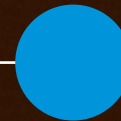


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ROMANIA: Huge protests forced the government to back down from plans to take a more lenient line on corruption.



MALAWI: After 12 years of campaigning, an Access to Information Law was passed, although civil society remained concerned about a potential new NGO policy.

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In February, huge **protests in Romania** forced the government to back down from making changes to pardon corrupt officials and introduce softer penalties for corruption. While the measure was withdrawn, the controversy rumbled on through the rest of 2017. In China, an **environmental protest** showed that local mobilisations can still succeed even in conditions of closed civic space. A protest against a proposed aluminium plant in Heilongjiang province led to the authorities agreeing to suspend its development. Among the month's other peaceful protests, over a thousand people **marched** in Rabat, capital of Morocco, to commemorate the sixth anniversary of the 2011 popular uprising, and to call attention to the lack of progress since on key issues, including corruption, livelihoods and housing, while at least 2,000 women **demonstrated** in Podgorica, capital of Montenegro, against state cuts to social benefits for mothers; protests came again in **April**, when a move to have the changes ruled unconstitutional failed, and in June, when parliament voted to pass them.

February also saw several examples of protests by regressive movements that attack human rights, which are on the rise and increasingly normalising racist, sexist and xenophobic discourse in many countries. A neo-Nazi **demonstration** took place in Sofia, capital of Bulgaria, despite a municipal ban; the gathering was preceded by an anti-fascist protest the week before. The demonstration pointed to a broader problem with the spread and acceptance of anti-rights discourse in Bulgaria: the Association of European Journalists – Bulgaria **found** that in the February to March election period, media references to refugees and Roma people were overwhelmingly negative. In Macedonia, two journalists were **attacked** and beaten while covering a protest organised by a pro-government group amid conditions of rising antipathy towards the country's ethnic Albanian minority. Tensions worsened, and in April, nationalist supporters **stormed** parliament after the election of an ethnic Albanian parliamentary speaker, causing over 100 people to be injured, including several journalists. A post-election political deadlock saw polarisation on questions of participation by parties representing ethnic

Albanians and recognition of the Albanian language before a coalition deal was finally **agreed** in May.

In South Africa, xenophobic, anti-migrant **protests** took place in Pretoria, resulting in violent clashes between protesters and migrants. Bigotry also reared its ugly head in Bosnia and Herzegovina, where members of the Association for Social Research and Communication, a CSO, were verbally and physically **attacked** after taking part in an LGBTI solidarity demonstration. The build up to France's presidential election also saw rising racist discourse and protests about and violent clashes with supporters of the far-right Front National party, as well as **attacks** on the media. **Protests** after an alleged police assault on a young black man were marked with some violence.

February saw several incidents of the use of security force violence against protesters. At least **five people** were killed in violence in Guinea after a seven-week teachers' strike led to school closures and student protests, with police using teargas against protesting students. The same month in Guinea, Mariam Kouyaté, a radio reporter, was arrested, harassed and aggressively interrogated after broadcasting about poor hospital conditions. Several protests in Bangladesh were forcibly **broken up** by police, using batons, teargas, rubber bullets and water cannon, including a protest against petrol prices in the capital, Dhaka, a sit-in in the city of Chittagong, and a protest by students about the beating of a student by private security forces. Police in Swaziland blocked a **march** by members of the Trade Union Congress of Swaziland to the Ministry of Labour and Social Welfare to present a petition on labour rights. Later, in April, water cannon and batons were used in Swaziland to disperse a **student protest**.

Elections led to contestation of civic space in two quite different contexts. Turkmenistan's dictatorial President Gurbanguly Berdimuhamedow was re-elected with over 97 per cent of the vote in a sham poll where the candidates were hand-picked to offer symbolic opposition. No election in Turkmenistan has ever been declared free and fair by independent international observers.

The election was preceded by a **renewed crackdown** on civil society freedoms, including the surveillance, harassment and detention of activists, social media users and journalists. The year also saw several examples of **forced mobilisation** of people in government events. In Ecuador, presidential elections, held in February with a run-off vote in April, resulted in a narrow win for the ruling party. Just before the election, five media outlets were taken down following cyber attacks. They had published stories about high-level corruption. The month before, over 100 police officers raided a **radio station** after it broadcast a message from an indigenous leader involved in anti-mining protests.

