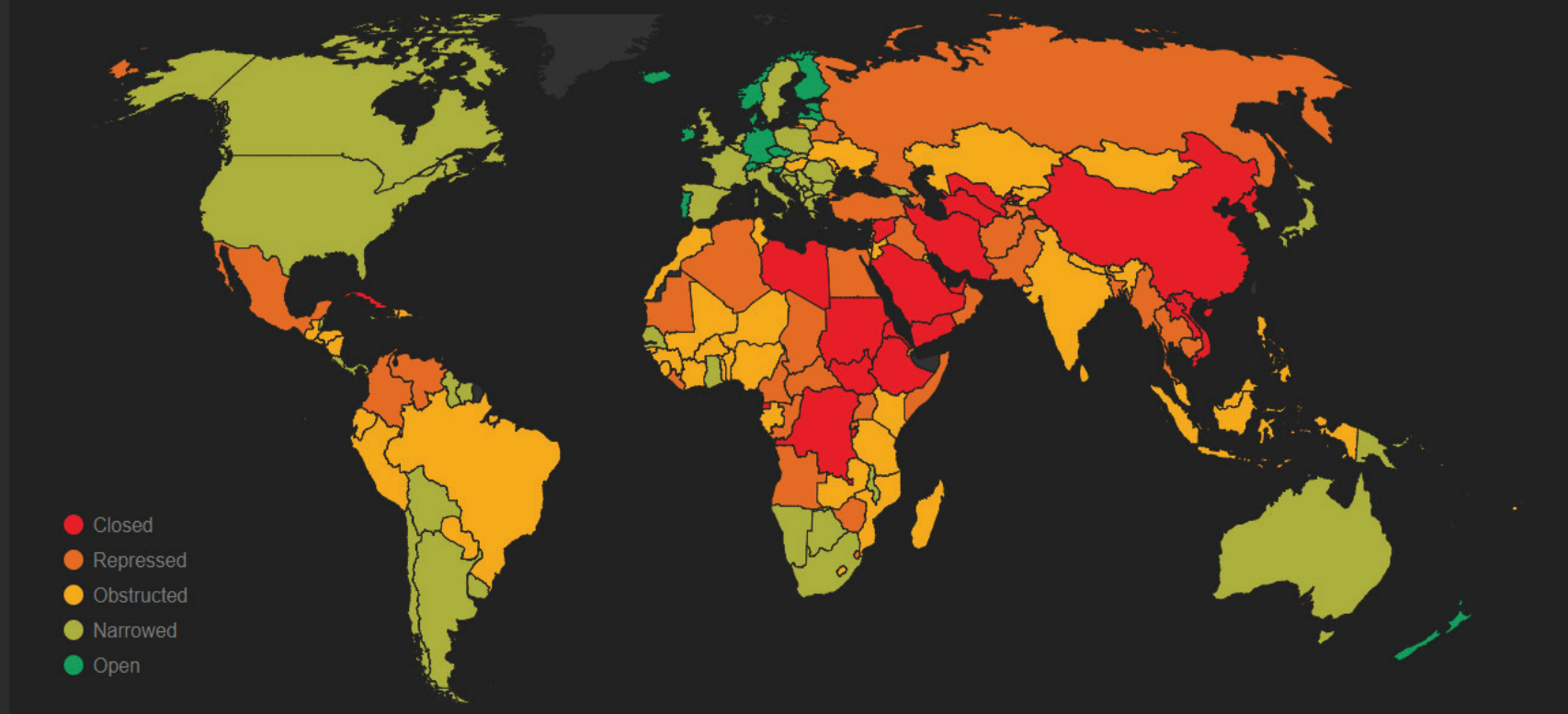


# PEOPLE POWER UNDER ATTACK

FINDINGS FROM THE CIVICUS MONITOR



4TH OCTOBER 2017

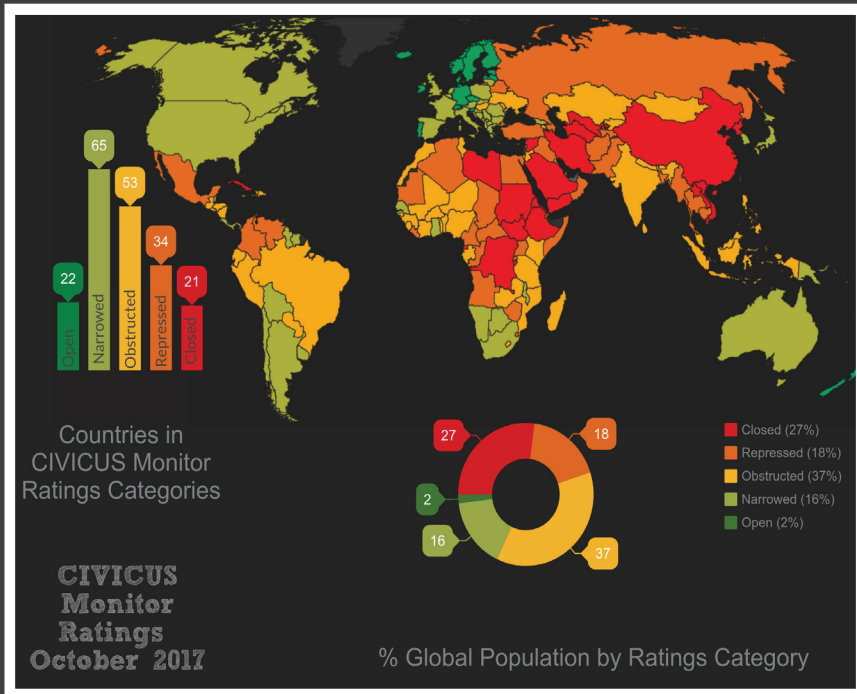


4th October 2017

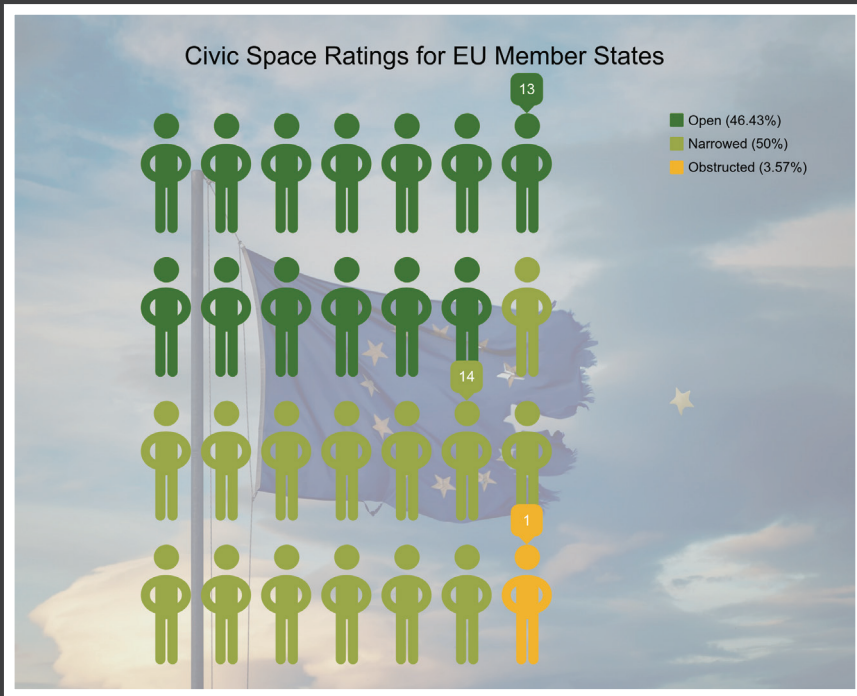
Ratings released today by CIVICUS, the global civil society alliance, provide further evidence that the space for civil society - civic space - continues to close around the world. This phenomenon extends to a wide range of countries - from established democracies like Belgium and the Netherlands, to economic powerhouse China and conflict-ridden Yemen. Civic space ratings worsened in eight countries, improved in two and remained unchanged in 185 countries. These changes are based on a review of quantitative and qualitative data on the freedoms of association, peaceful assembly and expression undertaken between July and September 2017.

Two aspects of the changes to CIVICUS Monitor ratings stand out. The first is the continuing decline in respect for civic freedoms in China, as President Xi Jinping, seeking to further solidify his hold on power, tightens the noose on domestic and international civil society organisations (CSOs) and human rights defenders. China is viewed with admiration by many countries in the global south as a model of political stability and economic success. Its downgraded rating to 'closed', the lowest category, on the CIVICUS Monitor however highlights that this perceived success is predicated on an ever-deepening denial of Chinese people's most basic right to have a say in the running of their country. This potentially presents a real threat to civil society space in the many other countries that seek to copy the 'China model'.

Second, this ratings update shows that some countries at the other end of the civic space spectrum are starting to fail to enable people's rights to organise, speak out and take action. Increasing political polarisation, surveillance and intrusive security measures, the rise of far-right movements, poor policing of protests and a rise in attacks against journalists have caused states such as **Belgium**, **Cape Verde**, **Cyprus** and **Netherlands**, once considered exemplary states for respecting civic freedoms, to slip from 'open' to 'narrowed' on the CIVICUS Monitor. Only 13 of 28 European Union (EU) member states now have 'open' civic space, an uncomfortable statistic for the leaders of a union founded on the values of democracy and human rights.



