

NOVEMBER

YEAR IN REVIEW

ZIMBABWE: Change at the top finally came when President Mugabe was forced to stand down, but whether this would lead to improved civil society conditions remained unclear.

HONDURAS: Mass protests greeted elections condemned by many as having been rigged. The government responded by declaring a state of emergency.

UNITED NATIONS: The UN General Assembly adopted a resolution, originating in the UN Human Rights Council, on the protection of human rights defenders.



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Zimbabwe experienced political drama in November when veteran President Robert Mugabe was finally forced to stand aside by the military and his party. While the change brought celebrations, the extent to which space might open up for civil society and democracy remained unclear.

In contrast, in Cambodia a long-running leader moved to consolidate power, when the country became a de facto one party state after the supreme court ruled to **dissolve** the Cambodia National Rescue Party, the main opposition party, and **banned** over 100 of its members from politics for five years. It was claimed the party conspired with foreigners to try to overthrow the government; its leader was arrested on treason charges in September. Following the ruling, Prime Minister Hun Sen turned his attention to civil society, instructing the Interior Ministry to investigate the Cambodian Center for Human Rights (CCHR) with a view to **closing** it. The CCHR was vilified as being linked to the now-banned opposition and foreign interests; CCHR **insisted** on its independent and non-partisan nature. The government further consolidated its grip on power in September when it forced **Cambodian Daily**, an outspoken independent newspaper, to close through the sudden imposition of a huge tax bill. Election success in 2018 will surely be a formality for Prime Minister Hun Sen, who has been in power since 1985 and wants **another decade** in office.

In Cambodia's chief ally China, Taiwanese activist **Li Ming-che** was sentenced to five years in jail. A participant in online pro-democracy groups, he was detained for 170 days after visiting the mainland in March, and denied access to his family and the ability to appoint his own lawyer. The trial marked the first time a Taiwanese national was charged and found guilty of subversion of Chinese state power, suggesting that the Chinese state was becoming more aggressive in its relations in Taiwan and treatment of non-nationals. In a further indication of the state of online freedom in China, November saw Skype **removed** from Chinese app stores, while it was revealed that Apple had deleted 674 virtual private network (VPN) apps from its Chinese store.

Elections in Honduras concluded in an official verdict of a narrow victory for the incumbent, causing many in civil society to cry fraud and leading to mass protests and state violence. Ahead of Cuban municipal elections, it was **reported** that independent candidates were being harassed by state authorities, including through detentions: at least 25 such incidents were reported in the month before the vote. Elections in Somaliland, while declared largely peaceful by international observers, were preceded by new **restrictions** of civic space, particularly affecting the freedom of expression. Social media was **shut down** for a week around the vote, while ahead of the election, UK-based Somali broadcaster Kalsan TV was prevented from broadcasting after airing footage of disturbances at a ruling party rally being suppressed with live ammunition. Following the vote, news site Hadhwanaagnews was blocked for criticising the management of the election, and two journalists, Ahmed Sa'ed and Mohamed Ege, were arrested after alleging corruption by a city mayor. The month before, two journalists, Jacfar Ali Daacad and Ali Nur Siad-Ahmed, were killed in a militant ambush and bomb attack, and at least two protesters were killed in post-election protests, evidently when security forces used live ammunition.

In Congo-Brazzaville several journalists were **assaulted** by security forces and had phones and equipment confiscated ahead of an opposition press conference. Several radio stations experienced **jamming and hijacking** of their frequencies in Burundi, while news site Les Pharaons was blocked, apparently on political grounds. It was a similar story in Sri Lanka, where news site Lanka E News was **blocked** by the government after it reported on alleged corruption in the president's office. Online freedom also remained under attack in Israel, where it was **reported** that state agencies had arrested 280 Palestinian citizens for posting on social media or liking posts by other people since October 2015, often subjecting them to social media bans on release.

Another context where the freedom of expression came under attack was Balochistan, Pakistan. **Protests** came over attempts to close down newspapers, with state agencies following tactics seen elsewhere, of

selectively withdrawing advertising and making it harder to distribute newspapers, while worsening security further threatened media freedom. Showing that January's abduction of five bloggers was no rarity, Pakistan saw **numerous** other armed police raids on and detentions of prominent social media critics, using broad powers given in the 2016 cybercrime law.

