

STATE OF CIVIL SOCIETY REPORT 2016



Photographer: Tony Carr

ABOUT THIS REPORT

Each year the CIVICUS State of Civil Society Report seeks to celebrate the achievements of civil society, understand the conditions it works in and encourage action to address the challenges it encounters. In addition to reviewing the civil society landscape as a whole, every year our report has a special theme. This year we focus on 'exclusion and civil society'.

Our report is by, about and for civil society, having at its heart a series of inputs from partners in the CIVICUS alliance. These include 33 guest contributions from civil society activists, leaders and experts on the theme of exclusion and civil society, 27 responses to our annual survey of national and regional civil society networks that are members of our Affinity Group of National Associations (AGNA), and a series of interviews with people close to the key civil society stories of the day. Contributions on this year's special theme address a wide range of different forms of exclusion, including exclusion by gender, sexual identity, age (for children, young people and older people), disability, mental health and HIV status, indigeneity, ethnicity, refugee and migration status, faith, location, income and vulnerability to climate change. The guest contributions are further analysed in our thematic overview.

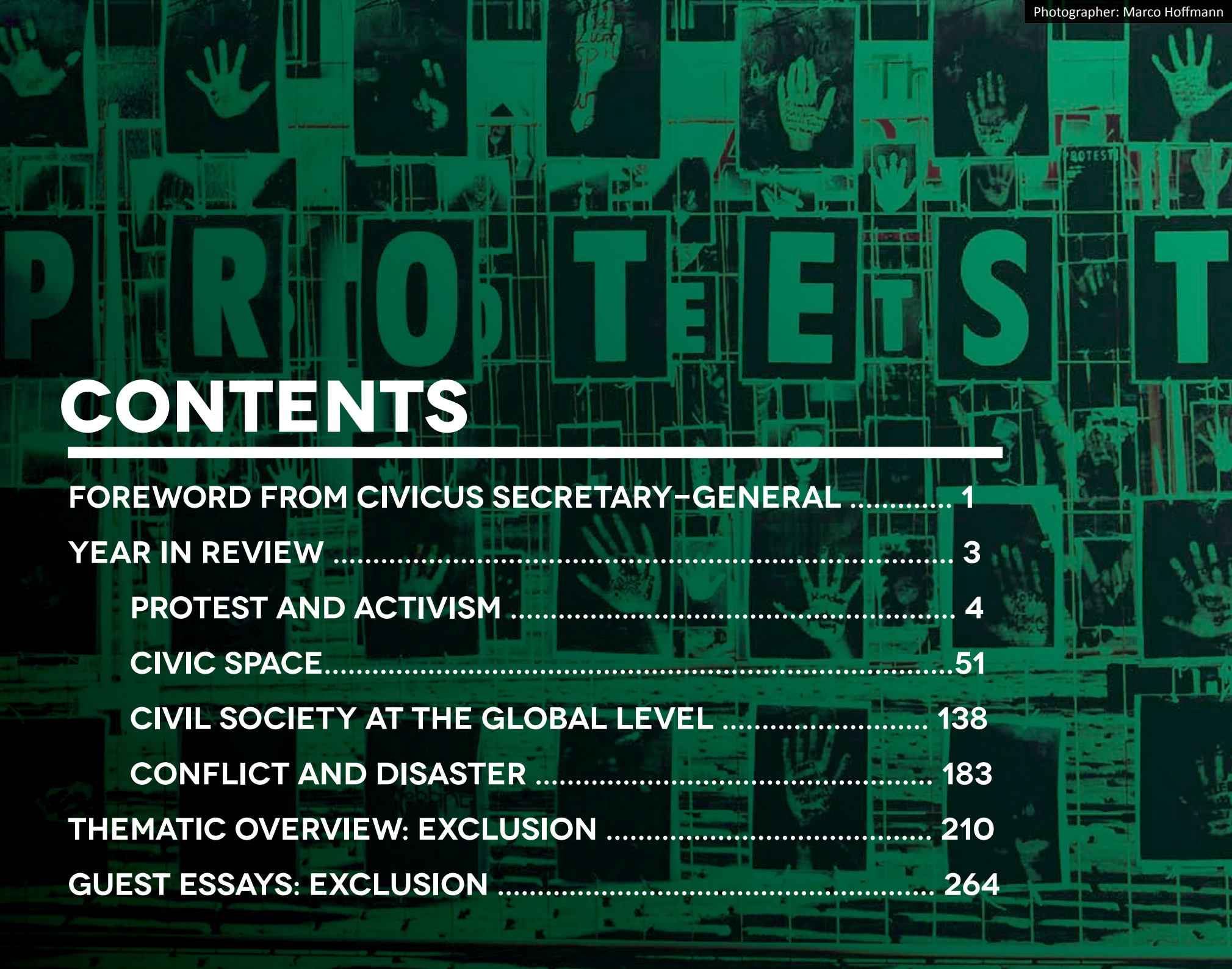


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FOREWORD FROM CIVICUS SECRETARY-GENERAL



Last year was a dismal one for civil society around the world. CIVICUS colleagues tracked serious threats to one or more civic freedoms in over 100 countries. Particularly for those activists who dare to challenge economic and political elites, the environment in which civil society operates has continued to deteriorate. Some of the most brave and inspiring activists, from Brazil, Colombia, Honduras, Peru, the Philippines and South Africa, paid the ultimate price in 2015, simply for exercising their rights as citizens to organise and mobilise.

We in civil society need to find new ways of responding to these growing threats. Yes, we must challenge the legal and regulatory restrictions on our operations. Yes, we must protect our funding, our voice, and our independence. But we must also seek to win hearts and minds. One of the most sinister developments we see today is the widespread demonisation of civil society activists – as terrorists, traitors, foreign puppets, or disconnected elites. We need to challenge these narratives, demonstrate the value of civil society and convince people of its worth.

PROMOTING INCLUSION

It is within this context that this year's theme – civil society and exclusion – really matters. Much of civic life is about promoting inclusion. It is about amplifying the voices of the marginalised, tackling the causes of discrimination, and promoting equal rights and

access to services. Put simply, civil society is often about people helping other people. But, for many millions of people exclusion remains a painful, everyday reality.

Taken together, our 33 guest contributions expose the common threads that characterise so many different types of exclusion. They touch upon contemporary, dynamic drivers of long-established patterns of exclusion. They emphasise the need for excluded people to be understood not as victims, or objects of charity, but as people striving to access their basic human rights. And, they highlight the disproportionate affect that civic space restrictions have on excluded groups.

CHALLENGES WITHIN

What is also clear from this year's report is that CSOs are not immune from reproducing the exclusionary attitudes and practices of the societies around them. Policies on inclusive working are easy to put down on paper and much less easy to realise in practice. Yet a civil society sector that falls short of modeling good practice in addressing inclusion risks seriously undermining its own legitimacy.

One obvious example of our shortcomings relates to women in leadership. Back in 2013, we looked at 100 leading NGOs around the world (according to a list prepared by another organisation) to see how many were women-led. At the time the figure was 31. In preparing this report, we looked again at those same NGOs and the figure now stands at 38. This may seem better than women leadership figures in politics or big business, but women make up some two-thirds of the workforce of many CSOs. The possibility that a 'glass pyramid' is stifling the potential of women in civil society, and thereby constricting the work of the sector, cannot be ignored.

LEAVING NO ONE BEHIND

In 2015, our governments set the Sustainable Development Goals (SDGs) and reached the Paris Agreement on Climate Change. It is clear that civil society will be central to the delivery of this vision of a more just and sustainable world. We will need to mobilise to make these 'global goals' relevant to local actors, to do our fair share to implement the goals, to invest in ways to monitor progress, and to ensure accountability. We are hopeful that the new [Action for Sustainable Development](#) platform, launched in conjunction with our partners, will help us in these endeavours.

In particular, and importantly for the concerns discussed in this report, we need to work hard to ensure that our leaders' commitment to 'leaving no one behind' actually means something. It may be easy to say – indeed leaders use the phrase no fewer than six times in their [2030 Agenda for Sustainable Development](#) – but it is a much harder challenge to deliver inclusive development. Civil society has to be at the vanguard of shaping and delivering the 'leave no one behind' agenda.

OUR PROMISE

As always, at CIVICUS we look closely at the findings and recommendations that are made by our guest essays and try to improve our own practice. This year, this will include two key measures, one internal and one external. When this report is published, we will begin an 'inclusion audit' of our own policies and practices. We will engage an external consultant to come up with recommendations for how we can live up to best practice on inclusion. We will also work with partners to look at the notion of 'leaving no one behind' to see how we can use the opportunity of the SDGs to promote a sustainable development that is truly *for all*.



Dhananjayan Sriskandarajah

June 2016

YEAR IN REVIEW



YEAR IN REVIEW:
PROTEST AND
ACTIVISM

CITIZENS MOBILISING: PROTEST, ACTIVISM AND PARTICIPATION

1. INTRODUCTION

Each year the CIVICUS State of Civil Society Report looks at the major events that have affected civil society around the world. We seek to celebrate the major achievements of civil society, identify the key challenges it has faced, and assess how recent events have impacted on civil society, and how civil society has responded to them. In particular, we explore how civil society has reacted to and been affected by conflict and disaster; how citizens have mobilised to seek change; how the space for civil society has changed; and how civil society was worked internationally to address the pressing issues of the day. This section of the year in review considers recent mobilisations of protest, activism and participation.

Our report is of and from civil society. Alongside the four sections of our year in review, our report consists of 33 guest contributions from civil society activists, leaders and experts, on this year's special theme, of civil society and exclusion, and a thematic essay that draws from those contributions. Our report is also informed by 27 responses to our annual survey of national and regional civil society coordination bodies that are members of our Affinity Group of National Associations (AGNA), and a series of interviews with members of the CIVICUS alliance who were close to the year's major stories. We are very grateful to all our contributors for their efforts in developing this report.

2. PEOPLE ON THE MARCH: CONTINUING WAVES OF PROTEST AND ACTIVISM

Every year, in different locales around the world, people take to the streets to demand change. It remains hard to predict where public anger will next spill out in the form of large scale protests, but it is possible to say something about the common drivers of protests in different parts of the world. What mass protests have in common is that they signify anger and frustration. People are angry at not having their voices heard, and they feel excluded and humiliated. They are demanding their right to a voice, and seeking accountability. People are also frustrated about highly visible economic inequality and lack of economic

opportunity. They are seeking to change political systems that fail to uphold rights and meet needs, and that are characterised by systematic elite privilege and corruption.

Mass protest is never the first resort, so when it breaks out it signals that something is going wrong with governance. While a level of public dissent should be seen as an indicator of a healthy society and engaged citizenry, incidents of sustained mass protest suggest that other methods of participation, including voting in elections, lobbying politicians, being active online and taking part in civil society organisations (CSOs) are blocked, failing or insufficient. These deficits may arise because civil society rights are restricted, and political participation processes are more formal than real, as highlighted in our section on civic space. They may also indicate that existing, organised civil society is not sufficiently serving a public need.

As the case studies below suggest, the trajectories mass protests take, once sparked, tend to be remarkably similar. Protests generally start small, addressing specific, often local issues, but then grow to ask more profound questions of governance, democracy and human rights. For example, what started as a protest about rubbish collection in **Lebanon** in July and August 2015, under the banner of 'You Stink', quickly took on larger questions of corruption and government failure, in a politically deadlocked country where politicians cannot agree on a president or a new electoral law.¹



People are angry
at not having
their voices
heard.



Photographer: Joelle Hatem

Often with protests, the initial response by security forces is heavy handed, as in Lebanon and examples such as **Armenia**, **Bolivia**, **Ethiopia** and **South Korea**, discussed below.² In March 2016, the management of assemblies was the focus of new recommendations to the UN Human Rights Council (UNHRC) by Maina Kiai, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, and Christof Heyns, the Special Rapporteur on extrajudicial, summary or arbitrary executions. The recommendations came as a recognition of the violence that increasingly comes in response to protests. Importantly, the recommendations observed that all forms of protest, including demonstrations and occupations, are covered by the right to the freedom of peaceful assembly, and that assemblies form an essential part of democracy and people's participation, and of challenging exclusion and realising rights. The recommendations called for states to develop, update and implement policies that are permissive of assembly and that are based on the presumption that assemblies will be peaceful, rather than see them as threats. Policies should have light-touch notification procedures, recognise the right to plan, organise, promote and communicate assemblies, and have strong limitations on the use of force. Guidelines should also apply to the private sector, given the increasing privatisation of the public spaces in which protests may occur, and the role of private security contractors in responding to protests.³ The recommendations should provide a focus for civil society advocacy to ensure that protests are able to take place peacefully and legally.

As we have observed over our series of State of Civil Society Reports, heavy state and security force response can also have the unintended consequence of helping to recruit protestors by feeding public anger and promoting the cause as just. Protests also often share similar strategies: they make a point of visibly occupying central, public spaces in major cities, and use social and mobile media in multiple ways, including to organise and promote protests, resist state interference and recruit support. This can be seen in almost all the examples discussed below. The ability of new media to enable diffuse and horizontal ownership of protest movements, rather than the narrow and hierarchical leadership of classical organisational forms, is a phenomenon that has been discussed in our past reports, and can be observed in many of the examples offered here.

Something else that modern mass protests have in common is that, as with the You Stink protests, they are often criticised for failing to achieve breakthrough.⁴ In the long-term, protest fatigue can set in, security forces may gain the upper hand and governments can split high profile protestors away from the ranks. This happened with some of the mass protests covered in last year's report, such as those in **Hong Kong**, and was arguably the case in the student protests in **South Africa**, discussed below. At the same time, some startling examples of immediate achievements can be observed in the examples below. It is also important to acknowledge the long-term impacts that may be experienced by those who participate in protests. These may not be immediately visible, but are nevertheless real: at least some of those who take part in protests grow their participation skills and confidence, and develop national and international networks, such that they are likely to remain committed to advancing change in the future, and continue to take civic action in a variety of ways. Some protests can be seen to have built on the footprints of earlier mobilisations, suggesting that smaller protests can act as rehearsals for larger ones to come. This is an area where more research over time would be helpful, to identify and demonstrate the long-term benefits of participation in protests.

2 'Many injured in Beirut 'You Stink' protest over rubbish', Al Jazeera, 23 August 2015, <http://bit.ly/23181Cu>.

3 'Practical Recommendations For The Management Of Assemblies', United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, March 2016, <http://bit.ly/1Rq4Pu2>.

4 'You Stink Lost Momentum Months Ago', Beirut Syndrome, 9 February 2016, <http://bit.ly/23189lx>.

The examples below indicate that many people who become involved in protests are young people, experiencing their first taste of participation. Young people are often assumed to be apathetic, as measured, for example, by their levels of participation in elections or membership of political parties, but the heavy participation of young people in protests defies this lazy label. What it suggests, rather, is that people, and particularly young people, are rejecting the conventional politics and participation routes on offer, and are looking for causes to believe in and processes they can create and own. They are forging their own politics and their own ways of working. Part of the significance of the Lebanon protests, for example, lay in being the first mass protest in the country that took place outside party structures, and the religious and sectarian identities that existing parties represent. People used the protests to model new ways of taking action.⁵

The potential for protest energy to be sustained suggests that attempts to dismiss protests as inconsequential are short-sighted: if protest does not achieve immediate breakthrough, then the problems around which protest formed are unlikely to go away, and anger is likely to be sustained. A protest ended is not a problem solved; it is only a solution delayed.

“
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3. PEOPLE DEMAND CHANGE ACROSS LATIN AMERICA

A wave of protest swept across Latin America in the past year. The common thread that united different protests was public anger with state failure, epitomised by entrenched corruption at the very top of politics, and the vast economic disparity between the very wealthy and everyone else. In multiple contexts in Latin America, people are challenging the notion that corruption must be accepted as a fact of life, and highlighting the drain corruption makes on a government's ability to serve its citizens.

When citizens can dismiss or punish corrupt and failing governments through elections, they do so: this happened in 2015 in **Argentina**, where the opposition candidate won presidential elections, and in **Venezuela**, where the opposition won parliamentary elections, putting them into a power struggle with the presidency that continues at the time of writing, and sparking ongoing protests for and against the president's party.⁶ But when elections are not imminent, or are seen as offering inadequate potential for real change, people take to the streets.

What is happening in Latin America should not be seen in narrow political terms: what is being rejected is not necessarily leftist governments in favour of market-friendly governments, but poor governance, failure to deliver public services and redress economic inequality, and attempts to use populist or nationalistic rhetoric to conceal failures.

⁵ 'Why Lebanon's 'You Stink' movement lost momentum', Al-Monitor, 23 October 2015, <http://bit.ly/1pyoh0v>; The Huffington Post, 29 August 2015, op. cit.; Al Jazeera, 21 September 2015, op. cit.

⁶ 'Conservative wins Argentina's presidential election', Al Jazeera, 23 November 2015, <http://bit.ly/1NLshAa>; 'Venezuela: The Light at the End of the Tunnel?', International Crisis Group, 8 January 2016, <http://bit.ly/1OEF77C>; 'Venezuela opposition launches protests, Maduro counters', Reuters, 12 March 2016, <http://reut.rs/1qOB3cm>.

Guatemala saw a breakthrough in 2015, when protests sustained over months about high level corruption led to the resignation, stripping of immunity and arrest of the president, on charges of fraud and bribery. Elite corruption has long been a problem in Guatemala, but public anger was fuelled by allegations that public officials, including the president, were responsible for the loss of millions of dollars of customs revenues, by accepting bribes for low custom taxes and fees, at a time when public services are in decline. Among the revealed impacts of corruption was the loss of vital dialysis treatment for kidney patients, meaning that, starkly, corruption could be seen directly to have cost lives.⁷ A research group estimated that some 30 per cent of the state budget is lost to corruption.⁸ Subsequent revelations highlighted connections between organised drug crime and the funding of political campaigns.

Economic growth in the 20 years since Guatemala's long-running civil war ended has seen urbanisation, the rise of a middle class and an increase in university education, all often important factors in developing protest, as people start to see the government as a force that is holding them back. Amidst these changes there also remain persistent poverty and inequality. A political system captured by the elite could be seen as out of step with the changing aspirations of people. A new generation that had grown up after the civil war was able to overcome the fear of repercussions that has hindered protest potential in the past.⁹

Importantly and unusually, Guatemala's citizens had an international ally: the UN-backed International Commission against Impunity in Guatemala (CICIG), which exposed the 'La Línea' (telephone line) corruption scandal, had become increasingly challenging towards organised corruption and criminality at the highest levels, even in the face of state resistance.¹⁰ It had the support of the US government in this, which threatened to withdraw aid if the CICIG was not allowed to do its work, in a reversal of its previous position of blanket support for the president. Guatemala, along with El Salvador, Honduras and Mexico, are supported by the USA as part of its attempts to stop drug trafficking, but as discussed in the 2015 State of Civil Society Report in relation to Mexico, US financial support has in the past tended to be untroubled by issues of impunity.

As the evidence piled up against President Otto Pérez Molina, protests grew, under the banner of #JusticiaYa (Justice Now). Protest measures included marches, blockades and a general strike. An estimated 15,000 people occupied the central square of Guatemala City in April 2015 following a call on social media, and thousands more protested again in May 2015.¹¹ Importantly, what started as a largely urban, left of centre movement grew, to attract broad support, including from people from different wealth brackets, students and members of peasant and indigenous communities. The resignation and arrest of the president, in September 2015, was greeted by large celebrations.¹²

The subsequent election, held in October 2015, was overwhelmingly won by an outsider candidate, comic actor Jimmy Morales, who campaigned on an anti-corruption ticket, making a virtue of his outsider status. But levels of public cynicism and suspicion remain high. There has, for example, been concern about the links between the new president's party and the military, which

7 'New Corruption Scandal Plunges Guatemala's Government Further Into Crisis', International Justice Monitor, 26 May 2015, <http://bit.ly/1rergN5>.

8 'Thousands of protestors demand resignation of president in Guatemala', The Guardian, 12 June 2015, <http://bit.ly/1LPJuMe>.

9 'How a peaceful political uprising happened in war-scarred Guatemala', The Washington Post, 5 September 2015, <http://wapo.st/1hMXV7t>.

10 Ibid.

11 'Thousands protest graft in Guatemala, raising pressure on president', Reuters, 30 May 2015, <http://reut.rs/26qxSs7>; 'How 9 strangers used Facebook to launch Guatemala's biggest protest movement in 50 years', Fusion, 14 June 2015, <http://fus.in/1ld5tqf>.

12 'Guatemala's president spends night in jail after resignation', The Guardian, 4 September 2015, <http://bit.ly/1Sp8gG3>.

carried out massacres in the past. The new president's cabinet is filled with establishment figures, and his government's apparent intent is to continue the economic policies of the past. Both candidates in the run-off vote were accused of being too closely connected to corrupt elites. Turnout at the election was also low, indicating continued disaffection.¹³

The election of Morales should not necessarily be seen as a solution, but rather as an expression of frustration with a broken system. Corrupt formal politics have failed Guatemalans, and public demands on the new president will rightly be high. Early action to clean up the country's governance must be demonstrated. The election should not be seen as the conclusion of a process of political change, but rather as a stepping stone. Public anger has not gone away, as evidenced by a further protest in April 2016, when over 2,000 people, largely indigenous people and students, undertook an 11-day March for Water, marching to the capital to protest about water scarcity and water pollution caused by large businesses.¹⁴ Protest momentum now needs to be sustained, so that new decision-makers can be held to account, and a decisive break made with a failed political system.

“
The government
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blower.”

The progress of Guatemala will be watched with particular interest by citizens of neighbouring **Honduras**, which saw its own mass protests in 2015. In June 2015, thousands assembled in the capital, Tegucigalpa, to demand the president's resignation, after he admitted that his 2013 presidential campaign had taken money from businesses linked to a major fraud. Investigative journalism revealed that the ruling party enjoyed kickbacks from allowing health suppliers to overcharge, sucking money out of health provision, as in Guatemala. But, characteristic of corrupt governments that fear exposure, rather than open up to greater transparency, the government moved to silence the whistle-blower. Investigative journalist David Romero Ellner, who revealed the ruling party's role in the fraud, was put on trial for criminal defamation, alleged to have been committed against the wife of the Deputy Prosecutor, one of the officials accused of involvement in the fraud. This move provided a further spark for public anger. Thousands took part in torchlight marches, with an estimated 60,000 people taking to the streets in July 2015, and protests continued each Friday for over three months.¹⁵

Unlike in Guatemala, the president remains in power. In April 2015, the supreme court, which has been heavily influenced by the ruling party, also cancelled the constitution's one-term limit, which means the president could even run again.¹⁶ David Romero Ellner, meanwhile, was found guilty in November 2015, after a trial held in conditions of heavy security.¹⁷ And as our section on civic space sadly confirms, Honduras' dreadful record for the killing of activists, and impunity in this, has continued.¹⁸

The president has resisted a Guatemala-style external commission, in a back-handed acknowledgement of the success of this in challenging corruption. Unlike in Guatemala, the position of the USA is to support the status quo.¹⁹ Although by August 2015 there were some signs of movement, with acceptance of the idea of a national dialogue, progress on this was minimal; the

13 'With Military Backing, TV Comedian Wins in Guatemala in First Vote Since Jailing of Ex-President', Democracy Now!, 27 October 2015, <http://bit.ly/26qyaiD>; 'Jimmy Morales Can't Fix Guatemala', Foreign Policy, 16 March 2016, <http://bit.ly/1Sp8gG3>.

14 'Guatemalan Indigenous Peoples Close 11-Day March For Water', teleSUR, 21 April 2016, <http://bit.ly/26nr5PK>.

15 'Thousands rally to call for Honduras president to quit', Al Jazeera, 6 June 2015, <http://bit.ly/21dWLDn>; 'Honduras stages biggest march yet to demand president step down', Reuters, 4 July 2015, <http://reut.rs/1T1g0h>; 'Our Central American Spring': protestors demand an end to decades of corruption', The Guardian, 14 August 2015, <http://bit.ly/1IQM67e>.

16 'Honduran Court Changes Constitution, OKs President Re-election', teleSUR, 24 April 2015, <http://bit.ly/24h3WMU>.

17 'Declaran culpable al periodista David Romero', La Prensa, 13 November 2015, <http://bit.ly/1TaFDIT>.

18 'The human rights crisis in Honduras', Independent, 18 December 2015, <http://ind.pn/1TUaHhB>.

19 '730 Scholars Decry Impunity in Honduras and Urge the U.S. State Department to Demand Human Rights Accountability', Council on Hemispheric Affairs, 16 March 2016, <http://bit.ly/1rwllOy>.

dialogue process was controlled by the ruling party, and many opposed to the president refused to participate. An Organisation of American States process, which began in January 2016, was also criticised for lacking independence and power: it will only provide support to the politically compromised national judiciary, and the government is free to ignore its recommendations.²⁰ Protest pressure needs to be maintained, and Hondurans may continue to look to their neighbours for learning and inspiration.

Guatemala and Honduras are not alone: **Bolivia** too has seen recent protest. In July 2015, a general strike and blockade that lasted a month was held in the city of Potosí, and miners from the city marched on the capital, La Paz.²¹ Protests were coordinated by the Potosí Civic Committee (Comcipo), a coalition of 23 civil society groups. The Potosí region is one of Bolivia's poorest, even though it is home to one of the world's richest silver mines. Promises to invest in the social and economic development of the region have frequently been broken, working conditions in the mines are very harsh, and the region has also been hit by a fall in the world silver price.²² The march and protests therefore signalled that frustration at lack of progress runs deep, and established means of dialogue have failed. But the protest was met with police tear gas, and marked by violent confrontations, while the president refused to enter into dialogue.²³ Ramiro Oras, of Foundation CONSTRUIR, a Bolivian CSO, relates what happened to the protest:²⁴



Photographer: Keith Baongco

In what is known as the Pacific March, over 2,000 miners walked for over 530km from Potosí to La Paz. When they got to La Paz they organised massive protests, blocking the streets in an effort to get their demands heard. The protests went on for weeks and dialogue remained elusive.

The police responded with violence, using excessive force to disperse protesters. Thirty-three protesters were arrested and four of their leaders were detained for a week and faced legal charges. The absence of any valid government response towards the demands of the protests, the heavy-handed manner in which the police responded to the demonstrations and the judicial persecution of some of the protesters forced the group from Potosí to return to their region.

After the return of the protesters, President Morales sarcastically noted that he “laughed at Potosí’s demands.” This demonstrates how insensitive the government is towards the issues of the region that continues to bear the brunt of poverty and distress.

Despite the government’s current intransigence, the protest enjoyed support from Bolivian citizens, suggesting a wider connection was being made with people’s concerns about governance:

Despite the fact that the protests had caused disruptions in traffic, the people of La Paz showed solidarity towards the protesters from Potosí. The Assembly for Human Rights issued a statement calling for dialogue, peace and respect for freedom of assembly and the protection of the right of citizens to engage in social protests.

Public support suggests that the government’s strategy of denying the protestors dialogue and restricting fundamental civil society rights can only fail in the long term. The anger will not go away, and protests are likely to return.

Neither has public anger faded in **Brazil**, where large-scale demonstrations against President Dilma Rousseff were seen on several occasions in 2015 and 2016. Protest has been triggered by an ever-unfolding and wide-ranging corruption scandal in the state oil company, known as the car wash (‘Lava Jato’) scandal, from which the ruling party is alleged to have benefited. Economic downturn and corresponding experience of cutbacks in public services can also be seen as drivers of protest. In August 2015, tens of thousands of people took to the streets in rolling demonstrations that moved from city to city, encompassing 200 different cities.²⁵ Web-based groups were instrumental in calling for protests, while independent activist journalist groups, such as Congresso em Foco, have been essential in exposing corruption.²⁶

A further wave of protests came in March 2016, as the widening investigation into the corruption scandal implicated President Rousseff’s predecessor, Luiz Inácio Lula da Silva. Protestors called for his arrest, and protested further following President

25 ‘Panelaço / 2015 Protests in Brazil’, Know Your Meme, 2015, <http://bit.ly/1Ue8wIV>; ‘Rousseff’s message deafened by pot-banging, horn-blowing and messages calling for her resignation’, Merco Press, 9 March 2015, <http://bit.ly/1SwEFqH>; ‘Brazilian president under fire as tens of thousands protest in 200 cities’, The Guardian, 17 August 2015, <http://bit.ly/1VmAGSw>.

26 ‘Thousands join anti-government protests across Brazil’, Al Jazeera, 16 August 2015, <http://bit.ly/1qOJpRb>; ‘Quem somos’, Congresso em Foco, <http://bit.ly/1SLtyiU>.

Rousseff's appointment of Lula da Silva as her chief of staff, a ministerial appointment that would make prosecution much harder, and the release of a recording of a call between the two that seemed to confirm that the avoidance of prosecution was the motivation behind the appointment. The appointment was subsequently blocked by Brazil's supreme court.²⁷ Protests were estimated to have taken place in over 150 cities and have involved more than three million people, in what some assessed were the largest ever demonstrations in Brazil.²⁸ As is customary, there were also smaller counter-demonstrations, both in support of the government, and by those who are more sceptical, but who see attempts to remove the president as tantamount to a coup.²⁹

As noted in the 2015 State of Civil Society Report, the participation base of much of the recent protests is different from that of the widespread protests seen in 2013, initially triggered by bus fare increases and anger over the heavy cost of hosting the 2014 World Cup. The current protest demographic tends to be wealthier, older and less politically radical compared to the earlier protests. However, the strand in protest that calls for a return to military rule, a view that remains strongly held by a Brazilian minority, should be understood as small and unrepresentative of the views of the whole, despite receiving much media attention.³⁰ Crucially, there is also evidence that President Rousseff's support base has eroded amongst the poorer groups that normally support her party.³¹

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There has been considerable support among protestors for the impeachment of the president, something that was a political football from late 2015 onwards: the president was impeached in November, only for the supreme court to reverse the decision in December; impeachment proceedings were then resumed in April 2016, and were ongoing at time of writing. Interestingly, the impeachment motion brought by the lower house speaker specifically referenced the 2015 popular protests. This could suggest that the protests had achieved an impact, but also that they were in danger of being co-opted as part of political manoeuvrings, given that those pursuing impeachment are themselves accused of involvement in corruption. The impeachment process thereby demonstrates how murky and self-interested Brazil's politics have become, and how deep corruption may be.

The positions of those involved in the protests are diverse and should be recognised as such. They are not, in the main, narrowly political. Protests tend to be more against the corruption that characterises the elite as a whole, than seeking to advance a particular political position. What unites protestors is anger at seemingly entrenched corruption, the inadequacy of existing politics, and the president's failure to do enough to change poor governance.³² If Brazil's corruption problem seemingly remains endemic then so, fortunately, does Brazil's strong tradition of active, public protest to challenge it.

27 'Protests in Brazil after Lula appointed chief of staff', Al Jazeera, 17 March 2016, <http://bit.ly/1NvKdVD>; 'Release of tapped phone calls between Lula and Rousseff sparks mass protests in Brazil', The Guardian, 17 March 2016, <http://bit.ly/22nIR2v>; 'Brazilian judge blocks Lula appointment – but fight far from over', CNN, 19 March 2016, <http://cnn.it/1R457cM>.

28 'Record Brazil protests put Rousseff's future in doubt' Reuters, 14 March 2016, <http://reut.rs/1TY0c0Q>; 'Millions of people in cities around Brazil protest against President Dilma Rousseff and Lula da Silva', International Business Times, 14 March 2016, <http://bit.ly/1NvKO9I>.

29 'We won't accept a coup': groups unite to save beleaguered Dilma Rousseff', The Guardian, 3 April 2016, <http://bit.ly/1M8soLJ>.

30 'What Brazil's protests mean', CNN, 18 August 2015, <http://cnn.it/1VUqSA4>.

31 Reuters, 14 March 2016, op. cit.

32 'Brazil's silent majority has not been swept up by the anti-Rousseff protests', The Guardian, 7 April 2016, <http://bit.ly/1MVJRHo>.

Chile also has robust protest traditions to draw upon. In 2011, millions of Chilean students protested to demand education reform, in a country that has vast disparities between private and public education. The protests led to many students becoming active in politics, and education reform was a prominent theme in the following presidential election. While some reforms were introduced, they clearly did not sufficiently address the underlying issues, because student protests returned in 2013 and 2014, and again in May and June 2015, when an estimated 200,000 students and others took to the streets of the capital, Santiago. The June protests, which were met with police tear gas and water cannon, were timed to coincide with Chile's hosting of the regional international football tournament, the Copa America, mimicking tactics seen in other contexts in recent years, of using major sporting competitions as an opportunity to throw the spotlight on governance problems.³³ Despite reforms, the costs of education have only increased, making university education largely the preserve of the wealthy. Students demanded a greater say in education policy, but also raised broader questions of constitutional change. Protestors also distanced themselves from those former student leaders who went into established politics.³⁴

As elsewhere in Latin America, beyond the immediate issue, public anger with corruption scandals served as a wider tipping point. The president's son was forced to stand down from running a government body in February 2015 after it was revealed that his wife had exploited political connections to benefit from a property deal, while executives of a finance company were arrested in March 2015 on charges of money laundering and tax fraud, linked to financial support of a number of political parties.³⁵ It was for these reasons that the student protests enjoyed broader public support.

The parallels between Chile and South Africa, another student protest hotspot discussed below, seem clear. But as with other recent protest events, the demands in Chile should be understood as going further than immediate headlines might suggest: in seeking a greater say in education policy, students have essentially called for greater democratisation of decision-making, and resisted top-down and paternalistic governance. In making connections to issues of corruption, protestors challenged the divide between the government and its citizens. The recurrence of protests, in 2013, 2014 and 2015, suggests that slow reform is not enough, and protests will come again.

4. A SUCCESS STORY, SO FAR: CIVIL SOCIETY BUILDING TUNISIAN DEMOCRACY

But what happens when protests achieve breakthrough to the extent that they topple the government? As our section on conflict and disaster indicates, the recent experience of citizens of Middle East and North African (MENA) countries who rose up against their governments in 2010 and 2011 has not been a happy one. Repressive governments have largely reasserted themselves, or bloody conflicts have taken hold. But the story has more than one side. Civil society achieved landmark recognition in October 2015, when Tunisia's civil society quartet was awarded the Nobel Peace Prize for its work in building

33 'Chile: Riot police deploy tear gas and water cannons as student protest in Santiago turns violent', International Business Times, 11 June 2015, <http://bit.ly/1WnqRDI>.

34 'Chile's emboldened students back on streets to defy government', Reuters, 25 June 2015, <http://reut.rs/1Uebc9F>.

35 'Student protests rock Chile ahead of soccer tournament', Al Jazeera, 10 June 2015, <http://bit.ly/1M8tZkd>.

democracy and peace following the 2011 revolution.³⁶ Tunisia has special significance, as the country that provided the first inspiration of uprising, in December 2010, that travelled across MENA.

However, by July 2013, the prospects for peace and democracy were not promising. The transitional government was being led by Ennahda, part of the region's Muslim Brotherhood network, and there were intense and hardening disagreements between radical Islamists and secular forces, including on the development of a new constitution. Key areas of disagreement were the proposed constitution's regressive attitude to the status of women, and the apparent filling of government posts with Ennahda supporters. Following the assassination of some major public critics of the government, there were real fears of a narrow, pro-Islamist constitution being pushed through, or even of a coup. Informed by the salutary experience of Egypt, which experienced a military coup in July 2013, the quartet came together to challenge the trajectory of polarisation.

The quartet brought together four different, established civil society networks. Crucially, it involved long-standing civil society groups, which had been allowed to exist under the previous government. Tunisia's large, national trade union group, the Tunisia General Labour Union (UGTT), led the convening of the quartet, drawing on the deep networks, reputation and negotiation skills it had developed before the revolution. This is not to say that the process was easy. It involved different groups putting aside substantial histories of disagreement, particularly between the UGTT and the employers' association, the Confederation of Industry, Trades and Handicraft (Utica). The Tunisia Human Rights League (LTDH) and the Tunisia Order of Lawyers completed the quartet.

The quartet developed a road map for agreeing a constitution and holding elections, and forged a new, alternate process of dialogue. Through intensive bouts of negotiation, the process led to the prime minister agreeing to step down, the appointment of a caretaker prime minister agreeable to all sides, the holding of peaceful elections in late 2014 under the new constitution, and the formation of a coalition government, which involves Ennahda alongside the largest party, the secularist Nidaa Tounes, under an independent prime minister. Importantly, at key points of the negotiation, the quartet's ability to mobilise supporters to hold large-scale demonstrations helped demonstrate their legitimacy, and emphasise the need to involve all sides in a political settlement.³⁷

We asked Amine Ghali of the Al-Kawakibi Democracy Transition Center (KADEM) what impact the Nobel award could have in the wider MENA region:

CSOs in the Arab region, some politicians and the general public are more aware that civil society can play a major role in the transformation process, especially at the level of national political momentum. They are also more aware of the importance of dialogue in a political transition process. Also, the chances of success are bigger when they are carried by a national, powerful and neutral player. They are aware that other countries may not have such structures as the UGTT or the LTDH, but they all think that each country has its own reality and may rely on its own existing structures.

³⁶ 'Nobel Peace Prize 2015: Tunisian choice for dialogue rewarded', Worldwide Movement for Human Rights, 9 October 2015, <http://bit.ly/1NOoQts>; 'UGTT in Tunisia wins Nobel Peace Prize', IndustriALL, 9 October 2015, <http://bit.ly/1Tubihj>.

³⁷ 'Trade unions and the construction of a specifically Tunisian protest configuration', Open Democracy, 24 September 2013, <http://bit.ly/21e4i55l>; 'How a Leftist Labour Union Helped Force Tunisia's Political Settlement', Carnegie Endowment for International Peace, 27 March 2014, <http://ceip.org/1PkIv7Z>; 'The Tunisia quartet: how an impossible alliance saved the country from collapse', The Guardian, 8 December 2015, <http://bit.ly/1RCvIPg>; 'UGTT and the culture of dialogue in Tunisia', Open Democracy, 18 December 2015, <http://bit.ly/1T6Y9mW>.

This is not to say that all is now settled in Tunisia. Its democratic future remains very much in play. Its economy is struggling, and the economic inequality, urban-rural divide and high youth unemployment that were such powerful driving forces of the revolution are still experienced by many. January 2016 saw a spread of protest across several parts of Tunisia by young, unemployed people, who were angry that five years on from the revolution in which they played such an active part, nothing appears to have changed in their material conditions. A curfew was imposed after clashes between protestors and the police, and there were reports of the police using unlawful force to suppress protests. There is some evident government suspicion of youth culture, even when young people mobilise to challenge extremism and seek human rights.³⁸ As a case study prepared for our section on exclusion by Olfa Lamloom of International Alert suggests, one pre-condition of making Tunisia more peaceful and inclusive will be to improve the income opportunities of the young. Now democracy has been won, economic reform must follow.

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Now democracy
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Nidaa Tounes, as the big tent secularist party, is accused of lacking coherence, and of offering a safe haven to people associated with the old regime. Terrorism continues to present a major threat, not least because of militants who cross the border from conflict-ridden Libya. For example, 22 people were killed in a terrorist attack on the Bardo National Museum in March 2015, and 38 died in an attack against tourists on a beach in June 2015. In November 2015, a state of emergency was declared after 12 people were killed in a bus bomb attack, and another bombing was carried out close to Tunisia's border with Libya in March 2016.³⁹ Attacks have tended to target Tunisia's fragile tourist economy.

In addition, more work is still needed to bring disparate Tunisian civil society groups together, as Amine Ghali observes:

CSOs in Tunisia are divided into two groups: those providing services, and sometimes charity, and those acting to stimulate and support change at the policy level. While the latter is rather centralised in the capital and large cities, the former is trying to go out of the large cities and reach into marginalised groups and regions. Further actions are needed to seek complementarity from the two groups in order to optimise impact.

What can be said, however, is that Tunisia's prospects are much brighter than if the quartet had not worked so hard to bring about change. The Tunisian experience tells us that existing civil society structures can be a crucial part of peacebuilding: the quartet members had networks and legitimacy that they were able to bring into play. The process also entailed developing a recognition, on the part of the ruling party, that elections are not the end point of democracy, and the winning of an election does not give a winning party carte blanche; that inclusive, participatory democracy and consensual peace can only be built with the participation of a wide range of voices, including civil society, some of which, as in the case of unions, have wide support bases. This is a salutary lesson, not least for those many countries, discussed in our section on civic space, in which current office holders are rewriting constitutions in a bid to make their hold on power permanent.

38 'Tunisia: Crackdown on Peaceful Protests', Human Rights Watch, 10 September 2015, <http://bit.ly/1EYcqzS>; 'We'll be the first they kill': the Tunisian rappers taking on Isis', The Guardian, 7 December 2015, <http://bit.ly/1N70GvC>; 'Tunisia unemployment protests spread to capital', Al Jazeera, 22 January 2016, <http://bit.ly/1ZG5l6a>; 'Tunisia imposes curfew as unrest grows over lack of jobs', The Guardian, 22 January 2016, <http://bit.ly/1Qpdn8l>; 'Tunisia's Protests Are Different This Time', Bloomberg View, 31 January 2016, <http://bv.ms/1nlvWte>.

39 'Tunisia massacres: Sousse beach and Bardo Museum attacks 'linked' say UK police', International Business Times, 5 August 2015, <http://bit.ly/1XU9N70>; 'Deadly explosion hits presidential guard bus in Tunis', Al Jazeera, 25 November 2015, <http://bit.ly/1kROPsk>; 'No terrorist attack can reverse Tunisia's democracy', UN Security Council says', UN News Centre, 9 March 2016, <http://bit.ly/1UenQV9>.

Finally, it is significant that the award was given specifically to the quartet, as a joint effort of different organisations, rather than to individual organisations. Civil society is most effective when different groups are able to claim their own space and recognise their disagreements honestly, but choose to put differences aside to work towards a joint goal. In doing so, civil society models and demonstrates how inclusive practices and processes can be developed. An investment in supporting and strengthening civil society, particularly in supporting its convening, brokering and negotiation capacities, and joint working between different groups, should therefore be seen as an essential aspect of the promotion of democracy, human rights and peace.

5. SUSTAINED DEFIANCE DRIVES DEMOCRACY IN BURKINA FASO

The question of whether protest momentum can be sustained also finds an answer in West Africa. Burkina Faso offers one of the most extraordinary recent examples of how the impetus of mass protests can be carried through to achieve change. As the 2015 State of Civil Society Report described, persistent protests drove former strong-arm President Blaise Compaoré out of office after 27 years of rule in October 2014, and then resisted subsequent attempts to impose military rule. The story has continued, and while the future of Burkina Faso remains in the balance, thus far citizens have won critical battles in the fight for democracy and human rights.

An ongoing challenge to democracy in Burkina Faso has come in the form of the Presidential Security Regiment (Régiment de la Sécurité Présidentielle, RSP), an elite section of the military that was close to the former president, distinct from the rest of the army and accustomed to operating with impunity. There is also an established history in Burkina Faso of the army rebelling in order to extract concessions from political leaders. In September 2015, the RSP staged a coup, and for a moment it seemed that a dismal history of governance was about to be resumed. However, the coup failed, lasting only a week before its leaders were forced to back down. Crucial in the failure of the coup was the holding of large-scale protests, similar to those of 2014, which publicly demonstrated the lack of public support for the coup. The broader army's lack of willingness to clamp down on protest was also important, as was the fact that protestors continued to offer a unified front, resisting attempts to fragment them along ethnic or geographical lines.⁴⁰

The African Union (AU) offered a robust response to the coup, immediately condemning it in strong terms, offering evidence that it is capable of moving on from the days when state sovereignty was regarded as inviolate, although our section on global governance also outlines some civil society criticisms of the AU. In contrast, many saw the response of the Economic Community of West African States (ECOWAS) as weaker. ECOWAS mediators were seen as offering too many concessions to coup leaders, and civil society groups resisted the mediators' attempts to offer coup leaders immunity.⁴¹

40 'Why Burkina Faso's coup failed', The Economist, 2 October 2015, <http://econ.st/1SwTTMs>; 'Why Burkina Faso has so many coups', The Economist, 12 October 2015, <http://econ.st/1SwUJKq>.

41 'Seven lessons from Burkina Faso's seven-day coup', BBC, 24 September 2015, <http://bbc.in/1OVezPo>; 'Analysis: How Burkina Faso foiled the coup', Daily Maverick, 28 September 2015, <http://bit.ly/1MVqVJI>.

The issue of immunity remains controversial in Burkina Faso. The offering of immunity is often a key element of transitional justice, as part of a wider peacebuilding process, but there is anger, both about the role of the RSP in resisting change, and more specifically because 14 people were killed during the coup attempt. Civil society groups have called for no amnesties to be offered to those who carried out the killings, which saw protestors shot in the back, while running away and with hands raised. Concern is fuelled because immunity was granted for past crimes.⁴² Another controversial issue ahead of the presidential election, and part of the stimulus for the attempted coup, was the exclusion of the president's former allies and political party, the Congress for Democracy and Progress (Congrès pour la démocratie et le progrès, CDP) from standing, as an attempt to make a clear break with the past. The interim government has, so far, shown that it is prepared to address past crimes: in December 2015, it issued an international arrest warrant that implicated ex-president Compaoré for the murder of the country's former leader, Thomas Sankara, from whom he seized power in 1987.⁴³

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Photographer: Day Donaldson

Elections took place in November 2015, peacefully, with a level of transparency unprecedented in Burkina Faso, including the first ever provision of real-time results, and parallel vote counting by a coalition of CSOs.⁴⁴ Ahead of the election, donors provided grants to each presidential candidate to try to level the electoral playing field, and a new biometric registration system was introduced, which received broad public trust. A sharp increase in voter registration - up by 27 per cent - and long queues to vote suggested a newly engaged and mobilised citizenry.⁴⁵ The polls resulted in the election of Roch Marc Kabore, who had separated from the ruling party ahead of the 2014 protests.⁴⁶

CSOs played an important role in electoral oversight, and should have an important part to play in ensuring accountability over the new government. We asked civil society leader Bintou Tall-Diallo to describe the importance of the election, the current state of civil society freedom, and civil society's work in Burkina Faso:

Burkina Faso is living a historical moment in its political history. For the first time in decades, Burkina Faso had fair, just and transparent elections, with results endorsed by all political parties, and without any contestation registered.

Civil society seems to not want to miss the take-off of democracy. Even though many are in a wait and see mood, they are organising, getting together, and making sure they are empowered for the next possible actions within this consensual political collaboration. For the first time the National Anti-Corruption Network (Réseau national de lutte anti-corruption, REN-LAC) released the results of a study on the elections, where they revealed some corrupt acts during the elections, including by the elected party, and yet the president allowed further investigations that may expose them and condemn them to pay heavy fines if they are found guilty of those allegations.

Civil society groups are being more vigilant and more vocal, compared to under the Compaoré regime. Diakonia, the National Democratic Institute (NDI) and others such as Amnesty Burkina are training and giving them tools, which has diversified the intervention tools and forums to create more dialogue among them. They work more with media, including social media, for more visibility of their actions, and they don't miss any occasion to denounce misbehaviour, even by other CSOs. Their activities are more oriented on marches, meetings, press conferences, studies and reporting to state institutions, open letters of protest and information, campaigns, training, and conversations in remote rural areas. They have awareness of state matters and confidence in their power of moving things forward, regardless of their weaknesses.

There is at the moment a total freedom of expression, since the end of the coup d'état. We are also experiencing for the first time a real national union government with many technocrats and non-political related members. Within the parliament we have the sense there will be for the first time a real debate around the country's issues, including all political boards. The former presidential party, CDP, that was excluded from the presidential election, got 18 seats in parliament, with a member elected third vice president.

44 'Why data was crucial to Burkina Faso's first election since uprising', The Guardian, 4 December 2015, <http://bit.ly/1NTrQd8>.

45 'From the street to the ballot box: Elections in Burkina Faso', Africa Research Institute, 27 November 2015, <http://bit.ly/26qPJit>.

46 'Burkina Faso election: millions vote in first ever poll since coup', The Guardian, 30 November 2015, <http://bit.ly/1TaR2lw>; 'Kabore wins Burkina Faso presidential election', Reuters, 30 November 2015, <http://reut.rs/1Nw2qIG>.

Overall, civil society is stronger than ever and believes in its power, even though they recognise they need more training in accomplishing their mission of defending populations and their causes adequately, assuring a consolidated democracy and establishing the rule of law.

As Bintou Tall-Diallo indicates, expectations will be high for the new president, and the challenge will be to deliver on and manage those expectations, at a time when the economy is distressed; citizens have proved their continued willingness to engage, and failure can be expected to bring them back onto the streets again.⁴⁷ A president not connected with the military, and a potentially functioning parliament expressing a variety of dissenting viewpoints, will be novel. The president will have to continue to promote transparency and accountability, and ensure that resources reach citizens rather than stick to elites. The new government needs to demonstrate that it has broken with the past, is addressing the grievances behind the protests, and is also capable of building democracy for all citizens, including those who supported the discredited former regime. For this to happen, the new government must accept and nurture civil society, and enable it to carry out a multiplicity of roles. Increased support to help strengthen civil society will be critical as part of this, as Bintou Tall-Diallo makes clear:

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Failure can be
expected to
bring them back
onto the streets
again.”

If some are standing strong in the civil society arena, many others that accepted to take a portfolio in the transition are facing credibility challenges.

Diakonia, the Swedish cooperation agency and NDI are doing a lot in strengthening and better organising civil society, but they alone cannot do it all. In my view there is a paradigm shift and mentality change to be made with regard to the real mission and commitment of civil society itself. During the transition, a coalition of CSOs has been put in place, but there is still a question of trust among them.

Knowledge and experience sharing are needed. Even if civil society recently gained much credit in political change and has accomplished a lot in Burkina Faso, there is still much more to do. The main weaknesses of civil society are leadership, planning, responsibility, professionalism, lack of discipline and lack of solidarity.

I see here mainly four needs. The first is capacity building in strategic planning, leadership and funding mobilisation techniques and tools; the second will be organising activities that build trust and solidarity among CSOs; third is creating space for dialogue between institutions and civil society; last but not least, there is a need to put in place a platform that will allow sharing of knowledge and best practices.

Even though the social mobilisation against the Compaoré regime worked, only a few big names in civil resistance are familiar with global non-violent civil resistance techniques and achievements. But overall, Burkina civil resistance remains one of the most successful cases in Africa, and this is something we need to capitalise on and encourage within the region.

As Bintou Tall-Diallo suggests, there is scope to share the lessons of Burkina Faso to inspire wider action around the West and Central Africa region, where many states continue to deny citizens democracy and human rights. At the same time, a fresh warning has come against complacency: a new threat to civil society emerged, to deadly effect, in January 2016, when terrorist

47 ‘Burkina Faso: Transition, Act II’, International Crisis Group, 7 January 2016, <http://bit.ly/1NOAT9Y>.

network al-Qaeda in the Arab Maghreb (AQIM) killed 30 people in an attack in the capital Ouagadougou. The act of violence offered a direct challenge to citizens' right to build democracy, and the work of outside forces to support democracy and rebuild the economy.⁴⁸ While the attack demonstrates the extent to which the country's future remains uncertain, what can be said is that the Burkinabe people have continued to prove their power and agency, and can be expected to do so when called upon again. Their new government, and those of other countries in the region, must take note.

6. A NEW GENERATION RISES IN SOUTH AFRICA

More than 20 years on from the long-anticipated birth of democracy, South Africa's young people might have been assumed to be apathetic. It has been a long time since queues snaked outside polling stations. The political landscape has been dominated since the end of apartheid by the ruling African National Congress (ANC) party. The ANC has, however, experienced a number of recent political storms, including allegations of corruption, such as over the construction of President Jacob Zuma's sprawling and lavish residence at Nkandla; human rights abuses, notably the killing of 34 striking miners at Marikana in August 2014; and incompetence, as evidenced by the sacking of two finance ministers in a week in December 2015. Given this, recent protests should come as no surprise.

In October 2015, student protests over proposed tuition fee increases, which would particularly have affected poorer, mostly black students, started at Witwatersrand University (Wits) in Johannesburg, and then spread to universities elsewhere around South Africa. The protests caused a slew of universities to close down.

The protests showed many of the hallmarks that have characterised mass protest events around the world in recent years. Heavy handed security force response, including the use of pepper spray, stun grenades and tear gas against protestors, helped to grow support for the protest. Protestors also sought to occupy iconic public sites, including space around parliament in Cape Town, the government's Union Buildings in Pretoria, and ANC headquarters in Johannesburg. Social media was important in the protests, which mobilised under the hashtag #FeesMustFall.⁴⁹

The #FeesMustFall hashtag consciously echoed an earlier, successful campaign, in April 2015, that led to the symbolic removal of the statue of colonial politician Cecil Rhodes from the University of Cape Town, under the #RhodesMustFall banner.⁵⁰ The hashtag form continued to prove its adaptability over the rest of the year, morphing into #ZumaMustFall, directed against the president following the sacking of finance ministers and as corruption controversies raged, while October 2015 also saw

48 'Analysis: Why is Burkina Faso in Al Qaeda's crosshairs?', Daily Maverick, 17 January 2016, <http://bit.ly/1QyhNVz>.

49 'Student protests hit zenith at parliament', Mail and Guardian, 21 October 2015, <http://bit.ly/1VPVkm8>; 'Police clash with student protestors outside Parliament', Mail and Guardian, 21 October 2015, <http://bit.ly/1MEcgeF>; '#FeesMustFall: In Johannesburg, students fight their way through another historic day', Daily Maverick, 23 October 2015, <http://bit.ly/1pBeiaU>; 'Parliamentary diary: Stun grenades whizz again, Riah Phiyega hung out to dry', Daily Maverick, 11 November 2015, <http://bit.ly/1MVH3u7>.

50 'The Rhodes statue must fall': UCT's radical rebirth', Daily Maverick, 13 March 2015, <http://bit.ly/1TuqiFN>; 'Rhodes statue removed in Cape Town as crowd celebrates', BBC, 9 April 2015, <http://bbc.in/1CZ8muX>.

#ThePriceofBreadMustFall, addressing the fundamental issue of high basic food prices.⁵¹ The adaptability of the #MustFall protest banner was further demonstrated when Oxford University students in the UK adopted it in their own campaign to have a Rhodes statue removed.⁵² The brand of the Occupy Movement also featured, for example, in a student march on the treasury, reserve bank and revenue service in Pretoria in October 2015.⁵³ South African protestors showed themselves to be adept at harnessing social media's viral and memetic power, and of building on earlier successes.



Photographer: Tony Carr

51 'Ground Up: Why #ThePriceOfBreadMustFall Matters', Daily Maverick, 22 October 2015, <http://bit.ly/1NwhQXh>; '#ZumaMustFall: South Africans react to the new finance minister', Daily Maverick, 10 December 2015, <http://bit.ly/1reWns3>.

52 'Will 'Rhodes Must Fall' fail?', BBC, 18 January 2016, <http://bbc.in/1nxXotr>.

53 'Students march on Sars, Reserve Bank and treasury', Mail and Guardian, 28 October 2015, <http://bit.ly/1NwiWIP>.

What was seen in South Africa, however, was not only an internet campaign: the street and social media interacted and supported each other. Parallels could be drawn with the organising methods of the recurrent student protests of Chile, not least in the ways that social media was used to organise donations of time, money and supplies, to counter police claims of violence and demonstrate that protestors had acted peacefully, and to mobilise international solidarity.⁵⁴

The focus of protest also grew, from its initial concern with tuition fees to encompass the poor work conditions of university support staff, and particularly to call for an end to the practice of outsourcing, which led onto broader critiques of South Africa's enduring divides and policies of economic neo-liberalism.⁵⁵ Others took up the protest mantle independently: for example, parliamentary support staff in Cape Town protested about their pay and conditions alongside a student protest in November 2015.⁵⁶

We asked Mpho Ndaba, a student activist, blogger and executive member of 350Wits to describe the origins, trajectory and purpose of the protests:⁵⁷

The fall of apartheid saw many promises being made to South Africans, especially to black people who were most affected by the system of oppression and segregation. Although there was a sense of hope for a new path which would ultimately lead to complete emancipation, nothing appears to have changed.

Access to education has been one of the major challenges the poor have been faced with in the new democratic South Africa. 2015 saw the rise of students who are willing to lay their lives down in an attempt to ensure that the system does not put them in a position of disadvantage. Students from various institutions of higher learning embarked on a national protest action. This gave birth to what is today known as the Fees Must Fall movement.

The fact that a large number of qualifying students are academically excluded each year is problematic because that means our rights to free and quality education are not being met. Our call for free education is not a new demand; we are merely holding the state to account for its promises. Of course there are questions as to whether what we are calling for is feasible, and in that regard we are saying that the state should be able to find money to fund higher education. They should be able to reduce unnecessary expenditures.

In October, we embarked on protest action calling on the University of the Witwatersrand to do away with a proposed fee increase for the 2016 academic year. During the planning of the protest, we consulted different structures within the university, including outsourced workers, academics and general staff. After the consultation we then decided that among our demands, the issue of outsourced workers would be put forward, as we are advocating for an inclusive system which does not exclude anyone, whether on basis of income, sex or the colour of their skin.

54 '#FeesMustFall: A movement of shares, likes, tweets and posts', Mail and Guardian, 29 October 2015, <http://bit.ly/1T1MYdf>.

55 'UJ students and staff march to end outsourcing', Mail and Guardian, 3 November 2015, <http://bit.ly/1rwNgTW>; 'Current heat is forging a new university', Mail and Guardian, 26 January 2016, <http://bit.ly/1QyoORj>.

56 '#FeesMustFall protestors march to Parliament', Mail and Guardian, 9 November 2015, <http://bit.ly/1NwjmZu>.

57 This is an edited extract. For the full interview see 'Inequality and exclusion lie at the heart of the South African student protests', CIVICUS, 8 December 2015, <http://bit.ly/1XYDWkv>.

The fee increase issue became a short-term goal. As time progressed we realised that all the problems we are dealing with have to do with the lack of transformation. Free education and end to outsourcing became our long-term goals.

The movement also advocates for a complete decolonisation of the institutions of higher learning and for change regarding patriarchy and the oppression of the women in our society.

We asked Mpho Ndaba why the protests took the form they did, and how the police and security forces responded:

We have been having intellectual discussions from as early as 1994, after South Africa's independence. Even those who came before us have been advocating for and calling for fair representation of black women professors and lecturers at our universities. Our brothers and sisters have been calling for an end to outsourcing from as early as 2000 by engaging with the government's Department of Higher Education as well as our universities, but nothing substantial came out of it. Protesting and occupying the university's central and administrative blocks seemed to be the only option.

During the protest, we saw the level at which the South Africa Police Services responded to us. In Cape Town, students were beaten up and some were arrested and were almost charged with treason, although this charge was withdrawn. We saw students being manhandled and physically attacked for demanding their rights in a democratic South Africa. I was also detained at a police station during the University of Johannesburg protests together with 141 other students and workers. The universities went as far as bringing untrained private security onto our campuses under the guise of protecting us.

After the infamous Marikana massacre, the Ian Farlam Commission made a number of recommendations with regard to policing and crowd control methods. Marikana was a clear example of inadequate training of the public order policing in South Africa. The application of force against protesting students made us feel that the state failed us, because there could have been other legitimate ways of responding to our demands instead of calling for our arrest and silencing.

Instead of responding to the legitimate demands made by students, the South African government asserted that there was a 'third force' in the nationwide protests. Well, that third force in this regard is poverty, inequality, exclusion of the black working class from the system and the increasing commodification of education in South Africa. We cannot sweep these issues under the carpet anymore. We cannot turn a blind eye to the fact that South Africa has the capacity to implement a system whereby free education is possible, but rather, corruption and lack of accountability have become the order of the day, if not the key defining features of our government.

The student protests were, in the short term, successful: university leaders expressed solidarity with protestors and opened negotiations, and President Zuma, while refusing to meet protestors, intervened to suspend the increase. This was followed by the announcement of a commission of enquiry into the funding of higher education in January 2016.⁵⁸

If assessed against broader aims, then the success of the movement is more debatable. Fees are yet to fall; they were frozen.

58 '#FeesMustFall: Cue the commission of inquiry', Daily Maverick, 14 January 2016, <http://bit.ly/1NwjGaH>.

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Little progress could be seen on the movement's demand for free education, or its more radical aims. Further, as the protests developed, inevitably complications, contradictions and fragmentation set in. Many in the movement attempted to reject conventional forms of negotiation, which would entail the holding of behind closed doors meetings, and when deals were struck, such as that between the Student Representative Council and Wits University, some accused the student leadership of selling out, and even of being bought by the ANC. There were also accusations that agents provocateur were fostering violence in an attempt to discredit the movement.⁵⁹ Some protestors stopped action following the fees freeze, seeing their objective as essentially having been achieved, and expressing concern about the need to sit exams, while inevitably some protest fatigue set in. At the same time, even as protests wound down so that exams could take place, many vowed the fight would continue.⁶⁰ As Mpho Ndaba comments:

The protest has been successful in terms of showing students and the general members of our society how powerful being united is. We have now seen that, when we speak with one voice despite our political differences, we can actually shake those in power and show that it is the people who are the governors.

At Wits University, the management has agreed to put an end to outsourcing in principle. There also now exists a task team comprising of students, workers, academics, independent experts and other relevant stakeholders. The aim is to look at all issues relating to how the process of insourcing of workers can be fully implemented as soon as possible. At the same time, the university is still negotiating with the student movements on issues such as scrapping registration fees, doing away with student debt and ensuring the fair representation of black women in management positions and lecturing posts.

We have a long way to go, as not all our demands have been met. The ultimate goal is to see a complete dismantling of a system that perpetuates the exclusion of black people. We want to see free education being realised, we want to see our mothers and fathers being able to earn fair wages, and we want to see them being able to better their lives not only through fair wages but also by being able to study at the very same universities they clean. We want to see a complete end to a patriarchal and misogynistic system that excludes and mistreats women. We want to see our LGBTQIA+ citizens being fairly represented in different spheres of our society.

There are those who came before us. Now it's our duty that we ultimately see the changes which were advocated for in the past being made into reality in this lifetime.

Not everyone saw the protests in such radical terms. Some labelled the protests as an elite phenomenon, mobilising urban young people at a relatively advanced stage of education, and some saw protestors as essentially selfish and materialistic in

59 '#FeesMustFall: South Africa recreated, history redefined, Zuma's moment of reckoning', Daily Maverick, 23 October 2015, <http://bit.ly/1NOVg7b>; 'We'll always have Paris: South Africa's May '68 moment', Daily Maverick, 25 October 2015, <http://bit.ly/1WR9qvD>; '#FeesMustFall: Wits splits – the beginning, not the end, of a chapter', Daily Maverick, 27 October 2015, <http://bit.ly/1Tb13pm>; '#FeesMustFall: No end in sight', Daily Maverick, 28 October 2015, <http://bit.ly/1YRJ8lm>; '#FeesMustFall: Cracks start showing in student unity', Mail and Guardian, 15 January 2016, <http://bit.ly/1VzKb1z>; 'Will political tension get the better of #FeesMustFall?', Mail and Guardian, 22 January 2016, <http://bit.ly/233iAFc>.

60 'South Africa: Govt Bows to Student Pressure', AllAfrica, 23 October 2015, <http://bit.ly/1UeBKYk>; '#FeesMustFall: Varsities still closed amid confusion over the next move', Daily Maverick, 26 October 2015, <http://bit.ly/21eIGH2>.

nature, apparently being concerned with their living costs.⁶¹ However, such criticisms miss part of the picture: the conscious extension of the focus of protest to cleaning staff took it beyond elitism, and the debate about wider questions of South Africa's power inequalities, embedded in its history, and the economics it has pursued since democracy, went beyond short-term materialist calculation. As in Chile, students could be seen to be recognising the transformative potential of education for societies, and demanding rights for all. Protesting students also cited workers' protests as an inspiration, and saw a clear connection.⁶²

The special focus of the 2016 State of Civil Society Report is exclusion, and inevitably, in a country where issues of race are ever present, debate focused on the racial backgrounds of protestors: some saw the protests as being events where white young people challenged notions that they are privileged and apathetic, while many black students saw a clear dimension of challenging histories and practices of racial inequality, and reclaiming racial politics as valid, these having been played down in attempts to construct a post-apartheid identity as a 'rainbow nation'.⁶³ It should be acknowledged that protests only attracted wide visibility when students in the top universities, which are disproportionately attended by white students, participated, but it would be misguided to assume that many white student protestors were unaware of the racial politics: for example, one protest tactic acknowledged and subverted the police's unequal treatment of white and black people, by having white protestors form human shields around black protestors; other protests explicitly focused on campus racism.⁶⁴ Others saw generational and class divides emerging as, for once, more important than racial divides, with black and white students working together, to challenge older, establishment figures, such as elite leaders of universities, many of whom are black people who fought apartheid.⁶⁵

The subsequent #ZumaMustFall movement, which saw protests held on South Africa's national Day of Reconciliation in December 2015 and into 2016, was challenged for being opportunistic, and accused of involving mostly white, middle class people with little connection to earlier protests and long-running antipathy to the ANC.⁶⁶ Many involved in the protests however rejected this characterisation, emphasising its connection to #FeesMustFall and the broad range of grievances under the banner.⁶⁷ Certainly there is a need, in the always complex and polarised atmosphere of South Africa, for protest movements to demonstrate that they are bridging across racial, class and political divides.

In 2016, there was further evidence that protest momentum could be sustained: in January 2016, student registration at several universities was suspended following protests; in an extreme case, a university was shut down in February 2016 after

61 '#FeesMustFall and its inherent elitism', Mail and Guardian, 21 October 2015, <http://bit.ly/1Tb1Mqn>.

62 'Student protests: Another day of uncertainty and simmering tensions', Daily Maverick, 17 November 2015, <http://bit.ly/1QyPdIr>; 'It ain't over till varsity fees really fall', Mail and Guardian, 8 January 2016, <http://bit.ly/1reZekL>.

63 'Faces of #WitsFeesMustFall', Daily Maverick, 22 October 2015, <http://bit.ly/1VzLdKY>.

64 'So #FeesHaveFallen but let's not celebrate too quickly', Mail and Guardian, 27 October 2015, <http://bit.ly/26r5WEx>; 'Protest, politics and prayers at South Africa's universities', Mail and Guardian, 26 February 2016, <http://bit.ly/1Sxg4lr>.

65 'Why South African students have turned on their parents' generation', The Guardian, 18 November 2015, <http://bit.ly/1pBkobj>; '#FeesMustFall: SA's universities are in the grip of a class struggle', Mail and Guardian, 14 January 2016, <http://bit.ly/1UeD5yi>.

66 'The Twitter world of #ZumaMustFall', Daily Maverick, 19 January 2016, <http://bit.ly/1qPnUQd>.

67 '#ZumaMustFall: Whose hashtag is it anyway?', Mail and Guardian, 17 December 2015, <http://bit.ly/1WRaoYM>; '#ZumaMustFall dominates social media', Mail and Guardian, 18 January 2016, <http://bit.ly/21enJe1>; 'What #ZumaMustFall and #FeesMustFall have in common', Mail and Guardian, 18 January 2016, <http://bit.ly/21enOyu>.

being set on fire in reaction to security force violence. Further protests were seen in Johannesburg in April 2016.⁶⁸ Meanwhile, President Zuma continued to face a barrage of questions about corrupt links, and a haemorrhaging of his support; in March 2016, he was judged by South Africa's highest court to have breached the country's constitution in ignoring earlier rulings to pay back some costs of the development of Nkandla.⁶⁹

What can be said for certain is that, for the first time in post-apartheid South Africa, young people organised themselves in large numbers outside the structures of the ANC or other political parties, and while there was the inevitable tawdry spectacle of politicians of all persuasions attempting to associate themselves with the movement, protestors were largely successful in resisting co-option. Protestors challenged the notion that party politics is the only arena where alternatives can be offered. They expressed dissatisfaction with the notion that the ANC, as a ruling party of over two decades, can position itself as a vehicle for radical change, and they expressed doubt that change can be advanced within existing neo-liberal constraints, given unaddressed issues of poverty and inequality.⁷⁰ Protestors have tapped into and helped crystallise a sense that it is time for a period of national reckoning and soul-searching about South Africa's post-apartheid experience.⁷¹

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Protestors have shown that for the 'born free', post-apartheid generation, there is little apathy; rather there is much frustration, and determination to ask the big questions about South Africa's future. A new generation, with no experience of anti-apartheid activism, has reinvented and rediscovered South Africa's activist spirit. It is unlikely to keep quiet from now on.

7. ETHIOPIA: PROTEST MET WITH BRUTAL RESPONSE

Burkina Faso and South Africa were, of course, not the only contexts in Sub-Saharan Africa that experienced large-scale public mobilisations in the last year. Our section on civic space sets out how protests have formed in response to attempts by ruling figures to consolidate their power, often by seeking to rework constitutions to remove presidential term limits, and how state violence has been exerted to suppress protestors, including in Burundi, Congo (Brazzaville) and the Democratic Republic of Congo. Protests also came in the heavily restrictive conditions of **Ethiopia** in 2015 and 2016, and were met with brutal reaction.

Protests first sparked in April and May 2014, and flared again in November 2015, involving people from the Oromia region, which borders the capital, Addis Ababa, opposing development plans to expand the capital into the surrounding region. The protests had both economic and identity dimensions: while Oromos make up Ethiopia's largest ethnic group, the ruling elite are

68 '#FeesMustFall back: Wits registration suspended', Mail and Guardian, 11 January 2016, <http://bit.ly/1Sxh2hy>; 'Fees Must Fall: Reloaded', Daily Maverick, 12 January 2016, <http://bit.ly/23YMTTj>; 'Three reasons why #FeesMustFall protests will continue', Mail and Guardian, 13 January 2016, <http://bit.ly/1NOZmvV>; 'NWU students advised to leave campus immediately', Daily Maverick, 25 February 2016, <http://bit.ly/23YN2pj>; 'Wits protest about free education', News 24, 4 April 2016, <http://bit.ly/1MVPt4J>.

69 "Guptagate" claims surrounding Jacob Zuma spark corruption inquiry by police', The Guardian, 24 March 2016, <http://bit.ly/1MmXZsX>; 'Nkandla ConCourt ruling: President Zuma and National Assembly in breach of Constitution', Daily Maverick, 31 March 2016, <http://bit.ly/1pBmach>; 'ANC Rebellion Gains Momentum, Raising Odds of Zuma's Ouster', Bloomberg, 8 April 2016, <http://bloom.bg/1MVQ7iT>.

70 'Why South Africa should undo Mandela's economic deals', Mail and Guardian, 12 January 2016, <http://bit.ly/1SxiwbG>.

71 '#FeesMustFall: South Africa recreated, history redefined, Zuma's moment of reckoning', Daily Maverick, 23 October 2015, op. cit.

predominantly drawn from Amhara people, and Oromo people complain of increasing exclusion under hard-line rule. At the same time, the development of the capital would claim farmland, and remove people's means of earning a living. Protestors did not believe that they stood to benefit from Ethiopia's model of heavily state-centric economic development, which enriches the elite but provides little opportunity for citizens to participate.⁷² Yared Hailemariam, of the Association for Human Rights in Ethiopia, outlined the origins of the protests:⁷³

The Addis Ababa Integrated Regional Development Plan, otherwise known as the Master Plan, was announced by the government in April 2014. That announcement was followed by bloody protests in April and May 2014 after government forces used excessive force to stop peaceful Oromo protesters who opposed the plan. As a result, dozens were killed, hundreds of students were arrested, many were charged under the anti-terrorism law, and many others left the country. After the bloody events of 2014, the government promised to settle the disputes concerning the Master Plan by holding inclusive and transparent dialogue with all stakeholders, particularly local residents, opposition parties, civil society representatives and local officials. However, the promises were not adhered to; the current protest is due to those unfulfilled promises.

The first and main cause of the protests was the controversial government proposal of a Master Plan, which aims to expand the city by taking over several Oromia towns surrounding the capital. Protestors say the implementation of the plan will result in the displacement of thousands of local farmers who settled in the area many years back. The protest was started by students in Oromia region, and then farmers and other members of the Oromo ethnic group joined the demonstrations.

Such is the state of restrictions in Ethiopia on fundamental civil society rights, and repression of the media, that it was hard to obtain accurate information on how many people were killed and detained in the state's response to the protests. There was, however, ample evidence that unarmed protestors were killed and maimed, detained people were tortured and subjected to other forms of denial of rights, and that the scale of the killings reached several hundred at the time of writing.⁷⁴ As Yared Hailemariam explains:

Ethiopia has for a long time severely restricted media freedom and the work of civil society. It is one of the top countries when it comes to jailing journalists, many of whom it charges under the 2009 anti-terrorism law. The space for civil society to carry out its work has also narrowed since the adoption of the 2009 Charity and Societies Proclamation. This law has crippled the ability of many local CSOs, particularly those who work in the area of human rights. The restrictions imposed on media and civil society have a significant impact on the monitoring, documentation and reporting of the situation of human rights in Ethiopia.

72 'Ethiopian forces in bloody crackdown on Oromia protests; daily killings and arrests reported: HRW', Mail and Guardian, 22 February 2016, <http://bit.ly/1TdmrKD>; 'Ethiopia's Oromo people demand equal rights in protests', Al Jazeera, 26 March 2016, <http://bit.ly/24jtEk1>.

73 This is an edited extract. For the full interview see 'More action needed to stop human rights violations in Ethiopia', CIVICUS, 4 February 2016, <http://bit.ly/1TJmamC>.

74 'Ethiopia: civil society groups urge international community to address killing of Oromo protestors', CIVICUS, 14 January 2016, <http://bit.ly/1Q23DPs>; 'Ethiopia: No Let Up in Crackdown on Protests', Human Rights Watch, 21 February 2016, <http://bit.ly/1XH5wEi>;

The protest in the Oromia region has not been well documented or investigated by independent media or human rights organisations. Only a few foreign journalists tried to report the protest. Local journalists were not allowed to carry out investigations on the protest. The only local human rights organisation, the Human Rights Council, expressed its concern on the protest and asked the government to stop the killings and targeting of peaceful protestors. However, it was unable to conduct its investigation or report because of restrictions and budget constraints that hinder it from covering the whole country. The rest of the information was gathered by local social media activists, who reported most of the incidents from the scene.

Since the protest started in mid-November 2015 a large number of casualties and mass arrests have been reported. These are unlawful, brutal and irresponsible acts of the government aiming to dismantle the protests. The intensity of the response of the armed forces in the Oromia region exacerbated the situation.

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Photographer: Gadaa

In most places the protests were peaceful, including at universities, high schools and elementary schools. But the response of the army and police was disproportionate to the protests as they attacked protestors, killing more than 160 people and wounding many others. Some of those killed included young students and children as young as seven. In two of the main universities in the Oromia Region, there were explosions in which a number of students sustained serious injuries.

Thousands of protestors, including opposition leaders, journalists and activists were also arrested. In December 2015, prominent opposition leader Bekele Gerba, two journalists, Getachew Shiferaw and Fikadu Mirkana, online activist Yonatan Teressa and four other opposition party members were arrested. The Ethiopian authority labelled them as terrorists.

Protests continued even after the government stated that it was dropping its expansion plans, in January 2016, suggesting that distrust of the state and demands for human rights run deeper. People were not convinced that the state would curtail its acquisitive approach to Oromia land, and also demanded redress for those killed, injured and detained during protests, and the release of people in detention.⁷⁵ Yared Hailemariam outlines how protests continued:

Even after the government announced its decision to halt the implementation of the Master Plan, a number of casualties were still being recorded. In the last few weeks the protestors were also raising other serious issues, such as lack of the rule of law, accountability of the state, corruption, justice problems, inequality, lack of democracy, and non-respect of basic rights of citizens.

Ethiopia's government is a strong ally of western states, which give it substantial amounts of aid, because they see Ethiopia as a bulwark against terrorism in the region, and an economic development success story. They do so even though many citizens benefit little from the high levels of economic growth, and the state uses anti-terrorist laws to suppress dissent, which has included the labelling of Oromia protestors as terrorists. Because of this, and because of the restrictions on reporting from Ethiopia and the blocking of social media, little is heard from Ethiopia's dissenting voices on the international stage.⁷⁶ We asked Yared Hailemariam what civil society could do internationally to help challenge this:

Activists in the country have faced numerous challenges and many restrictions as they perform their day to day activities. They are also subject to direct attack by government authorities. The Ethiopian government is labelling activists who criticise its policies as terrorists. As a result, the participation and visibility of Ethiopian activists in international and regional human rights mechanisms is very low and limited. This gap can be closed with a strong commitment and efforts of international and regional civil society, who have better access to advocate on the situation of Ethiopia at all levels. They could also support the work of local activists through capacity building, financing their work, consulting, supporting their research work and providing technical and security support.

Ethiopia has demonstrated the potential for people who are denied rights to rise up in protest in even the most constrained circumstances, but also the ability of an unaccountable state to respond with lethal force. Only greater democratisation and the realisation of rights can help Ethiopia's restricted civil society and brave protest movement. They need international support in their struggle.

75 'Ethiopia Boundary Dispute Puts Human Rights Violations in Spotlight', Voice of America, 25 January 2016, <http://bit.ly/1K5XTEU>; 'Ethiopia: Oromo protests continue amid harsh crackdown', Al Jazeera, 24 March 2016, <http://bit.ly/1Rnzpar>.

76 'Deafening Silence from Ethiopia', Human Rights Watch, 12 April 2016, <http://bit.ly/22stbJv>.

8. BLACK LIVES MATTER: IN FOR THE LONG HAUL

Mass protests are sometimes accused of achieving little impact beyond a feel good effect amongst those involved. Examples in this report push back against this criticism because, in the main, they demonstrate a correlation between protest actions and tangible political shifts. The feel good factor is also not something that should be dismissed out of hand; it at least suggests that social capital is being developed as people experience the joy of participation and solidarity. But the question of how mass protests can contribute to achieving breakthroughs in challenging established relations of power remains contested.

