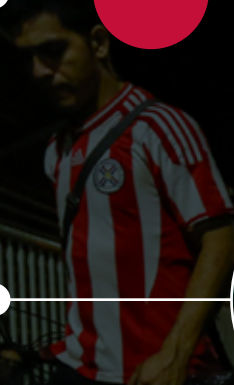



MARCH

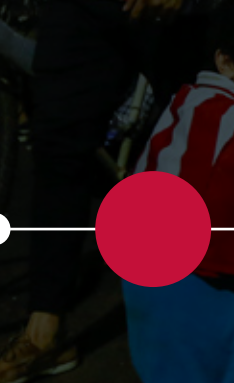
YEAR IN REVIEW



SOUTH KOREA: Overwhelming public pressure led to the impeachment of President Park Guen-hye following a widespread corruption scandal.




PARAGUAY: Protests against a proposal to change presidential term limits were marked with violence but led to the changes being dropped.



RUSSIA: Anti-corruption protests took place in at least 100 cities, bringing a heavy-handed state reaction.



THE NETHERLANDS: A rise in xenophobic and racist politics demanded a progressive civil society response.



EL SALVADOR: Following extensive civil society advocacy, El Salvador became the first country in the world to impose a ban on metal mining.

MARCH YEAR IN REVIEW

Civil society advocacy came to fruition in El Salvador in March, as the country introduced a **landmark metal mining ban**. Meanwhile, **mass protests in South Korea** led to the ousting of President Park Guen-hye, while International Women's Day was **celebrated** on every inhabited continent with marches, protests and the first ever **international women's strike**. In Benin, the Constitutional Court **overturned** a ban applied in October 2016 on the activities of student associations. Benin's President Patrice Talon subsequently urged local authorities to allow an anti-government march, and called on his supporters not to stage counter-demonstrations. Meanwhile, eight **Tanzanian CSOs** joined together to launch a new, year-long campaign to call on their government to respect the freedoms of assembly and expression.

In another positive move, in Kosovo, the State Prosecutor and the Association of Journalists in Kosovo **agreed to cooperate** to address threats and attacks against media workers. The State Prosecutor appointed a new coordinator to drive investigations of threats and attacks, in recognition of the growing level of **danger** for journalists in Kosovo. This danger was also experienced in neighbouring Albania: **Elvi Fundo**, an investigative journalist, was left hospitalised after a severe assault. He pointed the finger at corrupt media outlets linked to drug trafficking. The Philippines also continued to be a very dangerous country for journalists. In March, **Joaquin Briones** was shot dead by unidentified assailants. He had reported on subjects such as drug trafficking and illegal fishing, and had served five years in jail on libel charges.

The state was the predominant source of threats to journalists elsewhere, particularly when journalists sought to expose poor governance and corruption. Azerbaijani blogger and journalist **Mehman Huseynov** was sentenced to two years in jail on libel charges, following comments he made about police interrogation and abuse after being detained. His work exposes corruption by public officials. Serbian journalist **Stefan Cvetkovic** was sentenced to 27 months in jail on charges of unauthorised publication, defamation and plagiarism. He had written about the misuse of ruling party funds. In Djibouti, well-known caricaturist Idriss Hassan Mohamed

was arrested and held in an undisclosed location for five days, during which he suffered a broken leg; also in March, **Omar Ewado**, Director of the Ligue Djiboutienne des droits de l'homme, Djibouti's only independent human rights organisation, was arrested and detained for nine days, having previously served three months in jail on defamation charges. In Canada, journalist **Justin Brake** was charged on two counts after reporting on an October 2016 protest at a hydroelectric plant and interviewing protesters, while in Botswana, police detained and threatened to kill **three journalists** who were on their way to one of the president's private residences to try to find out if public funds were being used for renovations. The month before in Botswana, police violence was used against student **protests**.

CSO staff and activists found themselves under deadly threat in other contexts. Six International Committee of the Red Cross staff members were **attacked** and killed in Jawzan province, Afghanistan. Two Brazilian indigenous land rights **activists**, Antonio Mig Claudino and Waldomiro Costa Pereira, were killed in separate attacks on the same day in March, highlighting the current high levels of danger for environmental defenders, with **43 reported killed** in Brazil alone in 2017. In response, the following month the Brazilian Committee of Human Rights Defenders launched a new international campaign, *Meu Crime é Lutar* (My Crime is to Struggle), denouncing the criminalisation of human rights defenders.