More broadly, Freedom House, in its 2017 **Freedom on the Net** report, underlined how contested online space has become, when it revealed that at least 30 governments maintain paid armies of people who are active in shaping opinions and spreading misinformation on social media, with tactics becoming increasingly sophisticated. Online manipulation, Freedom House reported, played a role in elections in at least 18 countries during the year. In an indication of how subtle the processes of manipulation can be, popular far-right blogger **Jenna Abrams**, who had almost 70,000 followers and whose views were widely reported by a range of media, was revealed not to be a real US citizen, but a fictional presence maintained by a Russian-government funded 'troll farm'.

Russian and US media had little to gain from a row between their two governments that flared in November. After Russian state-backed broadcaster RT was **told** to register in the USA as a 'foreign agent', Russia's ruling party promised to retaliate by placing new restrictions on broadcasters and social media run by US-based companies. A law was **passed** later in the month requiring media in Russia receiving international funding to be labelled as 'foreign agents', following the practice applied to CSOs, and the government was reported to be moving to ban the circulation of foreign print media. Also that month, an indication of the damage done by President Trump's slurring of media sources as 'fake news' came when Libyan media **seized** on a Trump tweet attacking CNN to label as politicised fake news the broadcaster's report on slavery in Libya.

There was more positive news in Italy, where the government **announced** the creation of a new body, the Coordination Centre for the Protection of Press

Freedom, potentially offering progress in challenging impunity for attacks on journalists. At least 345 threats against journalists were documented in Italy in 2017; in November, two journalists, Daniele Piervincenzi and Edoardo Anselmi, were **violently attacked** by a suspected mafia associate.

In another setback for hopes of reform, Saudi Arabia **introduced** a new counter-terrorism law, the Law on Combating Crimes of Terrorism and its Financing. Civil society concerns centred on its vagueness, including an imprecise definition of terrorism, raising the fear that the law could be used against activists and human rights defenders. The law also extended powers to impose travel bans and criminalised various forms of non-violent civil disobedience. Meanwhile Libya's new constitution was **criticised** by many in civil society for vague provisions on the freedom of expression and media freedom, in a context that remains very dangerous for journalists. In Lithuania, the Law on the Strengthening of the Family was **passed**, despite the **opposition** of many in civil society, who fear the law will help perpetuate gender and LGBTI inequality and enable conservative groups to access state funding. More positively, following extensive civil society advocacy, a law was passed in Argentina in November to mandate that half of its National Congress seats should be filled by women. Belgian civil society also took legal action to defend rights over proposed planning law changes, when seven groups **joined forces** to take the Flemish Government to the Constitutional Court, arguing that proposed changes would limit the ability of people to appeal against decisions on major construction projects.

Attempts at closer state control of CSOs were seen in Bangladesh, where cabinet ministers **called for** stricter monitoring of domestic and international CSOs, including their funding and spending, after accusing them of encouraging worker unrest. Authorities in Tajikistan **closed down** Rohi Zindaghi (Life Path), a CSO working on sexual minority rights, following a lengthy series of inspections. It was also revealed that the government maintains a special register of LGBTI people. Following Life Path's closure, the government toughened fire safety regulation penalties, causing civil society concern: as

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with Life Path, CSOs are often intrusively inspected on fire safety grounds. A CSO was also closed down in Kazakhstan: the registration of **Alash Zholy**, which opposed government land reform plans, was deemed to be invalid. In better news, Ecuador saw a historic turnaround in the state's attempt to control CSOs, when the Pachamama Foundation, an environmental CSO **ordered to close** in 2013 after opposing oil drilling, was **granted** official permission to reopen.

A **national one-day protest** against Guatemala's ongoing corruption problem, called by the Comité de Desarrollo Campesino (CODECA), was held on 7 November. At least two deaths resulted: Antonio Pérez de León was **killed** when he left his house to join the protest, and Vicente Calderón was run over by a car during the protest. After protesters blocked roads, a draft law on terrorism introducing much stiffer sentences for actions that affect public buildings, roads or other transportation was brought forward. A group of private sector companies also filed a legal action against CODECA on charges of inciting crime and sedition. Meanwhile in Belarus, opposition politician Vladimir Neklyayev was **detained** for 10 days merely for calling for people to participate in a protest. Police in the Gambia **banned** a protest about electricity and water provision, even though earlier approval had been given.

A nationwide **teachers' strike** began in Mongolia in response to a pay freeze imposed in compliance with IMF conditions. With teachers' strikes also continuing in Guinea, President Alpha Condé **threatened** to close down media organisations that covered the activities of union leader Aboubacar Soumah, accusing them of being accomplices in a rebellion. Radio stations were suspended or blocked; after a broadcaster was suspended for airing an interview with Soumah, over 40 radio stations **went silent** for a day in protest. Two young protesters were killed and several striking teachers arrested during the protests.