In the US, as covered in the 2015 State of Civil Society Report, 2014 saw the start of an eruption of mass protests against the deaths of black people at the hands of the police. Yet even as protests grew, police shootings continued: by November 2015, a thousand people had been recorded as having died as a result of law enforcement in the US, and statistics demonstrated a clear racial dimension: unarmed black men are seven times as likely as unarmed white men to be killed by the police.⁷⁷ If judged narrowly, movements such as Black Lives Matter, the most prominent voice on this issue, could be accused of failing to make headway on key issues of challenging police impunity and racism.

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However, protest momentum was sustained during 2015 and into 2016. While the direct action tactics often used by the movement, which include blockading public spaces and disrupting political meetings, are controversial, they have kept the debate about racism and impunity alive and vital. For example, the movement disrupted a meeting of Democratic Party presidential candidates in July 2015, and interrupted the US Conference on Mayors in San Francisco in January 2016; these actions reveal a specific strategy to confront and question political leaders, including those that may be seen as sympathetic but accused of taking black voters for granted.⁷⁸

New police abuses have been met with corresponding protests, and as a result of pressure, authorities have been forced to release police video footage that often contradicts official accounts of shootings. For example, protests sparked in Chicago in November 2015 when video footage of a killing from 2014 was released, showing an officer firing 16 shots at a 17 year-old black man. The footage flatly contradicted police reports, and the officer was subsequently charged with murder. Further releases of police videos followed, showing more examples of abuse, and impact could be seen when the mayors of Baltimore and Chicago dismissed their police chiefs.⁷⁹

77 ‘Black and Unarmed’, The Washington Post, 8 August 2015, <http://wapo.st/1rfaopB>; ‘Number of people killed by US police in 2015 at 1,000 after Oakland shooting’, The Guardian, 16 November 2015, <http://bit.ly/1MN8Wlz>.

78 ‘Democrats lose control of presidential event’, CNN, 19 July 2015, <http://cnn.it/1WRfVid>; ‘A Year of Black Lives Matter’, The Atlantic, 31 December 2015, <http://theatl.n.tc/233viDZ>; ‘Black Lives Matter protest shuts down San Francisco’s Bay Bridge, leads to 25 arrests’, Daily News, 19 January 2016, <http://nydn.us/1PnBYFe>; ‘Black Lives Matter Protestors Call For Justice At U.S. Mayors Conference’, The Huffington Post, 20 January 2016, <http://huff.to/1PFFxXY>.

79 ‘Obama backs protestors over ‘deeply disturbing Laquan McDonald shooting’’, The Guardian, 26 November 2015, <http://bit.ly/1SX6mu1>; ‘Chicago police report contradicts video footage of Laquan McDonald death’, The Guardian, 5 December 2015, <http://bit.ly/1XJG5Wk>; ‘Video shows Chicago police officers using Taser repeatedly on man in jail’, The Guardian, 8 December 2015, <http://bit.ly/1RGIsvS>.

The movement can therefore be seen to be combining protest with disruptive direct action and the use of a range of media to expose malpractice. Black Lives Matter has used social media to make clear that police shootings are not one off events, but arise out of a structure of ingrained racism; they have created a brand that communicates the epidemic nature of the killings. Police abuses have been going on for years, but now they are being documented and disseminated, and they reach an audience. Investigative journalism is also playing an important, complementary role in exposing the realities of policing practice, and indeed it can be argued that there is increasingly an overlap between activist civil society making use of the media and investigative journalism exposing corruption, poor governance and human rights abuses. Examples here include the investigation that alleged in October 2015 that a secret police detention centre is operating in Chicago.⁸⁰ The media is also playing a key role in redressing one of the most basic accountability deficits: the lack of accurate data on police killings. Two different media groups are generating open data on the numbers of people killed by the police, to the extent that the US government has been left playing catch-up: in October 2015, the federal government announced a trial of an open source system to count police killings, admitting that it was “ridiculous and embarrassing” that the media had better information on police killings than the state.⁸¹

Naturally the movement has experienced pushback and been accused of racism itself, often framed around the phrase ‘All Lives Matter’, a slogan that wilfully misses the point that black lives evidently currently matter less, with black Americans statistically living shorter lives and earning less than white Americans.⁸² Significantly, in October 2015, President Obama defended the movement for shedding light on difficult and entrenched problems.⁸³ Protestors have also faced violence. In November 2015, protestors commemorating the killing of an unarmed black man in Minneapolis were fired on by racist attackers, although this did not deter them from continuing their protest.⁸⁴ Protestors have also been met with violence when trying to disrupt the rallies of presidential candidates. The policing of protests often further exposes the challenges: in June 2015, the US Justice Department found that the policing of the August 2014 Ferguson protests violated the right to freedom of expression and assembly, fuelled tensions and prevented police officers from being held accountable.⁸⁵

There have been attempts to appropriate the movement, and conflicts about focus and tactics among supporters. Others have anointed the movement as the true and radical heir of Occupy, not least in its organising and tactics, noting that it has grown from addressing state power to asking questions about the economics of persistent poverty, that it makes strong connections that have previously been lacking between issues of black exclusion and exclusion on the basis of sexual or gender identity, and also that it appears to have strong roots: Black Lives Matter may have started as a hashtag, but it has persisted because it has embedded itself in communities.⁸⁶ It has maintained practices of democracy and diffuse leadership, positioning both as a movement and an organisation, marking a point of departure from previous civil rights movements that were heavily oriented around charismatic, and always male, leaders. It has nurtured a web of connections to like-minded movements, some new and some that already existed, enabling nimbleness and spontaneity in response and mobilisation.⁸⁷

80 ‘Homan Square revealed: how Chicago police ‘disappeared’ 7,000 people’, The Guardian, 19 October 2015, <http://bit.ly/1NkbtCB>.

81 ‘Justice Department trials system to count killings by US law enforcement’, The Guardian, 6 October 2015, <http://bit.ly/1VATbUO>.

82 ‘Black lives tend to be five years shorter. That’s why we interrupt you’, The Guardian, 14 August 2015, <http://bit.ly/23Z01rj>.

83 ‘Obama Explains The Problem With ‘All Lives Matter’’, Think Progress, 22 October 2015, <http://bit.ly/26rjFuV>; ‘Obama explains the difference between Black Lives Matter and ‘all lives matter’’, Mashable, 23 October 2015, <http://on.mash.to/1WRgKHS>.

84 ‘Minneapolis police arrest three in shooting of Black Lives Matter protestors’, Reuters, 25 November 2015, <http://reut.rs/1rx1bta>.

85 ‘Justice Department faults Ferguson protest response’, St. Louis Post-Dispatch, 30 June 2015, <http://bit.ly/1R18UdE>.

86 ‘From Occupy Wall Street to Black Lives Matter: where does radical protest go from here?’, 13 November 2015, Occupy.com, <http://bit.ly/1SxvbLO>.

87 ‘#BlackLivesMatter: the birth of a new civil rights movement’, The Guardian, 19 July 2015, <http://bit.ly/1OfXg8N>.

There is a need to continue to understand the killing of black citizens by the police as a governance issue, as well as a human rights issue, as impunity results from poor accountability and the exclusion of minorities in decision-making. The release of videos that contradict official stories, something that would not have happened without civil society campaigning, exposes the lies in official versions of events, and collusion in cover-up between local politicians and police forces. This is something that can only be tackled by increasing accountability and scrutiny.

CIVIL SOCIETY USING SOCIAL MEDIA

Black Lives Matter, and the many protest movements covered here, are using social media in a multiplicity of ways: to expose corruption, encourage accountability, communicate messages, shape debate, recruit support and organise activity. Participants in the AGNA survey also offered some further examples of how civil society is working with social media.

In Macedonia, the Macedonian Center for International Cooperation (MCIC) notes that civil society groups are using social media to mount a response to urgent issues of the day:

Many CSOs, and especially informal citizens' initiatives, increasingly use social media to inform, generate support and call for action on particular issues, such as stopping police brutality, and helping the refugees in Macedonia.

While in the very different context of the Solomon Islands, Development Services Exchange describes the new activism and accountability opportunities that social media has brought to its country:

The birth and rise of social media groups in the country adds a new dimension to civil society activism and advocacy against chronic corruption. A classic example is the exposure of the corrupt or improper dealing of the Board and CEO of the country's national airline, which is now the subject of defamation proceedings in the High Court.



9. NORTHEAST ASIA: CITIZENS DENY PRESUMPTIONS OF PASSIVITY

Japan's citizens may be customarily stereotyped as politically disengaged, but a wave of protest against militarisation defied such notions. August and September 2015 saw protests in Japan against the government's decision to expand Japan's military capacities, which could see Japanese forces being deployed abroad for the first time since the Second World War. Opinion polls showed that most Japanese citizens oppose this move, and it remains a deeply controversial issue in a nation that has founded its post-War identity on peace.⁸⁸ At its peak, up to 120,000 people were reported to have demonstrated outside parliament, forcing a vote on militarisation to be delayed. The vote was, however, subsequently passed.⁸⁹

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Many of the protestors were young and not politically connected, but had some past experience of dissent to draw from: one key group was Students Emergency Action for Liberal Democracy, which formed to oppose a state secrecy law in 2013 that penalises whistle-blowers and investigative journalists who report sensitive information.⁹⁰ Young protestors will have gained experience from this most recent engagement, and Japan can be viewed to have increased potential to protest to seek change.

Meanwhile, **South Korea** saw its largest protest in years in November 2015, as up to 130,000 people marched through the capital, Seoul. Labour unions, civic groups and farmers' groups were among the protestors. The concerns that brought different groups together were diverse, but they could be seen as reflecting an overall concern that the state has simultaneously become excessively pro-business while denying political and civil rights. Grievances included widening economic inequality, worsening employment conditions, and free market trade deals that have led to farmers struggling as the price of crops falls. Opposition also focused on government plans to change labour laws to make it easier for businesses to lay off workers, and a decision that the government would centralise the publication of school history textbooks, which sparked concern about the potential whitewashing of the history of the current president's military ruler father, amid broader concerns about the erosion of the freedom of expression. Young people in particular are shown by opinion polls to be disenchanted with the president and her government's policies, and with conventional politics as a whole.⁹¹

Protestors were met by heavy response, including the use of tear gas and water cannons, and over 50 people were detained. One protestor, 69 year old Nam-Ki Baek, of the Korean Catholic Farmers Association, was knocked unconscious by a water cannon and remains in a coma at the time of writing.⁹² Protestors were also subsequently demonised by the president,

88 'Japanese pacifists unnerved by lifting of ban on military intervention', The Guardian, 1 July 2014, <http://bit.ly/1rTPltV>.

89 'Thousands protest Abe, security bills at Diet rally', The Japan Times, 30 August 2015, <http://bit.ly/26rkQdl>; 'Tens of thousands of Japanese protest against 'war law'', Al Jazeera, 30 August 2015, <http://bit.ly/1Q34MWg>.

90 'New generation of Japanese anti-war protestors challenge Abe', The Guardian, 16 September 2015, <http://bit.ly/1KRBPPh>.

91 'Dozens injured at South Korea anti-government protest', Al Jazeera, 14 November 2015, <http://bit.ly/1LfQ3SR>; 'Civil Rights At Issue In Korea, But Not The Korea You'd Expect', NPR, 4 January 2016, <http://n.pr/1kH6OR8>; 'South Korean conservatives seen regaining hold of assembly in election', Reuters, 7 April 2016, <http://reut.rs/22foHFY>; 'South Korea Youth in Crisis: Implications for Political Leadership', Jiyon Kim, Georgetown Journal of Asian Affairs, Vo. 2, No. 2, Winter 2016, <http://bit.ly/1SMA20Y>.

92 'South Korea police detain over 50 in Seoul as protest for president's ouster turns violent', The Globe and Mail, 14 November 2015, <http://bit.ly/23Z6FOg>; 'S. Korea should stop sacrificing agriculture says Namki baek's daughter at ISS conference, The Hague', La Via Campesina, 8 February 2016,

who drew parallels between protestors and Islamist fundamentalists, and called for a ban on the wearing of masks in demonstrations.

Further heavy handed pressure was seen with the opening of a prosecution on sedition charges for one of the organisers of the November demonstration, Sang-gyun Han, leader of the Korean Confederation of Trade Unions.⁹³ Sang-gyun Han was also harassed for his role in earlier protests, held in April and May 2015, on the first anniversary of the sinking of the Sewol ferry, a disaster in which over 300 people died. The Sewol disaster sparked considerable public anger against the government, not least because of the poor regulatory standards it exposed, which enabled safety violations; the ferry had been highly overloaded with cargo. Rather than deal with the issues exposed by the disaster, the government chose to suppress dissent and jail activists; seven protestors were detained for leading calls for a fully independent investigation into the disaster, and in January 2016, two of the leaders of this protest were given two and three year jail sentences.⁹⁴

The crackdown has, however, not deterred protestors. Another demonstration of up to 30,000 people was held in December 2015, after a government banning order was overturned by the court.⁹⁵ And in February 2016, Amnesty International Korea found a novel way to bypass bans and get its message about the restriction of the freedom of expression across, when it staged a 'ghost protest' by projecting holographic images of protestors onto a screen in central Seoul.⁹⁶

Citizens will, it seems, keep finding ways to express dissent, and with evidence that conventional politics are being rejected, will forge their own arenas to make their voices heard. The government, an ally of the west, and so long used to escaping scrutiny because of its favourable comparison to North Korea, needs to demonstrate that it is capable of listening. Its cold war mind set is being challenged by many of its young people and trade unionists, who want real democracy, and an economy that works for everyone.

10. PROTEST HOTSPOTS ACROSS EUROPE

Europe was the site of multiple protests in 2011 against cut-backs in public services, particularly in **Greece, Spain** and the **UK**. In Greece and Spain, that protest momentum was sustained into the development of new political forms that challenge

<http://bit.ly/23Z71Vj>; 'Farmer's family seeks gov't compensation', The Korea Times, 22 March 2016, <http://bit.ly/21ezMs2>.

93 'South Korea: Arbitrary detention of Mr. Sang-gyun Han, president of the Korean Federation of Trade Unions (KCTU)', Worldwide Movement for Human Rights, 16 December 2015, <http://bit.ly/1NyxiMM>; 'S Korea labour activist charged after temple standoff', Zee News, 5 January 2016, <http://bit.ly/1NwGeb8>.

94 'Tragic ferry Sewol repeatedly overloaded: report', Daily News, 4 May 2014, <http://nydn.us/23Z87jH>; 'South Korea: Detention of Mr. Lae-Goon Park, a standing steering committee member of the Coalition 4.16 on the Sewol Ferry Disaster', Worldwide Movement for Human Rights, 22 July 2015, <http://bit.ly/1T2drrc>; 'Release activists imprisoned for supporting Sewol ferry demonstrations', CIVICUS, 31 July 2015, <http://bit.ly/1MzFZsV>; 'Jailing protest leaders undermines South Korean democracy', CIVICUS, 27 January 2016, <http://bit.ly/1KFazO4>; 'Sang-gyun Han', Front Line Defenders, <http://bit.ly/1WnWSvh>.

95 'South Korea protests: Seoul rally against Park Geun-hye', BBC, 5 December 2015, <http://bbc.in/1VQfzt7>.

96 'South Koreans stage rights 'ghost protest' in Seoul', BBC, 24 February 2016, <http://bbc.in/1rfi2Aq>.

established political parties, and recent times have seen these forms moving into the party political arena and grappling with the challenges this can bring. In Greece, although the Syriza party was already in existence, it was moribund until receiving fresh momentum and support following the 2011 protests, to the extent that it took power in January 2015, although it has since lost support and faced splits for accepting conditions on international loan measures.⁹⁷ The Greek experience serves as a reminder that there are limits to what can be achieved through party politics and the pursuit of political power; a strong civil society is always needed to foster debate and scrutiny. In Spain, although barely two years old, Podemos (We Can), the radical party formed out of 2011's 15-M and Indignados movements, brought community mobilising methods into the political arena. Podemos came third in the December 2015 elections, commanding 21 per cent of the vote; at the time of writing, as a result of this, neither of the main established parties had been able to negotiate a coalition government.⁹⁸

Mass protest spread to other European contexts in 2015, and with major political impacts. In **Iceland** in April 2015, major protests in the capital, Reykjavík, were sparked by revelations that the prime minister and other senior political figures have connections to offshore companies, including those pursuing repayments from Iceland's banks, which collapsed in 2008. These connections were unearthed in the Panama Papers, a huge leak of information from a major offshore legal firm. The largest protest was joined by 10,000 people, a huge number given Iceland's 330,000 population, and the protests, fuelled by anger about elite power and hypocrisy, led to the immediate resignation of the prime minister.⁹⁹

Meanwhile, a burgeoning new protest movement, Nuit debout (rise up at night), was seen to spread across cities in **France** and to **Belgium** and other European countries in March and April 2016, using tactics of occupation, in which protest camps were set up in public spaces. In the largest protest, the Place de la Republique in Paris was occupied for over a week in April 2016, before the protest camp was cleared. As with the South Korea protests, the movement began in anger about proposed new laws to restrict employment rights, but it could be seen to be working outside conventional political structures to formulate calls for radical change, taking on issues such as feminism and solidarity with refugees. Striking features included the way the movement created its own media channels, including internet radio, and the high levels of public support it attracted, with one poll assessing public support to stand as high as 60 per cent.¹⁰⁰

Our section on civic space details the attacks on human rights being made by the governments of Hungary and Poland. Protests greeted the attempt by the government of **Hungary** to introduce new anti-terrorism measures in March 2016, recognising these as a further threat to democracy and human rights.¹⁰¹ In **Poland** meanwhile, large-scale protests were mounted against the repressive actions of the Law and Justice party government elected in October 2015. Tens of thousands of protestors

97 'Greece's Syriza party splits, rebels form anti-bailout front', Reuters, 22 August 2015, <http://reut.rs/1Wo4dLm>.

98 'Pablo Iglesias: How the leader of the leftist Podemos party upset Spain's elites to reach the brink of power', Independent, 25 December 2015, <http://ind.pn/1MWoTbE>; 'Disillusioned Spain still has no government months after general election' Independent, 10 March 2016, <http://ind.pn/1Wo4u0W>.

99 'Panama Papers leak sparks massive protests in Iceland over PM's link to tax havens', Independent, 5 April 2016, <http://ind.pn/1TEhKxX>; 'Opposition, Protestors Press On as Iceland Gets New Premier', <http://bloom.bg/1SpZ2Jv>; 'The Unraveling Of A Government: The Panama Papers And Iceland', The Reykjavík Grapevine, 8 April 2016, <http://bit.ly/1TuPIZ8>.

100 'Paris' Occupy-style protestors carry warning for French left', Associated Press, 7 April 2016, <http://apne.ws/1qQ5q1X>; 'Nuit debout protestors occupy French cities in revolutionary call for change', The Guardian, 8 April 2016, <http://bit.ly/25PAIXi>; '60% des Français soutiennent le mouvement "Nuit Debout"', iTELE, 9 April 2016, <http://bit.ly/1TuQiRn>; 'The French protest that wants to redefine politics', EU Observer, 11 April 2016, <http://bit.ly/1Wo5VMO>; 'I've never felt so involved in democracy': Nuit debout protestors on their cause', The Guardian, 12 April 2016, <http://bit.ly/23rTZ29>.

101 'Hungarians rally against government push for sweeping anti-terror powers', The Guardian, 25 January 2016, <http://bit.ly/24hRnkB>.



Photographer: Althingi

mobilised in cities across Poland in December 2015 to defend democracy, and again in February and March 2016 after the Constitutional Court rejected the government's proposed changes to it as unconstitutional.¹⁰²

Protests have been organised by the Committee for the Defence of Democracy (KOD), formed in November 2015.¹⁰³ Hanna Szulczewska of KOD talked to us about KOD's spontaneous origins, and its motivations:¹⁰⁴

Our civic movement emerged spontaneously in reaction to these developments. KOD was inspired by an article published on 18 November 2015 on studioopinii.pl, an independent journalist web portal, by Krzysztof Łoziński, an active member of the anti-communist opposition and a journalist. In his text Łoziński said there was now a need to create a Committee for the Defence of Democracy, in view of "...deliberate attempts made by the Law and Justice party to dismantle democracy." The Committee should follow the tradition and ideals of the Committee for the Defence of Workers founded in communist Poland in 1976.

102 'Poland protests: Tens of thousands march again', BBC, 19 December 2015, <http://bbc.in/1qQ7C9T>; 'Poland protests: Anti-government demonstrators march in Warsaw to express anger at constitutional crisis', Independent, 28 February 2016, <http://ind.pn/1oQsvRY>; 'Polish protests as government rejects court ruling', BBC, 12 March 2016, <http://bbc.in/1SHMGez>.

103 'Thousands protest Polis government, defend former president', DW, 28 February 2016, <http://bit.ly/1Th4G2f>.

104 This is an edited extract. For the full interview see 'Poland: government should listen to the people and stop curbing civil liberties', CIVICUS, 19 February 2016, <http://bit.ly/1WvIJdp>.

Łoziński's article was posted on Facebook by Mateusz Kijowski, now the leader of KOD. As the text was getting considerable interest, being shared by many people on Facebook, Kijowski decided to open a KOD group on Facebook, and so it started. The group reported a rapid growth in membership, reaching over 30,000 in just a few days.

The main goal of the movement is to defend democracy in Poland and to prevent the authoritarian vision of the state promoted by the present government from coming true. KOD is monitoring and documenting all the movements of the Law and Justice government. The organisation also responds to the open acts of violation of the democratic order by organising mass demonstrations in the streets of Polish cities. Moreover, KOD is now developing its structures all over the country and preparing for a long-term activity, which involves, among others, civic education and building social networks.

In January 2016, people protested against a new surveillance law, and in April 2016, protests mobilised against the government's intention to ban abortion, which is already heavily restricted; this caused the government to downplay its intention, although the debate remains ongoing.¹⁰⁵ The campaign to resist further restrictions on abortions shows that resistance can be mounted. Still, many more struggles can be expected ahead. Hanna Szulczewska calls attention to what international support is needed, and what the state should do:

The role of European Institutions is vital for Poland, where 80 per cent of the population support our presence in the European Union (EU), 10 years after accession. It is very important that the EU monitors the situation in our country and makes this government aware that Poland, as an EU member state, is obliged to comply with the European 'rules of the game'. It is also important for us to build and maintain relations with other European bodies and CSOs at different levels.

We should remember that the ruling Law and Justice party won the election with less than six million votes, which means that only 18 per cent of all the people eligible to vote supported this party. Therefore, the ruling Law and Justice party should not ignore the voice of many Poles who have openly and repeatedly expressed their protest in mass demonstrations. The government should finally start listening to the people and deliver on the social promises from their electoral campaign, rather than curbing civil liberties.

ROMANIA AND MOLDOVA

In **Romania**, protest brought down a government in 2015. A nightclub fire in the capital, Bucharest, caused 62 deaths in October 2015 and led to over 30,000 people protesting in Bucharest's Constitution Square, and demonstrations across Romania.¹⁰⁶

¹⁰⁵ 'Poles rally against new surveillance law amid 'Orbanisation' fears', Reuters, 23 January 2016, <http://reut.rs/1ONthor>; 'Street protests over abortion law are latest skirmish in battle for Poland's soul', The Guardian, 10 April 2016, <http://bit.ly/25RNp3Z>; 'Abortion in Europe: 'Coat Hanger Rebellion' Grips Poland', NBC News, 26 April 2016, <http://nbcnews.to/1NOiev8>.

¹⁰⁶ 'Romania: Protests despite Victor Ponta's resignation', BBC, 5 November 2015, <http://bbc.in/1MiRO71>; '63 people lose their lives after the tragic fire at Bucharest Collectiv club. Who are they?', Romania Insider, 12 November 2015, <http://bit.ly/1WX943o>.

Protestors blamed corruption for the disaster: the nightclub was operating in breach of safety guidelines, but had been granted permits and had not been inspected. People queued long to donate blood for the injured, but alongside this humanitarian reaction, many saw the disaster as a wake-up call to challenge and change the political system. The disaster quickly came to symbolise a broader, systematic culture of corruption and dysfunctional governance in Romania.

Interestingly, many of those who mobilised most quickly had earlier become engaged in 2013, in a successful campaign to stop a village being demolished to construct a goldmine: the village was eventually declared a site of historic interest in January 2016. Activist skills and networks that had been developed in this earlier engagement proved valuable, ready to be deployed as this new crisis of governance arose.¹⁰⁷

In the wake of the protests, Prime Minister Victor Ponta and his government resigned. He had already, in July 2015, been indicted on various charges relating to corruption. The local mayor also stepped down.¹⁰⁸ A largely technocratic new cabinet was appointed by the president in the wake of the resignations, ahead of elections scheduled for late 2016, and the President also met with civil society representatives. Protests however continued after these resignations, involving an estimated 70,000 people, many of them young people newly involved in action. This demonstrated that anger went beyond the fury directed at immediate office holders: it concerned itself with questions of fundamental change, and how citizens can change their relations with power.¹⁰⁹ The 2016 election, and the process leading up to it, will have to deliver something different for these newly active citizens.

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Protestors
blamed
corruption for
the disaster.”

Protest also flared through much of 2015 in Romania's neighbour, **Moldova**. A large scale corruption scandal saw around US\$1 billion siphoned off from three Moldovan banks during 2014 and spirited out of the country through opaque processes. The scandal was exposed only by a leaked report in April 2015.¹¹⁰ As this money, amounting to one eighth of Moldova's gross domestic product (GDP), had to be covered from state coffers, it directly impacted on the government's ability to provide services in what was already one of Europe's poorest countries, an impact that was heightened because it came at a time when the price of basic goods was rising.¹¹¹ As in the examples given above, from Guatemala and Honduras, the scandal therefore drew renewed attention to the direct impacts on the public of a seemingly institutionalised process of corruption, and the associated power of oligarchs.

In response, a new civil society body, Civic Platform for Dignity and Truth, formed in February 2015, and convened protests in April and May 2015.¹¹² These were followed by the largest protests since Moldova declared independence from the Soviet

107 'Romania's organisation of righteous anger signals a fragile hope', The Guardian, 5 November 2015, <http://bit.ly/23TZzqo>; 'Romanian village blocks Canadian firm from mining for gold', The Guardian, 14 January 2016, <http://bit.ly/234oYPn>.

108 'Romanian PM Ponta resigns over nightclub fire', Al Jazeera, 4 November 2015, <http://bit.ly/1Nx55vs>; 'The Latest: Mayor of Bucharest district resigns after fire', Business Insider, 4 November 2015, <http://read.bi/1pCakij>.

109 'Romanian protests continue, despite Ponta resignation', EurActiv, 5 November 2015, <http://bit.ly/1Sy4p5X>; 'Romania: Street protests over 'a whole chain of incompetence and corruption'', Euronews, 5 November 2015, <http://bit.ly/1Sy4x5D>.

110 'Moldova: Banking Scandal Threatens Support for EU-Friendly Government', EurasiaNet, 14 May 2015, <http://bit.ly/1Sq85KC>; 'Waiting for a New Moldova', Carnegie Europe, 10 September 2015, <http://ceip.org/1NkLZWI>.

111 'The great Moldovan bank robbery', BBC, 18 June 2015, <http://bbc.in/1MWEFU2>.

112 'Civic Platform "Dignity and Truth": On May, 3 we have one more chance to stop the lust planned by those three criminals', Jurnal TV, 22 April 2015, <http://bit.ly/1VQyyUu>; 'Spring again in the Republic of Moldova – mass protest against corruption', DW, 4 May 2015, <http://bit.ly/1VAIpyj>; 'Moldova anger grows over banking scandal', BBC, 14 September 2015, <http://bbc.in/24hYWYq>.

Union in 1991: tens of thousands, perhaps 100,000 people, occupied the Great National Assembly Square in the capital Chişinău in September 2015. Protestors demanded the resignation of the president, early elections and the return of the stolen money. They formed a tent city and settled in for an occupation. The protests were however met with heavy-handed security force response, with several protestors detained and intimidated.¹¹³ At the end of the occupation, protestors resolved to call for a general strike until a unity government replaced the incumbents. Parallels were drawn with Ukraine's Maidan movement, which brought down the Ukrainian government in 2014.¹¹⁴ The protests suggested that Dignity and Truth had tapped into widespread public outrage that was seeking a new protest vehicle.

As in Romania, the Moldova protests could be seen to have decisive impact: in October 2015, the government was dismissed through a parliamentary motion of censure, leaving the country unable to form a government until January 2016, while a former prime minister was arrested for bribery and corruption.¹¹⁵ But as in Romania, the dismissal of political leaders did not bring an end to the protests, suggesting that issues, and the actions required, ran deeper, and that few people were placated by the dismissal of the government, which may have been motivated by narrow party political calculations. In November 2015, the Dignity and Truth platform announced that it was forming an associated political party to try to win reform by contesting the next election, and in January 2016, over 15,000 took to the streets of Chişinău to protest against the new government, rejecting the freshly appointed prime minister as a member of a discredited political elite closely connected to corrupt business, and calling for early elections. Protests flared again in April 2016, and were met by violence, suggesting that the anger is enduring.¹¹⁶

In a country that, like neighbouring Ukraine, sits on the hinge between the EU to the west and Russia to the east, elements of protests have pushed in either direction. Successive Moldovan governments that have earned public distrust have been associated with the project of wider integration with the EU, and so some of those involved in protest view the EU with suspicion, as a source of easy money for corrupt politicians, and have called for stronger links with Russia as an alternative. Others have questioned the gap between the reality and rhetoric of EU compliance, and have demanded that EU integration processes be applied more strongly in order to prevent corruption. Others still have argued for closer connections with and even unification with Romania, something thousands marched in support of in July 2015.¹¹⁷

However, it is important, in viewing Moldova, not to see the situation only through a lens of EU/Russian relations. To do this is to deny citizens their agency to seek change. Both pro-EU and pro-Russian politicians have been exposed as corrupt and, as in other contexts, protestors have largely resisted narrow political co-option. What brought together protestors who look east

113 'Moldova protestors take to streets criticising 'mafia' government', The Guardian, 6 September 2015, <http://bit.ly/1SHXObs>.

114 'Moldova banking scandal fuels biggest protest ever', EurActiv, 7 September 2015, <http://bit.ly/26rOeki>; 'The 'billion dollar protests' in Moldova are threatening the survival of the country's political elite', London School of Economics and Political Science, 21 September 2015, <http://bit.ly/1rxrCin>; 'Moldova's Maidan', Politico, 1 October 2015, <http://politi.co/1pCdMt5>.

115 'Moldova detains former PM in parliament over \$1 billion fraud', Reuters, 15 October 2015, <http://reut.rs/1SHYBJw>; 'Moldova's parliament dismisses pro-EU government amid corruption scandal', DW, 29 October 2015, <http://bit.ly/1qQu4Q5>.

116 'Civic Platform "Dignity and Truth" to become a political party', Moldova.org, 12 November 2015, <http://bit.ly/2400UzW>; 'Platform "Dignity and Truth" announces creation of political party', Teleradio Moldova, 12 November 2015, <http://bit.ly/1VAngDf>; 'Thousands of protestors decry Moldovan government corruption', DW, 24 January 2016, <http://bit.ly/1rxuNXh>; 'Moldova: anti-government protests continue', Euronews, 25 April 2016, <http://bit.ly/1WRxLS7>.

117 'Moldova: Pondering Unification with Romania?' EurasiaNet, 10 July 2015, <http://bit.ly/1guiGo9>; 'Moldova's Maidan: Echoes of Ukraine crisis amid anti-corruption protest movement', International Business Times, 8 October 2015, <http://bit.ly/1PdZ2LH>.

and those who face west was a shared belief that existing governance has failed, corruption is entrenched and only systemic change will do. Even with Dignity and Truth contesting them, fresh elections cannot be enough, alone, to solve this crisis. There is a need for the government to signal a decisive break with the past, and quickly demonstrate progress on accountability and transparency. It will have to do this while also tackling a financial crisis, in part caused by the unwillingness of international lenders to give loans to a corrupt state.¹¹⁸ The prospects do not seem promising. If politicians fail to deliver the change Moldova's citizens demand, they should expect people to take to the streets again.

FAILURE OR SUCCESS IN BOSNIA AND HERZEGOVINA?

In **Bosnia and Herzegovina** (BiH) the Centre for Civil Society Promotion sets out how protests that can be seen as having failed in the short term can have longer-term positive implications, in the development of new civic networks. A wave of outrage swept BiH in February 2014, sparked by high unemployment and political stagnation, but the movement had petered out by April 2014. However, those who mobilised have not sunk into apathy:

Civic activists that emerged during the February 2014 protests remained active in 2015 at the local level, and attempted to establish networks across the country to address pressing socio-economic issues. Some CSOs strived to increase their capacity to monitor the EU integration process and enter into dialogue on the Reform Agenda with the EU and BiH authorities.

One of the most successful examples of civic activism in 2015 was the Akcija građana (Civil Initiative) by the Association of Citizens, which successfully campaigned to open the National Museum of BiH, after it had been shut for three years.

ARMENIA: MORE THAN THE PRICE OF ELECTRICITY

A rise in the price of electricity was the ostensible spark for protest in Armenia in June 2015. This was to be the third price increase in two years, in a country where many live below the poverty line.¹¹⁹ Yet as might be expected, the protests, known as Electric Yerevan, were about much more than the price of fuel. Protests are nothing new in Armenia, and Electric Yerevan could be seen as building on informal networks developed during earlier campaigns. What was new was the international attention the 2015 protests commanded.

It was significant that Armenia's electricity supplier is entirely owned by Russia: as with Moldova, Ukraine and indeed all former Soviet and Warsaw Pact states that are not members of the EU, the country faces pressure from both sides to pivot east or west. Armenia's government has long been seen as a strong ally of Russia, relying on it for security and its economy, which is heavily dependent on remittances from Armenians in Russia. There has been some public resentment about the government's supine attitude towards Russia, and apparent impunity for the actions of Russian military based in Armenia.¹²⁰ But aside from

118 'Another government expected to fall, in Moldova's political breakdown', New Europe, 4 January 2016, <http://bit.ly/1SN6YXI>.

119 'Armenians are protesting over price hikes – and Russia's not pleased', Business Insider, 25 June 2015, <http://bit.ly/1SjJJPm>.

120 'Armenia can't count on Russia any more', Al Jazeera, 20 January 2015, <http://bit.ly/1Wp9q5C>; 'Electric Yerevan vows comeback, as 'Moscow's soft power has been lost'', Al Jazeera, 9 August 2015, <http://bit.ly/1MYgrJ6>.

questions of national identity, corruption was again a key driver of public anger: another popular banner of the movement was ‘No Plunder’. The electricity company was accused of being mismanaged and run for the benefit of its senior officials.¹²¹

As elsewhere, protest was met with heavy response: the police used water cannons and batons on protestors, injuring a reported 25 people, and detained 230 activists and journalists, drawing condemnation for their actions.¹²² Despite this, protests grew and continued from June into July 2015, claiming 20,000 participants per evening at peak, before eventually being cleared.¹²³ By this stage, the protests had achieved a clear, short-term success: the president intervened and agreed to subsidise the price increases.¹²⁴ But as with other examples, protests continued even after this point, suggesting that dissatisfaction was more profound, and confidence and momentum in expressing dissent had grown. The protests mostly involved people with no previous political affiliation, including many young people who were acting in the public sphere for the first time. Protests adopted horizontal forms of organising and open debate, with heavy complementary use of social media.¹²⁵

Apart from the prize freeze, the government did little else to show it understood the protestors’ message, suggesting that more significant change is needed. Protests flared again in September 2015, and in December 2015, when the government called a short-notice referendum to change the political system from a presidential to a parliamentary one. There was suspicion here that, as with the several Sub-Saharan African countries discussed in our section on civic space, the constitution was being reworked for short-term political convenience: the expectation is that Armenia’s strong-arm president, who will soon reach the end of his term limit, will switch into the role of prime minister, as Vladimir Putin pioneered in Russia, and with enhanced powers.

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message.”

Referendums should exemplify democracy at its finest, with citizens given the direct opportunity to determine an issue of importance, but Armenia’s was rushed and flawed. Pleas by civil society groups for the referendum to be delayed were ignored, and the referendum was dogged by allegations of vote rigging and the inclusion on the electoral register of large numbers of dead people and people who have left Armenia.¹²⁶ Civil society groups observed malpractice: the Citizen Observer initiative and the European Platform for Democratic Elections, a coalition of Eurasian and European observer CSOs, reported a high number of violations of electoral law, threats and violence, and apparently systematic abuse of the media, while Transparency International used citizen-compiled data to build a map of electoral violations.¹²⁷

Large protests were held in Yerevan, both before the referendum, and after it. The referendum approved the constitutional changes, but on a turn-out of barely 50 per cent, suggesting that there was no groundswell of interest in or popular support

121 ‘The power of Electric Yerevan’, Open Democracy, 6 July 2015, <http://bit.ly/1PxS27m>; ‘Small Electric Yerevan Spark – A Big Challenge for the Armenian Government’, The Huffington Post, 13 July 2015, <http://huff.to/1TvR9RC>.

122 ‘Armenia: Police Violence Against Protestors, Journalists’, Human Rights Watch, 24 June 2015, <http://bit.ly/1XVYhbj>; Al Jazeera, 9 August 2015, op. cit.

123 Open Democracy, 6 July 2015, op. cit.

124 ‘Armenian Voices Sound Off at ‘Electric Yerevan’’, Global Voices, 24 June 2015, <http://bit.ly/1ryLCKA>.

125 Open Democracy, 6 July 2015, op. cit.

126 ‘‘Asa Ayo’? No thanks. Armenian Opposition Gets Creative Ahead of Crunch Referendum’, Global Voices, 4 December 2015, <http://bit.ly/241WXuB>; ‘Armenia: Who Benefits from Constitutional Reform?’, EurasiaNet, 4 November 2015, <http://bit.ly/1NyQwHX>.

127 ‘Armenia: Widespread Reports of Irregularities Mar Constitutional Referendum’, EurasiaNet, 7 December 2015, <http://bit.ly/1SrieGW>; ‘Armenia votes to curb presidential powers in disputed referendum’, The Guardian, 7 December 2015, <http://bit.ly/1MYiDQT>.

for constitutional change: this further indicates that the referendum did not speak to a public demand, but rather arose from political expediency.¹²⁸

The referendum experience serves as a reminder that protest successes may only be temporary, and that venal political elites are always looking for ways to move the political goalposts. Even if they failed to challenge this in the short-term, the



Photographer: PAN Photo

greater impact of the protests may have been in helping people discover that they can challenge impunity.¹²⁹ A surge of public patriotism, which saw people take to the streets to support their country after Azerbaijan launched attacks on the disputed

128 'Thousands Rally In Armenia Against Plan To Change Constitution', Radio Free Europe/Radio Liberty, 1 December 2015, <http://bit.ly/1qSsRHx>; 'Protestors Gather in Yerevan, Claim Fraud In Armenian Referendum', Radio Free Europe/Radio Liberty, 7 December 2015, <http://bit.ly/241XuN6>; 'Constitutional Amendments Approved in Armenia's Referendum', The Armenian Weekly, 7 December 2015, <http://bit.ly/1YT7eT0>.

129 'Armenia: Can the Protests Bring Change?', EurasiaNet, 29 June 2015, <http://bit.ly/1JkLOCN>; 'Armenia: Evaluating Electric Yerevan's Impact', EurasiaNet, 7 July 2015, <http://bit.ly/1G9vB3z>.

territory of Nagorno-Karabakh in April 2016, may have dampened down the potential for further protest in the short term, but it also served to demonstrate citizens' continued willingness to mobilise in public space.¹³⁰ Looking further ahead, bigger breakthroughs still are needed in changing the relationship between the government and the people. The deep, informal dissent networks that exist in Armenia need further to be nurtured.

MACEDONIA: A SCANDAL TOO FAR

Protests erupted in Macedonia in May 2015, after the opposition leader released recordings of tapped conversations implicating leading political figures in corruption and interference in the judiciary, and revealing widespread state eavesdropping. A wider political dispute had simmered since controversial April 2014 elections.

In an interview conducted at the time of the protests, Emina Nuredinoska of MCIC and Tanja Hafner Ademi of the Balkan Civil Society Development Network gave the history and background:¹³¹

The protest movement in Macedonia was catalysed both by persistent state malfeasance and the disclosure of wiretapped conversations implicating the government in a number of unlawful practices, including a systematic campaign to suppress and persecute critical voices. Since the autumn of 2014, there has been broad public discontent, with wide-scale protests led by students, cultural workers and journalists emerging in response to ill-conceived, long-term reforms initiated by the state.

At the political level, the main opposition party, the Social Democratic Union of Macedonia (SDSM), boycotted parliament after national elections on 27 April 2014. The Organisation for Security and Cooperation in Europe declared that the elections, while effectively administered, lacked separation of state institutions from party, and suffered from credible reports of voter intimidation and vague campaigning rules. On 9 February 2015, the SDSM's leader, Zoran Zaev, released wiretapped phone conversations of high-ranking officials discussing persecution of government critics, control of the media, dubious business deals and voter fraud. The wiretapping, which allegedly began in 2011, affected over 20,000 people, including state officials, members of the opposition, media and civil society activists. In reaction to the leaks, Zoran Zaev was charged with organising a coup. While the opposition responded by filing charges alleging abuse of power by state intelligence services, the State Prosecutor reported that he was initiating several investigative processes, but has yet to charge any of the government officials implicated in the leaks.

On 5 May 2015, a recorded conversation detailing the political cover-up of the murder of 22 year-old Martin Neskovski by police officers in June 2011 was released, sparking spontaneous and peaceful protests by citizens and civil society activists in front of the main government building, under the slogan #протестирам (I protest).

In an atmosphere thick with tension - protestors breached barriers erected by police officers, yet remained peaceful - provocateurs began throwing objects towards the police, an act the police interpreted as an invitation to crack down violently

130 'Azerbaijan-Armenia conflict: patriotism prevails on both sides', The Guardian, 7 April 2016, <http://bit.ly/23dldZk>.

131 This is an edited extract. For the full interview see 'Insights on the current protests in Macedonia: an interview with two leading civil society activists', CIVICUS, 27 May 2015, <http://bit.ly/1SrjdXy>.

on the protests. The police used disproportionate force, including violently pursuing protestors, harassing students in Brakja Miladinovci library and indiscriminately detaining protestors. Some protestors were released on the condition that they refrain from attending all further protests. On 22 May, the first group of nine protestors detained were given parole, and one received a 10 month prison sentence.

Protests were held every day, with police forces preventing protestors from coming within 100 meters of all public buildings, excluding the parliament. As a result of these restrictions, some protests evolved into mobile marches around the city.

The ruling party staged its own large-scale gathering, while opposition-led protestors established a fixed camp in front of the main government building and civic activists protested in front of the Basic Court in Skopje calling for the release of detained peaceful protestors.

While the trigger of protests could be characterised as political, as with other examples, there were wider social and economic currents involved. Many people have been feeling poorer, and see that economic inequality is increasing, a regular indicator of protest potential. There had also been rising concern ahead of protests about the government appearing increasingly grandiose, distant and self-interested, and its use of nationalistic and religious rhetoric.

In addition, non-formal movements already existed, which provided crucial assets that protests could draw upon. These included protests, led by students in the Student Plenum movement, to resist negative changes in education policy, as in Chile and South Africa, protests against utility price rises, as in Armenia, and to defend green spaces, one of the triggers of protests in recent years in Turkey.¹³² MCIC, which further contributed to this report as a member of the AGNA network, relates the important experience of the student protests to the wider movement:

Civic activism, expressed most of all in the Student Plenum movement and the massive protests that lasted for several months, resulted in a withdrawal of the Law on Higher Education in February 2015 and an agreement to establish a new working group where representatives of the Student Plenum and other relevant student associations will also participate. The successful and inspiring story of the Student Plenum resulted in the establishment of strong High School Plenum as well as Professors Plenum, which throughout the year contributed to increasing debate about better quality education for every student.

The student movements have influenced extensively the atmosphere where civil society operates. As well as all the events that followed after, they made change and improvement towards a more democratic society seem possible.

A remarkable feature of the 2015 protests was the coming together of different ethnicities, in a country where opinion can divide and tensions flare along ethnic lines. Both Macedonian and Albanian flags, with which the minority population identifies,

¹³² 'Macedonian Student's Plenum – A Cry for Respect', Balkan Insight, 15 December 2014, <http://bit.ly/1SrijrOl>; 'Youth Rules and Student protests in Macedonia', The AEGEEan, 18 March 2015, <http://bit.ly/1XVYpYj>; 'Lipstick Protestor' Jasmina Golubovska: Macedonians Want to 'Start from Scratch', Global Voices, 18 May 2015, <http://bit.ly/241YbpC>.

were flown at demonstrations, and CSOs played a constructive role in bridging across divides.¹³³ As Emina Nuredinoska and Tanja Hafner Ademi describe:

In response to violent clashes in the ethnically diverse city of Kumanovo, which saw the death of eight police officers and 10 predominantly Albanian militants, opposition and citizen protests arose on 17 May. These protests, some of the largest in the country's history, brought together citizens from diverse ethnic, religious and socio-political backgrounds.

While the protests were mostly peaceful, there were some civil society concerns about restrictions. MCIC notes that one issue of contention for civil society was the failure to investigate police abuses against protestors, such as those committed at the Brakja Miladinovci library, while alarming developments concerning the freedom of assembly also preceded the protests:

In March 2015, troubling amendments to the Law on Police were made. Under the amendments, new means of coercion were added, including electric paralyzers, rubber bullets, pyrotechnical and explosive means, and special vehicles for maintaining public order and peace. Additionally, another section was added allowing the police to use technical means for video recording to provide video material of police actions, including arrests. As the EU progress report notes, "There appears to be an increasing reliance on the criminal offence of 'participating in a crowd which commits a crime', which is too broad to be stated as criminal offence."

Enduring challenges are also noted against the freedom of expression:

Self-censorship and caution on the side of civil society has continued to be practised. The wiretapping scandal, revealing that people working in civil society were allegedly the targets of wiretapping by the government, influenced increased self-restriction in communication and usage of communication channels. The media environment continues to be restricted and polarised, leaving little space for CSOs to be able to present their work.

As with several protests covered in this report, the May 2015 events could be seen as contributing to change. Some government ministers resigned, and EU mediation was introduced, leading to the Przino Agreement. The agreement gave the main opposition party some involvement in government, introduced an enquiry into the tapping, and stipulated that the prime minister, Nikola Gruevski, would resign in January 2016 and a caretaker government be brought in ahead of early elections in April 2016. Nikola Gruevski did indeed stand down in January 2016, and insisted that the election would take place in April 2016 as agreed. However, the opposition called for more time and threatened to boycott the election, on the grounds that not enough had been done to ensure it would be free and fair, particularly on media freedom and the updating of the electoral roll. International observers agreed, and the elections were postponed until June 2016.¹³⁴

¹³³ 'Anti-government protestors take to streets of Skopje', DW, 17 May 2015, <http://bit.ly/1ryNEBu>.

¹³⁴ 'Macedonia Prime Minister Gruevski agrees to step down', DW, 15 January 2016, <http://bit.ly/1qSuzsT>; 'Macedonia opposition threatens to boycott election called to end crisis', Reuters, 16 January 2016, <http://reut.rs/1YT7PnK>; 'Macedonian parliament accepts PM Gruevski's resignation, parties disagree over elections date', Focus Information Agency, 19 January 2016, <http://bit.ly/1SJmyzX>; 'Macedonia elections postponed to 5 June', EurActiv, 24 February 2016, <http://bit.ly/24j94jQ>.

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The political deadlock that Macedonia has seen, and the associated poor state of dialogue between civil society and government, has challenged CSOs, while protest events called on CSOs to play a number of roles, as MCIC relates:

Civil society faced significant challenges in supporting the resolution of the political crises in Macedonia, while still having to deal with the lingering constraints of its development, such as sustainability issues and lack of civil dialogue and cooperation with institutions.

Civil society continued to face the challenge of operating in a difficult environment, in a country in political crisis with limited dialogue. Essential civic dialogue on issues of importance to the development of civil society in Macedonia is still absent in practice. Civil society is insufficiently involved in policy-making and law drafting by state administration bodies.

All the events presented challenges for CSOs to participate and fulfil their roles by engaging in different watchdog and advocacy activities and holding peaceful assemblies and events for raising awareness, thus supporting the process of finding solutions and paving the way to the improvement of democracy. Professional and expert CSOs were trying to fulfil their role as constructive partners, by monitoring, pressuring and challenging the government and its institutions to be more transparent and accountable, as well as to involve civil society as an equal partner in the negotiations to find a way out of the crisis.

The Platform of CSOs Against Corruption brings together 15 predominantly national organisations which work in the area of good governance and anti-corruption. In 2015, the Platform held several noticeable press conferences and issued calls to institutions to undertake the necessary measures to investigate the opposition's allegations. Additionally, the Platform, together with Network 23, asked for complete transparency of the process of negotiations between political parties in order to resolve the political crisis in Macedonia.¹³⁵

Recent political changes in Macedonia can be seen as significant shifts that are unlikely to have arisen without protests. But, as in the other contexts covered above, the protests should be seen as less about seeking to replace the government party with the opposition party, than about demanding democracy, transparency and a renegotiation of the relationship between the state and citizens. The political manoeuvrings that have characterised the run up to the election suggest a need for civil society to continue to exercise vigilance and pressure where necessary, and for support for Macedonian civil society to be part of the long-term solution to move on from political deadlock.

135 Network 23 was a civil society initiative from the Institute for European Policy Center, Change Management and the Helsinki Committee for Human Rights of the Republic of Macedonia to monitor public policies relating to fundamental rights and the judiciary, in the context of negotiations for Macedonia's accession to the EU.

10. PROTEST AND ACTIVISM: CONCLUSION AND FIVE POINTS FOR FUTURE ACTION

The above examples have demonstrated a remarkable similarity, not only in the tactics and trajectories of protests but, in most cases, in the short-term impacts protests have achieved. While some, such as those in Bolivia, Honduras and South Korea, have found themselves frustrated and blocked by a blank refusal of political elites to enter into dialogue, in most of the cases above, mass protests can be seen to have contributed to some form of political shift: policies being reversed, senior politicians stepping aside, governments collapsing.

What is striking is how often protests continue even after short-term success, suggesting that, beyond the economic or political issue that usually acts as a tipping point to bring people to the street, lie deep-rooted concerns about lack of voice, corruption and shortfalls in accountability by the state towards its citizens. The example of Armenia, however, offers a salutary lesson of how reversal can come even after apparent short-term success. The challenges of lack of voice and accountability in the examples are profound, and often the changes needed are fundamental. This, as the case of Tunisia also indicates, suggests a need for continued engagement, even beyond the immediate flashpoint and after protest momentum has faded.

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between CSOs
and the street to
enable renewal.”

In not all cases, but in many, attempts to sustain momentum can be seen. While it is still too early to celebrate in Burkina Faso, the continued willingness of people to protest and engage has been a major factor in the country's refusal to slide back into dictatorial rule. In some contexts, such as Spain and now Moldova, protest movements have morphed into more overtly political structures to take the campaign directly into the sphere of electoral politics. In others, such as with Black Lives Matter in the USA, movements that started informally and via social media have formalised into networks that work by challenging dominant discourse and campaigning to shape the debate. In Macedonia, established CSOs have drawn inspiration from protest movements and taken on renewed responsibility for seeking accountability. Different developments are appropriate for diverse contexts, but in all cases, people taking part in protests can be seen to be challenging notions that they are disengaged and apathetic.

Looking forward, these experiences suggest that there can be no substitute for civil society structures that remain engaged over time to hold the powerful to account and challenge them continually, and that are able to develop the capacities to do so. The challenge is that formal civil society structures can ossify. Energies may go into chasing resources, the original vision can be lost and the leadership of civil society can become isolated from citizens. As CIVICUS has observed in the past, established CSOs largely did not anticipate or play a significant role in many of the waves of protests that swept MENA and many other parts of the world in 2010 and 2011.¹³⁶ The answer would seem to be that there is a need for constant dialogue between CSOs and the street to enable renewal, and continual questioning about whether the civil society structures that exist are the most relevant and appropriate forms; at the same time there is a need to grow appropriate structures out of protests that can keep up momentum while maintaining nimbleness and flexibility.

136 'Bridging the Gaps', CIVICUS, 2011, <http://bit.ly/241ZzbV>.

Our analysis suggests five practical steps that can be taken in protest contexts to help sustain protest momentum, and enable citizen action to lead to change:

- Mass protest movements already tend to be adept at learning from the tactics and methods of previous protests, including in using social media to shape, express and promote protest. But still more could be done to identify and share relevant learning, particularly when regional clusters of protest can be identified, as in some of the cases above. Peer-learning could be supported, between leaders of successful movements in neighbouring or similar countries, and people who have been schooled in past protests and those protesting for the first time, to enable flows of practical inspiration and solidarity.
- There is a relationship between protest and civic space. In many contexts CIVICUS has researched over the years, mass protests have broken out in conditions where the three fundamental civil society rights, of freedom of association, freedom of assembly and freedom of expression, have been restricted. Sometimes restrictions come shortly before protests spark and grow, suggesting that increasing civic space restriction may, perhaps counter intuitively, offer an indicator of potential mass protest: ruling elites may be assumed to become more nervous about exposure and seek to tighten restrictions as the governance and political environment deteriorates. When mass protests break out in such contexts, this also suggests that other participation channels have blocked. A heartening conclusion to draw from this is that citizens can always find new ways to articulate their frustrations and demands, once a tipping point is reached, even in repressive contexts such as Ethiopia, albeit with a heavy associated risk of violence. But in the long run, participation channels must be developed and sustained to enable momentum to continue. This suggests that mass protests should include among their demands improvements in the three fundamental civil society rights, in order to enhance the prospects of continued engagement.
- Many of the protests have been met with violence and other forms of heavy-handed state response, including detention and criminalisation. The March 2016 recommendations to the UNHRC offer a new framework around which international level civil society advocacy efforts should be focused to uphold and realise the rights of freedom of assembly. At the national levels, more efforts need to be made by a broad range of civil society to expose and challenge the restriction of protests, and impunity over abuses against protestors. At the same time, there is a need to develop, propagate and encourage the application of high standards for peaceful behaviour among protestors, in order to enable them to access and sustain strong levels of public support, rebut attempts by the state to characterise them as violent insurgents, and identify and deter extremist infiltrators or agents provocateurs that may try to join their ranks.
- Political co-option of mass protests is always a danger, and must be resisted at all costs, because it compromises the autonomy of civil society and enables ruling parties to characterise protestors as supporters of the opposition. Protestors and protest organisers need to be able to find ways to articulate clearly that, while they may be pushing for change in political leaders, this does not mean they are supporting opposition parties. It is relevant to note here that, when former protest leaders move into conventional politics, the next waves of protestors often reject them, as was seen in Chile. High levels of public protest often come in broken political systems, in which none of the mainstream parties offers a plausible prospect of real change. It is understandable in such contexts that mass protest movements sometimes form political parties to take their demands to elections, but in such cases, the separation between civil

society and political party should be managed carefully and strongly communicated. Even when new political parties are formed, a strong and independent civil society is needed alongside them.

- While it is hard to predict where mass protests will break out next, it is possible to suggest some indicators that suggest increasing protest potential. These may include economic indicators, such as rising prices of basic goods, including food and fuel, and high levels of youth unemployment; political indicators, such as pushback on civil society rights; and social indicators, such as the existence of networks formed from previous protests. More research is needed to develop and test indicators that can help to predict where protests are likely to occur, which would enable support to be mobilised in advance.



YEAR IN REVIEW:

CIVIC SPACE

photographer: Igor Rugwiza

CIVIC SPACE: RIGHTS IN RETREAT, CIVIL SOCIETY FIGHTING BACK

1. INTRODUCTION

Each year the CIVICUS State of Civil Society Report looks at the major events that have affected civil society around the world. We seek to celebrate the major achievements of civil society, identify the key challenges it has faced, and assess how recent events have impacted on civil society, and how civil society has responded to them. In particular, we explore how civil society has reacted to and been affected by conflict and disaster; how citizens have mobilised to seek change; how the space for civil society has changed; and how civil society has worked internationally to address the pressing issues of the day. This section of the year in review considers trends in the space for civil society, and civil society freedoms.

Our report is of and from civil society. Alongside the four sections of our year in review, our report consists of 33 guest contributions from civil society activists, leaders and experts, on this year's special theme, of civil society and exclusion, and a thematic essay that draws from those contributions. Our report is also informed by 27 responses to our annual survey of national and regional civil society coordination bodies that are members of our Affinity Group of National Associations (AGNA), and a series of interviews with members of the CIVICUS alliance who were close to the year's major stories. We are very grateful to all our contributors for their efforts in developing this report.

PART ONE: KEY THEMES IN CIVIC SPACE RESTRICTION

2. OVERVIEW: CIVIC SPACE UNDER ATTACK

Civil society's ability to act rests on the realisation of three fundamental rights: the right to association, the right to peaceful assembly and the right to freedom of expression. Together, these define the boundaries of the civic space within which civil society can function. Since the State of Civil Society Report was first published in 2012, our analysis in successive reports has been that these three fundamental rights are under renewed and sustained assault. Six out of seven people live in countries where civic space has experienced serious recent challenges.¹

Our research has found particular concentrations of current attacks and restrictions in Sub-Saharan Africa and the Middle East and North Africa (MENA), but it is important to note that this is a trend seen around the world: in 2015 there were significant violations of civil society rights in all global regions.²

This assault is being driven by a number of motivations, including an increasing focus by states on enforcing national security and countering terrorism; pushback against the successes that mass protests have achieved in recent years; the capture of many governance systems by super-wealthy elites pursuing private sector interests; and the reduced influence of aid from global north states in the global south and the rise of alternate funding sources that have little interest in supporting democracy and human rights.

One encouraging sign, at least, is that the restriction of civic space can now be seen to have become a mainstream issue among the global human rights and international development community. An increasing number of international civil society organisations (CSOs) have started to pay attention to the urgent decline in civic space, opening up the potential for new, concerted action to build international solidarity, defend civil society's fundamental rights, and assert civil society's right to exist and act.³

1 'CIVICUS statement during the High-Level Segment of the 31st Human Rights Council Session', CIVICUS, 2 March 2016, <http://bit.ly/218hdE0>.

2 'Media statement: human rights defenders and civil society organisations face increasing threats', CIVICUS, 10 December 2015, <http://bit.ly/1Nd-5m3h>.

3 See, for example 'Amnesty International Report 2015/16: the State of the World's Human Rights', Amnesty International, 23 February 2016, <http://bit.ly/1WTfOCE>; 'Human Rights Watch World Report 2016', Human Rights Watch, <http://bit.ly/1JE2Dlo>; 'Civic Charter – The Global Framework for People's Participation', International Civil Society Centre, 2016, <http://bit.ly/1PtbcSG>; 'Why the Space for Civic Engagement is Shrinking', Open Society Foundations, 21 December 2015, <http://osf.to/1S97zA3>.

3. TERRORISM AND SECURITY: PRETEXTS FOR RESTRICTION

States are increasingly using justifications of combating terrorism and protecting state security to restrict civic space. This is not to deny that extremist forces such as al-Qaeda, al-Shabaab, Boko Haram and ISIL have had a profoundly negative impact on human rights in some parts of the world. It should also be noted that it is citizens, rather than power-holders and government institutions, that disproportionately experience the effects of terrorism, as terrorists most often target crowded public spaces, and act indiscriminately. But in many places, the response to terrorism is disproportionate, and the impacts on civic space and human rights significant.

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Human Rights Watch, in its 2016 World Report, further draws attention to the rise of anti-terrorism and security discourse and its connection with the restriction of civic space.⁴ In its assessment, current emergencies are offering pretexts for restriction and giving rise to tyranny. Human Rights Watch draws attention to the ways in which security crises have resulted from the systematic denial of human rights: for example, there is a need to connect the rise of extremist forces in **Syria** with past policies of supporting repression for strategic reasons. Given the repression they have experienced at the hands of the state, extremism may seem to offer a plausible alternative for citizens. The current crackdown in **China**, discussed further below, is being exercised particularly in heavily Islamic regions, in which legitimate criticism is equated with violence, and dissent with terrorism. This creates a sense of a community being under siege on the basis of an identity, which in turn fuels extremism. In **Kenya**, security forces respond in heavy handed ways and abuse citizens under the banner of addressing terrorism, which fuels anger and suspicion, offering recruiting grounds for extremism. Further, when civil society or the media expose these abuses, the response is not to challenge impunity, but to attack the messenger. There is a need to understand that extremism and security crises that arise from the denial of human rights cannot be solved by further restrictions on human rights.

In many contexts, state forces that seek to limit participation and dissent are using the tackling of terrorism as a convenient mask for their restriction of civil society. They are often overstating the terrorist threat to do so. For example, extremist terrorist groups in several African countries have had a profound impact on citizens, but these concentrate in some countries and sub-regions. Compared to this, the footprint of crackdown on African civil society under the branding of anti-terrorism measures goes much wider, covering much of the continent. Notions of national security and national stability are often being conflated and left ill-defined as part of this restriction. Challenges to ruling elites are wilfully misinterpreted as threats to the nation, and the expression of political dissent labelled as terrorism.

In October 2015, the UN’s Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ben Emmerson, drew attention to an “ideological pandemic” in which, in the past three years, over 60 states have passed or proposed laws to restrict the freedom of assembly, or limit the ability of CSOs to receive funding.⁵ As Ben Emmerson points out, such laws, and even proposed laws that do not pass, impact on civil society both directly, in limiting

⁴ ‘Twin Threats. How the Politics of Fear and the Crushing of Civil Society Imperil Global Rights’, Human Rights Watch, 2016, <http://bit.ly/1JE2Dlo>.

⁵ ‘Lawful civil society groups ‘are not enemies of democracy, but key allies,’ says UN expert’, UN News Centre, 26 October 2015, <http://bit.ly/1T5IH-GU>.

its ability to operate without undue interference, and indirectly, by exerting a chilling effect: CSOs in contexts where restrictive laws have been introduced or proposed are more likely to rein in their activities and self-censor to avoid attention.

This is not a trend that is confined to the world's poorest or most autocratic countries: **Brazil**, one of the major democracies of the global south, is proposing broad anti-terrorist legislation that would impact on civil society rights, including the right of assembly.⁶ As the examples discussed further below from **France, Spain** and the **UK** indicate, long-established democratic governments of the global north have also introduced laws in recent years with reference to fighting terrorism that impact on civil society freedoms. This is a particularly worrying development, because if major democratic governments introduce such measures, they give grounds for justification to more repressive governments to do so, and forfeit any potential leverage that comes from leading by moral example.



The surveillance of online activity is commonly justified with reference to national security and the prevention of terrorism.



Many of the other restrictive actions highlighted in this report have been introduced as anti-terrorism measures. For example, the surveillance of online activity is commonly justified with reference to national security and the prevention of terrorism.⁷ When civil society activists are arrested or jailed, they are often labelled terrorists or extremists. To offer just a few recent examples:

- In **Ethiopia** in August 2015, 18 people, including protestors, journalists and Islamic leaders, received lengthy sentences under the anti-terrorism law, for protesting in support of religious freedom. Ethiopia's government justifies its anti-terrorism law by saying it is similar to laws in the UK and USA.⁸
- In **Jordan**, Palestinian rights activist Amer Juban was sentenced to 10 years in jail in July 2015 for terrorism-related offences, including "acts that threaten to harm relations with a foreign government" after being tried by a special State Security Court. Amer Juban signed a pre-written confession following bouts of torture, and continues to be threatened in jail.⁹
- In November 2015, **Oman** jailed human rights activist Saeed Jadad, after the court of appeal confirmed his sentence for damaging the status of the state and using the internet to disseminate material prejudicial to public order. He helped organise protests in 2011 and had been subject to harassment ever since.¹⁰
- In **Sudan**, the country's National Intelligence and Security Service is regularly used to deal with civil society activists that the state finds troublesome. In 2015, human rights defender Amin Mekki Medani faced trial at the Special Anti-Terrorism Court

6 'Brazil anti-terrorism law too broad, UN experts warn', Office of the UN High Commissioner for Human Rights, 4 November 2015, <http://bit.ly/1WwsOjw>.

7 'Privatizing Citizenship, Eroding Privacy. Freedom on the Net 2015', Freedom House, October 2015, <http://bit.ly/1M2mx89>.

8 'Ethiopia Claims U.S. Precedent for Crackdown on Journalists', Human Rights Watch, 23 July 2015, <http://bit.ly/1locLxe>; 'CIVICUS alert: lengthy sentences for religious freedom activists highlight continuing repression in Ethiopia', CIVICUS, 7 August 2015, <http://bit.ly/1KVDsKi>.

9 'Jordan: Human Rights Activist Sentenced to 10 Years in Prison After Unfair Trial Before State Security Court', Alkarama, 5 October 2015, <http://bit.ly/1UhOXPX>; 'Jordan: Investigate Alleged Torture', Human Rights Watch, 3 November 2015, <http://bit.ly/1H6DP3L>.

10 'Oman arrests anti-government activist', Gulf News, 12 December 2014, <http://bit.ly/1XWnnXI>; 'Oman: Rights Defender "Saeed Jadad" Should Be Freed Urgently', The Arabic Network for Human Rights Information, 10 March 2015, <http://bit.ly/1YUJXNC>; 'Oman: Prominent human rights defender Saeed Jadad jailed', Gulf Center for Human Rights, 29 November 2015, <http://bit.ly/1NASBTI>.

for “waging war against the state,” a charge that was also applied against Adil Bakheit of the Sudan Human Rights Monitor, arrested in April 2015 after carrying out a human rights workshop.¹¹

As we will see in the country case studies below, the use of anti-terrorism laws as an excuse to detain and jail civil society activists is sadly not limited to these examples.

THE CONTINUING ONSLAUGHT ON FOREIGN FUNDING

Ben Emmerson calls attention to the particular tactics of introducing laws and regulations to restrict the ability of CSOs to receive funding, something that was highlighted in the 2015 State of Civil Society Report, which had the special theme of civil society resourcing. Restrictions on the receipt of funding can serve to stigmatise CSOs that receive funding and tie up their energy in compliance, encourage self-censorship, and starve CSOs of the support that they need to function. This trend has continued unabated.

Time and time again, particularly in the rhetoric about foreign funding, a deliberate misunderstanding by states about the nature of civil society can be observed, along with a clear signalling of intentions to bifurcate civil society: CSOs are viewed positively or at least tolerated when they help the state achieve its goals, but classed negatively when they work to empower citizens to achieve their rights. This is often broadly communicated as states accepting that CSOs should help deliver development projects, and services that states cannot or do not want to provide, providing that CSOs do not expect to have a say in the definition of a project, but denying that CSOs can legitimately undertake functions such as advocacy, sensitisation about rights, mobilisation, research, documentation and the exercise of accountability. Reality is more complex, and any notion that CSOs can be divided into camps according to their functions is false: often when CSOs have established themselves in delivering services, they realise that their work can achieve more if they also seek policy change, and their connections to citizens enable them to understand needs. When states overlook this, it is often because they seek to apply divide and rule tactics to civil society.

For example, in **Israel**, laws working their way through parliament at the time of writing would require a CSO receiving over half its funds from a foreign government to designate itself as a foreign agent and advertise this designation in all its communications and publications. The CSO would also be subject to taxation and required to wear a badge to signal this status in any meeting with public officials, demonstrating a clear intent to stigmatise. The bill passed its first reading in the Knesset, Israel’s parliament, in February 2016.¹² A further bill in progress introduces new restrictions on CSOs that conduct what are deemed to be political campaigns, particularly during election periods.¹³ The implications of these proposed laws would be to single out and isolate CSOs that are active in Palestine and scrutinise human rights abuses by the military and Israeli settlers in

11 ‘Sudan: Human Rights Council must not let impunity prevail’, International Service for Human Rights, 2 September 2015, <http://bit.ly/26vcXEe>; ‘Case History: Adil Bakheit’, Front Line Defenders, 2015, <http://bit.ly/1TxfiYc>.

12 ‘Human rights groups face global crackdown ‘not seen in a generation’’, The Guardian, 26 August 2015, <http://bit.ly/1NHIGJE>; ‘Israel: repressive bills could severely undermine civil society’, CIVICUS, 3 September 2015, <http://bit.ly/1T5oOyK>; ‘Israeli MPs to resume work on NGO gag laws’, EU Observer, 12 October 2015, <http://bit.ly/1G3126W>; ‘International community must urge Israel to withdraw repressive NGO bill’, CIVICUS, 16 February 2016, <http://bit.ly/23eds0U>.

13 ‘Israeli Cabinet Greenlights Bill Limiting NGOs’ Funding of Political Campaigns’, Haaretz, 20 March 2016, <http://bit.ly/1TxfyGL>.

occupied territories, including those that cooperated with the 2014-2015 UN Human Rights Council (UNHRC) inquiry into the Gaza conflict. These measures aim to discredit CSOs with which the government disagrees.

We spoke to an Israeli civil society activist about these developments; in a further indication of the current climate of restriction, the activist would only do so on condition of anonymity. As the activist points out, Israel now essentially has two different environments for civil society, depending on whether the state sees a CSO as friendly or hostile:¹⁴

The overall environment of civil society in Israel is characterised by a different approach towards different organisations. On one hand, Israel provides a fairly safe and enabling environment for many religious groups, humanitarian charities and educational organisations, among others. On the other hand, organisations that are more critical towards specific policies of the state and those who are involved with advocacy, social justice and human rights issues, particularly those dealing with Palestinian-Israeli issues, receive a more aggressive and hostile attitude from the authorities.

Publicly and frequently, leading Israeli politicians make serious allegations against human rights organisations, including blaming them for anti-Israel reports and deliberately discrediting Israel's image in the world, and accusing them of spreading lies, collaborating with terror supporters or anti-Semitic bodies, and promoting foreign political agendas. Israeli politicians invoke the notion of the 'protection of state sovereignty' against external interference to restrict foreign funding, which is depicted as a new form of foreign intervention, and use it to portray human rights activists as enemies of the state.

The anonymous activist also notes that, even if the bills do not become law, they have an impact:

Restriction on funds is just one aspect of the story. The other aspect of the bills, which have been achieved regardless of whether they will become laws, is the stigmatisation and the undermining of the public status of Israel's most prominent human rights organisations. As a result of long going smear campaigns led by prominent politicians, the ability of Israel's vibrant civil society to work toward positive change has significantly decreased. Additionally, the unavoidable chilling effect of such ongoing attacks is self-censorship by various civil society actors arising from such legal threats.

As the Voluntary Action Network India (VANI) indicates, the receipt of foreign funding has also been a particularly contested issue in **India**:¹⁵

The Foreign Contribution Regulation Act (FCRA), which regulates the flow of foreign money to civil society, has often been used, or rather misused, to attack the space for voluntary action in India. The FCRA wing under the Ministry of Home Affairs (MHA) remains unaccountable for its actions. Enquiries on the suspension of FCRA accounts are lost in timeless delays, while old communication problems persist. Selective leaks to the media, which began during the previous regime, continue unabated.

14 'Interview: Israel's international funding bills dangerous for civil society', CIVICUS, 2015, <http://bit.ly/237eTy6>.

15 Contributions from VANI are edited extracts from its response to the annual AGNA survey.

The throttling of Greenpeace India by the suspension of its FCRA registration is a recent case of an attack by MHA on a dissenting voice. The Delhi High Court passed a judgement in this regard that the right of free speech and expression “necessarily includes the right to criticise and dissent”, and thus “cannot be muzzled.” It is however shocking that the government froze all the accounts of the organisation, including its domestic accounts. The Madras high court recently ruled in favour of Greenpeace and ordered a stay of the cancellation of the organisation’s registration.

In 2015, almost 10,000 registrations of organisations falling under the FCRA were cancelled, which made a direct threat to their survival. While the justification given for the cancellation of registrations was largely non-compliance with the FCRA law and the non-filing of annual returns, it was also reported that organisations were not given enough time to respond to the ministry. It was further noted that this was a process to clean up the ministry’s data, which had been pending for a long time.¹⁶



Photographer: Peter Tkac



Photographer: Salvatore Barbera

The government’s attempt to ban Greenpeace India proved a long battle; at the time of writing the organisation has won six court judgements against the ban over a year and a half, and before its most recent court victory it was given 30 days to close. But even when successful, the campaign ties up energy and resources, and helps to tarnish its reputation among government supporters.¹⁷ It is of concern that this and other such battles are taking place in a context where defamatory language is

¹⁶ ‘Fund misappropriation at NGOs: 17 cases referred to CBI’, The Economic Times, 8 December 2015, <http://bit.ly/1VT8VIV>.

¹⁷ ‘India bans Greenpeace in ongoing row over foreign donations’, DW, 6 November 2015, <http://bit.ly/1riOim8>; ‘HC stays order cancelling Greenpeace registration’, The Times of India, 21 November 2015, <http://bit.ly/1TeBWCS>; ‘Indian court overturns Greenpeace operating ban’, DW, 21 November 2015, <http://bit.ly/1WTjcxm>.

regularly used against CSOs by the government and media supportive of it, particularly when those CSOs are seen to challenge government economic policies that support big business.¹⁸ As VANI states:

The media has been used to vilify and tarnish certain organisations and their leaders, labelling them as ‘foreign agents’. Relationships with government have thus deteriorated in the past year, with rights based organisations clearly the target of the government.

Russia is the market leader when it comes to interference in funding. As the case study on Russia below points out, there is now an evident culture of imitation at work, in which Russia’s neighbouring states, and those further afield, take inspiration from the success of its measures in using funding limitations to restrict civil society.¹⁹ There is also a sense that states are becoming bolder and more blatant in applying such measures, with a growth in discourse that explicitly positions CSOs as obstacles to national security and the prevention of terrorism becoming more normalised and confident.



Russia’s neighbouring states, and those further afield, take inspiration from the success of its measures in using funding limitations to restrict civil society.



Narrow notions of national sovereignty, implying sovereignty of those who hold offices of power, rather than broader notions in which the people, as active citizens, are understood to hold sovereignty, are being reasserted. Repressive governments tend to rebuff external pressure as unacceptable interference in state sovereignty, which is why they position CSOs that ask difficult questions as the agents of foreign powers.

There is, of course, considerable hypocrisy on display here: governments that decry foreign support for CSOs are more than happy to accept foreign funding themselves, including support from donors for their national budgets, or by courting foreign direct investment in the private sector; indeed, the restriction of civic space can in part arise because a government sees CSOs as competitors for resources. Far more of the Official Development Assistance (ODA) from member states of the Organisation for Economic Cooperation and Development (OECD), which includes most long-term donor agencies, has always gone to governments rather than civil society, and our ongoing analysis of funding patterns suggests that donor support for CSOs has at best plateaued. At the same time, many of the worst offenders against civic space now enjoy financial and political support from China and, to a lesser extent, Russia, which have little interest in supporting civil society and few qualms about propping up repressive states. Given that donor support for CSOs is not increasing, as our section on civil society at the global level makes clear, it begs the question of why it is now perceived as a larger problem that CSOs receive foreign funding than it was in the past.

18 ‘Civil society in India being demonised says global civil society alliance’, CIVICUS, 15 April 2015, <http://bit.ly/1St9Czg>.

19 ‘Russia’s bad example’, Free Russia Foundation, Human Rights First, February 2016, <http://bit.ly/1VVQQTa>.

4. THE INTERNET: A KEY ARENA OF CONTESTATION

The internet has become a major arena of contestation between civil society and other supporters of freedom of expression and internet privacy, and governmental, political and private interests that seek to restrict freedom of expression and gather information on internet activity. Increasingly, countries are penalising dissenting internet activity with jail sentences.

Freedom House's 2015 Freedom on the Net Report concluded that internet freedom has now declined for five successive years: 61 per cent of internet users now live in countries where there is censorship of internet criticism of the government, ruling family or military, and 58 per cent in countries where people have been jailed for sharing information on political, religious or social issues. The report notes a particularly insidious trend in which states are pressuring private companies to remove content with which they disagree, something that forces companies to become more cautious about content in general. There has also been a growth in private companies selling intrusive surveillance technologies to repressive governments. Topics that attract most restriction are criticism of authorities, exposure of corruption, mobilisation of the public and social commentary, all of which should be recognised as legitimate civil society activities. The report also draws attention to discussion of religion, ethnic and religious minorities and lesbian, gay, bisexual, transgender and intersex (LGBTI) issues as being controversial areas that attract online restriction, something that denies excluded groups voice.²⁰

Human Rights Watch reports a sense that the world now stands at a fork in the road when it comes to the question of internet freedom. On the positive side, there can now be seen to be a growing international movement when it comes to demanding and defending internet freedom, and Edward Snowden's revelations about state surveillance and private sector complicity have exposed the size of the problem; but on the negative side, the pressures from states to exercise surveillance over online behaviour have never been greater. Human Rights Watch draws attention to the disproportionate behaviour of the governments of the **UK** and **USA** in this regard in which, through practices of or plans for sweeping data collection, mass surveillance threatens to become the norm rather than the exception. US surveillance in particular is making it harder to conduct investigative journalism and exercise accountability. One danger here is of the imitative effect, as other states copy such behaviour; it also robs the governments of the UK and USA of any legitimacy to challenge repressive states on this issue.²¹

China remains amongst the world's worst abusers of internet freedom. In 2015, authorities blocked the internet and text messaging in the Xinjiang region, and also imposed a broader media blackout, as part of an ongoing crackdown, in a location where it sees the practice of Islam as a threat to its authority.²² Further, in December 2015 human rights lawyer Pu Zhiqiang received a three year suspended sentence, meaning that he will no longer be able to practise law, for posting comments on

20 Freedom House, October 2015, op. cit.

21 'Internet at a Crossroads. How Government Surveillance Threatens How We Communicate', Human Rights Watch, 2016, <http://bit.ly/1TxTVG6>.