Other attacks on the media were seen in Lesotho, where two private radio stations were **taken off-air** by the government for allegedly broadcasting material that defamed the prime minister and senior officials. They were subsequently able to resume broadcasting after appealing to the High Court. The following month, police ejected journalists from parliament's press gallery during a vote of no confidence in the government. In Eritrea, **two journalists** from the state Eritrean Radio and Television Agency were arrested and detained on charges of attempting to flee the country. This is a serious offence in Eritrea, given the **large numbers** of people who attempt to escape the country, in which forced labour is routine. Nearby in Somaliland, **Baashe Hassan**, director of Star TV, was detained for five days after criticising the government for allowing the UAE to establish a military base. In Lebanon, 300 people **attacked** the headquarters of a TV station, al-Jadeed, after it broadcast a programme about the founder of a prominent political party.

Uruguayan journalist **Isabel Prieto Fernández** narrowly escaped an assassination attempt after she wrote about her experience of police misconduct and harassment while researching a femicide case. Meanwhile, access to information in Uruguay was limited by a new decree that threatened serious implications for whistle-blowers. The Association of the Uruguayan Press **appealed** to the Administrative Court to revoke the decree. The following month, another decree increased police powers to clear streets

and roads during protests, sparking marches against the measure. In a more positive step forward in **Malawi**, an access to information law was finally approved after more than a decade of civil society advocacy, although at the same time civil society grew concerned about a potentially restrictive new non-governmental organisation (NGO) policy.

The early months of 2017 saw mixed news for Uzbekistan's many jailed and detained civil society activists. In February, journalist **Muhammad Bekjanov** was finally released from jail after serving a colossal 18 years in detention, showing clear signs of mistreatment while in prison. He remained under police supervision and was not allowed to leave the country. His colleague, Yusuf Ruzimuradov, was kept in jail. The following month, **Jamshid Karimov**, an independent journalist and nephew of the late president, was released from a psychiatric hospital where he had been forcibly held since 2006. However, on the same day, human rights defender **Elena Urlaeva** was forcibly detained and held for **23 days** in a psychiatric institution ahead of planned meetings with International Labour Organization (ILO), International Trade Union Confederation (ITUC) and World Bank representatives. She has documented forced labour in Uzbekistan's cotton industry. Several other journalists **continued** to be arrested, detained and harassed.

Humanitarian organisations were targeted in the Central African Republic: in an **attack** on the town of Bocaranga, the offices of the International Rescue Committee and the Danish Council for Refugees were raided, plundered and set on fire, and a number of people were reported killed. At the international level, 40 CSOs came together to express concern about the voices of Syrian people being excluded from the UN-sponsored peace talks being held in Geneva. They urged that the peace process prioritise **five** key human rights issues: end unlawful attacks, ensure access for aid and safe passage for fleeing civilians, secure justice, reform the security sector and release detainees. They drew attention to the large numbers of peaceful protesters and activists who have been detained and denied their rights, with an estimated **100,000 people** in detention in Syria. On **1 March**, the UN's Independent International

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Commission of Inquiry on Syria ruled that war crimes had been committed by all sides in the battle for Aleppo: the finding emphasised the need for civil society to continue to push the international machinery to challenge impunity for rights abuses.

The European Union's (EU) commitment to human rights was called into question by the **visit** of Azerbaijan's President Ilham Aliyev to the EU to discuss renewal of its partnership agreement despite extensive evidence of human rights abuses, including detentions and torture. The visit sparked widespread civil society outrage. There were also considerable protests, particularly outside the European parliament, as the institution **passed** the controversial EU-Canada Comprehensive Economic and Trade Agreement (CETA), a neoliberal trade deal. Civil society's concerns included the potential impacts on jobs and standards, and the powers the deal could give transnational corporations to sue states for non-compliance. In a more positive development relating to the international sphere, South Africa's High Court **ruled** that its government's decision to leave the International Criminal Court was unconstitutional and invalid, and that it must go back to parliament. Pending this, the government was ordered to cancel its notice of withdrawal. The decision came after a case brought by civil society.

ROMANIA: PEOPLE POWER CHALLENGES SOFTENING ON CORRUPTION

Huge **protests** in Romania forced the government to drop an attempt to take a softer line on corruption, although the issue continued to dominate Romania's politics for the rest of the year.