In the DRC, the UN's peacekeeping mission, MONUSCO (UN Stabilization Mission in DRC), called on the government to **allow** peaceful anti-government

protests to take place after it was announced that postponed elections will be held in December 2018, two years after the constitutional end of President Kabila's term, and in breach of a December 2016 agreement. Regardless, the government **banned** gatherings of more than five people in an attempt to thwart a series of planned rallies. Some protests went ahead, experiencing violent repression, and the following month, security forces killed **at least eight people** and arrested over 100 in response to protests led by a Catholic church group. Internet and text message access were also blocked, and radio stations jammed. The scale of state repression was made clear in a January 2018 **UN report**, which concluded that state agents carried out 1,176 extrajudicial killings in 2017, with armed forces responsible for most.

Protests of a different kind took place in Poland on 11 November, where an estimated **60,000 people** marched through the centre of the capital, Warsaw, in a nationalist celebration of the country's Independence Day. The march enjoyed the **support** of members of Poland's ruling party, who characterised it as patriotic, and the event was marked by far-right, racist and xenophobic chants and banners, and violent attacks on anti-fascist counter demonstrators. The same month, privately-owned TV station TVN was fined around US\$414,000 for covering 2016 opposition-led protests, on the grounds of encouraging behaviour that threatened Poland's security. In contrast, **thousands gathered** in Montreal, Canada on 12 November to protest against hate and racism. The event brought together over 160 organisations, including women's rights groups, anti-globalisation movements and student associations. It was one of several protests against discrimination and hate that took place across Canada, including a demonstration in Toronto the month before. A creative response to the rise of far-right politics was also seen in Germany, when activists built a **replica** of the Berlin Holocaust Memorial outside the home of an AfD politician who had said that Germany should no longer feel Nazi guilt.

A leaked UN Security Council report identified that almost 1.25 million people faced **starvation** in South Sudan, driven by the country's ongoing conflict and

hyperinflation. The government was accused of blocking food aid to areas associated with the opposition, until the USA threatened to withdraw aid, after which the government ordered that aid convoys should be allowed to go to all areas. The situation in South Sudan remained very **dangerous** for civil society: in the later months of 2017 freelance journalist Christopher Allen was killed by government forces while reporting with rebel forces, and the Red Cross suspended operations in the Equatoria region after one of its workers, Lukudu Kennedy Laki Emmanuel, was killed. In all, the UN Office for the Coordination of Humanitarian Affairs **reported** that 27 aid workers were killed in South Sudan in 2017. December saw **several violations** of a ceasefire agreed between the government and rebel groups.

At the international level, the UN general assembly **adopted a new resolution** on the protection of human rights defenders, giving potentially important recognition to their role and status. The UN High Commissioner for Human Rights made clear how much that protection was needed, when he **expressed concern** that its special rapporteurs on Burundi, Eritrea and the Philippines had all been verbally attacked or threatened after reporting on the human rights situation in their context, as mandated by the UNHRC.

A powerful reminder that impunity can be challenged came in the Hague, where the International Criminal Tribunal for the Former Yugoslavia **sentenced** Bosnian Serbian warlord Ratko Mladic to life in jail for genocide and war crimes committed during the 1990s. The history of the Balkans War continued to be felt in present day Bosnia and Herzegovina: in 2017, supporters of Mladic **rallied** on the anniversary of the Srebrenica genocide, and reporter **Dragan Bursać** received death threats after writing about it, while over 8,000 people chanted **fascist slogans** during a Croat nationalist concert in the city of Mostar.

Meanwhile governments came together at the 23rd annual Conference of Parties (**COP23**) of the UN Framework Convention on Climate Change to share plans for the implementation of the 2015 **Paris Agreement**. Chaired by Fiji, the meeting aimed to maintain momentum on the delivery of ambitious

carbon reduction targets and ensure robust national action by states. COP23 saw some welcome progress, notably on gender, with the agreement of the first **Gender Action Plan** on climate change, and on indigenous rights, with the finalisation of the **Local Communities and Indigenous People's Platform**, to help improve the voice that indigenous people and local communities have in the process. However, among the many in civil society who attended and advocated around COP23 events, there was concern about the slow pace of change in many countries, and the marked absence of the US administration from the discussions following President Trump's decision to pull out. The US was left entirely isolated after the two governments that had held out on the Paris Agreement, Nicaragua and Syria, **signed** up in October and November respectively. The 'We Are Still In' **coalition** of US state governors, city mayors and business leaders took up the challenge of filling the space left vacant at COP23, making the point that while the Trump administration is withdrawing from the Paris Agreement, many people in the US still back it.