22 'China's war on terror becomes all-out attack on Islam in Xinjiang', The Washington Post, 19 September 2014, <http://wapo.st/1jmJKY9>; 'Xinjiang Seethes Under Chinese Crackdown', The New York Times, 2 January 2016, <http://nyti.ms/1YXp77w>.

social media.²³ These events took place as part of a broader clampdown on civil society rights and academic freedom, with academics and lawyers being targeted: between July and August 2015 alone, at least 232 activists or lawyers were detained or interrogated in China; most of the lawyers were working on human rights issues. In all, over 300 lawyers and legal staff were estimated to have been affected, and at the time of writing a number remain under detention, the whereabouts of some are not known, while travel bans have also been imposed on many.²⁴ At the time of writing, a new law is being proposed that will make it very difficult for foreign CSOs and individuals to work in China, or to work on issues of which the government does not approve.²⁵

Internet restrictions do not take place in a vacuum; they come alongside and reinforce other acts of repression. For example, in **Malaysia**, internet restriction is one of a range of recent measures that inhibit civic space. The government announced in August 2015 that new laws would be introduced to limit internet freedom of speech, because people are being “irresponsible” online. The real concern was more about how the internet is being used to expose corruption, express dissent and organise protest: the state blocked websites and suspended a newspaper in July 2015 for reporting on a corruption scandal, in which it was alleged that US\$600 million government money had been paid into bank accounts controlled by the prime minister.²⁶ The government also announced that it would block websites encouraging people to participate in the Bersih 4 demonstration, on the grounds that they threatened national stability.²⁷ Bersih (Malay for ‘clean’) is a CSO coalition that held three previous demonstrations calling for a change in the electoral system, which biases towards the party that has held power since independence.²⁸ Despite the protest being declared illegal, it proceeded regardless, and a least 50,000 people camped in the centre of the capital, Kuala Lumpur, wearing the yellow colours of the movement. In response, the prime minister called into question the patriotism of the protestors, while protestors at an earlier August 2015 protest against corruption were met with police violence, and over 30 people were arrested.²⁹

23 ‘China: Ai Weiwei’s human rights lawyer Pu Zhiqiang handed 3-year suspended sentence’, International Business Times, 22 December 2015, <http://bit.ly/1UizsY4>.

24 “Lawyers Need To Be Protected Not Harassed” – UN Experts Urge China To Halt Detentions’, UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, 16 July 2015, <http://bit.ly/1VW9FWV>; ‘China: lawyers and activists detained or questioned by police since 9 July 2015 (as of 5.00pm Beijing time, 3 August 2015)’, Amnesty International, 3 August 2015, <http://bit.ly/1VDKSH9>; “It’s getting worse’: China’s liberal academics fear growing censorship’, The Guardian, 6 August 2015, <http://bit.ly/1M9PGhe>; ‘China: Open letter to States for joint action to address worsening crackdown on human rights defenders and lawyers’, Human Rights Watch, 11 August 2015, <http://bit.ly/1plCmsw>; ‘China must respect due process and uphold the rule of law: a call for the release of 36 illegally detained human rights lawyers and defenders’, CIVICUS, 11 January 2016, <http://bit.ly/24q3MDC>.

25 ‘Submission to the Legislative Affairs Committee of the Chinese National People’s Congress on the draft Non-Mainland Non-Governmental Organizations Management Law’, CIVICUS, 3 June 2015, <http://bit.ly/1VU2wXN>; ‘China still mulling draft NGO law’, Associations Now, 22 March 2016, <http://bit.ly/1Tfpt10>.

26 ‘Malaysia: Stop Treating Criticism as a Crime’, Human Rights Watch, 26 October 2015, <http://bit.ly/1ic4Ire>; ‘Malaysia risks a political meltdown with its attack on free speech’, The Guardian, 30 October 2015, <http://bit.ly/1Rn8VVj>; ‘Malaysia: Drop charges against cartoonist for tweets’, Amnesty International, 5 November 2015, <http://bit.ly/1NVI2FJ>.

27 ‘Gov’t to block websites promoting Bersih 4’, Malaysiakini, 27 August 2015, <http://bit.ly/1qWwEnD>.

28 ‘Online abuse of free speech makes Internet laws necessary, minister says’, The Malay Mail, 13 August 2015, <http://bit.ly/1Nt4oP4>; ‘NGO alert: Malaysia government blocks internet and threatens to send army against Bersih rally’, The Guardian, 27 August 2015, <http://bit.ly/1F2D5qb>.

29 ‘Malaysia: End ‘far-reaching’ crackdown in wake of corruption scandal’, Amnesty International, 4 August 2015, <http://bit.ly/1NBUaAN>; ‘Malaysia’s Mahathir joins protestors calling for PM to go’, Reuters, 29 August 2015, <http://reut.rs/1pIEFMf>; ‘Malaysia protestors camp overnight against PM Najib’, Al Jazeera, 30 August 2015, <http://bit.ly/1JEpCpF>.

These restrictions can be seen as part of an increasing trend of treating democratic dissent as a crime, marked also by the increased use of sedition laws: in February 2015, Eric Paulsen, of the Lawyers for Liberty CSO, was charged with sedition for posting a tweet accusing a government agency of promoting extremism. Satirical cartoonist Zunar, meanwhile, faces a potential 43 year jail sentence on sedition charges, also for tweeting.³⁰ Further concern centred on the passing of a new National Security Law in December 2015, which gives the state broad powers to declare “security zones” in which many human rights are suspended. The law was rushed through, and could clearly be used to restrict protest.³¹

In **Pakistan**, civil society has expressed concern about a new bill on cybercrime, introduced in August 2015, for containing unclear and broad language and stipulating excessive punishments, which would have a potentially disproportionate impact on the right to privacy and freedom of expression, and hinder legitimate online activity.³² That internet freedoms are compromised was acknowledged by BlackBerry, which threatened to pull out from Pakistan in November 2015, expressing concern about state surveillance.³³ While the government lifted a three-year ban on YouTube in January 2016, this was on condition that a local version be introduced that gives the government broad scope to apply censorship.³⁴ These restrictions are consistent with a broader attack on civic space, which has included the prosecution of peaceful protestors, and the introduction of new laws to constrain CSOs, discussed further below.³⁵

Well known pro-democracy activist Nabeel Rajab spent two months in jail in **Bahrain** in 2015, before being freed on health grounds, for posting a tweet that was judged to be insulting to the country’s security forces. This is not the first time Nabeel has been jailed for expressing legitimate dissent: he spent three months in prison for posting a tweet critical of the prime minister in 2013, and also served a two year sentence for his role in the country’s 2011 democracy protests. He was also handed a travel ban in July 2015. Nabeel is one of many activists who have experienced time in Bahrain’s tough jails.³⁶

Thailand’s notorious lèse majesté law continues to penalise heavily any perceived slight on the monarchy, including views expressed on the internet. The law has long offered a challenge to the freedom of expression in Thailand, but it is being more vigorously enforced since the country’s May 2014 military coup: in the year following the coup, at least 46 people faced charges. The heavy enforcement of this law can be seen to be having a chilling effect on the freedom of expression.³⁷ While the case of a man being arrested for mocking the king’s dog went viral in December 2015, the joke was a sick one: also in December 2015, a woman was sentenced to seven years in jail for ‘insulting’ the king on Facebook, while two of a group of three detained in

30 ‘Case History: Eric Paulsen’, Front Line Defenders, 2015, <http://bit.ly/1QC7Hmg>; ‘Malaysia: Court Rejects Cartoonist Zunar’s Sedition Act Challenge’, Benar News, 14 April 2016, <http://bit.ly/1TxVZOW>.

31 ‘Malaysia defends passing of controversial security bill’, Channel News Asia, 4 December 2015, <http://bit.ly/1NVJKab>; ‘Malaysia Passes Controversial National Security Law’, The Diplomat, 24 December 2015, <http://bit.ly/1rjMnh5>.

32 ‘Civil society organizations urge govt not to pass Prevention of Electronic Bill’, Pakistan News Express, 18 August 2015, <http://bit.ly/244W9oU>; ‘A Deeper Look Inside the PECB, Pakistan’s Terrible Cyber-Crime Bill’, Electronic Frontier Foundation, 30 November 2015, <http://bit.ly/24IAitW>.

33 ‘Why BlackBerry is Exiting Pakistan (Updated Dec 31)’, Inside BlackBerry, 30 November 2015, <http://blck.by/1MZsno6>.

34 ‘Pakistan lifts ban on YouTube after launch of local version’, Reuters, 19 January 2016, <http://reut.rs/1WmTEgg>.

35 ‘Pakistan: drop criminal charges against peaceful protestors’, International Commission of Jurists, 3 August 2015, <http://bit.ly/1NBWebU>.

36 ‘Bahrain frees dissident Nabeel Rajab for health reasons’, Al Jazeera, 14 July 2015, <http://bit.ly/21gggEE>; ‘Bahraini Activist Nabeel Rajab has Been Freed – For Now’, Vice News, 14 July 2015, <http://bit.ly/1qWAUUj>; ‘Joint letter to King of Bahrain on Nabeel Rajab’s travel ban’, CIVICUS, 22 January 2016, <http://bit.ly/23aRJa9>; ‘Bahrain 2015/2016’, Amnesty International, 2016, <http://bit.ly/1qWB2TJ>.

37 ‘The Kingdom of Thailand: Joint Submission to the UN Universal Periodic Review, 25th Session of the UPR Working Group’, CIVICUS, 21 September 2015, <http://bit.ly/26wjP4m>.

October 2015 under the law subsequently died in military detention.³⁸ In another case, the ‘Banpodj 10’ were sentenced on 14 July 2015 by a military court on charges that they belonged to the anti-monarchy Banpodj network. Banpodj produced podcasts that allegedly insulted the king. Eight of the group were sentenced to 10 years in jail, and the other two were sentenced to eight years, with sentences halved for guilty pleas.³⁹

There are also concerns about the Cyber Security Bill, in progress at the time of writing, which would give a government-run committee sweeping powers, including access to information on computers, phones and other devices, without the need for a prior court order.⁴⁰ Again, these restrictions in Thailand should be placed within a broader pattern of repression by the military government: in March 2015, Thailand’s military stated that the state would “probably just execute” any journalist whom it deems not to be telling the truth. Meanwhile 14 student protestors were detained on sedition charges in June 2015, and another group was detained in December 2015 for attempting to stage a protest.⁴¹

The above are just a few examples of many that could be given, and the country case studies below offer further instances. We asked Anriette Esterhuysen, Executive Director of the Association for Progressive Communications, what is at stake in the struggle over the internet:

Governments realise that the internet is being used by social movements and CSOs to amplify their impact as actors in the public sphere. Access to and use of the internet increases the capacity of civil society to demand meaningful and substantive participation in decision-making and in holding governments to account, and to express dissent. As a result, the internet has become a target for surveillance and restriction.

Some states use the combating of terrorism and cybercrime as justifications for increasing surveillance and restrictions on speech. Others claim they are countering blasphemy, or use child protection measures to restrict information and communications related to sexuality, sexual minorities and sexual expression. In some contexts, such as the USA, pro-choice groups, such as Planned Parenthood, have been targeted, for example through denial of service attacks on websites. It should also be noted that business models responsible for the explosive growth of social networking platforms are based on the mining of users’ personal data.

This has had a chilling effect on the freedom of expression and association on the internet, particularly, but not only, in countries where respect for fundamental freedoms is not strong.

38 ‘Second Thailand lese majeste detainee dies in military custody’, BBC, 9 November 2015, <http://bbc.in/1XWlrxh>; ‘A Thai Man Faces Nearly 40 Years in Jail for Insulting the King’s Dog’, Time, 15 December 2015, <http://ti.me/1rBkrWo>; ‘A Woman Has Been Sentenced to 7 Years for ‘Insulting’ the Thai King on Facebook’, Time, 16 December 2015, <http://ti.me/1rBkv8z>.

39 ‘Thailand ‘Banpodj Network’ Jailed: 10 Members Sent To Prison For Anti-Monarchy Recordings’, International Business Times, <http://bit.ly/26wlp63>.

40 ‘Thailand’s Digital Economy Bills Could Worsen Media Repression’, Global Voices, 3 February 2015, <http://bit.ly/1SRGNyM>.

41 ‘Thai PM warns media, says has power to execute reporters’, Reuters, 25 March 2015, <http://reut.rs/1TfuCWE>; ‘Thailand slammed for ‘disturbing’ student sedition charges’, The Jakarta Post, 30 June 2015, <http://bit.ly/238o6X7>; ‘Thai Army Blocks Anti-corruption Protest, Detains Activists’, Anti-Corruption Digest, 7 December 2015, <http://bit.ly/2450jwR>.



Some states use the combating of terrorism and cybercrime as justifications for increasing surveillance and restrictions on speech.



Anriette Esterhuysen also details the new methods of restriction that are currently being seen:

New tactics include mass surveillance practices by governments that use sophisticated algorithms and interception at the infrastructure level, such as at or near landing points of undersea fibre optic cables. There is also a growing commercial market for services and products that are used for censorship, filtering and blocking, for example of individual websites or services such as YouTube, interception and surveillance. A prominent example in 2015 was the Italian company Hacking Team, which provided law enforcement agencies, commercial companies and intelligence surveillance with products and services.

Other methods include limitations on the use of encryption; restrictions on and criminalisation of anonymity; hacking or defacement of websites, including compromising individual users' accounts, distributed denial of service (DDoS) attacks, and man-in-the-middle attacks [where a hacker secretly intervenes in communications between two users]; violation of the net neutrality principle and limitation of the quality of internet access to privilege specific content and applications; making internet intermediaries liable for content of users and third parties; cutting off entire parts of communication networks, in the form of disruptions and blackouts; and restrictive application of copyright laws. It is worth noting here that secret trade agreements, such as the US-led Trans-Pacific Partnership (TPP) are used to do precisely the latter, and can potentially hinder developing country access to information via the internet.

Human Rights Watch also suggests that the current key battle is around encryption; encryption is a logical response to surveillance, but states are pushing back, with the UK and USA accusing those who encrypt of aiding criminals and terrorists.⁴²

It should be noted that the battle is two way, and citizens and civil society are pushing back against restriction, including by using encryption when they are able, public campaigning and by taking cases to court. For example, in **India** in March 2015, the Supreme Court declared a key clause of the Information Technology Act, Section 66A, unconstitutional and disproportionately invasive of the right of internet free speech. The action came as a result of civil society petitioning.⁴³ In October 2015, **Austrian** campaigner Maximilian Schrems won a notable victory in the European Court of Justice to the effect that US data storage systems do not provide sufficient privacy from state surveillance.⁴⁴ And in January 2016, campaigning group Access Now brought together digital rights campaigners from 42 countries to call on governments and IT companies to uphold the right to encryption.⁴⁵

Anriette Esterhuysen further relates how civil society is fighting back, but asserts that more needs to be done:

Civil society is fighting back in a number of ways, including by engaging policy and monitoring any internet-related policy, such as cybercrime and security legislation. Encryption and anonymity tools are used by human rights defenders, activists, journalists and others to circumvent censorship, express political and religious views confidentially amid state

42 'Internet at a Crossroads. How Government Surveillance Threatens How We Communicate', Human Rights Watch, 2016, op. cit.

43 'SC strikes down 'draconian' Section 66A', The Hindu, 25 March 2015, <http://bit.ly/1Ckvxkr>; 'Victory for team of young lawyers, activists', The Hindu, 26 March 2015, <http://bit.ly/1QCbQab>.

44 'European court online data ruling welcomed', RTÉ News, 6 October 2015, <http://bit.ly/1GtT80Q>; 'Max Schrems: the law student who took on Facebook', Reuters, 7 October 2015, <http://reut.rs/1WsdWQL>.

45 Secure the Internet website, <http://bit.ly/1pINNjV>.

repression of online speech, and counter hate speech and online violence. These tools are also useful for disseminating information, such as reports on abuses, particularly in states that crack down on free media and citizen journalism.

There is a need to promote and expand the use of and capacity to use encryption and anonymity tools such as pretty good privacy (PGP) email encryption; virtual private networks (VPNs); proxy or onion routers, such as Tor; off-the-record (OTR) private chat applications, such as Cryptocat; instant messaging services such as Jabber and Pidgin; and mobile apps such as TextSecure and Telegram.

Software and protocol developers have a role to play in addressing the technical limitations of metadata in order to provide true anonymity for users who want to communicate confidentially as well as privately. Encryption communications protocols and standards should be constructed with privacy in mind, and designed so that they cannot be used to deduce or construct the identity of an anonymous individual, either by linking the properties of anonymous traffic on a computer network (linkability), or by comparing the properties of anonymous traffic to externally available data (fingerprintability). We need more tools, and better protocols, and more tools and protocols that are developed in and with the global south.



Photographer: Anonymous900

Civil society should advocate for the responsibility of internet intermediaries and the private sector to protect and respect human rights, and push for the adoption of principles for internet governance that are oriented towards ensuring that the internet, as a global resource, is managed in the public interest and based on human rights standards.

There is also a need to support human rights defenders and civil society under threat; document laws, regulations and practices that limit civil society space online; and provide guidance to states on how to improve laws, regulations and practices to better protect spaces for civil society online, so that they are in line with international human rights standards.

At the heart of the contestation of the internet, as with many current negotiations about human rights, is the question of where the lines should be drawn in the implied social contract between citizens and states, in which citizens are assumed to bargain some liberty in return for the state's protection. Across many of the issues covered in this report, the tension is between security, which is tending to be interpreted as the security of the state, and which entails citizens conceding some rights, and liberty, which entails citizens being secure from state interference and enjoying rights, including the right to privacy. In the real world, there may always be some kind of trade off, but that trade off should result from an informed negotiation, which is impossible when one side has excessive power; good civic space and an empowered civil society are essential if there is to be a high level of public debate and the striking of a proper balance between internet freedom and internet restriction.

The stakes on internet freedom can be seen to have been raised by the Sustainable Development Goals (SDGs), agreed by all UN member states in September 2015. The Connectivity Declaration, signed by key civil society networks and campaigns, including Action/2015, Ushahidi and CIVICUS, at the same time as the SDGs were finalised, makes the point that universal internet access will be needed to achieve the goals. For this, it needs to be understood that mere internet connectivity is not enough. Freedom of expression, internet privacy and net neutrality - the principle that all data should be equal, without commercial or government use being privileged - need to be guaranteed if access is to be properly universal.⁴⁶ More broadly, it should be understood that development and human rights are indivisible: development goals are not narrow, technocratic targets, and the SDGs' ambitious agenda demands widespread citizen and civil society participation, including in articulating demands, exercising accountability and mobilising communities. All of these are harder with restricted internet access. Freeing the internet will help to enable human rights and make development gains.

⁴⁶ 'The Connectivity Declaration: Demanding Internet access for all and implementation of the Global Goals', One, 26 September 2015, <http://bit.ly/1WseeHo>; 'Merely Connecting the Developing World to the Internet Isn't Enough', Slate, 13 October 2015, <http://slate.me/1GFMyV5>.

5. PLURALISM UNDER FIRE: CIVIL SOCIETY ATTACKED BY EXTREMISM

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Ben Emmerson suggests that there is a need to take on and reverse the regressive argument that civil society is a threat to national security and an obstacle to fighting terrorism. The UN High Commissioner for Human Rights, Zeid bin Ra'ad has asserted that the only plausible long-term solution against extremism is to promote equal human rights for all members of society.⁴⁷ The counter argument needs to be made that a healthy and secure society is one in which citizens feel that they have multiple opportunities to make their voices heard, and believe that they are listened to and have influence in determining their futures. A strong civil society also needs to be understood as a bulwark against extremism, by enabling debate and compromise between multiple points of view, and offering a space to negotiate difference. This is why our thematic section, on civil society and exclusion, calls for a reassertion of pluralism. When citizens have multiple opportunities for voice and participation, they are less likely to fall back on extremist identifications, which are fuelled by narratives of humiliation, exclusion and powerlessness. These flourish most strongly in conditions where human rights are most denied. A healthy civil society should therefore be seen as an indicator of and contributor towards a society in which extremism and terrorism are less likely.

The irony is that extremism and terrorism exist, but these forces target legitimate civil society. Extremist groups implicitly recognise civil society's valuable, multiple roles by targeting CSOs and activists. In some parts of the world, a major source of threat to civil society comes from religious fundamentalists and political extremists. This is the case in the conflict situations discussed in our section on conflict and disaster. Conflicts give extremists conditions in which they can operate with impunity. Further, civil society in conflict situations can find itself caught in a pincer movement, between terrorist and extremist forces that attack it, and governments that restrict it.⁴⁸

In several contexts, extremism led to the denial of civil society rights in the past year. There is now an epidemic of killings of bloggers in **Bangladesh**: in the period covered by this report, seven secularist or atheist writers, bloggers and publishers were hacked to death by extremist mobs: Avijit Roy, Oyasiqur Rahman, Ananta Bijoy Das, Nilol Neel, Faisal Arefin Dipan, Nazimuddin Samad and Rezaul Karim Siddique. Further, in April 2016, Xulhaz Mannan, editor of Roopbaan, Bangladesh's only LGBTI magazine, and Tanay Mojumdar, who also worked for Roopban, were hacked to death.⁴⁹ Each met their death at the hands of fundamentalist mobs not prepared to tolerate any questioning of their beliefs.

While the mobs are the ones to blame for the killings, the murders also call the government into question. K Anis Ahmed, a Bangladeshi writer and publisher, calls attention to the erosion of pluralism in Bangladesh as a result of political polarisation.

47 'Respecting human rights is key to prevent and counter violent extremism', Office of the UN High Commissioner for Human Rights, 8 April 2016, <http://bit.ly/1QCIG5x>.

48 '29th Session of the Human Rights Council. Panel discussion on the effects of terrorism on the enjoyment of all persons of human rights and fundamental freedoms', CIVICUS, 30 June 2015, <http://bit.ly/1qWVNi8>.

49 'Bangladesh: UN experts condemn killing of blogger Niloy Neel, a strong critic of extremism', Office of the UN High Commissioner for Human Rights, 7 August 2015, <http://bit.ly/1UiNZD9>; 'Liberal Bangladeshi blogger killed by machete-wielding attackers', Reuters, 7 April 2016, <http://reut.rs/1PVBt5v>; 'Who Is Rezaul Karim Siddique? Bangladesh Rajshani University's Professor Hacked To Death', International Business Times, 23 April 2016, <http://bit.ly/1XOaOO0>; 'Bangladesh LGBT editor hacked to death', BBC, 25 April 2016, <http://bbc.in/1NtcMD4>.

“ Myanmar offers an example of how extremism and government repression go hand in hand: Myanmar has made much progress in democratising, but political and civic freedoms do not extend to Rohingya people, who are officially regarded as foreign citizens, denied citizenship and not able to vote.

While claiming to be upholding the secularism enshrined in Bangladesh’s constitution, the government can be accused of soft-peddling on extremism, or even appeasing it, at the cost of human rights. The government has also been accused, including by Zeid bin Ra’ad, of not doing enough to protect those threatened by extremists.⁵⁰ The attacks come within an overall climate of declining respect for civic space, which includes excessive state reactions to protests, the targeting of journalists and a threat to introduce new laws to restrict CSO access to funding.⁵¹ This points to a connection between failures to address extremism and failures to enable civic space: they can both be seen as failures of governance.

Bangladesh is not the only country in which the state should bear some responsibility for extremist attacks, whether in failing to protect adequately those at risk of attacks, failing to condemn attacks strongly enough, or fuelling extremism through political rhetoric.

In **India**, Mohammad Akhlaq, a Muslim man, was beaten to death by a mob in September 2015 over rumours that he had slaughtered a cow. The following month, a Muslim truck driver, Zahid Rasool Bhat, was killed in a petrol bomb attack after being suspected of delivering beef.⁵² The issue of beef-eating has become a lightning rod for extremism in India. The current government of the BJP (Indian People’s Party, Bharatiya Janata Party), stoked and capitalised on Hindu nationalism to gain power. BJP politicians went so far as to characterise Mohammad Akhlaq’s killing as an “accident” and condemned murder charges brought against his killers, while a senior BJP official responded to the attacks by reasserting that Muslims should not eat beef.⁵³ Although nationalist rhetoric has been used to silence critics by all political parties when in power, its blatant use against India’s civil society by the government and its political allies has led some organisations to resort to self-censorship. VANI notes the challenge, but also the civil society response:

This year saw a lot of debate in India on increasing intolerance in the country. This was due to the murder of three well-known rationalist thinkers, the mob lynching of a Muslim man over cow slaughter rumours and the killing of Dalit children. A number of civil society members, including scientists, historians, writers and film-makers, returned their top government awards to protest against this communal unrest. Many have questioned the reasons for hyping this debate now, as intolerance has always been in Indian society, arguing that the country was worse during the emergency period under the Congress government’s rule in the 1980s.

Attacks on **Myanmar’s** Islamic Rohingya minority, encouraged by Buddhist extremists, are systematic and routine. The use of inflammatory political discourse, hate speech and organised violence is such that the treatment of Rohingya people can

50 ‘Bangladesh: a secular State with a State religion?’, Office of the UN High Commissioner for Human Rights, 9 September 2015, <http://bit.ly/1QE4S4P>; ‘State must offer better protection to writers, publishers and others threatened by extremists in Bangladesh – Zeid’, Office of the UN High Commissioner for Human Rights, 5 November 2015, <http://bit.ly/21gD8L8>; ‘Bangladesh’s ideological murders are a further attack on its liberal ideals’, The Guardian, 7 November 2015, <http://bit.ly/1pj5K1H>.

51 ‘Bangladesh: restore democratic freedoms and end onslaught on dissent’, CIVICUS, 30 March 2015, <http://bit.ly/1ysz7Uk>; ‘Bangladesh NGOs: UN Expert Warns Against Proposed Funding Bill’, UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, 6 November 2015, <http://bit.ly/1VUbR1O>.

52 ‘A Man in India Was Beaten to Death Over Rumors He Ate Beef’, Munchies, 30 September 2015, <http://bit.ly/1SuydUH>; ‘India: Truck Driver’s Death in Petrol-Bombing Angers Kashmiris’, Benar News, 19 October 2015, <http://bit.ly/1SuymrD>.

53 ‘India BJP leader says Muslims should stop eating beef’, BBC, 16 October 2015, <http://bbc.in/1WsnQqJ>; ‘India Is Tearing Itself Apart Over Eating Beef’, Munchies, 19 October 2015, <http://bit.ly/1WsnGQJ>; ‘Violence against Indian Muslims who eat beef has hypocrisy at its heart’, The Conversation, 23 October 2015, <http://bit.ly/1SRYWwu>.

be located on the spectrum of genocide, and civil society groups have called for urgent investigation and action.⁵⁴ Myanmar offers an example of how extremism and government repression go hand in hand: Myanmar has made much progress in democratising, but political and civic freedoms do not extend to Rohingya people, who are officially regarded as foreign citizens, denied citizenship and not able to vote. The government is accused of being too prone to pressure from Buddhist extremists, and there is evidence of state forces colluding in extremist attacks.

The run up to the November 2015 election saw a rise in anti-Muslim sentiment and the use of the term Muslim as a label to demonise opponents. Many Muslim candidates were disqualified ahead of elections, and such was the level of exclusion that no Muslim candidates were elected.⁵⁵ Myanmar's new government will doubtless receive much international support, and donor money has poured into the country in recent years to support democratic transition. That support will help to build institutions of governance, promote healthy political competition and foster the growth of CSOs. But it could inadvertently help to strengthen the instruments of repression for Rohingya people, unless a pluralist civil society is built that can challenge and bridge across religious and ethnic divides.



In Pakistan, civil society finds itself attacked on two fronts, by both the government and religious extremists.



Challenges such as these are not confined to the global south: Sikh congregations in the **USA** continue to remain at risk from attacks by fundamentalists.⁵⁶ Arguably, murderous attacks on abortion clinics in the USA, such as the one committed in Colorado Springs in November 2015, which left three people dead and directly impacted on the human rights of many more, could be understood as extremist violence by Christian fundamentalists, which demands being bracketed alongside violence by Islamic fundamentalists.⁵⁷

CASE STUDY: PAKISTANI CIVIL SOCIETY CAUGHT BETWEEN GOVERNMENT AND EXTREMISTS

In Pakistan, civil society finds itself attacked on two fronts, by both the government and religious extremists. As well as the limitations on internet freedom discussed above, Pakistan's government has introduced many restrictions on civil society. Consistent with the global trend of suspicion about non-domestic CSOs, in June 2015 the government ordered Save the Children to leave the country, stating that it was working against the national interest.⁵⁸ In October 2015, the government introduced a suite of highly restrictive and intrusive measures for international CSOs (ICSOs) operating in Pakistan.⁵⁹ ICSOs will now have to agree a memorandum of understanding with the government, report to the government every six months and submit an annual plan to government, detailing projects, budgets, international funding sources and bank accounts.

54 'Myanmar's Buddhist terrorism problem', Al Jazeera, 18 February 2015, <http://bit.ly/1JpZ6pE>; 'Exclusive: 'Strong evidence' of genocide in Myanmar', Al Jazeera, 28 October 2015, <http://bit.ly/1H4sgVx>; 'Who's At Risk? Burma backgrounder', United to End Genocide, <http://bit.ly/24ISvtU>; 'Genocide Watch Alert: Burma/Myanmar', Genocide Watch, 2015, <http://bit.ly/24IT68r>.

55 'The Rohingyas: The most persecuted people on Earth?', The Economist, 11 June 2015, <http://econ.st/1lx9bh4>; 'No vote, no candidates: Myanmar's Muslims barred from their own election', The Guardian, 3 November 2015, <http://bit.ly/1SKlkKI>; 'Myanmar's Muslims win no seats in new parliament', The Guardian, 15 November 2015, <http://bit.ly/1HVNkhx>.

56 'Years after a white supremacist's mass shooting, Sikhs in US remain on guard', The Guardian, 28 December 2015, <http://bit.ly/1OhfppN>.

57 'Yes, The Planned Parenthood Shooter Is A 'Christian Terrorist'', Think Progress, 1 December 2015, <http://bit.ly/24ITSIZ>.

58 'Pakistan orders international charity to leave', Al Jazeera, 12 June 2015, <http://bit.ly/1JK2hYU>.

59 'Pakistan: Withdraw Repressive New NGO Rules', Human Rights Watch, 6 October 2015, <http://bit.ly/1LwXagB>; 'Media statement: Pakistan moves to restrict international NGOs with new policy', CIVICUS, 22 October 2015, <http://bit.ly/1WU2Qoi>.

Registration with and agreement to monitoring by the ministry of information will be mandatory. Approval will need to be given by provincial and local authorities for ICSOs to implement projects. ICSOs will be forced to limit administrative spending to no more than 30 per cent of project costs, and be allowed to recruit no more than 10 per cent of their staff internationally. Visas for foreign staff will be limited to one year. Prior permission will be needed to give funding to any other ICSO or domestic



Photographer: ILO in Asia and the Pacific

CSO, and to undertake fundraising in Pakistan. ICSOs will be prohibited from conducting any political activity or acting against the national interest, but neither of these terms are defined, suggesting potential for broad and selective interpretation. The government will be able to ban any ICSO that it deems to fall short of these rules.

Pakistan's government is therefore seeking to mandate state interference on a grand scale. The only inference that can be drawn is that government is seeking to make the operations of ICSOs as bureaucratic and time-consuming as possible, in order to draw energy away from action and into compliance, and encourage self-censorship.

And yet it is not ICOSOs, which between them reach an estimated 20 million Pakistani citizens each year, that threaten Pakistan's people. Religious extremists present far more of a threat to citizens, and yet Pakistani CSO staff and activists are attacked by religious extremists. Pakistani civil society activist Taimur Rahman describes the attacks civil society faces, and the poor response from the state:

Civil society activists in Pakistan have received death threats. The most notable case of a civil society activist being shot down in cold blood was the murder of my comrade Sabeen Mehmud. She was a progressive, a pacifist who ran a cafe that was no threat to anyone. But while she was returning from a seminar on human rights abuses in Balochistan, she was gunned down at a traffic intersection. The entire country was shaken by this tragic murder. At the same time, a vicious campaign was unleashed against her own comrades, including myself. The campaign was mounted online as well as on TV. It claimed that we were traitors to the country and that we had conspired to murder Sabeen in order to get publicity. A month later the state arrested two young men who were guilty of many crimes of terrorism. In addition to confessing to many other crimes, they also confessed to Sabeen's murder. They said they had murdered her for her campaign against the cleric of Lal Masjid, Abdul Aziz. But very few people were convinced that these boys were truly responsible, or that the killing was unconnected to her work towards Balochistan. The whole incident introduced enormous fear in civil society, and human rights activists and Pakistan's already battered civil society is only recovering from this loss very slowly.

Taimur Rahman points to the lack of government action to protect activists, and the role civil society outside Pakistan can play in supporting activists:

The government needs to act much more quickly to arrest terrorists and be accountable to the people. We have been campaigning that those human rights activists who have been killed, such as Sabeen, should be properly recognised for their hard work and sacrifice. The government needs to be seen standing with and not against human rights activists.

While fighting religious extremists and bringing them under the rule of law is the work of the state, the larger and more influential battle is between extremism as a narrative and the plural narratives of secularism, democracy and progressive values. I think the most important service that coalitions and international connections can provide is to help the otherwise very vibrant civil society develop and strengthen anti-extremist narratives. In my opinion, the ideological struggle, the struggle over the narrative, is the most crucial, and a domain in which human rights activists and civil society can play a decisive role.

Where pluralism is under attack, as in Pakistan, it needs to be reasserted, and part of the response for civil society, as Taimur Rahman suggests, is to reject narrow identity positions and build coalitions that bridge across difference. This includes respecting and enabling the many positive contributions that faith-based civil society can make, something discussed further in our section on exclusion. But bridging across difference is made harder when civil society is restricted and characterised as unhelpful by governments. The smearing of civil society as a front for extremism needs to be taken on and addressed; part of how a response can be mounted is by civil society demonstrating its civil, pluralist nature and its deep connection to citizens, and modelling voluntarily high standards of accountability and transparency. Civil society also needs to work proactively

through new and traditional media to challenge narratives that link dissent to extremism and that attempt to justify the erosion of human rights by reference to the countering of terrorism.

6. HUMAN RIGHTS DEFENDERS IN THE FIRING LINE

It is necessary to make the argument that a strong, free and diverse civil society makes extremism and terrorism less likely. But even if this argument is won, it will never be enough. The real reasons behind restriction need to be exposed. In many cases, governments' stated concerns about national security and combating terrorism mask other motivations. Civil society is targeted most when it asks difficult questions of those who hold political office, and those who sit at the apex of economic power. Civil society, when it challenges power, makes those who hold economic and political power feel less secure and more vulnerable, which produces a counter reaction.

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This is the reason why, in addition to the restrictions of internet freedom discussed above, in many countries journalists are at risk when they ask difficult questions. The 2015 State of Civil Society Report drew attention to the overlap between restrictions on civil society and restrictions on the media: the tactics and motivations are the same, and wherever one is restricted and attacked, so is the other. Not surprisingly, 2015 was another dismal year in this regard: Reporters Without Borders records that 110 journalists were killed in 2015, 67 of them for reasons that can be proved to be a direct consequence of their journalistic practice, along with 27 citizen journalists and seven other media workers.⁶⁰ The Committee to Protect Journalists also draws attention to the challenge of impunity with its annual Global Impunity Index: in only two per cent of its recorded cases were the ultimate perpetrators of crimes against journalists prosecuted, and there were 14 countries in 2015 where at least five journalists were killed without anyone being convicted.⁶¹

As a whole, Front Line Defenders reports that extreme violence against human rights defenders has increased, and judicial harassment has become normalised. In 2015, 156 human rights defenders were recorded as having been assassinated or having died in detention, a figure which is likely to be an underestimate, given the difficulties in obtaining accurate figures in some contexts. Front Line Defenders also points to another growing trend, the targeting of family members of human rights defenders.⁶²

The legal system is not necessarily a protection: Protection International, in its research on the criminalisation of human rights defenders, draws attention to the multiple ways in which the legal system is being used against activists. Laws are being used selectively to target particular groups, notably critical minority voices, and in many contexts double standards are seen in how the laws are applied: cases against activists are prosecuted far more vigorously than cases activists bring against the powerful, while activists find themselves taken to court for defamation when they criticise the powerful, but laws fail to protect activists

60 'RSF annual round-up: 110 journalists killed in 2015', Reporters Without Borders, 29 December 2015, <http://bit.ly/1SC7TV2>.

61 'Getting Away With Murder', Committee to Protect Journalists, 8 October 2015, <http://bit.ly/1G1HEGQ>.

62 '2016 Annual Report', Front Line Defenders, 14 January 2016, <http://bit.ly/1TyzEAq>.

from being demonised by the state. Criminalisation can, they suggest, have profound impacts on activists; even if they are eventually cleared, activists must put considerable time, energy and money into defence, and the wearying and stressful experience of being prosecuted can exert a powerful deterrent effect. Long and cumbersome legal processes may be applied precisely for this reason. Protection International also points to the ways in which unrelated laws, such as traffic laws, are being misapplied to hinder protests.⁶³

Civil society comes under particular restriction and attack when it seeks to advance alternatives, shed light on corrupt practices, or challenge the interests of people who abuse political and economic power. Recent years have been marked by the increasing concentration of political and economic power into the hands of a global super-wealthy elite. As discussed in our thematic section on exclusion, many of our societies are becoming increasingly economically unequal as wealth concentrates in the hands of fewer people, and economies are restructured to benefit the already wealthy.

Transparency International describes a situation of ‘grand corruption’, in which leaders dominate their countries and use their position to extract resources, to the extent that they cause fundamental damage to their societies.⁶⁴ The release of the Panama Papers by the International Consortium of Investigative Journalists in April 2016 reveals the extraordinary extent of the web of corrupt connections between political leaders, of both the global north and global south, and offshore financial interests, and the ability of political leaders to benefit from their positions to steal and hide vast wealth.⁶⁵ Leaders who benefit from grand corruption are unlikely to give up their control of society’s resources without a fight, and are liable to see themselves as above the law. On this basis, the fall in the world oil price since 2014 can be seen as a driver of restriction; elites of oil-rich states, many of them repressive, feel more vulnerable, and have fewer resources to grease corrupt systems and buy off public pressure by distributing patronage and welfare.⁶⁶

ENVIRONMENTAL, LAND AND INDIGENOUS RIGHTS ACTIVISTS

The super-wealthy and the companies they benefit from also remain acquisitive. For this reason, among the most targeted civil society activists are those who seek to uphold land, environmental and indigenous people’s rights.

That this is an area where civil society rights are particularly contested has been recognised by Maina Kiai, the UN special rapporteur on the rights to freedom of peaceful assembly and of association, who made civil society rights in the context of natural resource exploitation the special focus of his 2015 report to the UNHRC.⁶⁷ The report sets out some of the key issues encountered here. It notes that often there is a lack of legislation that recognises the traditional ownership of land, and the abuses most often come against those who are already most remote from power and excluded. Processes that are highly technical and secret around land and natural resource development lend themselves to a lack of transparency, and the potential for corruption. At the same time, requirements to involve and consult communities may be seen by companies as

63 ‘Criminalisation of Human Rights Defenders’, Protection International, December 2015, <http://bit.ly/1NWVEQY>.

64 ‘Transparency International: Vote out grand corruption on unmaskthecorrupt.org’, Transparency International, 9 December 2015, <http://bit.ly/1TgfKqY>.

65 ‘The Panama Papers’, The International Consortium of Investigative Journalists, 2016, <http://bit.ly/1RYO2hM>.

66 ‘The Hidden Consequences of the Oil Crash’, Politico Magazine, 21 January 2016, <http://politi.co/1PjXroZ>.

67 ‘Assembly And Association Rights In The Context Of Natural Resource Exploitation’, UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, June 2015, <http://bit.ly/24myA7F>.

an irritating additional expense. The report suggests that when protests come, this should be taken as a sign that consultation processes have been found wanting, but too often the response is force, including from private security companies. Impunity is a challenge, with few abuses against activists investigated, but a rising number of convictions for protestors. Ultimately, the needs are to resist a global race to the bottom, in which states lower standards to attract private investment; to remind states of their obligations to uphold the rights of citizens, which should not be impinged on by private sector partnerships; and to develop international and national level legal standards on businesses and human rights. There is certainly huge scope and need for improvement: the Resource Governance Index finds that under 20 per cent of the oil, gas and mining sectors of the world's major producers have satisfactory transparency and accountability.⁶⁸

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 Many governments and businesses simply do not recognise civil society as a legitimate stakeholder when it comes to making decisions about natural resource exploitation.”

Maina Kiai's report urges that civil society must be recognised as having a valuable role to play in ensuring accountability. Many governments and businesses simply do not recognise civil society as a legitimate stakeholder when it comes to making decisions about natural resource exploitation. Civil society is best placed to ensure that affected communities are represented and non-monetary arguments are made.⁶⁹ These may, of course, be arguments that the powerful would prefer not to hear.

Certainly there is ample evidence that those voices are being denied at present. There are particular locations where attacks on environment, land and indigenous activists are worst. The killings of human rights defenders recorded by Front Line Defenders show some regional hotspots: in 2015, over half took place in Latin America, with 54 deaths in Colombia alone; outside Latin America, 31 human rights defenders were killed in the Philippines. Over 45 per cent of all killings of human rights defenders were of environment, land and indigenous peoples' rights defenders.⁷⁰ Similarly, while environment, land and indigenous peoples' rights defenders are attacked around the world, Global Witness has identified two key regions in which attacks are worst, Latin America and South East Asia, with Brazil, Colombia, Honduras and the Philippines the most dangerous countries for activists. To offer just a few recent examples:

- In **Brazil**, Semião Fernandes Vilhalva, an indigenous leader who defended land rights, and Raimundo dos Santos Rodrigues, who campaigned against environmental crimes by logging companies and landowners, were both shot dead in September 2015. One source puts the number of environmental activists killed in Brazil in 2015 at 49, 45 of them in the Amazon.⁷¹
- In **Colombia**, three peasant leaders - Jhon Jairo Ramirez Olaya, Daniel Abril and Luis Francisco Hernandez Gonzales - were killed in a two-week period in November 2015, part of what one source estimates could be as many as 300 such killings in 2015.⁷²

68 'Resource Governance Index', Natural Resource Governance Institute, <http://bit.ly/1rCftIU>.

69 UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, June 2015, op. cit.

70 Front Line Defenders, 14 January 2016, op. cit.

71 'Brazil: Killing of Mr. Raimondo dos Santos Rodrigues', Worldwide Movement for Human Rights, 8 September 2015, <http://bit.ly/21hmA5s>; 'Brazil: Killing of Mr. Semiã Fernandes Vilhalva, one of the leaders of the Guarani-Kaiowá indigenous people in Brazil', Worldwide Movement for Human Rights, 10 September 2015, <http://bit.ly/1XX58I0>; 'Never seen it so bad': violence and impunity in Brazil's Amazon', The Guardian, 16 February 2016, <http://bit.ly/1L-s2P2q>.

72 'Colombia: 300 Campesino Leaders Killed in 2015', teleSUR, 21 November 2015, <http://bit.ly/1NDa3qC>; 'Three Human Rights Defenders killed in five days', ABColumbia, November 2015, <http://bit.ly/1qYbVjf>.

- In the **Philippines**, Lita Abion, an indigenous activist who had defended human rights in the face of a mining project, was shot dead in September 2015.⁷³

In **Honduras**, two members of the same indigenous people's rights group were murdered in March 2016: first Berta Cáceres, and then Nelson Garcia. They were both members of the Civic Council of Popular and Indigenous Organisations of Honduras, and had been active in opposing the development of hydroelectric dams in indigenous territory, a project that is supported by USAID, the US state aid agency.⁷⁴ The attacks were particularly troubling because in 2015 Honduras adopted a law to provide a protection system for human rights defenders, as Brazil, Colombia and Mexico have previously done. The persistence of attacks, in Honduras as in these other countries, suggests that protection systems are inadequate and need to be properly implemented and improved.

Following these attacks, we asked Rolando Bú, of the Federation of Non-Governmental Organisations for the Development of Honduras, to share his thoughts on what drives insecurity for civil society activists in Honduras, and whether women are at particular risk:⁷⁵



The climate of insecurity in Honduras has multiple causes. One of the biggest problems is the fact that judicial institutions are weak, which makes them very vulnerable to penetration by organised crime, which has grown exponentially over the last decade. These infiltrated institutions have not been able to prevent or investigate killings promptly, which has been apparent in the cases of human rights defenders assassinated for their work for land rights and against the exploitation of natural resources. Another closely related factor is the concession of environmental licences allowing large domestic and foreign companies to make large investments to exploit those natural resources, often to the detriment of the ancestral territories of indigenous people.

Generally speaking, violence affects both men and women, and especially younger men and women. But traditionally women have been at a higher risk because they have been more vulnerable to the actions of hired assassins and abuses by judicial officials, as well as by illegal groups that have operated with impunity.

Honduras also experienced mass demonstrations against state corruption in 2015, as detailed in our section on protest and activism, which it met by jailing those who expose corruption. In this contested context, we asked Rolando Bú to identify what challenges CSOs face, and how outside support would help:

After the coup that ousted former President Manuel Zelaya in 2009, Honduran civil society became highly polarised and still remains largely so. This has had a negative impact on CSOs' abilities to work within broad, plural partnerships to promote an enabling environment for civil society, and to advocate for other causes of national relevance.

The legal and tax framework for CSOs in Honduras has several limitations, which forces CSOs to do permanent advocacy work with the bodies in charge of the implementation of CSO regulations. There has been some progress, but much remains to be done to ensure full exercise of the freedoms of association and expression. On top of the climate of insecurity, this results in an increasingly complex, costly and risky context for CSOs, many of which are ceasing to operate. Also, although legislation to protect human rights defenders has been recently passed, it has not been fully complied with, so human rights defenders remain vulnerable.

In this era of advanced globalisation and increasing democratisation of communications, information of developments in one country rapidly reaches the international community. Hence the reactions of solidarity and support by CSO movements worldwide in the face of the killings of activists and civil society leaders such as the recent case of Berta Cáceres. Part of the international community immediately suspends financial support for development projects until reliable investigations of these crimes are undertaken, facts are set straight and the culprits are punished. Other countries, however, have companies that have invested heavily in sensitive areas, such as hydric and metal mining projects, and therefore take more cautious stances, because financial capital from those countries is at stake.

It is key that external actors support Honduran CSOs, promote respect for human rights and demand that the state fully implement and comply with national legislation and international conventions and treaties on the protection of human rights. It is also important that they allocate resources to strengthen CSOs, so that their work has impact in the short

and medium terms through political dialogue with the government, participation in regional and international forums on the freedoms of association and expression, and international advocacy activities.

Rupert Quinlan of Global Witness identifies the common conditions in dangerous locations, including Honduras:

Activists around the world are being killed in record numbers trying to defend their land and protect the environment in the face of increased competition over natural resources. In 2014, we found 116 cases of killings of land and environmental defenders in 17 countries: on average more than two victims per week, and almost double the number of journalists killed in the same year. Between 2004 and 2012 the rate of killings has more than tripled.

These hotspots have the following in common: a high proportion of indigenous territories where extractive industries have encroached on ancestral lands, weak rule of law, high rates of impunity and a severe lack of accountability, historical imbalances in land distribution, strong civil society who are aware of their rights and protest against projects, lack of state presence and little protection for activists, and governments that pursue a commodities-led development path and are outwardly critical of civil society action. Last year saw an increase in murders relating to hydropower projects, with mining, agribusiness and logging also among the most dangerous areas.

Disputes over the ownership, control and use of land formed a backdrop to nearly all fatalities. Indigenous groups are increasingly finding themselves on the frontline of the scramble for land and natural resources, accounting for 40 per cent of killings in 2014. Beyond the killings, activists face increasing risks, including physical violence, criminalisation and restrictions on their freedoms.

In responding, Rupert Quinlan assesses that the problems that need to be addressed include marginalisation, a disconnection between environmental, land and indigenous activists and other civil society actors, and the emboldening effect of impunity:

Marginalisation has caused a high level of risk for environmental and land defenders. More often than not, defenders depend solely on natural resources for their livelihoods, living deep within the forest or in remote farming villages. They come mostly from poor, rural areas where communications are difficult and the state often has a limited presence. Their isolation and inability to access public institutions makes them especially vulnerable. Indigenous communities, long marginalised on the basis of their traditions and way of life, form an integral part of this struggle. Often these defenders lack sufficient resources for campaigning and are unaware or have limited understanding of their rights, increasing the risk of abuses. Given out-dated perceptions that environmental and land activists do not work on 'traditional' human rights issues, they find it more difficult for their work to be seen as legitimate, making it harder to get the protection they need, and further increasing their vulnerability. As the defence of their natural resources often clashes with the notions of development pushed by powerful businesses, political actors and development banks, their voices can be side-lined. The stigmatisation of these defenders as 'anti-development' means they have a harder time attracting funding, media coverage and political support, making it easier for the abuses they suffer to be ignored. In particular, this affects their ability to seek justice from the state.

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As crimes against activists go unpunished, abuses are more likely to occur, as perpetrators know there is little chance of repercussions. By opposing the activities of large industries such as oil, mining and agriculture, defenders come into conflict with local and international elites with access to financial, legal and political muscle, used to committing and getting away with abuses. This further heightens the risks environmental and land activists face. These business interests may have a criminal element, and in some cases links to organised crime, and either collude with the state or are able to operate beyond the state's reach. In many countries where activists suffer threats, assassins or thugs can be contracted cheaply and are used to conduct illegal surveillance, threaten, attack or kill activists.

Rupert Quinlan concludes that there are, however, some clear steps that international civil society can take to challenge impunity and to end cycles of restriction:

Civil society must urge governments to call for a UNHRC resolution to address the heightened threat posed to environmental and land defenders; ensure any future bilateral and multilateral trade or aid agreements involving governments of countries where environmental and land defenders are under threat should include measures to address these violations and include conditions for robust investigations of cases; introduce binding regulations to ensure that large-scale land acquisitions and investments do not violate legitimate customary, traditional or collective land rights, and are in line with the Voluntary Guidelines on the Governance of Tenure of Land, Forests and Fisheries, in the context of National Food Security.

They should also call on the UNHRC's Special Procedures, specifically those mandated to Human Rights Defenders, Indigenous Peoples, Business and Human Rights, Environment and Human Rights, and Extrajudicial Killings to address the increase in risk posed to environmental and land defenders in their reporting procedures. The ASEAN (Association of South East Asian Nations) Human Rights Commission and African Commission on Human and Peoples' Rights should also establish a mechanism based on the Inter-American Human Rights Commission's framework to provide emergency protection ("precautionary measures") for human rights defenders. The UN Working Group to Develop a Treaty to Prevent and Address Corporate Human Rights Violations should address the heightened risk posed by business activities to environmental and land defenders in any text of a future treaty.

CASE STUDY: EXTRACTIVE INDUSTRIES AND CIVIL SOCIETY RIGHTS IN PERU

One case study of how the extractive industries impacted on civil society rights in 2015 came in Peru, where the authorities declared a 60-day state of emergency and deployed troops in the Tía María region in response to public opposition to a proposed new mining project. In a country where an estimated 40 per cent of the land has been handed to private interests to exploit, the stakes in Peru are particularly high.⁷⁶ José De Echave of CooperAcción, a CSO that promotes alternatives to the imposition of extractive industries on communities, gives the background, in which an attempt to develop a mining project has gone hand in hand with the restriction of civic space:⁷⁷

76 'Communities as Counterparties: Preliminary Review of Concessions and Conflict in Emerging and Frontier Concessions', Rights and Resources Initiative, 30 October 2014, <http://bit.ly/1SN4bds>.

77 This is an edited extract. For the full interview see 'CIVICUS Interview with José De Echave, Co-founder of CooperAcción', CIVICUS, 16 July 2015, <http://bit.ly/1Q6gR0l>.

One of the characteristics of Peru in the last few years is that the great majority of social conflicts taking place in the country are related to socio-environmental issues, linked mainly to extractive industries' activities in areas such as mining, oil and gas extraction. The push to expand these activities has in turn affected the economic, social, cultural and environmental rights of rural populations in general, as well as the rights of peasant communities and, unquestionably, the rights of indigenous peoples.

What is happening in the region of Tía María is an attempt by the Peruvian government and the Southern Copper company to impose a mining project on the people that has already been rejected by the vast majority of the population. The opposition is not new. It is something that had already emerged during the previous government, where there was public consultation, mobilisation and postponement of the project. Thus, this is a conflict that was waiting to happen. In 2014, several opposition leaders were elected as provincial and district mayors in the province of Islay. The opposition mobilised the people of Islay in large numbers, but the government remains adamant about imposing this project one way or the other. There has been severe opposition to the project, resulting in deadlock. Thus, the authorities have imposed a state of emergency, with not only a heavy police presence, but also the militarisation of the whole province.

Having been engaged in the defence of human rights and the monitoring of violations, we have seen time and again tendencies by both the state and private enterprises to criminalise protests and victimise social leaders, including those linked to environmental struggles, which are often land disputes. There is an increasingly tougher and more restrictive legal framework for civil society in Peru, which has reduced the rights of affected populations. This trend has been very clear and is being accompanied by hostility by the state against civil society groups that support victimised populations. There are many CSOs facing such restrictions, and after conflicts such as Tía María, they are being harassed by state authorities. These CSOs are increasingly being monitored, which is in itself not a problem because their work is done with complete transparency. However, we oppose the harassment by the state of those who think differently.

Therefore, a climate of tension is being created, whereby it is suggested to the public that these conflicts are allegedly due to the actions of some sectors of civil society. There is a lack of comprehension that conflicts are borne out of rights violations.

José De Echave points to the work civil society is doing, even in the face of restrictions, and what its international support needs are:

While violations of rights have occurred, social initiatives have also flourished to highlight these conflicts and encourage debate on public policy matters. Initiatives focus on exposing the causes of these conflicts, which are the result of the implementation of public policies that promote investment while undermining the protection of the rights of populations in affected areas. The main task of civil society, including social movements and CSOs, in this situation is to work in partnership and coordination with each other, not only at the national level, but also at local and subnational level.

I believe that solidarity is very important, including to help disseminate information about what is happening. Therefore, it is often interesting that civil society in the countries of origin of companies that seek to invest in countries such as Peru - mining and oil and gas extraction enterprises - are aware that such investments are negatively affecting the rights of the people. It's very helpful to give visibility to what is taking place, as well as to show the behaviour of those companies in our countries and help sensitise public opinion about the violation of human rights. At the same time, it shows countries that acquire the minerals that we produce in the global south that this production is impacting on rights, and in some cases, causing the displacement and disappearance of entire populations. The mobilisation of civil society is very important when we are talking about transnational corporations that work across borders. As investment goes global, solidarity also needs to be globalised.

There are also challenges in **India**, VANI reports, where a particular challenge comes with the current prioritisation of infrastructure development projects, which need access to land, and lead to CSOs that oppose them being seen as standing in the way of national development:

The work of civil society is threatened by the development mandate of the current party in power. The current government's development blueprint intends to address the persistent shortcomings in basic infrastructure, such as electricity and water supply, while pushing for futuristic investments in high-speed rail and 'smart cities'. The government's stress on an infrastructure-driven development model poses a real threat to the poor, their lands and natural resources. The fear of undemocratic acquisition of land, without the consent of people, and greater displacement of poor and marginalised people, looms large. The government, however, appears to be desperate for amendments to the land acquisition law, despite vociferous opposition from many quarters, especially civil society.⁷⁸

The leakage of an intelligence report, which painted civil society as an impediment to the growth of gross domestic product (GDP) by stalling development projects, has been a huge setback for civil society. This has been followed by media overreactions on the issues of compliance of civil society and raised questions about whether foreign money is needed for development, thus demeaning the contributions of civil society.⁷⁹

In **South Africa**, the brutal murder in March 2016 of land and community rights activist and chair of the Amadiba Crisis Committee (ACC), Sikhosiphi Rhadebe, brought to the fore the deep faultlines between communities and politically well-connected mining companies. The ACC has been seeking to prevent the South African subsidiary of an Australian firm from carrying out open-cast titanium mining in a pristine section of the remote Eastern Cape province. The killing of Sikhosiphi Rhadebe bore the hallmarks of a targeted assassination, and his murderers were still to be apprehended at the time of writing.⁸⁰

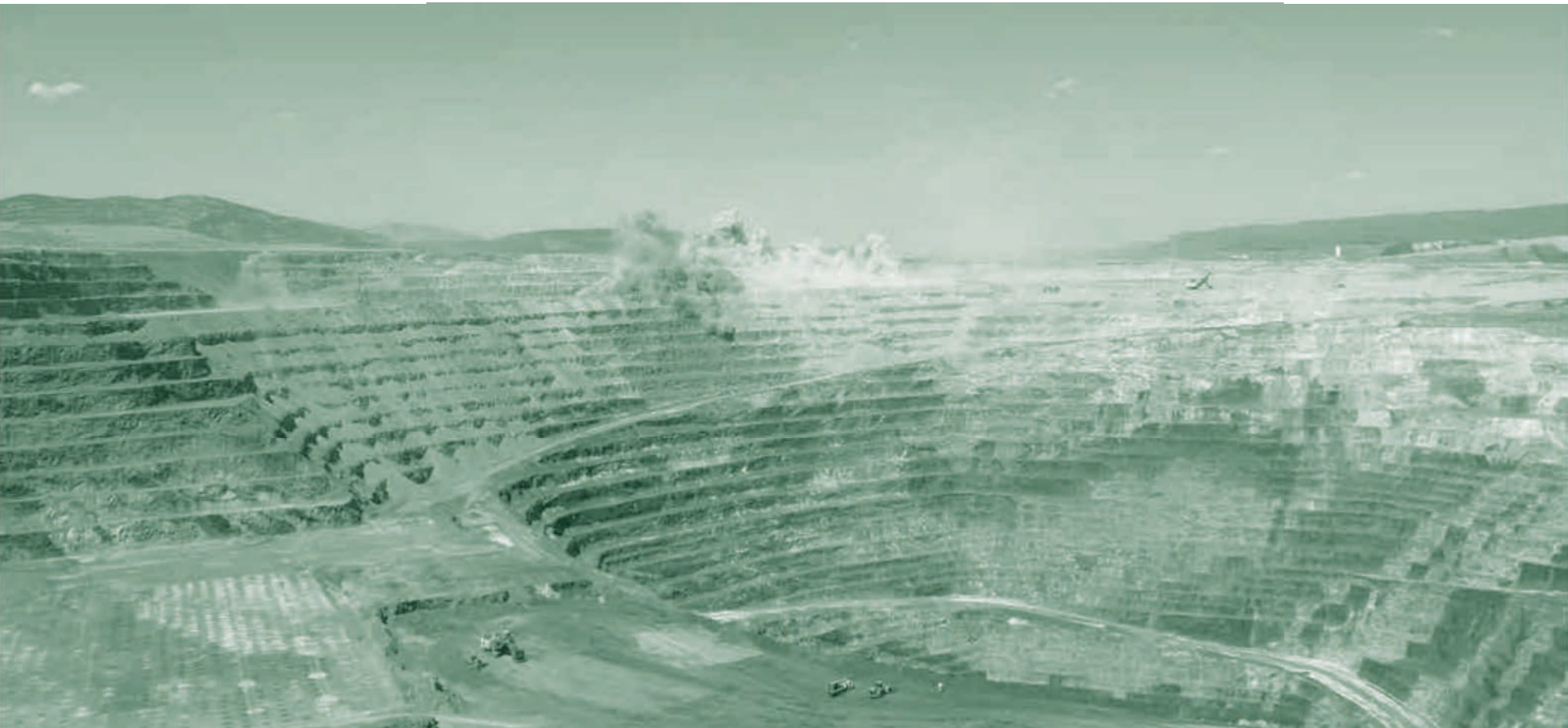
78 'Organisations vow to fight against amendments to Land Acquisition Act', The Hindu, 24 November 2015, <http://bit.ly/1Wt6lw1>.

79 'Foreign-aided NGOs are actively stalling development, IB tells PMO in a report', The Indian Express, 7 June 2014, <http://bit.ly/1NX786W>.

80 'Media statement: recent attacks on South African civil society worrying', CIVICUS, 24 March 2016, <http://bit.ly/1TyIqXA>; 'Opinion: Why South Africa Must Not Lose Plot on Civil Society', Inter Press Service, 5 April 2016, <http://bit.ly/1Szs4T8>.

Sikhosiphi Rhadebe's colleague and vice chair of the ACC, Mzamo Dlamini, told us about the dangers faced by the group:⁸¹

We are not safe, especially myself and Nonhle Mbuthuma, secretary of the ACC, as well as community members. Sikhosiphi Rhadebe is the 15th opponent of this mining venture to die an unnatural death. Other headmen, sub-headmen and ACC members have died in mysterious ways. They include a well-known local leader, known as Balashelele, who was a vocal member of the ACC. We are deep in rural areas so these things are not reported by the media. For a very long time we have heard rumours that there are intentions to get rid of the leadership of the ACC. So death is something we are expecting because of the hostility. We cannot do much about it.



Photographer: wikicommons

81 This is an edited extract. For the full interview see 'Death is something we were expecting: interview with Amadiba Crisis Committee', CIVICUS, 5 April 2016, <http://bit.ly/1Ydl827>.

Mzamo Dlamini also explains why the local community and the ACC are so strongly opposed to mining activities in their area, as these would entirely change their way of life:

We are residents of this area and we are well-informed of the dangers caused by open-cast mining. The nature of open-cast mining - which is how titanium is extracted - is such that it raises a lot of dust into the air, which causes respiratory problems. Open-cast mining also contaminates water sources. Besides that, open-cast mining requires a lot of water and our community relies on streams for water provision. So we cannot afford to share this already limited resource with a mine that will require large volumes for its operations. The mine is also unable to tell us where it will get water from, which means they want to draw it from our sources. Mining activities would also mean we would have to relocate from our homes to unknown places. The mining company has said it will not pay for the relocation of anyone. Also of big concern is that the mining company says it has identified only three graves in the area that need to be relocated, but this is untrue. We have hundreds of graves here. Our people are buried here. The graves will just be desecrated. Also, the land they want to mine provides pastures for our livestock. We survive on farming, so all this would be destroyed by open-cast mining.

These above viewpoints, while highlighting the precarious position of many environmental, land and indigenous peoples' rights activists, also suggests some starting points for how their protection and ability to work can be enhanced. Challenging cultures of impunity is essential if attacks are to be deterred, and more investigative journalism, that reaches and informs the public, is needed to expose abusers and their motivations, and challenge dominant narratives against activists. In particular, the idea that activists are somehow obstacles to development needs to be challenged, and narrow notions of economic exploitation of resources as being synonymous with development rebutted. Activists and CSOs are being targeted because they are the only ones standing up for the rights of the excluded.

Further, civil society coalitions need to be strengthened to better connect CSOs promoting human rights at the international level with activists experiencing human rights abuses on the ground. Civil society needs to advocate for protection systems, and to critique and call for the improvement of those that exist.

Ultimately, the efforts of CSOs should be on pressuring states to do more to uphold human rights, because transnational corporations cannot be expected to do so. At the same time, campaigns in the home countries of large corporations can help to embarrass them into improvement, and at the global level, efforts should be strengthened over the long haul to develop new international human rights standards to which businesses and governments can be held.

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7. THE CHALLENGES OF FORMAL DEMOCRACY

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For global north states that have traditionally supported the strengthening of democracy in other countries, questions are now being asked about their legitimacy to do so.”

From the examples given so far, and country case studies of worsening civil society conditions offered below, it will be clear that threats to civic space do not come only from states widely recognised as autocratic, although of course one of the defining characteristics of autocratic states is a contempt for civil society rights. The threat is more widespread, and comes also in states that carry the formal trappings of democracy, such as regular elections and the existence of multiple political parties. This is being seen even in democracies that are customarily regarded as established and mature; one trend observed over the series of State of Civil Society Reports is a movement into more fragmented, polarised and extremist politics in global north countries, which impacts particularly on the civic space of minority and excluded groups. For global north states that have traditionally supported the strengthening of democracy in other countries, questions are now being asked about their legitimacy to do so, given the sometimes contested and compromised nature of the workings of their own democracies.⁸²

In some parts of the world, recent decades have seen considerable progress in the development of political institutions, with regular elections being held. In Latin America, for example, many countries once run by generals are now governed by elected civilian presidents. And yet, as shown above, many of Latin America’s democratic countries also have appalling records on the rights of activists and journalists, because these are seen to threaten entrenched political and business elites. What this underlines is that good governance and civil society rights are not guaranteed solely by formal political competition. Explicit provision for civil society rights needs to be made, and civil society rights should be recognised as an indicator and guarantor of a healthy, participatory democracy.

A participatory democracy should be understood as one in which the opportunity to influence decision-making is not something that happens only at elections, but rather where there are frequent opportunities for citizens of diverse opinions to engage. Elections need to be seen not as ceremonies to legitimise existing power, or competitions that are won or lost by competing factions, but as events embedded in larger processes, in which it is as important to listen to the voices of those who vote for losing sides, or do not vote, as those who back the winners. In polarised contexts the notion of elections as winner-takes-all competitions risks driving extremist responses from the losing side.⁸³ As Alfred-Maurice de Zayas, the UN’s Independent Expert on the promotion of a democratic and equitable international order, and Maina Kiai, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association pointed out in September 2015, true democracy cannot exist without space for civil society.⁸⁴

Not only are elections an inadequate signifier of democracy; elections themselves are often times of heightened difficulty for CSOs. At the very least, they can cause engagement with government by civil society to be put on hold, as the Argentine

82 ‘Look Homeward, Democracy Promoter’, Foreign Policy, 27 January 2016, <http://atfp.co/1OPw7LO>.

83 ‘Twin Threats. How the Politics of Fear and the Crushing of Civil Society Imperil Global Rights’, Human Rights Watch, 2016, op. cit.

84 ‘For the international day of democracy, Tuesday 15 September 2015’, Office of the UN High Commissioner for Human Rights, 11 September 2015, <http://bit.ly/1Vvpde1>.

Network for International Cooperation (Red Argentina para la Cooperación Internacional, RACI), an AGNA member, indicates was the case in **Argentina** in 2015:

In the context of an electoral year, local CSOs in Argentina experienced a pause in their relationship with government structures, as the central scene was focused on a long electoral campaign, that in the case of national authorities was extended until November, with uncertain results until the end of the process.

Elections can also be occasions when threats to civil society increase. As Maina Kiai noted in his 2013 report, elections should be landmark moments in which the value of people's participation is demonstrated and exemplified. The reality, however, is that periods around elections often become occasions when civil society rights are restricted and space shrinks for democratic dissent. This happens even when elections are largely ceremonial affairs, designed to confer a stamp of legitimacy on a dictator; space tightens because dictators, even when certain to win, fear that elections will spark debate and dissent. In such cases, the absence of protest becomes an essential part of the legitimising veneer that formal elections confer.

Maina Kiai's report drew attention to the need to look at the contexts of elections - the period before and after elections, rather than just the narrow polling period itself - and called for civic space to be increased rather than restricted during election processes.⁸⁵ Elections should offer space for civil society to engage - including to monitor elections and educate voters on their rights and voting processes - but more broadly to encourage participation by citizens to engage with candidates, debate their views and come to an informed decision. To do so ultimately strengthens the legitimacy of the resulting government.

ELECTIONS LEADING TO ATTACKS AND RESTRICTIONS IN SUB-SAHARAN AFRICA

Unfortunately, many recent elections held in Sub-Saharan Africa showcased democracy at its most narrow, rather than its finest, through increased polarisation and contestation, and restrictions on civic space. While there were some successes, such as a mostly peaceful election in **Côte d'Ivoire** in October 2015, an achievement given the violence that followed the 2010 election, and a democratic change of president in **Nigeria**, a country once notorious for its inability to pass on the reins of power peacefully, elections in many places were flawed or marred by restriction violence:

- Elections held in **Chad** in April 2016 confirmed the continuance in power of the President, General Idriss Déby Itno, who has ruled since 1990. In the run up to the election, a ban on any public activities other than electoral campaigning was introduced, denying civil society the ability to engage in debate. From February to April, a number of activists were detained and remained in jail during the elections, and ahead of the release of the results, around 60 members of the military were apparently detained for voting against the incumbent. There is little external pressure from states that see Chad as a key ally in combating terrorism in the region.⁸⁶

85 'Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association. Report to the 68th session of the UN General Assembly', UN, 7 August 2013, <http://bit.ly/1QDuMFz>.

86 'Media statement on Chad: release civil society activists ahead of April 10 elections', CIVICUS, 8 April 2016, <http://bit.ly/1PZ0rkq>; 'Chad: Rights groups call for release of detained activists', Africa News, 9 April 2016, <http://bit.ly/1St277n>; 'Chad: Where are 60 missing soldiers who 'voted against' incumbent president Idriss Deby?', International Business Times, 21 April 2016, <http://bit.ly/24mQSpj>.

- **Equatorial Guinea** has been run by the same man for 37 years, and counting. President Teodoro Obiang Nguema and the ruling elite benefit from the country's vast oil and gas wealth, even as its citizens live in abject poverty. Given the state's control over every aspect of the political machinery, there was no prospect of him losing the April 2016 presidential election, but still, ahead of the election, the government ordered the indefinite suspension of all activities of the Centre for Studies and Development Initiatives (Centro de Estudios e Iniciativas para el Desarrollo, CEID), accusing them of inciting civil disobedience, on the basis of some comments allegedly made at a youth forum. This formed part of a broader crackdown on independent and opposition voices.⁸⁷
- In **Ethiopia**, a country where dissent has been made very difficult, it was not surprising that the ruling party and its allies won every single seat in the less than credible May 2015 election. Ahead of this, many journalists were detained and there were reports of opposition candidates being attacked and killed. As discussed further in our section on protest and activism, civil society activities remain severely restricted by repressive legislation and government intolerance.⁸⁸
- The October 2015 election in **Guinea**, in which incumbent President Alpha Condé won a second term, was marked by pre-election violence, and the accusation of ballot rigging and intimidation, continuing the government's dismal tradition of using lethal violence against its citizens. In April 2015, at least six people were shot dead in a protest about the timing of the election.⁸⁹
- In **Sudan**, it was no surprise that President Omar al-Bashir continued his 25-year-plus occupancy of the office in April 2015 elections, given the heavy restrictions on civic space that make the expression of dissent very difficult. International observers criticised the elections for being neither free nor fair.⁹⁰

In **Tanzania**, elections in the semi-autonomous region of Zanzibar, held in October 2015, were nullified for alleged violations of electoral law. The head of the opposition Civic United Front, which campaigns for more autonomy from the mainland, had declared himself the winner before the results were announced, and was believed by many to have ousted the ruling Chama Cha Mapinduzi (CCM) party, providing the real reason for the annulment; deadlock preceded the March 2016 re-run, which was held by the CCM following an opposition boycott amidst a low turnout.⁹¹ On Tanzania's mainland, the CCM held on to power in elections that were less close than anticipated, demonstrating how institutionalised the party that has ruled Tanzania since independence has become. The context clearly suggests a need for civil society not to take sides, but to play a role in encouraging openness and debate, and in monitoring elections to discourage abuse. We asked Nicodemus Siyaki Soko of CSYM

87 'Joint NGO statement urging a half of pre-election civil society crackdown in Equatorial Guinea', CIVICUS, 4 April 2016, <http://bit.ly/1QDe7ll>; 'Equatorial Guinea election expected to extend president's 37-year rule', Reuters, 24 April 2014, <http://reut.rs/22ZyvnQ>; 'Equatorial Guinea's Dictator To Win Election In Landslide Following Crackdown On Media And Civil Society', Sahara Reporters, 26 April 2016, <http://bit.ly/1SvHoEk>.

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89 'At least six shot in anti-government protest in Guinea', Reuters, 13 April 2015, <http://reut.rs/1NXOPi8>; 'Guinea: Excessive and lethal force by security forces must not be repeated during election period', Amnesty International, 3 September 2015, <http://bit.ly/26vfmy1>; 'Guinea's President Alpha Conde easily wins re-election', Al Jazeera, 17 October 2015, <http://bit.ly/1VYscxm>.

90 'Interview with leading civil society activist in Sudan: Abdel-Rahman El Mahdi', CIVICUS, 6 May 2015, <http://bit.ly/1rD0mPF>; 'Omar al-Bashir wins Sudan elections by a landslide', BBC, 27 April 2015, <http://bbc.in/1NXP8JK>.

91 'Zanzibar annuls recent election, new vote expected', Al Jazeera, 12 November 2015, <http://bit.ly/21hSkr9>; 'Zanzibar faces fresh elections amid crisis talks', News 24, 12 November 2015, <http://bit.ly/1WVo2KE>; 'Tanzania: Post-Election Stalemate in Zanzibar', All Africa, 8 January 2016, <http://bit.ly/1rl-HT9H>; 'Zanzibar president declared winner as election boycotted', Daily Nation, 22 March 2016, <http://bit.ly/21hSNtw>; 'Tanzania: The botched election that cost half a billion dollars, and counting', Daily Maverick, 30 March 2016, <http://bit.ly/1SCjvTY>.

HUDUMA (Christian Spiritual Youth Ministry) what opportunities there had been for civil society to participate in the Tanzanian election; the answer is that there were few:

CSOs worked on public awareness and voter education seminars and workshops. But CSOs lack funding for this work, and not as much was done as needed to be done. Without funding, Tanzanian civil society cannot ensure that



Photographer: The Commonwealth



Photographer: The Commonwealth

it reaches particularly vulnerable and marginalised groups and communities, and furthers public participation in elections.

Civil society had no role in election monitoring - instead there was government threatening CSOs, and giving no room for freedom to work effectively. Up to this time there is no fair and free election committee, as all its members come from the ruling party.

CASE STUDY: CRACKDOWN AHEAD OF ELECTION IN UGANDA

Past tactics applied in elections in Uganda, where President Yoweri Museveni has held power since 1986, include having the main opposition leader arrested on spurious charges, ahead of the 2006 elections, and harassment, intimidation and alleged denial of the vote to many people in 2011.⁹² At the same time, a barrage of legislative measures introduced over recent years has systematically tightened the space for civil society. An NGO bill passed by parliament in December 2015 will compel all CSOs to re-register, and give the government sweeping powers to interfere in CSO affairs, including to vet any foreign staff and refuse to grant registration. CSOs will be assessed as to whether they act against the 'public interest', which the government

92 'Uganda's Museveni Wins Vote; Opposition Rejects Result', Bloomberg, 20 February 2011, <http://bloom.bg/1qZgfPv>; 'Uganda: government-backed harassment and repression of critics increasing', Amnesty International, 1 November 2011, <http://bit.ly/1NDSORb>.

gives itself the power to define.⁹³ Clearly, the law could be applied to close down CSOs that raise issues the government deems controversial, such as LGBTI issues.⁹⁴

In the view of many in Ugandan civil society, the purpose of this bill was clearly political rather than regulatory, with one of its main purposes being to occupy civil society's energy and make it more cautious in the run-up to February 2016 elections. Ahead of elections, there were reports of arbitrary arrest and torture of people associated with the opposition, repeated arrest of the leading opposition candidate, violence against opposition supporters, covert surveillance of opposition figures, banning of groups that call for change, intimidation of journalists that try to report on opposition campaigns, obstruction of rallies, arbitrary use of force, and harassment of civil society activists and journalists. There was also concern about apparent impunity of police and security forces, training of vigilante groups and selective interpretation of laws, which allowed President Museveni to hold and address rallies, but not his challengers.⁹⁵

Ahead of the election, the Ugandan National NGO Forum described the restrictions on free assembly in particular, and drew attention to the difficult relationship between the government and advocacy-oriented CSOs:

The Public Order Management Act barred groups of citizens from meeting without authorisation by police, and was largely misinterpreted and misused by security agencies. There has been growing police brutality against journalists and opposition party leaders, with tear gas and beatings that left some bedridden. Growing restrictions are attributed to the election season, where the ruling government is determined to curtail any form of association, assembly and expression.

The relationship between civil society and government is of a mixed character, with growing understanding and appreciation by government of CSOs' work in areas of service delivery. Where there is advocacy around human rights, governance and constitutionalism, there is suspicion and mistrust, with a belief that CSOs are closer to opposition entities serving a foreign or donor agenda than playing a complementary role. This suspicion has been deepened with the emergence of more governance and human rights CSOs for the past few years.

Ahead of the elections we also spoke to Orishaba Bagamuhunda Justus, executive director of National Foundation for Democracy and Human Rights in Uganda, who has twice been detained himself:

93 'Uganda / NGO Bill: UN human rights expert calls for meaningful consultations with civil society', Office of the UN High Commissioner for Human Rights, 25 June 2015, <http://bit.ly/1XXjhYo>; 'CIVICUS and FHRI urge Ugandan parliamentarians to reject or radically overhaul NGO Bill', CIVICUS, 4 August 2015, <http://bit.ly/1gMsbiY>; 'Uganda Parliament Passes Controversial NGO Bill', Voice of America, 15 December 2015, <http://bit.ly/1k0LrtV>; 'NGO Law Monitor: Uganda', International Center for Not-for-Profit Law, 2 January 2016, <http://bit.ly/1qZgGt4>.

94 'Uganda passes terrifying new law that could be used to shut down all pro-gay charities', Pink News, 27 November 2015, <http://bit.ly/1XXjxxA>.

95 'Uganda: Arbitrary arrests and excessive use of force hindering debate in run-up to elections', Amnesty International, 7 December 2015, <http://bit.ly/1YVWXWf>; 'Uganda: Our Top 2015 Human Rights Stories Told In Tweets', Chapter Four Uganda, 2015, <http://bit.ly/1TgWqKf>; 'Uganda presidential rivals fear violence', eNews Channel Africa, 9 January 2016, <http://bit.ly/1WtAK2J>; 'Museveni employs intimidation tactics ahead of Ugandan elections', Mail and Guardian, 22 January 2016, <http://bit.ly/1pLlgKD>; 'Civil society calls on Uganda to respect citizens' rights and media freedom ahead of elections', CIVICUS, 14 February 2016, <http://bit.ly/1WV85Em>; 'Clashes after Ugandan presidential candidate detained days before election', The Guardian, 15 February 2016, <http://bit.ly/1ObwpsC>.