A number of peaceful **marches and protests** took place in Barbados in March and April, including against gender-based violence, as part of a coordinated action across several Caribbean countries around International Women's Day, which saw similar actions in Jamaica. Barbados also saw marches organised by a teachers' union against poor working conditions, and against declining living standards. In Denmark's second city, Aarhus, hundreds of people **rallied** against racism and in support of refugees, but in comparison, elections in the Netherlands were marked by a spike in **racist and xenophobic sentiment**. And despite difficult civil space conditions in Egypt (*see May*), thousands **took to the streets** demanding 'we want bread!' in protest at government plans

to reduce bread subsidies, as the state pursued public spending cutbacks to comply with International Monetary Fund (IMF) loan conditions. Police reportedly responded by firing shots into the air.

While International Women's Day events were overwhelmingly peaceful, in Argentina journalists were **attacked** by some protesters, and a small group of protesters who started a fire were met with police teargas and arbitrary arrest. Argentinian journalists were also attacked while covering a public servants' union strike. This was part of a recurring pattern of violence against protests in Argentina: earlier in the year, security forces **violently attacked** the Mapuche community in the town of Cushmanen. Members of the community had protested against private sector takeover of their land. In **Paraguay, protests** against an attempt to scrap presidential term limits also turned violent, and saw the Congress building set on fire.

Anti-corruption protests in Russia brought the response of mass arrests and detentions. In a pre-emptive strike against planned protests in neighbouring Belarus, the authorities **arrested** scores of activists, bloggers, journalists and protest organisers. Freedom Day protests were planned for 25 March, and evidently the autocratic government saw potential for these to develop into a full-scale uprising. Despite the arrests, a Freedom Day protest went ahead in the capital, Minsk, but was quickly suppressed by security forces, with an internet shutdown preventing the sharing of images of security force violence. Many of those arrested were held in long-term detention, and journalists were **harassed** during and after protests. Earlier protests in February, the largest in years, had seen the government give ground by **suspending** an unpopular tax – the so-called 'parasite tax' – on people not in full-time employment. In Ukraine, an amendment to the law **extended** the requirement to declare income and assets beyond politicians and public officials to the staff of some CSOs. This raised **the concern** that the law could be used to target CSOs and could pose a threat to the security of CSO staff.

At its March meeting the UN Human Rights Council (UNHRC) adopted by consensus a **resolution** on the right to privacy in the digital age, which for the

first time **emphasised** that any interference with the right to privacy must be consistent with principles of legality, necessity and proportionality, meaning that there should be strict limitations on the kind of wide and sweeping digital surveillance that a number of governments have been revealed to be conducting. At the same time, freedom of expression network **Article 19** launched its **Global Principles on Freedom of Expression and Privacy**, offering a new framework on how to defend and realise rights to the freedom of expression and privacy in an increasingly digital world.

SOUTH KOREA: CANDLELIGHT REVOLUTION OFFERS RAY OF HOPE

The power of protest was amply demonstrated in **South Korea** in March, when the Constitutional Court upheld the impeachment of President Park Guen-hye following the exposure of a widespread corruption scandal involving her, her close friend Choi Soon-sil and high-level officials and business leaders. The revelations prompted widespread and weekly protests, which at their peak saw a record **1.7 million people** demonstrate on the streets of the capital Seoul in December 2016. The mass protests, known by many as the '**candlelight revolution**' after a key protest symbol, formed a critical part of the pressure that mounted on President Park, by making the public demand for change highly visible and impossible to ignore; without the protests, it is likely that President Park could have weathered the political storm in a context where high-level corruption scandals are sadly nothing new.

Following the verdict, President Park was removed from office, arrested and detained. Choi Soon-sil was **jailed** for three years for corruption in June, having been found to have used her position of influence to secure educational privilege for her daughter. At the time of writing, further charges relating to her relationship with former President Park were expected; she

MARCH YEAR IN REVIEW

was accused of using her connections to the presidency to secure major donations to two foundations she controlled, in return for favourable government decisions.

Exposure of the scandal shed light on the close and corrupt relationships between politicians and business leaders: in August, Lee Jae-yong, heir to and de facto head of South Korean corporate titan Samsung, was **sentenced** to five years in prison for bribery, embezzlement, concealing profits from criminal acts, hiding profits overseas and perjury. His conviction offered hope that long-known connections of power and influence between senior politicians and the major family-owned corporate groups known as chaebol that dominate South Korea's economy could be challenged. Four other Samsung heads were convicted and sentenced to up to four years.

The scandal also exposed the existence of a secret blacklist of at least **9,000** cultural figures, including actors, artists, film-makers and writers, who were excluded from the country's considerable cultural support programmes for being critical of the former president or her family (including her father, a former dictator of South Korea), or for being suspected of supporting rival parties. The news recalled past practices of artistic censorship under dictatorship. A group of over **450 artists** announced they would sue former President Park and senior officials over breaches of the right to privacy and the freedoms of expression and belief. Six officials were **jailed** in July for perjury and preparing the blacklist.

