and networks published a statement calling on the government and other public actors to guarantee the exercise of the freedom of assembly, ensure the professionalism of security forces in the management of assemblies, and call on members and activists of political parties to respect public goods and infrastructure.

The violence encountered by the protesters points to a broader problem with the freedom of assembly in Togo, and with the workings of democracy. President Faure Gnassingbé controversially took office after his father died in 2005, and his ruling party voted out attempts to reintroduce the presidential two-term limit in 2014, leading to mass protests that were quelled by teargas and water cannon. Political polarisation increased following the **2015 election**, when President Gnassingbé won his third term, with the PNP rejecting the

result and declaring it fraudulent. Koffi relates the recent experience of political polarisation:

The freedom of peaceful assembly in Togo is dependent on the political side that organises assemblies and protests. Members and sympathisers of the ruling party organise assemblies with no restrictions, even on working days. This is not always the case for opposition parties, which often face restrictions. Peaceful assemblies can easily degenerate due to the requirements of the security forces on site.

Democracy in Togo has moved into difficult times since opposition parties began to urge the implementation of institutional and constitutional reforms – the recommendations of the Truth, Justice and Reconciliation Commission – that the government delayed realising. Opposition parties suspect that the government is avoiding translating reforms into reality. On 30 June 2014 the draft law on constitutional reform, introduced by the government to parliament following the May 2014 dialogue known as Togotélécom II, was rejected, with ruling party members of parliament voting against it. Since then pressure has been increasing on dissenting voices, including CSOs that work to promote democracy and the rule of law. Pressure is often exerted on financial partners to deprive organisations of resources that enable them to act autonomously.

With nothing resolved, the repression of the August demonstrations did not deter protests. After demonstrations were held on 4 and 5 October, the government responded by **banning weekday protests**, citing security concerns, although the ban was **lifted** in November following discussions between the government, opposition and civil society. The government also tried to repress protests against police brutality on 6 and 7 September by imposing an internet shutdown. While thousands still participated in



Protesters call for President Gnassingbé's resignation and constitutional reform in Lomé, Togo's capital

Credit: Getty Images

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the September protests, access to social media was blocked from 5 to 12 September. Forty-two protesters were **detained** in September and held until November. Koffi offers some background on the internet shutdown:

The reason cited by the ruling party was a technical breakdown, but this is not true. The restriction was put in place to avoid the use of social media by citizens and the opposition to inform the international public about the situation in Togo, including the massive opposition protest and repression by security forces. Other sources close to the ruling party said the restriction was introduced to prevent people from disseminating images inciting violence.

The decision violated article 10 of the UNHRC Resolution of 1 July 2016 on the promotion, protection and exercise of human rights on the internet. This restriction has not been without negative impacts on the economy and social life of Togo. Many economic operators were restricted in their activities and the population was deprived of information.

As with the freedom of assembly, the internet shutdown was not an isolated attack on the freedom of expression, with 2017 marked by several attempts to control what can be said and discussed in public. On 7 February, journalist **Robert Avotor** was assaulted, detained and interrogated by security forces after reporting on a land dispute in Akato-Viépé, a suburb of Lomé. The dispute arose following a court ruling in favour of the demolition of buildings, which around 100 police in combat uniforms came to enforce. Robert gave a graphic account of his experience:

One of them ordered me to leave the premises. He had hardly finished saying that when he started to beat me. I ran but other police caught me and started clubbing me. They then handcuffed me, put me in a corner and walked away. Some minutes later, they came back and

asked me which press organisation I work for. I told them I came from L'Alternative. They asked me who the director was. I said it was Ferdinand Ayité. They responded, "This time, we have you. We always come across this name. We will make you feel what we are capable of. When you are in the crowd, you make noise. Today, it's you alone." They left me in the corner. They handcuffed my hands behind my back. From time to time they came back to tighten my handcuffs. This hurt my wrists.

They brought in another person that they had discovered filming the eviction. I was there, handcuffed, for more than two hours. They then handcuffed us together, and we got into their vehicle. Once we arrived at the police station, they erased all the images in our phones and other devices. They gave us back our phones and asked us to leave. They took note of our identity numbers.

Ferdinand Ayité stated that Robert received anonymous calls and harassment following his interrogation, while the Minister of Security refused requests to penalise those responsible for his mistreatment.