Anti-corruption protests have become a regular occurrence, indicating both how angry Romania's people are about the impacts of corruption on their

lives and how difficult it is to challenge this ingrained problem. In 2015, a devastating nightclub fire that killed 62 people and exposed the corrupt practices that enabled flagrant disregard for public safety led to **mass protests** that forced the prime minister and government to stand down. But after that same party returned to power in December 2016, it moved to make corruption easier. In late January, the government passed emergency legislation that would pardon many prisoners serving sentences of five years or less and decriminalise official misconduct that caused the loss of under 200,000 Romanian lei (approx. US\$51,000). The government claimed its intent was to ease prison overcrowding but, for many, the real aim seemed clear: to get or keep corrupt political figures out of jail. Not least among the beneficiaries would have been **Liviu Dragnea**, head of the ruling Social Democrats, who was found guilty of electoral fraud in April 2016 and faced fresh corruption allegations in 2017. Under the new rules, he would have been eligible to serve as prime minister.

People were angered not only at the proposed rules, which would signal high-level permissiveness towards corruption, but also by the secretive and undemocratic way in which the government attempted to introduce them. When it was announced without fanfare or warning late on 31 January that the measure had been passed, the only inference that could be drawn was that the government was trying to slip the controversial change through with minimal attention.

However, attention is what they got. As **Viorel Miclescu** of **CENTRAS: the Assistance Center for Non-Governmental Organizations** relates, over **10,000 people** gathered to protest in the capital, Bucharest, within hours of the news, and protests grew over the following days, until they forced the change to be reversed:

*As soon as the word spread, people were on the streets. First the government ignored them, but later, as numbers grew and the protest went on day after day, it was forced to **withdraw** the emergency legislation. These were the biggest protests in decades. At some*

point, it was estimated that half a million people took to the streets, including more than 200,000 in Bucharest. The protests were mostly peaceful, although clashes periodically erupted between police and protesters. When demonstrators threw objects at the police, officers **responded** with teargas. In the aftermath of one clash, 20 people were arrested and eight were injured.

It was crucial, suggests Viorel, that the protests were creative and imaginative, and grabbed international attention, something that changed the calculus within Romania:

People invested lots of energy and **creativity** in the protests. They used humour, created witty slogans and memes and repurposed symbols of pop culture. This allowed them to win the hearts of the international media, who saw everyday Romanians get out in the cold after work, stay there for hours into the night and exhibit all that creativity. I met a number of journalists from global media outlets. They were impressed by the vividness of the protest and by protesters' ability to respond to questions in several languages. As a result, they provided extensive and positive coverage of the events, which put pressure on European politicians to do something about it, and for European countries to react strongly, which they did.

Romanian civil society needs international support and gets more energy when its actions get wide international coverage. The visit of a delegation of the European Parliament in March was particularly significant. The visitors met with protest group leaders, lots of journalists wrote about them and the world discovered that Romanian citizens want good governance, hold European values and support anti-corruption efforts.

The protests certainly achieved short-term impact. After a week, the government rescinded the emergency order. **Justice Minister** Florin Iordache



Over 200,000 Romanians protest in the capital, Bucharest, against proposals to soften anti-corruption policies

Credit: Getty Images

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was forced to resign, the ruling party's **Senate leader** who led the moves was shifted to another post, and parliament **voted** to confirm repeal of the change on 21 February. But protests continued even as the backtrack was under way, with protesters making clear that they did not trust the ruling party and senior politicians. Weekly protests continued into March, and Romania saw **more demonstrations** during 2017, including on low pay and against illegal logging.

For **Stefan Cibian** of the **Federation of Non-Governmental Development Organisations of Romania**, it was no surprise that protests continued, given the systemic nature of the problem:

*Protests continued for a good reason, as recent laws, including new **regulations** on CSOs, and emergency decrees issued by the Romanian government, indicated that public institutions are being used to dismantle democracy and limit the space for civil society. The aim is not corruption; corruption is just the means. The true aim is to hold control over society, and gaining discretionary power over resources is necessary in that regard. That is also the reason why, although the government's reaction to citizens exercising their right to protest was soft at the beginning, there was a growing tendency for the government to intervene to limit protests, spark violence, and then use that violence as an excuse for repression.*

Rather than holding to democratic principles, the parties that emerged after the communist period in Romania function as mechanisms to capture the state for various private or even illegal interests... Relations between political parties and society are not embodying democratic principles. Parties attempt to control society, not to represent it.