The new President, Moon Jae-in, came to power in the May election called after President Park's impeachment, winning by the largest margin in South Korea's democratic history, with a promise to challenge corruption and chaebol power. The election was dominated by public anger about elite bribery and abuse of power, but also about other profound challenges, including rising and visible income inequality and limited employment prospects for young people.

As the new administration took power, civil society sought to keep up the pressure for reform. In June, **People's Solidarity for Participatory Democracy** called for impartial investigations into abuse of power, corruption and the role of the country's National Intelligence Service, and for a range of labour reforms. Candlelight protests continued. An estimated **400,000 people** took part in a July demonstration organised by the Korean Confederation of Trade Unions (KCTU) calling for an increase in the minimum wage and greater recognition of the right to strike. The government quickly made concessions, **committing** later that month to increase the minimum wage by 16 per cent in 2018.

WITHOUT THE PROTESTS, IT IS LIKELY THAT PRESIDENT PARK COULD HAVE WEATHERED THE POLITICAL STORM IN A CONTEXT WHERE HIGH-LEVEL CORRUPTION SCANDALS ARE SADLY NOTHING NEW



There were also demonstrations against the deployment from April of the USA's Terminal High Altitude Area Defense (THAAD) weapons system, at a time of rising tension between the USA and North Korea. When **protesters** tried to prevent vehicles carrying THAAD missiles from entering a military base, they were forcibly removed, with over 8,000 security personnel deployed and at least 10 injuries caused. Following the backlash, in June, President Moon placed a halt on further deployment.

While the protests against President Park were largely peaceful, **demonstrations** outside the Constitutional Court on the day of the impeachment verdict saw three people killed and dozens injured, raising echoes of earlier violence against protests, including the notorious case of **Baek Nam-gi**, who died in September 2016 after 10 months in a coma as a result of heavy-handed protest policing. In May the Supreme Court also **upheld** the three-year jail sentence imposed on KCTU leader Han Sang-gyun for organising a series of anti-government protests that were largely peaceful but saw sporadic clashes between protesters and police, including the November 2015 protest that led to the death of Baek Nam-gi. At the time of writing Han Sang-gyun remains in jail and the circumstances that led to Baek Nam-gi's death remain uninvestigated, with no security force officer held to account.

The new government has shown increased willingness to engage with and listen to civil society, but it will be judged on how it moves forward in enabling rights and tackling corruption and impunity, as well as how it handles tensions caused by North Korea and the USA, and how it challenges the persistent issues of stark income inequality and youth unemployment. That is a heavy agenda, with which South Korea's civil society can help.

PARAGUAY: VIOLENT PROTESTS REVEAL SCALE OF CITIZEN ANGER

Protests in **Paraguay** against a proposed constitutional change to end presidential single term limits turned violent on the evening of **31 March** when some protesters forced their way into Paraguay's Congress and set the building **on fire**. The police responded with indiscriminate use of teargas and rubber bullets, causing many injuries.

While the fire commanded widespread headlines, the underlying grievances were in danger of being misunderstood. We asked **Oscar Ayala Amarilla** of the **Human Rights Coordination of Paraguay (CODEHUPY)** for his take on the March/April protests. He sees the protests as resulting from public anger at a cosy institutional stitch-up, and voices civil society suspicion about the events leading up to the fire:

The protests that culminated in the events of 31 March and 1 April were linked to a constitutional reform attempt to allow for presidential re-election. This attempt was rejected by broad sectors of civil society, including CODEHUPY. The proposal to reform the constitution had been raised by the incumbent party along with parts of the opposition, since it would enable not just the incumbent president, Horacio Cartes of the Colorado Party, to run again, but also former president Fernando Lugo, currently a senator for the Guasú Front and head of Congress. Wide sectors of the citizenry saw the attempt to reform the constitution as an abusive exercise of power by a circumstantial alliance that would destroy whatever remains of our institutions.