# CIVICUS MONITOR RATINGS BRIEFING



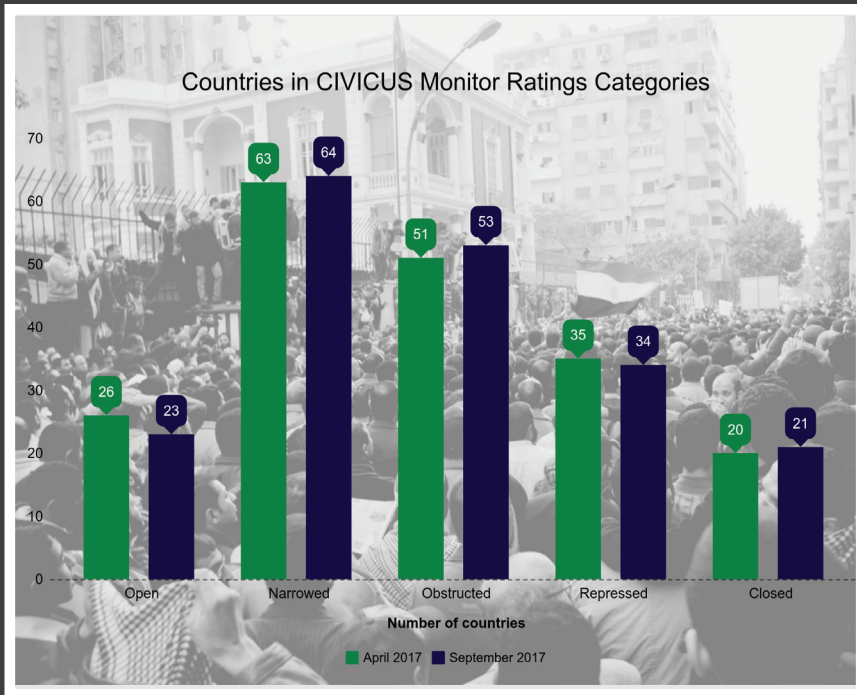
## BURGEONING CIVIC SPACE PROBLEM IN THE EU

Five other countries have seen their civic space ratings change in this latest update. **Yemen**, plagued since 2015 by a brutal civil war that has caused one of the world's worst humanitarian crises, is also now rated 'closed' on the CIVICUS Monitor. Two other countries - **Benin** and **El Salvador** - move negatively, from 'narrowed' to 'obstructed'. On a more positive note, **Somalia**, which has for years been branded a failed state, has improved its rating from 'closed' to 'repressed'. This is as a result of increased space for CSOs to play humanitarian and civic roles, as the country continues on its long road to recovery from years of internal strife. **Slovenia's** solid respect for civic space means it also improves its rating, from 'narrowed' to 'open', the highest category.

**A summary of recent civic space developments in each of these 10 countries is provided at the end of this briefing.**

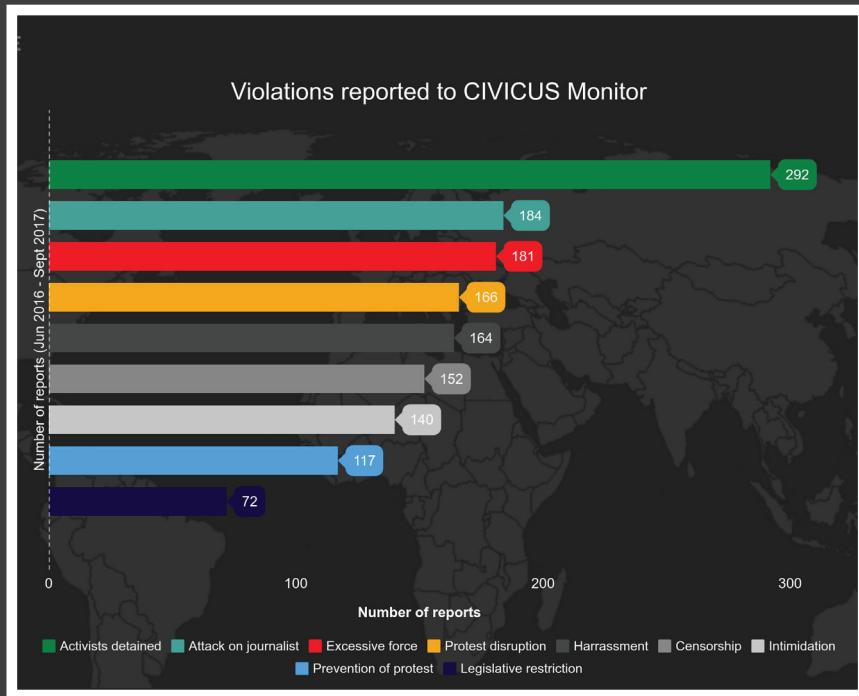
Globally, the outlook for civil society remains bleak. Despite isolated pockets of encouragement, large numbers of states and non-state actors continue to violate basic norms of international law by disrupting people's ability to form and operate CSOs, take to the streets in protest and criticise the powers that be. With many states in the west, most notably the United States of America, damaged by domestic attacks on civic freedoms, the international community and the United Nations (UN) appears to be more unable than ever before to ensure states meet their international commitments.