This means that despite the success of the February protests, the ruling party's determination to soften the rules on corruption remained. Pressure generated by the protests led the government to consult on the proposed

changes, but the consultations only affirmed the protest anger, suggests Viorel:

In April, the government responded to requests from the EU, USA and other actors to analyse the legislation properly, including through debates and consultations with judges and magistrates. However, the results of the inquiry were unsatisfactory to party and government leaders because they showed that practitioners didn't want the legislation softened in any way. On pardons, the only consensus that exists in the judiciary is that they should not apply to people convicted in corruption cases. The majority believe that allowing public officials imprisoned for bribery, official misconduct, conflict of interest or influence trafficking to benefit from pardons would introduce the wrong incentives. So many people, including justice officials, have the feeling that their own government has betrayed them.

And yet, relates Viorel, attempts to change the law continued, indicating how desperate the ruling party was to enable corruption, even though it provoked more protests:

*In August, the Justice Minister proposed **new reforms** that, according to critics, would undermine not just the fight against corruption but also the rule of law and independence of the judiciary. This took us almost back to square one... In October former Justice Minister Florin Iordache was **appointed** president of the parliamentary committee for ensuring legislative stability in the field of justice. So in the end, the struggle moved from government to parliament. The government backed off but members of parliament still defied public outrage. Several months after the facts, people occupied the square in front of the government building in Bucharest... In November, nine months after the first protests, Romanians again **protested** against proposed legislative changes and reminded the government that they remained vigilant about any attempt to slow down the fight against corruption.*

The government's failure to secure passage of the measures caused the ruling party to withdraw its support in June. The prime minister was ousted, and his replacement was in turn **forced out** in January 2018, to be replaced by someone said to be **closer** to the party leader. This ongoing struggle by the ruling party, in the face of public anger, also causes CSOs to be attacked, reports Viorel:

CSOs are the target of restrictive legislation. It will not be as bad here as in Hungary (see June), but the political majority is moving along the same lines. A smear campaign against CSOs is ongoing, and it is being repeatedly insinuated that CSOs have a hidden interest in destabilising the country. In June, a bill was proposed to allow for the forced closure of any CSO that does not publish reports of its revenues and expenses, as well as the names of all of its donors, twice a year. This is an arbitrary burden, much more demanding than that applied to other spheres, and is meant to increase political control over civil society. It was tacitly adopted by the Senate in November, and sent for consideration by the Chamber of Deputies. We are confident that we will be able to block it, but we also know that a new move by the government will follow to restrict civil society.

At the time of writing, more protests were **taking place**; a year on, Romania's political leaders were still attempting to enable corruption, and Romanian people were still mobilising to stop them. This causes Stefan to question whether protest momentum can be sustained and what role CSOs might play:

The 2017 mobilisations only succeeded in postponing the ruling party's plans, which are now being rolled out through parliament. Citizen reactions, on the other hand, are now far from the strength that they had at the beginning of 2017.

What 2017's mobilisations produced is, on one hand, an increasing

number of angry people, and on the other, a growing number of disempowered people. Established CSOs played a role in the protests, but up to now it has been a marginal one. Their ability to mobilise citizens, or to coordinate amongst themselves, remained alarmingly low. While some connections were established with like-minded mobilisations in other parts of the world, these have taken place mostly at an inspirational level, and for very few of those involved.

A set of challenges relate to inherent weaknesses in the sustainability of organised civil society. Democratisation driven by donors' assistance has not generated any sustainable organised civil society in terms of resources, nor in terms of connection to the governmental sphere, or indeed, often to local communities... Civil society is weak in terms of organisation and its ability to articulate common interests, while keeping a distance from the main political parties.