In another blow for the freedom of expression, two independent media outlets, LCF TV station and radio station City FM, were closed by the media regulatory authority on 6 February, having been accused of 'irregularities'. As with the repression of protests, Togolese civil society was quick to condemn the enforced closures but, relates Koffi, this brought a heavy-handed state response:

Civil society mobilised to express its indignation through press statements, open letters and public marches. A march was organised on 25 February in Lomé by CSOs and press organisations to condemn the closure of LCF and City FM. Although the march was authorised by municipal authorities, the crowd was dispersed by security forces using teargas grenades and batons. They chased protesters into the

compound of the University of Lomé. CSOs and press organisations strongly condemned this violation of peaceful assembly.

It is hard to escape the conclusion that a ruling elite nervous about potentially losing power, particularly after the 2014 uprising that ousted a long-established president in neighbouring Burkina Faso, is doing what it can to subdue debate and damp down public pressure for change. And yet, Koffi suggests, there is a growing civil society commitment to respond that can be nurtured and supported:

There is a beginning of awareness within Togolese civil society in terms of mobilisation that needs to be encouraged. However, civic space is still under threat and there is a need for more sensitisation and capacity enhancement to defend civil society.

Togolese CSOs not only need capacity enhancement for the effective preservation of civic space but also institutional support. There is a need to strengthen CSOs and activists on the preservation of civic space by accentuating the use of technology and including them in regional and international networks to share experiences and information. Regional and international groups must advocate to the international community and partners for the government of Togo to respect regional and international instruments in practice.

MEXICO: FREEDOM OF EXPRESSION UNDER DEADLY ATTACK

Mexico experienced a grim landmark on 22 August when its 10th journalist was assassinated in 2017 so far. **Cándido Rios**, a reporter in the eastern state of Veracruz, was shot dead in an attack that claimed the lives of two other people. He was well known for his work reporting on crime, and had received death threats, including from a prominent local politician. His murder came

even though Cándido was part of a **government programme** – the Mechanism to Protect Human Rights Defenders and Journalists – that is supposed to protect journalists working in dangerous regions. Veracruz certainly qualifies as that: at the time of his death, Cándido was the 21st journalist to be killed in Veracruz since 2016.

As these numbers suggest, Mexico has an entrenched problem with the killing of journalists, and with impunity over killings. Indeed, it has the highest number of killings of journalists in Latin America, and one of the highest in the world. Mexico continually features in the Committee to Protect Journalists' annual **Global Impunity Index**, which assesses countries where journalists are murdered and their killers most often go free. As well as the murder of Cándido, August alone saw a **slew of attacks** on and threats against journalists. Alongside journalists, civil society activists, particularly **environmental and indigenous rights** defenders, were targeted for killings in 2017. As in other countries, there were spikes in aggression around elections: **19 cases** of attacks of various kinds on the media were documented around the 4 June regional elections.

Not surprisingly, civil society has **criticised** the weakness of the existing Protection Mechanism that failed Cándido so badly, calling attention to an absence of high-level political support, the lack of coordination between the mechanism and the different states of Mexico, and the absence of measures to create an enabling environment for the freedom of expression and human rights.

The backdrop for the killings was the government's ongoing war on drugs, begun by then-President Felipe Calderón with US support in 2006. While accurate numbers are hard to come by, since 2006 reports estimate that around **200,000 people** have been murdered and more than 28,000 people have disappeared. 2017 evidently saw an **increase** in killings. In this deadly context journalists reporting on crime, corruption and local politicians, in states on the frontline of the war on drugs, risk being killed simply for doing

their job. Ana Cristina Ruelas of the Article 19 office for Mexico and Central America describes the dire situation for journalists:

The current situation is nothing new: what has worsened in recent times is outright violence, which has become more cynical and uninhibited. Since the beginning of the war against drug trafficking, attacks against journalists, including murders, have increased steadily. Article 19 documented 397 attacks in 2015, 426 in 2016, and 276 in the first half of 2017 alone – an increase of 23 per cent compared to the first half of 2016. Every 15.7 hours a journalist is attacked in Mexico. The situation has become more tense than ever, because now journalists know that any threat against them can mean imminent death or disappearance. There are currently 23 disappeared journalists.