The debate surrounding constitutional reform was taking place in institutional settings and in the media; it was as a result of the

*spontaneous and massive citizen reaction to the congressional approval of a constitutional amendment that it took to the streets. In the context of these protests there were a series of **incidents** that became known worldwide because the Congress building was set on fire.*

*In CODEHUPY's **opinion**, these acts of vandalism were largely the result of the inaction of the National Police, who deliberately left the parliamentary building unprotected. That night I was present as an observer of the mobilisation, along with a CODEHUPY team and a delegation of the National Mechanism for the Prevention of Torture. We all witnessed first-hand the moment when a group of protesters managed to break into the Congress building, and we observed something that was completely unusual. We saw that the police had abandoned the place, and only came back much later, and did so forcefully then to repress protesters indiscriminately and put an end to the violence that they themselves had instigated. This resulted in numerous injuries and hundreds of arbitrary arrests. At the end of the day, at least 211 people were arrested, many of whom suffered torture, ill treatment and other abuses by the police.*

In the most serious case of violence, on 1 April, **Rodrigo Quintana**, a member of the opposition Liberal Party, was killed by a rubber bullet in a police raid on the party's offices. In response to the violence, President Cartes fired the Minister of the Interior and Chief of Police, but also publicly **accused** a number of journalists of starting the protest and inciting violence. This betrayed an underlying suspicion of journalists by the ruling regime and those close to them that continued throughout the year: in November, the Union of Journalists of Paraguay mobilised in protest after journalist Lucia González was **dismissed** from her job at La Nación, a media group owned by the family of President Cartes, while during July and August, several journalists were **fired** from the Unical TV network, allegedly for pro-union activities or for disagreeing with the network's editorial line. Earlier in 2017, the government

offered to place state advertising on over 200 rural radio stations in return for favourable coverage.

But while the violence and detentions were a high price to pay, the unrest ultimately succeeded in communicating the seriousness of public opposition to the proposed change. Later in April, and following the international attention the protests gained, President Cartes said he **would not stand** in 2018, and the attempted change was swiftly voted down in Congress.

The term-limit protests were far from the only mobilisations Paraguay experienced in 2017, with prominent protests involving farmers, who urged the government to uphold a 2016 commitment on agricultural debt, students and the women's movement. This showed a broader footprint of protest that reached beyond the capital city, as Oscar sets out:

In recent times there have been at least three groups that have played a leading role. First, there is the peasant movement, which has historically mobilised around demands related to land ownership and use, and which has very strong organisations and coalitions, such as the National Peasant Federation and the National Coordinating Table of National Peasant Organisations.

*Second, there is the student movement, including both university and high school students, which in 2017 mobilised quite intensely and carried out numerous actions, such as occupations of school and university buildings. Their **demands** revolved mainly around educational issues, the democratic governance of the university and the creation of new university institutions.*

*Third, the women's movement expressed itself quite strongly. The current government has been very receptive to the demands of fundamentalist religious groups of various denominations, and has taken very **regressive measures** in the field of education, such*

as prohibiting the use of materials on sexual and reproductive education, non-discrimination and gender equality. This provoked an important public reaction led by feminist and women's organisations, which **mobilised** again on 25 November, International Day for the Elimination of Violence against Women, around a campaign for the eradication of gender violence.

In the case of the peasant movement, in 2017 we had a bit of everything: mobilisations both in the interior of Paraguay, including roadblocks, and in the capital, Asunción. In September, hundreds of peasants entered the capital and set up a permanent camp in the square across the street from the National Congress, as part of the debt cancellation **campaign**. And of course, there were also protests on land ownership, which is a long-standing demand, although these have not been comparable in size and strength.

In the case of feminist organisations there were also mobilisations in the interior of Paraguay, and particularly in **some areas** of the Paraguayan-Argentine border, where there has been an interesting process of dialogue between organisations of both countries. Something similar has happened on the border with Brazil.

It is nothing new for protests to experience restriction. Oscar highlights key tactics used to restrict protests, and their selective application:

The repressive reaction of the state was all the more violent where demonstrations politically questioned the government and were seen by the executive as a threat to its power. Several actors mobilised in 2017, but the state's reaction was not the same towards all of them.

At a certain point, the peasants who were camping in the centre of Asunción found themselves locked within the square in front of the Congress building, with the police not letting them mobilise through



People in Paraguay protest against a proposal to change presidential term limits

Credit: Getty Images

city streets, as they had been doing in the preceding weeks while there was an ongoing negotiation with Congress. In order to do this, the police resorted to Law 1066/1997, colloquially known as the ‘**Marchódromo Law**’, which has been in place for many years but had never been applied. We consider that this law, which imposes strong time and place restrictions on mobilisations, is **unconstitutional** and incompatible with international standards for the regulation of the rights to the freedoms of expression and peaceful assembly. Its application achieved a great reduction in the impact of an important ongoing social protest. In contrast, this piece of legislation was not used against any other demonstrations – such as those of teachers and students – that took place around the same dates. We therefore faced a case of discriminatory application of a law that is also unconstitutional, in a context in which the government’s relationship with mobilisation is based on a strategy of rewards and punishments.