Collectively, 108 countries are now in the CIVICUS Monitor's 'obstructed', 'repressed' and 'closed' categories, which indicate serious restrictions of civic space. This is an increase of two from April 2017, when the set of civic space ratings for all countries was first published. At the other end of the scale, just 23 countries now occupy the 'open' category, down from 26 in April. This means that just over two percent of the world's population live in a country with 'open' civic space. This analysis also shows that more than three billion people live in countries with serious to extreme restrictions on fundamental civic freedoms.



## HOW DO CIVICUS MONITOR RATINGS CHANGE?

Each country rating is based on a triangulation of several sources of data on civic space. Our methodology entails a series of standard calculations and verification checks, which produces a guiding score for each country that we then use to assign ratings on the state of civic space. Civic space is defined as the respect in law and practice for the freedoms of association, peaceful assembly and expression. Through a structured approach, we ensure that our treatment of data is transparent and that consistency is achieved in the analysis of different countries. Data generated by local civil society influences the ratings more strongly than data from other sources and this is reflected in the weight that we give to different data sets. Before a rating is assigned and published on the CIVICUS Monitor, a review process is undertaken which involves an independent advisory panel of 11 civil society experts. The panel reviews all of the research inputs and assesses whether the rating is appropriate in light of the most recent events in each country. We do not release annual data updates; instead, we update the individual components of data as and when new source data becomes available. Our live components have two- and three-month intervals respectively, meaning that ratings are constantly under review and subject to updating.

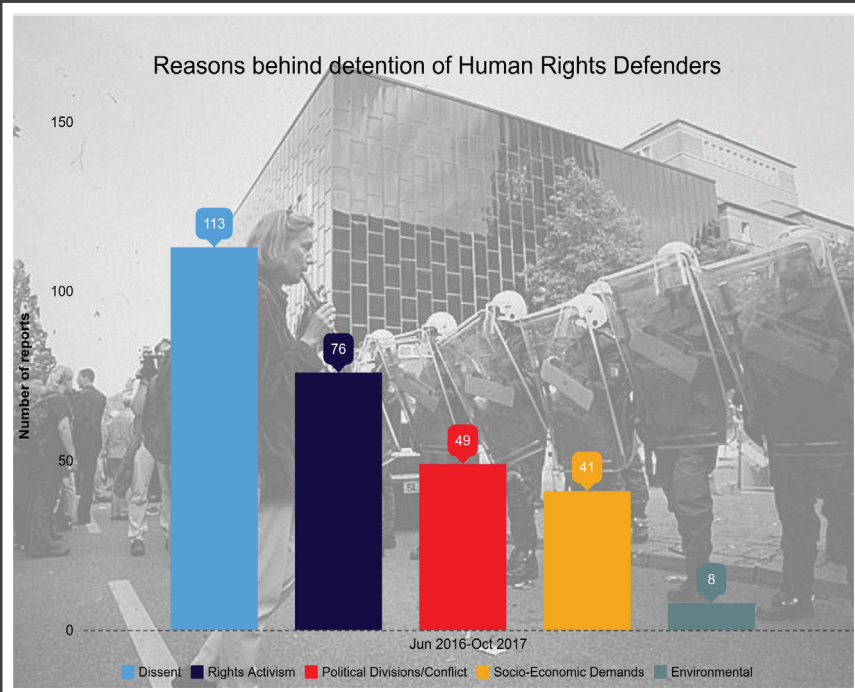


## WHAT ARE WE SEEING

In addition to ratings, the CIVICUS Monitor provides detailed descriptions of how civic space is being restricted all around the world. We examine this information to improve our understanding of how and why civic space is changing. While it would be impossible to record every single civic space violation happening in every country, the Monitor has so far published hundreds of reports which provide a unique insight into the nature of the global crisis currently facing civil society. Our assessment of 800 reports from 150 countries provides a useful indicator of the global nature of what is currently happening to civil society.

From the updates published on the CIVICUS Monitor between June 2016 and September 2017, we see a consistent pattern of civic space violations. As the chart below illustrates, states (and non-state actors in some cases) most often violate civic space by detaining activists, protesters and journalists; physically attacking, threatening or harassing journalists; and using excessive force against protesters. Other commonly-used tactics of repression include intimidation of activists, censorship of the media and the use of laws to limit civic freedoms.

Reports submitted to the CIVICUS Monitor show how states abuse their monopoly over the power of arrest with appalling frequency, routinely detaining journalists, activists and protesters, usually for no lawful reason. Hidden from the public eye, **detention** also provides the perfect cover for state agents to intimidate, harass and, in the most extreme cases, beat, **sexually assault** and **torture** activists. Authorities don't stop at arrest as a means of curbing dissent. Arrest and detention are often the first step in deliberate attempts to use the legal system to impede activism by embroiling human rights defenders, journalists, opposition politicians and civil society activists in uncertain and costly legal processes, which can last for years. Detention as a tactic of repression appears in 292 reports published on the CIVICUS Monitor between June 2016 and September 2017.