But while the focus naturally falls most strongly on the killings and disappearances of journalists, these are the tip of the iceberg, suggests Ana, who encourages a broader look at constraints on the freedom of expression, which include the stifling use of criminal defamation laws and political decisions in the allocation of government advertising:

Although cases of extreme violence are disproportionately concentrated in specific areas, and particularly in the states of Chihuahua, Guerrero, Oaxaca and Veracruz, this does not mean there is more freedom in the rest of Mexico. In many states where there are fewer physical attacks there is a higher degree of indirect censorship, carried out through the distribution of official advertising.

We believe that the three levels of government and state institutions have a well-articulated policy to reduce the flow of information for citizens, and specifically information related to insecurity and corruption. Violence against the press encompasses a series of mechanisms aimed towards that objective, the subtlest of which is the allocation of official advertising in a way that allows the government

to dictate the editorial lines of the media. In Mexico, government sources amount to 60 or 70 per cent of media outlets' revenue, and it is very difficult to think of pluralism and the objectivity of information when the media are so dependent on public money. This is a form of political control of the media that all governments use, including municipal ones. In the end, what we have observed is that physical aggression is usually preceded by economic blackmail.

In more than half of Mexican states crimes against honour such as slander, defamation and insult are still in the penal codes. Crimes of outrage still exist and, absurd as it may seem, there are six states that criminalise the use of memes, classified as the manipulation of an image to harm public officials and state institutions. In several states where crimes against honour have been abolished, an increase in institutional violence has been observed, in the form of civil lawsuits for moral damages against journalists. These processes have a direct impact on the livelihoods of journalists.

Ana is keen to challenge a common misconception about the source of the threat to journalists. She is clear that while organised crime, particularly drug gangs, are a danger, the main source of threat remains the state:

In 53 per cent of cases of assaults documented in 2016, the perpetrator was a state agent. Since at least 2007, every year more than half of documented aggressions have come from the state. A fundamental form of state violence is precisely the lack of recognition that state agents are committing a large part of these aggressions, which entails an almost absolute degree of impunity. The state insists that the responsibility lies with organised crime, even though public statistics indicate that the main perpetrator is the state. There was a single occasion in which we heard a Protection Mechanism official publicly recognise and spell out that the state is the main perpetrator of attacks against the press.

This has a direct effect in terms of impunity. Although it is true that the general level of impunity in Mexico is approximately 98.5 per cent, it increases to 99.7 per cent for cases of attacks against journalists. This is because the state refuses to investigate itself.

Those who dominate the state do not acknowledge the restrictions on the freedom of expression because the reduction of information flows is very profitable to them. It allows them to penetrate society and generate narratives that allow them to stay in power. Places where poverty levels are highest are only reached by media that have the closest links with the state. In areas with the highest proportion of marginalised populations, which often have a high proportion of indigenous populations, there is no informative plurality whatsoever. The population gets the information that the government wants them to get.

Journalists have been attacked by security officers when trying to cover **protests**, including widespread protests against fuel price rises in February. Another challenge Mexican media and civil society encounter from the state is surveillance, with the state reportedly using **spyware** provided by the Israel-based NSO Group, which sells online surveillance services exclusively to governments. In February, CSOs complained that activists and academics had been subjected to surveillance after campaigning for an increase in tax on high-sugar drinks and improved food labelling, putting them at odds with powerful corporate interests. Civil society investigation subsequently **revealed** a more extensive pattern of surveillance against activists and human rights defenders, including journalists, with the Mexican government alleged to have spent US\$80 million on spyware since 2011. Such is the scale of the practice that in July a group of UN human rights experts **called** for an independent investigation into Mexican surveillance.

A positive step forward came in November, when the Supreme Court **ruled** there should be legislation on the distribution of government advertising spending. And a rare challenge to impunity was seen in July, when a former



Article 19 memorial to some of the many journalists killed in Mexico

Credit: @article19mex

mayor, Enrique Benjamín Solís Arzola, received a two-year jail sentence for a violent attack on reporter Karla Janeth Silva in 2014. Examples of successful prosecutions are still few. Civil society has called for more by advocating for policy change and holding protests in response to killings. After three journalists were killed in March, a **protest** in Mexico City called on the government to do more to protect journalists, and **hundreds gathered** again to protest following Cándido's death. Ana offers some further examples of response, while calling for greater cooperation:

*There are numerous civil society initiatives, such as the comprehensive **security workshops** offered by Article 19, which cover issues including risk identification, security protocols, digital rights, ethics and good practice, legal defence and first aid. There are various initiatives promoted by civil society coalitions in which we participate, such as **#AgendaDePeriodistas** (Journalists' Agenda), aimed at putting together a permanent agenda and defining an organisational model to represent the interests of journalists, and **#RompeElMiedo** (Break the Fear), a protest and electoral coverage monitoring network that was activated during the 4 June elections, with the aim of minimising aggression against the press in electoral contexts. But there is still a lack of real and effective coordination of Mexican civil society, in which organisations are willing to subsume their own agendas jointly to promote structural agendas that can produce real changes.*

Ultimately, Ana suggests, the state needs to be pressured more, to end its campaign of violence against journalists, challenge impunity, and improve protection:

A state policy is required to combat a state problem. All crimes of expression must be eliminated from the penal codes. In addition, we demand that civil proceedings relating to claims of moral damages be reformed so that a preliminary analysis can determine the merits of the cases and discard those in which lawsuits merely seek to inhibit

the freedom of expression... Judicial controls, which currently do not exist, should be imposed on surveillance and access to metadata. A structural reform of the Office of the Attorney General must be carried out to give it real autonomy.

There is also a need, concludes Ana, for more work at the international level, including to increase the reputational costs of killings and impunity:

Many organisations take part in international networks, but these have not been effective in raising substantially the international political cost of rights violations for the Mexican government. There have indeed been positive changes in recent years, in the sense that civil society has begun to organise itself more effectively with other actors around certain issues: for example, the group that advocates for a new General Prosecutor's Office includes not only human rights groups but also business groups, and has drawn on international networks, especially Latin American ones, to identify lessons learned in other countries and apply them in our own.

But greater efforts are needed to create reputational costs for the Mexican government as a consequence of its neglect of human rights. The case of the Open Government Partnership (OGP), of which Mexico is a founding member, is very symbolic. In civil society we are demanding that the OGP take Mexico out of its Steering Committee, because how can our country be leading this international initiative when domestically it has this situation? This is blatant cynicism, and international pressure is lacking for this to have any cost.

NICARAGUA: PLANNED CANAL SPARKS REPEAT PROTESTS

Nicaragua's planned Inter-Oceanic Canal, intended to connect the Caribbean Sea with the Pacific Ocean, is the kind of large-scale infrastructure project that increasingly seems in vogue. To be funded and run by Chinese corporate capital, the project promises to offer a new route for trade as an alternative to the Panama Canal and to host a range of commercial enterprises along its banks. But, as is often the case with such large projects, missing from the glossy prospectus are the impacts on those who have long called the area slated for development home, whose existing ways of life face destruction, with entire communities at risk of displacement.

Those affected communities are, however, refusing to go quietly. By August, over 90 protests had been held against the project. **Medardo Mairena Sequeira** of social movement the Council for the Defence of the Land, Lake and Sovereignty, is one person who will be affected if the canal is built, and one among many who have mobilised against it. He details the key objections to the project:

The concession to build and operate the canal for 50 years, extendable for an additional 50 years, was granted to the Chinese company HKND (Hong Kong Nicaragua Canal Development Investment Company) through Law 840, also known as the 'canal law', in June 2013. The canal would be about 278 kilometres long, with a restricted area of 10 kilometres on both sides. It would include a 400-square-kilometre artificial lake, another lake for a hydroelectric power station, an airport and scores of businesses that would take enormous extensions of land. It is estimated that this would displace more than 350,000 people. But there would be a lot of additional people that would be indirectly affected, because if we are displaced we will have an impact wherever we move to.

The lands that the canal would go through are the best lands in Nicaragua: they have water, they sustain crops, and that is where we, the peasants, live. The canal would go through and ruin Lake Cocibolca, the only freshwater reservoir in Central America. The pollution of its water equals death, because thousands of people drink the water from the lake.

I live in an area that is on the projected trajectory of the canal. We are neighbours with our indigenous brothers and have a very good relationship with them. Like them, we have not been consulted. We have not been asked whether we agree to sell, lease or give up our land. In the four years since the canal concession was given away, the government has never asked the opinion of those directly affected. All they have done is militarise the area, and bring in scores of military and police to repress the people. In the canal strip you can find peasants who have been intimidated and have suffered torture.