The US government further distanced itself from global initiatives during November, when it **announced** it was ceasing domestic implementation of the Extractive Industries Transparency Initiative (EITI), the global standard that publishes information on the oil, gas and mining industries. Another state followed suit, as the government of **Niger**, which had been assessed as making inadequate progress on the EITI standard, subsequently announced it was pulling out of implementation, sparking fears of a domino effect. Meanwhile the government of Turkey said it would **reduce** its funding to the Council of Europe after the body gave its Vaclav Havel Human Rights Prize to Murat Arslan, a Turkish judge and judicial independence advocate detained for alleged links to the 2016 attempted coup.

Civil society criticised the Association of Southeast Asian Nations (ASEAN) **summit**, held in the Philippines in April and November, for being largely inaccessible, focusing on business rather than rights issues, and systematically excluding the voices of women, peasants and LGBTI people. The Asean Civil Society Conference/Asean People's Forum network described

civil society's participation in ASEAN as "very meaningless" and noted that years of attempted engagement had not produced any real change. During the summit, civil society marched to protest against human rights abuses in Myanmar, the breakdown of the rule of law in the region and unjust economic policies. Similarly, in the two-day EU-Africa Summit, civil society pointed out that African and European civil society were granted just **three minutes each** to speak. CSOs **complained** about the lack of access, and the lack of structured opportunities to engage.

ZIMBABWE: CHANGE BUT REALISM AMONG CIVIL SOCIETY

Change at the top finally came to **Zimbabwe** in November, when after 37 years in power, President Robert Mugabe was forced to stand down by the military. After an uncertain week that saw tanks on the streets of the capital, Harare, and public protests, and under intense pressure from the ruling ZANU-PF party and the country's influential war veterans' association, Mugabe finally resigned. The trigger for his ousting was his decision to sack the Vice President, Emmerson Mnangagwa, and apparent determination to make his wife, Grace Mugabe, his successor, a move unpopular with the military. Emmerson Mnangagwa was duly sworn in as Zimbabwe's second post-independence leader. For civil society, which experienced increasing repression as Mugabe clung onto power, the move offered at least change, and perhaps hope.

Civil society was active in **calling** for Mugabe to stand down, but also for the rule of law and fundamental civil society freedoms to be restored and upheld. Civil society also **called** for far-reaching national dialogue and for the process of change to be **civilian** rather than military-led. It was noteworthy that mass protests were allowed during Mugabe's final week in office, absent of the violent repression with which they were previously met. In another positive

sign, **Pastor Evan Mawarire**, leader of the #ThisFlag protest movement, which encouraged Zimbabwean people to display the country's flag in protest at corruption, injustice and economic deterioration, was acquitted on charges of trying to overthrow the government. Pastor Mawarire was **arrested and detained** in February upon his return to Zimbabwe from the USA, and **arrested again** at a protest in June.

But civil society was quick to temper its hope with realism, and for the most part, resisted the temptation to see the military as liberators, perhaps recalling the recent experience of Egypt (*see May*), where many once supported the army's ousting of an unpopular president only to find themselves living in a military state. As in Angola (*see August*), while any change was refreshing after 37 years of misrule, the new president had a long history of surviving at the top of a ruling party that committed numerous human rights violations, and indeed played an active role in **brutally suppressing** opposition. He could hardly be considered to have clean hands. In any country, the military rarely intervenes in domestic politics except in the defence of its own interests, and hardly ever to assert democracy. What happened was driven by a ruling party squabble for the succession of power, rather than by any vision of respecting rights or restoring democracy. In a worrying sign, President Mnangagwa filled his cabinet with ZANU-PF veterans and members of the military, and expressed his appreciation of the military. Hundreds of arrests and detentions were reported, including of politicians associated with Grace Mugabe, while news emerged of a generous **retirement package** for Robert Mugabe, encompassing a financial settlement, staff and a residence, along with immunity from prosecution.

By comparison, the new regime made **little acknowledgement** of civil society's vital role in rebuilding Zimbabwean governance, and no attempts to reach out to civil society at such a critical juncture, or to restore restricted freedoms. The day before President Mugabe finally quit, University of Zimbabwe students tested the limits of their apparent new-found freedom, **protesting** not just for political change, but also for education reforms. The

university was the site of an infamous human rights violation in June, when student protester **Fanuel Kaseke** was abducted, held incommunicado for over a week, tortured and interrogated. In November, it seemed that change had come when the university agreed to postpone exams following student threats of boycott, but the military then stepped in and ordered that exams proceed as planned. Moments such as these were reality checks, warnings to Zimbabwe's people not to expect new freedoms to come automatically. The suspicion was that protests would no longer be tolerated once the military had achieved its objective of remaining in control of power, because protests no longer served this goal. A civil society-convened event, the **National Peoples Convention**, also experienced a police attempt to break it up.