Civil society responded to these restrictions. Following the violence they experienced during term-limit protests, journalists took a complaint to the May meeting of the IACHR. The government subsequently stated that it intended to develop a protocol for protecting journalists during protests. Oscar describes some of the other key civil society responses, including further engagement with the IACHR:

CODEHUPY has held meetings with several peasant organisations, and we are having conversations about the need to submit to Congress a bill to repeal Law 1066/1997.

Civil society has for years been calling attention to the role that the Public Prosecutor should play. From a constitutional point of view, the office of the Public Prosecutor should represent society before the judiciary; however, prosecutors seldom assume any role in safeguarding the rights of mobilised actors to be on the streets and assert their claims. We insist that this institution play the role that it has been assigned.

*Another practice that we have intensified over the past year is that of documenting cases that have taken place in various parts of Paraguay but that have not had much visibility. We submit all information as inputs into the work of the IACHR and various human rights rapporteurs in regional and international organisations, notably the Organization of American States and the UN. During the **IACHR sessions** that took place in Montevideo, Uruguay, in October, CODEHUPY participated in a **hearing** on the lack of judicial independence and due process guarantees in Paraguay. We denounced that a hierarchy of rights is in place in our country, at the top of which is the protection of private property, so that in cases of land conflicts the interest of the businessperson or rancher always comes before that of the indigenous or peasant populations. This violates systematically the principle of non-discrimination by the state.*

As the above suggests, and as Oscar concludes, one way in which Paraguay’s civil society is responding is by reaching out across the region, making connections and internationalising its issues:

*With a focus on the right to protest, we have worked in a **network** along with organisations from other countries of the region, including Argentina, Brazil, Mexico and Venezuela. Within that framework we produced a **report** about the criminalisation of social protest in Latin America, as part of a wider dissemination and awareness campaign about the right to protest, undertaken as part of a strategy to place the issue squarely on the regional agenda.*

*Another forum that is a point of reference to us is the International Network for Economic, Social and Cultural Rights (**ESCR-Net**), which connects more than 280 CSOs, social movements and activists from 75 countries. This network has collectively carried out strong activism in solidarity with Paraguay. We also have a close link with **Amnesty International**, particularly its thematic section on the protection of*

human rights defenders, which is very much focused on local land rights defenders. This has allowed us to strengthen links beyond the organisations of our country and our region. International ties, support and solidarity have always been and continue to be fundamental for human rights activism in Paraguay.

RUSSIA: CORRUPTION PROTESTS BRING HEAVY CRACKDOWN

On 26 March, **anti-corruption protests** took place in at least 100 **Russian** cities. In Moscow, between 8,000 people – according to the police – and 30,000 – according to the opposition – took part in the protests. The state’s response was predictably heavy-handed.

Russia’s government has long applied a strategy of selectively authorising protests, with pro-democracy activists, government critics and opposition leaders consistently denied permission to demonstrate, and this protest was no exception. When the protests went ahead regardless, the police responded with the systematic removal and detention of protesters with excessive force, as **videos** and **photographs** taken during the protests show. According to official figures, more than 600 people were detained, while the opposition put the number at 1,000 arrests at least. Among these was prominent opposition leader Alexei Navalny, who was handed a **15-day prison sentence** for his involvement in the protests and eventually **released** in April.

The anti-corruption rallies were launched in reaction to a **documentary** produced by Navalny’s Anti-Corruption Foundation, which exposed the corrupt means used by Prime Minister Dmitry Medvedev to accumulate and grow his wealth.

Despite the repression and in the absence of any demonstrable progress on corruption, protests reignited three months later. On 12 June, several opposition rallies were held, during which thousands of people expressed their anger about the high level of corruption and human rights violations in Russia. The biggest protests took place in Moscow and St Petersburg. This time, Alexei Navalny was pre-emptively **detained** just before the protest and sentenced to 30 days in jail soon afterwards. Another opposition politician, Ilya Iashin, was arrested during the rallies. According to reports, internet access and electricity were **cut off** at Navalny’s Anti-Corruption Foundation’s offices shortly before the demonstration started.

ANGER ABOUT
CORRUPTION
AND THE
DENIAL OF
HUMAN RIGHTS
WILL NOT GO
AWAY, EVEN
AS THE STATE
RESORTS
TO MASS
DETENTIONS
AND THE USE
OF VIOLENCE

As they took to the streets, protesters knew their actions could be declared illegal, but thousands accepted the risk. Approximately 600 protesters were **detained** in Moscow and 500 in St Petersburg, and some of those arrested reportedly suffered **mistreatment and torture** while in detention. Protesters were later sentenced, mostly on the grounds that they had allegedly violated some aspect of the law on the organisation of protests; several also faced **criminal charges** for allegedly assaulting police officers during the protests.