But our position is very firm: we are not surrendering our properties nor accepting the environmental destruction the canal would bring; instead, we demand the repeal of Law 840. Article 12 of that law states that "the expropriation of any real estate or rights over real estate which is necessary within reason to carry out all or part of The Project is in the public interest of the people of the Republic of Nicaragua." But it is obviously not in our interest to be stripped of our land to enable the government to do business with the Chinese.

As Medardo points out, the protest response was widespread, frequent and impressive. Demonstrations formed part of a broader, multi-faceted action, which involved attempts to use parliamentary channels and legal processes:

We held more than 90 marches in various parts of the country, and six national marches. The local marches always brought together between 3,000 and 7,000 people, while the national ones gathered

between 18,000 and 30,000 people. In addition to marching, we worked continuously to publicise the canal law. We held forums in municipalities, counties and districts to explain to people the situation and our struggle. This law was passed behind our backs, which is why most Nicaraguans do not know what it means or how it threatens them. As a result of these forums, people have felt the need to organise, and this is how the movement has progressed.

We also followed all the legal procedures established in our constitution for citizens' initiatives. The Nicaraguan Constitution states that with the signatures of at least 5,000 citizens it is possible to introduce an initiative either to repeal a law or to propose a new one. In April 2016 we brought a petition to the National Assembly to repeal the canal law backed by more than 28,000 signatures, but the Assembly declared itself incompetent with the argument that it had no jurisdiction because the canal law had constitutional status, and therefore they could not repeal it. But we are clear that deputies are authorised to do and undo as they want, so we filed a review petition, which was rejected soon afterwards. Following the steps established in the Constitution, we filed an amparo petition – a writ for the protection of constitutional rights – with the Supreme Court of Justice. After eight months, the Supreme Court also ruled against us peasants, thus violating our constitutional rights. Once we exhausted all legal channels in Nicaragua, we sued the state before the IACHR for violation of our human rights.

The government pushed back against the protests, talking up levels of public support of the project, but, notes Medardo, also rewriting the rules to improve the project's chances of going ahead:

The government claims that the canal project is supported by most Nicaraguans, but this is not true. This is apparent in the number of people who have joined us despite the fact that we don't have the

financial resources to mobilise. With the few resources we have, we have organised huge demonstrations, and if we had more resources it would be clearly evident that the reality is exactly the opposite of what the government is saying.

The government does not listen to us, to the point that after four years of struggle it does not recognise us as an organisation, even though we have led large mobilisations. On top of this, the government has modified the law in order to be able to exploit natural resources without making environmental impact studies. For the construction of the canal, they were never able to show any environmental or socioeconomic impact study because they handled everything on the sly: they made the law, sold our lands to a business and then tried to justify this with alleged studies. But as they did not have the studies they needed, given that every study conducted showed exactly the opposite, they finally modified the law and now are allowed to build without an environmental impact study, which is yet another violation of our constitutional rights.

The government does business with extractive projects, granting concessions without consulting with indigenous communities or us peasants. They have not sought to obtain prior, free and informed consent as required by law. The government only wants to keep accumulating wealth to stay in power. The canal project is so unnecessary that it allows for the worse speculations regarding its motivations: for instance, that it seeks to provide mobility without controls to dark, even illicit, business interests. We are not against progress, but progress can and should be environmentally friendly and respectful of human rights.

Protests, and those driving the fightback, were met with repression. For the 15 August protest police reportedly detained and held for several hours groups of people on their way to a demonstration. In April, police **blocked**

roads to prevent protesters reaching their destination. Medardo details other restrictions the movement has experienced:

We have encountered many obstacles to mobilise and have often been repressed... Persecution and criminalisation are ongoing. Repression is getting worse every day and our families suffer. When we leave the house our children fear that something will happen to us, because the government is capable of anything to stay in power, from intimidation all the way to murder. Some leaders who have fought against the regime are now dead, and it was never known why, how or by whom. Impunity is absolute.

Francisca Ramírez, head of Medardo's organisation, is one who experienced harassment, having received death threats on numerous occasions during 2017. In August, the seriousness of the threat was recognised when the IACHR granted special protection measures to her and her family. Despite this, she **complained** that she remained subject to a defamation campaign.