Looking ahead, the need for civil society, domestically and internationally, is to adjust quickly to the new reality and assert and defend fundamental rights. With elections scheduled for 2018, the new regime must come under heavy scrutiny to deliver a civilian government that is democratically elected and accountable to its people.

HONDURAS: REPRESSION INCREASES AS CIVIL SOCIETY MOBILISES AGAINST ELECTORAL FRAUD

Honduras witnessed what many suspected was electoral fraud in November, as incumbent President Orlando Hernández emerged from a lengthy and opaque count to claim a narrow victory. Election observers criticised the process, although the US government was quick to recognise the result. Mass protests mobilised in response, which the police met with deadly force: by the time President Hernández was sworn in amid heavy security in January 2018, an estimated **32 people** had been killed, **64 cases** of attacks on human rights

defenders recorded and **182 complaints** of abuses filed with the ombudsman during the post-election period.

Electoral fraud was an outcome feared by many in civil society ahead of the election, in a context where democracy is often compromised. The ruling party came to power in 2009 in elections held following a coup, and in 2015 President Hernández obtained a ruling from a pliant Supreme Court to **overturn** a constitutional prohibition on running for consecutive terms, in spite of **widespread protests** about revelations of corrupt funding of his 2013 presidential campaign. **Wilfredo Méndez** of the **Centre for Research and the Promotion of Human Rights** recalls how realisation dawned in the days following the election that all was not right:

On the night of the election, Sunday 26 November, the Supreme Electoral Tribunal (TSE) did not announce the results, contrary to what is customary. Hours later, on Monday, with 57 per cent of votes counted, the TSE announced a clear advantage – about five percentage points – for the opposition candidate, Salvador Nasralla. That day, the whole country did not talk about anything other than how it had been possible to stop the much-anticipated fraud. And then, on Tuesday, the computing system stopped and we waited all day for data that never came. Finally, around noon on Wednesday we were surprised to find that the results had changed in favour of Hernández, who several weeks later, on 17 December, was eventually declared the winner with almost 43 per cent of the vote, compared to 41.5 per cent for Nasralla.

Outrage at the turn of reported results in the incumbent's favour quickly brought people to the streets, Wilfredo continues, but they encountered repression:

The Alliance Against Dictatorship, the opposition coalition, denounced the fraud and the population demonstrated peacefully to demand

electoral transparency and respect for democratic procedures – and suffered severe repression for it.

*The opposition **demanded** the annulment of the results, but their appeal was **rejected**. This was foreseeable, given that the Supreme Court, the Public Prosecutor's Office and the Electoral Tribunal are all subordinate to the president.*

People are taking to the streets, opposition political leaders are standing firm in their demands, and social leaders are not backing down. Human rights organisations argued that citizens have a legitimate right to protest – we said that people have to go out to protest to prevent the consummation of this violation of their political rights, which in turn will undoubtedly affect the enforcement of other human rights... People mobilised against corruption much more than in favour of a specific candidate. If there was something that Nasralla embodied for them, it was precisely the value of honesty.

*The government's reaction was to declare immediately a 10-day **state of emergency** that restricted the freedom of peaceful assembly. The media were warned not to disseminate the opposition's fraud allegations and protests were harshly **repressed**. This resulted in over 30 deaths, dozens of wounded people and hundreds of people arbitrarily detained, as well as illegal raids. Several **videos** recorded by protesters showed security agents chasing and even firing at them.*

*In early December, the National Police **rebelled** against the president, arguing that they would not obey illegal orders to repress people who were mobilised as a result of a political problem created by the government. After a day-long strike and having reached a favourable salary agreement, the National Police **returned** to the streets, supposedly to guard rather than repress the demonstrations. But police behaviour was atrocious; in addition to the death toll, we*

have seen a strategy to generate a climate of fear in the streets, with the persecution of political and social leaders and smear campaigns against human rights defenders.

Predictably, **journalists** faced restriction as post-election protests unfolded. Three foreign journalists were banned from entering the country, a radio station was shut down, a journalist was arrested while filming a protest and several reporters were attacked by police officers while covering protests.