The state of human rights in Uganda is very bad. There are ongoing threats to freedom of expression, assembly and association, which continue to raise serious concerns in Uganda. Security forces such as the police largely enjoy impunity for the torture of people during peaceful protests. The government has banned political pressure groups that call for peaceful change, obstructed opposition rallies, and harassed and intimidated journalists and civil society activists working in the areas of human rights, corruption, oil, land rights and sexual rights.

Ahead of the elections, more restrictions on fundamental freedoms are to be expected. Some journalists are being warned against discussing topics on good governance and there are some reports that some journalists are being given money in order to promote the interests of government instead of criticising it for increased levels of corruption and human rights abuses.

None of this restriction helped encourage Ugandan citizens to engage their current and potential leaders, debate and form and share opinions. Little wonder, given these constraints, that there was little popular enthusiasm about the election, with at least five million registered voters staying away from the February 2016 poll; an August 2015 opinion poll revealed that only 33 per cent of citizens believed the election would be free and fair, 49 per cent did not trust the police to act impartially, 61 per cent did not believe Museveni would hand over power if defeated, and 76 per cent wanted presidential term limits to be reintroduced.⁹⁶

In the event, Museveni triumphed in an election widely judged to be flawed, with EU and Commonwealth observers calling attention to the lack of independence and transparency of the country's Electoral Commission, the constraints applied to opposition campaigns by the security forces, the use of state funds to support the president's party, and the late arrival of ballot papers in urban areas, where opposition support is highest. The main opposition candidate was placed under house arrest shortly before the results were announced, and social media was shut down.⁹⁷ Another opportunity to uphold human rights and practise democracy well has been missed in Uganda. Now the election has passed, civil society faces another fight to win back rights.

A DOWNTURN IN GOVERNANCE AMID THIRD TERM SYNDROME

Overall, alongside these democratic deficits, there is some indication that progress on improving governance has stalled in Sub-Saharan Africa, and this is directly impacting on civil society rights and the quality of civic space. The annual Mo Ibrahim Index of African Governance, published in October 2015, suggests that governance progress has flatlined in the region: 21 countries, including five of the ten highest ranked, have deteriorated on governance indicators, with Central Africa in particular having worsened and East Africa ranking low in comparison with other parts of Africa. In general, indicators on safety and the rule of law have declined.⁹⁸

96 'Opinion Poll Report. Measuring the National Political Temperature ahead of the 2016 General Elections', Research World International, 14 August 2015, <http://bit.ly/26ykwdc>; 'Ugandan elections marred by shambolic polls and claims of fraud', The Guardian, 22 February 2016, <http://bit.ly/1LEuj4X>.

97 'Uganda's Museveni re-elected amid controversy', Al Jazeera, 20 February 2016, <http://bit.ly/1SwygPO>; 'Yoweri Museveni wins a fifth term as Uganda's president', The Economist, 21 February 2016, <http://econ.st/1Q25xxn>; 'Uganda election: Besigye held again as march planned', Al Jazeera, 22 February 2016, <http://bit.ly/1Tz5Bsn>.

98 'African Governance Survey Sends Warning Signals', All Africa, 29 September 2014, <http://bit.ly/1sAOXJu>; 'Governance progress in Africa stalling, reports Mo Ibrahim Foundation' Mo Ibrahim Foundation, 5 October 2015, <http://bit.ly/21hYibM>.

What this suggests is that, while some progress has been made over the past 15 years, something that could be characterised as ‘improvement fatigue’ has set in: the institutions and holders of power may have reached a point where they are not prepared to strengthen the governance environment and concede power further, and as part of this, civil society rights are being pushed back.

As discussed in past State of Civil Society Reports, the increased role that China is playing in most African countries, with its emphasis on supporting economic development and infrastructure projects, and its profound lack of concern with the state of democracy, human rights and civil society in its partner countries, has emboldened autocratic leaders to act in defiance of international norms. Further, the renewed concern with stability, security and counter-terrorism among globally powerful states has allowed transgressions of civic space to flourish in states deemed to be strategic in combating terrorism.

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Manoeuvrings to rewrite constitutions are bad news for civil society, because they generally come with measures to suppress the dissent and protest that such moves inevitably provoke.
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Processes of democratisation came particularly in Sub-Saharan African states during the 1990s, with the end of the cold war, a change in France’s position of promoting stability above democracy in its former colonies, and the withdrawal of apartheid South Africa’s anti-democratic influence. These reduced the resources available to dictators to resist change, gave new political impetus to establishing democracy, and opened some space for civil society. Many of Africa’s current leaders came to power by surfing that wave of change, and benefited from increased flows of development aid during a period of much hope. Global north donors tended to look up to strong, interventionist leaders who prioritised economic development as reform minded. Many of these leaders should have moved on by now, to make way for fresh ideas and energy, underpinned by constitutions that usually limit presidents to two terms, but in several cases, they remain. In a number of contexts, presidents have recently pushed through constitutional changes to enable them to hang on to power. Instead of being bedrocks of governance, constitutions have become malleable, to be rewritten for short-term advantage.

Manoeuvrings to rewrite constitutions are bad news for civil society, because they generally come with measures to suppress the dissent and protest that such moves inevitably provoke. Civil society is also at the forefront of responses, in defending democratic freedoms, human rights and civic space.

The case of **Burundi**, where the president pushed through a constitutional amendment to stand for a third term, at the cost of sparking a conflict that has worsened into a humanitarian crisis, is discussed further below, while the case of **Burkina Faso**, where an attempt to change the constitution in 2014 sparked a citizens’ uprising that toppled the president, is considered in detail in our section on protest and activism. These two apart, there are, alas, other examples of African states where attempts by presidents to cling to power have given rise to dissent and repression, in what can now be identified as a clear pattern of constitutional disdain.

In **Congo** (Brazzaville), President Denis Sassou Nguesso, who ruled from 1979 to 1992, and then from 1997 onwards, should have been doubly barred from standing again by the constitution, according to both his age and term limits. Rather than accept the constitution, the president decided to rewrite it, holding a disputed referendum to legitimise the change. The referendum campaign was characterised by the suppression of dissent: opposition figures were intimidated by members of the presidential guard, 18 activists were arrested when trying to organise a press conference, and protestors were tear-gassed and shot dead

by security forces.⁹⁹ Protests were large-scale and sustained, organised under the ‘Sassoufit’ (that’s enough) banner. When thousands of people protested on 27 September 2015, comparisons were made with 2014’s successful protests in Burkina Faso, but critically in Congo, the army sided with the president and, following the protests, communications and public gatherings were further suppressed, with internet, text messaging and some radio stations shut down.¹⁰⁰ The referendum resulted in an overwhelming vote for the constitution to be changed to allow the president to run again, but this was disputed: there were vast disparities between the official turn-out and the very low turn-out reported by the media and opposition groups.¹⁰¹

In the Democratic Republic of Congo (DRC), President Joseph Kabila, who is coming to the end of a two-term limit ahead of elections scheduled for November 2016, appears to be taking a different tack to cling onto power. In November 2015, he announced that the election could be delayed by up to four years, on the basis that electoral rolls will not be ready and a national census should first be conducted. The president is also accused of starving the National Electoral Commission of funding and adding pressure to it by scheduling local and provincial elections ahead of the presidential election.¹⁰² In January 2016, it was duly announced that it would take 18 months to prepare the electoral roll, and that a new electoral law would have to work its way through parliament.¹⁰³ President Kabila is keeping everyone guessing about whether he will seek a third term, but is clearly in no hurry to step aside.

Alongside this has come a crackdown on dissent, particularly dissent that calls on the president to respect the term limits and the electoral timetable. Amnesty International has recorded a pattern of arbitrary arrests and detentions of government critics on clearly false charges.¹⁰⁴ Youth activists are particularly being targeted, in what is presumably a recognition of the important role that young people have played in mass protests in other contexts. Two young activists, Fred Bauma and Yves Makwambala, marked one year in detention in March 2016 for launching a youth movement to encourage young people to take part in civic life, while in February 2016, six youth activists were handed two year sentences on a charge of attempting to incite public disobedience.¹⁰⁵ Extreme violence has also been used against protestors by people linked to security forces and ruling party officials; during a week of protests in January 2015, against an attempt to cause delay by introducing a law to require that a national census be carried out before the election, internet access and text messaging were blocked, at least 40 people killed and over 300 people detained.¹⁰⁶

99 <http://bit.ly/1Pc4Zqc>; ‘Congo-Brazzaville: Protestors Tear-Gassed Ahead of Referendum’, All Africa, 21 October 2015, <http://bit.ly/1rD5S4Q>; ‘Army surrounds home of Congo Republic opposition leader’, Reuters, 22 October 2015, <http://reut.rs/1PLnAeu>.

100 ‘Another African president tries to change the rules’, The Economist, 24 October 2015, <http://econ.st/1VWRAb9>.

101 ‘Congo-Brazzaville: Referendum Passes Allowing President to Extend Rule’, All Africa, 27 October 2015, <http://bit.ly/1VVwzy5>; ‘10% or 70% turn-out? No matter, as Congo officials say over 90% backed president-for-life vote’, Mail and Guardian, <http://bit.ly/1SNG8LB>.

102 ‘Can Joseph Kabila cling to power?’, Al Jazeera, 15 September 2015, <http://bit.ly/1TgQyAV>; ‘DRC: Elections delayed by up to four years is ‘troubling but not surprising’, International Business Times, 1 November 2015, <http://bit.ly/1pLckVk>.

103 ‘DRC slip-slides into electoral delays’, Institute for Strategic Studies, 14 March 2016, <http://bit.ly/21tcoFK>.

104 ‘Repression and secret detentions escalate in the DRC ahead of 2016 elections’, CIVICUS, 9 April 2015, <http://bit.ly/1TgQ9yp>; ‘Democratic Republic of Congo: treated like criminals: DRC’s race to silence dissent’, Amnesty International, 26 November 2015, <http://bit.ly/1SNxF1p>.

105 ‘Media statement on Democratic Republic of Congo: CIVICUS urges AU to act on the first anniversary of the imprisonment of youth activists’, CIVICUS, 15 March 2016, <http://bit.ly/1VWNVdA>.

106 ‘DR Congo’s Joseph Kabila is taking a slippery path to a third term’ Quartz, 9 December 2015, <http://bit.ly/1pLbHeG>; ‘DR Congo: Youths paid \$65 to attack peaceful anti-third term protesters says human rights group’, International Business Times, 6 October 2015, <http://bit.ly/1MaDPjz>; ‘Deadly clashes in DR Congo as government urged to scrap election law’, International Business Times, 22 January 2015, <http://bit.ly/1VWO6p1>.

We asked Jonas Tshiombela Kabiena of the New Congolese Civil Society, a platform of around 300 CSOs in the DRC, about the response to the January protests, and more broadly about the conditions for civil society in his country:¹⁰⁷

In January 2015 many Congolese took to the streets to demonstrate against proposed changes to the electoral code that will enable President Joseph Kabila to stand for another term. The brutal response to the protests has had many consequences on fundamental freedoms in the DRC. Additional restrictions were imposed on freedoms of assembly and expression. The government reported that 27 people were killed during the protests, but international human rights groups noted that more than 42 people died

The state of human rights and fundamental freedoms is a source of concern in the DRC, especially as the country moves towards holding a poll. Human rights defenders are targeted on the basis of the work they do and subjected to threats, harassment, arbitrary arrests, judicial persecution and prolonged detentions. In addition, freedom of assembly and expression are severely constrained. Freedom of assembly is restricted, as those who take part in protests are arrested. In addition, media freedoms are restricted and the authorities have closed down some television stations perceived to be sympathetic to the political opposition. Steps taken arbitrarily by the authorities to close down television stations contradict laws in the DRC that promote freedom of expression and the media.

Similarly, in **Rwanda**, a referendum, held at short notice in December 2015, overwrote the constitution to give President Paul Kagame an opportunity to stand again. Under the amended constitution, Rwanda's leader since 1994 could now rule until 2034.¹⁰⁸ President Kagame enjoys a strong level of support among international financial institutions for overseeing the rebuilding of the country following genocide, with high levels of economic development, but economic development has come at the price of the complete suppression of dissent¹⁰⁹ Such is the political dominance of President Kagame and his ruling Rwandan Patriotic Front, and the lack of space for dissent and concomitant self-censorship, that it is hard to get a clear sense of what level of opposition there may be in Rwanda. Certainly almost all independent civil society groups have now been forced out of Rwanda, while the government has co-opted other groups and networks, rubbing away at their independence and ability to ask questions of the state; the existence of these groups is then used to project the state as friendlier to civil society than it is.¹¹⁰ In the current political climate, President Kagame will almost certainly win the next election in 2017. His acceptance of constitutional term limits, and the act of standing down from a position of popularity, would have sent a strong signal around the continent about the need to accept limits on presidential power. This opportunity has unfortunately been missed.

These examples carry wider resonance outside their borders: part of the value of the people's revolt in Burkina Faso is that it serves as a warning to dictators who take for granted their ability to rewrite constitutions. Burundi matters in part because it has raised the stakes: other African rulers take encouragement if Burundi's President Nkurunziza prevails.¹¹¹

107 This is an edited extract. For the full interview see 'The world must not forget persecuted human rights defenders in the DRC', CIVICUS, 11 November 2015, <http://bit.ly/1SlcRpK>.

108 'Rwandans vote on constitution changes to let Kagame extend rule', Reuters, 18 December 2015, <http://reut.rs/1QtApvC>; 'US again condemns Kagame move to run for third term as Rwanda president; Kigali will ignore it', Mail and Guardian, 3 January 2016, <http://bit.ly/1SwG2ZK>.

109 'Rwanda votes to give President Paul Kagame right to rule until 2034', The Guardian, 20 December 2015, <http://bit.ly/1QBdPRA>; 'Analysis: Can third-term Kagame prove his critics wrong?', Daily Maverick, 11 January 2016, <http://bit.ly/24nmwDd>.

110 'Rwanda: Takeover of Rights Group', Human Rights Watch, 14 August 2013, <http://bit.ly/1NDY7VC>.

111 'Dear Mr President: it's time to go', Institute for Security Studies, 22 July 2015, <http://bit.ly/1Jf1rIU>.

What the current experience suggests is that too much attention has been paid to investing in charismatic leaders, and in developing institutions and processes narrowly focused around elections. Considerable financial support has failed to develop strong, accountable institutions and processes of popular governance, in which civic space is respected. Too often, elections are seen only as occasions for legitimising existing power. Much more support for the growing of deep-rooted and diverse civic institutions, and their ability to work ahead of, during and after elections, is needed.

PART TWO: CIVIC SPACE RESTRICTION: COUNTRY CASE STUDIES

Our country case studies offer a series of detailed examples where several of the current trends identified above can be seen to be having real implications for CSOs, activists and communities. In the following countries, we believe there is clear evidence that the conditions for civil society worsened in the past year, largely resulting from the actions of governments and political leaders. While these case studies show civil society under political attack, they also provide some examples of how civil society is fighting back.

8. ANGOLA: READING IS DANGEROUS

A wealthy elite has tightly controlled Angola since independence in 1975, enjoying the riches generated by Africa's second largest oil producer, even though much of the population still lives in poverty.¹¹² Angola can be characterised as an extractive state, where a tiny minority has captured control and uses state institutions as machinery to extract wealth, often laundered through institutions in Portugal, the former colonial power.¹¹³

With such economic power, one might expect that the elite would enjoy a sense of security, but evidently they feel threatened. For in Angola, even the act of reading is considered a subversive activity. On 20 June 2015, 13 youth activists were arrested for holding a discussion group on a book, *From Dictatorship to Democracy: a conceptual framework for liberation*, by Gene Sharp. The 13 were taken away in handcuffs and their homes were ransacked by heavily armed security forces, with computers and personal items seized. Two more were arrested in the following days, and two further people, with uncertain connections to the group, were added to the case.¹¹⁴

112 An estimated 68 per cent of the population live below the poverty line. See 'Rural poverty in Angola', Rural Poverty Portal, <http://bit.ly/1XXlqsY>.

113 'Forty years on from independence, Angola still lacks freedom', The Guardian, 11 November 2015, <http://bit.ly/1kM5hK7>.

114 'Angola: Detained activists must be immediately released', Amnesty International, 22 June 2015, <http://bit.ly/1NF3YtY>.

Throughout the process, the rights of the 17 were not respected. The 15 group members were detained without trial for over five months, in violation of Angola's legal limit of 90 days, experienced bouts of solitary confinement and were denied family visits. Some of them reported being tortured in prison. One of the detained, rapper Luaty Beirão, went on a hunger strike for 36 days, marking one day for each year of President Dos Santos' lengthy rule, to protest about the conditions in which they were held. When the trial finally began in November 2015, problems continued: the trial was moved at short notice to a small venue, which limited the number of people able to observe, and charges were altered by the prosecutor at a late stage of the trial, denying the accused the chance to defend themselves against the new charges.¹¹⁵ Regardless, the protestors were defiant and used their trial to continue their protest, walking barefoot into the courtroom and writing messages on their prison uniforms, and were met with applause by public observers.¹¹⁶ The flawed process culminated in March 2016 with the passing of guilty verdicts against all 17, for offences of "preparatory acts of rebellion" and "association with criminals", with the lowest sentence being over two years and the highest being eight and a half years. The group were detained pending any appeal.¹¹⁷

Outside the detention and trial, the circle of repression widened further. In August 2015, a protest led by mothers of some of the detainees was broken up violently by police. A further 20 people were arrested in October 2015 for holding a vigil calling for the activists' release, after the 90 days' maximum detention period had passed, while protests were also prohibited around independence day celebrations in November 2015.¹¹⁸

The trial of these young activists served as a rallying point for public anger with the regime, while also demonstrating the extent of the ruling elite's paranoia. The state has attempted to push back against dissent, characterising the group as committing crimes against state security, and claiming that the activists were planning to overthrow the government and begin violent conflict, even though it seems clear that the activists had no access to weapons, and the discussion group and book explicitly focused on non-violent civil disobedience; one of the detainees has also written extensively about the need for non-violent action as the only way to build democracy in Angola.¹¹⁹ What the activists are guilty of is calling for improvements in the social and economic conditions for Angolan citizens, and the realisation of democracy and human rights. Activists were also involved in monitoring restrictions on civil society freedoms and police brutality.

This attack on activism is not a one-off, but forms part of a pattern. In May 2015, investigative journalist Rafael Marques de Morais received a suspended six month sentence and had his passport seized on the grounds of defamation. His crime was writing a book on human rights abuses in Angola's diamond trade; his book discusses murder and torture by the private security forces of diamond mining companies, and the complicity of army generals closely connected to the presidency. Further,

115 'CIVICUS alert: Angolan activist on hunger strike facing life threatening condition', CIVICUS, 16 October 2015, <http://bit.ly/1jsyDx4>; 'Angola: Kangaroo court undermines judicial independence as trial of activists enters fourth week', Amnesty International, 8 December 2015, <http://bit.ly/1VXiHwk>; 'Guest Post: The Trial of the 'Angola 15'', Fair Trials, 22 December 2015, <http://bit.ly/1r12gIM>.

116 'Angola – trial of the barefoot activists', Africa – News and Analysis, 17 November 2015, <http://bit.ly/26zMAgs>.

117 'Angola Sends a Rapper and 16 Activists to Prison for Plotting Rebellion', Vice News, 28 March 2016, <http://bit.ly/1SxPZGp>; 'CIVICUS condemns sentencing of 17 Angolan activists, urges their release', CIVICUS, 29 March 2016, <http://bit.ly/23cf3ED>; 'Angola: Sentencing and arbitrary detention of 16 pro-democracy activists', World Organisation Against Torture, 31 March 2016, <http://bit.ly/1Wuv4W7>.

118 'Angolan hunger-strike rapper Luaty Beirão 'deteriorating'', BBC, 13 October 2015, <http://bbc.in/1pNAJKa>; 'Media statement: Angola urged to drop spurious charges against youth activists', CIVICUS, 13 November 2015, <http://bit.ly/1VEpwtg>; 'The trial of the 17 Angolan activists begins', The World Weekly, 19 November 2015, <http://bit.ly/1QEu0bm>.

119 'Analysis: The book club that terrified the Angolan regime', Daily Maverick, 25 June 2016, <http://bit.ly/1rmOoZO>; 'Angola: Being Against a Coup d'Etat Is Crime of Rebellion in Angola', All Africa, 4 November 2015, <http://bit.ly/1T9laE6>; The World Weekly, 19 November 2015, op. cit.

in March 2015, two activists were detained on charges of threatening state security and sedition for planning a peaceful protest about poor governance, human rights violations and corruption in Angola's Cabinda region, a heavily militarised, oil-rich enclave. While one activist was subsequently released, the other, José Marcos Mavungo, received a six-year sentence, condemned by the UN Working Group on Arbitrary Detention as a violation of international law.¹²⁰ The government has also strived to cover up information about a massacre state security forces committed against members of a Christian sect on Mount Sumi in April 2015, including by locking down the site and apparently shutting down websites. Together, these indicate the government's fear of any views that might be seen to challenge their authority, and their determination to suppress freedom of expression in response to damaging publicity.¹²¹

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Attacks on civil society are only likely to become more systematised and routine following the passing of a Presidential Decree in March 2015 that enables the public prosecutor's office to inspect the activities of CSOs, both national and international, on broad grounds, including suspicion of money laundering and acts that are deemed to harm Angola's sovereignty and integrity. Additional burdens have also been placed on CSOs to report on their programmes, budgets and funding sources. This is likely to intensify existing attempts to portray CSOs that investigate human rights abuses as foreign agents, and add to ongoing challenges that several CSOs face in having registration certificates delayed.¹²²

Angola's rulers can be seen to be trying to retreat to narrow notions of sovereignty in which sovereignty is impunity: the freedom of the ruling elite to do as it pleases without outside interference. In response, there is a need to internationalise the pressure on Angola's government, and to remind the government of its international commitments to respect civil society rights, made as recently as 2014 as part of the UNHRC Universal Periodic Review (UPR) process. International pressure is growing. For example, in November 2015, 32 CSOs working on youth issues in a range of African countries and further afield asked South Africa's President Jacob Zuma to intervene.¹²³ Weekly protests have also taken place in Portugal, whose banks are complicit in enabling the regime.¹²⁴

As the world oil price plummets and presumably makes them feel less secure,¹²⁵ Angola's ruling elite has shown it is increasingly becoming scared of discussion and the dissemination of ideas; these are the tools by which it increasingly should be challenged.

120 'Angola in Focus: Rafael Marques, on the eve of his verdict – 'It's torture'', Daily Maverick, 27 May 2015, <http://bit.ly/1rEbgVn>; 'Angola journalist Rafael Marques de Morais receives six-month suspended sentence', Index on Censorship, 28 May 2015, <http://bit.ly/1WuvOdR>; 'Angola: end crackdown on civil society, uphold international commitments', CIVICUS, 29 June 2015, <http://bit.ly/1Hrs2LJ>; 'Angola: Independence Celebrations Marred By Crackdown On Human Rights', All Africa, 11 November 2015, <http://bit.ly/1SUCp1S>, 'Opinions adopted by the Working Group on Arbitrary Detention at its seventy-fourth session, 30 November – 4 December 2015', UN Human Rights Council Working Group on Arbitrary Detention, 16 December 2015, <http://bit.ly/1YW584K>.

121 'Angola in Focus: The Mount Sumi massacre – an atrocity that will come to define the new country', Daily Maverick, 27 May 2015, <http://bit.ly/1rmP9IG>; 'Angola sect deaths: "It was a real massacre by the police"', France 24, 5 June 2015, <http://f24.my/1rEbCLJ>.

122 CIVICUS, 29 June 2015, op. cit.; 'Angola's saga of repression', Equal Times, 9 July 2015, <http://bit.ly/1TitXUu>.

123 'Request to urge the Angolan government to release human rights defenders', CIVICUS, 11 November 2015, <http://bit.ly/23chGpW>.

124 The World Weekly, 19 November 2015, op. cit.

125 'As oil prices drop, repression in Angola is on the rise', Global Risk Insights, 3 November 2015, <http://bit.ly/1TzSvuL>.

9. AZERBAIJAN: A SPORTING DISTRACTION AMIDST FURTHER CRACKDOWN

The dismal situation for civil society in Azerbaijan was covered in the 2015 State of Civil Society Report, but since then the situation has deteriorated further. President Ilham Aliyev effectively inherited power from his father in 2003, and sits atop a system of endemic and institutionalised corruption, in which the ruling family and those close to them are tightly enmeshed in state banks and oil, construction and gold mining companies.¹²⁶ Because of the high levels of state corruption, it is necessary to silence attempts to exert accountability. It is therefore no coincidence that legislation has continually been amended in Azerbaijan to criminalise dissent and tighten restrictions on the freedom of expression. In the words of Leila Alieva, an Azerbaijani political analyst:

The draconian amendments to the NGO law adopted in 2014, which practically makes the reception of foreign grants impossible, in combination with the bank accounts of more than 30 CSOs being frozen, criminal cases being opened against the leading human rights defenders and activists, imprisonment and emigration, significantly decreased the capacity of civil society to influence policy in 2015. The government also put pressure on activists abroad by various means, including interrogation of former staff and imprisonment of relatives.



Photographer: Human Rights for All FIDH Worldwide Human Rights

The style of the government is authoritarian, which requires total control over society. Any pluralism, or action which is not under the control of the government, is perceived as a threat to monopoly on power. The government has so far succeeded in cutting all financial sources of political opposition, and now the target is civil society. Demonstrating the effect of crackdown and intimidation is another purpose of the government, as civil society activists had been viewed by the rest of society as protected, due to their national and international influence and reputation. Insecurity is a deeply rooted motivation of each authoritarian leader, whose power is not based on popular legitimacy.

As with other autocratic countries, Azerbaijan holds formal, non-free elections to confer a legitimising stamp on dictatorship, and increases restrictions in the run-up. Given the climate of restriction and intimidation, it was impossible that the November 2015 parliamentary election could be free or fair. The opposition routinely boycotts elections, and no election held under the current president has been recognised as free and fair by international observers. Remarkably, and for the first time, the Organization for Security and Co-operation in Europe (OSCE), an intergovernmental organisation of which Azerbaijan is a member, announced that it would not send election observers. The OSCE stated that the level of restrictions would make it impossible to have credible election observation.¹²⁷ The opposition alleged widespread fraud, along with restrictions of observers' ability to scrutinise, and turnout was low, at around 55 per cent.¹²⁸ Sometimes, the only freedom available to citizens is to stay away from the polls and refuse to confer legitimacy.

The election came in a difficult period for Azerbaijan's oil-based economy, something that could be further assumed to have increased the insecurities of the ruling elite. Ahead of the election, pressure was renewed on civil society personnel. In October 2015 two Amnesty International staff members were deported,¹²⁹ while in August 2015, two prominent civil society activists, Leyla Yunus and Arif Yunusov, were given long jail sentences, of eight and a half and seven years, for tax evasion, fraud and illegal entrepreneurship. This conviction was condemned by a panel of UN human rights Special Rapporteurs, who made clear that the couple had been targeted for their human rights activism, and also noted that the trial was flawed, with independent observers not allowed access.¹³⁰ Their appeal trial against this conviction saw the two placed in a glass cage, where they were unable to hear what was happening.¹³¹ The pair were eventually released on health grounds in November and December 2015, but trials for treason still await. They were refused permission to travel abroad for urgent medical attention until April 2016.¹³²

September 2015 also saw journalist Khadija Ismayilova jailed for seven and a half years, on similar charges, of tax evasion, illegal entrepreneurship, embezzlement and abuse of office, while on October 2015, Azerbaijan's Attorney General accused

127 'Restrictions imposed by Azerbaijan compel cancellation of parliamentary election observation mission, says ODIHR Director Link', Organization for Security and Co-operation in Europe, 11 September 2015, <http://bit.ly/1ij7Br9>.

128 'Azerbaijan ruling party wins elections', Al Jazeera, 2 November 2015, <http://bit.ly/1NkQPnG>.

129 'Azerbaijan: Amnesty International staff deported amid pre-election crackdown', Amnesty International, 7 October 2015, <http://bit.ly/1SxXPjk>.

130 "'Deeply distressing' – UN experts condemn latest prison sentencing of rights defenders in Azerbaijan', Office of the UN High Commissioner for Human Rights, 20 August 2015, <http://bit.ly/23cr3G3>.

131 'Azerbaijan: New developments concerning the appeal trial against Ms. Leyla Yunus and Mr. Arif Yunusov', Worldwide Movement for Human Rights, 28 October 2015, <http://bit.ly/1pNLNXq>.

132 'Azerbaijan: Court decision forbidding Leyla Yunus and Arif Yunusov to travel abroad to receive medical treatment', Worldwide Movement for Human Rights, 21 March 2016, <http://bit.ly/1YW7AZ5>; 'Azerbaijan: Leyla and Arif Yunus finally out of the country to receive urgent medical treatment', World Organisation Against Torture, 19 April 2015, <http://bit.ly/1rmVtJZ>.

CSOs and journalists of corruption in the use of foreign resources.¹³³ As well as these legal attacks, independent journalists also face physical attack: Rasim Aliyev, chair of the Institute for Reporters' Freedom and Safety, died following an attack in August 2015.¹³⁴ While a New Year amnesty saw 200 prisoners released, none was on the list of 93 political prisoners submitted by the non-governmental Working Group of Political Prisoners.

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Qatar suggest.”

And yet, against this backdrop of repression, Azerbaijan also put on a sporting show in 2015, as it hosted, and largely funded, the inaugural European Games. It is not unusual for autocracies to seek to launder their reputations by hosting prestige sports events, as the forthcoming World Cups in Russia and Qatar suggest. The fact that President Aliyev is also head of the country's National Olympic Committee indicates the close involvement of the ruling elite in staging the event. In a year in which the leadership of FIFA was finally exposed as corrupt, the games further suggested a need to shed more light on the accountability and responsibility of powerful international sporting institutions and their connections to corrupt and repressive elites: the European Olympic Committee first approached autocratic Belarus before alighting on Azerbaijan to fund the games.¹³⁵

Yet events that dictators hope will burnish their international reputations have a habit of backfiring, by focusing attention on poor governance and human rights abuses. The Sports for Rights coalition, whose founder Rasul Jafarov was also jailed on spurious charges after a flawed trial in April 2015, used the event as an opportunity to draw attention to the restriction of civil society activists and the media, making the point that the arrest and detention of journalists had been timed ahead of the games to reduce the risk of critical reporting.¹³⁶ If so, the tactic failed: a letter from jail by Khadija Ismayilova was published internationally, and the regime showed its insecurity and weakness by banning journalists from entering Azerbaijan, including sports journalists who had written stories critical of Azerbaijan's hosting of the games, and international civil society groups with media credentials.¹³⁷ The real heroes of the games were not the sporting stars who grudgingly came to Azerbaijan, but the civil society activists who risked everything to expose corruption and demand human rights.

“ Khadija Ismayilova's example shows that Azerbaijan's embattled civil society is not giving up, even when it is imprisoned and attempts are made to silence it. As Leila Alieva observes:

Azerbaijani civil society continues its struggle both abroad and within the country. In Azerbaijan, the Civil Society Defence Committee continues its activities, and the Working Group on Political Prisoners, political parties and social and youth movements use all opportunities to be active, both in social media and in limited real space. In particular,

133 'Certain NGOs, reporters don't respect Azerbaijani laws – attorney general', Trend News Agency, 1 October 2015, <http://bit.ly/1SOglhv>.

134 'Azerbaijan: Journalist Rasim Aliyev murdered as human rights crackdown continues', Index on Censorship, 10 August 2015, <http://bit.ly/1NZsrVG>.

135 'Baku reminds us our top athletes are overgrown infants', The Guardian, 13 June 2015, <http://bit.ly/1cTpls>.

136 'Rasul Jafarov sentenced to six and a half years in prison', Human Rights House Foundation, 16 April 2015, <http://bit.ly/1WuDU6e>; 'Azerbaijani Activists Must Be Freed Before The Baku 2015 Games' – UN Expert', UN Special Rapporteur on the rights to freedom of peaceful assembly and of association', 2 June 2015, <http://bit.ly/1SCPdES>.

'Azerbaijan: Sport for Rights coalition condemns sentencing of journalist Khadija Ismayilova', Worldwide Movement for Human Rights, 1 September 2015, <http://bit.ly/21iS1wj>.

137 'Amnesty, Platform banned from entering Azerbaijan on the eve of European Games', Index on Censorship, 10 June 2015, <http://bit.ly/1pNNxQw>; 'Letter From Azerbaijan Jail: Khadija Ismayilova Speaks Out', The New York Times, 11 June 2015, <http://nyti.ms/1BbO9obl>; 'European-Media bans have nothing to do with us – Games organisers', Reuters, 13 June 2015, <http://reut.rs/1TiLAGE>.

electronic media is carrying the major burden of true reporting. Activists abroad are initiating and participating in advocacy campaigns, in international conferences and congresses.

When asked what more is needed to support Azerbaijani civil society, Leila suggests:

We need a strong and principled position of western governments, regarding the violation of human rights and the country's democracy record, both at the bilateral and multilateral level. We need international civil society solidarity, financial support to activities and activists, and support to keep the case of Azerbaijan in permanent media attention.

The government's launching of missile attacks in April 2016 on the enclave of Nagorno-Karabakh, which it disputes with Armenia, can be seen as an attempt by the state to distract citizens from governance and human rights deficits at home, and from the consequences of plummeting oil prices on the economy and employment, by mobilising patriotism and nationalist sentiment.¹³⁸ Western countries have tended to see Azerbaijan as a strategic bulwark between Russia and Iran, and a valued alternative oil supplier, and so little external reform pressure has been exerted in the past as they tried to pull Azerbaijan closer to Europe.

But 2015 saw signs of a shift: as the games were taking place, in June 2015, 25 governments criticised Azerbaijan's record at the UNHRC, in a highly unusual collective move. Governments, including many European governments and Australia, Canada and the USA, issued a joint statement about civic space restriction in the country, and urged the government to adhere to European Court of Human Rights standards.¹³⁹ As the statement suggests, the government's attempts to promote itself internationally are only serving to focus attention on its shattered reputation at home. Civil society now needs to work with the 25 governments to ensure that they adhere to their commitment to monitor closely and continue to report on the situation for civil society in Azerbaijan.

10. BURUNDI: THE HUMANITARIAN CONSEQUENCES OF A GOVERNANCE CRISIS

Burundi offers a tragic example of how a governance crisis can spiral into a humanitarian crisis. President Pierre Nkurunziza announced his intention to stand for a third term in April 2015, in defiance of constitutional limits, and against the spirit the 2000 Arusha peace agreement that ended decades of civil war. The move prompted a civil society campaign, Halte au Troisieme Mandat (Stop the Third Term), which brought together over 300 CSOs, while the Catholic Church, an important institution in

138 'Fighting erupts in Nagorno-Karabakh, dozens of casualties reported', Reuters, 3 April 2016, <http://reut.rs/1RTwkCg>; 'A frozen conflict explodes', The Economist, 9 April 2016, <http://econ.st/1qxE80P>.

139 'Human Rights Council - 29th session (15 June - 3 July 2015). Joint statement on the situation of human rights in Azerbaijan. Delivered by Ambassador Patricia O'Brien, Permanent Representative of Ireland', Department of Foreign Affairs and Trade Ireland, 24 June 2015, <http://bit.ly/1e3rwYA>; 'Azerbaijan condemned at UN body whilst hosting European Games', CIVICUS, 29 June 2015, <http://bit.ly/1CEXvnT>.

Burundi, also took a clear stance against a third term. Weeks of protest sparked by the move in the capital Bujumbura met with harsh response by the state, with excessive force and the restriction of independent media, internet and phone networks. The government quickly reached for the rhetoric of describing protestors as “terrorists and even enemies of the country.”¹⁴⁰

The decision to stand again was cleared by a constitutional court, but only after its vice president fled Burundi, claiming the court was being intimidated.¹⁴¹ This announcement prompted renewed protests. The security situation worsened after an attempted coup in May 2015: troops were deployed on the streets of Bujumbura, and the leader of an opposition party was killed. The government further cracked down on the media, banned gatherings and continued to characterise protests as insurrection.¹⁴²

The presidential election went ahead regardless in June 2015. Opposition parties boycotted it and the president was duly returned for a third term, and then sworn in ahead of schedule with little of the customary ceremonial fanfare. UN observers described the overall environment, characterised by profound distrust and polarisation, as not conducive for the holding of an inclusive, free and credible election.¹⁴³

Levels of violence only increased following the election, and civil society leaders, prominent military officials and opposition politicians all experienced assassination or attack. Most notable was the attempted assassination of high profile civil society activist Pierre-Claver Mbonimpa in August 2015. His family also paid a heavy price, with his son and son-in-law assassinated.¹⁴⁴ The youth wing of the ruling party - the Imbonerakure - has become increasingly militant and militarised, and has committed and threatened violence against dissenters, apparently acting with impunity and in collusion with government agencies. There were also claims that Hutu extremists from neighbouring Rwanda worked with and helped to train the Imbonerakure and other armed forces.¹⁴⁵ Shortly after the president was sworn in for his third term, we spoke to a Burundian civil society partner, who asked to remain anonymous, given the dangerous political climate, about the conditions for civil society:¹⁴⁶

Right now in Burundi, there is no freedom of expression, information, assembly or association. The right to engage in political activities is severely curtailed. Anyone who dares speak out about what is going on in the country faces threats of death, imprisonment or torture. Many people, including political opponents, civil society activists, journalists and

140 ‘Media statement: CIVICUS urges protection of civic freedoms ahead of presidential elections in Burundi’, CIVICUS, 30 April 2015, <http://bit.ly/1NZGytU>; ‘Burundi calls opposition protestors ‘terrorists’’, BBC, 2 May 2015, <http://bbc.in/1QEN6hm>;

141 ‘Burundi court backs President Nkurunziza on third-term’, BBC, 5 May 2015, <http://bbc.in/1fM1hn>; ‘Burundi court ‘forced’ to validate leader’s third term’, Al Jazeera, 14 May 2015, <http://bit.ly/1bRBzOV>.

142 ‘Opinion: Burundi – Fragile Peace at Risk Ahead of Elections’, Inter Press Service, 24 April 2015, <http://bit.ly/1KCEON1>; ‘Kenya asks Burundi president to postpone election’, Al Jazeera, 18 May 2015, <http://bit.ly/1HmXfhj>; ‘Opposition breaks off Burundi peace talks over killing of opposition leader’, Reuters, 25 May 2015, <http://reut.rs/1YWb8dT>; ‘Burundi: braving bullets: excessive force in policing demonstrations in Burundi’, Amnesty International, 28 July 2015, <http://bit.ly/1rn8hjl>.

143 ‘Obama Says Burundi Elections ‘Not Credible’’, Voice of America, 25 July 2015, <http://bit.ly/1YWbilu>; ‘Burundi: Security Council calls for political talks to resolve crisis peacefully’, UN News Centre, 12 November 2015, <http://bit.ly/1QzRjr8>.

144 ‘NGO alert: Burundi human rights campaigner hospitalised by shooting’, The Guardian, 4 August 2015, <http://bit.ly/1Ulo8dV>; ‘Burundi is burning – help us put out the fire before it’s too late’, The Guardian, 1 October 2015, <http://bit.ly/1iNq3ru>; ‘Alert on Burundi: downward spiral of violence needs urgent attention’, CIVICUS, 4 December 2015, <http://bit.ly/1SUD9Ea>.

145 ‘Who are the Imbonerakure and is Burundi unravelling?’, IRIN, 28 April 2015, <http://bit.ly/1zchm1g>; ‘Les rebelles interahamwe au Burundi?’, DW, 28 April 2015, <http://bit.ly/1Syh5gO>; ‘Is Rwanda stoking ethnic fires in Burundi?’, Daily Maverick, 11 February 2016, <http://bit.ly/1T9DRY2>.

146 This is an edited extract. For the full interview see “‘Burundi is not an isolated island and the people of Burundi have the right to be protected against dictatorship and oppressive regime’”, CIVICUS, 21 August 2015, <http://bit.ly/1WwojYZ>.

ordinary citizens, have fled and continue to flee the country for fear of escalating violence and oppression. Killings and torture against opponents of the third term of Pierre Nkurunziza are rife.

Parliamentary and presidential elections held on 29 June and 20 July have been qualified by the international community and UN as non-credible. Since then, the ruling party in Burundi and the government have refused to engage in political negotiations about the situation, despite several calls from the UN, African Union (AU), European Union (EU), USA and many other bilateral partners.

As the political and diplomatic channels for solving the crisis in Burundi seem to have narrowed, the great fear now is that all sides will turn to violence to end the crisis. The killings of General Adolphe Nshimirimana, the former chief of the secret services of Burundi, on 2 August 2015 and Colonel Jean Békoumagu, former chief of staff of the Burundi Army during the civil war of 1993, on 15 August 2015, are key flashpoints that could ignite ethnic tensions. Up to now, the motives and perpetrators of the killings are not known. The Burundi National Independent Commission on Human Rights has deplored targeted assassinations. In its report, released in August 2015, the Commission reported on 14 cases of assassination perpetrated over a three week period.¹⁴⁷

Rumours - because official or recognised independent sources of information no longer exist in Burundi – are high about arming the Imbonerakure militia, backed with the Interahamwe-FDLR (Rwandese Hutu extremists), destabilisation of the Burundi Police and Defence Force, and especially the killings of members of security and defence forces who were the armed forces of Burundi during the civil war. Imbonerakure and members of FDLR are reported to have also infiltrated the Burundi defence and security forces.

The violence and repression drove people to flee Burundi. In October 2015, it was estimated that around a thousand people a week were leaving Burundi, and by December 2015, estimates were that around a quarter of a million people had left since April; many others wanted to leave but faced intimidation not to do so from the Imbonerakure, as the government sought to avoid further damaging publicity¹⁴⁸ Many refugees live in camps in neighbouring countries in poor conditions, and lack food, water and other essentials.¹⁴⁹ In addition, information on the number of internally displaced persons is hard to gather.¹⁵⁰

Our civil society source in Burundi offered this comment on the role of those who have left the country:

To the journalists, civil society and human rights activists who have fled Burundi, I really understand their situation. They were frightened of being killed, tortured and jailed. What they have to know is that their fight has not been

147 'La CNIDH est profondément préoccupée par la recrudescence des cas d'assassinats et d'enlèvements suivis de mort', Commission Nationale Indépendante des Droits de l'Homme, 19 August 2015, <http://bit.ly/21j2N5L>.

148 'Burundi in Crisis', The Huffington Post, 1 October 2015, <http://huff.to/1N6dqGO>; 'Burundi's descent into hell', IRIN, 5 October 2015, <http://bit.ly/1XXT6Yo>; 'Burundi: UN experts urge Security Council to follow resolution with 'concrete' steps to stop rights abuses', UN News Centre, 13 November 2015, <http://bit.ly/1TA8id2>; 'Burundians living in daily fear face stark choice: flee, or risk dying in the attempt', The Guardian, 4 December 2015, <http://bit.ly/1YTKfrk>.

149 'Burundi refugee crisis: stops on the journey of refugees fleeing to Tanzania', Oxfam, 2015, <http://bit.ly/24oQRkF>.

150 'Regional humanitarian outlook', Humanitarian Bulletin, Eastern Africa, UN Office for the Coordination of Humanitarian Affairs, September-October 2015, <http://bit.ly/1XGagZo>.

won and it should not be abandoned. There are more than 10 million Burundians who face many difficulties at social, economic and political levels. All these people need someone to advocate for them. They need voices from everywhere.

It is important that these journalists and activists remember their colleagues, relatives, and friends who remain in Burundi, and who are still facing deportation, assassination and torture. Many civil society activists and journalists in Burundi are also currently living in deep poverty because the Bujumbura regime does not allow them to work. All these problems that Burundians are facing need to be reported about so that the world knows it. Wherever they are, they have to continue their work. I understand their situation, but if they took refuge where freedom exists, they have to use that space to inform others about the situation in Burundi. I am supportive of their work and I would use this opportunity to show compassion. Being a refugee is never an easy life. I hope that Burundi will overcome the hard times it is going through.

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Militias
have been
incorporated
into the security
forces to silence
all opposing
voices, and
the judiciary
has been
transformed into
an instrument
of political
repression.”

As the security situation deteriorated further, those who could leave continued to do so. By December 2015 some international partners with offices in Burundi had relocated, and the Belgian government was calling on its citizens to leave. This however created concerns that impunity would flourish as the ability to monitor abuses grew harder, given that many civil society activists, journalists and lawyers had fled.¹⁵¹ In the worst night of violence, on 11 December, around 87 people were killed, many of them apparently executed by security forces; security force claims that they had acted against leaders of attacks on the military were undermined by the fact that several of those killed were children and young people.¹⁵² In December 2015, Zeid Ra'ad Al Hussein, the UN High Commissioner for Human Rights, reported that the country should now be considered as being on the brink of civil war, and by March 2016 the UN was estimating that at least 474 people had been killed, with 5,000 having been detained.¹⁵³ A further anonymous civil society source informed us that:¹⁵⁴

Militias have been incorporated into the security forces to silence all opposing voices, and the judiciary has been transformed into an instrument of political repression. The suppression of civic space, banning of national and international media and statements made by the authorities which have the potential of inciting all-out violence, all point to the fact that Burundi is heading towards an abyss if drastic action is not taken to stop these atrocities.

As our interviewee suggested earlier, Burundi's government has shown itself unmoved by external pressure and international attention, even though this has been considerable. Belgium, a key donor as the former colonial power, and the EU suspended some aid in May 2015, including aid earmarked to support elections, on the basis that these had no prospect of being free and fair, and aid to support the police, on the grounds that police forces were being used to attack protestors.¹⁵⁵ The EU announced a further freeze of all but humanitarian aid in March 2016, and the Organisation Internationale de la Francophonie announced the suspension of some cooperation in April 2016.¹⁵⁶ The EU continued to pressure Burundi to hold human rights talks, while

151 'Burundi civil war fears as president accused of campaign of murder', The Guardian, 5 January 2016, <http://bit.ly/1OwDsRF>.

152 'Burundi: 87 killed in worst violence since April coup attempt', The Guardian, 12 December 2015, <http://bit.ly/21XtdeW>.

153 'Burundi on 'very cusp' of civil conflict, warns UN human rights chief', The Guardian, 17 December 2015, <http://bit.ly/1k4uz5x>; 'Senior UN official warns Burundi's tensions could fuel violence throughout Great Lakes region', UN News Centre, 22 March 2016, <http://bit.ly/1YWc8i7>.

154 This is an edited extract. For the comments in full, see CIVICUS, 4 December 2015, op. cit.

155 'EU states halt some Burundi aid over crackdown on protests', Reuters, 11 May 2015, <http://reut.rs/1XXTOF9>.

156 'Burundi Shrugs Off EU Suspension of Direct Aid Over Crisis', Bloomberg, 15 March 2016, <http://bloom.bg/1pO9vD4>; 'Francophonie suspends cooperation with Burundi, reinstates CAR', Africa News, 8 April 2016, <http://bit.ly/1VEw3Et>.



Photographer: Jordi Bernabeu Farrús

the UN Security Council (UNSC) passed a resolution in November 2015 condemning the killings and human rights violations, and calling for inclusive peace talks; UN human rights experts have called for stronger action to realise the resolution.¹⁵⁷ In December 2015, Zeid Ra'ad Al Hussein appealed for a concerted international effort, rather than piecemeal efforts, including action by neighbouring states, while in a special session held that month following civil society advocacy, the UNHRC backed a call to send a mission of independent human rights experts to Burundi to investigate abuses.¹⁵⁸

However, the familiar failings of the international system have surfaced, raising a suspicion that fine words are not backed by action. The UN's position would have been stronger had it not bowed to pressure from the Burundi government in December 2014 to close its political mission to Burundi and replace it with a much weaker election observation mission, even as civil society groups were pointing to a deterioration in human rights.¹⁵⁹ Further, the scale of funding to address the burgeoning

157 'EU calls on Burundi to hold talks on human rights violations', The Guardian, 22 October 2015, <http://bit.ly/1kzsHCu>; 'Call for a special session of the Human Rights Council to contribute to UN and regional efforts to prevent atrocities in Burundi', Worldwide Movement for Human Rights, 9 November 2015, <http://bit.ly/1lh7AVZ>; UN News Centre, 13 November 2015, op. cit.

158 'U.N. Rights Council Presses for Inquiry in Burundi', The New York Times, 17 December 2015, <http://nyti.ms/1NZMwev>.

159 'Could the UN have done more to prevent Burundi's escalating violence?', The Guardian, 21 December 2015, <http://bit.ly/1S4YOXD>.

humanitarian crisis, in Burundi and amongst its refugees, fell far short, indicating a lack of international priority and profile: in November 2015, the humanitarian appeal of the UNHCR, the UN's refugee agency, was only one-third funded, and in March 2016 it was reported that only one-tenth of the funds required had been secured by a further appeal.¹⁶⁰ Attempts to pass a UNSC resolution to send a peacekeeping force have been blocked, and at the time of writing an inadequate response in which the UN sends a small police force that cannot protect the population seems on the cards.¹⁶¹

Burundi's government has virulently resisted the pressure, and condemned external forces for "supporting a radical opposition who has decided to attack democratically elected institutions."¹⁶² Its leadership complained that the US government's introduction of sanctions against key Burundi officials in November 2015 amounted to vilification, and accused the USA of acting colonially in a March 2016 exchange at the UNSC.¹⁶³

Our anonymous civil society source sets out what is needed from the international community:

Despite all the efforts of the international community and Burundian civil society, the political and social situation in Burundi continues to worsen. Nkurunziza continues with his project of ruling Burundi, despite the risks of plunging Burundi into a deep political and economic crisis. The calls and sanctions of the international community seem to have had no effect on Nkurunziza's project.

The international community must play a key role in taking stronger measures to protect civilians and to prevent further escalation of violence. Unfortunately, diplomatic and political solutions have not had a significant impact on the politics in Burundi. Rescuing the Arusha Peace and Reconciliation Agreement and protecting democratic rule is the responsibility of the international community, as Burundi has ratified different conventions, especially the Cotonou Agreement and all other conventions under UN and AU auspices. Burundi is not an isolated island and the people of Burundi have the right to be protected against dictatorship and an oppressive regime.

The first support the international community can offer is to urge the government of Burundi to ensure peace and security for all Burundians and to restore fundamental freedoms, so that all Burundians can fully exercise their rights.

Secondly, the international community should support the efforts of Burundi's civil society to find political solutions to the crisis, especially by urging the UN and the AU to take further measures to push Burundian authorities and the political opposition to come together at the negotiation table with guarantees of the safety of civilians and the victims of oppression and violence.

160 UN Office for the Coordination of Humanitarian Affairs, September-October 2015, op. cit.; 'The world looks away as blood flows in Burundi', The Guardian, 10 April 2016, <http://bit.ly/1SHjgdX>.

161 'Burundi on the Brink: A Year of Violence, and the World Isn't Sure What to Do', Vice News, 28 April 2016, <http://bit.ly/26A8gZW>.

162 Worldwide Movement for Human Rights, 9 November 2015, op. cit.; The Guardian, 17 December 2015, op. cit.; 'Joint EHAHRDP, Protection International and CIVICUS statement on the Special Session of Human Rights Council of Burundi', CIVICUS, 22 December 2015, <http://bit.ly/1XXUmuE>.

163 'Burundi says U.S. sanctions on officials, others 'scandalous'', Reuters, 26 November 2015, <http://reut.rs/1NZNGGM>; 'Rwanda: Govt, Burundi Fire Back After U.S. Rebukes Leaders for 'Power Grabs'', All Africa, 23 March 2016, <http://bit.ly/21GDZTM>.

Thirdly, the international community must respond to the economic crisis faced by the population of Burundi in general, and activists in particular. If civil society activists lack financial support to continue their jobs and fail to get support for their basic needs, the situation may worsen. The deterioration of the economic situation of Burundi due to the crisis, coupled with the economic sanctions imposed by Burundi's main donors, have also affected the work of civil society. The international community's support to overcome this situation will be of great help.

As for the regional response, although ahead of the election the AU and some African leaders called on the president not to stand again, less pressure came from states closer to home.¹⁶⁴ Engagement by African leaders has been inconsistent, perhaps because many of them have been compromised by also seeking third terms. Uganda's President Museveni made some mediation attempts, but these were criticised as half-hearted; he may have been distracted by his own elections, and as a long-term ruler unimpeded by constitutional limits, he lacked credibility. Tensions between Burundi and its neighbour Rwanda endure, and hinder cooperation; in March 2016 Burundi's foreign minister accused Rwanda of interference and trying to "export genocide" in Burundi.¹⁶⁵ The East African Community stopped short of calling for the president not to stand again, only rather weakly asking for the election to be delayed.¹⁶⁶ Notably, many African states did not sponsor the December 2015 UNHRC resolution on Burundi.¹⁶⁷

The AU has engaged, but can be accused of inconsistency. The initial response was strong: the AU refused to send a team to observe the parliamentary and local elections in June 2015, on the basis that they could not be credible, and condemned violations and called for media freedom in November 2015.¹⁶⁸ In December 2015, after some prevarication, the AU committed to send up to 5,000 peacekeepers for at least six months, in recognition that citizens are under threat and the conditions are not safe for dialogue.¹⁶⁹ President Nkurunziza however pushed back against this attempt at continental peacekeeping, stating that it was a violation of borders and that the country would fight back against peacekeepers, while in January 2015, the government announced that it would not take part in peace talks.¹⁷⁰ The AU then took a step backwards at its January 2016 summit, when it re-elected Burundi to its Peace and Security Council – the very body that should be dealing with the Burundi situation. The AU also made no progress on its decision to send a peacekeeping force, making a vague commitment to send a panel to encourage dialogue.¹⁷¹ At the time of writing, the government continues to block moves to start peace talks: in April 2016, it stated that it would not enter talks unless it could determine who is present, and the time and location of the talks.¹⁷²

164 'Why the world can't stand by as Burundi becomes a failed state', Mail and Guardian, 8 December 2015, <http://bit.ly/1NFy68h>.

165 'East Africa: Burundi to Sue Rwanda for 'Destabilizing' the Country', All Africa, 28 March 2016, <http://bit.ly/1r1llcQ>.

166 'Crisis in Burundi: From non-interference to non-indifference, invoking the responsibility to protect', Daily Maverick, 15 December 2015, <http://bit.ly/1NZ0c7H>.

167 CIVICUS, 22 December 2015, op. cit.

168 'The African union reiterates the imperative need for dialogue and consensus for a lasting solution to the crisis in Burundi and announces that it will not observe the elections scheduled for 29 June 2015', African Union Peace and Security, 28 June 2015, <http://bit.ly/1lIGSnx>; 'Communique of the Peace and Security Council of the African Union (AU), at its 557th meeting held on 13 November 2015, adopted the following decision on the situation in Burundi', African Union Peace and Security, 14 November 2015, <http://bit.ly/1SsAWLn>.

169 'Communiqué of the 565th meeting of the PSC on the situation in Burundi', African Union Peace and Security, 17 December 2015, <http://bit.ly/1m2i1gH>; 'Burundi rejects African Union peacekeeping force', Associated Press, 19 December 2015, <http://apne.ws/1SUeCUl>.

170 'Burundians will fight against any AU peacekeepers: president', Reuters, 30 December 2015, <http://reut.rs/1mpk9i8>; 'Burundi government says will not join peace talks', Reuters, 5 January 2016, <http://reut.rs/23cVIDc>.

171 'African Union goes backwards on Burundi', Daily Maverick, 31 January 2016, <http://bit.ly/24oWkrU>.

172 'Burundi: Govt will not join crisis talks unless consulted', African News, 28 April 2016, <http://bit.ly/1VEtFxr>.

While the violence has continued, domestic civil society has suffered further restriction: some civil society leaders have had their freedom of movement restricted, and in November 2015 three CSOs had their bank accounts, and those of their leaders, frozen, while 10 CSOs had their licences cancelled, after being accused of anti-government activities and disturbing the country's security. This meant that the CSOs were unable to continue activities legally while their work was under review. One of the CSOs targeted was that headed by Pierre Claver Mbonimpa, while independent radio station Radio Publique Africaine also had its bank account frozen.¹⁷³ In addition, many independent media organisations and journalists have experienced violent attack.¹⁷⁴

The government also lashed out at the Catholic Church's attempts at peacebuilding, accusing it of playing a political role and of talking to insurgents and "sponsors of terrorism".¹⁷⁵ In March 2016, it even showed its paranoia by detaining a comedian, Alfred Aubin Mugenzi, for performing a sketch about the president. Civil society meanwhile remains concerned about Marie-Claudette Kwizera of the Iteka League, who has been missing since being abducted, apparently by the Burundian National Intelligence Service, in December 2015.¹⁷⁶

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There can
therefore be no
lasting solution
to the conflict
without respect
for human
rights, including
those of civil
society.”

Zeid Ra'ad Al Hussein condemned the move to restrict CSOs as being concerned with the silencing of dissent and the closing of democratic space, rather than with security. He asked how constructive dialogue could realistically be expected in such restricted conditions, and expressed concern about how long the suspensions would continue, given that five media organisations similarly targeted in June 2015 remained suspended.¹⁷⁷

The violence continues at the time of writing, as the crisis entered its second year: the UN reported that 31 people were killed in April 2016.¹⁷⁸ A lingering fear is that the violence will take ethnic lines, in a country that experienced a brutal civil war, characterised by conflict between its large Hutu majority and prominent Tutsi minority. The army, a key player in Burundi, was once dominated by Tutsi people, and part of the post-war peace-building process focused on introducing more Hutu officers into the military, but there have been some signs that Hutu officers are rebelling and defecting to organise rival forces, with reprisal killings of officers between the two sides, and the police also moving to take sides. Some tension between army and government adds to the uncertainty.¹⁷⁹ A rise in the use of inflammatory language by the government has been noted, including demonising language that is comparable to other pre-genocide moments.¹⁸⁰

173 'Burundi: Temporary suspension of the activities of 10 human rights NGOs', World Organisation Against Torture, 25 November 2015, <http://bit.ly/1YWe1vj>; CIVICUS, 4 December 2015, op. cit.; 'Joint CIVICUS EHAHRDP Burundi UNHRC Oral Statement', CIVICUS, 18 December 2015, <http://bit.ly/1SyoWe5>.

174 'Burundi's Independent Media Finds Itself in the Crossfire of a Deadly Crisis', Global Voices, 16 February 2016, <http://bit.ly/1rng2pO>.

175 'Burundi official accuses Church of 'sponsoring terrorism' as crisis engulfs the country', Catholic Herald, 7 April 2016, <http://bit.ly/1NFBa4z>.

176 'Burundi Just Arrested a Comedian For Making Fun of the President', Vice News, 1 April 2016, <http://bit.ly/1Tj6KBq>.

177 'Burundi: UN rights chief deplores suspension of human rights groups, warns of 'civil war'', UN News Centre, 25 November 2015, <http://bit.ly/249eSQa>; 'Burundi: Zeid deplores NGO crackdown; renews call for inclusive dialogue', Office of the UN High Commissioner for Human Rights, 25 November 2015, <http://bit.ly/1Ned4u0>.

178 'Burundi death toll jumps to 31 in April: U.N. rights chief', Reuters, 27 April 2015, <http://reut.rs/1QB0rHu>.

179 'A l'intérieur de la crise burundaise (I): Une armée divisée et en perte de repères', Mpire Burundi, 2 October 2015, <http://bit.ly/249fmFS>; 'Cracks widen within Burundi's army', IRIN, 12 October 2015, <http://bit.ly/1K8bLHP>; 'Burundi military officer launches new force to challenge president', Reuters, 23 December 2015, <http://reut.rs/1JwBX05>.

180 'Burundi experiencing 'deep political crisis; with hundreds dead since April'', Security Council told', UN News Centre, 9 November 2015, <http://bit.ly/249fmFS>.

At the same time, there is a risk that to view the conflict through an ethnic lens, and to characterise Burundi as another Rwandan genocide in the making, could further inflame the situation and make a peaceful solution harder. Civil society should continue to resist being pushed into adopting ethnic-based positions. It is important to assert that the origins of the conflict lie in poor governance, low accountability and a lack of respect by ruling elites for democracy, civil society and human rights. There can therefore be no lasting solution to the conflict without respect for human rights, including those of civil society. Burundian civil society is taking responsibility even in times when it is restricted. For example, in December 2015, it convened to develop a clear plan for peace and the rebuilding of democracy.¹⁸¹ Civil society, both within Burundi and that recently exiled, must be recognised and fully included as part of the answer in resolving the Burundi conflict.

The Burundi conflict remains essentially a political one. As a political conflict, the violence cannot be solved by a security clampdown applied by a paranoid regime; it needs a political solution. Peace talks need to be inclusive, bring together all parties and be neutrally convened, and they should reject impunity and move away from hate speech. As Burundian civil society has made clear, embedded practices of corruption, violence and impunity that preceded this crisis need to be recognised and addressed in order for peace to be built.¹⁸² There is also a need to reform state institutions, including defence and the judiciary, which have become politicised and rejected as lacking legitimacy, for political prisoners to be released, and a constructive plan to be developed for the safe return of Burundi's many exiles.¹⁸³ Economic stagnation and youth unemployment also need to be addressed if peace is to be lasting. Civil society and the international system must continue to advocate for such inclusive, wide-ranging peace processes. There can be no solution that does not involve civil society.

11. EGYPT: A STRONG-ARM STATE FEARS INTERNATIONAL EXPOSURE

The Egyptian state continues to betray the hopes of the 2011 revolution by systematically suppressing dissent and controlling the spaces for participation, under the guise of countering extremism and preventing terrorism. Among the tactics employed are the criminalisation of dissenting activity through a politicised judicial system, widespread use of execution and extra-judicial killings, and laws that interfere in the ability of CSOs and activists to operate.

While acting tough at home, the Egyptian regime however seems notably sensitive about international efforts to expose its human rights abuses. For example, the Cairo Institute for Human Rights Studies found its activities and funding sources placed under investigation in 2015, after its director spoke at the Human Rights Committee of the European Parliament. This ironically

[ly/1VXyemi](http://bit.ly/1VXyemi); 'UN ramps up pressure on Burundian government with resolution on violence', The Guardian, 12 November 2015, <http://bit.ly/1WU18jt>.

181 'Burundi Crisis: Diagnosis and Solutions Proposed by the Burundi Civil Society', Document of the Campaign 'Halte Au Troisieme Mandat', December 2015.

182 Ibid.

183 'Op-Ed: Dealing with increasing insecurity in Burundi', Daily Maverick, 15 November 2015, <http://bit.ly/1TAeK3S>; 'What talks in Burundi should look like', IRIN, 17 November 2015, <http://bit.ly/1PzovQh>.

added weight to its report that civil society rights are being heavily restricted.¹⁸⁴ It is hard to escape the conclusion that it was penalised for speaking out in the international arena.

In another example of how the state fears international exposure, Mohamed Lofty of the Egyptian Commission for Human Rights was subjected to a travel ban in June 2015, which stopped him from visiting Germany to undertake advocacy alongside a visit by President Abdel Fattah el-Sisi. President Sisi's visit came just two weeks after a preliminary death sentence was handed to the former president, Mohammed Morsi, who was ousted by Sisi in a military coup, along with over 100 members

184 'Egypt: Government targets Cairo Institute for Human Rights Studies (CIHRS) under NGO Law', Gulf Center for Human Rights, 11 June 2015, <http://bit.ly/1VEC97D>; 'Egypt: Cease administrative harassment of Cairo Institute for Human Rights Studies', East and Horn of Africa Human Rights Defenders Project, 11 June 2015, <http://bit.ly/1r2ei4S>; '29th Session of the Human Rights Council. ID on High Commissioner's Update', CIVICUS, 15 June 2015, <http://bit.ly/1SUGxyU>.



Photographer: Alisdare Hickson

of the once again banned Muslim Brotherhood movement. President Sisi has become a regular traveller as he seeks to build up his legitimacy and rescue his country's economy by positioning himself as a guarantor of regional security and stability.¹⁸⁵ It is therefore unsurprising that those members of Egypt's civil society who have avoided jail sentences and killings are denied a similar platform to tell their side of the story. Mohamed Lofty's experience is not a one-off: in February 2016, Gamal Eid, of the Arabic Network for Human Rights Information, was stopped at the airport and told he was subject to a travel ban, and in January 2016, Omar Hazek, an activist and poet was also stopped, ironically when he was on his way to collect a PEN International prize for the freedom of expression.¹⁸⁶

We spoke to Mohamed Lofty about the bigger picture behind the travel ban:¹⁸⁷

My de facto travel ban points to the fact that only those who support the Al-Sisi government were allowed to travel to Germany during his visit.

But what happened to me is nothing compared to the grave violations so many human rights defenders and civilians face every day in Egypt. Systematic attacks against civil society in Egypt have escalated since the military takeover in July 2013. Although my travel ban is symptomatic of the repressive attitude of Egyptian authorities, there are many other examples. The arbitrary detention of Hassan Mubarak, who is the owner of a printing shop that publishes works of CSOs, and the arrest of several members of April 6 Youth Movement illustrate that anyone expressing dissent is prone to unlawful attacks from the government. In addition, the Egyptian state is continuing to clamp down on the sources of funding for human rights organisations, which jeopardises their ability to respond to the increasing repression against opponents and activists.

In the most internationally notorious example of Egypt's assault on dissent, 2015 saw three Al Jazeera journalists, first arrested in December 2013, found guilty for broadcasting false news and aiding a terrorist organisation, as the Muslim Brotherhood is now designated. The trial process was condemned for being politically motivated and deeply flawed, indicative of a judiciary that has been captured by the political elite.¹⁸⁸ A high profile campaign throughout the detention and trial mobilised public support and, following the sentencing, called for the release of the two jailed journalists, the other having been trialled in absentia following deportation to his native Australia. The two were eventually pardoned and freed, as part of a pardon and release of around 100 people, ostensibly to mark a religious holiday in September 2015, but perhaps not coincidentally just before President Sisi was due to fly to New York to attend the UN General Assembly.¹⁸⁹

185 'Sisi's German Visit Highlights His Growing International Legitimacy', The Wall Street Journal, 3 June 2015, <http://on.wsj.com/1VECib9>; 'Sisi comes to London: why is David Cameron welcoming Egypt's autocrat to the UK?', The Guardian, 31 October 2015, <http://bit.ly/1KSs4Jf>.

186 'Egypt: Travel bans systematically used to silence Human Rights defenders' voices', World Organisation Against Torture, 12 February 2016, <http://bit.ly/1rnvX7q>.

187 This is an edited extract. For the full interview see 'CIVICUS interview with Mohamed Lofty (ECRF)', CIVICUS, 24 June 2015, <http://bit.ly/1T9UaEg>.

188 'Al-Jazeera ruling 'disturbing sign for the future of the Egyptian press': Rights groups', Daily News Egypt, 24 June 2014, <http://bit.ly/1SUGS4E>; 'Al Jazeera staff sentenced to jail in Egypt', Al Jazeera, 29 August 2015, <http://bit.ly/1PEpwmv>; 'World reacts to Al Jazeera journalists' jail sentences', Al Jazeera, 29 August 2015, <http://bit.ly/1hL4msf>.

189 'Al Jazeera journalists freed from Egypt prison', Al Jazeera, 23 September 2015, <http://bit.ly/1NTx5IH>; 'Egypt's President Sisi Pardons 100 Prisoners, Including Al Jazeera Journalists and Activists', Egyptian Streets, 23 September 2015, <http://bit.ly/23drP5E>.

Freed journalist Mohamed Fahmy credited the #FreeAJStaff and #JournalismIsNotACrime international campaign for keeping up the pressure for his release, but also pointed to the need to maintain campaign energy and focus on the many other activists and journalists who remain in jail.¹⁹⁰ For example, the past three Egyptian presidents have agreed on little, but something they have in common is that they have all detained Alaa Abd El-Fattah, a blogger who was a prominent figure in the 2011 uprising. At the time of writing, he has entered the second year of a five year jail sentence for violating a law that bans unauthorised demonstrations.¹⁹¹

So politicised is the law in Egypt now that even to be a witness risks becoming a defendant. Azza Soliman, founder of the Centre for Egyptian Women Legal Aid, voluntarily went to the police in January 2015 to give a witness statement on police violence against a protest, which resulted in the death of an activist, Shaimaa El Sabbagh. Even though she was not part of the protest, she was charged with breaching security and public order and taking part in an unauthorised protest. She spent much of 2015 mired in Egypt's politicised judicial process before finally being acquitted in late October. The message this sends out is that witnesses of police brutality should keep quiet.¹⁹²

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Indeed, Egypt can be characterised as a prison state, in which the government deals with dissent by locking up those with opposing views. Since October 2014, civilians can be trialled in military courts, which makes convictions more likely. In January 2015, Human Rights Watch reported that over 41,000 people had been jailed under Sisi, while the Arab Organization for Human Rights UK placed politically-motivated arrests at a staggering 17,840 people in 2015 alone.¹⁹³ Prisons are now dangerously overcrowded, at 160 per cent to 200 per cent of capacity, which means that, while the economy is stagnating, one growth area is prison construction: five new jails opened in the second half of 2015 alone, and two more were under construction.¹⁹⁴

Egyptian jails are dangerous places for convicted activists; CSO Alkarama has documented that the number of deaths in detention has trebled since Sisi took power, as a result of torture, denial of medical care and other maltreatment. These deaths should not be seen as accidental: changes to the prison laws, introduced in October 2015, give prison staff the right to use force against prisoners as they see fit. Other measures introduced included increasing solitary confinement periods and raising the penalties for bringing prisoners forbidden items, which can include medication.¹⁹⁵

What this means is that, while Egypt's government positions itself internationally as cracking down on terror, for any Egyptian that takes an opposing view, it is rather a source of terror. Many who try to express dissent receive worse than a jail term: Egypt

190 'In-depth interview with Mohamed Fahmy: 'I am free. Now let's free the others', African Arguments, 13 October 2015, <http://bit.ly/1UIKMCZ>.

191 'Egyptian Blogger Alaa Abd El Fattah Sentenced to Five Years in Jail', Global Voices advox, 23 February 2015, <http://bit.ly/1WXoOqs>; 'Offline: Alaa Abd El Fattah', Electronic Frontier Foundation, 2016, <http://bit.ly/1WXoVCv>.

192 'Continuous Targeting of Human Rights Defenders in Egypt; Witnesses Become Defendants', Cairo Institute for Human Rights Studies, 28 March 2015, <http://bit.ly/1SyRxxV>; 'Egypt: Continued judicial harassment of Ms. Azza Soliman', Worldwide Movement for Human Rights, 24 June 2015, <http://bit.ly/1WXptrP>; 'Egypt: Acquittal of Ms. Azza Soliman, human rights lawyer and founder of Centre for Egyptian Women Legal Aid (CEWLA)', Worldwide Movement for Human Rights, 29 October 2015, <http://bit.ly/1WvieHa>.

193 'Egypt: Human Rights in Sharp Decline', Human Rights Watch, 29 January 2015, <http://bit.ly/1PcwnlW>; 'Human Rights Violations in Egypt in 2015', Arab Organization for Human Rights in UK, 7 January 2016 <http://bit.ly/1Tqiqpk>.

194 'Egyptian prisons on the rise', Egypt Independent, 2 June 2015, <http://bit.ly/1SySVCJ>.

195 'Egypt: New Prison Law Creates Breeding Ground for Abuses and Restricts Prisoners' Rights', Alkarma, 27 October 2015, <http://bit.ly/21jpOW5>; 'Egypt rights lawyers say new prison law legalises abuses', The New Arab, 27 October 2015, <http://bit.ly/249Apbk>; 'Egypt : Death Behind Bars - Torture and Denial of Medical Care in Detention in Egypt 2015', Alkarma, 4 November 2015, <http://bit.ly/1O0jE5N>.

has become notorious for flawed trials in which hundreds of government opponents are simultaneously sentenced to death. In 2015, 395 Egyptians were sentenced to death.¹⁹⁶

And then there are the killings without sentences. The military killed at least 2,500 people in its first eight months of power, and the Arab Organization for Human Rights UK recorded that 267 people were extra-judicially killed in Egypt in 2015.¹⁹⁷ This latter figure is even worse than it first appears, because it does not include the Sinai peninsula, where monitoring is harder. In Sinai, with the stated aim of combating Islamist terrorism, the army is alleged to have killed 1,600 people in 2015.¹⁹⁸

Alongside killings and jailings, laws have tightened to prevent meetings and movement, again under the guise of combating terrorism. An anti-terrorism law approved in August 2015 introduces heavy fines for “false reporting” by the media on terrorist attacks or military operations,¹⁹⁹ and at time of writing, a new draft law was under discussion to further tighten state control over CSOs. The new law would give the state the power to suspend CSO activities if they are seen to threaten national unity, public order or morality, which are vaguely defined to allow the government broad scope to act. The law would also make it harder to register a new CSO, and give the state the power to block foreign funding to a CSO.²⁰⁰ Gamal Eid has called attention to the apparent role of national security forces in the development of the law.²⁰¹

These legal changes are of particular concern, because they come in a context where there is a climate of political discourse that positions human rights and national security as being opposed. In March 2016, CSOs spoke out that they feel they are being treated as enemies of the state;²⁰² as Amal Elmohandes, of Nazra for Feminist Studies, told us:²⁰³

The Egyptian government has for a while now been targeting human rights defenders not only through the protest law that restricts mobilisation, meetings and conferences but also through a discourse used by the media and the government on how human rights issues tamper with national security.

Amal Elmohandes should know; Nazra for Feminist Studies has faced persistent harassment, including a smear campaign, and in 2016 it has found itself exposed to renewed judicial persecution, along with the Cairo Institute for Human Rights Studies: staff from the two CSOs were summoned to court in March 2016 for alleged breaches of foreign funding regulations. Representatives of the Arab Network for Human Rights Information and the Egyptian Initiative for Personal Rights were subsequently summoned, and at the time of writing, foreign funding cases, which had been dormant since 2013, had been reopened against six of Egypt’s most prominent CSOs. Heavy restrictions, including detention, asset freezes and travel bans are

196 Arab Organization for Human Rights in UK, 7 January 2016, op. cit.

197 ‘Egypt’s Unprecedented Instability by the Numbers’, Carnegie Endowment for International Peace, 24 March 2014, <http://ceip.org/1dsjJCs>; Arab Organization for Human Rights in UK, 7 January 2016, op. cit.

198 ‘Egypt: Thousands Evicted in Sinai Demolitions’, Human Rights Watch, 22 September 2015, <http://bit.ly/1WXFK0a>; Arab Organization for Human Rights in UK, 7 January 2016, op. cit.

199 ‘Egyptian president ratifies law curtailing journalists’, France 24, 17 August 2015, <http://f24.my/1SDhYkI>.

200 ‘NGO bill sparks controversy in Egypt’, Al Monitor, 3 January 2016, <http://bit.ly/1ZKkUBg>.

201 ‘New NGO draft law worse than previous laws due to National Security interference: Gamal Eid’, 3 April 2016, <http://bit.ly/1r2MmO4>.

202 ‘Egypt: NGOs ‘being treated like an enemy of the state’, say 14 leading NGOs’, Amnesty International, 23 March 2016, <http://bit.ly/23dYY1d>.

203 ‘Media statement: international community must not fail Egyptian activists and civil society’, CIVICUS, 21 October 2015, <http://bit.ly/1jCYGS4>.

all options available to the state while pursuing investigations, and a gagging order has been issued against media coverage.²⁰⁴ There has also been recent political rhetoric about banning all foreign funding to civil society.²⁰⁵ Further, in February 2016, the government issued a closure order against the Nadeem Centre for the rehabilitation of victims of violence and torture, for unspecified ‘violations’ of regulations, an order that it attempted to enforce in April 2016.²⁰⁶

Given how difficult it has become to participate, debate and express dissent in Egypt, how could any election be considered free and fair? And yet Egypt held its parliamentary elections, over two phases, in October and November 2015, as part of its so-called ‘Roadmap to Democracy’. As in other cases discussed in this report, when there are few opportunities to express dissent, and a lack of alternatives on offer, one way left to show dissent is to refuse to vote; this seems to have been the case for the 2015 elections: official turnout estimates for the October 2015 phase started out at 16 per cent before being upwardly revised to a still low 26.6 per cent. After the first two days of voting, turnout stood at only 2.27 per cent, and the state resorted to threatening to fine non-voters. Even if non-voters are merely apathetic, the verdict is still damning: not voting may be an acknowledgement that parliament no longer has power. In a further acknowledgement that these were elections without purpose, most international bodies chose not to send election observers.²⁰⁷

While there is some support in Egypt for strong rule, including military rule, upon which President Sisi capitalises, this is not the only current of thought; it is, however, increasingly the only one that is not suppressed. Neither support for dictatorial rule nor the suppression of opposition to it are compatible with any notion that Egypt is truly moving towards democracy. It should be clear that Egypt can make no progress towards democracy without the full participation of civil society, which can only happen if civil society rights are realised.

Egypt’s failed revolution has come about because each successive wave that has captured the presidency has seen Egypt as a resource to be controlled in a winner-takes-all exercise. None has been interested in developing pluralism, something that demands a capacity to tolerate dissent. But Egypt is storing up problems. If participation in elections continues to decline, then these will no longer have the effect of conferring false legitimacy. If the economic problems that helped fuel public anger in 2011, including rising inequality, lack of economic opportunity and youth unemployment, continue, then public outrage can be expected to flare again.