There is a broader pattern of threats and attacks against those who seek and defend rights in Nicaragua, particularly for indigenous peoples. In February, Lottie Cunningham Wren, president of the Centre for Justice and Human Rights of the Nicaraguan Atlantic Coast received **death threats**, demanding that she cease her efforts in defence of remote indigenous communities. Worse still, in September, **Celedonia Zalazar**, a community judge, was murdered. She worked in an indigenous community to help protect its territories. A March prison protest was violently repressed, and family members of inmates were **attacked** with teargas. Groups protesting against alleged irregularities in the November 2016 election were targeted for **intimidation** by a pro-government movement, and there were violent clashes and rights violations as **protests** broke out around disputed municipal elections in November. That same month, police prevented women from travelling to a protest on gender-based violence on the International Day for the Elimination of Violence Against Women.



One of many protests held against the proposed canal project

Credit: Getty Images

Medardo was also targeted. He found himself **accused** of an election-related crime in October when a ruling party flag was burned during a protest, a claim he denied. As he relates, this was not the only time he was harassed; in September, he experienced police intimidation while re-entering Nicaragua from Costa Rica:

As I was about to board the bus, someone from Nicaragua's immigration department came to tell me they wanted to talk to me. Two riot police came and put me in handcuffs. I asked why I was being detained, whether they had an arrest warrant, and what crimes were imputed to me; I asked to be allowed to make a phone call to my family so they would know that I was being arrested. But they never explained anything to me: they only repeated that they wanted to talk to me. First they kept me for two hours at the border, and then a police patrol came and took me to the police station. When I asked them what my crime was, they responded that there was an ongoing investigation and the law gave them the authority to detain anybody for 48 hours to make inquiries. I told them that I am a public person and I was not hiding. There was no need for the handcuffs or for them to lock me up.

I was taken to a jail that is known as a torture prison. Thank God they did not physically torture me, but they did psychologically torture my family, because from the moment they made me disappear without letting me make a call, I considered my situation a kidnapping. They kept interrogating me, asking me illogical questions. They kept me detained for two days and in the end, when they were going to release me, they apologised, said that they were not charging me with any crime, that I had been telling the truth.

In my case there was a lot of pressure from human rights organisations that were asking about my whereabouts, and peasants had already started to mobilise to protest about my disappearance. Some of the mass media and social media also put pressure that helped to get public attention.

I think they are trying to intimidate us into giving up this fight. But we are sure that ours is a very fair fight, so we are going to continue.

Medardo's experience in securing a relatively quick release from detention underlines the value of the movement's links with human rights organisations and conventional and social media:

We organised ourselves out of necessity, because as peasants we dedicate our lives to work the land. Those of us who have undertaken this struggle are peasants. We don't depend on anybody but

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ourselves. We got organised all by ourselves, although human rights organisations have supported us, and now that we have filed our lawsuit we also expect support from the IACHR.

We have been in touch with other movements and have tried to make alliances in order to be stronger. The canal project should be placed within the framework of a broader extractive model, which requires the appropriation of large amounts of land and brings much destruction. The movements that oppose mining or monoculture plantations, as well as the indigenous communities that defend their territories, are in the same situation, as they are threatened by the same laws that seek to expropriate them and are repressed by the same government.

The world has started to take an interest in the human rights impacts of the canal project. At the time of writing, there is **speculation** that the project has stalled, with no ground broken. The canal's projected 2020 completion date is long certain to be missed. But civil society cannot assume the threat is over, and is increasingly making the issue one of international concern. In February the European parliament passed a **resolution** urging the government of Nicaragua to improve the conditions for civil society and prevent the harassment of human rights defenders, including Francisca Ramírez. And as Medardo reported, having exhausted the domestic channels, the movement took its case to the IACHR. The IACHR, in its March meeting, also **highlighted** a number of concerns about the freedom of expression in Nicaragua, including the harassment of journalists, media ownership concentration and the use of defamation suits. However, revealing its fear of international exposure, the government failed to take part in the hearing.