Viorel's organisation recognised that a new cadre of people mobilised in response to the corruption measures, and they organised largely informally, outside CSO structures and making heavy use of social media. It was important, in trying to sustain protest momentum, not to try and force protest movements to form conventional CSO structures, which would have sapped energies at a crucial time. Rather, to try to sustain momentum, his organisation launched a new fund to collect individual donations to support follow-up actions to promote activism and strengthen civic values. As Viorel sees it, part of the significance of what happened in 2017 was that new people brought into protest have potential to remain active citizens:

As a result of the government's actions in January and February, a lot of people who were living within a narrow private triangle – work, family, vacation – suddenly became engaged citizens. It became obvious for everybody that there was a huge gap between the people and the so-called political class.

A large, hand-drawn sign on a piece of cardboard is held up by two hands. The sign is written in bold, black, capital letters. The text reads: "ANTI-CORRUPTION" on the top line, "is in OUR" on the second line, and "DNA" on the third line. The background of the sign is a light brown color, and the text is in a dark, possibly black, ink. The sign is held against a blurred background that appears to be an outdoor setting at dusk or dawn, with a blue sky and some lights visible in the distance.

ANTI-CORRUPTION
is in OUR
DNA

Protests against corruption continued as 2017 went on

Credit: Getty Images

We now have a whole new generation of alert citizens. Politics has become one of the most likely subjects of everyday conversation. Debates and forums are being organised to channel all these energies, because people have not been in the business of practising civic values for a long time, and they are just learning how to participate, how to form and express an opinion, and how to interpret political events.

In normal times, a typical protest against government abuse would gather a few hundred people, but in February, close to 600,000 came out from all over Romania on a single night. The protest reached small cities and towns where there had never been protests before. These were by far the largest protests ever experienced in this part of the world.

Protests against corruption and in favour of European values mean a lot more in times of uncertainty, such as after the UK Brexit vote and the progress made by the extreme right in the Dutch and French elections. These protests gave a message of unity around European values, and in that sense they can be viewed as model protests for the times to come.

These are fascinating times. On one hand, never before have we had politicians who are so mean and selfish, and of such low human and professional quality. On the other hand, there is now a large mass of new people entering the civic arena, getting ready to monitor the government and eventually to help educate politicians. Politicians will be educated only if citizens educate themselves first: there is a need for millions more to wake up and understand that there is another way of living their life.

With the government still attempting to push through its corruption measures, Stefan sees Romania's democracy as poised at a pivotal moment, where people's action could decisively tip the balance. If Romania is to resist going down the path of other countries where hard-line leaders have steered increased repression, then Romanian people and CSOs need to continue to mobilise and demand a bigger say in governance:

I would describe the current state of democracy in Romania as worrying. In essence, there used to be a positive trend at the grassroots level, where individuals and communities came to life after the treacherous totalitarian regime that lasted until 1989. More recently, however, the political mood has reverted back towards the totalitarian practices of before 1989.

This is unfortunately part of a broader trend, with several countries in the region being led by democratically-elected leaders who are, in essence, destroying or undermining the democratic systems that brought them to power. Country after country in Central and Eastern Europe – and not only in that region – are following the same approach: Czech Republic, Hungary, Poland, Russia, Turkey and now Romania.

This is a crucial moment for Romanian democracy. If citizens are able to recognise what is going on and mobilise, they will be able to protect their rights and re-establish a democratic system. If they do not, Romania will very likely join the club of 'illiberal democracies' of the region.

MALAWI: A POSITIVE NEW LAW, BUT A WORRYING DRAFT POLICY

It was one step forward, but potentially one step back for civil society in Malawi in 2017. In February, President Peter Mutharika signed the Access to

Information (ATI) Bill into law; the bill was passed by parliament in December 2016 and had awaited presidential signature since. As with the similar law passed in Lebanon the month before, the moment marked the culmination of a **lengthy campaign** of civil society advocacy lasting 12 years. But even as civil society welcomed the positive move, it faced a growing threat, in the form of a new NGO policy that threatened to introduce new restrictions on civil society.

Fletcher Simwaka of the **Centre for Human Rights and Rehabilitation** sets out the recent positives and negatives for civil society in Malawi:

In some instances, one notices commendable steps the government is taking in facilitating citizens' progressive enjoyment of the various civil and political rights in Malawi. Remarkably, the President signed the long-awaited ATI Bill into law. This is a milestone as the law will enable citizens to access vital information held by the government. The ATI is an effective tool to entrench a culture of transparency and openness in government operations. In addition to the ATI, a major improvement on civic space is that the government is now relaxing its former restrictive stance on the freedom of assembly. Concerned citizens and human rights activists are now able to conduct peaceful protests towards the government without any undue legal hindrances.