While the dismal experience of Egypt can seem a throwback to the cold war era, when strategic states could position themselves as bastions of stability to mitigate international pressure to conform to human rights norms, the cultivation of international relations should be recognised as a double-edged sword. Through his frenetic programme of jet-assisted

204 ‘Egypt: Ongoing harassment and restrictions to freedom of association against several human rights organisations’, World Organisation Against Torture, 16 March 2016, <http://bit.ly/1OODzI2>; ‘Egypt imposes gag order in NGOs foreign funds case’, Ahrām Online, 22 March 2016, <http://bit.ly/1XYcXH6>; ‘Human Rights on Trial in Egypt as NGO Funding Case Revived’, Fortune, 27 March 2016, <http://for.tn/1SPmBun>; ‘Egypt: 43 NGOs condemn the escalating measures taken by the Egyptian government against Nazra for Feminist Studies and her leader Mozn Hassan’, World Organisation Against Torture, 28 March 2016, <http://bit.ly/1SzaC51>.

205 ‘Foreign funded NGOs face new attacks from Egypt MPs’, Ahrām Online, 4 April 2016, <http://bit.ly/1pPeRxW>.

206 ‘Egyptian anti-torture group vows to defy government move to shut it down’, The Guardian, 22 February 2016, <http://bit.ly/1XH1ewI>; ‘Egyptian anti-torture NGO remains open despite another closure attempt’, Al Bawaba, 6 April 2016, <http://bit.ly/1SUJL5D>.

207 ‘Why almost nobody participated in the Egyptian parliamentary elections’, Open Democracy, 23 October 2015, <http://bit.ly/1VEJc6S>; ‘Low turnout as Egyptians continue election run-off’, Al Jazeera, 28 October 2015, <http://bit.ly/1QFrZM2>; ‘Egyptian Election 2015: Low Turnout And Voter Indifference Makes Victory For President El-Sisi Inevitable’, International Business Times, 29 October 2015, <http://bit.ly/1NGm4M3>.

diplomacy, President Sisi has shown that external perceptions matter to the state. The restrictions on civil society have been condemned by UN human rights special rapporteurs, but Egypt's allies in the west, which rely on Egypt for its military cooperation against regional terrorism, have largely been silent. For example, the UK does not list Egypt on its list of human rights priority countries, while in March 2015, the USA revoked a suspension on the provision of military aid to Egypt.²⁰⁸

This suggests that civil society, in the countries important to Egypt, has a role to play. The government's concern about its international reputation can be used against it: greater advocacy is needed by civil society in states that are Egypt's allies, to challenge governments to change policies towards Egypt. In addition, increased pressure should be exerted to make human rights conditions stronger in international agreements made with Egypt's government, and greater support should be given to those, in Egypt and abroad, who shed light on the state's dubious claims to legitimacy

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Eritrea should be understood as a state with no independent judiciary, no media freedom and no freedom of movement.”

12. ERITREA: ESCAPING A MILITARISED STATE

Eritrea has been characterised as Africa's North Korea, a militarised state on a permanent war footing. Shortly after Eritrea achieved independence from Ethiopia in 1991, the Eritrean People's Liberation Front, subsequently rebranded as the People's Front for Democracy and Justice, established a one-party state, and has ruled ever since. Its constitution, agreed in 1997, has never been implemented, elections have never been held, its president, Isaias Afewerki, has now been in power for 25 years, and its national assembly has not met since 2002. Today, Eritrea should be understood as a state with no independent judiciary, no media freedom and no freedom of movement. Civil society rights are non-existent. To express dissent is to risk detention, torture and execution, and restriction is underpinned by intensive surveillance of Eritrean citizens, at home and abroad.²⁰⁹

All adults under 50 face indefinite military conscription in Eritrea's national service. An 18-month limit on national service is widely flouted, and national service often entails forced labour on infrastructure projects, such as building roads.²¹⁰ For those in national service, little dissent is tolerated, the practise of religion is banned and arbitrary detention and physical and sexual abuse are common. If soldiers desert, family members are detained and fined. A UN inquiry in 2015 described the conditions as being “slavery-like,” concluding that human rights violations are systematic and routine, to the extent that it can only be assumed these are deliberate government policy.²¹¹

The government remains resistant to international pressure; it expelled most aid agencies in 2011, and did not engage with the UN investigation. This meant that the inquiry, which has continued into 2016, has not been able to visit Eritrea, something that the government has tried to use to rebut its findings. When pressed to offer a justification, the government claims that

208 ‘Obama administration ends long hold on military aid to Egypt’, The Washington Post, 31 March 2015, <http://wapo.st/1SDjzHh>; ‘Human rights work has been downgraded by Foreign Office, says MPs’, The Guardian, 5 April 2016, <http://bit.ly/236wZWg>; ‘U.N. experts decry Egypt's crackdown on NGOs and human rights’, Reuters, 11 April 2016, <http://reut.rs/1TajsCo>; ‘Twin Threats. How the Politics of Fear and the Crushing of Civil Society Imperil Global Rights’, Human Rights Watch, 2016, op. cit.

209 ‘There must be no compromise with Eritrea's tyrannical Afewerki regime’, The Guardian, 28 October 2015, <http://bit.ly/1MpUYSS>; ‘Statement on Eritrea at UN Human Rights Council’, CIVICUS, 14 March 2016, <http://bit.ly/1SUKPWZ>.

210 ‘Miserable and useless’, The Economist, 10 March 2014, <http://econ.st/1h92WkB>.

211 ‘Eritrea Is The Last Place In The World You Would Want To Serve In The Military’, Task and Purpose, 30 June 2015, <http://bit.ly/249YBua>; ‘Commission of Inquiry on Human Rights in Eritrea’, UN Office of the High Commissioner for Human Rights, 2016, <http://bit.ly/1KLz2Qy>.

restrictions are necessitated by its ongoing border dispute with Ethiopia. The reality, however, may well be the desire of the ruling elite to keep a close grip on Eritrea's economic wealth. Political elites are closely connected to mining projects, and the UN inquiry found evidence that forced labour had been used in the construction of the Bisha Mine, a copper mine that is jointly owned by the Eritrean state and a Canadian company, Nevsun Resources. At the time of writing, three Eritreans are bringing a lawsuit against Nevsun Resources in Canada, alleging that they have experienced "cruel, inhuman and degrading treatment" while being forced to work at the mine.²¹²

Given such persistent denial of their human rights, it is not surprising that Eritrea's citizens are prepared to risk great danger and uncertainty, including the threat of being shot on sight, to escape the country in large numbers. An estimated 5,000 people flee Eritrea each month, and between six and 10 per cent of Eritrea's citizens are now registered as refugees by UNHCR. In 2014, almost as many people fled Eritrea as Syria, even though Eritrea's population is smaller and Eritrea is not in a state of civil war.²¹³ If people are risking death to flee a country that is not at war, then it tells us that something is very wrong.

Often finding themselves in hostile conditions, Eritrean refugees have formed their own support networks. For example, a weekly radio show, Voices of Eritrean Refugees, is broadcast by internet and satellite and compiled by a Swedish-based



Photographer: Alisdare Hickson

Eritrean to offer advice and support to refugees.²¹⁴ But rather than find ways to support such valuable civil society-led initiatives in response to the flow of refugees, donor governments of the global north now seem to be moving to support Eritrea's repressive government. Eritrea has long been treated as a pariah state and subjected to sanctions, but in July 2015, the EU announced that it was planning to give new aid to Eritrea.²¹⁵ This falls into a larger pattern discussed in our section on exclusion, in which European governments, feeling overwhelmed and politically exposed by a surge of refugees, are seeking a short-term political fix, and treating symptoms rather than causes. By giving the Eritrean state more resources, the EU will help it to consolidate its grip on citizens and keep them within its borders, but it will not address the human rights deficits that drive people to flee. In doing so, European states are making a category error, in seeing Eritrean refugees as economic migrants rather than political refugees.

Human Rights Concern Eritrea drew attention to these issues in April 2015, suggesting that European aid to Eritrea would conflict with the EU's often stated commitments to democracy and human rights.²¹⁶ They also noted that the giving of development funding to militarised states in conditions of zero accountability is unlikely to lead to development that benefits people and opens up space for human rights; instead the fear must be that funding will benefit the political elite and be spent on projects close to the president.

In short, a politically stable Eritrea may seem good news for European governments facing political heat about refugees, but if stability means the further consolidation of an autocratic regime, it can only be more bad news for Eritrea's citizens. The Newsun mining case however offers one indication of how an international response can be mounted, not only in the case of Eritrea, but also for other resource rich, democracy poor countries, by using the courts in the headquarter countries of transnational corporations that benefit from cheap access to minerals by denying human rights. Even if cases fail to result in legal sanctions, they help expose bad corporate practice and bring damaging publicity to corporations. In addition, if global north governments are suppressing qualms on security and stability grounds, this also suggests, as with Egypt, a role for civil society in global north countries to expose deals and pressure their governments to insist that demonstrable human rights progress comes in return for their support. It must be made clear that with the acceptance of aid from the EU should come greater openness and accountability as a response.

13. MAURITANIA: CIVIL SOCIETY STYMIED IN CHALLENGING SLAVERY

Mauritania is a country on which the gaze of the outside world rarely falls. It is a nation in which slavery remains a fiercely contested issue: Mauritania has the highest prevalence of slavery in the world, with an estimated four per of the country's

214 'Eritrean refugee radio hotline gears up for looming winter', The Guardian, 29 October 2015, <http://bit.ly/1rFxyU>.

215 'EU wants new aid for Eritrea soon to help stem migrant crisis', Reuters, 17 September 2015, <http://reut.rs/1O0NjvL>;

'EU Appears Poised to Resume Development Aid to Eritrea', Voice of America, 15 October 2015, <http://bit.ly/1jFZ3L5>; The Guardian, 28 October 2015, op. cit.

216 'HRCE Sends a Letter to EU Stating Concern over Development Aid to the Eritrean Government', Human Rights Concern Eritrea, 15 April 2015, <http://bit.ly/1SDnF25>.

population living in slavery, although Mauritanian campaigners suggest the figure might stand as high as 15 per cent.²¹⁷ Only in August 2015 was a law passed to make slavery a crime against humanity in Mauritania, punishable by a prison term of 20 years, and only in 2007 was slavery first outlawed.²¹⁸

But while the eventual passing of this law should be a cause for celebration, slavery remains a particularly sensitive issue for Mauritania's rulers; it is still strongly embedded in the country's social and power structures, and connections between slave owners and political and judicial elites remain deeply entrenched. Existing laws have not been enforced, and a special tribunal to prosecute crimes of slavery, established in 2014, appears to exist only on paper.²¹⁹ Only one case of slavery has successfully been brought to prosecution since 2007, and it appears that the slave owner was released pending an appeal that never took place.²²⁰ Activists believe that judges sympathise more with slave owners than with slaves and, even when slavery cases are taken to court, official language shies away from using the terminology of slavery.²²¹ Victims are often reluctant to come forward, having been born and raised in a subservient culture. In some ways, the laws have created a new obstacle, in that they have enabled an official culture of denial, which maintains that, now slavery has been made illegal, it can be claimed no longer to exist.

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Mauritania has the highest prevalence of slavery in the world, with an estimated four per of the country's population living in slavery.”

Mamadou Moctar Sarr, executive secretary of the National Forum for Human Rights Organisations (Forum nationale pour l'organisation des droits humains, FONADH) draws attention to the lack of practical action to eliminate slavery in Mauritania:²²²

In 2007, a law criminalising slavery practices was adopted by the National Assembly. A roadmap comprising 29 points was also adopted to eradicate slavery. However, all these instruments failed in regulating this situation as they were not implemented by the authorities. Indeed, several cases of slavery were brought to the attention of the public by anti-slavery organisations, but Mauritanian magistrates, all originating from slave-owning societal groups and feudal settings, never wanted to apply the law.

The non-implementation of the law criminalising and sanctioning slavery and the lack of implementation of programmes aiming at eradicating slavery creates a serious problem. There is also a lack of a global and integrated strategy to fight slavery in Mauritania once and for all.

Although Mauritania has ratified most international conventions on human rights and freedoms, it does not often adhere to them. Some Mauritanian judges claim they are not aware of these laws and sometimes they pretend these laws have not been published. But the Office of the United Nations High Commissioner for Human Rights

217 The Global Slavery Index: Mauritania, <http://bit.ly/1SUMsEg>; 'Meet the woman freeing Mauritania's slaves', Al Jazeera, 9 December 2015, <http://bit.ly/1SPMxEI>.

218 'Mauritania anti-slavery law welcomed by campaigners', BBC, 14 August 2015, <http://bbc.in/1pPAX3p>.

219 Global Slavery Index, op. cit.

220 'Mauritania anti-slavery law threatened by NGO crackdown plan – activists', Thomson Reuters Foundation, 18 August 2015, <http://tmsnrts/1SzpPmF>.

221 BBC, 14 August 2015, op. cit.

222 This is an edited extract. For the full interview see 'Fighting slavery still an uphill battle for human rights activists in Mauritania', CIVICUS, 22 October 2015, <http://bit.ly/1PPnwdA>.

in Nouakchott, the capital, has funded the publication of an Official Journal that contains the main international conventions, putting to an end the argument used by judges to justify why they don't apply international conventions that have been duly ratified by Mauritania.

In this environment, CSOs and activists that try to act on the continuing challenge of slavery risk finding themselves regarded as trouble-makers, because they raise issues that the powerful want to brush under the carpet. For example, in January 2015, three activists were jailed for two years after organising an anti-slavery march. The bitter irony of this is that, while anti-slavery campaigners are jailed, Mauritania's prisons currently hold not a single slave owner.²²³

As Mamadou Moctar Sarr makes clear, this indicates a bigger failing in the environment for civil society in Mauritania:

Human rights activists working on this issue are continuously threatened or jailed by the powers in place.

In Mauritania, human rights activists face several other challenges. Their organisations are not fully recognised by the authorities. There is an absence of internal legislation protecting human rights activists, to such an extent that activists are often exposed to multiple risks in their attempt to defend human rights violations and victims. Reporting a human rights infringement is dangerous, as those who try to do so are threatened. For example, a humanitarian CSO leader, Aminetou Mint El Moctar, has received death threats for the work he does.

There are also threats, pressure, intimidation and blackmail by public authorities against human rights activists fighting for the rights of minorities and the protection of their languages and culture.

Given such challenges, it seems less an unintended irony than an act of conscious calculation that, in the same month the government legislated to make slavery a crime against humanity, it also introduced a new draft law to limit civil society freedom. The law would give the state the power to authorise CSOs, and seems to have the aim of limiting CSO activity to the delivery of services. It also contains vague provisions. In response, UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, called for the draft law to be rejected, pointing out that it was introduced without any consultation.²²⁴

The only inference that can be drawn is that the work of civil society, including to monitor and exercise accountability over the anti-slavery law, support the rehabilitation of victims - an area where civil society leads - and seek prosecutions for slavery, is going to be made harder.²²⁵ It seems that the government is prepared to have stronger laws against slavery, but is uncomfortable with the scrutiny needed to ensure that the law is fully realised.

²²³ Thomson Reuters Foundation, 18 August 2015, op. cit.

²²⁴ 'Mauritania: UN Rights Expert Urges Parliament To Repeal NGO Bill That Threatens Civil Society', UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, 10 August 2015, <http://bit.ly/24a9EDT>.

²²⁵ 'NGO Alert: anti-slavery NGOs in Mauritania threatened by draft law', The Guardian, 18 August 2015, <http://bit.ly/1hM3VxB>; Thomson Reuters Foundation, 18 August 2015, op. cit.

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CSOs that
receive foreign
funding and
engage in ill-
defined 'political
activities' to be
registered as a
'foreign agent'.
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If the challenge that remains is to realise the slavery law in practice, it is hard to see how this can happen without civil society being able to play its roles of exercising accountability and scrutiny, and advocating for the government to act. Denial and restriction cannot end slavery in Mauritania. As Mamadou Moctar Sarr puts it:

Slavery in Mauritania is a reality that no one can deny, except of course those affiliated to the present regime. If slavery wasn't a reality, why adopt laws on slavery and its legacy or establish a national agency dedicated to this issue? This proves that the fight against this problem is an uphill struggle.

Addressing the culture and practice of denial will be an important first step in ending slavery in Mauritania in reality. Civil society can help to do this. Support for human rights defenders in Mauritania, and a more concerted effort to bring the voices of Mauritanian civil society into the international spotlight, will help to challenge the international obscurity that helps enable lack of progress.

14. RUSSIA: A CAT AND MOUSE GAME

The past year has seen the working out of implications of regressive legislation passed in recent years in Russia. In July 2012, a law was passed that requires all CSOs that receive foreign funding and engage in ill-defined 'political activities' to be registered as a 'foreign agent', with punishment options including heavy fines, organisational bans and even jail sentences. The law clearly has the aim of stigmatising CSOs that receive foreign support. Then in June 2013, amendments to a law to protect minors banned the promotion of 'non-traditional sexual relationships' - the so-called gay propaganda law - and made provisions for heavy fines for CSOs and the suspension of their activities. Finally, in May 2015, the Russian government toughened its stance further, passing a law on 'undesirable foreign organisations', which allows the government to ban the activities of any foreign CSOs that are deemed to undermine Russia's 'national security' or 'constitutional order'; these are, again, very broad categories. The new law also allows the government to impose sanctions on Russian citizens who associate with such CSOs, extending to jail terms of up to six years.²²⁶

Collectively, the aim of these laws seems clear: to isolate CSOs, cost them public trust, starve them of support, force them to put resources into attempting to stave off restriction, and make activists work in a climate of fear and self-censorship.²²⁷ This mesh of repressive laws also threatens to put the state in a win-win position: CSOs can accept the label of foreign agents, and the corresponding loss of public trust, or rein in their activities and self-censor to avoid being accused of taking part in 'political activity', or they can shut down.

The impacts of these laws, on domestic and international CSOs, have been seen in the period covered by this report, in a wave of closures and withdrawals. The first foreign CSO blacklisted as 'undesirable', in July 2015, was the US-funded National Endowment for Democracy, and that same month the MacArthur Foundation, another US CSO, pulled out of Russia after being

226 'Russia President signs restrictive law against "undesirable" NGOs', The Jurist, 24 May 2015, <http://bit.ly/1SVjRyB>; 'Russia's Putin signs law against 'undesirable' NGOs', BBC, 24 May 2015, <http://bbc.in/1TkTLiR>.

227 'UN HRC: Civic Space Restrictions in Central Asia, Russia and Eastern Europe must be addressed', Article 19, 22 June 2015, <http://bit.ly/1SAz6uF>.

put on a list of 12 CSOs to be investigated for blacklisting. In November 2015, Open Society Foundations and the related Open Society Institute Assistance Foundation were blacklisted.²²⁸

In June 2015, Article 19, noting that human rights and democracy CSOs were being targeted, reported that 12 CSOs had been forced to close, while Human Rights Watch reported in March 2016 that at least 14 groups had closed down rather than accept the label of ‘foreign agent’.²²⁹ A further report in October 2015 had it that the number of CSOs operating in Russia had reduced by a third since the foreign agents law was introduced.²³⁰ While the figures are contested, the trend they indicate is clear: the number of CSOs active in Russia is reducing. Some domestic CSOs have closed, and many international CSOs have also now pulled out of Russia.²³¹ In an example of the power of the law, in February 2016, the supreme court of one of the Russian Federation’s states, Tatarstan, ordered that the human rights CSO Agora should be closed down, for breaching the foreign agents law; the CSO helped in the legal defence of the feminist rock group Pussy Riot, among others.²³²

The law was amended in June 2014 to allow the state to register CSOs as foreign agents without their consent, a reflection of the lack of civil society support for the law: by November 2015, of the 102 CSOs listed as registered as foreign agents, only four had done so voluntarily, and the list contained several prominent CSOs that had fought hard against their designation. Most court rulings have gone against CSOs fighting registration.²³³

Meanwhile, the breadth of what may be defined under the law as political activity can be seen in the listing as a foreign agent of the Dauria CSO, in January 2016, for running a non-partisan hotline to enable voters to report violations during elections.²³⁴ The worst may yet be to come. New amendments suggested to the law in January 2016 would classify as political activity “...the evaluation of decisions accepted by government organs” and activities such as citizen mobilisation and the holding of opinion polls. In other words, any act that involves people questioning any state activity could now be deemed as political. Amendments also propose giving the state the power to shut down CSOs even when they are not receiving any foreign funding, making clear once and for all that the intention of the barrage of recent laws is not to prevent foreign influence, but rather to hamper legitimate domestic dissent. The government would be effectively giving itself the power to shut down any CSO with which it disagrees, making any CSO a potential target.²³⁵ The government has also more clearly signalled its intention to divide and rule civil society, and to split CSOs that cooperate with the state from those that it opposes: in March 2016, at the same time that further restrictions on laws were being discussed, President Vladimir Putin spoke of the prospect of offering special benefits to CSOs that are “irreproachable partners of the state.”²³⁶

228 ‘Russia warns US as NGO blacklisted as ‘undesirable’’, BBC, 30 July 2015, <http://bbc.in/1Jy2fCC>; ‘American NGO to withdraw from Russia after being put on ‘patriotic stop list’’, The Guardian, 22 July 2015, <http://bit.ly/1RUbjY6>; ‘Russia Cracks Down on Open Society’, Open Society Foundations, 30 November 2015, <http://osf.to/1Orov3A>.

229 Article 19, 22 June 2015, op. cit.; ‘Russia: Government against Rights Groups’, Human Rights Watch, 16 April 2016, <http://bit.ly/1JEFiu7>.

230 ‘‘Foreign agent’ law has put 33 percent of Russia’s NGOs out of business’, Bellona, 20 October 2015, <http://bit.ly/1WXThGc>.

231 ‘Putin Outs the NGOs’, Foreign Affairs, 6 October 2015, <http://fam.ag/1OodgIk>.

232 ‘Fresh attack on Russian opposition leader amid crackdown on critics’, The Guardian, 12 February 2016, <http://bit.ly/1RvdTCm>.

233 Human Rights Watch, 16 April 2016, op. cit.

234 ‘Russian green group labelled ‘foreign agent’ in crackdown on NGOs’, The Guardian, 14 January 2016, <http://bit.ly/1WwXkrc>.

235 ‘Russian Justice Ministry sinks NGOs in new mire of ‘political activity’ definitions’, Bellona, 25 January 2016, <http://bit.ly/1QzON4N>; ‘Russian legislators and human rights officials come out swinging over NGO law amendments’, Bellona, 3 March 2016, <http://bit.ly/1L6BdVX>.

236 ‘Russia promises good things for obedient NGOs’, Bellona, 29 March 2016, <http://bit.ly/1VYtnSs>.

While some CSOs have closed down rather than bend to the new rules, there are also signs of CSO adaption to maintain autonomy: some CSOs have moved into different organisational forms to put themselves outside the ambit of the legislation and continue operations. For example, in July 2015, the Committee Against Torture announced that it was shutting down. It had been targeted, apparently, for being effective: since 2000, it had received over 1,800 complaints of human rights abuses, and its work had led to the annulment of over 600 court decisions and the conviction of over 100 state officials. When classed as a foreign agent in January 2015, it first chose to fight the registration, but when it faced a substantial fine for not printing the foreign agents label on all of its materials, as the law mandates, it filed for bankruptcy and closed down.²³⁷ The organisation



Photographer: Farhad Sadykov

also reported that everything it does was now classed as a political activity, raising the darkly comic question of whether being opposed to torture was now to be against state policy.²³⁸ As one of the few human rights groups still operating in the contested region of Chechnya, it also saw its Chechen offices attacked.²³⁹ However, far from closing business, the organisation appears to have transferred its key functions to a partner organisation so that it can continue its work under a different flag.²⁴⁰

237 'How Putin Silences Human Rights Advocates in Russia', The Diplomat, 28 July 2015, <http://bit.ly/1TBBbFF>.

238 'How one NGO exposed contradictions at the heart of Putin's foreign agent law', The Guardian, 18 May 2015, <http://bit.ly/1ebj2in>.

239 'Russian Rights Group Labeled 'Foreign Agent' Closes Down', Radio Free Europe, 9 July 2015, <http://bit.ly/1TkVaWs>.

240 'NGO alert: Russia's Committee Against Torture bankrupted by state fines', The Guardian, 8 October 2015, <http://bit.ly/1VYtwp3>.

Similarly, in October 2015, the Bellona Murmansk CSO announced that it was dissolving after 20 years of activity. The CSO had previously faced treason charges - a tactic that seems to be on the increase - and was declared a foreign agent in March 2015. But rather than give up its work, it is reconstituting as a different organisational type so that it will fall outside the legislative mesh that covers CSOs.²⁴¹

In such examples, the state and CSOs can be seen to be playing a cat and mouse game, in which attempts at state repression generate CSO ingenuity in response. This serves as a reminder that, even in the face of apparently overwhelming state power, civil society should not necessarily be seen as defeated. But clearly there are challenges in this: considerable CSO effort is expended in such manoeuvring, which detracts from the energy and resources that should go into core work. Further, when CSOs morph into other organisational forms, there are risks that they may fall off the radar of those that support civil society, or be disqualified from support schemes. There is also the likelihood that the state will be alive to these shifts, and look to block civil society action in other organisational forms.

A further evident trend in Russia is that organisations and activists that work on environmental or nuclear issues are coming under particular scrutiny. Bellona Murmansk's field is promoting renewable energy and exposing nuclear issues. The Ecodefense CSO was designated a foreign agent after it protested against the construction of a nuclear power plant, which the Justice Ministry described as tantamount to protesting against the state.²⁴² Another CSO that announced it was considering whether to close after being designated as a foreign agent, in September 2015, was Sakhalin Environmental Watch, an environmental campaign group.²⁴³ And in October 2015, an activist was forced to flee Russia and live in asylum in France after a state TV documentary accused her of espionage against the nuclear industry. Nadezhda Kutepova campaigns for the rights of residents of a town where a 1950s nuclear accident left some 25,000 people exposed to dangerous radiation. Her CSO, Planeta Nadezhd (Planet of Hopes), was retrospectively classed as a foreign agent in April 2015 for receiving a grant in 2008, four years before the law was passed, and fined the following month. State TV accused her of using American funding to commit industrial espionage.²⁴⁴

This episode illustrates how being labelled a foreign agent can lead directly to accusations of acting against the state, and also indicates the complicity of Russia's state media in the restriction of civic space. It suggests that energy and nuclear power - including questions of environmental impact and the connection between nuclear power, nuclear defence and security - are becoming more sensitive issues for the Russian state, perhaps because of the demands placed on the environment by the pursuit of economic growth. It is notable that around 20 of the CSOs registered as foreign agents work on environmental issues.²⁴⁵

241 'Two decades of legal harassment dissolve Bellona Murmansk as a Russian NGO – but it will continue its work', Bellona, 12 October 2015, <http://bit.ly/1VFdQqh>.

242 Bellona, 20 October 2015, op. cit.; 'Russia's Ecodefense NGO again refuses to pay state ordered fines over its 'foreign agents' status', Bellona, 28 January 2016, <http://bit.ly/20mqdKP>.

243 'Russia aims 'foreign agent' law at green NGO', Ecologist, 15 September 2015, <http://bit.ly/1KfQMX6>.

244 'Russian NGO leader flees to France amid possible treason charges', Bellona, 22 September 2015, <http://bit.ly/26Dmb18>; 'Russian Rights Defender Receives Political Asylum In France', Radio Free Europe, 30 April 2016, <http://bit.ly/1TBBy3d>.

245 'The project helping Russian reporters speak out about environmental abuse', The Guardian, 4 December 2015, <http://bit.ly/1TkVJ2A>.

RUSSIA'S REGIONAL IMITATORS

Another worrying facet of Russian repression is that there are clear signs that the state is acting as a thought leader and source of inspiration for neighbouring states, given Russia's pivotal political role and heavy economic involvement in many former Soviet countries. The Ukraine crisis to its west gives Russia fresh impetus to stamp down on dissent at home, and hold its neighbours closer to it.

In Russia's neighbour and ally **Belarus**, with which Russia has stepped up military cooperation in the wake of the Ukraine conflict,²⁴⁶ the renegade government simply refuses to cooperate with international human rights mechanisms, and there is almost no space for civil society.²⁴⁷ One of the rare platforms for discussion is offered by the Belarus Free Theatre, which continues to hold performances in secret, but its leaders have now been forced into exile in the UK. January 2015 also saw an order upheld for the deportation of a prominent human rights defender, Elena Tonkacheva, a Russian citizen who had lived in Belarus since 1985. Her residence permit was withdrawn on highly spurious administrative grounds, and she was refused permission to return in February 2016.²⁴⁸

In **Kazakhstan**, which enjoys a close relationship with Russia and supplies vital uranium for Russia's nuclear industry, the state gave itself sweeping powers in January 2015: involvement in unregistered or banned organisations is now a criminal offence, as is the ill-defined 'unlawful interference' in state activities by CSO members. CSO leaders are also now singled out as a special class of offenders that will face stiffer penalties for a range of crimes. Recent times have seen arrests and fines for the holding of protests which did not receive prior approval. A new bill introduced in October 2015 proposes to create a new, centralised body that would allocate all grants, regardless of source, in what would be a clear impingement on civil society's autonomy.²⁴⁹

Kyrgyzstan, which also remains politically close and economically dependent on Russia, seems most closely to be following in its footsteps. An imitative gay propaganda bill was introduced in 2014, and a new law on CSO regulation is working its way through parliament at the time of writing, having passed its second reading in April 2016. The bill when introduced closely resembled Russia's law on foreign agents, both in its wording and apparent motivation: those who brought the bill explicitly referenced Russia's law. One of the bill's co-sponsors suggested that the bill will be used to combat Islamist extremism, but also "...the efforts by some Western-funded organisations to educate some young Kyrgyz about gay rights and reproductive health."²⁵⁰ The bill was subsequently toned down during the legislative protest, but civil society concerns remain around the heavy mandatory reporting requirements the law would impose.²⁵¹ As declining oil prices impact on Kyrgyzstan's economic relations with Russia, it seems its leaders are looking around for a distraction, and CSOs and LGBTI people are the soft targets; the problem is that these restrictions also fuel a social atmosphere that is more permissive of attacks against activists and the LGBTI community.²⁵²

246 'Belarus and Russia to expand military cooperation', Charter '97, 8 April 2015, <http://bit.ly/1VYPHL3>.

247 '29th session of the Human Rights Council. Individual ID with SR on Belarus', CIVICUS, 23 June 2015, <http://bit.ly/1Unk8cV>.

248 'Case history: Elena Tonkacheva', Front Line Defenders, 2016, <http://bit.ly/1WZ8RA6>.

249 'New law threatens civil society independence in Kazakhstan, warns UN expert', UN News Centre, 15 October 2015, <http://bit.ly/1VFed49>.

250 'Kyrgyz 'Foreign Agents' Bill Moves Forward', The Diplomat, 4 June 2015, <http://bit.ly/26DnlK8>; 'Copying Russia, Kyrgyzstan moves to brand some NGOs 'foreign agents'', Reuters, 4 June 2015, <http://reut.rs/1WwZ6Zv>.

251 'NGO Law Monitor: Kyrgyz Republic', International Center for Not-for-Profit Law, 15 April 2016 <http://bit.ly/1N9CzAn>.

252 'Kyrgyzstan's NGO and LGBT Crackdown', The Diplomat, 17 March 2016, <http://bit.ly/1N9Mfl3>.

Tajikistan, meanwhile, which depends highly on remittances from its citizens based in Russia, passed a law in November 2014 that forces those seeking to organise protests to obtain prior approval, which effectively gives the state veto power, while amendments to the law made in August 2015 force some types of CSOs to notify the government of foreign support.²⁵³ However, Shamsiddin Karimov, Head of the Tajikistan National NGO Association, an AGNA member, offers an example of successful advocacy, noting that while the legal environment for CSOs has deteriorated, civil society dialogue with the government was able to take the worst edges off the efforts:

A recent incident when the government initiated tightening rules on grants and other forms of financial support for CSOs from the international communities can be considered a great success of civil society, and a good example of fruitful dialogue between the government and CSOs. As a result of the joint efforts, these amendments were adopted in a form that suited both parties. Now Tajik CSOs are not required to obtain permission and to register grants prior to receiving them, as was originally included in the government's first draft, but should only notify the Ministry of Justice after receiving grants via email.

There is also suspicion about the new law on assemblies passed in **Turkmenistan** in July 2015, given that the country already has a context of severe restriction where civil society is being heavily repressed.²⁵⁴ Further, a new constitution being drafted in February 2016 would extend presidential term limits and remove age limits, moves that would enable the current incumbent to rule for life.²⁵⁵

The response the current restriction demands is that those who seek to support civil society in Russia, and its neighbours that borrow Russia's tactics, need to be flexible and look to support civil society across a range of forms, which implies being sensitive in their funding qualification criteria and reporting requirements. CSOs also need to ensure that they can demonstrate broad public support and demonstrate an evidence base behind interventions, in order to prove the legitimacy of civil society. There is also a need for a greater sharing of practice on how to support civil society in restricted contexts such as Russia and the wider region.

15. TURKEY: PROTEST AND DISSENT UNDER ATTACK IN A PARANOID STATE

Everyone should have the right to protest about power. But previous State of Civil Society Reports have documented two concurrent trends in Turkey: the rise of mass protests against the actions of an increasingly dictatorial government, and government crackdown on civil society rights as President Recep Tayyip Erdoğan and his ruling Justice and Development Party (AKP) seek to consolidate their position.

253 'NGO Law Monitor: Tajikistan', International Center for Not-for-Profit Law, 28 September 2015, <http://bit.ly/1NIBjUO>; 'Tajikistan Early Warning: Internal Pressures, External Threats', International Crisis Group, 11 January 2016, <http://bit.ly/1SACSUQ>.

254 Article 19, 22 June 2015, op. cit.

255 'Turkmenistan drafts new constitution extending presidential term', Reuters, 15 February 2016, <http://reut.rs/1SEkl6T>.

The Turkish state and the Kurdistan Workers' Party (PKK), which seeks autonomy for Turkey's long-repressed Kurdish minority, have long been in conflict. A 2013 ceasefire broke down after PKK started to take on ISIL forces in Iraq and Syria, bringing it into conflict with Turkish state forces that are also engaged in Syria. Tensions worsened following the June 2015 general election, when the AKP lost its majority, in part prompted by an increased vote for the People's Democratic Party (HDP), which works across the Turkish-Kurdish divide and advocates for peaceful negotiations.²⁵⁶ A fresh election was called for November 2015, and in the run up to this, the ruling party seemed to be pursuing a deliberate strategy of stoking up divisions with the Kurdish population and fuelling nationalism, in order to shore up its vote and see off the threat of the FDP.

On 10 October 2015, a peace rally organised by several trade unions and the HDP in the capital, Ankara, was bombed, causing the deaths of 106 people. It was the worst terrorist attack in Turkish history, and no group claimed responsibility. The public reaction to the outrage was one of mourning, but also anger: many accused the government of not protecting the protestors, noting a contrast with the heavy security enforced around AKP rallies. Some accused the government of a deliberate policy of fuelling fear and chaos ahead of the November election, with the aim of hardening its vote. The government, meanwhile, variously blamed Kurdish separatists and Islamist extremists. The introduction of media restrictions in the immediate aftermath of the bombings, and the use of tear gas to disperse mourners who gathered to lay wreaths to commemorate the deaths, suggested a knee-jerk reaction on the part of the government, which has shown itself liable in recent years to respond to uncertainty by tightening constraints.²⁵⁷

Semanur Karaman, Women Human Rights Coordinator at AWID and a Turkish feminist activist, describes the civil society response to the bombings and overall pattern of violence and conflict in Turkey:

The October 2015 Ankara bombings were a deliberate attempt to destabilise peaceful advocacy on conflict resolution and peace building in Turkey. University students, members of trade unions and civil society - including ordinary citizens, who don't have formal affiliations with organised civil society but just wanted to express concern over increasing military operations in south east Turkey targeting Kurdish communities - lost their lives. At the moment the bomb went off they were chanting peacefully, "This is a bloody square", referencing the many massacres that have previously taken place there. Therefore, the bombing sent a direct message to anyone working on or wanting a peaceful solution to the almost four decade long conflict: don't advocate for the rights of Kurdish communities, or you might lose your life.

Organised civil society responded by providing psychosocial support to victims' families, calling for an immediate and impartial investigation into alleged government complicity in the bombings, and calling for an unconditional return to the peace process. Many also flagged the Turkish government's alleged involvement or collaboration with ISIL, which is a highly contentious issue in Turkey. Such calls still continue, under severe government surveillance and intimidation.

Civil society, not only today but for the last two decades, has been advocating for an end to military operations, the systematic discrimination against Kurds, forced disappearances and restrictions of freedom of assembly and

256 'Ruling party loses majority in Turkey elections', Al Jazeera, 8 June 2015, <http://bit.ly/1dozafO>.

257 'Police crack down on mourners after bomb blasts rock Turkish capital', Al Jazeera, 11 October 2015, <http://bit.ly/1VNuXqD>; 'Why Turkey risks descending into a bloodbath', The Economist, 'Ankara Explosion: Police Use Tear Gas To Hold Back Mourners At The Scene Of Bombing That Killed 95', The Huffington Post, 11 October 2015, <http://huff.to/1N9Xu69>.

expression, under the harshest of circumstances, harassment and intimidation. Efforts include roundtable meetings with members of different ethnic communities, awareness raising campaigns, knowledge production and sharing of what is happening in areas where military operations take place, given heavy government censorship and politically motivated persecutions of activists who are documenting and advocating abuses.

It must also be noted that women of Turkey have been at the forefront of peacebuilding efforts, both before and following the Ankara bombings. In an environment where civil society too is polarised, a large coalition of women's organisations came together to publish a statement calling for international solidarity in the face of conflict. This is an



incredibly critical initiative, as the women's rights movement is bringing both sides of the conflict together to the same table.²⁵⁸

The AKP won the subsequent election, which played out amidst tension and violence, with the AKP emphasising messages of security and stability. But the question that must be asked is how a free and fair election could possibly be held in conditions where people might fear speaking out, and worry about their safety in public gatherings. As the Third Sector Foundation of Turkey (Türkiye Üçüncü Sektör Vakfı, TUSEV) puts it:²⁵⁹

In Istanbul an estimated 10,000 people marched to denounce the attacks. Nevertheless, these bombings not only traumatised people but also meant that, before snap elections, political parties could not organise gatherings for campaigning. As an example, the HDP was forced to cancel election rallies following two deadly attacks on pro-Kurdish gatherings.

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Not surprisingly, international observers suggested that the election could not be considered fair: the Council of Europe called attention to the fear and violence experienced in the campaign, and limited media freedom, which prevented opposition parties from being able to campaign freely.²⁶⁰

Both before and after the election, the government cracked down on civil society freedoms, consistent with its nationalist campaign, and to silence dissenting voices. In advance of the election, the police stormed the offices of an opposition media group, and following its win, the AKP celebrated its success by arresting 35 people linked to a prominent critic of the government.²⁶¹ Independent media have been systematically attacked, and Turkey is now Europe's largest jailer of journalists, with 14 journalists reported to be in jail at the end of 2015, many of them convicted under anti-terror laws; at the time of writing, it is thought that this number has increased to 39, indicating the recent state of deterioration of the freedom of expression.²⁶²

The assault has continued, in what has been described by civil society as an “unprecedented crisis”, and of late has been marked by more than a tinge of paranoia: in January 2016 the government announced it would investigate 1,128 academics who signed a petition criticising military action against the Kurdish population, for possible charges of terrorism, incitement and insulting the republic; they were also denounced as “traitors” by President Erdoğan. Prosecution was no idle threat: four of the academics were detained in March 2016, and although they were released in April 2016 they still face prosecution on lesser charges, while other signatories lost their jobs.²⁶³ In January 2016, the government also announced that measures would be taken to ensure that all broadcasts and programmes conform with “traditional family values”.²⁶⁴

258 ‘Urgent call for support and solidarity from women's and LGBTI organisations in Turkey’, AWID, 19 November 2015, <http://bit.ly/1WZgJla>.

259 Contributions from TUSEV are edited extracts from its response to the annual AGNA survey.

260 ‘Turkey goes to the polls amid human rights fears’, Green European Journal, 28 October 2015, <http://bit.ly/1pRErCz>; ‘Turkish election campaign unfair, say international monitors’, The Guardian, 2 November 2015, <http://bit.ly/1SjRuG3>.

261 ‘Turkish police raid media group linked to Erdogan foe as election looms’, Reuters, 28 October 2015, <http://reut.rs/24c0Ltx>; ‘Turkish media denounce ‘biggest crackdown on press in republic's history’’, The Guardian, 29 October 2015, <http://bit.ly/1WlxIVG>.

262 ‘China, Egypt imprison record numbers of journalists’, Committee to Protect Journalists, 15 December 2015, <http://bit.ly/1O6Tgfu>; ‘Report on crisis for press freedom in Turkey’, English PEN, 23 March 2016, <http://bit.ly/1VFgdJx>.

263 ‘Freedom of expression in Turkey on a slippery slope’, CIVICUS, 16 March 2016, <http://bit.ly/1Wq798v>; ‘Turkey: academics detained for signing peace appeal’, Amnesty International, 7 April 2016, <http://bit.ly/1pRFZMK>;

‘Court frees Turkish academics pending possible fresh charges’, The New Arab, 24 April 2016, <http://bit.ly/1VYTOij>.

264 ‘Turkish media to be inspected on conforming to ‘traditional family values’’, Hürriyet Daily News, 26 January 2016, <http://bit.ly/26Dx2s7>.

At times the onslaught has taken on a tinge that would be bleakly comic, were it not for the people left languishing in jail, experiencing demonisation or forced into hiding as a result of threats, for what in less paranoid states would be considered a normal level of dissent. For example, an academic briefly stood trial in February 2016 for setting an exam question about the PKK, while in January 2016, the government jailed someone for almost a year for making a rude gesture at President Erdoğan at a rally, and in April 2016 the government asked Germany's government to prosecute a German comedian for reciting a satirical poem about President Erdoğan. Overall, by March 2016, 1,845 cases had been brought against people for allegedly insulting President Erdoğan since he assumed the presidency in August 2014, indicating quite how insecure the regime is about criticism.²⁶⁵ President Erdoğan has a reputation as a strong-arm leader, but he evidently has a thin skin.

In one of the most bizarre breaches of the freedom of expression, in March 2016 the main opposition newspaper, Zaman, was seized by court order, on the by now customary grounds of terrorism, and taken over by the state; it immediately began parroting a pro-government line. The newspaper's offices were seized by police using teargas and rubber bullets.²⁶⁶

TUSEV sets out some of the other ways in which the freedom of expression has been challenged:

The government routinely blocks advanced web content and applications and prohibits access to websites with opposing views. According to data from Engelli Web, a database on blocked websites in Turkey, over 106,212 websites were blocked as of December 2015. The number of websites blocked by the Telecommunications and Communication Presidency (TİB) is 100,095. An amendment to the internet law in March 2015 allowed the TİB to remove or block access to content within four hours, without a court order. Turkey has made more requests to Twitter to delete content or suspend accounts than any other country in the world.

Media blackouts on information considered as sensitive, including reporting on terrorist attacks, are new approaches towards blocking access to information. Freedom of expression is frequently challenged, in particular through arbitrary and restrictive interpretation of legislation, pressure, dismissals and frequent court cases against journalists, which also leads to self-censorship. There are high numbers of arrests, hearings, detentions, prosecutions and censorship cases. It is known that several international journalists were deported.

Cumhuriyet newspaper's editor-in-chief Can Dündar and Ankara bureau chief Erdem Gül were arrested on 26 November 2015 as part of an investigation into the newspaper's coverage of a National Intelligence Organisation (MİT) scandal. They have been charged with being members of a terrorist organisation, espionage and revealing confidential documents related to trucks of MİT that were allegedly transferring arms to Syria.

At the time of writing, the trial against Can Dündar and Erdem Gül is proceeding; they could face a life sentence if found guilty.²⁶⁷

265 'Turkish teacher to serve year in prison for insulting President Erdogan', Reuters, 20 January 2016, <http://reut.rs/1PHa1Jd>; 'Turkish academic acquitted of 'terror propaganda' over exam question on PKK leader', Hürriyet Daily News, 3 February 2016, <http://bit.ly/1WZhL0r>; 'Turkey: 1,845 cases opened for insulting President Erdogan', Associated Press, 2 March 2016, <http://apne.ws/1QSY4Xd>; 'German Chancellor Merkel allows investigation of satirist Böhmermann', DW, 15 April 2016, <http://bit.ly/1NskgRw>.

266 'Turkey's Zaman: Editorial tone changes after takeover', Al Jazeera, 7 March 2016, <http://bit.ly/1np7lmj>.

267 'Press, professors go on trial in Turkey', DW, 22 April 2016, <http://bit.ly/1rHhUu3>.

These restrictions on the freedom of expression come in a context where there has been a sustained assault on other aspects of civic space. As TUSEV points out, laws have been introduced to push back on civic space under the guise of countering terror:

“
President
Erdoğan told
people who
criticise the
government to
“Pick a side.
You are either
on the side
of the Turkish
government,
or you’re on
the side of the
terrorists.”

The Law Amending the Law on Powers and Duties of the Police, Other Laws and Decrees, widely referred as the Internal Security Reform Package and fiercely opposed by opposition parties, was passed on 27 March 2015, and 14 different laws and decrees were amended. The reform package was proposed following extensive protests in Turkey’s south eastern provinces in October 2014. It has been widely criticised for considerably strengthening the powers of the police during demonstrations and extending the police’s authority to detain anyone without the prosecutor’s office requirement. With the new bill, protestors who cover their faces fully or partially during demonstrations can face a five-year prison sentence. The most debated articles of the package also grant extensive powers to the Ministry of Interior, governors and district governors.

Claims related to ‘national security’, ‘public order’ and the ‘protection of morality and the Turkish family structure’ continued to be applied by courts to restrict the freedom of association. It has been reported by the EU Progress Report that at least seven associations dealing with human rights and Kurdish issues are facing court cases intended to close them down. With regard to inspection practices, inconsistencies are observed in the frequency, duration and scope of inspections. Inspection practices can be used as deterrence towards rights-based organisations, especially the ones with anti-government stances.

The election did not mark the end of violence either. In November 2015, a prominent Kurdish human rights lawyer, Tahir Elçi, was shot dead, prompting thousands to gather in mourning and protest.²⁶⁸ As TUSEV describes it:

Diyarbakır Bar Association president and prominent human rights lawyer and activist Tahir Elçi was shot dead in the crossfire of a gun battle between security forces and terrorists while giving a press statement in Diyarbakır on 28 November 2015. A criminal investigation had been opened against Elçi for stating in October 2015, on a TV show, that the PKK was not a terrorist organisation. It is not known whether this was a planned assassination or unfortunate coincidence. Later, in Istanbul, thousands of people marched in Taksim Square but they were driven back by riot police using water cannon and tear gas.

Many more deaths and violence have been seen since. In December 2015, seven people were killed in violence between protestors and security forces in a Kurdish area, while police used tear gas against protestors in Istanbul; between August and December 2015 over 50 curfews were imposed in Kurdish areas, and over 10,000 soldiers deployed in the region.²⁶⁹ Over one weekend in January 2016, Turkish forces killed 32 people in the Kurdish region, and Turkish forces have also shelled Kurdish forces in Iraq and Syria²⁷⁰

268 ‘Prominent pro-Kurdish lawyer shot dead in Turkey’, Al Jazeera, 29 November 2015, <http://bit.ly/1IQKK80>; ‘At the funeral of Tahir Elçi, a giant in Turkey’s human rights movement, the sense of loss is deafening’, Amnesty International, 30 November 2015, <http://bit.ly/1Ss9n5c>.

269 ‘Clashes in southeast Turkey kill seven, new curfews declared’, Reuters, 14 December 2015, <http://reut.rs/1MdcvWA>; ‘Turkish police teargas crowds protesting military action against Kurdish rebels’, The Guardian, 20 December 2015, <http://bit.ly/1OEYXF3>.

270 ‘Turkish forces kill 32 Kurdish militants as conflict escalates: sources’, Reuters, 10 January 2016, <http://reut.rs/1OHYMDR>; ‘Turkey shells Kurd-

Predictably, violence bred violence, and the early months of 2016 saw a spate of bombings, including car bombings and suicide bombings, carried out in Ankara and Istanbul. In the deadliest attack of 2016 so far, 37 people were killed in Ankara in March 2016.²⁷¹ Extremist Kurdish and Islamist forces have been linked to these, but it is citizens who have borne the brunt of the violence.

The government's defence of its attacks on the freedom of civic space explicitly sought to polarise. President Erdoğan told people who criticise the government to "Pick a side. You are either on the side of the Turkish government, or you're on the side of the terrorists."²⁷² This is hardly conducive to the promotion of peace, which calls for the tolerance of different viewpoints. It is also permissive of threats against people who express dissent: the academics who the government accused of terrorism in January 2016 found themselves threatened with violence and ostracised by nationalists.²⁷³

Semanur Karaman describes the challenges civil society faces in the wake of the November 2015 election, amid conditions of declining respect for human rights and increasing violence:

In a highly polarised environment where free speech is curbed through legal and extra-legal measures, the implications of the 2015 election are dire. The assassination of Tahir Elçi sent shivers down the spines of everyone who takes part in peaceful activities to advocate for political reform and peacebuilding. It is a tremendously difficult time for human rights defenders holding the government of Turkey accountable for alleged complicity in the growth and spread of ISIL, extrajudicial killings targeting Kurds in the south east, and arbitrary arrest of journalists. What is also worrying is that increasingly human rights defenders are threatened through extra-legal means. Threats and intimidation cast over social media and heavy surveillance have intimidated a lot of us at home. However, I remain hopeful. As threats and intimidation cast upon peaceful activists increase, so does our determination to carry out our justified cause.

Against such a backdrop, European states in particular might be expected to press Turkey hard over its abuses of human rights and restrictions of freedoms, given Turkey's stated desire to become a member of the EU and the EU's stated commitment to human rights and democracy. However, as our section on exclusion makes clear, hard-headed politics have prevailed over human rights concerns, with EU states increasing their support for and cooperation with the Turkish government.²⁷⁴ Motivations of EU states include a need to keep Turkey on side as an ally in handling refugees from Syria and elsewhere that EU states refuse to accept, and a desire to cement Turkey's position as a supporter of anti-regime forces in Syria, while pulling it away from the potential to support extremists.

Those investing in Turkey's government for political reasons, particularly EU states, must be pressed by civil society to invest also in seeking accountability and democratic freedoms, and not to shore up autocratic rule in the pursuit of short-term objectives.

ish-held air base in Syria's Aleppo', Al Jazeera, 15 February 2016, <http://bit.ly/1TirXiG>; 'Turkish jets attack Kurds as Ankara bomb blamed on PKK', The Guardian, 14 March 2016, <http://bit.ly/1LIRC9e>.

271 'Ankara blast: Kurdish group TAK claims bombing', BBC, 17 March 2016, <http://bbc.in/1OZAczw>.

272 'Blood Disorder: Turkey's Never-Ending Civil Strife', The Huffington Post, 15 January 2016, <http://huff.to/1SErmV4>.

273 'Turkey rounds up academics who signed petition denouncing attacks on Kurds', The Guardian, 15 January 2016, <http://bit.ly/1SRSluk>.

274 'CIVICUS alert: EU must not overlook rights violations in Turkey', CIVICUS, 4 April 2016, <http://bit.ly/1V4o9Ud>.

16. RESTRICTION IN EUROPEAN DEMOCRACIES: FOCUS ON THE UK

The case studies offered above should not lead to the impression that civic space is only being restricted in the global south. New constraints have also been introduced in member countries of the EU, an organisation whose members are supposed to adhere to the highest democratic and human rights standards. Restriction is being seen both in the EU's newer members in Eastern Europe, and in its long-term members, which might be considered as developed, mature democracies.

“
Hungary's
President Viktor
Orban has
talked of his
aspiration to
create “illiberal
democracy”,
and has
adopted
the Russian
state tactic of
characterising
CSOs that
raise difficult
questions
as agents of
foreign powers.”

Many European governments have taken a rightward political turn in recent years, which is having implications on how they behave internationally, including the extent and usage of their development giving, as discussed in our section on civil society at the global level. It is also changing how they relate to civil society domestically.

Poland's Law and Justice ruling party leader Jarosław Kaczyński, who routinely dismisses opponents as communists or gangsters, has presided over an insular, xenophobic turn in the country's politics, which includes strong anti-migrant and socially conservative schools of thought. Since his party came to power in October 2015, it has ended the autonomy of the attorney general's office and brought public media under state control, charging it with the role of promoting “Polish traditions and patriotic values”. Party supporters have replaced broadcast heads and senior civil servants; the ranks are being purged, and those who do not agree are labelled as communists. The party has also moved to parachute its supporters into the Constitutional Court, which exists to scrutinise the legality of government actions. In February 2016, a new surveillance law was introduced, which gives the government power to access digital data and monitor communications, without the requirement of prior court permission.²⁷⁵ The rule of law can be seen to be under attack in Poland, and the country's politics have become increasingly polarised as a result. Each move is met by protests, as detailed in our section on protest and activism.

Poland seems to be taking inspiration from, and working in collaboration with, **Hungary**, discussed in the 2015 State of Civil Society Report. Hungary's President Viktor Orban has talked of his aspiration to create “illiberal democracy”, and has adopted the Russian state tactic of characterising CSOs that raise difficult questions as agents of foreign powers.²⁷⁶ In 2015, Hungary's government reacted to the influx of refugees not by extending a helping hand or honouring its EU obligations, but by wreathing its borders in razor wire, passing new laws to legalise excessive response and stoking anti-refugee sentiment. The suspicion was raised that the government was using the refugee situation to boost its position through nationalist rhetoric and push through repressive measures.²⁷⁷

275 ‘How Poland's conservatism is playing home and abroad’, Al Jazeera, 13 January 2016, <http://bit.ly/21OqxG>; ‘The conspiracy theorists who have taken over Poland’, The Guardian, 16 February 2016, <http://bit.ly/20AwT2C>; ‘Poland: government should listen to the people and stop curbing civil liberties’, CIVICUS, 19 February 2016, <http://bit.ly/1WvIJdp>.

276 ‘Europe's New Dictator’, Politico Magazine, 17 June 2015, <http://politi.co/1RlawNN>; The Guardian, 26 August 2015, op. cit.

277 ‘Hungary Could Use Migrant Crisis for Internal Crackdown’, Voice of America, 18 September 2015, <http://bit.ly/1FIEmhi>; ‘Hungary: EU must formally warn Hungary over refugee crisis violations’, Amnesty International, 8 October 2015, <http://bit.ly/1O3iYMS>.



Photographer: Jaap Arriens

Following the terrorist attacks on Belgium in March 2016, the governments of both Hungary and Poland announced that they would introduce new terrorist laws, including new surveillance and detention powers for the state.²⁷⁸ This is of concern, because many of the recent restrictions introduced in Europe conflate legitimate dissent with terrorist activity. In multiple contexts across Europe, governments are reacting to the real threat of terrorism in hasty and ill-considered ways that have unexpected consequences; sometimes, the suspicion must be that governments are using the threat of terrorism as a convenient pretext to rein in civil society.

278 'Poland joins Hungary in planning stringent anti-terrorism laws in wake of Brussels attacks', DW, 24 March 2016, <http://bit.ly/1PuV24e>.

For example, **Spain's** new Citizen Security Law, commonly known as the Gag Law, passed into effect in July 2015, despite vast protests across Spain when the bill was brought before parliament.²⁷⁹ The law covers a broad sweep of activity, including the promotion of terrorism and illegal downloading, but the danger is that this wide reach will encompass and criminalise activities that have commonly been understood, since the end of dictatorship in Spain, to constitute legitimate public dissent. The law makes provision for large fines for taking part in unauthorised protests outside government buildings and for recording and sharing images of police officers, and gives the police power to fine people who refuse to end public protest when asked to do so.²⁸⁰ It also introduces heavy fines for preventing officials from enforcing administrative or legal orders, which would affect, for example, activists who have worked to resist Spain's high rate of home evictions in recent years.²⁸¹

UN human rights rapporteurs condemned the haste with which the law was introduced, and its introduction of punishments, including imprisonment, for a wide range of offences, including inciting or encouraging public disorder, and broadly defined offences of glorifying or justifying terrorism, risking stretching the definition of what constitutes terrorism.²⁸² The law particularly targets online freedom, and introduces monitoring of online action that in some measures is on a par with that of China.²⁸³

Given the large scale occupations of public spaces that characterised the country's Idignados movement in 2011, and sporadically since, it is hard to escape the conclusion that the law has the aim of making it much harder to organise large scale public protests in future. The fear is also that, even if the excessively broad provisions of laws such as the Gag Law are not used to suppress legitimate dissent now, they can have a chilling effect, and will be on the books as tools to be deployed in future, something that can be particularly worrying if a country's politics takes a repressive turn.

Similarly in **France**, while the state's determination to act in the wake of the terrorist attacks in Paris in November 2015 was understandable, there was concern that human rights were compromised, the expression of legitimate dissent was suppressed, and minority communities were targeted and alienated. France organised a derogation from the European Convention on Human Rights when it entered a state of emergency following the attacks. The state of emergency remains in force at the time of writing, and may be extended further. Under the state of emergency, security forces have enhanced search powers, house arrest powers are extended, and large gatherings of people can be restricted.²⁸⁴

The government was criticised for extending the state of emergency based on little evidence, and for using excessive force and targeting Muslim communities. In response, French human rights groups called on the government to respect fundamental freedoms, including the right to assembly.²⁸⁵ Further, as our section on civil society at the global level indicates, for the COP

279 'Spain's new security law sparks protests across country', The Guardian, 20 December 2014, <http://bit.ly/148M79m>; 'Spanish gag law is against European values and basic democratic rights', European Alternatives, 27 April 2015, <http://bit.ly/1SBd0Z6>.

280 'Spain's New Security Law Meets Fierce Criticism From Rights Groups', Time, 2 July 2015, <http://ti.me/1XZEI1S>.

281 'Spain puts 'gag' on freedom of expression as senate approves security law', The Guardian, 12 March 2015, <http://bit.ly/19fLz41>.

282 "'Two legal reform projects undermine the rights of assembly and expression in Spain' – UN experts", Office of the UN High Commissioner for Human Rights, 23 February 2015, <http://bit.ly/1OcMXTJ>.

283 'Spanish Citizens' Security Bill: Many restrictions, few freedoms', EDRI, 28 January 2015, <http://bit.ly/1TbMXUo>.

284 'France seeks to extend state of emergency until end of July', The Guardian, 20 April 2016, <http://bit.ly/1riCPDm>.

285 'France informs Secretary General of Article 15 Derogation of the European Convention on Human Rights', Council of Europe, 25 November 2015,

21 climate change summit, held in Paris in December 2015, the state of emergency made public mobilisation on this crucial planetary issue harder. The state of emergency was not the first worrying development following terrorist attack: the passing of a new surveillance law, accelerated after the January 2015 Charlie Hebdo attacks, removes judicial oversight of online surveillance by security forces.²⁸⁶

It can be argued that global north states, particularly those that are significant supporters of global south civil society through the official development assistance (ODA) that they provide, or that have important global roles, carry a particular responsibility to demonstrate best practice in upholding civil society rights. They should practise at home what they preach abroad. Not to do so undermines their legitimacy when they seek to support civil society in contested contexts, or work to convince partner governments to make more space for civil society. It can therefore be argued that the **UK**, as the world's second largest ODA contributor after the USA, and one of five permanent members of the UNSC, should be a paragon of good practice. And yet its reality seems to be moving farther away from this.

As with France and Spain, The British government's anti-terrorism measures have come in for civil society criticism. A new law before parliament at the time of writing, which would extend state powers to track internet use, has been criticised, not least by parliamentary committees, for impinging excessively on the right to privacy. The new law would allow the bulk collection of personal internet data, and require phone and internet companies to store all their customers' internet connection records for a year.²⁸⁷

Further, in October 2015, the British government announced a new initiative to crack down on extremism, and particularly to stop Islamist extremists from entering the public sector, charities and businesses. This followed a scandal where some faith schools were revealed to be teaching extremism. People who work in statutory organisations are now legally required to report "potential terrorists" to the police. The measures were condemned for demonising Muslims and migrants, for having a weak definition of extremism, and for conflating the expression of points of view with the encouragement and enactment of terrorism, which could have a chilling effect on the freedom of expression.²⁸⁸ They also raise the danger of fuelling alienation that could in turn give rise to extremism, rather than prevent it.²⁸⁹ In an early warning sign of how blurred the lines between the prevention of terrorism and restriction of the freedom of expression can become, a journalist who was communicating with an ISIL member in Syria had his laptop seized in October 2015 under anti-terrorism laws.²⁹⁰ The new measures have produced a

<http://bit.ly/1OgpdAH>; 'France's state of emergency could lead to abuses, say human rights groups', The Guardian, 26 November 2015, <http://bit.ly/1rH-KUBS>; 'UN experts urge France to protect fundamental freedoms while combatting terrorism', UN News Centre, 19 January 2016, <http://bit.ly/24cqe67>; 'France state of emergency 'extended on slim evidence'', Al Jazeera, 18 February 2016, <http://bit.ly/1TljvM7>.

286 'France: New surveillance law a major blow to human rights', Amnesty International, 24 July 2015, <http://bit.ly/1JjhFEi>;

'France: New Law on Intelligence Adopted', Technology's Legal Edge, 11 September 2015, <http://bit.ly/1SR6sUY>;

287 'Minister has not fully made case for snooper's charter, says committee', The Guardian, 11 February 2016, <http://bit.ly/1TUhf2k>; 'Investigatory Powers Bill: May defends surveillance powers', BBC, 15 March 2016, <http://bbc.in/1PaDKt8>.

288 'It's bad, but why? Contextualizing the Counter-Terrorism and Security Act 2015', The Oxford University Politics Blog, 26 February 2015, <http://bit.ly/1XZFmfM>; 'Government unveils new counter-extremism strategy', Channel Four News, 19 October 2015, <http://bit.ly/1rpyw94>.

289 'PREVENT will have a chilling effect on open debate, free speech and political dissent', The Independent, 10 July 2015, <http://ind.pn/1KXNIXC>; 'Government launches hunt for extremists across public sector', The Guardian, 19 October 2015, <http://bit.ly/1QLzPGb>; 'Anti-extremism drive puts British values at risk, says police chief', The Guardian, 19 October 2015, <http://bit.ly/1rpyP3z>; 'Preventing violent extremism: a noose that is both too tight and too loose', Open Democracy, 26 October 2015, <http://bit.ly/1SELqGQ>.

290 'BBC Journalist Secunder Kermani Has Laptop Seized By Police Under Counter-Terrorism Laws', The Huffington Post, 29 October 2015, <http://huff.to/1NJrZ2S>.

civil society response that brought together secular and faith-based civil society to condemn them as excessively compromising of the freedom of expression.²⁹¹

And yet this evident concern with terrorism at home sits oddly with the UK's foreign policy directions: the UK can be accused of downplaying human rights concerns to secure trade advantage,²⁹² given its warm relations with Saudi Arabia, a habitual human rights abuser and terrorist supporter, as covered in our section on conflict and disaster. The government has also cultivated closer ties with China, as evidenced by the UK's lavish hosting of a state visit by Chinese President Xi Jinping in October 2015, in the hope of attracting investment from Chinese state corporations. Further, there is evidence that UK foreign policy towards the Muslim Brotherhood in Egypt may have been influenced by pressure from the United Arab Emirates (UAE) government over arms and oil deals.²⁹³

It was disturbing as well, given its UNSC status, that a new ministerial code, introduced in October 2015, quietly removed the obligation that ministers should comply with international law. This could be seen as a worrying development in the run up to the sanctioning of air strikes over Syria, and something that hardly encourages other states to act against impunity.²⁹⁴

On the domestic front, the Lobbying Act, introduced in 2014, attracted widespread criticism amongst civil society, and from UN Special Rapporteur Maina Kiai, who noted that the law will largely allow well-funded corporate lobbying to continue, while limiting the advocacy of CSOs, including trade unions.²⁹⁵ The inference that can be drawn from the act is that lobbying for corporate advantage is welcomed, but voices more critical of the government's economic, political and social policies are not. The law limits the amount that CSOs can spend on campaigning, and forces a compulsory registration of lobbyists once spending passes a threshold. In February 2015, over 150 organisations called for the Lobbying Act's repeal, while a report on the impact of the Act found that 63 per cent of CSOs believed it would make their work harder to achieve, exert a chilling effect and increase levels of bureaucracy.²⁹⁶ The Commission on Civil Society and Democratic Engagement, a body set up to advise the government on civil society, which involved over 100 civil society groups, also noted that the law imposes a substantial new regulatory burden on CSOs.²⁹⁷ Ahead of the May 2015 election, Amnesty International UK reported that it had been forced to register under the act so that it could continue its human rights campaigning during the election period, raising the danger that it could be perceived as intending to campaign to influence election outcomes, something its statutes prevent it from doing.²⁹⁸

In February 2016 the UK government introduced another measure to limit civil society advocacy, announcing that from May 2016, a clause would be inserted into all its grant arrangements to prevent recipients from using the funds to lobby the

291 'An unlikely coalition warns of threats to free expression in Britain', The Economist, 24 October 2015, <http://econ.st/1GC3lZ8>.

292 'The FCO's administration and funding of its human rights work overseas', Fourth Report of Session 2015-2016, House of Commons Foreign Affairs Committee, 5 April 2016, <http://bit.ly/1VYwlvY>.

293 'UAE told UK: crack down on Muslim Brotherhood or lose arms deals', The Guardian, 6 November 2015, <http://bit.ly/1WGLhcy>.

294 'Ministerial code: No 10 'showing contempt for international law'', The Guardian, 26 October 2015, <http://bit.ly/1rHMFig>; 'Dominic Grieve: PM shouldn't have changed ministerial code', The Guardian, 28 October 2015, <http://bit.ly/1TlsVXQ>.

295 'Coalition's lobbying bill threatens to leave a stain on British democracy', The Guardian, 12 January 2016, <http://bit.ly/1agWsfN>.

296 'Letter to political parties calling for repeal of the Lobbying Act', Bond, 19 February 2015, <http://bit.ly/1pStfp5>.

297 'Lobbying bill passes through House of Lords', The Guardian, 28 January 2014, <http://bit.ly/1bw6NVg>.

298 'Amnesty International UK registers as a non-party campaigner under the lobbying act', Third Sector, 9 April 2015, <http://bit.ly/1FIZmDU>.

government. This move was made without parliamentary discussion. Part of civil society's concern about this move is that it creates an artificial distinction between the service delivery and advocacy functions of CSOs which looks much like the distinction made between supportive and challenging CSOs made in repressive states. The measure denies the possibility that the service delivery work of CSOs might give rise to important ideas and solutions, grounded in experience, that CSOs want to put to the state so that services can be improved, something that government departments have said they valued in the past; it also risks contributing to a denial of the voice of excluded people that CSOs work with, furthering their exclusion. Further, it raises the prospect that repressive states might justify their own divide and rule approach to civil society with reference to the UK's policy.

UK CSOs strongly criticised the move for impinging on the autonomy of civil society, and warned that it may cause some CSOs to pull out of delivering services, because without an advocacy focus their delivery work cannot be effective; around 140 heads of CSOs wrote to the UK's Prime Minister David Cameron to protest against the move, but were not reassured by the response.²⁹⁹ With these recent moves, it is perhaps not surprising that British CSOs believe that their influence towards the government is significantly less than it was five years ago, and that levels of self-censorship have increased.³⁰⁰

The lobbying act can also be seen as part of a suite of measures that is challenging and aims to degrade the UK's trade union movement. A trade union bill currently passing through parliament threatens to curtail the work of unions substantially. While public pressure caused some of the worst measures to be removed as the bill passed through parliament, there is still much that trade unions are concerned about.³⁰¹ The law would make it much harder for unions to take strike action, introducing high turnout and support thresholds, and require picket leaders during strikes to be highly visible and identifiable, raising fears of targeting by employers.³⁰² Restrictions on the legitimate activities of trade unions should be recognised as limitations on civil society rights.

While a strong response from unions and the public has caused the measures to be watered down, it is also concerning that the move to restrict trade unions comes within an ideological climate in which the right of centre ruling party now routinely refers to the opposition party, which is largely financially supported by unions, as a threat to national security, and has accused them as being sympathisers of terrorism.³⁰³ It is of course possible to dismiss this as the cut and thrust of raucous debate in a robust political culture, but it closely imitates the ways in which many autocratic regimes characterise opposition parties, potentially further undermining the UK's ability to promote democracy in other countries.

299 'Anti-advocacy clause is counter-productive', National Council for Voluntary Organisations, 6 February 2016, <http://bit.ly/1VZepek>; 'Charity lobbying restricted', Bond, 11 February 2016, <http://bit.ly/21IT3Yv>; 'Why new anti-lobbying rules leave small charities out in the cold', The Conversation, 16 February 2016, <http://bit.ly/1rpADd1>; 'Charities angered by government failure to address anti-advocacy concerns', civilsociety.co.uk, 8 April 2016, <http://bit.ly/23nG6lJ>.

300 'Sector independence 'at a five-year low', says report', Third Sector, 14 March 2016, <http://bit.ly/1r5GfZy>.

301 'Trade Union Bill: Fresh U-Turn As Ministers Bow To Pressure Over Timetable And E-Voting', The Huffington Post, 26 April 2016, <http://huff.to/1O-3qzuQ>.

302 'About the Trade Union Bill', Trades Union Congress, 2016, <http://bit.ly/1O02TGq>; 'Union campaign scores a win with big changes made to #TU-bill', Trade Union Council, 27 April 2016, <http://bit.ly/1TfsrLS>.

303 'David Cameron claims Jeremy Corbyn is a 'threat to national security'', Independent, 13 September 2015, <http://ind.pn/1VVGeBC>; 'David Cameron Tells MPs Not To Support Labour's 'Terrorist Sympathisers' in Syria Vote', The Huffington Post, 1 December 2015, <http://huff.to/24s01wU>.

These backward steps, in the UK and more broadly in Europe, serve as a reminder that there is a need to take the widest possible view when monitoring, analysing and challenging restrictions on civil society rights. The global north does not have the monopoly of good practice, and global north CSOs, if they are facing a tide of restriction, could benefit from sharing learning about response strategies with global south CSOs that have years of experience of developing these. It also suggests that broad-based civil society campaigns and coalitions are needed to identify common ground for action across all countries, including to defend trade unions as part of civil society, where they are under attack, and to mobilise citizens to support civil society as a whole.



The prevention of violence, and economic development, should never come at the expense of civil society rights; instead, it needs to be understood that a diverse and active civil society will help to build peace in society, and ensure that economic development benefits everyone.



17. CIVIC SPACE: CONCLUSION AND FIVE POINTS FOR FUTURE ACTION

This review of recent trends in civic space has set out that a number of current drivers and enablers foster civic space restriction, including the consolidation of elite economic power, the exploitation of the security and anti-terrorism agenda, the state backlash to popular protests, the rise of extremist forces, and the lessening of pressure to comply with human rights conditions for external funders. The internet and the resourcing of civil society have become new and key areas of contestation, and civil society activists are being targeted on the basis of the challenge their advocacy offers to power, and also on the basis of their identity as members of excluded groups, an issue that is discussed further in our section on exclusion. In the country case studies above, these different forces and pressures can be seen to be combining and interacting in different ways.

None of this analysis is to reject the notion that our societies face significant challenges today, which include conflict, extremism and terrorism, and poverty and inequality. Citizens rightly expect states to protect them from violence, and to enable them to access a livelihood and improve their economic status. But citizens also expect states to uphold their rights, and they demand that their states act responsibly and in the public good. Civil society has to be an essential part of how rights are upheld and accountability is exerted over governments to ensure that they act in the interests of citizens. The prevention of violence, and economic development, should never come at the expense of civil society rights; instead, it needs to be understood that a diverse and active civil society will help to build peace in society, and ensure that economic development benefits everyone. Clearly, in many contexts, the reality is far from this vision, but there remains a need to assert this vision, and work towards its realisation.

While civic space is undoubtedly on a downward trajectory, it is important at the same time to resist the appeal of counsels of despair. There are moments when civil society wins battles in the unequal contest with restrictive states and large corporations that fear accountability. As several of the examples above attest, repressive laws become modified as a result of advocacy, detained advocates get released from jail as a result of campaigns, and development projects that would cause damage are dropped following civil society pressure. More needs to be done, among the emerging international movement that champions civic space, to document, celebrate and encourage learning from civil society successes in upholding rights and resisting

challenges. At the same time, it should be noted that civic space backlash often comes in response to civil society success. It comes when existing methods by ruling elites to hang on to power are being challenged and failing. Continued vigilance, engagement and mobilisation are needed, and structures need to reflect this need for constant response, and preparedness to defend civic space.

Overall, our analysis of current restrictions in civic space suggests some response strategies that international civil society can take to start challenging the tide of restriction:

- There is a need for stronger, clearer and more popular messaging on why civil society matters, why civic space is important, and what needs to be done to defend it. Civil society needs to challenge the misinformation propagated by those who attack it, and needs to win more of the public over to understanding that their rights are civil society rights, that everyone gains when civil society flourishes, and civil society therefore needs to be defended. In doing so, civil society needs to avoid perpetuating narratives of disempowerment, emphasise the positive contribution of civil society and identify the value that is added by participation.
- Those with an interest in supporting civil society, for whatever purpose, including in development cooperation, need to show increased commitment to upholding and promoting the three key civil society rights and acknowledge that, without these, any support for civil society will struggle. Those with an interest in promoting civil society rights also need to work together more closely. A promising start was made in Geneva in October 2015, when CSOs and networks with an interest in civil society rights came together to compare experiences and explore common ground. But there is a need for the coalition of the concerned to move beyond organisations that may be easily dismissed as the familiar voices accustomed to complaining about human rights abuses. Organisations working on different issues, such as internet freedom, democratic reform, LGBTI rights and environmental, land and indigenous people's rights, need to work more closely together, as do global south and global north CSOs.
- Civil society, working together, needs to make concerted efforts to ensure that progressive resolutions and other measures, made at the UN and other regional and intergovernmental bodies that support civil society rights and the rights of human rights defenders, are communicated to citizens. Civil society should engage creatively with national institutions, including apex courts, parliaments and human rights commissions, to uphold in practice what they have committed to in principle at international forums.
- Civil society needs to build demonstrable and impeccable accountability and transparency competence from within. This will develop resistance against externally imposed measures that claim to be about accountability but are in fact about control, and enable civil society to demonstrate that it is not giving rise to extremism, is acting independently of any foreign funders, and is working for the public good.
- More accurate and frequent monitoring and reporting of trends in civic space are needed. Contemporary open data tools could help to track and report whether civic space is worsening or improving in different contexts over time, and trigger early alerts to drive prompt action in cases where civic space can demonstrably be seen to be deteriorating. Better data on

rights abuses, including threats and violence against human rights defenders, and human rights defenders in detention, is needed as part of this, so that reporting, monitoring, support and advocacy can be enhanced.

A photograph of a public square filled with hundreds of shoes, with people in the background holding a banner. The image is overlaid with a teal color and white text.

YEAR IN REVIEW:
CIVIL SOCIETY
AT THE
GLOBAL LEVEL

photographer: Takver

CIVIL SOCIETY

WORKING AT THE

GLOBAL LEVEL

1. INTRODUCTION

Each year the CIVICUS State of Civil Society Report looks at the major events that have affected civil society around the world. We seek to celebrate the major achievements of civil society, identify the key challenges it has faced, and assess how recent events have impacted on civil society, and how civil society has responded to them. In particular, we explore how civil society has reacted to and been affected by conflict and disaster; how citizens have mobilised to seek change; how the space for civil society has changed; and how civil society was worked internationally to address the pressing issues of the day. This section of the year in review considers civil society's engagement at the international level, and how the international system impacts on civil society.

Our report is of and from civil society. Alongside the four sections of our year in review, our report consists of 33 guest contributions from civil society activists, leaders and experts, on this year's special theme, of civil society and exclusion, and a thematic essay that draws from those contributions. Our report is also informed by 27 responses to our annual survey of national and regional civil society coordination bodies that are members of our Affinity Group of National Associations (AGNA), and a series of interviews with members of the CIVICUS alliance who were close to the year's major stories. We are very grateful to all our contributors for their efforts in developing this report.

2. OVERVIEW: KEY CHALLENGES IN INTERNATIONAL INSTITUTIONS

The last year has been rich in headline-making, large scale agreements struck at the international level, notably the Sustainable Development Goals (SDGs) in September 2015 and the Paris Agreement of the UN Framework Convention on Climate Change in December 2015, both discussed further below. These have been large-scale processes, in which the UN has attempted to open up engagement, and which civil society attempted to influence; civil society will work as best as it can in the coming years to ensure that the agreements made are now adhered to.

INTERNATIONAL INSTITUTIONS AND RIGHTS

“
There is increasing evidence that UN peacekeepers may themselves be involved in human rights abuses.”

As well as being the arena where new agreements are hammered out to address problems that cannot be solved within borders, the international system should provide a space that citizens and civil society organisations (CSOs) can turn to when their governments fail to uphold and protect human rights. This is because human rights, including the three fundamental civil society rights, of the freedom of association, freedom of assembly and freedom of expression, are guaranteed in international law. However, as we concluded in the 2014 State of Civil Society Report, which had global governance as its theme, the international system is profoundly dysfunctional. Too often, civil society and citizens that look to the international system to uphold rights and improve their lives are disappointed.