More protests were held in **October** by Navalny supporters, some taking place without authorisation, with 38 protesters being detained in St Petersburg, while permission was refused that same month to hold a public commemoration in the city of Samara for the victims of political repression.

As the June protests showed, anger about corruption and the denial of human rights will not go away, even as the state resorts to mass detentions and the use of violence. More protests can be expected on the streets of Moscow and other cities.

THE NETHERLANDS: SHIFTING POLITICAL SANDS POSE NEW CHALLENGE FOR CIVIL SOCIETY

Far-right ideas have increasingly pervaded politics in the **Netherlands**. Ahead of its March election, many in civil society feared that the Party for Freedom (PVV), known for its strongly Eurosceptic, xenophobic and anti-Islamic politics, would emerge as the strongest party. It had, after all, led most opinion polls in 2016 and early 2017, even after its leader, Geert Wilders, was **convicted** of inciting racial discrimination in December 2016. As it happened, PVV came second in the election, but the winning centre-right People's Party for Freedom and Democracy (VVD) was accused of adopting much of the

PVV's hard-line rhetoric in order to win back support. As **René Rouwette** of **Kompass**, a Dutch civil rights organisation, describes, while the PVV did not win the elections, this does not mean that all is well in Dutch politics:

*There is a major international **misconception** that the extreme right lost the Dutch elections. This is wishful thinking. In reality, the PVV **increased its presence** in the Dutch Parliament, from 12 to 20 seats. Moreover, a new extreme right-wing party, the Eurosceptic and nationalistic Forum for Democracy, also won two seats. Leftist parties have become very small in comparison to their past selves. At the same time, parties at the centre have increasingly accommodated language from the extreme right, so the public conversation has definitely changed for the worse. The Christian Democratic Appeal Party is obsessed with winning back political power, and references to exclusion have therefore become vital to their political strategy. Even on the left, among social democrats, there are voices calling for ignoring refugees' basic rights. It is going to be hard – not to say impossible – for these parties to return to their traditional positions and core ideologies.*

Many Dutch people do not feel represented in Dutch politics. Citizens feel a major disconnect from politics, towards the EU as well as at the national level. Political parties are losing members and are increasingly unable to recruit new ones. Many unhappy voters have turned to the right, and the extreme right. The political landscape is polarising. After years of consensus politics, the left and right in the Netherlands are increasingly apart. Parties at the centre of the political spectrum are struggling, and are increasingly accommodating language from the extremes, and especially from the extreme right.

People are locked up in echo chambers, so they resist any information that does not conform to their beliefs and show very little interest in finding common ground. As local newspapers are disappearing, there

is hardly any awareness about local politics either. The landscape is highly fragmented. A **record number** of 81 contenders, many of them single-issue parties, registered to compete in the national elections. Thirteen of those parties made it to Parliament, making it very hard to reach consensus.

This fragmentation meant that it took a record-breaking **208 days** to form a coalition government after the election, with the resulting uneasy alliance of four disparate parties marking a **rightward shift** in the government and indicating how the support base of many traditional parties has **declined**. A key question is what this changing political landscape means for civil society, and for human rights. René sets out the increasing pressure on rights:

*Human rights have increasingly become an issue of political contestation. Political parties right and centre have openly criticised human rights and human rights treaties. They have even fought the Dutch constitution on this. The **new government** is now investigating how to get rid of refugee treaties. A coalition of Dutch CSOs **concluded** that in the past five years the human rights situation in the Netherlands has deteriorated. The victims of this deterioration have been not only refugees and Muslims living in the Netherlands, but also ordinary Dutch citizens. Human rights are about rights for all; the power of human rights is that they are all important. There are no left-wing human rights and right-wing human rights. Let us stick to that.*

Commendably, a significant proportion of Dutch people are fighting back against regressive trends. In August, **hundreds of people** marched in the city of Amersfoort to protest against the proposed deportation of a family to Armenia. 2017 also saw **gatherings** in solidarity with the country's Muslim community and in support of a gay couple who experienced homophobic violence, while thousands took part in a **Gay Pride Canal Walk**. In response to the shifting political situation, civil society, suggests René, has recognised that it needs to work and organise more collaboratively and effectively:



Thousands turn out for the Gay Pride Canal Walk in Amsterdam, the Netherlands

Credit: Getty Images

The major current challenge for Dutch civil society is to bridge differences and to start working together. In the past, many CSOs have focused on competition rather than cooperation, and on their own cause rather than the general cause. I have a feeling that this is changing, and that is for the best. CSOs can all contribute to a cause from their own experience and skills, as long as we share an agenda. An interesting trend in Dutch civil society, as well as at the international level, is that new CSOs tend not to focus exclusively on themes anymore, but rather on specific skills and assets. As a civil rights organisation, for instance, Kompass focuses on using lobbying experience and techniques to advance human rights. There is another new organisation in our country that focuses on litigation. We need to cut internal discussions short, and start working on outreach.