Protesters and journalists encountered a machinery of repression that was already well-oiled and rehearsed. Violence against civil society activists and journalists is routinely high: Honduras is, for example, said to be the **deadliest** country in the world for environmental activists. Non-independent judicial institutions make impunity a persistent problem: of **69** documented killings of journalists between 2001 and 2017, 91 per cent remain unsolved.

2017 offered another litany of killings. To give a few of many examples, in June, journalist and congressional candidate **Victor Funez** was shot dead; in August, farmers' movement leader **José Alfredo Rodríguez**, involved in a land dispute with a company, was killed; in September, **Carlos William Flores**, host of a TV programme that often criticised the extractive industry, was murdered; in October TV show host Osmin España and cameraperson Carlos Oveníel Lara were both **killed** in separate attacks. When transgender activist **Sherlyn Montoya** was found tortured and murdered in April, she was the seventh member of Muñecas de Arcoiris, an LGBTI rights organisation, to have been killed since 2015. In the month before the election alone, **three opposition political activists** – Islia Raquel Portillo, José Mario Discua and José Gonzalo Castillo – were killed. The killings made a mockery of the anti-crime platform on which President Hernández stood for re-election.

These direct and violent threats were accompanied by changes to the law to make it harder to protest. In **September** congress introduced new restrictions that sweepingly expanded the definition of a 'terrorist organisation', which can be anything where two or more people combine to "seriously subvert

the constitutional order” or “provoke a state of terror in the population or part of it.” Another change means that publishing false information deemed to frighten citizens or endanger life, health or property can lead to a jail sentence of up to three years.

Before the elections, tactics of repression were effectively practised on Honduras’ active student movement. In June, **Roberto Antonio Gómez**, father of a high-profile student leader and spokesperson for a group of parents of students, was murdered. At the time of his father’s murder, Andy Johan Gómez Jerónimo was one of several students facing trial for alleged damage during protests in May. In July, student movement leader Luis Joel Rivera Perdomo was killed at home by unidentified people. Students were engaged in a dispute over the withdrawal of their former right to participate in the governance of their university and the failure of the university to abide by previous agreements made with the students’ movement.

Héctor Ulloa of the Progressive University Movement describes how student protests were met with violence and criminalisation:

*University authorities used the judiciary and the repressive organs of the state to prevent students from reclaiming their participation rights. University authorities had more than 100 students prosecuted by the Public Ministry. Over the past few years the police have evicted five or six **occupations** of university premises, and they have used teargas against peaceful student protests.*

*In 2017 three students were **sentenced** to between three and five years in prison for taking part in the student movement, and there are an additional 26 active cases undergoing judicial proceedings. In June, the National Police evicted a protest against the criminalisation of the student movement from the School of Chemistry and Pharmacy, in an operation that ended with six wounded demonstrators.*

Further violent clashes were seen between police officers and students in July,



A protest against President Orlando Hernández

Credit: Getty Images

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when students protesting against the criminalisation and detention of people involved in earlier protests were met with teargas and more arrests. A protest in **September** was also dispersed with several arrests. Although students appealed directly to Congress, they know the odds are stacked against them, as Héctor relates:

The state acted in collusion with the university authorities, which it supported in prosecuting protesters and evicting and repressing student demonstrations. In addition, we faced repression by non-state actors, in the form of private security companies hired by the university authorities. We have a private security firm working inside the university which has been involved in many violent acts of conflict with students. The university authorities hired a group of security guys from concerts, known as ‘gorillas’, so they would help in evicting occupied university premises. This resulted in pitched battles. They carried pipes and chains, and they wounded several students who ended up in the hospital.

The challenges therefore seemed clear for those disputing the election results. Civil society initially placed hope in the international system, after the observation team of the Organization of American States (OAS) was strongly critical and others condemned state violence, as Wilfredo describes:

*International observers were extremely firm. The Chief of the OAS Observation Mission **stated** that no certainty could be had regarding the results. According to its preliminary report, numerous irregularities, errors and systemic problems reduced confidence in the results, which could only be restored through an agreement between the two candidates to review electoral records, recount the votes and resolve any discrepancy. The second report ratified these findings, although by then OAS Secretary-General **Luis Almagro** had already been saying that a recount of votes would no longer suffice and it was advisable to hold the elections again with the required guarantees of fairness and transparency. On 4 January 2018, Almagro **urged** the Permanent Council of the OAS to approve the report. Since the report concludes that the numerous irregularities observed do not allow for the recognition of a winner, its approval would back the organisation’s request for a rerun.*

*Three special rapporteurs of the UN and the IACHR **condemned** the repression, and the OAS Secretary-General **asked** the Honduran government to receive a special delegate from the OAS who would report on the situation of the protests and the state’s response.*

The presence of international observers and the international press has so far been very important to bring out the truth by breaking through the internal media siege, and is now more necessary than ever.