On the other hand, the government has demonstrated vestiges of intolerance towards key human rights and freedoms, especially against critical human rights defenders and civil society. The current administration is resorting to a divide-and-rule tactic to weaken and isolate civil society. The government does so by appointing some vocal human rights defenders into government positions. Moreover, the government has taken a leading role in influencing the elections of civil society leaders in civil society networks and platforms by supporting their stooges. Most unfortunately, the government is

resorting to the selective application of justice aimed at shielding ruling party loyalists. Only cases involving government critics are dealt with expeditiously.

As for the proposed NGO Policy, as Fletcher relates, civil society was critical about both the process of developing the policy, and its content and potential implications for CSOs, including for their autonomy and scope of operations:

The most fundamental civil society concern over the NGO Policy is that the draft policy formulation did not involve meaningful consultations with the wider civil society community. The policy formulators only embarked on selective consultations with pro-government CSOs. Second, the draft policy is almost silent on governance and human rights CSOs in its definition of civil society. It assumes that all CSOs are community, charitable organisations that are simply there to complement the service delivery work of the government. This is a deliberate and dangerous omission as it might systematically undermine the equally important role of governance and human rights CSOs and activists in Malawi.

The draft policy doesn't mention the protection of CSOs and human rights defenders. The policy should acknowledge the relevant role of CSOs as a watchdog in the exercise of political and legal authority by those in public office. The policy priority areas need to be expanded.

The draft policy provides the relevant development planning structures with increased and unwarranted powers to approve projects developed by CSOs. The policy notes that "a project shall not be implemented unless it is approved by these structures." Such broad powers will infringe on the independence and privacy of CSOs.

A further concern centred on the increased administrative burden the policy could place on CSOs, and the potential for CSOs that the government disagrees with to be de-registered. This was particularly concerning, given that in 2016 the Minister of Gender, Children, Disability and Social Welfare called on the official regulatory body, the NGO Board, to **close down** CSOs deemed as unaccountable, which was construed as meaning those that criticise the government. Civil society in Malawi already faces restrictions when it speaks out. Challenges reported in 2017 included official attempts to **discredit** a protest held in January on the price of maize sold by a state-managed company; the detention of a youth activist, **Steven Simsokwe**, for protesting about the relocation of a refugee camp; threats made against an online activist, **Negracious Justin**, for questioning the high costs of a water project; and the conviction and deportation of **eight activists** from neighbouring

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Tanzania who were attempting to monitor the impacts on communities of uranium mining. The eight were **mistreated** while in detention. Taken together, these incidents suggest a government that remains sensitive to scrutiny and attempts at accountability, particularly over public spending.

The fear was that any new policy could make it harder for CSOs to defend rights, assert accountability and speak out against attacks on activists, concerns Fletcher raises:

The policy will increase the administrative burden on CSOs and allow for bureaucratic discretion to reject requests for renewal of the registration of CSOs and target CSOs that question the government. For example, this was the case in 2014 when the NGO Board threatened to close CSOs that were not registered with the Board, despite the fact that the NGO Act (2000) does not provide the Board with powers to close a CSO.

Some of the CSOs targeted for de-registration are those that are involved in and comment on political issues. Several voices within civil society have noted that this is aimed at targeting CSOs working on human rights and governance who are critical of the government. The provision has always been a source of the fractious relationship between the government and CSOs focusing on human rights.

In response, Fletcher makes the following recommendations, and calls for international support:

The NGO Act needs to be reviewed and amended to reflect the spirit of constitutionalism; there is need for a robust, responsive and inclusive NGO policy that will address the challenges faced by CSOs; and the government must come up with a law that protects human rights defenders.

Support from international civil society is needed to build the capacity of local civil society to empower them to demand, promote and protect civic space in Malawi. There are also opportunities for international civil society groups to partner with local civil society to effect change.

At the time of writing, the government has still not finalised the draft NGO Policy. Many in civil society have called for more time for consultations with a wider range of civil society. They want the government to show it is prepared to listen, and offer a policy that is more inclusive, more enabling of civil society autonomy, and more supportive of the wide variety of roles that civil society can play, including in promoting democracy, good governance, accountability, transparency and respect for human rights.