In responding to an international project based on an international economic orthodoxy of exploitation, there is, Medardo points out, a need to further internationalise the campaign, and to put the lives of affected people at the heart of it:

We need media space to spread our struggle. We want the whole world to know what is happening in Nicaragua. We want to send a message to corporations and governments that could be interested in investing in the canal project. They must know that the land on which they intend to build the canal does not belong to President Daniel Ortega but to Nicaraguans; and that Nicaraguans, and peasants in particular, are organised and have a very firm position in defence of our land. Before starving to death, we would rather die defending our land. Interested companies and governments should not throw away their money and that of their peoples. They need to know that we are firm in this struggle and we are going to take it to the end, so that if they try to invest here they will be buying themselves a problem.

LATIN AMERICA AND CARIBBEAN: CIVIL SOCIETY DEMANDS RIGHTS IN ENVIRONMENTAL TALKS

One ray of hope for embattled environmental rights defenders in Nicaragua, and across the region, is offered by a proposed environmental rights treaty currently under negotiation. A fresh round of talks took place in Buenos Aires, Argentina in August, bringing together representatives of 24 Latin American and Caribbean states. The proposed treaty promises to strengthen the ability of people to access and defend environmental rights, participate in decision-making and seek redress when rights are denied. The process holds hope that, even as global treaties such as the Paris Agreement are under attack from powerful corporate and political forces, progress can be achieved by working out regional-level agreements.

As well as the content of the proposed treaty, which speaks to an urgent

need, the treaty is interesting because civil society has an unusually high level of access to the negotiations. But despite this, at a critical stage of the August negotiations, civil society representatives felt compelled to threaten to **walk out**. They were prepared to do so because they feared the outcomes of the negotiations were going to fall short of guaranteeing human rights, and could even water down already inadequate national-level standards. While negotiations swiftly resumed, the moment offered a reminder of the need for civil society to engage constructively when it has a seat at the table, but never to lose its radical, change-seeking edge.

Andrés Nápoli of Argentina's **Foundation for the Environment and Natural Resources (FARN)** gives the background to the proposed treaty and civil society's role in the process:

*This is a negotiation agreement known as **Agreement on Principle 10**, in reference to Principle 10 of the 1992 **Rio Declaration on Environment and Development**, which guarantees access to information, participation in decision-making in environmental matters and justice to all stakeholders. As a result of this declaration, and following a similar process that in Europe in the late 1990s resulted in the **Aarhus Convention**, 10 countries in Latin America and the Caribbean began negotiations at the UN Conference on Sustainable Development (**Rio+20**) in 2012. What they were looking for was a regional agreement to guarantee access to environmental information and opportunities for citizens to participate in decision-making processes that might affect their quality of life or their environment, as well as effective access to judicial and administrative procedures.*

The negotiation process began in 2015, involving 24 countries, supported by the Economic Commission for Latin America and the Caribbean (ECLAC), part of the UN system. The process has a particular characteristic: it followed the model established by the Aarhus Convention, which had the aim of consolidating democratic processes

in Eastern Europe and for that purpose included a component of strong civil society participation. The process under way in our region also establishes mechanisms for the active participation of civil society, which has representatives in the Negotiating Committee that brings together the representatives of states. Civil society has two representatives elected by their peers who discuss and exchange ideas at the negotiating table of the Convention. They can propose text, which is effectively incorporated if it obtains the support of at least one state.

Representatives of civil society were elected in an electronic vote, with representatives of Chilean and Jamaican civil society elected as full members. Along with four representatives from various countries in the region, I was elected as an alternate member. As civil society representatives, we established a network through which we carry out our work jointly and in a coordinated manner. We also have different spokespersons in the negotiation process.

Andrés goes on to outline the contentious issue that came to a head in August, with civil society strongly pushing for a binding agreement:

An issue on which civil society has been insisting, and on which there is an increasingly firm decision, is that the agreement has to be binding: it must be obligatory for the countries that sign it. We believe that a rights-based agreement cannot be otherwise. We don't want this process to yield yet another declaration of principles, or any kind of model law: we want an agreement that forces countries to establish and implement effective mechanisms for participation and access to environmental information, as well as broad access to justice to obtain protection and the enforcement of the right to a healthy environment. Several states have spoken in favour of this position, among them Chile, Costa Rica, Panama and Paraguay; Argentina, too, pronounced itself in favour at the last meeting. Other states, however, have not

yet made their decision public, but they are negotiating the agreement as if a binding mechanism were to be adopted.