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However, given that several states in the region, as well as the USA, recognised President Hernández as the victor, international pressure appeared to **dissipate** as 2017 turned to 2018; with several OAS members due to hold elections in 2018, states may not welcome close scrutiny of votes. If OAS member states fail to act on the strong report of its Secretary-General, its future role in observing elections is surely called into question.

Still, if the international community fails Honduras, with protests **continuing** to mobilise in January 2018, Wilfredo offers some optimism that its people will continue to demand better:

It is important to note that the Honduran people have changed, and nowadays we have an experience of mobilisation that we did not have in the past. Not long ago, we were a rather apathetic and indifferent people, but a new consciousness was forged in the heat of resistance against the coup. Thus, in 2015, when revelations surfaced of embezzlement in the Honduran Social Security Institute, people mobilised massively for months, an unprecedented mobilisation, which eventually succeeded in prompting the establishment of the OAS Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH).

*The population has returned to the streets: on 6 January 2018 a **protest** took place in San Pedro Sula in which more than 80,000 people participated. There is a good chance for pressure exerted at the national level to lead to an agreement to revise the electoral fraud.*

What's most important is that the population is now aware and not willing to allow electoral fraud and corruption to happen. This can make us lose a year now, but it will earn us 10 in the future as a result of the fight against corruption and impunity. The Honduran people deserve our applause, because they have shown they are no longer willing to allow these kinds of politicians to continue to rule our country.

UN HUMAN RIGHTS COUNCIL: PROGRESS, SETBACKS AND A CIVIL SOCIETY REFORM AGENDA

In November the UN General Assembly adopted a **resolution**, sponsored by the government of Norway and originating in the UNHRC, on the protection of human rights defenders. The resolution called for the UN system to raise awareness of the 1998 **UN Declaration on Human Rights Defenders**, and for the greater exchange of good practice in relation to the 1998 Declaration. While the resolution was passed by consensus, several governments that attack civil society, including Azerbaijan, China and Turkey, were among those expressing reservations about the text.

Phil Lynch of **ISHR** describes the background to the resolution, and more broadly, reviews civil society's experience of engagement with the UNHRC in 2017:

*Against the backdrop of what the UN's independent expert described as an "unprecedented attack" on defenders, in March the UNHRC adopted a Norwegian-led consensus resolution extending the mandate of the Special Rapporteur. In November, the Third Committee of the UN General Assembly similarly adopted a resolution on defenders, although the consensus masked fractures, with China disassociating itself from a paragraph that referred to the work of defenders as "legitimate." More positively, the General Assembly resolution was co-sponsored by states from all regions, including a number of African states – such as Burkina Faso, Côte d'Ivoire and Mali (see **December**) – that have not been traditional co-sponsors but have taken recent national law initiatives towards the protection of defenders.*

The work of human rights defenders has perhaps never been more important nor more imperilled. As space closes at the national level more and more defenders are seeking to use the international human rights system to expose violations, push for accountability, obtain justice and protection, and increase pressure for national-level change. The UNHRC is a key mechanism for civil society in this regard.

While action on Myanmar and Yemen (see August and September) were significant positive developments, 2017 was also marked by inaction on a range of other serious situations, with the Council failing to address gross and systematic violations in states including Bahrain, China, Egypt, the Philippines, Turkey and Venezuela, to name just a few. This is despite the situations in those countries manifestly meeting the objective criteria for action committed to by a group of more than 50 states through joint statements led by Ireland in 2016 and the Netherlands in 2017. Lack of state leadership and political will – rather than any lack of information, capacity or tools – remain the greatest impediments to the Council's effectiveness.