In part, failures come from international institutions being inefficient, or insufficiently focused on human rights. In March 2016, the former head of the UN mission to combat Ebola in West Africa accused the institution of being excessively bureaucratic and inefficient, unable to respond quickly to emerging crises, and having little accountability over poor staff performance.¹ International institutions have also been accused of being insufficiently sensitive towards human rights, or of paying lip service to them. For example, in October 2015, the UN special rapporteur on extreme poverty and human rights criticised the World Bank for not sufficiently considering the human rights impacts of the projects it funds. The World Bank was accused of using human rights as window dressing, and not reflecting rights concerns adequately in its core programming and decision-making. It was also criticised for not taking civil society voices seriously. The special rapporteur suggested that the rise of regional development banks, including the New Development Bank launched in July 2015 by the BRICS (Brazil, Russia, India, China and South Africa) countries, could give the World Bank an opportunity to remodel itself.²

Worse still is when inefficiency and failure to prioritise human rights combine. There is increasing evidence that UN peacekeepers may themselves be involved in human rights abuses. The spate of reports about abuses carried out by peacekeepers in the **Central African Republic** led the UN Secretary-General Ban Ki-moon to describe them as a “cancer in our system.” The peacekeeping mission was dogged by shocking revelations of sexual abuse and violence, including against children, and the whistle-blower who reported the abuses was suspended, investigated and risked dismissal. In an acknowledgement of the need to challenge the

1 ‘I Love the U.N., but It Is Failing’, The New York Times, 18 March 2016, <http://nyti.ms/1UaJLOR>; ‘Ex-official accuses United Nations of ‘colossal mismanagement’’, Reuters, 18 March 2016, <http://reut.rs/1rsdmHP>.

2 ‘Extreme poverty and human rights. Note by the Secretary-General’, UN, 4 August 2015, <http://bit.ly/24cQOZ9>.

lack of transparency that normally surrounds such abuses, in December the UN published the report of an independent review on peacekeepers in the Central African Republic that found serious flaws in the response of the UN to complaints of abuse, and poor implementation of policies to deter abuse, leading to impunity that damages the credibility of the UN and its peacekeeping operations. The peacekeeping forces in the Democratic Republic of Congo and South Sudan have also been accused of being ineffective and leaving citizens exposed to abuses.³

The UN Human Rights Council (UNHRC) is the primary international space for discourse about and the defence of human rights. Yet despite its support for and engagement with civil society, it risks appearing compromised because governments of some of the world's worst human rights offenders, play a prominent role in it by securing election to positions of influence and watering down resolutions.

For example, not only does the international system fail to challenge Saudi Arabia for its human rights abuses, including in Yemen, as our section on conflict and disaster sets out, but the state also uses the international system to undermine action on human rights violations. In March 2016, Saudi Arabia, along with Burundi, China, Russia and the United Arab Emirates, attempted to undermine a resolution on the protection of defenders of economic, social and cultural rights by not voting in its favour.⁴ The body can also be used as a platform for repressive states to launch attacks on human rights. In 2015, **Thailand's** foreign minister used a speech at the UNHRC to question the concept of universal human rights, and condemn the "extreme" exercise of human rights.⁵ The credibility of the UNHRC can only be undermined by such manoeuvrings. The UNHRC can also be accused of being slow to act, passing resolutions long after it has become evident that serious human rights abuses have been committed.⁶

Most notably, the UN's peak body, the Security Council (UNSC) remains stymied by the veto power of its dominant Permanent Five (P5) member states (China, France, Russia, the UK and the USA), and because of this it has failed to protect the beleaguered citizens of Syria and Yemen from bloody conflict. When major humanitarian and human rights crises come along, the UNSC consistently fails the challenge. In September 2015, Ban Ki-moon admitted that the UNSC has failed the people of Syria, because of vetoes being exercised in national interests, just as it previously failed to act on Gaza, Darfur and Ukraine.⁷ With four of the five P5 members involved in the Syrian war, how could the UNSC be expected to act unselfishly? China and Russia vetoed four resolutions on Syria before a resolution endorsing a ceasefire was adopted in February 2016. In the interim, Russia was able to act with impunity.⁸ As our section on civic space makes clear, the international system is now failing the people of Burundi, who are mired in a human rights, political and humanitarian crisis.

3 'Taking Action on Sexual Exploitation Abuse by Peacekeepers. Report of an Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic', Marie Deschamps, Hassan B Jallow and Yasmin Sooka, 17 December 2015, <http://bit.ly/22c80ht>; 'UN accused of 'failing to protect civilians' in South Sudan', South Sudan News Agency, 15 December 2015, <http://bit.ly/1Y0loVr>; 'When will the UN be held to account for failing to protect civilians?', The Guardian, 23 March 2016, <http://bit.ly/25lXxkZ>; 'Where does the \$8bn UN peacekeeping budget go?', The Guardian, 6 April 2016, <http://bit.ly/1Sbd03P>.

4 'Human Rights Council adopts historic resolution on protection of defenders of economic, social and cultural rights', International Service for Human Rights, 24 March 2016, <http://bit.ly/1pLUy5h>.

5 'Human Rights Council, 29th Session – Conclusion of the Session. Joint civil society statement', CIVICUS, <http://bit.ly/1Wjz2Mw>.

6

7 'UN security council is failing Syria, Ban Ki-moon admits', The Guardian, 7 September 2015, <http://bit.ly/1Nd8exN>.

8 'Security Council Endorses Syria Cessation of Hostilities Accord, Unanimously Adopting Resolution 2268 (2016)', UN, 26 February 2016, <http://bit.ly/21CTn5t>; 'UN backs Syria ceasefire as conditional truce begins', Al Jazeera, 26 February 2016, <http://bit.ly/210EHev>.

STATE POWER IN INTERNATIONAL INSTITUTIONS

Most of the time, institutions of international governance, both at the global and regional levels, could be characterised as being permissive of civil society restriction, rather than actively seeking to repress civil society, although they could always do more to open up their processes of civil society engagement, as the UN has recently made some efforts to do. Institutions can be characterised as such because multilateral arenas largely remain forums for the articulation and negotiation of state interests, and the rehearsal of arguments between competing states and blocs of states. States that are intolerant of civil society at home carry their restrictive perspectives into the international arena.

“
States that are intolerant of civil society at home carry their restrictive perspectives into the international arena.”

The UNSC continues to reflect the historical power landscape of 70 years ago, which it seemingly seeks to freeze in time. China, Russia and the USA have continued to exercise vetoes in their national interests in recent years, and use the threat of vetoes to prevent resolutions coming to the table. This means that it now takes considerable time and energy to bring about a resolution; the cost of achieving consensus has increased. In 2015, Russia vetoed a resolution to commemorate the 20th anniversary of the genocide in Srebrenica, Bosnia and Herzegovina, at the prompting of its Serbian allies, and a resolution to establish an international commission to investigate the shooting down of Malaysian airlines flight MH17 over east Ukraine. In 2014 it ignored clear instructions that a party involved in a dispute should abstain from voting, when it blocked a resolution on the referendum on Crimea’s annexation by Russia.⁹

Because most intergovernmental institutions are hamstrung by state interests, they are reluctant to be seen as challenging state power. For example, despite three UNSC resolutions on humanitarian operations in **Syria**, which empower the UN to enter the country and deliver aid without requiring the government’s consent, the UN on the ground has been accused of being overly respectful and reluctant to offend the regime. The use of siege tactics by the state, discussed in our section on conflict and disaster, sparked anger about the UN’s caution, which had seen references to sieges deleted from official documents.¹⁰ In January 2016, over 100 community leaders and opposition personnel signed an open letter to the UN accusing the body of being “a symbol of complicity” due to its timidity towards the regime.¹¹

This tendency for the assertion of national level interests to hobble international institutions and processes can be seen elsewhere. At the regional level, the European Union (EU) failed to get to grips with the influx into Europe of refugees in 2015, as discussed in our section on exclusion. In the most feeble recent example of the weakness of such institutions, the May 2016 summit of the Association of Southeast Asian Nations (ASEAN) was held in one-party state **Laos**, with minimal civil society involvement, simply because the host government did not want it: the government was reported to be reluctant to host a civil society meeting because of fears that CSOs would criticise governments, and activists it saw as ‘extremists’ might attend; Lao CSOs were also put under pressure not to raise controversial issues such as land rights, the impact of dams and forced disappearances, even though these are crucial civil society issues across the region. This sends the signal that the region’s civil society should not hold out hope that ASEAN will help them realise their rights.¹²

9 ‘The Veto. Research Report’, Security Council Report, 19 October 2015, <http://bit.ly/1XkqyZE>.

10 ‘Senior UN officials fear organisation is failing Syrians most in need’, The Guardian, 4 February 2016, <http://bit.ly/1TGXefv>.

11 ‘State of the World’s Emergencies’, Bond, July 2015, <http://bit.ly/1NFaj9L>; ‘Breaking the Siege: Q&A with The Syria Campaign’, Syria Deeply, 14 January 2016, <http://bit.ly/26lu5MA>; ‘Humanitarians Struggle to Deliver Aid in Syria’, Syria Deeply, 18 January 2016, <http://bit.ly/1N1JLy1>.

12 ‘Lao Civil Society Pressured to Drop Rights Issues From ASEAN Forum’, Radio Free Asia, 22 April 2015, <http://bit.ly/1HnyiF2>; ‘Laos Refuses to Host

Governments can also use their role in international institutions to gain domestic advantage. For example, the government of **Ethiopia**, which severely restricts civil society rights, uses its status as host of the African Union (AU) for leverage in its war on civil society rights: CSOs and the media that wish to engage with the AU must register with the Ethiopian government, and the tacit understanding is that they will not criticise the host government. This helps to reduce the level of campaigning or negative media coverage that Ethiopia's continuing human rights abuses would otherwise be expected to attract.¹³

At times when pressure on states increases, including in the form of economic strain, conflict and rising popular protest, states become more defensive and resistant to international exposure; if those states or their allies hold positions of influence in international institutions, they are able to inhibit the actions of international institutions precisely when these are most needed to uphold human rights and monitor abuses.

CASE STUDY: THE INTERNATIONAL CRIMINAL COURT AND AFRICA

The International Criminal Court (ICC) was featured in the 2015 State of Civil Society Report, and continues to be attacked by a large group of African states. Because the court has largely investigated human rights abuses in Africa, and particularly because it opened proceedings against Kenya's President Kenyatta and Sudan's President al-Bashir, many African states have threatened to withdraw. The introduction of the ICC, which came about after extensive civil society advocacy and with the support of most African states at the time, represented a landmark in the movement to make human rights real, because it challenged impunity, and meant that even a head of state would not be immune from international proceedings.

In 2015 South Africa, which once aspired to the role of moral leadership of the continent, signalled its intention to pull out.¹⁴ In January 2016, an AU summit, held on the theme of protecting human rights, backed a Kenyan government proposal to develop a roadmap for African states to withdraw. The AU is therefore sending mixed messages about impunity, condemning coup leaders, as our section on protest and activism indicates, but also attacking the ICC, which has a key role to play in calling coup leaders to account. In a further backward step, the AU chose as its chair for 2016 Idriss Déby, Chad's dictatorial president since 1990, who cracked down on civil society even further ahead of his flawed April 2016 re-election. He replaced Zimbabwe's Robert Mugabe, another long-established dictator, sending a dismal message about the AU's lack of willingness to challenge the ways in which long-running heads of state consolidate their grips on power, deny democratic change, and then use their roles in institutional institutions to borrow legitimacy.¹⁵

Attempts to try Presidents Kenyatta and al-Bashir both failed, in part because of the failure of African states, notably South Africa, to act in accordance with ICC processes, by applying the international arrest warrant against al-Bashir when he visited their countries.¹⁶ But it appears that the light that even truncated proceedings can shed on abuses is too much for some states. The fear

Meeting of ASEAN Civil Society Groups', Radio Free Asia, 12 October 2015, <http://bit.ly/1VP4lQu>.

13 'How Ethiopia exploits AU role to suppress international criticism', Daily Maverick, 28 January 2016, <http://bit.ly/1SXCaNr>.

14 'Lowering the flag: The ANC and the ICC', Daily Maverick, 12 October 2015, <http://bit.ly/1SCHIFz>.

15 'AU Summit preview: It would be foolish to expect any major changes', Daily Maverick, 26 January 2016, <http://bit.ly/1Slnlbt>.

16 'ICC plays hardball with South Africa on Al-Bashir', Daily Maverick, 27 October 2015 <http://bit.ly/1MQBBZt>; 'S. Africa's conduct 'disgraceful' in Bashir case, court says', Daily Maverick, 15 March 2016, <http://bit.ly/1SCHw3r>.

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The AU is therefore sending mixed messages about impunity, condemning coup leaders, as our section on protest and activism indicates, but also attacking the ICC, which has a key role to play in calling coup leaders to account.”

must be, given the January 2016 resolution, that if a prominent state such as Kenya or South Africa pulls out of the ICC, it will spark a domino effect in which other states are encouraged to leave. The motivations of African states threatening to withdraw need to be examined; if they do so, it could hardly be said to be on the grounds of improving human rights and challenging impunity. While all institutions are flawed, attacks on the ICC make it harder for impunity to be challenged.



Photograph: Overseas Development Institute

CORPORATE INVOLVEMENT IN INTERNATIONAL INSTITUTIONS

Other challenges relate to underfunding. For example, there are more displaced people in the world than ever before, but appeals in response to emergencies by UNHCR, the UN Refugee Agency, are consistently underfunded. Because of the paucity of funding, several UN agencies are developing partnerships with corporations. This raises concern from civil society that they will open themselves up to being driven by corporate agendas. There is a growing concern, among civil society that engages at the global

level, that large, transnational corporations are gaining privileged access to intergovernmental bodies and rewriting the rules of engagement in ways that suit them, and that exclude civil society and democratic oversight.

The challenges in global humanitarian funding are set out in our section on conflict and disaster. More broadly, a Global Policy Forum report published in September 2015 concluded that there is a growing gap between the scale of global challenges and the UN's financial capacity to address them. As a result of this, non-core contributions and voluntary trust funds are playing a more important role, which means there is increasing reliance on the corporate sector, and growing outsourcing of funding and decision-making to global partnerships. This leaves the UN accused of "selective multilateralism" in which what it does and how it acts is shaped by what funding is available from the private sector, and what areas are not blocked from it by government manoeuvring, rather than where the greatest needs or potential for transformation are.¹⁷

The danger is that, when international institutions work with private sector resources, aspects of international response are effectively being privatised. This is a fear that particularly comes in relation to the SDGs, discussed further below. It is harder to exercise scrutiny over private resources, and over the influence corporations might expect to assert in the interventions they fund. It also suggests that agendas that corporations do not value will struggle to receive funding and priority. The fear this raises is that of eroding an international system based on law, in which citizens can seek to claim rights, into a charitable one that has voluntary rules authored by corporations, in which citizens are granted concessions.

POSITIVE DEVELOPMENTS AND THE NEED TO ENGAGE

The challenges with international institutions do not mean that civil society should disengage from the international sphere and dismiss it as a source of protection for civil society rights. The situation for civil society rights would, for example, only be worsened by an African withdrawal from the ICC. Our conclusion from our 2014 report still stands: that civil society should continue to engage constructively with international institutions, and to try to reform them, but must reserve the space and independence to criticise. To use the example of the ICC, there is a need for civil society in countries such as Kenya and South Africa to organise and try to influence their governments, to make clear that continued membership of the body is consistent with the aims of their foreign policy and their international obligations, and also projects a positive image of the country. In doing so, civil society may find itself in the position of arguing defensively for the retention of an institution that it knows to have flaws, but this is one of the challenges to be negotiated in engaging constructively.

The direction of travel is not one way. There is at least currently a serious debate on curbing the abuse of veto power in the UNSC. The UNHRC, for all its challenges, can play a valuable role in generating norms that civil society can apply in trying to hold their governments to account and defend their rights. In March 2016, for example, it passed a new resolution recognising the imperative to protect human rights in the context of peaceful protests. The resolution underlines the responsibilities of states in protecting the rights of protestors.¹⁸ The SDGs and the Paris Agreement offer at least some cautious grounds for civil society optimism. The process of appointing the next UN Secretary-General, while still too opaque, has become more open, and has created an opportunity to stimulate debate about what kind of UN civil society wants.

¹⁷ 'Fit for whose purpose? Private funding and corporate influence in the United Nations', Global Policy Forum, September 2015, <http://bit.ly/23nYxfx>; 'Is the UN fit for the ambitious new sustainable development agenda?', Social Watch, 25 September 2015, <http://bit.ly/1WP083w>.

¹⁸ 'Council calls for protection of human rights in the context of protests', International Service for Human Rights, 28 March 2014, <http://bit.ly/1BvjxK>.

Some further good news at the international level came with the passing in December 2015 of a UN General Assembly Resolution on Human Rights Defenders in the context of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. The text of the declaration strongly condemns the killing of, violence against, and torture, criminalisation, intimidation and targeting of human rights defenders. It calls on states to ensure the rights and safety of human rights defenders, and to refrain from reprisals against human rights defenders, including for participation in international processes. It also makes clear that businesses should respect the three fundamental civil society rights, and should ensure that their business activities do not impact on these.¹⁹

Of course, there is no clear mechanism to translate these fine words into concrete action to protect civil society activists on the ground, but it provides at least another piece in the international architecture against which civil society can measure the gap between word and deed, and use as a focal point for advocacy. The next step should be to expose and embarrass those states that fall short of this commitment. The list of countries that voted against the declaration in the Third Committee (the UN committee under the General Assembly that covers social, humanitarian and human rights issues) also serves as a ready reckoner of those states that do not take civil society rights seriously: those that voted against included Burundi, China, Iran, North Korea, Pakistan, Russia, Saudi Arabia, Syria, Sudan and Zimbabwe, all egregious human rights offenders. African governments that aspire to regional leadership - Kenya, Nigeria and South Africa - should feel embarrassed about being in such company.²⁰

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The SDGs and the Paris Agreement offer at least some cautious grounds for civil society optimism.”

3. THE FINANCIAL ACTION TASK FORCE ON MONEY LAUNDERING: AN UNWITTING ENABLER OF CIVIL SOCIETY RESTRICTION

One international enabler of civic space restriction, somewhat unintentionally, comes in the form of the global mechanisms to prevent money laundering and financial flows to terrorism.²¹ The Financial Action Task Force (FATF) is an intergovernmental organisation established in 1989 to fight money laundering, which had its scope broadened substantially following the 9/11 terrorist attacks to also address the financing of terrorism.

In 2015, a coalition of CSOs - the Charity Security Network, Human Security Collective, European Foundation Centre and European Centre for Not-for-Profit Law - drew attention to the ways in which the work of the FATF can be harmful for civil society. The FATF has grown in strength and credibility in recent years: its assessments are taken seriously by governments, not least because they have an effect on business perceptions of a country, and can so affect the climate for inward investment. Demonstrating

19 'Concluding Intense Session, Third Committee Approves Final Draft Resolution on Human Rights Defenders, Sending Package of 62 Texts to General Assembly', UN, 25 November 2015, <http://bit.ly/1YOr6Xs>.

20 'Vote Name: A/C.3/70/L.46/Rev.1 as orally revised', UN, 25 November 2015, <http://bit.ly/1r9QxrX>.

21 This section is based on a joint contribution from Charity Security Network, Human Security Collective, European Foundation Centre and European Centre for Not-for-Profit Law. For the full contribution see 'Implications of anti-terror and money-laundering regulations on CSO financing and what CSOs can do', CIVICUS, 2015, <http://bit.ly/1RAaYJw>.

compliance, and achieving a high score in FATF assessments, has therefore become increasingly important for states. This is of concern, because the flow of funds into civil society is one area of interest for the FATF.

The FATF may be an unwitting enabler of restriction because several governments, under the guise of FATF compliance, have introduced measures far in excess of those required by the FATF, suggesting that governments are “policy laundering”: introducing restrictive measures for reasons other than compliance.

The global civil society coalition working on this issue feels that it has made some progress in holding a dialogue with the FATF, not least in having the FATF acknowledge the unintended consequences of its work, and reflect this in its practice guidelines. But there remains a suspicion that the FATF often fails to take a nuanced approach to the civil society universe, tending instead to adopt a broad-brush perspective in which CSOs are essentially seen as vulnerable to capture by extremists and at risk of being used as fronts for the financing of terrorism.

There are also challenges with civil society’s interaction with the FATF: its processes are often secretive, and requests for civil society input tend to come at short notice and with tight deadlines. These limitations make it harder for those involved to broaden the process of civil society engagement, which civil society partners recognise as an enduring problem. Civil society knowledge of the FATF and understanding of how its work affects them at the country level is low. Many CSOs do not understand why and how they should engage with FATF processes, and do not give it priority.

There is therefore a need for more awareness raising, and to promote, in particular, country level civil society action on the FATF, as it is at the national level where the worst effects of FATF processes on the restriction of civil society are experienced.

4. THE SUSTAINABLE DEVELOPMENT GOALS: A POSITIVE, BUT POTENTIALLY COMPROMISED, STEP FORWARD?

The recent international landmark for much of civil society was undoubtedly the agreement of the 17 SDGs, in the 2030 Agenda for Sustainable Development. The SDGs are far more wide-ranging and ambitious than their predecessor, the Millennium Development Goals (MDGs).

The preparatory process for the SDGs should be seen as representing a participation milestone: the UN deserve credit for having run a much more open process than was the case with past agreements, and civil society, and citizens as a whole, should be celebrated for having seized and expanded the opportunity, participating in substantial numbers to articulate their needs and seek to shape the SDGs. In the UN’s MyWorld survey alone, which aimed to find out which development issues matter most to people, over 9.7 million people participated, 77 per cent of them under the age of 30.²² This mass involvement of citizens is not something

22 ‘MyWorld 2015 Analytics’, <http://bit.ly/1fj3pLF>.

that came about by accident. It results from a concerted push by civil society to engage in what can be seen as civil society's largest and most concerted attempt to influence the international agenda.

We asked Savio Carvalho, Senior Advisor on Campaigning on International Development and Human Rights at Amnesty International, to describe the level of civil society's engagement:



Photograph: IAEA Imagebank

Civil society, including communities, activists, coalitions - civil society in its broadest sense - has engaged and fulfilled many roles, including as a thinker, advocate, watchdog, bedfellow and friend, to name a few. If nothing else, member states knew the level of interest, engagement and organisation by CSOs, something they could not ignore or take for granted.

Given the high level of engagement, the first test of the SDGs should be whether those who participated see enough of their aspirations reflected in them, sufficient to make them want to play a part in bringing them about. The verdict from civil society, broadly, seems to be that the goals are not perfect, and indeed were never likely to be, but civil society can live with them and wants to play a proper role in realising them.

The Human Rights Caucus at the UN, which includes a range of CSOs and civil society networks, including CIVICUS, declared the SDGs a “partial success” in making human rights the foundation of the new development agenda, but highlighted failures on the redistribution of wealth, financing for development, accountability and civil society participation. The group drew attention to vagueness in the text about civil society’s right to be involved in monitoring and review of implementation, and its failure to recognise the role citizens can play in gathering and using data. The Caucus noted that little was said about the international human rights obligations of states, and the responsibility of states for actions beyond their borders, and insufficient attention was given to private sector regulation and accountability, compared to the many references to the partnership role of the private sector. Also problematic was the apparent assumption that economic growth will be the fundamental driver of social development.²³

Similarly, Savio Carvalho assesses the final agreement as follows:

The final outcome document was better than expected, or maybe our expectations were mediocre. However, there are major disappointments. For us, accountability for implementation and delivery (follow up and review) of the agenda is the weakest element. Success depends on accountability, and under the garb of text, language and words, member states have found sufficient wriggle room. There is a danger that very little will be done and the universal nature of the agenda will die a natural death.

There seem clear contradictions between the SDGs’ commitment to tackle economic inequality, a rising problem in so many countries, and its apparent privileging of the role of economic growth and reliance on private sector partnerships for delivery, which may themselves contribute to inequality by monetising access to public services. The SDGs in this respect can be seen as symptomatic of a larger shift in development and governance towards private sector partnerships as a source of financing and delivery. Many governments are committed to cutting state expenditure and, as raised above, multilateral institutions are struggling to meet growing commitments in an increasingly complex world. In this context, the private sector is seen as a source of relatively untapped development resources.

THE PRIVATE SECTOR AND THE SDGS

Accordingly, the July 2015 Financing for Development Conference, held in Addis Ababa, Ethiopia, made much of the role of the private sector.²⁴ It placed emphasis on encouraging development banks to invest in infrastructure and developing businesses, reforming tax regimes, and putting in place new partnerships with the private sector. CSOs present at the meeting expressed

²³ ‘Human Rights Caucus reaction to the 2030 Agenda for Sustainable Development’, Center for Economic and Social Rights, 23 September 2015, <http://bit.ly/1Ff5pv1>.

²⁴ ‘Countries reach historic agreement to generate financing for new sustainable development agenda’, Third International Conference on Financing for Development, July 2015, <http://bit.ly/26m3NKe>.

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There seem clear contradictions between the SDGs’ commitment to tackle economic inequality, a rising problem in so many countries, and its apparent privileging of the role of economic growth and reliance on private sector partnerships for delivery.”

concern about the lack of emphasis placed on official development assistance (ODA) as a key and continuing means of financing development, the absence of an offer to involve developing countries in tax reform, and the lack of transparency about private sector partnerships. CIVICUS noted that the meeting led to no new development resources being committed, or to commitment to reform the international financial system.²⁵

As it stands, the aspiration of the SDGs is yet to be met by an ambitious approach to financing their achievement. If the gap between mission and capacity is to be filled with private funding, it needs to be understood that this funding comes with baggage. There is the question of what private sector partnerships mean for the SDGs' social justice agenda, which should imply an engagement with and renegotiation of issues of power, in order to address inequality. Simply, how can social justice be advanced if it is left to those that benefit from current global injustice and who are deeply embedded in the status quo - large companies and the highly wealthy - to finance change? Research also suggests that there is little evidence to date that private sector partnerships have made an impact on the lives of the poor, compared to the benefits businesses derive.²⁶

As is noted in our section on civic space, large transnational corporations often have negative impacts on the environment, and on communities who live close to the natural resources that companies wish to exploit, which means they have negative impacts on human rights and the space for civil society. Large companies also seek good corporate profiles and access to political decision-makers. This means that they are unlikely to welcome scrutiny that can expose the negative sides of their business or that hinder their ability to influence leaders. This implies that the heavy involvement of business can diminish transparency and accountability, and therefore work against civil society and citizen participation. Transparency and accountability become voluntary, rather than something citizens can demand as a right. CSOs note that it becomes harder to access information when there is corporate involvement.²⁷ Heavy corporate involvement in the SDGs will raise the question of whether the development agenda is effectively being privatised, with privatisation entailing a transfer of public goods, over which citizens can exert ownership and oversight, to the private sphere.

The question of how development is financed should therefore not be seen as a technical issue, but as a profoundly political question. The origin of resources influences how development is practised. Questions such as how much tax corporations pay and how regulated they should be are political issues that the SDGs leave unaddressed, but tackling these could make the crucial difference to realising the SDGs.

To give a hint of the sheer scale of tax avoidance in which transnational corporations are complicit, in February 2015, an investigation brought to light that HSBC had facilitated tax evasion from African economies on such a large scale that the money lost was equivalent to over 30 per cent of the health budgets of Côte d'Ivoire and Senegal.²⁸ More broadly, research by the European Network on Debt and Development (Eurodad) has concluded that for every US\$1 a developing country receives, including from ODA, remittances and foreign direct investment, US\$2 flows out, including through illicit financial movements, profits to foreign investors and debt repayments, with illicit financial flows being the largest part of this. This suggests that, while

25 'The "2030 Agenda" - more privatisation, less democracy?', Konrad Adenauer Stiftung, September 2015, <http://bit.ly/1Vvx95k>; 'Addis Ababa outcome: milestone or millstone for the world's poor?', The Guardian, 16 July 2015, <http://bit.ly/1M7zKwe>.

26 'The Post-2015 Corporate Development Agenda. Expanding Corporate Power in the Name of Sustainable Development', Paul L Quintos, IBON International and Campaign for Peoples Goals, 2015, <http://bit.ly/1MQHJkB>.

27 'It's time to stop the privatisation of the development agenda', Equal Times, 5 June 2014, <http://bit.ly/1SFfzLD>.

28 'Swiss Leaks' catastrophic for African economies', EurActiv, 12 February 2015, <http://bit.ly/1MkHWd1>.

development financing methods are flawed, untrammelled private sector involvement is hardly the way to fix them.²⁹ Further, a recent report from the UN Economic Commission for Africa suggests that the amount of annual lost revenue from corporate tax avoidance is roughly the same as the total annual amount of ODA. The phenomenon of illicit financial flows is a growing one, and it most adversely affects Sub-Saharan African countries, costing them on average 5.7 per cent of gross domestic product (GDP) per year.³⁰ The leak of the Panama Papers in April 2016 by the International Consortium of Investigative Journalists also provided numerous examples of how public figures work hand in hand with offshore finance corporations to amass tax-free fortunes.³¹

In the face of such examples it seems hard to resist the conclusion that the best boost the private sector could give to development would be to pay taxes and end shady offshore practices, and that the policy intervention that is most needed is for tax evasion to be eliminated and the institutions that enable it to be penalised. And yet over the course of the development of the SDGs, text on partnership with business gained more emphasis, while other text on regulating the flow of capital, as well as on fair trade and debt relief, became diluted.³² At worst, some see the SDGs agenda as a pretext for the stimulation of economic growth, development of new markets for business and the dampening down of demands for radical change: on this reading, that the corporate sector has largely expressed satisfaction with the SDGs and sees its inputs substantially reflected in them should be a cause for alarm.³³

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It should be made clear that any private sector support for the SDGs should play a complementary role: businesses should not be expected to replace the functions and duties of states.³⁴ Private sector financing and partnerships must take place within an environment in which there are international rules that govern behaviour, rather than standards corporations voluntarily adopt. At the very least, clear criteria about how corporations are assessed to be fit for partnerships should be developed and applied.

As it currently stands, an Intergovernmental Working Group (IWG) was established in 2014 to explore the development of a legally binding international instrument on business and human rights, following a UNHRC Resolution. This came after more than 40 years of civil society advocacy, and in the face of considerable opposition by some states. In 2015 around 1,000 CSOs and activists signed a joint statement calling on the IWG to move towards developing a binding instrument, but progress remains slow.³⁵ The increasing involvement of businesses in the development agenda offers a new opportunity to push for change. If businesses are going to play a major role in achieving development, then it is reasonable to intensify the debate about holding the private sector to binding human rights standards.

29 ‘The State of Finance for Developing Countries’, 2014. An assessment of the scale of all sources of finance available to developing countries’, European Network on Debt and Development, 2014, <http://bit.ly/1AgEUQs>.

30 ‘MEP Pedro Silva Pereira: Austerity-minded countries are wary of providing more ODA’, EurActiv, 2 March 2015, <http://bit.ly/23Smzdi>.

31 ‘The Panama Papers’, The International Consortium of Investigative Journalists, 2016, <http://bit.ly/1RYO2hM>.

32 ‘Rethinking the development paradigm. Reflections from civil society in the region on Post 2015 and Financing for Development agendas’, Arab NGO Network for Development, 2015, <http://bit.ly/1SXGM65>.

33 IBON International and Campaign for Peoples Goals, op. cit.

34 ‘Financing human rights: Historic summit ups the opportunities, but also the risks’, 28 September 2015, Righting Finance, <http://bit.ly/26m4tPL>.

35 ‘History: Global movement for a binding treaty’, Treaty Alliance, 2015, <http://bit.ly/26UHIMG>.

IMPLEMENTATION AND MONITORING OF THE SDGS

Notwithstanding these challenges around resourcing, the experience of the MDGs tells us that, for civil society engaged in development actions, the SDGs will be the overarching framework for years to come. While acknowledging the flaws, civil society needs to engage with the SDGs and try to see them implemented as well as can be, and in the most inclusive way possible. The true test of the SDGs will be in the difference that they make to the lives of citizens around the world, in moving them out of poverty and changing experiences of exclusion and inequality.

The level and extent of engagement that civil society put into the SDGs offer potential for learning about civil society's work to engage with processes. Even as measures to implement the SDGs slowly unfold, there remains a need for civil society to reflect on



Photograph: CIVICUS

its practice and document lessons about what worked well and what challenges were encountered. Lessons must be taken into other large-scale advocacy attempts. But such reflection must form part of a continuum of ongoing civil society engagement with the SDGs. Savio Carvalho, however, suggests that engagement fatigue, perhaps inevitable after any large process, has set in, with some in civil society having moved on to work on other fronts, rather than trying to sustain momentum:

CSOs can take credit for keeping up the fight, but it is sad to see the level of engagement has dropped once the SDGs were adopted.

Past experience tells us that implementation cannot be done properly without civil society. One of the major flaws of the MDGs was that civil society was not given a clear role as partners in the design, implementation and monitoring of the national development plans that were crafted around the MDGs. This meant that much civil society involvement was ad hoc, at the discretion of governments, or demanded by donors and grudgingly granted as a concession. The result was that opportunities to benefit from civil society's unique contribution - its understanding of local needs and nuance, capacity to engage and mobilise communities, and ability to exert oversight over the use of resources - were lost. Opportunities to engage with the SDGs must be better, and more systematic, and civil society needs to develop the capacity to engage, and sustain engagement, including in conditions where the poor quality of civic space offers an underlying challenge. Savio Carvalho indicates that civil society engagement will not be easy:

CSOs can engage as much as they want, provided they have the capacity and resources. I guess governments will be more than happy, resources permitting, to outsource, sub-contract and even take credit for the work done by CSOs. CSOs need to get their act together at the national level. They need to organise and get into the planning, budgeting, monitoring and accountability discussion wherever possible. All this is not going to be easy, as the agenda is very complex and many government ministries will have to collaborate and coordinate work among themselves. The complexity of the agenda, lack of resources, lack of international cooperation and shrinking CSO space may be some of the obstacles in the first few years of the delivery cycle.

One area where civil society is currently struggling to engage is in the development of indicators. There seems broad agreement about the need for sound indicators and strong monitoring processes. The SDGs contain many goals and targets, and apply to all countries, rather than only the world's poorest. This raises a danger that goals and targets will stay at the level of vague aspiration unless indicators are strong, monitoring processes are extensive and there is widespread engagement and ownership in the development and application of these. There is also a danger that governments will cherry pick targets and indicators as the SDGs are translated into national development plans. Civil society should therefore have a critical role in the monitoring and accountability of implementation, including in the development of indicators and reporting processes on these.

A high level of ambition calls for a wide range of indicators, but at the time of writing the process of developing these was still under way. While there is a commitment that every target will have at least one indicator, at a recent meeting, of 221 proposed indicators, 62 were still not agreed. These included indicators relating to the structural causes of poverty, inequalities between countries, and on partnerships for implementation, which do not address challenges such as assistance to developing countries, or measures to limit transnational tax avoidance and illicit financial flows. These imply where some of the lines of disagreement are, broadly, between civil society and states and private sector interests. It raises the fear that headline goals are being softened

and even unilaterally renegotiated at the level of detail.³⁶ In February 2016, a group of over 170 CSOs and networks, including CIVICUS, wrote to the UN officials working on the indicators to draw attention to the lack of transparency and inclusion in the process of developing the indicators, noting that civil society input was not being reflected in the proposed indicators, and suggesting that the process could not be completed to a high enough standard by deadline.³⁷ There also needs to be ample space and opportunities created for civil society to have regular participation in reviews of progress.³⁸

Indicators should not be overly narrow or technical. They need to capture outcomes - real change in people's lives - and change over time, rather than simply count outputs. Savio Carvalho notes:

Planning and coordination, resource mobilisation and including the agenda in the planning cycle are key to success. Indicators at the national level need to be robust and in line with the international obligations of member states. Strong follow up and review, monitoring and accountability mechanisms, using existing reporting frameworks, need to be developed. We need to build on what we have and not reinvent the wheel. States must allocate resources for the delivery of the agenda.

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A wider range of targets and indicators means that much more data will need to be collected and analysed than for the MDGs. Government statistical departments, particularly those resource-stretched ones in global south countries, are unlikely to be able to rise to this challenge on their own. The Partnership in Statistics for Development in the 21st Century (PARIS21) initiative has reported that support to develop statistical capacity has declined, even in years when total ODA increased.³⁹ There is also a need to make sure that the data gathered is relevant to local needs, and helps to inform understandings of change and identification of further needs.⁴⁰

Here, the potential to involve citizens in data collection and analysis, through the application of new technologies, social accountability techniques and crowdsourcing approaches, seems obvious, and the only way of rising to the scale of the monitoring challenge. More data from more sources will help us know if the SDGs are leading to transformation. CIVICUS is part of the Global Partnership for Sustainable Data, a new initiative to promote open and citizen-generated data on development, and DataShift is one such initiative, seeking to improve the capacity of CSOs to produce and use citizen-generated data, and to make this available to the wider public.⁴¹

Broad-based movements are also needed to continue to exert pressure for implementation and accountability. There are potential new models of innovative partnerships that could play a role here. The UK government, for example, launched a new partnership

36 'The world agrees on a better future... just not yet on how to get there', Social Watch, 28 September 2015, <http://bit.ly/1rsn6BL>; 'SDG indicators: counting the trees, hiding the forest', Social Watch, 11 November 2015, <http://bit.ly/1VRPxDN>; 'SDG indicators and data: who collects? Who reports? Who benefits?', Social Watch, 24 November 2015, <http://bit.ly/1SCQ5eM>.

37 'Open letter to the Chair of the United Nations Statistical Commission and Co-Chairs of the Inter Agency Expert Group of the SDGs', Amnesty International, 16 February 2016, <http://bit.ly/1SFhRdB>.

38 'Civil Society Recommends SDG Indicators', Sustainable Development Policy & Practice, October 2015, <http://bit.ly/1VTO2ia>.

39 'Support to statistics fall, putting SDG monitoring at risk', Partnership in Statistics for Development in the 21st Century (PARIS21), 2015, <http://bit.ly/1SlnEmN>.

40 'The Politics of Data – the bit the geeks forget?' Oxfam, 23 October 2015, <http://bit.ly/1MdvVYP>.

41 CIVICUS DataShift website, <http://bit.ly/1N4mmuH>; 'Opinion: People-Powered Data Set to Transform Dull Statistics', Dhananjayan Sriskandarajah, Inter Press Service, 26 October 2015, <http://bit.ly/1Nqr7QE>; Global Partnership for Sustainable Development Data website, <http://bit.ly/1Jz1HY5>.

in September 2015 to build awareness and generate commitment to the SDGs, under the banner of ‘leave no one behind’, with partners including CIVICUS, Development Initiatives and Project Everyone, a new campaign to build the broadest possible public awareness of the SDGs.⁴² Public awareness is needed to encourage advocacy for implementation, and accountability over results. At the same time, however, the Project Everyone campaign has been criticised for having heavy corporate involvement, and for smoothing the political edges off some SDG commitments, by rebranding them as ‘Global Goals’.⁴³

The universalist emphasis of the SDGs should be seen as a welcome step forward in acknowledging that poverty and deprivation can be experienced even amidst conditions of aggregate prosperity and economic growth. It offers an opportunity to challenge a common donor tendency of withdrawing aid once countries pass a crude gross income level threshold, even when many people continue to live in poverty. It also underlines the need for collective responsibility in fighting poverty and inequality. But at the same time, attempts to speak of vague and aspirational ‘global goals’ must be resisted, and the political nature of the goals asserted. The goals must be about change, and doing things differently. The notion of sustainable development must be upheld and realised, in which concepts of human rights, social justice, equality and living within planetary boundaries are embedded. The goals must be focused on power, and how it is levelled, which means empowering the poorest and most marginalised, as Savio Carvalho concludes:

Reaching the most vulnerable and marginalised is a key plank of the SDGs. Focus has to be on data disaggregation to know who these groups, individuals and communities are. We need to look at inequality from both the economic and social lens. Starting from the planning stage, priority for programme delivery must be given to these special groups. We need to focus on using the SDGs to strengthen social policies and practices which will create or strengthen this approach.

Ultimately, the poorest and most excluded people should be the ones who judge how successful the SDGs are. We must never lose sight of this, and we must find ways to make sure that those people are reached, and listened to. This cannot be done without civil society, in its diversity of forms, being recognised as full partners.

5. DEVELOPMENT AID NEWLY CHALLENGED?

A further current danger to the launch of the SDGs is what threatens to become a new economic downturn, with falling global commodity prices and apparently declining levels of investment in the poorest countries.⁴⁴ This could compound some current regressive trends in ODA.

ODA, including from states that have been relatively progressive in their support of civil society in the past, such as the donor agencies of many European countries, now risks becoming less dependable. European politics have become more volatile since the economic crisis struck at the end of the last decade, and many European countries that provide ODA to civil society have

42 ‘PM calls on world leaders for more aid spending and more accountability’, UK Government, 27 September 2015, <http://bit.ly/1RaP5N7>.

43 ‘Public SDGs or private GGs?’, Social Watch, 25 September 2015, <http://bit.ly/23SphQ8>.

44 ‘United Nations: LDCs, the battleground to win or lose the SDGs’, Social Watch, 1 February 2016, <http://bit.ly/1VvLE9b>; ‘Anxious times for Africa’s oil giants as commodities boom starts to bust’, The Guardian, 13 January 2016, <http://bit.ly/1OqGLWX>.

moved politically to the right. This has prompted a closer reassertion of the role of national interests in international aid decisions, the repurposing of aid, and some cutbacks in funding.

2015 had symbolic significance because it was the target year set by the first 15 EU member states in 2005 to honour the commitment of providing 0.7 per cent of Gross National Income (GNI) to ODA. This is a commitment first made internationally in 1970 and repeatedly since, including at the 2015 Addis Ababa summit, but which only a handful of donor countries have ever achieved. In 2015, the target was missed again, and indeed there was regression: in 2005, members of the Organisation for Economic Development's (OECD) Development Assistance Committee (DAC), which brings together most long-established ODA providers, gave 0.32 per cent of their GNI as ODA, but by 2014 this had fallen to 0.29 per cent. The EU has heavily promoted the development agenda, but even its member states gave on average only 0.42 per cent of GNI in 2014.⁴⁵

France, despite its lead role in Europe and the UN, has gradually been reducing its aid budget, and it now stands below the European average of ODA providers, as a percentage of GNI. Its latest figures show ODA standing at just 0.36 per cent of GNI.⁴⁶ Our past analysis of ODA patterns also shows that France gives very little of its aid to civil society. Ireland, the Netherlands, Portugal and Spain all have falling levels of ODA, while countries that have more recently joined the EU still tend to give little ODA.⁴⁷

Further, the increased number of refugees that arrived in European countries in 2015, including from Syria, Afghanistan and Iraq, led to several prominent donor governments stating that they intend to focus aid on supporting refugees based in their countries, and on supporting states from which refugees come or through which they transit to develop stronger borders to limit the future flow of refugees. The European civil society response to refugees is discussed in our section on exclusion, but here the impact on ODA is relevant. The UK government, for example, announced in September 2015 that it would accept 20,000 refugees from Syria, but the cost of this would come from its ODA budget, in a trend that has gradually crept into British ODA.⁴⁸ The Dutch government was reported to be using almost 20 per cent of its ODA budget for refugee reception, and this came on top of a 21 per cent cut in the ODA budget from 2014 to 2015, meaning that a nation that met the 0.7 per cent target for decades now falls far short.⁴⁹ Italy's government also doubled the proportion of its ODA that it spends on refugee costs.⁵⁰ OECD DAC rules permit money spent on the care of refugees for one year to be classed as ODA, and of course refugees, many of whom have been forced to flee their homes because of conflict, terror and the denial of human rights, deserve the care of the state. But what started out as a small portion of ODA has mushroomed, more than doubling between 2007 and 2013, and some governments now suggest that three years of

45 'French development aid falls below EU average', EurActiv, 10 April 2015, <http://bit.ly/23Syh7I>; 'The 0.7% target: An in-depth look', UN Millennium Project, 2005, <http://bit.ly/1MMiIBf>; 'European Commission calls for renewed commitments to reach targets on official development assistance', European Commission, 8 April 2015, <http://bit.ly/1Go2rDD>.

46 EurActiv, 10 April 2015, op. cit.

47 'Commission laments EU development aid cuts', EurActiv, 13 July 2015, <http://bit.ly/1CA6L6c>; European Commission, 8 April 2015, op. cit.

48 'Analysis: If aid budgets are used to help refugees at home, is it still foreign aid?', University of Sussex, 11 September 2015, <http://bit.ly/1UWgyqX>; 'Migrant crisis: UK aid budget will help fund refugees response – Osborne', BBC, 6 September 2015, <http://bbc.in/1YOFqit>.

49 'How the refugee crisis is hurting foreign aid', IRIN, 18 November 2015, <http://bit.ly/1VMcoTn>; 'Dutch government plows ahead with aid cuts' Devex, 13 October 2014, <http://bit.ly/ZB1STC>.

50 'European leaders told to keep aid for poor people, not hosting refugees', The Guardian, 16 February 2016, <http://bit.ly/1TkQHxN>.

refugee support rather than one should be counted as ODA.⁵¹ Such changes can only impact on the amount and nature of funding available for civil society in global south countries.

The same challenges are being seen at the EU level. The EU launched a new fund in November 2015 that aims to reduce migration into Europe from Africa by linking development aid to the promotion of economic development, and to security. One concern here, as discussed in our section on civic space with reference to Eritrea, is that this fund will give repressive governments new tools to strengthen security against their citizens, including to prevent people leaving to escape human rights abuses. A further concern is that funding for this will come from ODA, reducing the amount of resources available for genuine development actions. The UK pledged €400 million (approximately US\$450 million) for this, over two years, but this too comes from its ODA budget. An earlier EU fund, launched in 2014 in response to the Syrian conflict, is likely to be used increasingly to support the Turkish government's handling of Syrian refugees, in an effort to stop them travelling further to Europe.

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Border control is not development, but the two are increasingly becoming conflated.”

If long-term funding that helps fight poverty, build democracy and realise human rights is cut in favour of short-term support to refugees and security, then the conditions that cause people to flee their countries or adopt extremist positions are not going to change. Border control is not development, but the two are increasingly becoming conflated.⁵²

Current changes are consistent with a trend identified in past State of Civil Society reports of ODA being more closely linked to notions of the national interest of the donor state. There was a time, around the turn of the century, when aid was more strongly seen as arising from humanitarian impulses, to be understood as separate from narrow calculations of the national interest. This understanding was marked by several donor governments giving their international development agency autonomy from their foreign affairs and trade departments. Now many of those once separate aid agencies have been reabsorbed into foreign and trade ministries, and it is politically acceptable to discuss how money intended to help the world's poorest and most vulnerable must also deliver foreign policy and trade advantages to the donor government.

The UK is the latest government to make these connections explicit. Its new development strategy, published in November 2015, is blatant about the role it expects aid to play in enhancing national security and strengthening UK trade and investment opportunities. The strategy will also entail a significant proportion of UK aid, perhaps as much as 25 per cent, being spent not by its development agency, the Department for International Development (DFID), but by other government agencies, notably the National Security Council.⁵³ The UK, along with other countries, also successfully lobbied the OECD in February 2016 to stretch the definition of what constitutes ODA, so that more forms of defence and security spending can be classed as ODA.⁵⁴ This came in spite of advocacy by a coalition of CSOs against changing the definition of ODA, and calls for the involvement of CSOs and representatives of developing countries in discussions about changes to aid.⁵⁵

51 'Why Slashing Foreign Aid in Europe to Pay for Refugees Won't Help Solve the Long-Term Crisis', The Huffington Post, 23 December 2015, <http://huff.to/1ND5qt9>; University of Sussex, op. cit.

52 'NGOs fear that development funds are getting spent on barbed wire', EurActiv, 27 October 2015, <http://bit.ly/1GuNFg3>; IRIN, 18 November 2015, op. cit.

53 'UK aid: tackling global challenges in the national interest', HM Treasury and Department for International Development, November 2015, <http://bit.ly/1e1yFl>; 'Britain has a new aid strategy. But has it got its priorities right?', The Guardian, 3 December 2015, <http://bit.ly/1NrqEad>; 'The new UK aid strategy: comments and questions', Simon Maxwell, 25 November 2015, <http://bit.ly/1liqMSV>.

54 'Concern raised over government attempts to redefine overseas aid', The Guardian, 25 January 2016, <http://bit.ly/1VkUrah>.

55 'European leaders told to keep aid for poor people, not hosting refugees', The Guardian, 16 February 2016; <http://bit.ly/1TkQHXn>; OECD redefines

The 2015 AidWatch report from CONCORD, a European CSO network, also draws attention to instances of false reporting of non-development funding as ODA. Examples include Hungary reporting ongoing refugee costs, Malta the costs of running migrant detention centres, and Spain the costs of building and maintaining walls in its two enclaves in Morocco, all of which are being counted as ODA. The report assesses that over half of Malta's reported ODA does not relate to development, along with over 30 per cent of Austria's and more than 27 per cent of Portugal's. Overall, the report suggests that ODA totals were being inflated by a staggering €7.1 billion (approximately US\$8 billion), constituting 12 per cent of all aid flows.⁵⁶

THE NORDIC BACKLASH ON AID

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The Nordic governments now seem to be retreating from long-cherished values that saw them provide a proportionately high amount of ODA, including to civil society.”

Reverses are happening even in countries that have long taken a progressive attitude towards development, and have enjoyed international influence disproportionate to their size because of their prominent role in promoting international solidarity. In particular, the Nordic governments now seem to be retreating from long-cherished values that saw them provide a proportionately high amount of ODA, including to civil society.⁵⁷ Denmark, Norway and Sweden all exceeded the 0.7 per cent target in 2014, but the tide now seems to be turning.⁵⁸ In November 2015, the Swedish government was reported to be considering using up to 60 per cent of its 2016 ODA budget to fund refugee reception, and Norway was proposing to use 20 per cent of its ODA for the same purpose.⁵⁹ In May 2015, Finland's new centre-right government cut its ODA by 43 per cent, at a stroke removing €300 million (approximately US\$338 million) from the resources available to fight poverty and support human rights. This included cuts to current contracts, suggesting that long-standing relationships counted for little. Finland's ODA, which once stood at a commendable 0.82 per cent of GNI, collapsed to 0.6 per cent in 2014, and falling.⁶⁰

AGNA member Kepa set out what has changed in **Finland**, and what the response has been:

In 2015 Finland had parliamentary elections and the new government announced an era of austerity policies in order to cut public debt. Kepa represents CSOs interested in global development and justice, and therefore especially the drastic cuts, of 43 per cent, in Finnish ODA were a shock to us. The government has also cut education and social services, among others. In many cases, including development aid, more money and emphasis has been put on the private sector instead of CSOs.

Besides the challenge of decreasing resources, the change in the Finnish atmosphere and public discussion, into a rather hard, money-oriented and less interactive direction, has been difficult for many citizens. Another big change in Finland in 2015 was the increasing flow of immigrants and asylum seekers. This has been a challenge logistically for many CSOs, but also very difficult due to the resistance, negative debate and even extreme protests of some Finnish people.

foreign aid to include some military spending, The Guardian, 20 February 2016, <http://bit.ly/1RhMpOz>.

56 'Report: EU countries divert overseas aid to cover refugee bills', EurActiv, 24 November 2015, <http://bit.ly/1PZ67Pi>; 'AidWatch Report – Looking to the future, don't forget the past – Aid beyond 2015', CONCORD, <http://bit.ly/1jhuyL7>.

57 'Cutting aid in order to support refugees will allow extremism to thrive', The Guardian, 23 November 2015, <http://bit.ly/1IEjEAX>.

58 'Final Official Development Assistance Figures in 2014', OECD, <http://bit.ly/1UyQMv>.

59 IRIN, 18 November 2015, op. cit.; The Huffington Post, 23 December 2015, op. cit.

60 'Finland slashes development aid by 43%', EurActiv, 10 June 2015, <http://bit.ly/1VNaUIC>; EurActiv, 13 July 2015, op. cit.

However, these challenges also brought people together, to act and volunteer, and to demonstrate. There were several ad hoc demonstrations against the budgetary cuts, uniting and empowering thousands of people across the country and sectors. The ‘strike against ODA cuts’ campaign brought Kepa’s member organisations and other global solidarity CSOs together for collective action and successfully generated attention among the media and general public. Such activism hasn’t occurred in many years.

Another Nordic donor government that has cut ODA, including funding for civil society, is Denmark. When the centre-right government came to power in June 2015, it immediately set out its plan to reduce ODA from 0.87 per cent of GNI to 0.7 per cent. The finance bill, put forward in November 2015, proposed a further 26 per cent cut in support to Danish CSOs, as well as big cuts in support for sexual and reproductive health and rights programmes.⁶¹ The cuts had a serious and immediate impact on Danish CSOs that channel ODA to southern partners, and on their southern partner CSOs.

Some CSOs in global north governments that are cutting ODA have indicated privately that they are concerned, but are reluctant to speak out for fear of further worsening relations and losing access to funding in conditions of political polarisation. Fortunately, others are prepared to speak out. We asked Kirsten Auken of Danmission, a Danish faith-based CSO that supports the development projects of partners in the global south, to give her opinion on the cuts:⁶²



Photograph: Chris Alban Hansen

61 ‘National focus: Danish Family Planning Association fights to keep politicians committed to SRHR’, Countdown 2015 Europe, 16 November 2015, <http://bit.ly/1WkclMS>.

62 This is an edited extract. For the full interview see ‘Reductions in Danish development aid worry civil society organisations’, CIVICUS, 3 December 2015, <http://bit.ly/1QgukAM>.

The cuts make no sense whatsoever and they are not in Denmark's own interest. In recent months we have seen a huge influx of refugees to Denmark and other European countries. How do we expect this to stop if we cut the money which could help reduce poverty and build a future for poor and marginalised people in their countries of origin? A false and extremely harmful competition for funding appears to have been created between refugees coming to Denmark and the poorest people around the world. With the latest announced additional cut in Danish official development aid of 1.5 billion DKK (approximately US\$228 million) because of an increased influx of refugees expected in 2016, the largest receiver of Danish official development aid will become Denmark itself, receiving almost a third (29.5 per cent) of the total Danish official development aid.

Humanitarian emergency aid is much needed, but money for this effort should not be taken from the long-term development cooperation which could prevent future disasters and create hope for the future. Financial stability is important, but the bill should not be sent to the poorest people in the world! Denmark is a rich country that can afford to look beyond its own borders to play a more visionary and global role.

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interest.”

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We asked Kirsten to describe the impacts of the cuts on their projects on the ground:

Danmission will have to cut around 4m DKK (US\$570,000) out of a previous Danish Development Assistance (Danida) framework of 14m DKK (US\$2 million). The cuts will affect partners and activities in Cambodia Egypt, Myanmar and Tanzania.

In Egypt, we work with the Coptic Evangelical Organisation for Social Service (CEOSS), which is an important CSO in the Egyptian civil society landscape. We support two big dialogue and development projects of CEOSS, which will experience the biggest cuts of all the projects we support globally. Seventeen out of the 81 participating community-based organisations are not able to continue being part of the project, due to the cuts. This will exclude around 21,800 poor people in Egypt from the project who would otherwise have benefitted tremendously. Out of the 17 organisations, seven work in agriculture, six on economic empowerment, two on health issues and two on education. These are all areas where the affected community-based organisations could have done important work for positive development in Egypt. This is now compromised.

The cuts mean that Danmission's partner in Tanzania, the Evangelical Lutheran Church, will not be able to continue the running of the Governance and Gender Rights Programme (GGRP). This project is innovative, as it deals with establishing public-private partnerships within Tanzania's educational sector and it facilitates cross-diocesan collaboration. Moreover, the important work that GGRP does on fighting female genital mutilation will have to stop.

We have been forced to cut our strategic reserves, and therefore our ability to support small strategic initiatives in Cambodia and Myanmar throughout the year is most likely to be affected. We normally use our strategic reserves to support different types of civil society groups to advocate for an enabling environment for civil society.

We asked what Danish civil society is doing to respond to the cuts:

The affected organisations are dealing with the impacts on an individual basis. It is difficult to reduce the negative impacts when the cuts are so large and the notice so short, so there is no way that we can avoid the effects on a lot of poor and marginalised people who count on us for support.

We will have to prioritise fundraising more in order to diversify our resources. This, unfortunately, means that we will have to downscale other parts of our work to upscale fundraising a lot more than we had planned for.

We are trying to identify other possible sources of funding for the partners or to achieve greater sustainability of the projects quickly. In Danmission, we also have the possibility of moving some of our own funding around in order to mitigate some of the negative impacts. Finally we intend as much as possible to decide the exact implementation of the cuts in close dialogue with the affected partners. However, there is no way to completely avoid the negative impacts.

Global north CSOs that channel funds to civil society in the global south not unreasonably face questions of whether it would be more efficient to give more development assistance directly to global south CSOs, and need to prove the added value of their role. While this may be a valid point, it is clearly not the motivation behind cuts when ODA providers simply decide to spend the money at home themselves. Danmission's response is to point to their ability to reach parts of civil society that their government would simply not be able to:

With the general increase in legislation restricting civic space in many countries worldwide and limitations in freedom of expression and assembly, CSOs and other citizen initiatives play a central role in protecting poor and marginalised groups. The pressure on the distribution of natural resources and the question of who should profit is an important issue in many countries. Additionally, freedom of religion is under pressure. These issues can only be sufficiently addressed by a diverse civil society, rather than only through international governmental institutions and governments.

The ODA channelled through CSOs reaches civil society in the developing countries we work with. Danish CSOs have access to a wide range of CSOs, community-based organisations, trade unions and networks who are actors that the state-to-state support system has little possibility of reaching. A vibrant and independent civil society with active citizens is a crucial part of a flourishing democracy. In Denmark we have a strong culture of organised civil society and of establishing popular organisations around virtually every topic that citizens are engaged in, and thus Danish CSOs have a lot to contribute in partnership with CSOs in developing countries.

As Danmission, we work with churches and church-based organisations as well as other religious actors. This is an extremely strong and widespread network with great legitimacy in the countries where we work. Through these partners, we can reach parts of countries where it is much more difficult for other actors to get access. Further, in countries plagued by conflicts, churches and religious actors can often play a mediation role and enter into dialogue to make sure that religion is part of the solution to the conflict rather than part of the problem. Danmission has a strong competency in this kind of dialogue and peace work.

Finally, as Danish CSOs, and as church-based organisations, we have a strong base of supporters, volunteers and members in Denmark. We see this network as a crucial part of spreading information about global development and keeping the support for and interest in foreign and development policy among citizens in Denmark.

International civil society could underline how important it is to create the right conditions in their countries so that people choose to stay and build a future in their countries of origin, instead of migrating to Europe. It would also be important to underline what it means for a small country like Denmark to be known as a ‘friendly superpower’ when it comes to development cooperation and support for civil society and human rights globally.

Recent changes demonstrate how crude the long-standing target of 0.7 per cent for ODA is. In terms of advocacy, perhaps too much focus has been given in the past to achieving the target, and not enough attention paid to the quality and political aims of ODA. If they meet the target, or demonstrate that they are moving towards it, governments can position themselves as good global citizens, regardless of where the money gets spent and to advance what agendas. It is hard to resist a creeping sense that governments see ODA as a pot to be raided according to expediency, and are willing to engage in creative accounting to make themselves appear more generous than they are. But when they spend foreign aid money at home, on border security or in pursuit of national interests, governments undermine the credibility of aid. Traditional donors may be doing so in response to the rise of new donors, notably China, for which aid has always been explicitly and closely linked to its economic interest, but a race to the bottom must be resisted.⁶³

Even on the crude measure of the 0.7 per cent target, donors are in retreat. Expanding development targets while reducing resources can only lead to failure. Abdicating responsibility to the private sector can only lead to selective development, where corporations cherry pick the aspects of the development agenda that suit them. The SDGs will remain only fine words if current negative trends are not reversed.

6. THE PARIS AGREEMENT ON CLIMATE CHANGE: A BETTER PROCESS FOR THE FUTURE?

Another commitment that must go further than fine words on paper is the Paris Agreement on Climate Change, agreed at COP21, the Conference of Parties on the UN Framework Convention on Climate Change, held in Paris in December 2015. The Paris Agreement, scheduled to begin in 2020, commits all states to reducing greenhouse gas emissions to keep global temperature rises “well below” 2°C.⁶⁴

63 ‘The European Union, Africa and New Donors. Moving Towards New Partnerships’, European Union, 2015, <http://bit.ly/24digGm>.

64 ‘Historic Paris Agreement on Climate Change’, UN Climate Change Newsroom, 12 December 2015, <http://bit.ly/1Tk2vJD>.

Shortly after the summit, we asked Wael Hmaidan of the Climate Action Network, a global network of over 950 CSOs in 115 countries, to reflect on its significance:⁶⁵



Photograph: Ilias Bartolini

The stakes underpinning the transition to 100 per cent renewable energy are huge. The governments know the science, they know that without accelerating this action they could be responsible for hundreds of millions of people falling into poverty, for millions of people losing their homes due to rising seas, and a massive increase in instability in vulnerable

⁶⁵ Wael Hmaidan's comments are drawn together and edited from two separate interviews carried out by CIVICUS. For the full interviews see 'Paris COP21 climate conference a test of commitment to the SDGs', CIVICUS, 3 December 2015, <http://bit.ly/1OzmOkj> and 'COP21 was a historic turning point for climate change', CIVICUS, 28 January 2016, <http://bit.ly/1Tpnafz>.

regions. On the other hand, the same governments know that by failing to back an orderly transition to a renewable energy future they risk losing out on massive benefits. They could miss out on securing millions of new jobs, improving public health and saving money by ditching out of date and expensive fossil fuels.

CSOs can speak to how climate action is boosting development on the ground. Our members show how getting on track to go 100 per cent renewable is increasing energy access in Uganda, boosting equality in countries like Bangladesh, building more resilient communities from the USA to Indonesia, and creating new, clean jobs the world over. But we also know that without scaling up the solutions we have in hand, climate change will strip away hard-won development gains that have been made over the last few decades, particularly in Africa, South East Asia and South America, regions that are highly vulnerable to climate impacts.

The role that climate action plays in delivering development goals is now widely recognised. In September 2015, world leaders made it pretty clear that they see tackling climate change as a necessary step in the process of ending poverty and inequality when they signed off on the SDGs. They signed off on this development agenda for the next 15 years, which has climate goals running through it like a green thread, as well as a specific target on climate action and another on shifting the world to renewable energy. We cannot deliver the SDG agenda without delivering on climate action. The Paris agreement was the first test of how serious governments are about the promise they made to leave no one behind as part of that agenda.

As for his assessment of COP21, Wael Hmaidan is optimistic about the outcomes:

As we get down to business in 2016, one thing is clear; this year will be different than any of those that came before, because this year we have a comprehensive, global climate agreement to work with. While the agreement struck in Paris will not - and was never expected to - solve climate change overnight, it is a historic turning point for our movement and indeed the planet. In Paris, leaders sent a signal that the age of fossil fuels is over, and that the renewable energy era will be embraced in its place.

The Paris agreement acknowledges that much more needs to be done to protect those who are most vulnerable to climate change. To that end, the agreement states that the existing temperature guardrail of 2°C is dangerous for many and catastrophic to some, and more should be done to bring temperature rise to within 1.5°C. This temperature goal is combined with a long-term emission reduction target of achieving zero emissions in the second half of the century. The combination of both of these goals implies the need to achieve 100 per cent renewable energy for all by 2050, which is the key ask of civil society.

The agreement will also house existing climate action commitments put forward by over 180 countries and creates a blueprint for progressively reviewing and scaling up action until emissions get to zero. Money, capacity and technology to help fund action by poorer countries will increase, though more work is needed to grow the pot in the future and help those who are most needy to access the resources that will be required.

For Climate Action Network, the extent to which elements of the agreement were binding was not a priority as, in the end, countries will do what they want to do. However, COP21 includes action for the first time from all countries. It is

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legally binding and covers reporting, transparency and review of action to drive stronger efforts in the fight to tackle climate change, as well as elements of compliance mechanisms to provide further assurance that countries are indeed doing what they say they are doing.

Other voices were, however, more critical, accusing the agreement of lacking ambition and of not offering a clear pathway to carbon reduction. Judged against four tests - of sparking urgent and drastic action, providing support for transformation, delivering justice for those most affected, and focusing on transformational action - the Paris Agreement could be judged as inadequate.⁶⁶

A prominent criticism is that the emissions cuts states have committed to are not legally binding; they are at the behest of individual governments. This does not speak to notions of justice or rights, as it makes it hard to assert accountability. Further, national level emissions plans do not include international emissions from air and sea traffic, which are of course a huge part of the problem. Another failing is that communities that are particularly marginalised or vulnerable to climate change were not recognised in the agreement; for example, draft text on indigenous peoples was removed from the final agreement, while HelpAge International noted that although older people have special vulnerability to extreme weather events, this was not recognised in the agreement. Further, the agreement offers no clarity on how states that emit the most greenhouse gases should compensate those that experience the worst effects of climate change, being careful to avoid any acknowledgement of liability, and is vague about what funding will be made available for transition to greener economies.⁶⁷ Some climate researchers have also suggested that the impact of the agreement will be a temperature increase of 3°C or over, far beyond the target.⁶⁸

But for all these faults, what can be said is that the world has its first ever universal climate agreement, which takes us beyond the repeat failures of previous summits. Greenpeace International, for example, expressed the view that, while there was much wrong with the deal, it had finally committed the world to move away from fossil fuel usage.⁶⁹ The main positive is that the agreement establishes a basis on which action can be taken. On this reading, what is important is the process the agreement creates, where there are regular checks planned, which means opportunities to increase pressure and expose failing governments: a stocktake in 2018, a deadline for updated climate plans in 2020, and then stocktakes in 2023 and every following five years.⁷⁰ These build in an ambition that increasingly more ambitious targets will be set, but that will call for constant advocacy.

CIVIL SOCIETY AND THE COP21 PROCESS

It is also important to examine the COP21 negotiations from the point of view of process, and ask how civil society was able to engage and influence the negotiations. One of the challenges experienced was that the state of emergency declared after the

66 'Paris deal: Epic fail on a planetary scale', New Internationalist, 12 December 2015, <http://bit.ly/1OopcpQ>.

67 'COP21: Global Climate Agreement Reached at United Nations Talks in Paris', The Huffington Post, 12 December 2015, <http://huff.to/1WQ5Emf>; 'James Hansen, father of climate change awareness, calls Paris talks 'a fraud'', The Guardian, 12 December 2015, <http://bit.ly/1I00tLX>; 'Paris climate change deal too weak to help poor, critics warn', The Guardian, 14 December 2015, <http://bit.ly/1jYB7CD>.

68 'Paris climate deal is agreed – but is it really good enough?', New Scientist, 12 December 2015, <http://bit.ly/1WQ5D1L>; 'The COP21 Climate Summit: The Ambitions and Flaws of the Paris Agreement. Outcome of Deception and Bullying', Centre for Research on Globalization, 13 December 2015, <http://bit.ly/1VwPe2O>.

69 'COP21: shows the end of fossil fuels is near, we must speed its coming', Greenpeace International, 12 December 2015, <http://bit.ly/1lyz2rD>.

70 'The good, the bad... and the OK', IRIN, 14 December 2015, <http://bit.ly/1YcvymN>.

November 2015 Paris terrorist attacks made public campaigning more difficult. Some activists who planned to organise protests were placed under house arrest on the basis of the state of emergency laws, raising a suspicion that such tactics were being applied selectively to make dissent harder. A march against climate change was banned, but thousands defied the ban by forming a human chain, and created a memorable image by laying empty shoes in the Place de la République. But when they tried to march they were met with tear gas and pepper spray from riot police, and violent clashes resulted.⁷¹

Police dragged protestors away from a corporate showcase event, and indigenous and small farmers groups complained they were being shut out of the talks, compared to the privileged access granted to companies.

By comparison, no evident restrictions were placed on the corporate sector, which was free to engage in lobbying in Paris. Police dragged protestors away from a corporate showcase event, and indigenous and small farmers groups complained they were being shut out of the talks, compared to the privileged access granted to companies.⁷² Canadian writer and social activist Naomi Klein called attention to state underfunding of the COP21 talks, creating a need for more vigorous corporate sponsorship, which led to 20 per cent of the meeting being funded from corporate sources. This entailed the granting of access to sponsors.⁷³ A clean energy fund was launched in Paris with heavy participation by billionaire philanthropists and states, raising further questions about how money buys access, without transparency about process.⁷⁴ Activists called attention to heavy corporate involvement in creative ways, for example through the Brandalism group, which protests at the corporate takeover of public space by hijacking and satirising advertising spaces.⁷⁵

Regardless of this inequality of access, there is still a sense that what was agreed in Paris was a response to real public concern and pressure that had reached the point where it could not be ignored. This pressure would not have happened without there being committed groups of people active on climate change.⁷⁶ It was perhaps significant as well that, as the talks were taking place, Beijing was suffering heavy pollution as a result of emissions. This is bringing home to China's urban public the environmental impacts of industrial expansion.⁷⁷ Faith leaders were also important in exerting moral pressure and locating climate change as a moral issue: 154 leaders of all faiths joined a call for a strong agreement, demonstrating the importance of their role in being able to reach and mobilise communities.⁷⁸

We asked Wael Hmaidan how he would assess the success of COP21 from a process point of view:

The Agreement was not the only thing we got out of Paris. Despite poor weather and concerns over safety, more people than ever before took to the streets in cities around the world to demand climate action ahead of the Paris Climate

71 'Paris climate activists put under house arrest using emergency laws', The Guardian, 27 November 2015, <http://bit.ly/1PSriEk>; 'Thousands Defy Paris State of Emergency, Protest Ban to Sound the Alarm on Global Climate Crisis', Democracy Now!, 30 November 2015, <http://bit.ly/1Ngnzgj>; 'French police fire tear gas to disperse climate protest', Al Jazeera, 30 November 2015, <http://bit.ly/1li2Fhl>.

72 'Police and activists clash at Paris climate summit protest', Climate Home, 5 December 2015, <http://bit.ly/26nq6ij>; 'Paris talks: indigenous people and small farmers say rich are setting the agenda', The Guardian, 8 December 2015, <http://bit.ly/1TD5URA>.

73 'Naomi Klein criticises protest restrictions at Paris climate talks', EurActiv, 7 December 2015, <http://bit.ly/1NKhMOg>.

74 'Paris Climate Summit: Bill Gates Launches Multibillion-Dollar Clean Energy Investment Fund', International Business Times, 30 November 2015, <http://bit.ly/1TgFIMj>.

75 Brandalism website, <http://bit.ly/1jaO3U0>; 'Anti-advertising: the hijacked bus stops of Paris – in pictures', The Guardian, 30 November 2015, <http://bit.ly/1QPX0Ck>.

76 'The Paris agreement marks an unprecedented political recognition of the risks of climate change', The Economist, 12 December 2015, <http://econ.st/1SVchzE>.

77 'The Paris Climate Agreement – a first look', Daily Maverick, 14 December 2015, <http://bit.ly/1XR4oO8>.

78 'Religious leaders step up pressure for action on climate change', The Guardian, 4 December 2015, <http://bit.ly/1SBUoVU>.

Summit. After years of work by tireless activists, a broad and diverse range of people, from doctors and businesspeople to farmers, parents and unionists, helped politics catch up with the real world. Those marches are testament to the spirit of our movement, which will continue to grow in the coming years.

In Paris, more heads of state than ever before came together on one issue, and demonstrated that multilateralism can work. Paris was the first test for the 2030 Agenda, and its success builds on what was achieved in New York in September 2015. It also demonstrated that we are now truly in a universal world, as the leaders in Paris who fought for the strongest deal were not from the rich world but from emerging economies and vulnerable countries, a sign that the political ground has shifted.

Meanwhile, climate action in the real world continues to speed up. In the weeks since the Paris agreement was struck, we've seen coal stocks plunge, and some companies even go bankrupt, while investment in renewable energy is booming. A new report from Bloomberg, New Energy Finance, found over US\$330 billion was invested in solar and wind in 2015, the largest amount ever.



Photograph: Wikipedia

Leadership from the global south is continuing. Morocco, which is the host of the 2016 Climate Summit, is about to switch on the world's largest concentrated solar plant, which can provide clean power to 20 million people. It is producing wind energy as well, at a record cost of 3 cents/kwh, making it the cheapest source of energy.

An agreement is only a start. It means nothing without action, and adequate resources. Donors, including the emerging donors of the global south, need to be pressured to contribute funding to help poorer countries adapt. Action is likelier when there is civil society pressure and scrutiny. The regular monitoring built into the agreement gives civil society the opportunity to continue to exert pressure, even though it will need to battle unequal access, but pressure also now needs to come at the national level to ensure that the Paris Agreement is domesticated and implemented. Wael Hmaidan sets out what steps now need to be taken:

Despite these impressive developments, we're still a long way from where we need to be. 2015 was the hottest on record and extreme weather impacts continue to hit home, from unprecedented flooding in the UK, to forest fires in Australia, and in Africa, where staple crops have been devastated leading to food shortages. As we stand in solidarity with the people most vulnerable to climate change, the movement of CSOs will grow in strength and diversity. We will not rest.

In 2016, we will hold governments and corporations accountable as we work to make the spirit of the agreement part of the fibre of our countries. All eyes are now on states to use the commitments enshrined in the Paris Agreement urgently to speed up the ongoing energy transition at a national level, and come back to the table to scale up commitments to be credible with a 1.5°C pathway. That means:

- All governments need a credible plan to end their dependency on fossil fuels and to decarbonise their economies in favour of 100 per cent renewable energy. We will remind governments that any decision made from now on, from mining licenses to pipelines and choosing energy sources and building infrastructure, must all be in line with their pledges enshrined in the Paris Agreement.
- We need to act to keep fossil fuels in the ground. In May 2016, people will take action at key sites around the world to show the fossil fuel industry that their vision of the future is irrelevant, dangerous and unwanted.⁷⁹
- To further accelerate climate action and empower countries to embrace sustainable development, we must shift trillions of dollars spent by governments, international banks and institutions from propping up the fossil fuel industry to renewable energy solutions. It's already where the smart money is going. Policy settings agreed in international fora such as G20 can drive investment shifts even faster.
- Richer governments must now ramp up support to poorer countries that are adapting to the climate impacts that cannot be avoided and find concrete solutions for the most vulnerable communities. Responding to climate change is not just about reducing emissions, it is about ensuring the vulnerable are protected, and that we are creating a more fair and just world.

With continued hard work, we can, and we must, do more.

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Both the SDGs and the Paris Agreement are not perfect, but they matter, because together they can be seen to be establishing a new development architecture that will dominate the landscape for years to come. If the key success of the Paris Agreement is its commitment to future process, then the way forward for civil society seems clear: there is a need for continuous engagement to make the process move as quickly as possible, and mobilisation to continue to bring public pressure to bear.

7. CIVIL SOCIETY AND THE EU

The EU has found itself in the thick of international political debate in the last year. With 2015 being designated as the European Year of Development, civil society started the year by trying to tell the positive side of the development story, and challenge common public attitudes about development and the global south.⁸⁰ But these messages were lost when a surge of refugees reached mainland Europe in 2015. As our section on exclusion discusses, this was not met with a convincing pan-European response. Rather, the institution found itself fragmenting, its actions were criticised as breaching human rights, and borders that had long been open became closed.

At the same time, right-wing anti-European sentiment has soared in several European countries, and shows no signs of abating: anti-European parties have gained support in many countries, and in June 2016 the UK holds a referendum on whether to leave the EU. The EU also finds its values challenged by some of its newer members, including **Hungary** and **Poland**, as discussed in our section on civic space. Hungary's President Orbán has continued to ignore EU concerns on human rights, the rule of law and democracy, and threatens further changes that would go against the EU's treaties. EU sanctions have not been applied. Mooted EU sanctions against the regressive behaviour of Poland's government towards the rule of law have also not resulted; Hungary's government has nailed its colours to the mast by committing to veto any sanctions against Poland.⁸¹

These challenges matter to civil society partly because the EU is the largest and most advanced regional integration project in the world, and so acts as a testing bed of internationalism. The EU's commitments to human rights values, even though it does not always live up to them, are stronger than those of other regional institutions. It also matters because the EU is an active promoter of international cooperation between Europe and the global south, and a source of financial support and human rights protection for civil society. Now the values on which it is founded are being challenged, and states are defying the high human rights standards they committed to as a condition of entry. If the EU fails, the prospects for improving progressive international governance are reduced.

The European Civic Forum (ECF) is a transnational network working at EU level to enable civic participation and civil dialogue. We asked it about the most significant challenges it has encountered recently with European institutions, relating particularly to its focus area of citizenship:

80 'Seamus Jefferson: EU leaders divert aid money at our peril', EurActiv, 9 December 2015, <http://bit.ly/1NjY7Ey>.

81 'Commission registers call for EU sanctions on Hungary', EU Observer, 30 November 2015, <http://bit.ly/1YEPrid>; 'Hungary PM flags veto of any EU sanctions against Poland', Reuters, 8 January 2016, <http://reut.rs/1MWM0M0>.

Challenges include a lack of political willingness by top level officials in the European Commission and a lack of concrete opportunities offered by the EU's department of Migration, Home Affairs and Citizenship to engage in civil dialogue on citizenship issues, including citizens' participation, disaffection and expectations vis-a-vis the European project.

Generally speaking, while notions such as the democratic deficit and citizens' participation have gained a permanent place in institutional discourse and communication, especially since the entry into force of the Lisbon Treaty in 2009, not much has been done in practice to give CSOs a real voice in policy-making and the making of important political decisions for the future of Europe. The potential of Article 11 of the Lisbon Treaty, which poses participatory democracy as a principle of EU governance, is still to be understood and implemented fully by EU institutions to build a really open, regular and transparent dialogue with civil society.

On the side of civil society, we also witness a certain fragmentation of networks of CSOs, according to their specific areas of work, and a lack of sustainable cross-cutting cooperation.

We also asked about the achievements of civil society in the EU context:

Civil Society Europe was created in December 2014, building on the success and legacy of the European Year of Citizens Alliance (EYCA).⁸² The EYCA experience showed that CSOs are powerful catalysts of citizens' aspirations for change. Over 30 major European networks joined forces to create Civil Society Europe, a permanent space for horizontal exchanges and a strong voice to promote the values of equality, solidarity, democracy and inclusiveness among EU member states and its people.

Civil Society Europe aims to be influential in building a real civil dialogue at the EU level, in shaping the agenda on issues of common interest for civil society across Europe. Civil Society Europe is determined to gain a permanent seat at the table of civil dialogue, to make sure the voice of civic associations and movements is heard, alongside the voice of social partners and corporate interests.