CSOs are setting the agenda again: civil society is being able to frame issues rather than just respond to issues put forward by other actors. We have some things to learn from the extreme right, who have managed to communicate a clear message through their own media, as well as through the mainstream media. It is important for us to take a position, and not appear as indifferent. At the same time, it is important to avoid taking the high moral ground. Actively seeking polarisation will bring us nowhere. The election result was clear, and the fact that so many people abandoned progressive and left-wing parties needs serious consideration. Parties that criticise human rights treaties now have a majority in Parliament; it is important to take stock of this. Polarisation might be useful to bring together very leftist or progressive groups, but it will alienate many others, even those in the centre. It is important to find common ground: to persuade rather than accommodate or win discussions.

What we can learn from commercial lobbying is how to build political support among parties that do not necessarily agree. In the past, some CSOs were of the opinion that they had a role in raising problems, but

that it was politicians' job to come up with solutions. That approach just does not work in the current political climate. We do not need to create moral upheavals, but to propose clear solutions and actions. The reason why companies are spending such enormous amounts of money on lobbying is that it works. We need to learn from what they are doing.

EL SALVADOR: CIVIL SOCIETY ADVOCACY LEADS TO LANDMARK MINING BAN

El Salvador became the **first country** in the world to impose a nationwide ban on metal mining in March. The move marked a rare show of defiance from a small and economically pressed state against large-scale corporate power, suggesting a way forward for other states facing similar challenges. The ban followed a World Bank International Centre for Settlement of Investment Disputes (ICSID) arbitration ruling, in **October 2016**, in the government of El Salvador's favour, marking the end of a long-running dispute with the Pacific Rim Mining Corporation (acquired by Canadian-Australian owned company OceanaGold in 2013). The company had brought a US\$300 million claim against the government, claiming that the government contravened the region's free trade agreement with the USA after it refused to grant permits for a proposed gold mining project on the grounds that it would endanger the country's water supply. OceanaGold was ordered to pay US\$8 million to the government, although it is estimated that it cost the government US\$12 million to fight the seven-year case.

The mining ban law came after years of civil society advocacy and resistance to damaging mining projects. We asked **Saúl Baños**, of the National Roundtable Against Metal Mining and the Foundation of Studies for the Application of Law, to describe the new law:

The new law prohibits the exploration, extraction, exploitation and processing of precious metals throughout the Salvadoran territory, with the exception of artisanal work, based on the consideration that the extraction of metals is harmful for the environment and public health, particularly as a result of the overuse and pollution of water sources.

It is unprecedented for a country as small and impoverished as El Salvador to make such a sovereign decision against the interests of a powerful transnational corporation, and we consider it a victory, even though the contents of the law are not exactly as we had pushed for at first.

Saúl sets out the process by which the campaign to pass the law was won:

Ours was not just a desk job. Over 10 years, we did political and community work, we lobbied government actors and other decision-makers, litigated, put together media campaigns and promoted public debate.

The National Roundtable Against Metal Mining – a coalition of 11 human rights, environmental, religious, youth and grassroots organisations – was active since 2004, and proposed its first Bill in 2006. The initial proposal, which sought to repeal the 1995 Mining Act, did not succeed. Later, around 2011, the government presented a new proposal to suspend administrative procedures related to mining. We did not agree, and immediately introduced another mining ban initiative. Both initiatives, the government's and ours, were discussed by the Legislative Assembly, but neither moved forward.

We learned along the way. In the beginning, our technical and scientific knowledge on gold exploitation and its effects was very limited. Our first proposal demanded the complete replacement of the 1995 Mining Act, which regulates the extraction not just of metals but also of other mineral products. Later we decided to focus exclusively on the exploitation of precious metals, and specifically gold.

*The support coalition expanded considerably. The law that was eventually passed was proposed by a much larger group, of which the National Roundtable Against Metal Mining was a part, led by the Universidad Centroamericana José Simeón Cañas. Another important protagonist was the Catholic Church, particularly the Episcopal Conference, bishops from various dioceses, and especially **Archbishop Monsignor Escobar Alas**, who took up the proposal and, with other priests and social organisations, presented it to the Legislative Assembly. On 9 March, a massive march was held, and the president*

IT IS
UNPRECEDENTED
FOR A COUNTRY
AS SMALL AND
IMPOVERISHED
AS EL SALVADOR
TO MAKE SUCH
A SOVEREIGN
DECISION
AGAINST THE
INTERESTS OF
A POWERFUL
TRANSNATIONAL
CORPORATION,
AND WE
CONSIDER IT A
VICTORY

of the Legislative Assembly, along with other members of Congress, pledged to have the law passed by Easter.