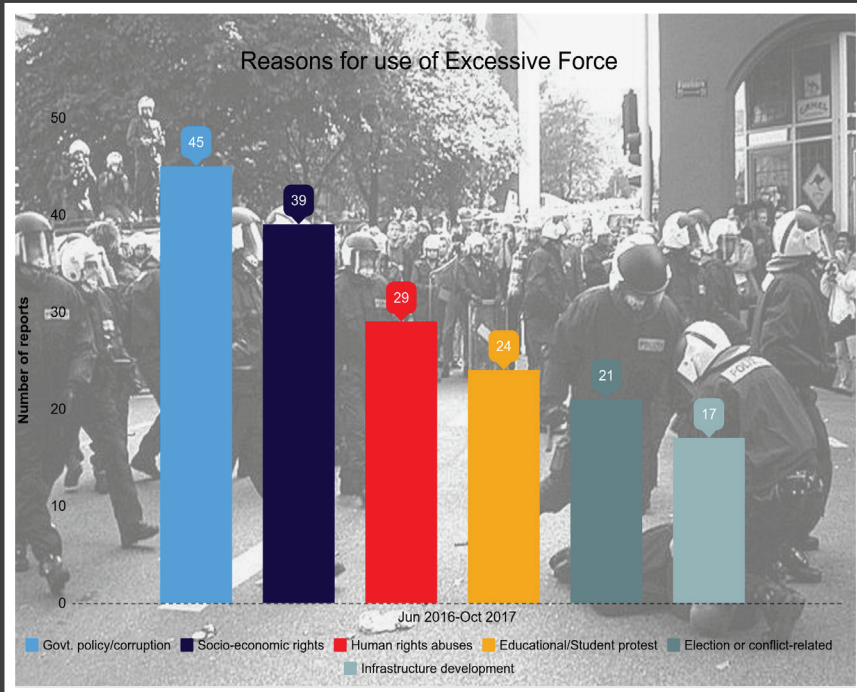


# REASONS BEHIND DETENTION OF HUMAN RIGHTS DEFENDERS

Reports involving tear gas, rubber bullets, baton charges, and in some cases, live ammunition, continue to appear regularly in CIVICUS Monitor reports. Police often claim they are forced to respond with force when a protest has turned violent or there is a clear threat to other members of the public. However, in many cases the use of **excessive force** is deliberately designed to silence peaceful demonstrators and to instil fear in others who might consider joining similar protests in future. Between June 2016 and September 2017, incidents involving the use of excessive force during protests were reported in a total of 181 posts on the CIVICUS Monitor.

As conduits of information to the public, **journalists** are especially vulnerable to violations of their civic freedoms. In practice, this means that journalists who challenge the powerful or report information that the authorities find uncomfortable are at risk of vexatious criminal defamation lawsuits, threatening messages on social media, arbitrary arrest and, in the most severe cases, assassination. Between June 2016 and September 2017, the CIVICUS Monitor published a total of 184 reports involving attacks of one kind or another on journalists. The Monitor published 53 reports on **killings** of one or more journalists.

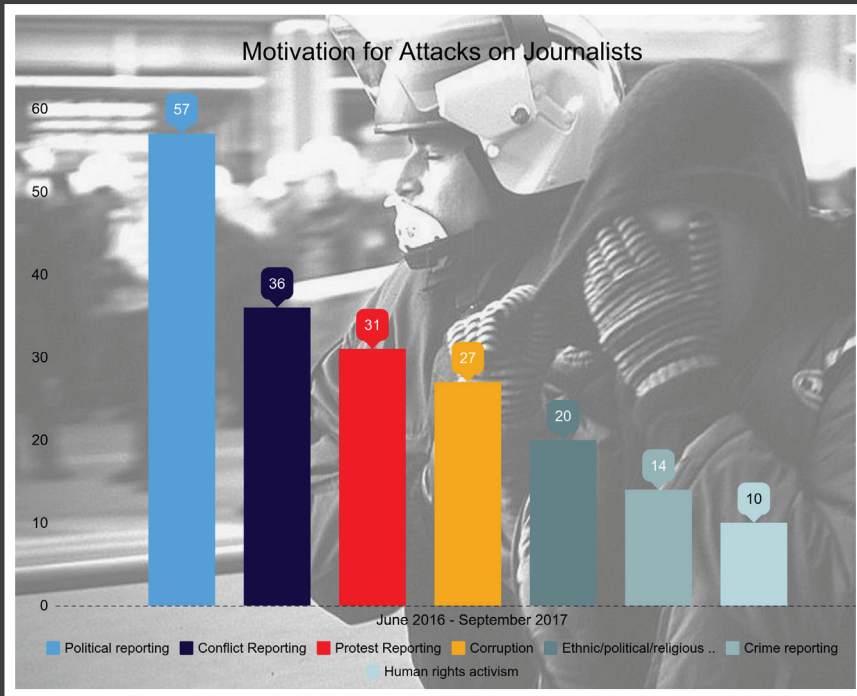
Information on the CIVICUS Monitor also gives us some basis for understanding why activists are likely to be detained. When we examine what kind of activism most often leads to detention, we see that it is activism that involves direct criticism of the state or the expression of dissent. We also see a high number of reports in which human rights activists and others calling for social and economic needs to be met are arrested and held in detention. Countries in which there are serious political divisions or ongoing conflicts also tend to have high rates of detention.