The Civil Society Alliance for the European Year of Development also aimed to use the European Year 2015 for Development as an opportunity to foster critical discussion on and engagement for global justice among EU citizens, involving different stakeholders beyond the usual development sector. It sought to engage groups of citizens and political actors in critical discussions and public engagement at national and community level through CSOs, and organised pan-European activities in dialogue and consultation with EU institutions, aiming for a proper space and visibility of CSOs as key actors.

Finally, we asked whether civil society relations with the EU had improved or worsened during the last year. The answer is not promising:

As far as ECF and our field of activity is concerned, we could say the relations became worse, in that during the European Year(s) of Citizens (2013-2014), the citizenship issue was on the EU agenda and EU institutions showed some interest in

82 Civil Society Europe website, <http://bit.ly/1rtFJoZ>.

discussing with CSOs. The ECF was granted an EU subsidy to run the ECYA civil society alliance. Unfortunately, no concrete follow-up was given to EYCA policy recommendations in 2015, despite previous commitment by Commission officials.⁸³

We saw no clear sign of cooperation on the side of the European Commission, but positive relations with MEPs and the European Parliament Vice-President in charge of citizenship, Sylvie Guillaume, who strongly supports Civil Society Europe.

At the EU level, civil society's fundamental freedoms are guaranteed and ensured, but a lot of progress is still to be done in terms of making citizens' voices really heard in EU institutional arenas. We deplore, though, the lack of strong reaction from European institutions towards regular breaches by some member states of these fundamental freedoms and the rule of law, and reticence to use treaty sanctions against abuses.



A particular area of concern with both trade deals is that they confer new privileges on corporations to take states to court, through investor-state dispute settlement mechanisms (ISDS).



The EU has also fallen short when it comes to hearing civil society voices on the trade treaty currently under negotiation between the EU and the USA, discussed in the following section. CSOs need to pressure the EU to become more open and accountable, and the EU needs to demonstrate that it is capable of acting as a source of global inspiration and best practice in promoting civil society inclusion and human rights.

8. A TALE OF TWO TRADE TREATIES

A further international agreement reached during the period covered by this report was the Trans-Pacific Partnership (TPP). The text of the TPP was agreed in October 2015, and signed in February 2016 by 12 Pacific Rim states: Australia, Brunei Darussalam, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, the USA and Vietnam. But unlike other international agreements, this is one in which civil society has had little say, and about which civil society finds little to celebrate.

The TPP is one of two treaties that currently aim to reshape the economic relations between the USA and vast swathes of the globe, alongside the Transatlantic Trade and Investment Partnership (TTIP), which was featured in the 2015 State of Civil Society Report, and remains under negotiation between the EU and USA. Both are trade liberalisation deals that seek to reduce trade barriers and harmonise trade regimes between signatory countries.

Areas of concern that civil society has expressed about the TPP include: the relaxation of safety standards over what food may be imported; the extension of intellectual property laws on health, which could increase the price of medicines and make access to them harder in global south countries; the impact on internet freedom and the ability to determine national privacy standards; the potential reduction of financial regulation; the effects on jobs and economic inequality; the extension of copyright laws; and the impact on the ability of states to support and protect their cultural industries.⁸⁴ Even the economic impact of the TPP is disputed, with some studies suggesting that some countries would lose as a result of joining the TPP, and others would experience negligible benefits.⁸⁵ The TTIP, meanwhile, has been criticised for its potential to erode European environmental, safety and

83 'It's about Us, it's about Europe! Towards Democratic European Citizenship', European Year of Citizens Alliance, <http://bit.ly/1SmsH6e>.

84 'Critics cry foul as new Trans-Pacific Partnership details emerge', CBC News, 6 November 2015, <http://bit.ly/1kjkFhd>; 'The Trouble with the TPP', Michael Geist, 2016, <http://bit.ly/1ULMMI7>.

85 'Trading Down: Unemployment, Inequality and Other Risks of the Trans-Pacific Partnership Agreement', Jeronim Capaldo, Alex Izurieta and Jomo

human rights standards, and to open new areas of social services, particularly health services, to privatisation by transnational corporations.

A particular area of concern with both trade deals is that they confer new privileges on corporations to take states to court, through investor-state dispute settlement mechanisms (ISDS). In the TPP, existing ISDS provisions would be extended, giving an estimated 9,000 additional corporations scope to take court action against the US government alone.⁸⁶ The proposed ISDS has offered a particular flashpoint for concern about the TTIP. Both trade deals have therefore been criticised for positioning democratically elected governments as subservient to transnational corporations. Both can be seen as entailing a transfer of rights from citizens to corporations, by granting corporations rights while eroding human rights.



Photograph: Greensefa

Kwame Sundaram, Global Development And Environment Institute at Tufts University, Working Paper 16-01, January 2016, <http://bit.ly/1OgvASP>.

86 "A Corporate Trojan Horse": Critics Decry Secretive TPP Trade Deal as a Threat to Democracy', Democracy Now!, 16 April 2015, <http://bit.ly/1b71Vgn>.

The process by which the TPP was agreed was almost entirely opaque. Key parts of the text were kept secret, and most of what civil society learned about the evolving text during negotiations came through leaks. The text of the agreement was not made public until November 2015. This made it difficult to critique accurately and engage with the agreement. The lack of civil society and citizen oversight was contrasted with the access of corporate lobbyists to the negotiations. In the USA, heavy corporate donations, to encourage support for the TPP, could also be observed towards members of Congress running for re-election in 2016.⁸⁷

In February 2016, the UN's independent expert on the promotion of a democratic and equitable international order, Alfred de Zayas, condemned the TPP and urged states not to sign it. He denounced the secrecy of the negotiations, and characterised the TPP and other such treaties as inconsistent with existing international human rights obligations. He noted that the public in TPP signatory countries would likely reject the agreement in a referendum, if given the chance.⁸⁸

The TTIP has a similar problem with transparency. Corporations but not the public are able to see the text under negotiation. Such has been the level of secrecy that by August 2015, WikiLeaks was offering an €100,000 reward (approximately US\$113,000) to expose the text of the TTIP. Greenpeace Netherlands was able to leak some key negotiation documents in May 2016, which revealed significant disagreements between the EU and USA, and wide levels of corporate access to negotiations.⁸⁹ Corporations were certainly granted much more access than civil society: 88 per cent of the meetings the European Commission trade department held in the first two years of the development of the TTIP were with business lobbyists, with agribusiness and food corporations being granted the greatest access.⁹⁰

The TPP has been signed, but the civil society fight against it is not over. In the US, international treaties need to be passed by Congress, and if the US fails to ratify the treaty it will have little future. For this reason, US civil society groups are trying to domesticate the issue, by raising awareness of the potential impact of the TPP on American citizens.⁹¹ One of the challenges created by the climate of secrecy that surrounded the negotiations is that it has been hard to mobilise the public, which in general knows little about the agreement.

However, the campaign against the TTIP, being waged in both Europe and the US, shows that breakthroughs in public awareness can be made. The TTIP continues to be met with stiff opposition from a broad section of civil society. Trade unions across Europe

87 'I've Read Obama's Trade Deal. Elizabeth Warren is Right to be Concerned', Politico Magazine, 19 May 2015, <http://politi.co/1VNFRB3>; 'Here's how much corporations paid US senators to fast-track the TPP bill', The Guardian, 27 May 2015, <http://bit.ly/1HwOP4p>; 'Trans-Pacific Partnership text has been released', CBC News, 5 November 2015, <http://bit.ly/1QwuO1K>; 'Trade Officials Sign the TPP But It's Still Up to Lawmakers to Reject It', Electronic Frontier Foundation, 2 February 2016, <http://bit.ly/23LgFlt>.

88 'UN expert urges Pacific Rim countries not to sign the TPP without committing to human rights and development', Office of the UN High Commissioner for Human Rights, 2 February 2016, <http://bit.ly/1nKpli3>.

89 'TTIP Leaks', Greenpeace Netherlands, May 2016, <http://bit.ly/26LgNsT>.

90 'TTIP: a corporate lobbying paradise', Corporate Europe Observatory, 14 July 2015, <http://bit.ly/1Hsze6H>; 'WikiLeaks goes after hyper-secret Euro-American trade pact', WikiLeaks, 11 August 2015, <http://bit.ly/1IGNRUq>; 'What is TTIP? And six reasons why the answer should scare you', The Independent, 6 October 2015, <http://ind.pn/1vKDnyU>; 'TTIP talks: EU alleged to have given ExxonMobil access to confidential strategies', EurActiv, 26 November 2015, <http://bit.ly/1qKO2vA>; 'What I didn't read in the TTIP reading room', War on Want, 7 February 2016, <http://bit.ly/1Pnm8O1>.

91 'The TPP State of Play: How We Defeat the Largest Trade Deal in History', Electronic Frontier Foundation, 1 December 2015, <http://bit.ly/1SYUu8K>; 'Tell Congress to Vote No on the TPP', Electronic Frontier Foundation, <http://bit.ly/1X4raIC>.

have united against the TTIP, along with environmental and campaigning groups and a large number of academics.⁹² Between October 2014 and October 2015, a self-organised citizens' initiative gathered over three million signatures against the TTIP, and against the similar Comprehensive Economic and Trade Agreement (CETA), which has been negotiated between the EU and Canada but not yet ratified. The initiative also gained the support of 515 organisations.⁹³ A global day of action saw thousands mobilise against the TTIP in Europe and the USA in April 2015, preceded by a rally when negotiations were held in Belgium in February 2015.⁹⁴ In October 2015, Berlin saw its largest demonstration in years, as at least 150,000 people, perhaps 250,000, rallied against the TTIP as part of an international week of action.⁹⁵ As a result of all this activity, public awareness of the TTIP, and debate about it, has grown.⁹⁶

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There are signs that public anger is influencing the official processes, with the TTIP offering a test case for the extent to which European institutions are prepared to listen to citizens. European officials and those close to them were initially arrogant in dismissing the largest ever response to a European consultation, in which around 150,000 gave their views on the proposed ISDS, overwhelmingly opposing it.⁹⁷ But in the European Parliament in April 2015, six different parliamentary committees considering the TTIP rejected the ISDS, and it was rejected again in a European Parliamentary vote in July 2015, albeit in a vote that was otherwise supportive of TTIP.⁹⁸ The existence of the ISDS or some alternative form of dispute arbitration has gone on to become a major sticking point in EU-US negotiations.⁹⁹

Mainstream politicians have also begun to express concern about the TTIP: in October 2015 the President of the German Bundestag criticised the lack of transparency over TTIP and threatened to vote against it, while the French President, François Hollande, threatened to block the deal in May 2016.¹⁰⁰ Similarly, in the USA, following vigorous trade union and environmental group campaigns against the TPP, the two Democratic candidates for the Presidential nomination came out against it.¹⁰¹

Trade deals do not generally attract much public attention, but the movement against the TTIP, in particular, has succeeded in making what might once have seemed an obscure agreement a matter of urgent public concern. Similarly joined-up coalitions are needed in the USA to reject the TPP, but any movement needs to be two-facing: while it is essential to articulate the problems with the TPP in domestic terms to mobilise American citizens, international connections currently seem under-explored by comparison.

92 'TPP investor rights: the many voices ignored by the TPP Commission', Corporate Europe Observatory, 3 February 2015, <http://bit.ly/1F1wLQE>.

93 'ECI is closed – signature gathering continues', Stop TTIP, 7 October 2015, <http://bit.ly/1SEed0E>; 'Anti-TTIP petition signed by 3 million people', EurActiv, 9 November 2015, <http://bit.ly/1VqOcCc>.

94 'Brussels Rally Denounces Massive Trade Deal That Would Be 'Hijack of Democracy'', Common Dreams, 4 February 2015, <http://bit.ly/1yLPVWb>; 'Global day of action... and inspiration!', Stop TTIP, 27 April 2015, <http://bit.ly/1cnd4t6>.

95 'German government hits back after TTIP demo', EurActiv, 14 October 2015, <http://bit.ly/1QsmjXK>; Trade 4 People website, <http://bit.ly/1WOWyWc>.

96 'Europe's trade fears: chlorine chicken, secret courts', Politico, 16 July 2015, <http://politi.co/1VNi1Aw>.

97 Corporate Europe Observatory, 3 February 2015, op. cit.

98 'Parliament's opposition to TTIP arbitration on the rise', EurActiv, 21 April 2015, <http://bit.ly/1HPw28h>; 'European Parliament backs TTIP, rejects ISDS', EurActiv, 9 July 2015, <http://bit.ly/1T8m3go>.

99 'Parliament vote makes arbitrators roll their eyes over ISDS', EurActiv, 17 July 2015, <http://bit.ly/1Stpte1>.

100 'Germany calls for more TTIP transparency', EurActiv, 28 October 2015, <http://bit.ly/1MsVYLF>; 'Doubts rise over TTIP as France threatens to block EU-US deal', The Guardian, 3 May 2016, <http://bit.ly/1W8BGv5>.

101 'AFL-CIO campaigns against Trans-Pacific Partnership', Shadowproof, 4 September 2013, <http://bit.ly/1WQ5ZFw>; 'Full Text of TPP Trade Deal Revealed – and Critics Say It's Even Worse Than They Thought', Democracy Now!, 6 November 2015, <http://bit.ly/1QjodyW>; 'US farm lobby group campaigning against the Trans Pacific Partnership', ABC News, 12 November 2015, <http://ab.co/1PxRlJP>; 'US Unions Slam TPP Deal', Campaign for Trade Union Freedom, 6 December 2015, <http://bit.ly/1SmxhBt>.

The domestic publics of other TPP signatory states could also have a role to play, and could benefit from international connection and solidarity.

9. THE UN AT 70: HOW CAN IT BE MADE FIT FOR PURPOSE?

Finally, from new deals, there is a need to consider the future of an aged institution. The UN turned 70 in 2015, giving fresh impetus to the debate about the prospects of institutional reform.

The UN remains an institution of states in a world where many of the major problems, such as insecurity, natural disasters and climate change, are beyond the scope of any one government to address, and where there are multiple forms of globalisation in play, including the increased movement of people, growing transnational economic activity and easy cross-border communication. The UN, and other global institutions, need to change to reflect this reality, a very different one to the aftermath of the Second World War, but it is not good at doing so. In part this is because of bureaucratic inertia, but also because there are powerful states and private interests that are served by a fragmented and weak UN.

But this does not mean that the prospect of change should be written off. There are proposals on the table. For example, the Commission on Global Security, Justice and Governance, established by the Hague Institute for Global Justice and the Stimson Center, made a number of recommendations for UN reform in June 2015. These included expanding membership of and engagement with the UNSC, establishing a new UN Peacebuilding Council and creating a UN Global Partnership, where civil society as well as the private sector can influence policy debate.¹⁰²

It is never easy, but change at the international level can and does come. International norms can be developed, propagated and gradually become adhered to, and institutions can be changed over time through the development of norms. No international treaty is perfect, and nor is any institution that results from them, but civil society has shown in the past that by organising, developing expertise, sustaining advocacy and working with supportive governments, it can add building blocks to a progressive global architecture: the ICC, the Arms Trade Treaty and the Mine Ban Treaty are landmarks that would not have come about without civil society engagement. Civil society needs to engage to uphold the values that led to international institutions being founded, defend such institutions against regressive forces, but also work to critique and change them.

SECURITY COUNCIL AND UNHRC REFORM

The challenges with the UNSC were discussed earlier, but that should not lead to counsels of despair. Three different initiatives have been put forward to promote veto restraint, and have been given new momentum by the Syria debacle: one led by the

¹⁰² 'Confronting the Crisis of Global Governance. Report of the Commission on Global Security, Justice and Governance', The Hague Institute for Global Justice and the Stimson Center, June 2015, <http://bit.ly/1Z4TzZH>; 'At 70, the United Nations needs to move with the times', The Guardian, 24 October 2015, <http://bit.ly/1OR4fco>.

French government, one put forward by The Elders (an independent group of global leaders who work for peace and human rights), and one, the ACT (accountability, coherence and transparency) initiative, backed by a range of states.¹⁰³ If successful, these could make it a custom and then a norm that UNSC P5 members voluntarily curb their veto powers, such that not to do so would bring wide condemnation. At the time of writing, reform still seems a long way off: China and Russia have simply refused to engage in these debates, and there seems little sign of any shift in the USA's position as well.¹⁰⁴ Nor would veto restraint alone fix all the problems of the UNSC, such as the unequal representation of states within it, the two-tier system that privileges permanent over temporary members, the effective veto the UNSC has over the appointment of the UN Secretary-General, and crucially, the lack of civil society access. But veto reform would be a start, and could be advanced by civil society working with reform-minded states that become temporary members of the UNSC, and the movement of pro-reform states into temporary UNSC membership, to push the issue forward. The role this suggests for civil society is to work with those governments to encourage them to be bold and assertive about reform.

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In response, the UNHRC should be encouraged to institutionalise civil society-led consultations on UPR processes and ensure that they reach a wide range of civil society.”

Turning to the UNHRC, its Universal Periodic Review (UPR) mechanism, in which UNHRC member states examine each others' human rights records, with input from other stakeholders including civil society, has become more prominent as civic space has been put under new pressure in many contexts. When civil society is struggling with restriction at the national level, the UPR offers a space for its concerns to be articulated internationally, and the recommendations made by the process can help to focus civil society advocacy at the national level. But research published by CIVICUS in 2015 suggests that the UPR process is increasingly being challenged.¹⁰⁵ Civil society respondents from a number of different countries reported that their governments are frustrating civil society engagement in UPR processes, and this can include harassment on return after participating in UNHRC meetings. For example, in July 2015, the weekly TV programme of the ruling party in **Venezuela** attacked civil society activists who had participated in a UNHRC meeting the month before.¹⁰⁶ Meanwhile some CSOs struggle to understand and access UPR processes, and lack the resources to improve this. Further, while UPR processes produce many recommendations, there are no clear mechanisms to ensure that recommendations are carried out, and no role mandated for civil society to play in ensuring that recommendations are implemented.

In response, the UNHRC should be encouraged to institutionalise civil society-led consultations on UPR processes and ensure that they reach a wide range of civil society, develop accountability mechanisms to scrutinise action on its recommendations, and apply sanctions to states that penalise civil society for taking part in UPR processes.

Civil society must continue to engage with the UNHRC, but it should continue to demand more of it, and make sure that the engagement footprint spreads to include a wider diversity of civil society. Civil society has made a number of recent constructive suggestions for improving the UNHRC. In October 2015, a range of CSOs and civil society networks, including CIVICUS, wrote to all states that were candidates for UNHRC membership to remind them of their obligations to cooperate fully with the UNHRC and uphold its highest standards. The letter called for all UNHRC candidates to be assessed against clear criteria ahead of elections, which should include cooperation with its Special Procedures, refraining from harassing CSOs and activists that engage with the

103 'A UN fit for purpose', The Elders, <http://bit.ly/1DpMpX4>.

104 'The United States Has Hamstrung the U.N.'s Most Important Mission', Foreign Policy, 23 October 2015, <http://atfp.co/1SHbzdu>; Security Council Report, op. cit.

105 'Enhancing the effectiveness of the UN Universal Periodic Review: a civil society perspective', CIVICUS, 10 September 2015, <http://bit.ly/1YPBRsy>.

106 'High Time To Pull The Plug On Televised Reprisals Against Rights Defenders in Venezuela', United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, 22 July 2015, <http://bit.ly/1SYVtS>.

UNHRC, and respect for civil society's role in participating in UNHRC processes.¹⁰⁷ And in April 2016, on the 10th anniversary of the founding of the UNHRC, a collective of international, regional and national CSOs, including CIVICUS, published proposals for the evolution of the UNHRC. The proposals, among other recommendations, called for states to adhere to clear criteria, and consult civil society, in deciding how to cast their votes to elect UNHRC members; for candidate states to pledge to uphold high human rights standards; for measures to be strengthened towards states that persistently refuse to cooperate; for greater financial resourcing, particularly to support implementation of UNHRC resolutions and recommendations, and for enhanced monitoring of these; and to increase the opportunities for civil society participation, and the diversity of that participation.¹⁰⁸

A clear basis for reform, and criteria for assessing the seriousness of member states' intentions, has thus been established. Looking forward, it will be important to monitor progress on these, and advocate further.

THE NEXT SECRETARY-GENERAL

At a key moment in its history, 2016 sees the appointment of a new UN Secretary-General. The role could be characterised as an office with prestige but little power, but still the identity and background of the Secretary-General could be critical when it comes to influencing the debate about the direction of the institution and nudging towards reform. A Secretary-General with a strong understanding of civil society and a commitment to involving it would make a huge difference to civil society engagement, potentially opening the door for further reform.

Hitherto the appointment process has been entirely lacking in transparency, but recent developments have shown more promise. In April 2016, for example, the first ever public hearings with candidates for the role were held in New York, one with diplomats, and one involving some candidates dialoguing with members of the public and CSO representatives. More such dialogues are planned.¹⁰⁹ We asked Natalie Samarasinghe of the United Nations Association – UK what steps are being taken to open up the recruitment process, and what more could be done:¹¹⁰

It is crucial that a highly capable Secretary-General is appointed this year - someone who can inspire global action, speak truth to power and give voice to the hopes and needs of the world's seven billion people. Their ability to do so would be enormously strengthened by a selection process that is focused on merit; gives them a broader base of support; and minimises the political compromises needed for appointment.

Previously, the process has satisfied none of these conditions, lacking even basic elements of modern recruitment practices and falling short of the UN's principles on good governance. The UNSC has chosen a candidate behind closed doors; the rest of the UN's membership has rubberstamped that decision. Opaque and out-dated, this process has damaged the performance and perception of the UN.

107 Open Letter to candidates to the Human Rights Council', Human Rights Watch, 27 October 2015, <http://bit.ly/1SmyAk6>.

108 'Strengthening the Human Rights Council at 10', Joint Civil Society Paper, April 2016, <http://bit.ly/23gKbmj>.

109 'Candidates for UN top job given public hearing', The Guardian, 12 April 2016, <http://bit.ly/21bHQK2>; 'United Nations candidates compete for secretary general job in debate – as it happened', The Guardian, 14 April 2016, <http://bit.ly/20COAjD>.

110 This is an edited extract. For the full interview see 'Selection of UN Secretary-General must be transparent', CIVICUS, 2 February 2016, <http://bit.ly/1NXkcrt>.

In 2015, efforts by civil society, notably the 1 for 7 Billion campaign, and supportive states led to a ground-breaking General Assembly resolution (69/321) to strengthen the process.¹¹¹ It set out broad selection criteria; asked the presidents of the Assembly and Security Council to send a joint letter to states containing a description of the entire process; called for candidates' names and CVs to be circulated; and decided to "conduct informal dialogues or meetings" with candidates. The letter was sent out on 15 December 2015, marking the formal start of the process. Official candidates, and their CVs, are listed on the UN website following their formal nomination.

Efforts should now focus on identifying high-calibre candidates. This should include nominations drawn from a wide talent pool, with candidates from civil society and business considered alongside politicians, diplomats and UN officials, and a search process that involves parliaments, civil society and the public.



Photograph: United Nations Photo

The process should also be transparent and inclusive. Civil society and the media should have opportunities to engage with candidates and put questions to them, including through the formal process. And efforts must be made to make the process less politicised. This should include explicit commitments by states and candidates to refrain from making promises in exchange for support.

A single term of office would further strengthen autonomy and accountability. This would provide candidates with political space - and a hard deadline - to implement a more independent and visionary agenda. It would also remove the need for a time-consuming re-appointment campaign and the political bargaining involved. Freed from these constraints, the Secretary-General would be in a stronger position to resist states' efforts to compel the UN to take on poorly-resourced tasks and to insist on action in areas where states are reluctant to lead.

The new UN Secretary-General will be the ninth person to hold the job, and the past eight office holders have all been men, making the role unrepresentative of more than half the world's population. This is despite the strong women's activism and civic energy seen in so many parts of the world, and the recognition in key texts such as the SDGs that women's leadership needs to be promoted.¹¹² Equality Now, a women and girls human rights network, is one organisation campaigning for the next UN Secretary-General to be a woman.¹¹³ We asked Natalie Samarasinghe what the prospects might be of the glass ceiling being shattered:

Just three of 31 formal candidates in past appointments have been women. This shows how flawed the selection process has been and makes the UN seem like it has a glass ceiling on par with the Vatican.

However, it is likely that 2016 will see a number of women emerge as strong candidates. Several have already declared their interest and many states - and civil society groups - have expressed a preference for a female Secretary-General. The fact that the process will be more transparent this time will only add to the pressure.

I would love to see a woman on the 38th floor and there is no lack of potential candidates. That said, the primary consideration should remain merit. Saying that the next Secretary-General must be female because there has never been a woman in the post only fuels those who believe that they must come from a particular region for that same reason. Diversity matters greatly in an organisation such as the UN, but it should not trump quality.

Instead, we should encourage high-calibre women to be put forward. We should monitor gender balance in the official list of candidates. We should question all candidates - men and women - about their track record on gender issues and encourage them to set out objectives on furthering gender equality.

And we should call for the process to be guided by formulations used by other intergovernmental bodies, such as the World Trade Organization, which states that, "Where Members are faced in the final selection with equally meritorious

112 'Will the next UN Secretary General be a woman?', New Statesman, 28 November 2014, <http://bit.ly/1FzVCvw>; 'Should the next U.N. Secretary-General be a woman?', Newsweek, 28 September 2015, <http://bit.ly/1OEWpCf>.

113 'Time For A Woman', Equality Now, <http://bit.ly/1OHY0Nx>.

candidates, they shall take into consideration as one of the factors the desirability of reflecting the diversity of the WTO's membership in successive appointments to the post of Director-General."

Finally, we asked what civil society is doing to improve the process, and what more needs to be done:

In 2013, the United Nations Association – UK co-founded 1 for 7 Billion, a global campaign to improve the selection process. More than 750 organisations, including CIVICUS, support the initiative, which now has a global reach of 170 million people.

Our efforts - at the UN and in capitals, with parliamentarians and CSOs, and in the media - have led to an unprecedented number of states calling for an improved process. We have facilitated the development of concrete proposals by reform-minded states and helped initiate discussions on this issue in the UNSC and General Assembly. We have generated media coverage in news outlets around the world, and our website is the leading source of up-to-date and objective information on the process and developments. And we have worked with prominent reform supporters, such as The Elders, to bring these issues to public audiences around the world.

Our efforts will focus on encouraging high-calibre nominations and on inspiring a global conversation about the qualities of, and priorities for, the next Secretary-General. We will continue to press for a single term and to highlight the detrimental effect of backroom deals struck during the appointment process. This will include asking all official candidates to commit voluntarily to a single term and to refrain from making promises to states. And we will work with the press to ensure scrutiny of candidates' records and objectives.

We hope that civil society groups around the world will join forces with us: lobby your governments for a say in the process, engage candidates in meetings, support our push for a single term, and make sure journalists scrutinise this important process.

A group of international civil society networks, including CIVICUS, has also set out an agenda of eight criteria, by which the candidates for the role should be assessed. The eight criteria are:

1. Strengthen the impact of the UN on human rights
2. Champion the rights of marginalised people
3. Seek to prevent and end mass atrocity crimes
4. Combat impunity
5. Defend civil society
6. Ensure gender equality
7. Deliver a new deal for refugees and migrants
8. End the death penalty

The above provides a clear framework for testing the worthiness of candidates for the role, and the progress the new Secretary-General makes once appointed.¹¹⁴

The UNSC and UNHRC remain key arenas in which civil society needs to continue to engage, working where possible with like-minded states to advance reform. They are important because change in these institutions will unlock impact in upholding and defending human rights, and civil society rights as part of these. The changes in the process to recruit a Secretary-General, modest as they may be, show that civil society can have an impact in encouraging change, shaping the debate, and mobilising citizens to grow public awareness that opens up opaque processes. Civil society will continue to be a source of ideas, challenges and alternatives, and act as a critical friend of UN institutions.

10. CIVIL SOCIETY AT THE GLOBAL LEVEL: CONCLUSION AND FIVE POINTS FOR FUTURE ACTION

The international terrain covered above has been diverse and the experience disparate, but some common threads can be drawn. In international arenas, civil society is demanding greater access, and a greater say in influencing how international institutions act and change. Civil society is committed to upholding the progressive values that underpin many international institutions, and that often need to be defended from regressive states, but at the same time civil society is working to improve these institutions. This is because progressive international institutions are best positioned to help overcome the pressing challenges of the day, many of which are transnational and beyond the scope of states alone to address, and international law and the propagation of international norms offers a bulwark for human rights, including civil society rights. Civil society engages best when it works in broad-based coalitions that bring global south voices to the debate, and is able to mobilise and channel public concern.

From the above analysis the following are suggested as recommendations:

- For both the SDGs and COP21, agreements now exist that are important today and will be in the years to come. The monitoring and review of actions taken in response to these commitments is the next frontier. There is a need for concerted civil society engagement, both domestically and internationally, to demand a full role in implementation, monitoring and review, in order to enable effective implementation, and to enable citizens to hold states to account over their commitments. As part of this engagement, civil society should apply and demonstrate the value of open and citizen-generated data.
- Changes to ODA are currently under way, and when these concern donors that traditionally give strong support to civil society, the potential for the civil society resourcing environment to be worsened seems clear. Urgent public debate is now needed about ODA, including in the context of the SDGs. This will not be easy, given antipathy to development spending and

114 'A human rights agenda for the next United Nations Secretary-General', CIVICUS, 10 April 2016, <http://bit.ly/1Tsh0Kp>.

- anti-refugee sentiment that is prevalent among many of the publics of donor countries. Civil society needs to find new ways of engaging with the public to make a fresh case for ODA, and more broadly for internationalism. Civil society also needs to work with emerging donors of the global south to encourage them to institutionalise support for civil society. Philanthropic institutions in the global south also need to be developed and mobilised to step in where ODA funding falls.
- Where civil society has had impact in the above examples, such as in making the TTIP an issue of higher political priority, it is through forming broad-based coalitions that bring together normally disconnected voices and combine the strength and reach of different civil society forms. These can both domesticise an issue - make it real to citizens, and encourage them to act - and internationally develop solidarity and share tactics, including through coordinated days of international action. These realise the ability of some civil society forms, such as unions, to mobilise their membership, and combine public protest with expert advocacy towards decision-makers. More such actions and coalitions are needed, and they should be supported.
 - Civil society shows considerable commitment to engaging at the international level, but there is growing awareness that the diversity of the civil society that engages needs to be improved. Entry barriers are diverse, and include issues of CSO size, location and resourcing, lack of awareness of opportunities, and a sense that official processes are closed, opaque or shrouded in obscure language. Larger CSOs that are already involved in international processes need to work to involve a more diverse range of fellow CSOs. Intergovernmental bodies need to improve their outreach, and commit to, support, realise and report on broad-based processes of civil society engagement.
 - The growing role of transnational corporations, in development processes and in international institutions, must now be of urgent concern. Corporate involvement can reduce transparency and accountability, undermine the credibility of processes, whitewash corporate human rights abuses, and makes the exercise of rights harder. Development is also denied vital resources by the illicit manoeuvrings of international finance. It is time to seek a renegotiation of the balance of power between the private sector, states, international institutions and civil society. States alone, even if willing, have few negotiation tools to apply in the face of transnational corporate power. A new international instrument is needed to establish good governance and human rights standards for the corporate sector and hold transnational corporations and states to these. As well as this, strong criteria, based on good governance and human rights standards, should be applied when states, international institutions and CSOs select private sector partners.



YEAR IN REVIEW: CONFLICT AND DISASTER

photographer: Igor Rugwiza

CIVIL SOCIETY ON THE FRONTLINE: RESPONDING TO CONFLICT AND DISASTER

1. INTRODUCTION

Each year the CIVICUS State of Civil Society Report looks at the major events that have affected civil society around the world. We seek to celebrate the major achievements of civil society, identify the key challenges it has faced, and assess how recent events have impacted on civil society, and how civil society has responded to them. In particular, we explore how civil society has reacted to and been affected by conflict and disaster; how citizens have mobilised to seek change; how the space for civil society has changed; and how civil society has worked internationally to address the pressing issues of the day. This section of the year in review considers civil society's response to conflict and disaster.

Our report is of and from civil society. Alongside the four sections of our year in review, our report consists of 33 guest contributions from civil society activists, leaders and experts on this year's special theme of civil society and exclusion, and a thematic essay that draws from those contributions. Our report is also informed by 27 responses to our annual survey of national and regional civil society coordination bodies that are members of our Affinity Group of National Associations (AGNA), and a series of interviews with members of the CIVICUS alliance who were close to the year's major stories. We are very grateful to all our contributors for their efforts in developing this report.

2. GROWING RISK, INCREASING COMPLEXITY

Every year throws up fresh examples of how, in crisis situations, civil society is at the forefront of response. The 2015 State of Civil Society Report set out how civil society was the first to respond to the West African Ebola crisis, stepping in where more bureaucratic organisations feared to tread, but found itself in danger of being overwhelmed by the scale of the crisis and sheer weight of needs. The outbreak was officially declared over in January 2016, but the problems that hampered rapid response remain, and are likely to resurface at the next public health crisis: international bureaucratic torpor and under-resourcing, combined with state-level governance failures that make it hard to get an accurate picture of needs and reach affected communities. Now the crisis has been declared over, the fear in **Guinea**, **Liberia** and **Sierra Leone** is that the spotlight will move

elsewhere, and the ongoing challenges, including continuing health problems for survivors, livelihoods challenges for families that have lost bread-winners, and damaged economies, will not be adequately addressed.¹

Civil society has continued to be in the thick of responding to crises. When natural disasters struck, as in **Nepal**, civil society mobilised rapidly to save lives and rebuild communities. In conflict situations, civil society has tried to bridge differences and serve citizens affected by conflict, including displaced people, refugees and people experiencing loss of public services, as in **Syria**. In Europe, as our section on civil society and exclusion discusses, both organised civil society and spontaneous citizen movements responded to 2015's influx of refugees.

Conflict situations also make civil society's work harder, as is being seen in **Yemen**. Civil society's frontline role brings with it a risk of violence and confrontation from other forces: from extremist groups that push back against human rights and pluralism; with domestic governments that see civil society as competitors for resources and profile during emergencies, or that seek to restrict independent voices; and from external actors such as the military forces of other countries, which often fail to distinguish between military and civilian targets, or inflict collateral damage on non-combatants.

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There now seems to be a clear trend, observed over several State of Civil Society Reports, that humanitarian work in conflict settings is becoming less respected by the forces involved in conflict. Previously well-established norms of international law that recognised and protected the political neutrality and right to work of humanitarian workers have been eroded. This can be seen in the spate of hospital bombings in **Afghanistan**, **Syria** and **Yemen**, the more indiscriminate uses of explosives by militant groups in general, and the macabre ways in which terrorists continue to make public spectacle of the execution of humanitarian workers. Donors and other funders of humanitarian response may inadvertently increase the likelihood of attacks when they talk up the role of humanitarian aid as a tool in combating terrorism, causing the neutrality of civil society's humanitarian response to be questioned.² Humanitarian workers can also become pawns in wider political games over which they have no influence: for example, in October 2015, local authorities denied registration to all humanitarian organisations other than the Red Cross in Luhansk province, Eastern Ukraine, where the conflict between **Russia** and **Ukraine** is at its most severe, and ordered all international civil society organisations' (CSO) workers to leave.³

The Aid Worker Security Index shows that the number of reported security incidents experienced by aid workers has increased sharply, from 35 in 1997 to 190 in 2014.⁴ Increasing risk will cause CSOs to pull out of situations where staff safety cannot be guaranteed, as has been the case with many organisations in **Yemen**, or cause staff to retreat into heavily guarded secure zones, creating a bunker mentality and lack of connection with local communities, which makes it harder to understand their needs. Increased security also escalates the cost of humanitarian operations, meaning that fewer resources go directly to affected communities.

1 'West African Ebola Outbreak Declared Over', Scientific American, 14 January 2016, <http://bit.ly/1MMBDBL>.

2 'State of the World's Emergencies', BOND, July 2015, <http://bit.ly/1NFaJ9L>.

3 'Top UN relief official alarmed as aid agencies ordered to leave Luhansk region in eastern Ukraine', UN News Centre, 24 September 2015, <http://bit.ly/22T5fPD>.

4 The Aid Worker Security Database, last updated 21 March 2016, <http://bit.ly/1SgiVXn>; "It has rarely been more dangerous to be working in the field of aid", The Guardian, 15 October 2015, <http://bit.ly/1jsw2mj>.

Increased risk is compounded by stretched resources and growing complexity. Organisations are struggling to adapt to the declining respect for humanitarian work at a time when resources are more pressured. The State of the Humanitarian System report, published in October 2015 by the Active Learning Network for Accountability and Performance in Humanitarian Action, described the current humanitarian system as being “stretched to its limit.” While there are fewer humanitarian emergencies than in past decades, contemporary crises tend to be more severe, complex and connected with conflicts, which means they demand more resources: 69 per cent of countries that received humanitarian assistance in 2014 were in their 10th successive year of receiving such support. In response to the growing complexity of crises, standard ways of working that proved effective in the past may no longer be appropriate. The report also found that many local people affected by humanitarian crises are still not consulted on their needs by responding agencies.⁵

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The International Committee of the Red Cross has pointed to increased urbanisation as a dimension in conflict, creating new vulnerabilities and more complex, fragmented and multi-sided conflicts, to which many humanitarian organisations are struggling to respond with their conventional approaches.⁶ Further, while the issue remains controversial, there is also some evidence that climate change interacts with other conflict drivers to make conflict more likely and more complex, as has been suggested is the case in Syria.⁷

Similarly, the Global Humanitarian Assistance Report 2015, published by Development Initiatives, drew attention to the underlying roles of poverty and vulnerability in placing people into conditions of crisis, and noted that most humanitarian aid now goes to long-term recipients, because crises last for years. Accordingly, the report called for a joined up response by agencies working on different facets of the problem, including development and climate change.⁸ One indicator that conflicts are becoming more entrenched and intractable is the staggering statistic from UNHCR, the UN Refugee Agency, that the average amount of time people are living in displacement is now 17 years.⁹ Given that there are now a record number of people - 59.5 million - displaced, compared to a total of 37.5 million one decade ago, the growing scale of the challenge seems clear.¹⁰

Aiming to address the question of the stretched resourcing of humanitarian response, the UN’s high level panel on Humanitarian Funding reported in January 2016, ahead of the World Humanitarian Summit in May 2016. The panel established that while there is more humanitarian funding than ever before - the current global humanitarian spend stands at US\$25 billion - the impact, scale and embedded nature of conflicts and disasters is now so great that this is still not enough, and another US\$15 billion is needed to respond adequately. The current humanitarian funding model has not kept up with the pace of change. The panel suggested three ways of tackling the problem: reducing needs, by investing more in disaster risk reduction and peace building, and forging closer links between humanitarian and development actors; broadening the humanitarian funding base to include more states and private sector donors, and strengthening partnerships between these and humanitarian organisations;

5 ‘The State of the Humanitarian System 2015’, Active Learning Network for Accountability and Performance in Humanitarian Action (ALNAP), <http://bit.ly/26je21R>.

6 ‘Red Cross President Warns that Global Conflict is Changing Humanitarian Work’, The Borgen Project, 25 July 2015, <http://bit.ly/1NnAJz>.

7 ‘Climate change in the Fertile Crescent and implications of the recent Syrian drought’, Colin P Kelly, Shahrzad Mohtadi, Mark A Cane, Richard Seager and Yochanan Kushnir, *Proceedings of the National Academy of Sciences of the United States of America*, Vol. 112, No. 11, pp. 3,214-3,246, 17 March 2015, <http://bit.ly/1rq7Xkq>; ‘Water, Drought, Climate Change, and Conflict in Syria’, Peter H Gleick, *Water, Climate, and Society*, July 2014, <http://bit.ly/1MPhoj8>.

8 ‘Global Humanitarian Assistance Report 2015’, Development Initiatives, <http://bit.ly/1L3vvRV>.

9 ‘Annual report shows a record 33.3 million were internally displaced in 2013’, UNHCR, 14 May 2014, <http://bit.ly/1hNpmaQ>.

10 ‘Worldwide displacement hits all-time high as war and persecution increase’, UNHCR, 18 June 2015, <http://bit.ly/1CeFpcg>.

and improving delivery, including through greater coordination and knowledge sharing. The panel proposed a ‘grand bargain’, in which humanitarian organisations commit to reducing the duplication of work, undertaking more joint work, listening more to affected communities and being more transparent and accountable about their spending, and in return donors commit to longer-term, more flexible, less restricted and simplified funding, while both civil society and donors prioritise cash transfers to affected communities.¹¹

Pending progress on the report’s recommendations, under-funding, including of the UN’s humanitarian and peacekeeping operations as well as civil society response, remains a perennial problem, and is seen in several of the examples discussed below. The consequence of this is that humanitarian response may be scaled back even when needs are increasing, as was the case in conflict settings such as the **Central African Republic** in 2015, because of a shortfall in resources and a related lack of capacity, which made it harder to overcome challenges of gaining access to communities in difficult and remote areas, and in collecting evidence to prove effective delivery.¹²

Crisis response often gives rise to a set of connected problems: how to prioritise where response should go; how to coordinate and avoid duplication between CSOs; how to work with governments and local social structures; how to manage conflicts over visibility and positioning; how to offer accountability and transparency over the use of resources in complex situations; and how to move from emergency response to longer-term development. There is also an ongoing challenge of evaluating humanitarian civil society work: the narrow, output-centred metrics by which success in the delivery of humanitarian aid is generally measured may not capture the less visible work of civil society, particularly with excluded communities.

A further issue of the resourcing and efficiency of humanitarian response relates to the varying levels of success of different appeals for resources. Public reaction to fundraising in the wake of crisis is heavily emotive, meaning that resources do not necessarily flow to the organisations best-placed to respond, actions that meet the greatest need, or the most efficient responses. It is much easier for humanitarian organisations to raise resources to respond to disasters than for conflicts, even though the needs in conflict settings may be more complex and longer-term.¹³

Large scale disasters can spark competition for visibility among international humanitarian organisations that see major events as key fundraising opportunities, regardless of whether they are the best placed to respond. A handful of large humanitarian organisations attract most funding. The Global Humanitarian Assistance Report 2015 found that 88 per cent of humanitarian funding from governments went to UN agencies, and only 0.2 per cent of total humanitarian funding went to local and national CSOs. Large, international CSOs dominate: only 1.6 per cent of total humanitarian funding to CSOs between 2009 and 2013 went to local and national, as opposed to international, CSOs.¹⁴ Civil society, particularly the civil society of the global south, therefore experiences most acutely the challenges of accessing adequate humanitarian resources.

11 ‘Too important to fail – addressing the humanitarian financing gap’, High-Level Panel on Humanitarian Financing, Report to the Secretary-General, December 2015, <http://bit.ly/1r3YJdb>; “We cannot go on like this” – UN Secretary-General’, UN, 17 January 2016, <http://bit.ly/1VGAZZK>.

12 ALNAP, op. cit.

13 High-Level Panel on Humanitarian Financing, op. cit.

14 Development Initiatives, op. cit., Chapter 5.

This problem has at least now been recognised, with a number of international CSOs launching the Charter for Change in 2015, with the aim of localising humanitarian aid. Signatories of the Charter for Change commit to pass at least 20 per cent of their humanitarian funding to CSOs based in the global south by May 2018, as well as strengthen the capacity of global south CSOs, help them make direct connections to donors and include them as partners rather than contractors.¹⁵ This is a potentially important development in addressing the unequal relationships between large, international CSOs and small, global south CSOs, and it will be important to track its progress.



Signatories of the Charter for Change commit to pass at least 20 per cent of their humanitarian funding to CSOs based in the global south by May 2018.



A consensus can therefore be seen to be developing in recent research that crises, particularly conflicts, are becoming more complex and enduring, with more people affected over longer periods, which means that the responses need to be longer-term, more joined up, and better able to identify and respond to the needs of affected and excluded communities. The new complexity of crisis challenges civil society, but a growing recognition that civil society needs to be more involved and better resourced, particularly at the national and local levels, points the way forward.

3. CIVIL SOCIETY RESPONDING TO EARTHQUAKES IN SOUTH ASIA

Many of the challenges outlined above could be seen in **Nepal**, which experienced a 7.9 magnitude earthquake on 25 April 2015, followed by a long series of aftershocks, one of which reached 6.9 on the Richter scale on 12 May 2015.¹⁶ Government data shortly afterwards placed the death toll at almost 8,900 people, with over 22,000 people injured, and estimated that more than 600,000 dwellings had been destroyed and over 285,000 damaged, leaving around 670,000 people displaced. Around two thirds of the dead were women and children, indicating how disasters disproportionately affect the most vulnerable. The earthquake affected all aspects of infrastructure, and people lost homes, food supplies and livestock. Further, because of the aftershocks, many people, even if their homes were left standing, did not feel secure in returning to them, and many people, particularly children, could be seen to be suffering from trauma and other mental health issues as a result of the quake. Longer term impacts, noted six months after the quake, included increased levels of violence against women and children, people trafficking and other crime. The UN placed the economic cost at around 53 per cent of Nepal's gross domestic product (GDP), and the overall figure of people affected by the earthquake at a staggering eight million.

The earthquake brought an immediate mobilisation of civil society, both local and international, as well as the government. Daya Sagar Shrestha, of the NGO Federation of Nepal (NFN), details the early response actions:

Relief teams from governmental and non-government sectors reached the affected areas to distribute relief materials. Affected people were in need of materials such as tarpaulins and tents, clothes, blankets, mattresses, kitchen sets and medicines. Health camps were set up in affected areas for the treatment of injured people. Volunteers started to help

¹⁵ Charter 4 Change website, <http://bit.ly/1hCAxtU>.

¹⁶ This section is indebted to the research and input of Daya Sagar Shrestha of the NGO Federation of Nepal (NFN), whose thoughts and comments helped shape this section. The quotations are edited extracts from a larger contribution prepared by NFN.

people construct temporary shelters, and initiated livelihood support programmes. Schools and health posts, as basic services, were resumed in temporary shelters.

Government alone did not have capacity to address all the problems because it has limited institutional capacity and resources. In this panic-stricken situation, NFN, being an umbrella organisation of CSOs, appealed to its district chapters to mobilise CSOs and their members to work in affected areas. NFN also released an appeal to international organisations for possible support to Nepal. Similarly, NFN issued a circular to all its district chapters to encourage support from non-affected districts to affected districts. NFN sent formal letters to the Ministry of Home Affairs and National Planning Commission proposing a functional partnership between government and civil society to respond to adverse effects caused by the earthquake.

To reinforce their past initiatives and strengthen future endeavours, CSOs and prominent civil society leaders of Nepal gathered in Kathmandu at the National Civil Society Forum on Development Effectiveness regarding post disaster reconstruction on 24 June 2015. This programme was jointly organised by NFN and Humanitarian Accountability and Monitoring Initiatives (HAMI). It proved influential as it was organised just one day before the government hosted the International Conference on Nepal's Reconstruction. The civil society forum released a declaration on the position of Nepalese civil society on development effectiveness in reference to the post-disaster recovery plan. The declaration was handed over to the National Planning Commission and shared with government officials and UN and donor agencies during the government's conference.

In the months following the quake, CSOs focused on areas such as replacing damaged infrastructure, providing health services and supporting livelihoods. Some CSOs offered cash for work programmes to help people stay in rural locales, rather than migrate to cities in search of work.¹⁷ Daya Sagar Shrestha sets out other aspects of civil society response:

CSOs are supporting affected families through livelihood recovery support, building cheap homes, water supply schemes, school buildings, health posts, installing alternative energy supply and sanitation. Some CSOs are involved in overcoming traumatic problems, and offering rehabilitation for orphaned children and people who have become disabled because of the earthquake.

Another significant part of the civil society response, as described by Brabim Kumar, president of Association of Youth Organizations Nepal (AYON), in research commissioned by Restless Development, was the mobilisation of many young volunteers:¹⁸

Over 50,000 youth volunteers were involved in Kathmandu alone, with additional volunteers from district level local clubs and youth groups engaged in a wide range of activities - from cleaning up roads and setting up toilets at temporary shelters, to distributing medical supplies. Historically, Nepali youth have been on the frontlines of a variety of political movements that have led political change. However, for the first time, Nepali youth proved their ability, capacity and dedication to be able to take

17 'Nepal earthquakes leave bitter legacy as children become quarry for traffickers', The Guardian, 25 October 2015, <http://bit.ly/1NurvtG>.

18 This section draws from a case study on Nepal by Syria by Brabim Kumar, president of AYON, in *From Rhetoric to Action: towards an enabling environment for child and youth development in the Sustainable Development Goals*, Restless Development, 2015, <http://bit.ly/1MMR1y2>.

the lead and mobilise themselves in apolitical action. Hundreds of informal youth groups immediately responded by helping communities in rescue and relief. Youth were able to reach communities that the state failed to serve in a timely manner.

A key factor that aided this large-scale mobilisation of youth was the use of social media. As a response to this disaster, one of the largest youth-led campaigns, #act4quake, was initiated in partnership between AYON and Come on Youth Stand Up. In 45 days, #act4quake was able to reach more than 15,000 families from 340 communities and villages in the affected areas, with the help of more than 1,000 volunteers. A campaign that started with the documentation of dispatch details on sticky notes and the deployment of self-motivated volunteers became a fully fledged response that emerged as one of the largest youth-led relief campaigns in Nepal.

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Photographer: IIP Photo Archive

However, as might be expected, not all was plain sailing. The government quickly sought to centralise operations, and applied a ‘one door’ policy, which meant that all foreign relief resources had to be channelled through the Prime Minister’s Disaster Relief Fund. This move was criticised by a wide section of civil society, both within Nepal and internationally, for making the delivery of disaster relief harder, and for adding bureaucracy. The government seemed to give ground in the face of these criticisms, eventually making it clear that the stipulation to channel resources through the fund only applied to organisations not registered to work in Nepal, with the stated aim of deterring fake organisations from being established specifically to access funds.¹⁹ The government also then took the significant step of inviting NFN into the Central Disaster Relief Committee and asking it to coordinate information on civil society’s relief efforts. NFN pulled together meetings between government representatives and local CSOs to dispel confusion about the one door policy.

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The government was also criticised for being slow to start spending the relief funds it received, and accused of practising excessive caution, even where real need persisted in the months after the quake.”

The government was also criticised for being slow to start spending the relief funds it received, and accused of practising excessive caution, even where real need persisted in the months after the quake. Excessive bureaucracy, as well as the government’s preoccupation with concluding its constitution-drafting process, discussed below, were blamed as having left reconstruction work two months behind schedule.²⁰

This is not to deny that there could be legitimate grounds for government concern. The history of responses to large scale disasters is not a happy one. The 2004 Indian Ocean tsunami saw an overwhelming public reaction that generated huge amounts of money, but controversy quickly followed, including allegations that money was left unspent, not spent well, or siphoned away into fake organisations. Legitimate CSOs struggled to handle the influx of cash, and lacked capacities and skills to meet long-term needs.²¹ Similarly, it has been argued that Haiti’s citizens received little lasting benefit from the aid that poured in following the country’s 2010 earthquake.²²

In Nepal, there was a particular concern that international civil society might struggle to understand the country’s complex political dynamics and history. There were also criticisms that international CSOs were excessively preoccupied with their overheads and financial bottom lines, while local CSOs noted an increase in costs, because the presence of international CSOs drove up prices.²³

” These challenges, in Nepal and elsewhere, are not uniquely experienced by civil society; governments and international agencies experience the same issues, of efficiency, scale and transparency, in responding to major emergencies. Legitimate civil society is as aware of the lessons of past mistakes as anyone else. In Nepal, government restrictions, introduced on the grounds of avoiding duplication and corruption, risked compromising the essential autonomy of civil society. They also created a danger that funds would be used for political and patronage purposes: some greater access to relief supplies was observed for people close to

19 ‘Nepal quake fund move is PR fiasco’, IRIN, 5 May 2015, <http://bit.ly/1NnOWsk>.

20 ‘Nepal Hasn’t Spent Any Of The \$4 Billion In Donations Since Earthquake’, The Huffington Post, 3 September 2015, <http://huff.to/1r73Nxxg>; The Guardian, 25 October 2015, op. cit.

21 ‘The Big Question: What happened to the money raised to help victims of the Asian tsunami?’, The Independent, 21 December 2006, <http://ind.on/1SDbkQS>; ‘Tsunami aid goes missing’, The Sydney Morning Herald, 28 December 2009, <http://bit.ly/23QcopR>.

22 ‘Haiti: where did all the money go?’, New Internationalist, 1 January 2012, <http://bit.ly/1SWvYoU>; ‘Red Cross responds to report about building only six homes in Haiti after 2010 quake’, CNN, 5 June 2015, <http://cnn.it/1SqavFw>.

23 ‘The Multiple Roots of the Excruciatingly Slow Aid Response in Nepal’, Nonprofit Quarterly, 23 September 2015, <http://bit.ly/1r757QJ>.

parties of the ruling coalition, as well as corruption, a lack of transparency and bottlenecks in the distribution of supplies.²⁴ There were also two parallel youth mobilisation initiatives created by government in the wake of the earthquake, suggesting a lack of coherence in response.

Government sensitivity towards the involvement of foreign aid workers, particularly from its neighbour India, may also have motivated its attempt to apply close control. There is a long-running dispute in the Terai region, which borders India, and where Nepal's Madhesi minority population concentrates. Nepal's new constitution, adopted in September 2015 after an eight year process, has crystallised the dispute and fuelled poor relations between Nepal and India. The constitution's reorganisation of provinces splits the Madhesi people between different areas, ending their control over territory. Protests in the region included a general strike and border blockade, which lasted from September 2015 to February 2016. Protests were said to have led to at least 50 deaths, both of protestors and security forces.²⁵ The blockade made it hard to get essential post-earthquake humanitarian supplies, including food, fuel and medicines, over the border, the most common entry point into Nepal, and impacted on the programmes of relief agencies and international CSOs.²⁶ India's government criticised Nepal's one-door policy and objected to the constitution, calling for provisions to protect Madhesi and Janjati minority groups, which both have ties to India. In turn, Nepal's government blamed India for encouraging the protests. This is consistent with the tendency discussed in our section on civic space, in which insecure governments blame foreign agents for fuelling domestic discontent.²⁷

Nepal's government was accused of hurriedly closing the constitution development process, in order to seek international credibility and enable access to post-earthquake funding, while leaving questions of minority rights and devolution unaddressed. The government has not shown itself to be adept at negotiating the complexities of identity politics, and has been characterised by some as stuck in a centralised mind-set in which upper caste members customarily enjoy power.²⁸ Local criticism of the government's attempt to centralise earthquake response can therefore be seen as pointing to deeper concerns about the lack of transparency and poor efficiency of government structures: a more accountable government would have been more trusted by citizens to play a central role. In this respect, the post-earthquake trajectory of Nepal can be seen to have followed a pattern seen in past crisis contexts, in which disaster exposes enduring problems of governance.

As Daya Sagar Shrestha makes clear, there is still much work for Nepal's civil society to do in the wake of the earthquake, and a need for close collaboration between civil society and government, and between local and international CSOs:

Despite remarkable efforts of government and civil society, and cooperation from international communities, still people are not getting sufficient services in remote areas. Recovery and reconstruction works are not effective. Politicisation and lack of coordination among agencies have been problems. NFN is deeply concerned over the people's plight.

24 Earthquake Relief in Nepal Could Be Better if Civil Society's Hands Weren't Tied, Open Society Foundations, 22 May 2015, <http://osf.to/1VJtoJX>; Nepal earthquake: Anger as corruption, red tape holds up aid delivery in remote areas, ABC News, 19 May 2015, <http://ab.co/1WiPI0V>.

25 'Nepal protestors face tough choice – give up or march on Kathmandu', Reuters, 26 January 2016, <http://reut.rs/1Qu7h1D>; 'Nepal Blockade Ends But Protests Continue', The Wall Street Journal, 9 February 2016, <http://on.wsj.com/1Np81dJ>.

26 'India border trouble blocks medicines to Nepal', IRIN, 9 December 2015, <http://bit.ly/1Xy06f2>.

27 'Political allegiance underlying Nepal earthquake aid', South China Morning Post, 21 July 2015, <http://bit.ly/1SB1MCx>; 'In Nepal, \$1bn impact of strikes over constitution 'worse than earthquakes'', The Guardian, 5 October 2015, <http://bit.ly/1NiknmM>; 'Unveiling Nepal's constitution amid deadly protests', Al Jazeera, 20 September 2015, <http://bit.ly/1SWxesf>; 'Nepal border blockade 'threatens the future of the country itself', says UN', The Guardian, 18 November 2015, <http://bit.ly/1YitZQX>; 'Nepal's Constitution and Lessons for India', The Diplomat, 7 October 2015, <http://bit.ly/1MP1BV8>.

28 'Nepal's fleeting moment of optimism', Al Jazeera, 22 January 2015, <http://bit.ly/1VJvPMD>; 'Nepal's constitutional jeopardy', Al Jazeera, 8 July 2015, <http://bit.ly/1SDemEI>.

In order to address those issues, the National Human Rights Commission, the Nepal Bar Association, the Federation of Nepalese Journalists and NFN have signed a memorandum of understanding to monitor the works of government, CSOs and international organisations in highly affected districts.

Now NFN wants to mobilise its network on post-disaster management in affected areas, and it looks to establish meaningful and functional relations with local and national level government and international agencies. To do so, harmonisation and synchronisation among the key stakeholders are required. NFN has organised coordination meetings with NFN district chapters, and with the Association of International NGOs in Nepal (AIN), to share information and ideas between local and international CSOs.

International CSOs should help the government of Nepal and national CSOs in reconstruction and rehabilitation works. They should work hand in hand with national CSOs and help to enhance the capacities of national CSOs so that they can work more effectively in emergency situations in future. At this current juncture, all the key actors should work together in a coordinated manner and complement each other to benefit the affected people. CSOs of Nepal that stand tall in the forefront of social transformation in the country now need to play a very effective humanitarian role.

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Nepal was not the only South Asian country to experience natural disaster in the past year. On 26 October 2015, a 7.5 magnitude earthquake struck the Hindu Kush mountain range, an area that straddles **Afghanistan** and **Pakistan**. Most deaths occurred in Pakistan, where at least 200 people were killed, and over 1,000 injured.²⁹ In an already poor and isolated region, the disaster called for a civil society response, but the context made this difficult. In Afghanistan, districts near the quake’s epicentre are contested between government and Taliban forces, and the Taliban controls some areas. The Taliban publicly encouraged disaster relief efforts, but past histories of attack, and the difficulty of asserting neutrality in a heavily polarised context, were likely to have deterred some relief efforts. Some Red Crescent workers were, however, allowed into Taliban-controlled areas following the intervention of local elders; this highlighted the ability of non-governmental groups to work in spaces that government agencies cannot access.³⁰

Similar challenges of extremism occur across the border in the northern regions of Pakistan, where the military led the response; this is not an institution that was likely to make room for civil society.³¹ As Taimur Kama, Coordinator of the Pakhtunkhwa Civil Society Network told us, most civil society was shut out from assisting with response:

In such situations only religious organisations are allowed to work by state agencies, while other CSOs are not allowed. Only two faith-based organisations, Islamic Relief and Muslim Hands, were permitted to work. The government announced that no other CSO would be allowed to work in earthquake relief. As for international donors, they are working only with their implementation partners, and their work is also very limited.

29 ‘Hindu Kush earthquake: India offers Pakistan help as death toll surpasses 200’, International Business Times, 26 October 2015, <http://bit.ly/1qHOiLT>; ‘Earthquake toll reaches 248, relief efforts continue’, Dawn, 28 October 2015, <http://bit.ly/1NHmvQU>.

30 ‘For War-Weary Afghanistan, Earthquake Is Just One More Serving of Misery’, The New York Times, 27 October 2015, <http://nyti.ms/1qHORyP>; ‘Taliban Offer Informal Cease-Fire in Areas Hit by Earthquake’, The Wall Street Journal, 28 October 2015, <http://on.wsj.com/1SjxXYi>.

31 ‘Afghan conflict and upcoming winter complicate earthquake relief’, IRIN, 27 October 2015, <http://bit.ly/1MhNRLw>.

This can be seen as consistent with the Pakistan government's overall crackdown on civil society, as discussed in our section on civic space. In such circumstances, civil society finds itself unable to play its roles; the consequences are that the impacts of the earthquake on people will be felt more strongly and for longer than should be the case.

4. CRISIS AND CIVIL SOCIETY IN THE MIDDLE EAST

The annual series of State of Civil Society Reports has documented the ebb and flow of civil society freedoms and human rights in countries in the Middle East and North Africa (MENA). In what was commonly labelled at the time as the Arab Spring, country after country saw citizen uprisings in late 2010 and 2011. The subsequent experience has mostly been a dismal one. **Libya** has fragmented into conflict, with competing claimants to government, and ISIL flourishing in ungoverned spaces. Alongside the continuing repression in **Saudi Arabia**, discussed below, **Bahrain**, with major Saudi help, has heavily clamped down on dissent through violence and widespread imprisonment, the **UAE** has jailed dissenters, and **Egypt's** continuing human rights abuses are also covered in this report's section on civic space. But nowhere have citizens suffered the backlash as much as in Syria and Yemen.

SYRIA: CONTINUING CONFLICT, UNHEARD VOICES

Crisis has continued in Syria, which now has both more refugees - 3.88 million people - and internally displaced persons - 7.6 million people - than anywhere else in the world. In over four years of conflict, it is estimated that half of Syria's population has been killed, fled, or become displaced. Life expectancy in Syria has reduced by a staggering two decades, from 76 years to 56 years, since the conflict began.³²

At the time of writing, a fragile limited ceasefire was in place, but with numerous breaches, particularly concerning the rebel-held city of Aleppo.³³ During 2015 more states, including Germany, Russia and the UK, joined the air war, adding to a complex multi-sided conflict between the government, rebel forces, Kurdish forces, ISIL and the Nusra Front (the local branch of al-Qaeda). Foreign powers align behind different blocs: Russia and Iran with President Assad's state forces, and the USA, Saudi Arabia and their allies to attack ISIL and support some rebel groups. Syria has become a proxy battleground. Outside powers have interfered even in attempts to start peace processes, by seeking to block the inclusion of factions with whom they disagree.³⁴

The consequence of increased air attack is to make more civilian casualties inevitable. The highly inaccurate barrel bombs favoured by the Syrian regime in particular mean that killing is indiscriminate.³⁵ Even when international forces claim to be highly

32 UNHCR, 18 June 2015, op. cit.; 'New UN-backed report reflects 'crushing' impact of conflict in Syria on its people', UN News Centre, <http://bit.ly/1SWA6VS>; 'Quick facts: What you need to know about the Syria crisis', MercyCorps, 1 March 2016, <http://bit.ly/22WieA8>.

33 'More civilians flee Aleppo, as Kerry embarks on fresh ceasefire bid', DW, 21 June 2016, <http://bit.ly/1rJwRM9>.

34 'Geneva and the Growing Irrelevance of Syrians', Syria Deeply, 29 January 2016, <http://bit.ly/1Np9r7S>.

35 'Twin Threats: How the Politics of Fear and the Crushing of Civil Society Imperil Human Rights', Human Rights Watch World Report 2016, <http://bit.ly/1Np9r7S>.

targeted in their bombardments, the reality is that the infrastructure Syrian citizens rely on is being degraded, leaving many struggling for the essentials of food, water, fuel, shelter and sanitation, and making it harder for others to obtain a livelihood. The case of the town of Madaya, which made headlines in January 2016, shows how siege and starvation are now being used as weapons of war against civilians, particularly by government forces: humanitarian groups were denied access from October 2015, until eventually being allowed in with essential supplies in January 2016, to find people starving and a number having died from lack of food: the Syrian Observatory for Human Rights reported 27 deaths in Madaya from starvation and lack of medical supplies. One million Syrians are now said to be living under siege. This state of siege is in direct defiance of a UN Security Council (UNSC) Resolution passed in December 2015, which gives UN humanitarian agencies the right to unimpeded access to communities in need.³⁶



Photograph: Konstantinos Kritsalos



Photograph: Wikimedia

As our Syrian civil society colleagues point out, while the focus of the western and Saudi Arabian coalition is on attacking ISIL, the biggest threat to Syrian citizens still comes from government forces, bolstered by Russian support.³⁷ Boosted by Russian forces, the government was accused of dragging its feet on peace talks as it sought to make decisive gains by bombing rebel held areas.³⁸ The Russian government undoubtedly has influence over Syria, but it has not used it to try to curb Syrian repression or seek an

[ly/1JE2Dlo](http://bit.ly/1JE2Dlo).

³⁶ 'Unanimously Adopting Resolution 2258 (2015), Security Council Renews Authorization for Passage of Humanitarian Aid into Syria', UN, 22 December 2015, <http://bit.ly/1S93L1T>; 'In Madaya you see walking skeletons': Harrowing accounts of life under siege in Syria', Amnesty International, 8 January 2016, <http://bit.ly/1TpkYmV>; 'Breaking the Siege: Q&A with The Syria Campaign', Syria Deeply, 14 January 2016, <http://bit.ly/26lu5MA>; 'Madaya Siege: Second Humanitarian Aid Convoy Leaves Damascus For Rebel-Held Town' International Business Times, 14 January 2016, <http://bit.ly/22WjXfX>; 'More aid reaches trapped Syrians; doubts cast on peace talks', Reuters, 14 January 2016, <http://reut.rs/1Oke1RQ>.

³⁷ We are indebted to Mansour Omari of the Syrian Center for Media and Freedom of Expression for his assistance in developing this section, which included identifying experts in the field, conducting interviews, editing and translating.

³⁸ 'Peace Talks Kick Off on Shaky Ground in Geneva', Syria Deeply, 29 January 2016, <http://bit.ly/1qHQQuDb>.

inclusive peace; Russian bombing too was alleged to have mostly affected civilians, despite claims to be targeting ISIL.³⁹ Russia announced a withdrawal of its forces in March 2016, although the reality of this was disputed.⁴⁰

Ammar Absi, a member of the Local Council of Aleppo City, sets out the impact of airstrikes:

The biggest threat to civil society work and workers is the continued bombardment by the Syrian regime, and recently the Russians, of infrastructure and public facilities, in addition to the extreme weakness in financial resources.

Service buildings were destroyed by Russian airstrikes. Schools and educational workshops were destroyed several times by Syrian regime shelling, causing massacres of workers, activists and children. This leads to fear about joining any public activity, and causes activists to flee and stop working within threatened areas.

The continuous destruction of basic public facilities by air shelling is not giving us the chance to build, and all we do is try to keep people alive. However, we are holding on, even as some of our workers were killed while doing their work.

As well as bombings, the Syrian state has continued to restrict and detain civil society activists. In August 2015 there was some rare good news when the president of the Syrian Center for Media and Freedom of Expression, Mazen Darwish, and two colleagues were released from detention after more than three years and terrorism charges against them subsequently dropped.⁴¹ But numerous other human rights defenders and journalists remain in detention, have been abducted or have disappeared. For example, in March 2016, civil society groups marked the fourth anniversary of the detention of Bassel Khartabil, an internet free speech activist, who was arrested by the military in March 2012, and was moved to an unknown location in October 2015.⁴² Syria is now the world's most dangerous country in which to be a journalist, with at least 30 journalists estimated to be in detention, and roughly the same number either missing or being held hostage by extremist groups. Journalists who have documented human rights abuses have been killed by extremists even when based across the border in Turkey.⁴³ As well as being at the same risk of indiscriminate attack as civilians, Syrian civil society and media are being targeted precisely because they continue to shed light on the reality of the war, and offer and promote realistic alternatives to the state.

The actions of government and extremist forces defy the fact that, were it not for civil society in areas that the government does not control, citizens would not receive any public services. As Syria fragmented, local civil society rose to the challenge, first setting up Local Coordination Committees to coordinate protests and then, in areas not under the control of the regime or extremist forces, helping to set up Local Councils to provide essential services that the government has withdrawn. In doing so, civil society can be seen to have challenged decades of restriction, in which only participation structures closely linked to the state were allowed to exist. Local Councils, made up of voluntary and part-voluntary staff, have a semi-government status, but adopt a

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39 Human Rights Watch World Report 2016, op. cit.; ‘Report: Russia forces rarely targeted ISIL in Syria’, Al Jazeera, 5 April 2016, <http://bit.ly/23sQBnO>.

40 ‘If the Syria cease-fire fails, blame Putin’, Newsweek, 7 April 2016, <http://bit.ly/1TpmpLx>; ‘The ulterior motive behind Russia’s partial Syria withdrawal’, The Brookings Institute, 18 March 2016, <http://brook.gs/1VqBRQw>.

41 ‘Syrian authorities must drop charges against three human rights defenders and release all prisoners of conscience’, CIVICUS, 14 August 2015, <http://bit.ly/1HLVfkm>; ‘Belated amnesty for Syrian “information hero” Mazen Dawish’, Reporters Without Borders, 31 August 2015, <http://bit.ly/1VPnc2v>.

42 ‘Syria: renewed calls for Bassel Khartabil’s release on 4th anniversary of detention’, CIVICUS, 17 March 2016, <http://bit.ly/1WC1XQJ>.

43 ‘Naji Jerf, Syrian Journalist And Anti-ISIS Activist, Killed In Turkey’, The Huffington Post, 28 December 2015, <http://huff.to/1U9O63X>.

civic, rather than explicitly political focus, in seeking to meet local needs.⁴⁴ Meanwhile, unarmed Civil Defence volunteers, known as the White Helmets, work every day to rescue people from bombs. The White Helmets claim to have saved over 50,000 lives.⁴⁵

Yet despite this vital work, the story of what Syria's civil society is doing remains an under-reported one. International media tends to focus on the threat of ISIL and al-Qaeda and the role of international forces, while one of Europe's major stories of 2015 was the arrival of refugees forced from Syria and elsewhere by conflict, an issue discussed in our section on exclusion. The absence of voices from ground level in Syria is critical: Syrian citizens and civil society are not being heard by outside powers as they decide how to intervene in Syria, and in the commentary and analysis that debates the effectiveness of those interventions and the prospects of peace.

In response, Syrians, both those who remain in Syria and the many in the new diaspora, are trying to tell their own stories and challenge dominant narratives. The Planet Syria platform has developed to present peaceful rather than extremist Syrian voices to the outside world, and to foster international solidarity.⁴⁶ The Syria Campaign, launched in 2014, promotes the voices of Syrian civilians, including refugees, in the debate.⁴⁷ Even in the most difficult of conditions, citizens are using new technologies to express dissent in ways they were denied when President Assad fully held the reins of power, documenting and reporting on human rights abuses, and employing wit, satire and popular culture to reach out to international audiences.⁴⁸

Another underexplored area is the status of Syrian refugees who remain in the region's neighbouring states, compared to how much attention has been given to those who travelled to Europe. Syrian civil society activist Aya al-Jamili draws attention to this:

I emphasise that the presence of Syrians is not limited to Syria, after nearly five years of the revolution and war in Syria. Syrian refugee communities that have spread to neighbouring countries are in need of support, and there is a need to help organise new established communities. For example, Syrian refugee communities in Jordan, Lebanon and Turkey are in huge numbers, but there are varied levels of civil society activities and resources. In Turkey, after three years, I see that refugee communities are neglected significantly. The support is far more interested in people inside Syria.

Support is focusing in Turkey on the media field, including newspapers, magazines and radio stations. I have seen these in my personal experience. There have been attempts to start cultural and developmental projects in Syrian refugee communities, but most of them failed because of weak support.

Muhammad Samawi of the Molham Volunteering Team, a civil society group working to help refugees in Syria's neighbouring countries, also describes the essential support civil society is offering refugees, even as international actors run out of resources or wash their hands of responsibility:⁴⁹

44 This paragraph draws from a case study on Syria by Salim Salamah, a Syrian Palestinian blogger, published by Restless Development, op. cit.

45 'When Barrel Bombs Fall, Enter the White Helmets', Syria Deeply, 29 December 2015, <http://bit.ly/22WwdWx>; 'Bakers, teachers, painters line up to save lives in Syria', Gulf News, 25 March 2016, <http://bit.ly/1YMYNso>; The White Helmets website, <http://bit.ly/1t66MUa>.

46 Planet Syria website, <http://bit.ly/1lvwOWG>.

47 The Syria Campaign website, <http://bit.ly/1szJDFQ>.

48 'Syrian activists are repairing the fabric of civil society, even as it comes undone', Open Democracy, 13 November 2015, <http://bit.ly/1QIUaVi>; 'Syria's Conflict Told Through a Caustic Wit', The New York Times, 11 January 2014, <http://nyti.ms/1r7r4zd>.

49 Molham Volunteering Team website, <http://bit.ly/22WwUil>.

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society is do-
ing remains an
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one.”

Civil society groups operating in the neighbouring countries, whether CSOs or less formal voluntary groups, aid communities of Syrian refugees, which are concentrated near the borders. Groups work to identify the basic needs of people, and help with the financial expenses of families, whether by securing rental for housing for refugees who are living outside camps, or covering the expenses required for daily life, such as food and clothing.

On the level of relief campaigns, we are working to determine the seasonal needs of refugees, such as for the winter season and the month of Ramadan, and the return to schools and education. The team plan to distribute needed items such as blankets, heaters and firewood for winter, and kids' special clothes. Through field volunteers, we can identify where the highest intensity of refugees is and the refugees most in need. We study the development of those areas and the possibility of assistance, and often we hold special campaigns in those areas to work on providing needs, announcing them through social networking pages and field teams.

In addition to campaigns and seasonal teams, we work to secure access to healthcare for the largest possible number of medical cases, especially after the UNHCR stopped supporting large numbers of refugees. After the UN Food and Agriculture Organisation stopped food aid to refugees living outside the camps, volunteer groups are seeking to provide aid through the distribution of food parcels to families affected by the cessation of aid. But these packages are often inadequate for even two weeks.

Families of martyrs and detainees or families that are without a breadwinner are given special priority through orphan care programmes, with monthly payments to orphaned children. When children return to schools, volunteer teams seek to secure stationery and school bags for children who cannot buy them either in camps or other areas.

The needs of refugees are huge, and bigger than all the capabilities, but the fact is that any idea or help can provide support and reduce the burdens.

As the above suggests, international agencies are struggling to respond to the scale of humanitarian need in Syria, and it is also increasingly hard to obtain accurate information and evidence on the delivery of aid.⁵⁰ To secure a sustainable future in Syria, aid needs to go beyond humanitarian relief to include support for the development of safe space for dialogue; the UN Development Programme has also called on aid to support the ability of people to sustain their livelihoods, as this will help them to remain independent, and be part of Syria's eventual rebuilding.⁵¹ The reality is, however, that aid is increasingly being diverted towards care for Syrian refugees based in European countries, as discussed in our section on exclusion.

The response to the Syria crisis offered an opportunity to model a new way of working, with over 200 partners from governments, UN agencies, other international organisations and CSOs coming together to provide a coordinated regional response in the Regional Refugee and Resilience Plan (3RP). The plan shows neighbouring governments taking responsibility and working in partnership to support refugees and help communities develop resilience. But the effort is stymied by the lack of resources. The UN reported in June 2015 that only 23 per cent of the funding required for 3RP had been received; as a consequence, food

50 ALNAP, op. cit.

51 'UNDP official: Aid to Syrians must focus on improving livelihoods', Al Bawaba News, 9 November 2015 <http://bit.ly/1r7rupj>.

assistance to some 1.6 million refugees was reduced. In March 2015, the World Food Programme was also forced to withdraw support from nine of 20 refugee camps it was reaching in Turkey due to funding shortages.⁵²

A donor conference on supporting Syria and the region was held in London, UK, in February 2016, convened by the governments of Germany, Kuwait, Norway and the UK, along with the UN. It resulted in new pledges being made towards a target of US\$9 billion, with the British government pledging US\$3.3 billion, but past experience of turning pledges into action is poor: the target has never been met since funds were first pledged in 2012, and the story since has largely been one of targets increasing but committed funds remaining level.⁵³ Following the agreement, CSOs noted that the February 2016 pledges were still US\$3 billion short of what is required, and there is a need for monitoring to make sure that pledges are met; but they also commented that no amount of money would be enough if parties in the conflict continue to flout humanitarian law, and if humanitarian agencies are unable to get access to the most affected and restricted places.⁵⁴

As this response suggests, the Syrian crisis is, ultimately, one that stems from repeated failures of governance. It results from the failure of Syria's ruling regime to listen to and accommodate the demands for change that were first made by citizens in 2011, and from the state's decision to meet protest with violent response, which led to a spiral into armed conflict. It also demonstrates the continuing failures of the global governance system to broker a solution, or even adequately provide support to deal with the conflict's fall-out. Bassam al-Ahmad, of the Violations Documentation Center, a Syrian human rights accountability CSO, sets out how the self-interested manoeuvres of governments are denying Syria's citizens access to international paths for seeking justice.⁵⁵

The Syrian experience made it very clear more than ever that there is an urgent need to develop the mechanisms of the UN and the protection of civilians, especially in armed conflicts. The Syrian experience also tells us about the need for an effective international judicial system to hold human rights violators accountable. The promotion of human rights must be built on the basis of strengthening the Responsibility to Protect principle, respect for the aspirations of the peoples, and stopping the impunity of war criminals.

For example, Russian and Chinese vetoes prevented the Syrian case from being transferred to the International Criminal Court. This gave strong support and signals to the Syrian regime to continue committing crimes against humanity and war crimes.

So, given the failure of state and multilateral actors, what outside support could help? Aya al-Jamili offers her thoughts, calling for stronger recognition of the role of domestic civil society, and the need for careful and nuanced decisions about support:

The international community has to think seriously about Syrians in neighbouring countries, a large segment of which are heading to European Union (EU) countries in search of opportunities in all fields. I watch the energies of youth and

52 'UN Agencies And Partners Say Funding Shortage Leaves Syrian Refugees And Host Nations Without Vital Support', World Food Programme, 25 June 2015, <http://bit.ly/1VJKFTh>; 'Funding shortfall forces UN to scale back food aid to Syrian refugees in Turkey', UN News Centre, 6 March 2015, <http://bit.ly/1psPEJi>.