Nevertheless, we believe that certain states are not negotiating the agreement in good faith. They have not yet expressed a position on whether they are going to sign the document, or whether they would accept the agreement to be binding. In addition, several of these are negotiating the agreement in an attempt to lower the rights protection standards to be established – in some cases, by setting standards that are even lower than those established in their national legislations. These attempts to lower standards and guarantees led to many discussions that extended the deadlines of the negotiations and at the same time created growing discomfort among civil society representatives. This was very clearly seen in issues of access to public information, where many barriers were erected to make it more difficult for citizens to access information held by states.

During the meeting in Buenos Aires the possibility was raised that civil society could abandon the process if this attitude persisted. But this was mostly a wake-up call for negotiators: civil society set a limit to the discussion, below which we would no longer be willing to remain on board.

Civil society therefore established a clear line in the sand in Buenos Aires, defending a key principle of the proposed treaty. Andrés sets out a range of ways in which civil society adds value to the negotiations:

Civil society participation is very important not only because it legitimises negotiation processes; it also allows for greater levels of openness and transparency. Most importantly, civil society brings to the negotiating table many of the issues that states are unwilling to address, and provides a perspective that goes beyond the narrow interests of states, all the while seeking to raise the standards required for the protection of rights. When there is transparency and public attention is placed on these processes, it is much more difficult for states to refuse to address these issues.

The backdrop to civil society's engagement in the negotiations is of course one in which, in the region, environmental activists are among the civil society activists most at risk of harassment and violence, as documented in this review and in successive editions of our State of Civil Society Report. Nicaragua offers just one example of the dangers activists face when they are seen to stand in the way of economic projects that exploit natural resources. Andrés highlights that context of threat and risk:

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Placed on the agenda as a result of civil society action was the situation of environmental and human rights defenders in the region and the need to provide guarantees to enable them to carry out their work without suffering threats and attacks, which have cost many of them their lives.

*The case of **Berta Cáceres** is emblematic, but is unfortunately not an isolated case. There have been hundreds of murdered defenders in Brazil, Colombia, Guatemala, Honduras, Mexico, Nicaragua, Paraguay and Peru, among other countries. Most of these processes have involved large investments, as observed in the struggles against large-scale hydroelectric dams or against the advance of the agricultural frontier or mining exploitation. Environmental defenders, who work side by side with affected communities, have seen their rights violated and have suffered attacks on their physical integrity and their lives.*

In the face of this, states must strongly uphold guarantees and safeguards, not only when attacks take place, but also in preventative terms, to guarantee the legitimate exercise of the right to defend rights embodied by environmental defenders. Environmental defenders are on the frontline with affected populations when, for instance, land occupations by extractive companies take place, or when populations are displaced from the territories they inhabit, which is where the worst human rights violations occur. Hence the need for international instruments and active prevention policies and protection mechanisms for these defenders.

We believe that the Agreement on Principle 10 must contain mechanisms that enable the effective protection of environmental defenders. There are countless open environmental conflicts throughout Latin America and the Caribbean, which have been associated with many human rights violations, and for the time being there are no institutionalised mechanisms for negotiation between

states and the affected communities. The agreement on Principle 10 could be a very good tool to channel those conflicts.

Given the dangerous context, there is a need to ask what else civil society can do to ensure that the final version of the treaty is as strong as possible and makes a real difference to environmental rights defenders and communities. Andrés concludes by identifying the need for a broader range of civil society to become involved in the process, in order to realise the hope the treaty holds and build momentum.

*This is a process that is open to all civil society in Latin America and the Caribbean, so I would like to make a direct request to all civil society to get informed and participate actively. You need to start by **registering**. The idea is for the process to grow more and more by building a good community of participants that will in turn contribute to consolidating the process.*

It is good to work collectively, so that the day when one of us cannot sustain it, another one can do it instead and the process doesn't stop. In relation to the rights defended by organisations such as ours, no results of public and collective interest can be obtained in the short term. Continuity over time, and therefore collective work, is required.

We hope that our struggles for human rights, sustainable development and a healthy environment will be consolidated into international instruments and form a virtuous circle. This will happen as more and more citizens mobilise, are informed and get involved in decision-making processes, leading to more and better institutional and legal mechanisms guaranteeing those very rights to mobilisation, access to information and participation at both national and international levels, leading in turn to more concrete results being obtained through these processes.