# REASONS FOR USE OF EXCESSIVE FORCE

When we look at the subject matter of protests that are met with restriction, we see that many reports on the CIVICUS Monitor describe excessive force being used against activists who challenge the government's policies or who are exposing corruption. Less political forms of protest, including those related to socio-economic rights and education, are also likely to be met with excessive force by police. Reports received between June 2016 and September 2017 also illustrate a number of protests against the development of large infrastructure projects, mining and the exploitation of natural resources, often in rural areas or areas inhabited by indigenous people. These protests often encounter violence by the police or private security contractors.

We also looked at reports of attacks against journalists and examined what journalists were working on when they were attacked. This shows that reporting on politics, protests and conflicts is most likely to make a journalist the subject of an attack. As the graph below shows, the CIVICUS Monitor is reporting an increasing number of cases where journalists are attacked specifically for political reporting. This reflects an increasingly hostile atmosphere for journalists who report on the actions of elected officials and public servants, with many recent examples of leading political figures attacking the media.



## SIGNS OF ENCOURAGEMENT

Despite the overwhelming number of reports detailing violations of civic freedoms, the CIVICUS Monitor is also tracking the continued resilience and mobilisation of civil society groups all around the world. As of 21 September 2017, the Monitor had documented 42 reports where this activism led to positive civic space developments.

Recent examples include *Uzbekistan*, where CSOs have tentatively welcomed the government's willingness to allow international human rights organisations to visit, showing a possible change of attitude towards international scrutiny and increased access to information on government policies. In *Mali*, the *Touche pas à ma Constitution* (Don't Touch my Constitution) campaign successfully forced the government to backtrack and suspend a planned referendum which could have expanded the powers of the president. In *Jordan*, sustained campaigning by civic groups resulted in key legal improvements to protect women's rights and the rights of workers to strike and stage sit-ins. Finally, in *Macedonia*, the election of a new coalition government has been cautiously welcomed, as it aims to implement policies which, if successful, would foster democratic reforms, while also creating a more positive and enabling environment for a robust civil society.



**BELGIUM** ↓ Open to Narrowed

Belgium's downgrade from 'open' to 'narrowed' is mainly influenced by the impact of the government's response to terrorist attacks in Belgium and France during 2015 and 2016. According to a recent Human Rights Watch report, Belgium's new laws, enacted in response to the attacks, "raise serious human rights concerns and in some cases the police operations have resulted in apparent abuse including beatings or other excessive use of force. The report also concludes that "at least six of the government's newly adopted laws and regulations threaten fundamental rights." This includes "a broad measure criminalizing indirect incitement to terrorism [which] could stifle freedom of expression".

Belgium's civic space laws, while generally enabling, already contained a number of flaws that had influenced the country's placement towards the lower end of the 'open' category on the CIVICUS Monitor. There has also been at least one incident in recent years indicating that Belgian courts may narrowly interpret the freedom of expression. Criminal defamation also remains on the statute books, and a conviction for slander can result in a custodial sentence of up to one year. Although the constitution makes clear that Belgians have the right to assemble peacefully and without arms, subsidiary legislation places significant restrictions on the full exercise of this right, by granting local authorities and the police powers to approve gatherings in advance and supervise the exercise of these rights. In Brussels, for example, by-laws impose specific time and place restrictions on when and where assemblies can be permitted. Where spontaneous protests occur, participants can be quickly removed and arrested.

**BENIN** ↓ Narrowed to Obstructed

Benin's downgrade is influenced by "unwarranted restrictions and suspension of independent media outlets by the national media regulator" and denials of permission to protest peacefully, including a blanket ban on student protests imposed in October 2016. The government has banned the activities of student associations, and this ban continues in force, despite a court order declaring the ban null and void. A submission to Benin's Universal Periodic Review at the UN Human Rights Council in March 2017 by CIVICUS and Groupe d'Action pour le Progrès et la Paix details a number of threats and acts of intimidation against individual human rights defenders in Benin.

# RATINGS CHANGES BY COUNTRY

The media also face the constant threat of suspension or sanction from the state regulator, which regularly censors media houses on the grounds of the protection of public order. Media houses have also been **suspended** without notice

The Ministry of the Interior, Security and Decentralisation (MISD) oversees the registration process for CSOs, and CSOs have criticised its lengthy registration processes, although these have generally been attributed to bureaucratic inefficiency, rather than political motivations. Despite the absence of legal obstacles, societal attitudes towards the LGBTI community prevent groups demanding LGBTI rights from operating openly.