During such a long process, the composition of the Legislative Assembly and its Committee on the Environment and Climate Change shifted several times, and often their new members were not up to speed on the subject. Often they were rookie congressmen and congresswomen, so every time we needed to undertake the whole rapprochement and awareness-raising task from the basics. We worked intensively with the Committee on the Environment and Climate Change, whose members paid a visit to the San Sebastián River, polluted by mining since the 1980s. The deputies saw for themselves that mining exploitation was not feasible under our country's circumstances. We also held popular consultations in five municipalities, through which the communities were able to express their opposition to mining.

International support and solidarity, Saúl relates, were crucial to their success:

The limited funding that was available to the National Roundtable came largely from international sources, and our efforts received solidarity and support from the international community. By 2007 an international coalition, International Allies Against Mining in El Salvador, was formed. This coalition supported the National Roundtable and communities affected by mining projects by lobbying, denouncing the impacts of mining activity and the investment treaties that allowed companies to operate with no oversight, and urging ICSID to act impartially, among other actions. With support from the Center for International Environmental Law, we filed two amicus curiae – friends of the court – briefs so that our arguments would be added to those presented by the defence of the state before ICSID.

Civil society however faced significant corporate contestation, Saúl points out:

Community work was not easy, because Pacific Rim/OceanaGold also did their job. Besides their ICSID lawsuit and lobbying with politicians and officials, the company had a 'social arm' on the ground, the El Dorado Foundation. The department of Cabañas, where their mining project was located, is one of the poorest in the country. In the absence of the state, the company sponsored schools and hired companies to provide medical care in the community. The company made beneficiaries sign attendance list sheets, often without any header, which we suspect were then presented as lists of people expressing support for mining. The company acted in coordination with the mayors of these municipalities, who belonged to a party that sympathised with mining.

The company sold the idea of mining as a panacea for the country's economic woes, as a source of employment for the population and as a source of income for the state. And some public officials believed this, so we had to work hard to counteract these lies.

When the Bill started moving forward in the Legislative Assembly the company began to publish statements, in the form of full-page colour advertisements in the most-read newspapers. In doing so, they manipulated images of Pope Francis and of popular high officials from countries with mining. They also brought their own 'experts' to radio and TV outlets so they would present 'evidence' supporting their claim that mining is not hazardous to human health. These were paid slots that were made to look like news.

The CIVICUS Monitor documented a number of civic space restrictions in El Salvador in 2017, including **death threats** to journalists reporting on human rights abuses; raids on the home of **Sonia Sánchez**, a women's

rights and environmental activist; **surveillance** of some CSOs; and **ongoing harassment** of **LGBTI rights** activists. Given this climate, it is not surprising that civil society encountered a number of restrictions in advocating for the new law, as Saúl relates:

When we wanted to publish press releases against mining – by paying the current rates, of course – we encountered all sorts of obstacles, including censorship. We were asked to submit the statements in advance so that they could be reviewed, and we were warned that the newspaper retained the right to decide whether to publish them or not. With one of the latest ones, they even expected us to pay for the right of reply that the newspaper was going to grant to the mining company.

People doing community work and those present on the ground were often threatened and intimidated. Members of Radio Victoria, a community radio station in Cabañas, which played a key role, received threats. They received anonymous messages that were slid under their doors; they got intimidating calls while on air during broadcasts, and some had to leave the country as a result.

*Throughout the years several members of our movement were killed. In 2008 **Marcelo Rivera** disappeared, and after a long search his body was found inside a well, with his hands tied to his back with wire and with signs of torture. Others were killed and other leaders were attacked but survived. Generally speaking, there was little investigation and the main hypothesis was that deaths were the work of gangs or common criminals. But we always maintained that they were connected to the assassinated people's work against metal mining. But the struggle continued notwithstanding.*

Now, Saúl concludes, El Salvador's civil society is determined not to rest on its laurels, but rather to ensure that the new law is properly implemented to the benefit of the people:

We will urge the executive to issue the regulations required to comply with the new law. For example, the law contemplates the need to provide alternative livelihoods for artisanal miners, so it is important to develop a policy. The process must be regulated so nobody obtains undue benefit. We have requested that a miners' census be held as soon as possible.

We continue to work on the ground because we are convinced that local communities have been the protagonists in this process, and therefore must know and understand the fruit of their work. They need to know the text of the law, which although brief, contains technical and legal terms. So we are taking it to the communities, where we hold popular discussions on the law. Our community work seeks to ensure that communities become the defenders of a right that has been won.