When asked whether the space and conditions for civil society in UNHRC processes improved or worsened in 2017, Phil finds a mixed picture, with progress but also pushback on the critical issue of whether civil society personnel who engage with the UNHRC are able to feel protected from reprisals by their states:

*Acts of intimidation and reprisals against human rights defenders, victims and others who seek to cooperate with the UN violate not only the rights of the individuals concerned, but amount to an assault on civil society and a rules-based international order. A **September report** by the UN Secretary-General that found evidence of “a strategy on the part of some states to prevent the activities of individuals providing information or otherwise cooperating with the UN” is profoundly disturbing. The report highlighted that the incidence of reprisals is becoming “broader,” and the “means used increasingly blunt.” It identified cases of travel bans in Bahrain and Saudi Arabia; the freezing of CSO assets in Egypt; intimidation of human rights defenders in India and Myanmar; torture of defenders in Burundi and Egypt; arbitrary detention of defenders in China, the UAE and Uzbekistan; and the killing of defenders in Honduras, among others. Spurred by this report, together with the strategic advocacy of CSOs, the Council adopted a significant but contested **resolution** on reprisals in September – the first such resolution since 2013.*

The resolution, led by a core group comprising Fiji, Ghana, Hungary, Ireland and Uruguay, affirmed the right of all people to safe and unhindered access to and communication with international human

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rights bodies. It also mandated the Council to hold a dedicated dialogue to address acts of intimidation and reprisals and affirmed the particular responsibilities of the Council's members, president and vice-presidents to investigate and promote accountability for such acts. The holding of a dedicated dialogue within the Council will increase the visibility of acts of intimidation and reprisals, provide a platform to denounce and seek accountability for such acts, and increase the political cost for perpetrators.

Prior to the vote on the resolution, 50 CSOs from all over the world called on member states to reject 19 hostile amendments led by China, Egypt, India, Russia and Venezuela. Perhaps not coincidentally, each of those states has been accused by the UN Secretary-General and UN experts of perpetrating reprisals in recent years. Despite these hostile efforts, the ultimate adoption of a strong, substantive resolution by an overwhelming majority sends a clear message that reprisals will not be tolerated and must end.

Considering civil society's attempts to open up the UNHRC and make it more effective, Phil points to a clear civil society reform agenda, but one that has only partially come to fruition so far:

The world needs a legitimate and influential high-level human rights body that is accessible, effective and protective for rights holders, defenders and victims.

In 2016, the Council's 10th anniversary, a group of 20 CSOs, coordinated by ISHR, developed a series of practical recommendations to strengthen the Council. 2017 saw a number of these recommendations taken up by progressive states, partly in response to a problematic US push to reform the Council, demonstrating the potential to craft opportunities from crises. Most significantly, at the 35th session of

the Council in June, the Netherlands worked in close partnership with ISHR and Human Rights Watch to devise a joint statement, subsequently endorsed by almost 50 states from all regions, outlining and committing to a series of 11 measures to enhance the Council's legitimacy and effectiveness.

Among other measures is a commitment by signatory states to strive for competitive elections to the Council and support candidates based primarily on human rights-based considerations. States that are responsible for gross and systematic human rights violations, or that refuse to cooperate fully with the UN and uphold a rules-based international order, should have no place on the Council. The ongoing Council membership of Burundi, together with the election of the DRC, demonstrate the imperative of operationalising this commitment.

States that signed the Dutch-led joint statement also pledged to be guided by objective and human rights-based criteria in determining whether and how the Council should respond to situations of concern. Such criteria include whether the UN's human rights experts have recommended or called for action, the extent of the country's cooperation with the UN human rights system, and the situation of human rights defenders and other civil society actors in the country. Such an approach has been long advocated by CSOs, and the onus is now on states to demonstrate principled leadership in applying the criteria. If a small state such as Iceland can lead a joint statement on extrajudicial killings in the Philippines, as it did at the Council's 35th session in June, then it behoves other states that profess a commitment to human rights and their defenders to show similar resolve. CSOs have less and less patience for states that espouse a rhetorical commitment to thematic human rights issues but fail to take up those issues in situations where perceived political, economic or other interests may be at stake.



Political Prisoner Survivor, a street exhibition that highlights the heavy price of human rights failures. In the exhibition, Iranian human rights activists highlight the 1988 massacre of 30,000 political prisoners

Credit: Getty Images

In a world where human rights are under an attack unprecedented since the birth of the UN system, Phil concludes that the UNHRC needs to demonstrate further progress on reform if it is to become the body it should be:

The Council approaches a critical juncture in 2018. It is clear that the Council will have to strengthen its approach to prevention and implementation, become more streamlined and efficient in its working methods, and find ways to enhance state cooperation and adherence to membership standards if it is to be the credible and responsive human rights body the world needs.

For states that share a vision of the Council as a vital mechanism for monitoring and exposing violations, promoting accountability for perpetrators and achieving access to remedy and justice for victims, civil society must be an indispensable partner in strengthening efforts. A reform agenda motivated primarily by a desire for efficiency or devised primarily by international diplomats and think tanks will not be fit for purpose and will not respond to the real and pressing needs of rights holders, defenders and victims on the ground.