### CABO VERDE ↓ **Open to Narrowed**

Civil society in Cabo Verde has developed in recent decades and is generally well regarded by the public and the state. There are, however, issues related to CSOs being co-opted for political purposes. This can result in interference with the freedom of association and the independent operation and governance of CSOs. A 2016 West Africa Civil Society Institute (WACSI) **report** states that the “manipulation and instrumentalisation” of civil society by the state and political parties is particularly prevalent during election time. The report also states that civil society in Cabo Verde is overly dependent on the state for funding, thus compromising its independence. The Union of Journalists has previously criticised aspects of the new Electoral Code, which restrict the media’s ability to report freely on campaigns, candidates and political views for two months before an election takes place.

### CHINA ↓ **Repressed to Closed**

China’s downgrade to ‘closed’ is a result of the continued escalation of the assault on basic civic freedoms under Xi Jinping. This manifests itself both in legislation and targeted attacks on individuals and groups, either through the courts or the enforced disappearance of activists and human rights defenders. Since 2014, a series of restrictive new laws on national security, anti-terrorism and CSOs have been passed,

coinciding with a sustained escalation in the detention of dissidents. The latest of these is China’s new National Intelligence Law, which came into force in June 2017 and gives authorities “**sweeping powers** to monitor and investigate foreign and domestic individuals and institutions.” The Law on the Management of Overseas NGO Activities, which allows the police to control CSOs’ funding sources, staffing and activities, came into force on 1 January 2017.

Apart from new laws, China has since 2015 **relentlessly pursued its critics** through mass arrests of lawyers and activists, the shutdown of websites promoting peaceful dialogue and the deployment of security forces, including the use of riot police to prevent a demonstration on poor air quality in Chengdu city. Following the death in July 2017 of China’s only Nobel Peace Prize Laureate Liu Xiaobo, rather than allow Xiaobo’s colleagues and friends to mourn, the authorities tightly controlled his burial at sea to prevent a commemoration, arrested activists after his funeral and orchestrated the subsequent disappearance of his widow, Liu Xia, whom they have held in arbitrary detention since 2010.

### CYPRUS ↓ **Open to Narrowed**

Restrictions on the freedom of expression are the main driver of Cyprus’ move from ‘open to narrowed’. This is reflected in a change in score from the World Press Freedom Index, from 18 in 2016 to 20 in 2017. Reporters Without Borders **says** “freedom of expression is constitutionally guaranteed in both parts of the divided island but is threatened by this division. In the north, the presence of more than 30,000 Turkish army soldiers limits coverage of political developments. On the rest of the island, political parties and the Orthodox Church exercise a great deal of influence. The Church controls part of the TV station Mega while the daily newspaper Haravgi and Radio Astra support the communist party (AKEL).”

Compared to Northern Cyprus, the freedom of association is better respected within the are controlled by the Government of Cyprus, although in general terms, the laws of Cyprus make no provision for unregistered or informal CSOs. Protests have been frequent in recent

years and most have been peacefully observed by demonstrators and police alike. The media generally come under less state pressure in the territory controlled by the the Government of Cyprus than in Northern Cyprus. The movement of journalists has, on occasion, been impeded due to the long-standing political division between the two parts of Cyprus. Although the Government of Cyprus is planning to introduce a freedom of information law, the draft bill has been severely criticised for placing too many exceptions on what information can be accessed, exempting some public bodies from the law and vaguely defining the criteria for refusing requests. Consequently, journalists and CSOs fear that their role in exercising accountability over the government will be weakened.

### EL SALVADOR ↓ Narrowed to Obstructed

El Salvador's rating has been downgraded from 'narrowed' to 'obstructed' due to increased restrictions on civic freedoms, both through problematic laws and activities by state agents. These include a number of physical attacks and threats against journalists and media workers who attempted to cover wrongdoing or corruption. An *Organization of American States (OAS) report from 2016* includes information on the use of excessive force - such as teargas and beatings - against peaceful protesters and sometimes against journalists covering protests. The report also details the assassinations of journalists Nicolás Humberto García and Darwin Zelaya as well as the public vilification of parts of the media by public officials. Separately, the *International Center for Not-for-Profit Law (ICNL) Civic Freedom Monitor*, updated in April 2017, documents delays in the registration process for CSOs and "wide discretion for authorities" in deciding what constitutes a lawful protest. The report also documents additional restrictions during election periods and the arbitrary use of terrorism laws against protesters.

The most recent *CIVICUS Monitor* update from 24 August reports on a potentially problematic new law that could increase controls over media coverage and has wording which is vague and open to interpretation. The update also details a threat against a journalist and the repeated raiding of the home of an environmental rights

defender. As an update from July 2017 shows, LGBTI activists also face serious threats and risks as a result of their work.

### NETHERLANDS ↓ Open to Narrowed

The downgrade of the Netherlands from 'open' to 'narrowed' is influenced by increasing infringements in protest and expression rights. 2017 *CIVICUS Monitor updates* have documented a number of threats to and violations of civic freedoms. These include police use of excessive force against peaceful anti-racism protesters and the subsequent impunity of the officers involved. No police officers were prosecuted after the police's prosecution service said that none had acted inappropriately, despite clear video evidence showing white police officers punching a black activist in the face. There was also a rise in hate-inducing and harmful speech during the Dutch presidential election, when far-right candidate Geert Wilders used racist and divisive language as part of his campaign. Other recent incidents include the arrest of peaceful anti-fossil fuel protesters following a demonstration at an art gallery in Amsterdam.

In its 2017 *World Press Freedom Report*, *Reporters Without Borders* points to a number of concerning developments, including "violent disruptions of public debates on refugees, [when] journalists were on several occasions throughout the year banned, on security grounds, from visiting such debates or making video or audio tapes of them." Journalists received death threats for writing about racism while the issue of immigration and race generally have been linked to increased attacks against the media. Meanwhile, the government has made legal changes giving security forces greater powers to decrypt secure communications and carry out surveillance.

### SLOVENIA ↑ Narrowed to Open

The ratings change for Slovenia is caused by the addition of a second research stream, which was previously absent from our assessment of Slovenia's civic space. This analysis concludes that there is *strong respect* in law and practice for the three core civic space freedoms, leading to a revised 'open' rating for Slovenia.

Slovenia has an extensive civil society, with relatively high levels of volunteering. There are institutionalised processes to involve CSOs, particularly trade unions, in policy-making in several fields. Registration of CSOs is reported to be simple and inexpensive, and based on clear and fair criteria. There are assessed to be 26,000 registered CSOs, one of the highest global rates per capita. The right to join trade unions and engage in trade union activity is respected, and the Association of Free Trade Unions of Slovenia has around 300,000 members. The Act on Volunteering was amended in 2015 to remove some key barriers against volunteering. Article 42 of the Constitution also guarantees the freedom of peaceful assembly, with limitations on the grounds of security, public safety and the protection against the spread of infectious diseases. There was a very active protest movement in 2013 when allegations emerged of high-level political corruption involving the then-prime minister, which led to the collapse of the government. While there have been some concerns raised about government stakes in some media, Article 39 of the constitution upholds the freedom of expression, including the right to obtain public information. A 2008 change to the Penal Code that made it harder to publish information in the public interest was overturned in 2015. There are no restrictions on internet access.

## SOMALIA ↑ Closed to Repressed

Somalia's positive ratings change is influenced principally by an expansion of space for CSOs to operate in some parts of Somalia, resulting in an improvement in its rating. Freedom House's Freedom in the World 2017 report states that civil society in Somalia has made "modest gains" and that there are now "functioning universities in Mogadishu and some other cities, and local nongovernmental organizations have been able to conduct a range of activities with international support, depending on security conditions."


The CIVICUS Monitor has published seven updates on civic space in Somalia since its launch in 2016. Most of these describe the continuing threats facing the freedom of expression, and particularly

the hostile environment for Somalia's journalists. There is no doubt that the ongoing conflict with extremist group Al-Shabaab continues to impede civic space severely. However, a relatively active media sector is developing, albeit in difficult circumstances and under the shadow of a problematic media law introduced in January 2016.

## YEMEN ↓ Repressed to Closed

Yemen's downgrade from 'repressed' to 'closed' is based on our assessment of reports from 2017 by local, regional and international human rights organisations, which describe the continuing decline in respect for basic freedoms in Yemen. These reports illustrate the extremely challenging conditions for the exercise of any civic freedom, as the war in Yemen has intensified over the past year. A report by the Mwatana Organisation for Human Rights and the Gulf Centre for Human Rights concludes that journalists in Yemen "have to contend with violence affecting all citizens, including bombing by the coalition forces, as well as targeted attacks on the media in an attempt to prevent them from carrying out their work. Dozens of journalists have been arrested and at least 16 remain in prisons of Ansar Allah armed group (Houthis) and forces loyal to former president Saleh. Others have been tortured or killed in the course of their work."

A series of six updates on the CIVICUS Monitor over the past year confirms this trend, focusing heavily on the deliberate targeting of journalists, many of whom have been killed or kidnapped by the warring parties. The exercise of the freedoms of peaceful assembly and association also remains virtually impossible amid the conflict. A Human Rights Watch 2017 report on Yemen also includes descriptions of targeted attacks on humanitarian assistance provided by CSOs, including Doctors without Borders.



For more information on the CIVICUS Monitor visit <https://monitor.civicus.org>, follow #CIVICUSMonitor on social media or email [monitor@civicus.org](mailto:monitor@civicus.org)