53 'Syria civil war: Donors pledge billions in vital aid', BBC, 4 February 2016, <http://bbc.in/1PVkib>.

54 'Now turn pledges into action', BOND, 4 February 2016, <http://bit.ly/1NpgWeY>; 'Syria crisis: Humanitarian agencies urge unimpeded access', Devex, 10 February 2016, <http://bit.ly/20M5G2y>.

55 Violations Documentation Center website, <http://bit.ly/1MPcMx5>.

beautiful ideas being lost because of weak support, even though most of them needed only a relatively small amount of support. We have to work on the important groups of young men and women; women face many difficulties, but still have the talent and capabilities, if the opportunity comes. Negligence is leading to the marginalisation of the most vulnerable: women and children.

The start of calls for freedom and liberties in Syria in March 2011 led to the establishment of civil gatherings and groups with the goals of organising demonstrations and work to provide relief to the displaced. With the growth of rebel controlled areas, groups took shape and grew, and turned more into CSOs, running operations on the ground. These organisations inside Syria are the most important tool that the international community should support, so that they are more able to face militant organisations active in the region, such as ISIL, Nusra Front and other radical organisations working to erase any form of civil life and openness in Syria. It should also be noted that these militant groups are using their own organisations that claim to be civil to attempt to erase the real civil society. Moreover, in doing so, they are injecting their thoughts and ideology into the heart of Syrian civil society.

On the other hand, we have to be careful, while supporting CSOs, not to turn them into governing bodies that compete with the Local Councils and the new ruling systems inside Syria. That would risk losing the spirit of civil society as a third party in the political, social and cultural affairs of Syria, and may endanger governing bodies that the opposition is trying to strengthen. Misunderstanding of the role of civil society can lead to competition over tasks and services between the opposition government and CSOs, which may weaken our main goal in toppling the dictatorship, and deviate from our work to confront the radical ideologies that are leaking into the minds of poor and marginalised communities in Syria.

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” YEMEN: A CONVENIENTLY FORGOTTEN PROXY WAR

If Syria is a war where some voices are heard more loudly than others, then Yemen could be characterised as the world’s forgotten conflict. Yemen is also host to a complex, multi-sided war between rival claimants to government, and two Islamist extremist forces, ISIL and al-Qaeda in the Arabian Peninsula. Yemen’s powerful neighbour, Saudi Arabia, leads a coalition that supports the existing government, while Iran is widely accused of supporting the insurgent Houthi forces. This means that, as in Syria, Yemen is being used as a proxy battleground in a war for regional supremacy between Iran and Saudi Arabia, something that has intensified as a new generation of Saudi leaders seeks to assert power.⁵⁶ The USA provides munitions and military equipment, supplies intelligence and logistical support to the Saudi-led coalition, and carries out drone strikes in Yemen. The UK also supplies arms and military advice to Saudi Arabia.⁵⁷ Attempts at peace talks have come to little to date, because not all parties in the conflict have been involved, and all sides seem to think they can gain ground by continuing to fight.⁵⁸

56 ‘Rupture with Iran may not have been Saudi aim, but Riyadh has no regrets’, Reuters, 7 January 2016, <http://reut.rs/1MPcVRd>.

57 ‘Obama’s Gotten The U.S. Stuck In Yemen. Is He Looking For A Way Out?’, The Huffington Post, 26 October 2015, <http://huff.to/2060fpz>; ‘UK military ‘working alongside’ Saudi bomb targeters in Yemen war’, The Telegraph, 23 April 2016, <http://bit.ly/1Q6ti9E>.

58 ‘Yemen: Is Peace Possible?’, International Crisis Group, 9 February 2016, <http://bit.ly/1nUMRrS>.

As in Syria, all sides in the conflict are killing civilians, who make up the vast majority of the dead, with air strikes by the Saudi-led coalition being the biggest cause of civilian death.⁵⁹ The conflict is disproportionately affecting those who are already poor and vulnerable, because many of the wealthy have been able to flee.⁶⁰ The media are also being targeted: a Yemen-based freelance journalist recounted in October 2015 that in the year to date, 10 journalists had been killed and 14 jailed, as part of at least 200 violations of media freedom in ten months.⁶¹ The difficulties in reporting in Yemen, and in accessing Yemen by outside journalists,



Photograph: Julien Harneis - health clinic, Yemen

59 'State of Crisis: Explosive Weapons in Yemen', Action on Armed Violence, 22 September 2015, <http://bit.ly/1T5uA3F>; 'In Yemen, civilians suffer relentless bombing by Saudi-led coalition', The Intercept, 11 January 2016, <http://bit.ly/1XOurFP>; International Crisis Group, op. cit.

60 'Yemen is shattered and peace seems a long way off. The world just can't watch on', The Guardian, 22 October 2015, <http://bit.ly/1LprkiG>.

61 'The world needs to know about Yemen's war. But journalists are being silenced', The Guardian, 26 October 2015, <http://bit.ly/1O3Lh28>.

are some of the reasons why the conflict is largely hidden. These difficulties make it hard even to establish sound figures for the number of people killed or affected by the conflict, although one estimate, on the first anniversary of conflict in March 2016, placed the number of deaths at over 6,000.⁶²

In August 2015, the UN's highest humanitarian official, Stephen O'Brien, returned from a visit to Yemen to report that four of every five Yemeni citizens needed humanitarian assistance and over 1.5 million people were internally displaced. He described the scale of suffering as "...nearly incomprehensible..." and added that unless peace talks start soon, "there will be nothing left to fight for." Famine is a real danger: at least a million children aged under five are estimated to be malnourished, and at least 60 per cent of the population to be in need of humanitarian assistance.⁶³ Combat forces worsen the humanitarian crisis by seizing civilian supplies of food, water, medicines and fuel.⁶⁴ Yet in a sign of the wider international lack of interest, O'Brien noted that the Yemen Humanitarian Response Plan was massively undersubscribed, with only 18 per cent of the required funds having been received.⁶⁵

The continuing Yemen conflict is, as Amal Bashir, Chair of Sisters Arab Forum for Human Rights makes clear, an indictment of a failed international system:

There is a clear failure by the international community, including the UN system. They failed to stop the war and set up an independent inquiry tribunal. Also, many of our cities are living under siege and there are no safe outlets available for civilians to move out of the areas where there are clashes. No doubt all that put a lot of pain in the heart of the Yemeni people. Saudi Arabia with its petro-dollars has managed to silence the international media and put the Yemeni crisis in the shadow.

62 'Saudi-led air strikes kill 41 civilians in Yemen – health official', Reuters, 15 March 2016, <http://reut.rs/1WjOTBh>; 'In wake of another deadly attack in Yemen, UN human rights chief decries Coalition airstrikes', UN News Centre, 18 March 2016, <http://bit.ly/1Ww74jC>.

63 'Yemen: Deteriorating Humanitarian Crisis', Office for the Coordination of Humanitarian Affairs, Situation Report No. 9, 29 May 2015, <http://bit.ly/1AljyhW>.

64 'Yemen: Houthis Shell Civilians in Southern City', Human Rights Watch, 20 October 2015, <http://bit.ly/1PAnxD6>.

65 'At Security Council, UN relief chief cites 'incomprehensible' scale of human suffering in Yemen', UN News Centre, 19 August 2015, <http://bit.ly/1TUesYT>.

THE ROLE OF SAUDI ARABIA

It is, indeed, impossible to discuss Yemen without reference to Saudi Arabia, regional power and ally of the west. Amnesty International, in October 2015, found “damning evidence” of war crimes being committed by the Saudi coalition in Yemen, and called for the USA and other allies to suspend supplies of weapons.⁶⁶ There is evidence that the Saudi coalition is using banned cluster munitions, and bombing schools, markets and mosques. In October 2015, Human Rights Watch reported that that neighbourhoods with no military presence are being bombed.⁶⁷ A leaked report from a UN panel of experts, released in January 2016, concluded that Saudi coalition attacks are targeting civilians, including by bombing camps for displaced persons, hospitals and schools, with 119 separate sorties resulting in apparent violations of international law.⁶⁸ In just one incident in March 2016, a coalition airstrike using a US bomb killed at least 119 people in an attack on a market.⁶⁹

But efforts to bring the scale of human rights abuses to international attention have been thwarted. In September and October 2015 at the UN Human Rights Council (UNHRC), an attempt by the Dutch government to establish an international inquiry on Yemen was frustrated. The motion was withdrawn under heavy pressure from Saudi Arabia and its allies, and an alternate motion, backed by the governments of France, UK, USA and Saudi Arabia’s regional allies, was carried, to set up a national inquiry only. This move was roundly condemned by civil society.⁷⁰ An inquiry led by Yemen’s government is unlikely to scrutinise adequately its own actions or those of its allies. By blocking action at the UN level, states have denied Yemeni citizens the possibility of redress.

Saudi Arabia is, of course, a serial human rights abuser at home as well. In January 2016, it carried out a mass execution of 47 people, one of whom, Sheikh Nimr al-Nimr, was a prominent critic of the government. Sheikh Nimr was found guilty by a national security court of terrorism, but his real crime was political, for encouraging protests by Saudi Arabia’s marginalised Shia minority in the country’s Eastern Province.⁷¹ In September 2015, a gruesome sentence of death by beheading followed by crucifixion was confirmed on his nephew, Ali Mohammed al-Nimr, arrested at the age of 17 for taking part in a protest.⁷² In November 2015, poet Ashraf Fayadh was sentenced to death for apostasy, after a process in which he was denied legal representation, while in June 2015, the sentence against blogger Raif Badawi, of 1,000 lashes and ten years in jail, was upheld.⁷³ In November 2015, the UN Working Group on Arbitrary Detention concluded that nine people are currently under arbitrary detention in Saudi Arabia, in violation of international law, six of them members of the Saudi Civil and Political Rights Association.⁷⁴ These are just a few

66 ‘Yemen: call for suspension of arms transfers to coalition and accountability for war crimes’, Amnesty International, 7 October 2015, <http://bit.ly/1Qukw2e>.

67 ‘Yemen: the forgotten war’, Amnesty International, <http://bit.ly/1Npli5S>; Human Rights Watch, 20 October 2015, op. cit.

68 ‘UN panel calls for international inquiry in Yemen’, Middle East Eye, 27 January 2016, <http://bit.ly/1VJPT1b>; ‘Yemen conflict: UN panel wants inquiry into alleged rights abuses’, DW, 27 January 2016, <http://bit.ly/1WN9XNu>.

69 ‘Saudi coalition used U.S. bomb in Yemen market strike that killed 119: report’, CBC News, 7 April 2016, <http://bit.ly/1SWOugL>.

70 ‘UN Human Rights Council Fails Yemeni Civilians’, Human Rights Watch, 2 October 2015, <http://bit.ly/1PSzWZE>; ‘UN Resolution on Yemen fails to launch international investigation into war crimes’, Amnesty International, 2 October 2015, <http://bit.ly/1O9xwgu>.

71 ‘Who Was The Shiite Sheikh Executed By Saudi Arabia?’, NPR, 4 January 2016, <http://bit.ly/1O9xwgu>; ‘Mass Execution Is Part Of Saudi Arabia’s Long History Of Horrors’, The Huffington Post, 6 January 2016, <http://huff.to/22WGamW>.

72 ‘Ali Mohammed al-Nimr crucifixion: Defiant Saudi Arabia rejects international ‘interference’ in protestor’s crucifixion’, International Business Times, 7 October 2015, <http://bit.ly/1LpqmzD>.

73 ‘Saudi Arabia upholds sentence for blogger Badawi’, Al Jazeera, 7 June 2015, <http://bit.ly/1BTXgoA>; ‘Death sentence for free speech: Poet Ashraf Fayadh and the rising toll in Saudi Arabia’, The Daily Maverick, 24 November 2015, <http://bit.ly/1VJRzlc>.

74 ‘Saudi Arabia: UN expert working group highlights appalling record on unlawful detention of peaceful activists’, Amnesty International, 23 November 2015, <http://bit.ly/1r7BQ8K>.

examples, of many that could be offered, of a political system characterised by contempt for human rights, in which a politicised judiciary conducts unfair trials that lead to barbaric punishments.⁷⁵ On average, the state beheads one person every two days.⁷⁶

But Saudi Arabia's allies are silent about these abuses; the British Foreign Secretary, for example, failed to condemn the execution of the 47, and repeated Saudi Arabia's line that those executed were terrorists.⁷⁷ The same western governments that are vocal about human rights abuses in Syria are largely silent about those committed by Saudi Arabia, in Yemen and at home. This silence comes even in the face of evidence that Yemen has become a breeding ground for terrorism, with extremist forces becoming more ruthless in the areas they occupy, and evidence that Saudi forces attack extremist-controlled areas less.⁷⁸ The only inference that can be drawn is that a policy of maintaining good relations with Saudi Arabia trumps all other concerns. The conflict is hidden partly because it suits Saudi Arabia and its allies to turn a blind eye to a campaign in which Saudi Arabia will bomb Yemen until it gets the territorial dominance that it wants.

Yemen's civil society is of course profoundly impacted on by the conflict, while trying to mount what response it can. For example, Houthi forces were reported to have shut down 33 CSOs since taking control of the capital Sana'a in September 2014, frequently stealing their assets, and are pursuing a campaign of detaining and killing activists and opposition figures.⁷⁹ Amal Bashar sets out what civil society is doing in Yemen, and the scale of the challenge:

Civil society in Yemen is restricted by the war and the lack of security. Human rights organisations are working on three fronts: relief, documentation of human rights violations, and calling for peace and for the war to be stopped immediately.

Civil society experiences huge difficulties and many obstacles in reaching people due to the lack of public services and the fact that Yemeni citizens, including those who work in CSOs, are living under a war economy, which imposes a lot of limitations on them. For example it is not possible to use the phone for communication. Also, civil society in Yemen is divided these days, so there are organisations that only document the violations by one side and ignore violations by other parties.

Despite all these problems, there are a few organisations that are trying to do their work independently. It's not easy. For example, I have two female staff of my organisation, the Sisters' Arab Forum for Human Rights, who have to pay US\$50 every day just to reach our office. This is too much money in Yemen.

Amal finishes by setting out what international support civil society most needs:

International civil society can help by doing their best to stop the war and bring all the stakeholders into a productive dialogue, putting real pressure on those who are trying to keep this proxy war going, and supporting human rights defenders who are forced to live in exile.

75 'Saudi Arabia: Human Rights Defenders: The Challenges and Their Urgent Need for Protection', 16 September 2015, <http://bit.ly/1QuIZWi>.

76 'Ali Mohammed Al-Nimr Sentenced To Crucifixion In Saudi Arabia For Attending Pro-Democracy Protest', The Huffington Post, 22 September 2015, <http://huff.to/1KOBVQV>.

77 'Foreign Secretary refuses to condemn Saudi mass execution', Reprieve, 8 January 2016, <http://bit.ly/1SDz1Zk>.

78 'Al-Qaida's Hadramawt emirate', The Brookings Institute, 12 July 2015, <http://brook.gs/1SWPuBw>; 'The Yemen crisis is partly our fault. We can no longer facilitate this war', The Guardian, 5 October 2015, <http://bit.ly/1KYbUSf>.

79 'Yemen: Houthis Shut Groups, Detain Activists', Human Rights Watch, 13 December 2015, <http://bit.ly/1SWFfPB>.

Governments, and the international system, have failed Yemen. Civil society in the western countries implicated in Saudi Arabia's bombardment of Yemen, notably the USA and UK, should work to focus public pressure on their governments and expose their governments' complicity in war crimes. For example, in January 2016, UK group Campaign Against Arms Trade launched a legal action to challenge the British government's arms sales to Saudi Arabia, on the grounds that UK military equipment should not be used in breach of international humanitarian law; Amnesty International has exposed how a UK missile was used to destroy a ceramics factory, a non-military target, in September 2015.⁸⁰ This could prove to be an early test for a new piece of international law, the Arms Trade Treaty, which places an obligation on states that sell arms to ensure they are not used in human rights abuses. The treaty entered into force in December 2014, following years of civil society advocacy, and the UK is a party to it.

On the ground in Yemen, civil society is responding as best as it can, but in the absence of a workable peace process, or even a ceasefire to enable access to much-needed humanitarian aid, it finds itself overwhelmed, as well as targeted. The 2015 State of Civil Society Report recorded that, even early in the conflict, many international CSOs have had to pull out because they could not operate safely, while those that remain have struggled to overcome the coalition's naval blockade and other transport and access difficulties that prevent them bringing in vital supplies and reaching communities experiencing humanitarian crisis. The international invisibility of the Yemen war also hinders attempts to fundraise.

It is not easy to see a way forward. The only plausible process that can be envisaged towards a solution is one in which international efforts are able to overcome the politics of national interests, by working through processes that connect with and respect the voices of Yemen's civilian population, for whom conflict is proving so devastating.

HOSPITALS: THE NEW FRONTLINE IN WAR

Those CSOs that continue to try to work in Yemen find themselves on the receiving end of the conflict's violence. The experience of Médecins Sans Frontières (MSF) in 2015 and 2016 exemplifies the high level of risk that civil society faces. In October 2015, an MSF hospital in Yemen was bombed by Saudi forces, in an apparently deliberate move. The attack came despite MSF supplying the hospital's GPS coordinates to the coalition, and there being no fighters in the hospital at the time of the attack. This is something that may well constitute a war crime.⁸¹ The attack was only one of a distressing series of strikes on MSF facilities in Yemen: a mobile clinic was hit by an airstrike in December 2015, six people were killed in a hospital attack in January 2016, and an ambulance was bombed that same month.⁸²

In November 2015, in Syria, another MSF hospital was bombed, apparently by government forces, resulting in seven deaths. The two-fold attack, characteristic of Syrian government tactics, meant that medical staff responding to those wounded in the first bombing were caught in the second wave. Five more hospitals and two schools were bombed in one day in northern Syria in a suspected Russian attack in February 2016, resulting in the deaths of at least 50 civilians. The UN Secretary-General condemned

80 'Yemen: Coalition used UK missile in lawful airstrike', Amnesty International, 25 November 2015, <http://bit.ly/1NpnJW3>; 'Letter before action sent as threat of legal action over arms export licences to Saudi Arabia increases', Campaign Against Arms Trade, 11 January 2016, <http://bit.ly/20zfbmt>.

81 'Yemen: Bombing of MSF hospital may amount to a war crime', Amnesty International, 27 October 2015, <http://bit.ly/1WhrQC9>; 'Yemeni MSF hospital bombed, Saudi-led coalition denies responsibility', Reuters, 27 October 2015, <http://reut.rs/1LB7nU3>.

82 'Yemen: Health facilities under attack – MSF wants answers', Médecins Sans Frontières, 25 January 2016, <http://bit.ly/1K78jEr>.

“
In October
2015, an MSF
hospital in
Yemen was
bombed by
Saudi forces,
in an apparently
deliberate
move.”

the attacks as violating international law.⁸³ Even under the ceasefire, hospitals have continued to be targeted: at least 14 people were killed in an attack on an MSF hospital in Aleppo in April 2016.⁸⁴

Such bombings should be seen as part of a pattern, in which humanitarian facilities and workers in Syria are increasingly being targeted by all sides. The campaigning group Physicians for Human Rights reported that in October 2015 alone, there were 16 documented attacks on health facilities in Syria, with 10 of these coming from Russian forces, and there have been around 700 killings of medical personnel since the start of the conflict.⁸⁵ The continuing assault on health facilities saw 23 Syrian MSF health



Photograph: wikipedia

83 'Strikes on schools and hospitals in Syria 'war crimes'', Al Jazeera, 16 February 2016, <http://bit.ly/1Qi97sE>.

84 'Syria: Airstrike destroys MSF-supported hospital in Aleppo killing 14', MSF, 28 April 2016, <http://bit.ly/1SWM487>.

85 'Thursday, 10/29 in New York: Die-in to #DefendDoctors in Syria', Physicians for Human Rights, 26 October 2015, <http://bit.ly/1SDAiPP>; 'MSF hospital in Syria hit by 'double-tap' barrel bombing', The Guardian, 1 December 2015, <http://bit.ly/21rPtgO>.

staff killed in 2015, and 63 different MSF-supported hospitals or clinics bombed. Attacks on medical facilities and professionals continued in besieged parts of Syria even during the ceasefire.⁸⁶

Most notorious was the US bombing of an MSF hospital in Kunduz, Afghanistan, in October 2015, which led to the deaths of at least 30 civilians, both patients and MSF staff members.⁸⁷ In a 25 minute attack, 211 shells were fired at the hospital, even though MSF staff contacted US forces, identified themselves as a hospital and pleaded with them to call off the attack. It was later confirmed that there were no armed people in the hospital at the time of the bombing.

The USA changed its story several times following the attack, initially claiming to have responded after coming under fire. An internal enquiry later concluded that the bombing had been a mistake. President Obama apologised and some military staff received administrative punishments.⁸⁸ MSF, however, has continued to call for an independent enquiry, and describe the attack as a violation of the rules of war.⁸⁹

This series of bombings further demonstrates how humanitarian workers are coming under attack from all sides in conflicts, amidst conditions of declining respect for their role. As well as the impact on the killed and wounded, hospital bombings have other lasting effects: they remove vital healthcare from conflict zones, and cause people to stay away from health facilities out of fear.⁹⁰ The concern must be that hospital bombings are becoming normalised as part of war, with calls for justice for victims routinely overlooked, provided that the aggressor issues an apology for its mistake afterwards. Again, long-established human rights and humanitarian norms are being eroded.

The series of attacks on hospitals also highlights the feebleness of the present international system. An international body exists to investigate breaches of the Geneva Conventions, which establish the rules for the treatment of people during war: the International Humanitarian Fact-Finding Commission was established in 1991, but has never once been activated; it would become active if any of its 76 signatory states agreed to support an enquiry. At time of writing, MSF has communicated with the Commission, which has written to the governments of Afghanistan and the USA, but little seems to have happened since.⁹¹ Its main purpose at present seems to be to function as an emblem of the wider dysfunction of international governance.

Doubtless brave civil society personnel will continue to put themselves in the firing lane, acting out of humanitarian impulse. They deserve better protection, from governments that are happy to celebrate human rights when it suits them, and an international system that needs to demonstrate that it is not hopelessly compromised.

86 'Syria: War-wounded and war-dead in Syria – medical data provides a stark warning that 2015 must not be repeated, Médecins Sans Frontières, 9 March 2016, <http://bit.ly/1rrlEiV>; 'Syria: Despite cease-fire, catalogue of horror continues in besieged areas', Médecins Sans Frontières, 7 April 2016, <http://bit.ly/1V1loUf>.

87 'Factsheet: Kunduz hospital attack', Médecins Sans Frontières, 7 October 2015, <http://bit.ly/1TP74u2>.

88 'Kunduz hospital bombing: US army staff face punishment following deadly attack', The Independent, 18 March 2016, <http://ind.pn/1MejH2b>.

89 'Obama apologizes for Kunduz attack, MSF demands independent probe', Reuters, 7 October 2015, <http://reut.rs/1Npp1k5>; 'Kunduz bombing: US attacked MSF clinic 'in error'', BBC, 25 November 2015, <http://bbc.in/1YubuJj>.

90 'Attacks on hospitals mean people in Yemen are now too scared to go for treatment, MSF says', The Independent, 19 January 2016, <http://ind.pn/1OGaH1z>.

91 International Humanitarian Fact-Finding Commission website, <http://bit.ly/1SBn3vU>.

5. FRONTLINE RESPONSE: CONCLUSION AND FIVE POINTS FOR FUTURE ACTION

It is impossible in this report to capture the many small but significant civil society responses to violence and crisis, and civil society work to build peace and inclusion, that takes place each year at the local level. Thus, the issues highlighted in this report are necessarily selective. The crises are disparate, and each has its own specifics and dynamics. Nevertheless, there are similarities in how crisis situations impact on civil society and how, in the most difficult situations, civil society finds ways and evolves structures to respond. On this basis, the following recommendations are made:

- In humanitarian response situations, stronger coordination is needed, between local and international civil society, and between civil society and governments. International civil society has to improve how it works with local civil society, so that it understands and is informed by local nuance and needs on the ground. This may entail international CSOs becoming less preoccupied with visibility and branding, and devolving more of their functions to national and local CSOs. Closer coordination between civil society and governments, while needed, should not imply control of civil society by governments. Complementary ways of working need to be explored, which respects the fact that CSOs are sometimes able to reach communities and locales that governments cannot. Closer coordination also entails recognising the important role that non-formal and still evolving civil society responses and structures can play, such as the mobilisation that new technology enabled in response to the Nepal earthquake, and the local structures that grew out of voluntary action to provide essential services in Syria.
- Pre-existing civil society restriction makes civil society response to crises harder; in general, civil society is best able to play a full role in crisis response when the three fundamental civil society rights, of freedom of association, freedom of assembly and freedom of expression, are respected. This is, however, an important lesson that is often overlooked when assessing crisis and disaster response and in planning for improved disaster preparedness. Emergency preparedness programmes therefore should have a focus on respecting civil society rights and enabling civic space - the space in which civil society can work, defined by its three fundamental rights - and in developing civic space as a legacy of response. In conflict situations, attention also needs to be paid to upholding and defending the space for humanitarian action.
- There is an urgent need to rearticulate and defend the rights of humanitarian workers to go about their work in peace, and assert the political neutrality of humanitarian work in conflict situations. International norms in this regard need to be restated and reasserted. Accountability to international humanitarian law needs to be strictly enforced by the international system, as well as by parties to conflict, including states and non-state actors.
- The contribution civil society is making, even in very difficult situations, needs to be better explained and understood. Narratives of proxy wars that relate the interests of different, powerful states in crisis situations may help in analysing the drivers and enablers of crisis, but raise the danger that situations will only be seen and understood from the perspectives of powerful, external voices. They overlook voices from the ground, and deny citizens and civil society the agency to tell their

own stories and shape their societies. More support must be given to civil society in countries such as Syria and Yemen, and in their new refugee communities, to tell their stories and articulate their demands, not least for ensuring that any peace processes speak to needs on the ground.

- The international system continually fails in crisis situations. It is inefficient and slow to mobilise, and gaps between pledged and actual funds are often huge. In conflict situations, the international system may compromise excessively with states that are in gross violation of international norms. Global institutions need to be made more transparent and accountable, and opened up to greater influence from a broad range of civil society, including civil society of the global south. Civil society engaged in humanitarian response needs, therefore, to engage in processes to seek reform of key global governance institutions, and to articulate what global governance structures are needed to address contemporary complex emergencies. This should include efficient resourcing systems that enable relief to flow directly to affected communities and civil society serving their needs on the ground.

A large crowd of people is gathered for a protest or demonstration. The scene is filled with individuals, many holding up banners and signs. The overall atmosphere is one of collective action. The image is overlaid with a teal color and contains the following text:

THEMATIC OVERVIEW:

EXCLUSION

DO U HEAR THE PEOPLE SING

Taiwan Forward!

89 928 你早料 我唔走

公民抗爭聯盟

風雨中抱緊自由

THE CIVICUS STATE OF CIVIL SOCIETY REPORT 2016 THEMATIC OVERVIEW

1. INTRODUCTION

In September 2015, heads of government of every UN member state made a historic commitment when they agreed the Sustainable Development Goals (SDGs), arguably the broadest, most ambitious agenda the world has seen to tackle exclusion in every country. The promise of the SDGs is that they will leave no one behind. The 2016 CIVICUS State of Civil Society Report examines what civil society is doing to realise this promise, and to go beyond the framework of the SDGs.

Civil society is playing a key role in challenging exclusion. It has done so in the past, it does so today and has the potential to do more in the future. For example, Phumzile Mlambo-Ngcuka, of UN Women, makes clear that breakthroughs in women's rights would not have come without civil society activism:¹

The journey of the women's movement is made up of tales of the reshaping of the power structures that govern human interactions. Many of these stories belong to the voices of civil society activists, who have been spearheading the women's movement for over a century and continue to stand firm on its frontlines.

Civil society can do more to tackle exclusion, if provided with support and enabling conditions. But civil society faces profound challenges in overcoming exclusion, and exclusion impacts on the ability of civil society to achieve change.

As the year in review sections of our report set out, governments might have committed to leaving no one behind, but the experience of many people in many places last year was one of rising, new and entrenched exclusion. In Europe, refugees from war-torn Syria and elsewhere risked everything to seek safety, but were met with hostility, xenophobia and racism; in many African countries, lesbian, gay, bisexual, transgender and intersex (LGBTI) people continue to face criminalisation and violence; in the

¹ Unless where indicated otherwise, quotations cited in this thematic essay are drawn from the 33 specially commissioned guest contributions to the 2016 CIVICUS State of Civil Society Report, or from responses to the annual survey of members of the Affinity Group of National Associations (AGNA). In some cases, quotations have been edited from the original contributions for reasons of brevity and clarity. All analysis and conclusions drawn are the views of the author, and are not necessarily those of the contributors.

USA, unarmed black men are much more likely than unarmed white men to die at the hands of the police. All over the world, people are being left behind on the basis of their gender, ethnicity, migration status, faith, age, sexuality, disability, HIV and health status, locality and more. Meanwhile, it is clear that the world is becoming economically more unequal: in January 2016, Oxfam reported that the wealth of the poorest half of the world's population had fallen by 38 per cent since 2010; just 62 people now own the same wealth as that poorest half of the world.²

2. DEFINITION AND METHODOLOGY

The term 'exclusion' here is employed in a broad sense, encompassing experiences such as marginalisation, isolation, vulnerability and inequality, against people and groups, on the basis of an identity or experience. Our preference is to use exclusion as a term because it has a clear obverse, inclusion, which encourages a focus on the positive actions that can be taken by civil society. Each exclusion in each context has a specific character, but our focus here is on looking across different experiences of exclusion and drawing out points of commonality to inform civil society action, based on examples of what civil society is currently doing to address exclusion. Our interest, as the World Alliance for Citizen Participation, lies particularly in understanding how people are excluded from participating in decision-making processes, including within civil society itself; we believe that civil society should model best practice, and we in civil society should be scrutinised for how we deal with issues of exclusion within our ranks.

This thematic overview draws primarily from 33 guest contributions commissioned by CIVICUS on the theme of civil society and exclusion. Contributions come from civil society leaders, activists and experts, and examine different facets of how civil society works to address a diverse range of forms of exclusion, and how exclusion impacts on civil society. This overview also draws from other inputs of members of the CIVICUS alliance, notably responses from 27 national and regional civil society organisation (CSO) networks in our annual survey of members of the Affinity Group of National Associations (AGNA). This overview is therefore inspired by a wide range of civil society voices, in every global region.

² '62 people own the same wealth as half the world, reveals Oxfam Davos report', Oxfam, 18 January 2016, <http://bit.ly/1PAVKgX>.

3. UNDERSTANDING THE DIMENSIONS OF EXCLUSION

EXCLUSION AS COMPLEX AND DYNAMIC

Exclusion matters because so many people experience it, and they experience it today in new and complex ways. Indeed, it can be said that exclusion matters now more than ever before, because while there have undoubtedly been gains in addressing aspects of exclusion, such as advances in equal marriage and girls' education, there is also ample evidence that exclusion is increasing in other spheres, such as economic inequality. Exclusion matters urgently because, despite advances in development, it is part of the contemporary lived experience of millions upon millions of people. Wherever exclusion happens, people are being denied their rights.

Exclusion sometimes has underpinnings in traditions and cultures, but it is important not to see exclusion as simply a given. Exclusion arises from a complex interplay of political, economic, social and cultural currents, and is dynamic and contemporary: it has current wellsprings as well as traditional bedrocks, and as discussed below, new forms of exclusion often pattern onto traditional and cultural structures.

Exclusion needs to be understood as something that is multi-layered and relational: exclusions intersect and compound, and the most excluded people experience multiple forms of exclusion. For example, Lene Steffen and Jennifer Grant of Save the Children point out that children are excluded from decision-making processes, but girl children and children with disabilities are particularly so. Gender reinforces other forms of exclusion.

GENDER AS AN ONGOING DIMENSION

Kathy Mulville of the Women's Global Network for Reproductive Rights sets out the ways in which women activists, and activists who challenge gender norms, experience threats that are specific to their gender:

For many, demanding rights for women or simply being a woman activist can be life-threatening. This is especially true for those who challenge societal gender and social norms. These can include

norms relating to reproductive rights, sexuality, freedom of expression, or the right to dress a certain way. For example, activists can be threatened for campaigning against female genital mutilation, early marriage or abortion, or for advocating for the rights of transgender people. Those who are themselves gender non-conforming are particularly targeted both for their advocacies and their identities

Marie Becher of Peace Brigades International similarly assesses that women human rights defenders, and women indigenous human rights defenders, are particularly vulnerable:

Indigenous women who defend the rights of their communities face all the risks that their male colleagues experience. In addition, they are targeted with gender-based violence and have to cope with gender-specific consequences of attacks, particularly when their activism challenges gender norms and roles. Indigenous women's rights defenders have reported that threats and attacks also take place in the private sphere, including in the home, often perpetrated by non-state actors, and in some cases by family or community members.

In essence, in any excluded group, women are more likely to experience exclusion than men, and when women challenge exclusion, they face heightened risk of violence. As Henri Myrntinen of International Alert puts it:

Politically active women are far more likely than men, even in peaceful societies, to be subjected to violent and sexualised intimidation, ranging from verbal or physical abuse to gender-based violence, abduction or death.

Violence forms part of a larger and ongoing pattern of female exclusion. Phumzile Mlambo-Ngcuka sets out the profound changes women still face, despite decades of breakthroughs:

Women still do 2.5 times as much unpaid care work as men and make an average of 24 per cent less for the same work; around the globe, some 35 per cent of women live with sexual or physical violence, usually at the hands of an intimate partner, with this number rising to 70 per cent in some societies.

CIVICUS has pointed to the very difficult situation for women human rights defenders in Egypt, for example, with the scale of the problem probably being under-reported because it occurs within a general climate of the suppression of women's rights. A number of women human rights defenders have been imprisoned or detained, and this comes within a broader context, in which sexual violence is deployed as a routine weapon against women activists, female genital mutilation is still widespread, rape and sexual harassment are insufficiently addressed in the legal system and the judiciary has wide discretion to grant clemency in cases of domestic violence.³ This experience is repeated in many other contexts.

The SDGs offer fresh impetus to challenge these ingrained denials of rights. Goal 5 promises to end all forms of discrimination against all women and girls everywhere, while committing to reforms to give women equal rights to economic resources, as well as access to ownership and control over land and property, financial services, inheritance and natural resources. Notably, Goal 5 makes clear that all states have committed to ensuring women's full and effective participation and equal opportunities in leadership and decision-making, and universal access to sexual and reproductive health and rights.

CYCLES OF EXCLUSION

Exclusion can be cyclical: exclusion fuels renewed exclusion. For example, the stigmatisation of people on the basis of their sexual and gender identity can lead to economic exclusion, which further limits access to rights. Qamar Naseem of Blue Veins reports how transgender people in Pakistan are forced onto society's fringes, making them more vulnerable to exploitation:

Transgender persons are forced to live on the margins of the society as entertainers, beggars and sex workers. Psychological and physical distress results from the exploitation of their non-conformist sexuality by the community and the state machinery.

Marcela Romero of the Latin American Network of Transgender People (REDLACTRANS) records that transgender people can be locked in similar cycles of exclusion:

³ '29th session of the Human Rights Council, ID on WG on discrimination against women', CIVICUS, 18 June 2015, <http://bit.ly/1NUH8I5>.

The lives of transgender women in Latin America are marked by a dynamic of exclusion that is the consequence of family, social and institutional transphobia. This begins at a young age when they are often rejected by their families, and essentially excluded from the educational and healthcare systems. This lack of education and access to job opportunities pushes the vast majority of transgender women in the region into sex work.

LAYERS OF EXCLUSION

Exclusion is dynamic in the sense that people who are particularly vulnerable as a result of their status can graduate into further experiences of exclusion. For example, people who are members of an ethnic, religious or social minority experience an additional form of exclusion if violence against them forces them to become displaced. Exclusion as a consequent of displacement is something Julia Duchrow of Brot für die Welt discusses in her analysis of the appalling treatment of refugees in Europe in 2015. People's statuses and experiences are not fixed, and how they are perceived may change, but at each stage those experiences can be characterised by exclusion.

Similarly, new forms of exclusion can occur that most adversely impact on the already excluded. For example, Toby Porter of HelpAge International sets out how ageing adds another layer of exclusion; all people may be excluded by virtue of becoming older, but the experience is worst for those who are poor and excluded in other ways, such as by having a disability. This is becoming more of a challenge as populations age, both in the global south and global north:

For millions of people the impact of years of poverty, inadequate access to healthcare, poor nutrition and limited education accumulate with devastating impact in older age.

Toby Porter also calls attention to another way in which exclusion is dynamic: breakthroughs can unlock further challenges; development successes in the global south mean that people are living longer, which in turn makes the exclusion of older people a more urgent challenge.

LOCATION AND EXCLUSION

Location interacts with other aspects of exclusion. Often, excluded groups are concentrated in isolated rural areas or deprived urban zones, and geographical isolation reinforces exclusion. For example, Glown Wombo Kyei-Mensah of Participatory Development Associates notes that in Ghana, the worst conditions for people with mental illnesses or epilepsy are experienced in rural areas; Andrew Norton and Charlotte Forfieh of the International Institute for Environment and Development set out that people in rural areas or poor urban areas have the worst exposure to climate change; and Marie Becher from Peace Brigades International assesses that rural excluded groups find it hardest to access means of redress, such as legal services. Olfa Lamoum of International Alert describes how stigma can attach to location: young urban groups in Tunisia are stereotyped as violent and disaffected when they live in particular neighbourhoods.

The Zambia Council for Social Development points to poor service delivery and limited access to information in rural areas and informal urban settlements, while the Uganda National NGO Forum sees a clear divide between the country's south west and north east:

Regional disparities present a form of exclusion and marginalisation: regions above the River Nile are less developed in terms of infrastructure, industry and general citizens' welfare, while those below the Nile are better in terms of the road network, general infrastructure and social services.

Julio A Berdegué of RIMISP-Latin American Center for Rural Development calls, however, for a nuanced approach to understanding rural-urban divides, drawing attention to the many different spaces in which people live that are neither tiny villages nor sprawling cities. The danger is that policies to address rural or urban exclusion do not reflect this lived reality:

These socio-spatial places, or territories, where most of us live and make our living, are precisely those most invisible to policy-makers and, I would argue, to civil society as well. We continue to think in terms of a dichotomous world of the rural, separate from and even contradictory with the urban, and this lens informs the ways that policy-makers and organised civil society act. We are designing

policies and strategies for a world that exists largely in our imagination.

At the same time, Julio A Berdegué sets out that rural-urban divides persist, both in access to essential aspects of well-being, such as education, health and sanitation, and in people's abilities to participate, express dissent and develop power. Simply providing more services to rural people does not lead to them having more opportunities to participate, meaning that targeted interventions need to be made to develop participation capacities and potential in excluded locales:

As a matter of human rights, every person, regardless of place of residence, must have access to a set of services and enjoy a level of well-being that allows him or her to express his or her human potential to the fullest degree. However, the experience of many higher middle income countries shows that many of these gaps can be reduced significantly, but without a corresponding proportional effect being generated in the ability of rural people to have a stronger place and role in society. Closing the rural-urban gap in basic indicators of well-being is not enough to create more and better development opportunities for rural people.

The focus, Julio A Berdegué, suggests, should be on developing linkages and connections between rural and urban locales, and the spaces in between. Civil society has a role here in promoting policy and good practice, given that the way the local governance of different spaces is organised tends to work against connection:

Urban development and rural development policies do not speak to each other, and therefore miss the multiple opportunities for coordination and synergies that would achieve greater impact. Organised civil society is the only force that can promote this change in governance systems, so that they match in much better ways the rural-urban lives of so many people who no longer identify themselves with the labels of the past.

CHANGING PRIORITIES

As with everything in human affairs, fashions in addressing exclusion come and go. Some initial successes can lead to problems wrongly being regard-

ed as solved, even when breakthroughs unlock further challenges, while some issues fade from public gaze as others rise to prominence. Joanna Maycock of the European Women's Lobby, for example, reports a sense that women's rights are now being moved to the back burner after some earlier prominence and progress:

We have seen an overall loss of focus about women's rights as a central and very political means of bringing transformation.

Pushback is being seen against some issues precisely because they have achieved greater visibility and civil society action has become stronger. For example, Wanja Muguongo of UHAI EASHRI - the East African Sexual Health and Rights Initiative notes that as the fight for equality in sexual identity has become more vocal, the trend has grown of criminalising not only same-sex behaviour, but even the holding of a minority sexual identity, and civil society action on sexual identity.

At the same time, others feel that some forms of exclusion, on which they act, consistently receive less visibility and fewer resources than others: Toby Porter sees ageing as a neglected subject, Glowen Wombo Kyei-Mensah of Participatory Development Associates points to neglect around mental health, and Vladimir Cuk and Jaimie Grant of the International Disability Alliance assess that some forms of disability receive far more attention than others.

EXCLUSION AND IDENTITY

Exclusion is tightly connected to identity: people are excluded on the basis of identifying with, or being identified as, part of a group. Amartya Sen's seminal study of identity, *Identity and Violence: the Illusion of Destiny*, invites us to understand that people hold multiple identities, and that identity should be seen as a dynamic, relational category: a person identifies simultaneously with many different belongings and groups, and the balance between these shifts in relation to who a person is interacting with, where they are, what they are doing and what they are experiencing.⁴ The danger is of designing and implementing policies that see only single identities, or see identity as frozen.

⁴ 'Identity and Violence: The Illusion of Destiny', Amartya Sen, Allen Lane, 2006.

There is a need to acknowledge identity as a voluntary category: however well-intentioned, it is wrong to bracket a person as belonging to a particular group and on that basis label someone as excluded; a person needs voluntarily to identify as belonging to a particular group. There is, however, an additional complexity at play, in that someone may lack awareness of the ways in which they are being excluded. This may imply a role for civil society in raising awareness and consciousness among members of an excluded group, and enabling people to understand themselves as excluded in order to start to act to challenge exclusion.

By understanding the reality that people hold multiple identities, it is possible to develop a conception of a peaceful and vibrant society as one in which people have the space, opportunities and confidence to celebrate and explore their identities, resist stereotyping and stigma, and challenge exclusion. This is an essentially pluralist vision of society in which there are multiple spaces and platforms for self-expression, sharing and the articulation of demands, and where access to spaces and platforms is understood as a right.

Goal 16 of the SDGs commits to a vision of peaceful and inclusive societies with an assurance of access to justice for all, underpinned by effective, accountable and inclusive institutions at all levels. To realise this, the three fundamental civil society rights that CIVICUS works to defend - freedom of association, freedom of assembly and freedom of expression - are essential. The implication is that there cannot be a healthy and meaningful engagement with exclusion without respect for fundamental civil society rights, and there is considerable overlap between the aims of overcoming exclusion and of ensuring a strong and free civil society. Closer connections therefore need to be made between combating exclusion and supporting civil society, as gains or setbacks in one may influence the other.

FAITHS, CULTURES AND EXCLUSION

Questions of how cultures and faith identities intersect with exclusion are complex. Cultures and faiths can be pressed into service to justify or encourage exclusion, as several contributors point out. Embedded practices of patriarchy, for example, may be defended by references to culture and tradition. Lene Steffen and Jennifer Grant note that customary and religious beliefs can be asserted to impede the application of human rights obligations, with states writing reservations into international human rights

covenants on the basis of culture, and Phumzile Mlambo-Ngcuka similarly assesses that customary practices can overcome the intention of new laws for equality. Kathy Mulville comments on how:

Culture, tradition, custom and religion are used to validate suppression of the activities of women human rights defenders by those who seek the power to deny women their rights.

Indeed sometimes, Kathy Mulville suggests, the embedded power of stereotypes and attitudes runs so deep that those held back by them see them simply as facts of life:

Many women human rights defenders do not recognise attacks as human rights violations. They may perceive abuse, often condoned within their community, as part of the job, and an unavoidable consequence of local customs and tradition.

Glown Wombo Kyei-Mensah of Participatory Development Associates describes how misplaced cultural beliefs, such as traditional ‘cures’, can actively harm people with mental illnesses, and Marie Becher discusses how cultural practices and norms can hinder women from reporting human rights abuses and accessing essential services following abuses. Wanja Muguongo puts forward that rhetoric around faith, including from religious leaders, is part of how LGBTI rights are denied in Africa, and Shehnilla Mohammed of OutRight Action International identifies how religious leaders can characterise LGBTI people as ‘un-African’ or ‘un-Godly’.

Faith leaders can use hate speech to encourage exclusion, something discussed further below. In several contexts, recent years have also seen vile acts of terrorism enacted against citizens, the justifications of which are made in reference to extremist and exclusionary distillations of religion. The risks to civil society activists from religious extremists in some countries, including Bangladesh, India and Pakistan, are discussed in our report’s section on civic space.

It would be easy, in the light of atrocities, to see cultures and faiths as problems, as forces that hold people back from accessing their rights. And yet at the same time, people are excluded on the basis of religious identities. Islamophobia and anti-Semitism are increasingly powerful forces in many countries, including in backlash to terrorist attacks, while our year

in review section on civic space calls attention to the oppression of Myanmar's Rohingya people, an exclusion that is mounted largely on the basis of their identification as an Islamic minority. Faith can therefore be seen as a source of motivation to exclude others, but also as the basis on which a group is excluded.

Amjad Mohammed-Saleem, an analyst of South Asian issues, draws attention to an apparent paradox: the increasing ease of communication and international movement of people that characterise globalisation might have been expected to lessen people's identification with faiths, but instead may be increasing it, as faith gives people something to hold on to in a more complex world, in which the nation state is challenged as a unit of organisation and identification:

Today we are experiencing dark moments, and in the tumult, religion appears to shine like a beacon of hope and reliability. As a repository of symbols, a system of belief, a convergence of cultural rights, a structure of morality, an institution of power and one that challenges old systems, people often find religion offers them a sense of community, a trusted authority and meaning for their lives.

In this reading, faith identification can offer a shortcut through complexity. At the same time, the increasing ease of communication makes it easy for religions to be judged and for stereotypes perpetuated, and used to fuel conflict, on the basis of reductive readings of faiths, and the actions of extremist outliers.

In this context, where faiths can be misunderstood or deliberately misinterpreted, there is a need to scrutinise the ways in which political figures marshal and deploy the forces of extremism in their interests, as the Voluntary Action Network India (VANI) suggests is the case in its context:

In 2015, there were several instances of attacks and vandalism in churches in and around Delhi by fringe elements. There was also a case of mob lynching of a Muslim man over cow slaughter rumours, which created uproar and unrest in society. These incidents have created a sense of insecurity among minority communities in India. Many have questioned the silence of the prime minister on issues of intolerance. Since the prime minister is known as an

active social commentator and employs social media effectively in this regard, he was expected to speak up against these issues to assuage apprehensions, but his prolonged silence has raised doubts among people.

Ultimately, Amjad Mohammed-Saleem suggests, because faith exists and is important to so many people, faith structures, and people's complex relationships with faiths, need to be understood and engaged with. While faith may be a source of attitudes and behaviours that contribute to exclusion, it also a key part of the social fabric in many societies. As Amjad Mohammed-Saleem expresses it:

Faith identities will continue to be part of the picture, and faith based organisations will continue to thrive as part of civil society. Virtually all faiths have a common purpose, which is to serve humanity and aid the disadvantaged, which thereby addresses exclusion.

Part of how exclusion can be overcome therefore lies in bridging and brokering between faith based and secular civil society, but doing so on practical terms, rather than through the dialoguing of religious elites. Dialogue should be grounded in a lived experience of faith, in which faith motivates good deeds, and religious pluralism is encouraged. Cultures and faiths also need to be understood as dynamic: they change over time, and aspects of cultures and faiths that enable exclusion can be challenged and changed, even as valued traditions are maintained.

POTENTIAL CIVIL SOCIETY RESPONSES

Given the complexity of issues of exclusion, there is a need for civil society to undertake detailed and ongoing contextual analysis before intervening, and for civil society to develop and update continually its awareness of nuance, complexity and the ways in which different forms of exclusion intersect, compound and interplay. This is critical because civil society is often the only source of defence for the rights of excluded people.

The only way that the complex and ever shifting maze of exclusion can be navigated is by listening to the voices of the excluded. This in turn implies that civil society should open itself up to being accessible to excluded people, and enable and empower excluded voices, which entails helping to

enable multiple and diverse platforms for participation and expression that excluded communities can own. If civil society does not listen, and listen regularly, it will fail to challenge exclusion. Only civil society can open itself up in this way because, realistically, governments, political leaders and the private sector will not be amenable to conceding much of their power. Civil society needs to do this consciously and proactively, and in a way that is informed by the realities of the lives of excluded people.

4. CURRENT DRIVERS AND DYNAMICS – WHAT MAKES THIS MATTER NOW?

EXCLUSION, POWER AND POLITICS

Exclusion is as old as history. Araddhya Mehtta of Oxfam points out that discrimination by caste and gender in India was first codified 4,000 years ago, while Joanna Maycock indicates that patriarchy has existed far longer than any economic system and has been written into all major belief systems. The historical wellsprings of exclusion need to be interrogated and engaged with if exclusion is to be overcome. But at the same time, because exclusion is dynamic, the current, urgent drivers of exclusion, and contemporary opportunities, need to be understood.

Entrenched narratives and practices of exclusion interact with current and emerging drivers, as in the case of indigenous peoples: indigenous peoples tend to be historically excluded, but in many parts of the world they are now being threatened by large corporations that seek access to land and resources. While attacks from large corporations are contemporary phenomena, they pattern onto histories of exclusion, and those histories make indigenous people more vulnerable to attack, as Marie Becher observes:

While the diffusion of power away from governments towards corporations is a somewhat new phenomenon, the threats emerging from this sphere towards indigenous activists often intersect with historical marginalisation and exclusion from all major parts of society, including from political decision-making processes and the justice system.

The inference is that there is a need to understand and ask questions of power, and of how power takes advantage of exclusion, as Jenny Ricks of ActionAid suggests:

Inequalities are intersectional. It is crucial to consider gender, race, class, caste and ethnicity, amongst other inequalities, when trying to understand the discrimination people face, and to shift power on a greater scale. It is not only about wealth. It is a lot about power, in all its forms.

Exclusion is no accident of history; exclusion is often a deliberate process in which power is exercised and rights denied. In any context, there are forces that hold power and benefit from excluding others, and will therefore be liable to resist the redistribution of power. As Lene Steffen and Jennifer Grant point out, in the context of child rights:

The civil rights of children have been ignored by governments, caregivers and civil society, in part because to grant them would be to challenge a status quo that privileges adults over children. To see children as equals and as capable agents of change can be very threatening to power hierarchies.

The National Council of NGOs in Kenya points to the explicitly political aspects of exclusion in its context, with political appointments made on the basis of tribal and ethnic identifications, and communities excluded because of their identification with opposition groups. Similar challenges are observed by the Centre for Civil Society Promotion in Bosnia and Herzegovina for ethnic minorities living in areas controlled by other groups. In Bolivia, according to the Foundation to Support Parliament and Citizen Participation (La Fundación de Apoyo al Parlamento y a la Participación Ciudadana, FUNDAPPAC), the exclusion of indigenous peoples goes hand in hand with economic inequality, the denial of proper representation and the criminalisation of leaders. The Uganda National NGO Forum attests that in its context there are starkly political dimensions to the ways in which people are excluded from access to services:

Political marginalisation and exclusion are very evident, with the ruling class using state resources against the constrained opposition members. This translates into denial of equal access to services from government institutions, such as access to information,

and specifically during the election season, opposition leaders were denied access to certain service delivery centres.

The Macedonian Center for International Cooperation (MCIC) points to the systematic exclusion of the country's Roma people, and the ways in which this fuels their continued poverty:

Hardly any progress can be reported in terms of political representation, media coverage in the Roma language and the status of the Roma language in municipalities with a Roma majority. Roma have limited economic opportunities. Poverty remains the biggest factor behind the low share of Roma children in education. Segregation, stereotyping and other forms of discrimination remain prevalent.

Again, the SDGs should offer a platform for stronger action. Goal 10 of the SDGs promises to empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status.

ECONOMIC INEQUALITY

One of the major current drivers of exclusion is rising economic inequality, with growing gaps between rich and poor, as Araddhya Mehtta observes:

Exclusion is overlain by economic inequality. The increasing gap between the rich and the poor has furthered existing social cleavages rather than diminished them.

Inequality is increasing even in contexts of economic growth. Growth is generally presented as a precondition for development and the movement of people out of poverty, but on its own growth can do nothing to challenge exclusion, and can increase it. In October 2015 the Global Wealth Report from Credit Suisse revealed that almost 88 per cent of the world's wealth is controlled by the top 10 per cent of the world's population, and one per cent of people control half of the world's wealth. The report, issued just weeks after the SDGs made a commitment to tackle poverty and inequality, demonstrated the scale of the challenge of turning SDG com-

mitments into action.⁵ Further recent research has revealed that economic segregation is increasing, both in major European cities and in the USA.⁶

The implication is that already excluded communities are not benefiting from economic growth as much as established elites are; growth is rather enabling a concentration of power into the hands of elites, which reinforces existing exclusion. The Argentine Network for International Cooperation (Red Argentina para la Cooperación Internacional, RACI) observes how economic growth has not served everyone in its country:

The fundamental feature is growth with inequality, where progress has not had equal impact across the population: there are still significant numbers of people who have not been beneficiaries of widespread growth and that constitute pockets of exclusion and structural poverty.

The hard core of vulnerability is seen among marginal working class residents in informal settlements, including heads of household or underemployed or unemployed young households with children.

The Uganda National NGO Forum sees similar inequality in its context:

Economically, there is a growing inequality gap between the rich, middle class and the absolutely poor, which influences the level of access and utilisation of services.

VANI likewise notes that, while India is now classed as the world's third largest economy, it is also home to an extraordinary number of the world's poor:

Every third poor and illiterate person in the world is an Indian; and, about half of the country's children are malnourished. India ranks deplorably high in maternal deaths.

5 'Global Wealth in 2015: Underlying Trends Remain Positive', Credit Suisse, 13 October 2015, <http://bit.ly/1VJxrWf>.

6 'Socio-Economic Segregation in European Capital Cities', Segregation EU, 2016, <http://bit.ly/21vK7je>; 'The Rise of Residential Segregation by Income', Pew Research Center, 1 August 2012, <http://pewrsr.ch/1rTyNBL>.

As VANI describes it, the wealth concentrated among India's wealthy elite, and particularly its new billionaire class, could eradicate absolute poverty, if more evenly distributed.

Ignacio Saiz and Luke Holland of the Center for Economic and Social Rights (CESR) point to the politics behind economic inequality. In Europe, states are cutting back on public services, which impacts disproportionately on the already excluded, while enabling the rich to grow wealthier:

After more than five years of draconian cuts to key social sectors and regressive tax, labour and social welfare reforms in countries across Europe, a stark pattern of growing inequality and deterioration in economic and social rights has emerged.

CESR highlighted the severe and disproportionate impact of Europe-wide austerity measures on women, migrants and asylum seekers, Roma people and other ethnic minorities, children, young people and older persons, people with disabilities, and LGBTI people.

The Panama Papers scandal highlighted the nefarious impact of tax abuse by wealthy elites in depriving government coffers of the revenues needed to tackle inequality and fulfil human rights, just as the most disadvantaged sectors of the population see wages stagnate, social protection slashed and services they rely upon cut through austerity measures.

RACI also discusses how recent economic downturn in Argentina has affected excluded groups, such as children:

The slowdown in economic growth and setbacks in some indicators are having a significant impact on children, in terms of living conditions, access to education, health, housing and protection.

As Jenny Ricks assesses it, rising economic inequality, and the concentration of wealth into the hands of a tiny elite, threatens to stymie so many of the achievements for which civil society is striving:

Organisations across many sectors, including the women's movement, trade unions, environmentalists, human rights defenders,

development organisations, faith based organisations, civil society networks and more, have seen how their struggles for a fairer and more sustainable world are being threatened by the concentration of power and wealth in the hands of fewer elites.

As VANI makes clear, economic inequality will not be challenged by any invisible hand of the market; it demands a profound shift in governance:

Extreme issues of exclusion, marginalisation and inequality can only be removed by a good model of governance, as Indian governments in the past have only paid lip service to addressing these critical challenges, while the benefits of development have not percolated to the poor and needy.

Similarly, for Jenny Ricks, a shift in power can only be brought about by a concerted civil society movement:

We cannot rely on the market, or the state or corporations to do the right thing. Ending inequality will primarily involve people holding the powerful to account at all levels in greater numbers, and with greater collective power.

Araddhya Mehta suggests some clear steps that could be taken to challenge economic inequality, which could form the basis of civil society advocacy, but counsels that these alone will not be enough to address exclusion:

Ending tax havens, resourcing basic services and providing an equal living wage for men and women are some ways in which growing economic inequality could be bridged. Social inequality and exclusion, however, are more complex problems that money can't always solve. Many prejudices that govern policy and practice require behavioural change, not only from policy-makers, but also from the people at large.

Phil Vernon of International Alert suggests that we also need a new social sustainability test of economic growth:

The idea that economic development alone equals progress is no longer believable, if it ever was. It is fatally undermined by the

need to consider environmental and social sustainability. By social sustainability, I mean: does economic development avoid doing harm, and does it benefit people widely enough across society? Does it help make society more resilient to stresses and shocks? Does it reduce exclusion and marginalisation?

Goal 10 of the SDGs introduces a number of targets to reduce inequality within and between countries, as Ignacio Saiz and Luke Holland indicate:

SDG10 commits governments to reduce inequality within and among countries, including through fiscal, wage and social protection policies, along with improved regulation of the finance sector. The SDGs and the Financing for Development agreements also include commitments to tackle illicit financial flows and improve international cooperation in tax matters.

It will be up to civil society to push for these commitments to become real. Campaigning can build on the civil society response to state funding cuts, which, Ignacio Saiz and Luke Holland point out, demonstrates common ground across different contexts:

Regressive austerity measures have effectively burdened the poor and disadvantaged with the costs of the economic crisis, while safeguarding the wealth and privileges of the economic elites responsible for causing it. Outrage at this unfairness has at times boiled over into the streets, with mass mobilisations against austerity and inequality in many parts of the world. The demand for governments to respect basic social rights and tackle extreme inequality has been a unifying feature of these movements. Indeed, the commonality of the injustices experienced and demands made has helped foster transnational solidarity, empowering activists in each context, and in some cases helping secure significant victories. In other cases, they have spurred the emergence of new political forces in response to popular frustration with more established alternatives.

Whether the SDGs live up to their potential depends on how effectively civil society activists around the world can maintain the pressure for human rights to be at the core of the economic and

development agenda, in order to bring about a transformational shift from austerity to accountability.

The case can be made, backed by research, that in the long run, inequality is damaging for societies, and more equal societies perform better on key indicators of social well-being.⁷ This suggests a potential focus for political advocacy by civil society.

EMPLOYMENT AND LIVELIHOODS

More broadly, responses to exclusion need to engage with the economics of exclusion, and its connections with political, social and cultural facets. This means that there is a need to understand the material sources and impacts of exclusion, and connect these with other important aspects, such as the workings of identity and the power of narratives and language, discussed further below.

There is of course an intimate, two-way relationship between poverty and exclusion. People are excluded as a consequence of being in poverty, and people are poor because they belong to excluded groups that are denied fair access to economic opportunities. Edward Ndopu of Amnesty International calls attention to the structural barriers against bringing people with disabilities out of poverty:

Not only are people with disabilities more likely than their non-disabled counterparts to live in extreme poverty, they are also less likely to be able to circumvent poverty because of the ways in which disabled life is structurally unaffordable.

Edward Ndopu goes on to relate how the exclusion of people with disabilities in South Africa leaves them unable to access employment opportunities that would help them overcome their poverty; although there is government support for people with disabilities, it is insufficient to enable them even to travel to job interviews.

RACI in Argentina points out that young people are three times as likely to be unemployed than the average, and young women even more so. In Macedonia, MCIC relates how the exclusion of Roma people feeds through into employment difficulties:

⁷ 'The Spirit Level', The Equality Trust, 2012, <http://bit.ly/1iqZgST>.

Labour market conditions remain very difficult, with continuing high unemployment rates, alarming levels of youth and long-term unemployment and very low participation rates of women. Although policy measures are being taken to promote social inclusion, poverty remains a serious problem for Roma people.

Olfa Lamloom of International Alert makes clear how the material impacts of unemployment are fuelling the disaffection of urban young people in Tunisia, who were such an important part of the country's 2011 revolution:

The high hopes of young people, one of the most active groups in the revolution, have turned to bitterness, in the face of chronic underemployment, underdevelopment and political exclusion.

The danger here is that the experience of economic exclusion can lead to disenchantment and disengagement, generating potential for extremism. Any strategy to build young people's inclusion needs, therefore, to have a focus on developing employment opportunities, alongside measures to foster political participation and increase trust between excluded young people and political figures.

In Argentina, RACI sets out some of the practical initiatives of civil society to improve the material conditions of the excluded, including community-based production and social enterprise schemes that blend traditional approaches with the use of new technologies, and the development of micro-credit. The Uganda NGO Forum reports that CSOs are focusing on developing livelihoods in the poorest regions, where people have been left out of development.

More broadly, Phil Vernon calls attention to the material dimensions that need to be taken into account in peacebuilding:

To put it simply, long-term peace is really only possible when people have fair opportunities for a sustainable livelihood and the accumulation of assets, combined with general well-being, justice and security, in a context of good governance.

Excluded groups can also find themselves targeted when they are seen to inhibit the economic interests of others. Marie Becher points out that

indigenous people can be attacked because they stand in the way of access to resources that powerful actors - governments, the private sector and political and criminal interests - want to exploit:

In most cases, indigenous human rights defenders are attacked because people who hold power have an interest in the land and resources that their communities own, occupy or use. Aggressors know that indigenous communities and their leaders often have a strong capacity to organise collectively, advocate, resist and defend their right to autonomy and cultural identity. By threatening, attacking and criminalising indigenous activists, who are often leaders with political and spiritual authority, aggressors try to dismantle the social fabric that enables this resistance.

Abuses of the rights of indigenous peoples by extractive interests is also observed by FUNDAPPAC in Bolivia:

The indigenous peoples of the lowlands are by far the most marginalised and vulnerable. The current government's extractive desire causes the violation of their constitutional rights.

There is a need, Phil Vernon asserts, to ask who has economic access, and who is excluded from economic activity. As conflicts are at least partly over resources, to build more peaceful and inclusive societies there is a need to ask profoundly material questions, such as how resources are shared out, where resources are scarce, and who controls the distribution of resources.

CONFLICT

We live in a world characterised by complex conflict. Michael Hill of Youth for Understanding notes the role of narratives of fear, misunderstanding and hatred in current conflicts, while Phil Vernon calls attention to the new forms of conflict that trouble many societies, including urban and gang violence, and civil wars. Rising conflict makes the promotion of inclusion a more pressing issue, because inclusion and peacebuilding are intrinsically linked, Phil Vernon suggests:

Inclusion and fairness are particularly important for peace, in two ways. First, and most obviously, because unfairness and exclusion lead to frustration and grievance. Aggrieved people, excluded

from the opportunities and benefits available to others, may turn against the society that has excluded them, especially if the unfairness is tangible and immediate: for example, if they are denied land or irrigation, when others around them have both. When exclusion is linked to identity - to ethnicity, for example - it can give rise to a shared, chronic sense of grievance that can all too easily turn into violence.

Second, chronically unfair societies contain within them the seeds of violent conflict because they enshrine habits of 'structural violence' - exclusion - that harm those who are excluded, and thus implicitly condone the idea that some members of society are allowed to do harm to others. This can legitimise other forms of violence. This is one reason why LGBTI freedoms are important for peace: not because repression of sexual minorities will lead to civil war, but because it legitimises structural violence and makes society less peaceful generally. In both cases, unfairness contributes to a fundamental lack of resilience, thus undermining stability.

Another way in which conflict - and disasters such as earthquakes and extreme weather events - interact with exclusion is that they disproportionately impact on excluded groups. Qamar Naseem notes that in Pakistan, which experiences both internal conflicts and disasters such as earthquakes, transgender people are particularly vulnerable, because when they are displaced they lose their existing support structures and face heightened risk of violence:

Currently Pakistan's western border areas are racked by violence as government forces fight separatists and pro-Taliban militants. Hundreds of thousands of people have been displaced by the fighting, causing significant damage to human life, livestock and property. The resulting massive displacement, poor living conditions, overcrowding in camps, lack of privacy, disruption of social networks and social norms, and destruction of health and other support facilities have significantly exacerbated the already acute vulnerabilities of the transgender population.

Qamar Naseem also suggests that excluded populations can be overlooked in responses to conflict and disaster, and worse, responses can buttress exclusion. For example, responses can lock onto and reinforce the family

as the preeminent unit to support and channel resources to, which misses transgender people who do not live in conventional family structures or who are alienated from their families. Toby Porter also points out that disasters disproportionately impact on older people, but humanitarian responses hardly ever make special provision for older people. Similarly, the 2015 UN State of the World Population Report indicates that little attention has been given to how women and men experience disaster and conflict in different ways, and suggests that the particular needs of women are often an afterthought in disaster response. The report points out that, as an already excluded group, women are more adversely affected by humanitarian emergencies. For example, 60 per cent of all preventable maternal deaths happen in emergency settings, because access to pregnancy and birth care becomes harder, but appeals for humanitarian funding, and humanitarian responses, rarely focus on the provision of sexual and reproductive health and rights services.⁸

SPOTLIGHT: THE EUROPEAN REFUGEE EMERGENCY

Conflict and crisis is giving rise to increasing numbers of displaced people which, according to the UN refugee agency, UNHCR, now stands at an all-time high of 59.5 million people.⁹ Displacement became the major political issue in Europe in 2015, when an influx of refugees, including from Syria, Afghanistan and Iraq, brought the best and worst out of Europe's people and governments, and exposed fundamental weaknesses in European states' commitment to human rights.

A record number of 1.2 asylum seekers arrived on a continent which, as discussed over our series of State of Civil Society reports, has seen its politics grow more volatile and more polarised. Public opposition to the European Union (EU) has increased, and racism and xenophobia have seeped into public discourse.¹⁰

Public opinion showed itself to be volatile in response to the influx of refugees. In September 2015, the photo of the body of Alan Kurdi, a three year-

⁸ 'Shelter from the storm. A transformative agenda for women and girls in a crisis-prone world', State of World Population Report, United Nations Population Fund, 2015, <http://bit.ly/1tX65st>.

⁹ 'Worldwide displacement hits all-time high as war and persecution increase', UNHCR, 18 June 2015, <http://bit.ly/1CeFpcc>.

¹⁰ 'Record number of over 1.2 million first time asylum seekers registered in 2015', Eurostat, 4 March 2016, <http://bit.ly/1oUIAGC>.

old Syrian boy washed ashore on a Turkish beach after his boat capsized, shocked the public, led to a surge of donations to civil society and galvanised a reaction from political leaders, but such effects were short-lived. Other events, such as the November 2015 terrorist attacks in Paris, and a series of sexual assaults in Cologne, Germany on New Year's Eve, seemed decisively to sway public sentiment away from support for the refugees. Violent anti-refugee protests were seen in Germany in July 2015 and January 2016, and far right group Pegida, which had been in decline, experienced a revival.¹¹ A reactionary electoral backlash to the refugee situation could be observed in Austria, France and Germany, among other countries.¹²

Governments quickly reversed their open border policies, and rewrote refugee reception procedures. As discussed in our section on civil society at the global level, several governments raided their aid budgets to pay for refugee reception and provided aid to repressive states, from which refugees come, to reinforce their borders. They also scrambled to declare as 'safe' countries and areas that refugees were coming from or gathering in, putting aside human rights concerns. The governments of Bulgaria, Hungary and Slovenia erected razor wire fences, which served to divert refugees to neighbouring states, and Slovenian forces pepper sprayed those trying to cross its border.¹³ In addition, in November 2015, the governments of Hungary and Slovenia started court proceedings against the EU to try to block the implementation of a quota system under which each EU country would receive a number of refugees.¹⁴ Denmark saw a xenophobic backlash against refugees, from both the state and many citizens: among a package of anti-refugee measures pushed through in January 2016 was a law that allows the state to seize cash and valuables from refugees, while

11 'German far-right extremists clash with police in protest outside Dresden refugee camp', Independent, 25 July 2015, <http://ind.pn/1TOVTBY>; 'Like a poison': how anti-immigrant Pegida is dividing Dresden', The Guardian, 27 October 2015, <http://bit.ly/1NVdRUv>; 'Anti-refugee protestors rampage through German city', Al Jazeera, 12 January 2016, <http://bit.ly/1SNeUCH>.

12 'Germany: The refugee crisis and a nation defined', Daily Maverick, 24 November 2015, <http://bit.ly/1NVevkR>; 'French elections analysis: despite its defeat, the far-right Front National is still rising', The Telegraph, 14 December 2015, <http://bit.ly/1TKNhLu>; 'The Austrian Malady: Turning Right in the Refugee Crisis', Spiegel Online, 2 May 2016, <http://bit.ly/1rgXRlh>.

13 'EU migrant crisis: Serbia, Croatia and Slovenia struggle to cope with river of refugees' International Business Times, 21 October 2015, <http://bit.ly/1UyjsRW>.

14 'Does extremism threaten Hungary's standing in Europe?', BBC, 11 June 2015, <http://bbc.in/21w3Cbt>; 'Migrant crisis: Hungary challenges EU quota plan in court', BBC, 3 December 2015, <http://bbc.in/1SLVRvP>.

the Danish government prosecuted citizens who helped refugees as people traffickers.¹⁵

The EU lost moral authority, and failed to live up to the values it claims to promote, by striking a tawdry deal with the government of Turkey in March 2016. The deal agrees to transfer Syrian refugees from Greece to Turkey, trading them on a one-for-one basis with Syrian refugees from Turkey who have been processed as asylum seekers. The deal entails designating Turkey as a safe country, even though its human rights record is poor and worsening, and it has a history of forcibly returning refugees to their countries of origin. The government of Turkey has extracted financial and political concessions in return, including the easing of visa restrictions for Turkish citizens and the acceleration of talks on EU accession. The process has reduced some of the world's most vulnerable people, made stateless by conflict, to the status of being a political bargaining chip, and involved the EU giving tacit support to a state that, as our civic space section makes clear, routinely detains its opponents. It also risks fatally undermining the 1951 Convention relating to the Status of Refugees, one of the key building blocks of international law. In response, some CSOs that are working with refugees stated that they would not cooperate with the new agreement¹⁶

As Julia Duchrow of Brot für die Welt observes, while Germany's government was generally acknowledged to have responded more positively than most, even there, the approach did not come without the imposition of new limitations:

Several countries in the Balkans were declared as safe countries of origin and the asylum claims of refugees from these countries were processed in a fast procedure, and restriction of refugees' social services was passed, despite the problematic human rights situation for minorities in these countries. In February 2016, restrictions on family reunification in cases of subsidiary protection were introduced, and the scope to expel a person who has committed a crime was widened.

15 'Danish MPs approve seizing valuables from refugees', Al Jazeera, 27 January 2016, <http://bit.ly/1RLdMDr>; 'Denmark punishes citizens for helping refugees cross the border', Independent, 12 April 2016, <http://ind.pn/1RTHhC3>.

16 'EU-Turkey deal a historic blow to rights', Amnesty International, 18 March 2016, <http://bit.ly/1X8aZFR>; 'Turkey and EU reach landmark deal on refugees', Al Jazeera, 18 March 2016, <http://bit.ly/1RoBndM>; 'EU, Turkey seal deal to return migrants, but is it legal? Or doable?', Reuters, 20 March 2016, <http://reut.rs/1R3r2AS>; 'Swedish lawyers condemn EU-Turkey migrants deal', The Local, 20 March 2016, <http://bit.ly/1NVfl7w>.

While the emergency was seen as a political crisis for Europe's governments, the danger was of overlooking the reality of the humanitarian and human rights crisis being experienced by refugees. Julia Duchrow urges a focus on realising and upholding the rights of refugees:

In many countries, refugees and migrants are being criminalised, forced to enter a country illegally and often denounced as threats to national security. In many countries, refugees and migrants face false allegations of supporting terrorist groups.

For Bread for the World, a main area of work for many years has been to expose the human rights violations that occur through the expanding policies of the EU to deter refugees even beyond the EU's external borders. Opportunities to enter the EU legally are now almost non-existent for migrants and refugees. The restricted legal methods of migration force refugees and migrants to migrate illegally, and make them liable to being victims of human rights violations in countries of transit, at the border and in the countries into which they are fleeing. In particular, women and children are often subject to violent attacks and exploitation.

Crossings of the Mediterranean were very dangerous, and many died. In the worst single disaster, a shipwreck in April 2015 left an estimated 800 people dead. Overall, at an estimated 3,771 deaths, 2015 was the deadliest year on record for migrant deaths in the Mediterranean.¹⁷ Conditions in refugee camps in Greece and Turkey, and at the so-called Calais Jungle in France, could be described as inhumane. Violence flared between refugees and Greek security forces in October 2015, while three quarters of residents in the Calais camp experienced police violence, and sections of the camp were violently cleared in 2016.¹⁸

17 'UN says 800 migrants dead in boat disaster as Italy launches rescue of two more vessels', The Guardian, 20 April 2015, <http://bit.ly/1GbrzuG>; 'IOM Counts 3,771 Migrant Fatalities in Mediterranean in 2015', International Organization for Migration, 5 January 2016, <http://bit.ly/1RMMW8L>.

18 'Backlog of refugees stranded on Lesbos has added further stress to an already volatile situation, says the IRC', International Rescue Committee, 21 October 2015, <http://bit.ly/1ZbMXIC>; 'Tensions rise with backlog of refugees stranded on Lesbos', International Rescue Committee, 23 October 2015, <http://bit.ly/24xnBIE>; 'Calais 'Jungle': 75% of refugees have 'experienced police violence'', Independent, 4 April 2016, <http://ind.pn/1UFshdw>.

As the crisis unfolded in 2015, we spoke to Libby Freeman of Calais Action, a voluntary response to help refugees in camps.¹⁹ She drew attention to the need to document human rights violations committed against refugees:

In Calais CSOs are asking for cameras to be donated so they can document violence by the French police towards the refugees. The violence and mistreatment of refugees is a huge problem they face daily, and something I have spoken to many refugees about first hand. A group called Calais Migrants Solidarity has been involved in documenting the violations of human rights of refugees. Refugees are completely stripped of rights while living in the camp, and there is nothing that they can do about it, as they are desperate.

Amid the political and media clamour the voices of civil society were in danger of being crowded out, but it is important to acknowledge the ways in which civil society worked to provide essential services to refugees, and challenge the dominant public discourse. As Julia Duchrow observes:

Refugees are amongst the most vulnerable people in any country. Particularly in countries of the global north, refugees face racism from parts of the population. In many countries, there is also a large group of people supporting refugees in transit or in countries that refugees flee, to ensure integration. Particularly when refugees face situations where public services have collapsed, as in Greece or elsewhere, and when public services are not able to provide for the basic economic and social needs of refugees, civil society often fills the gap.

Calais Action was one of the many grassroots responses that organised to provide urgent supplies to refugees, working in the Calais camp and in Croatia, Hungary and Serbia. In the UK, new technology enthusiasts mobilised to provide new tech platforms to help refugees use mobile phones to access information on services, employment opportunities and work through asylum application processes.²⁰ International and European CSOs scrutinised and criticised the responses of states and the EU and called for increased resources and a greater commitment to accept refugees.²¹

19 This is an edited extract. For the full interview see 'CSOs at the frontline of the refugee crisis', CIVICUS, 5 October 2015, <http://bit.ly/24xnM6R>.

20 'Refugee Crisis? There's An App For That', Londonist, 8 April 2016, <http://bit.ly/1NnPxoo>.

21 'In the global response to the refugee crisis, European leaders are lagging behind',

While there were xenophobic and racist protests, there was also a spontaneous public reaction of more progressive voices. For example, in Germany, football supporters used high profile matches to hold aloft banners stating that refugees were welcome; the use of English indicated that they had an international audience in mind, and they were imitated in the UK.²² Local CSOs in communities in which refugees were settled also mobilised to volunteer to support them and make them feel welcome.²³

Many of the refugees that gathered in Greece in 2015 travelled via Macedonia, calling for a broad-ranging civil society response, as the Macedonian Center for International Cooperation (MCIC) relates:

The commitment of civil society to show solidarity and support was tested. Many organisations, as well as citizens, engaged in volunteering and providing humanitarian aid for refugees passing through Macedonia. As time went by, and there was a continuation of the inflow of people, CSOs and citizens not only offered their support by providing for basic needs, but also challenged and pressured the government to improve legislation, its work and dedication to providing safe and secure passage. Additionally, many CSOs shifted their priorities in supporting refugees as a response to the ongoing crisis. A positive example of lobbying to change legislation were changes to the Asylum Law, made in June 2015, upon the initiative of CSOs and human rights activists.

In Finland, Kepa also describes the voluntary response to the arrival of refugees:

A big change in Finland in 2015 was the increasing flow of immigrants and asylum seekers. This offered a challenge logistically, including the question of how to mobilise resources very quickly for many CSOs, but was also very difficult due to the resistance, negative discussions and even extreme protests of some Finnish people.

International Rescue Committee UK, Christian Aid, British Refugee Council and ActionAid UK, 30 March 2016, <http://bit.ly/1V8UZSL>.

22 'German football fans welcome refugees and invite hundreds to watch match', The Telegraph, 31 August 2015, <http://bit.ly/1KxUjlu>; 'Arsenal Praised For Being Only Premier League Club To Raise Money For Refugees', BuzzFeed, 12 September 2015, <http://bzfd.it/23oCA57>.

23 'The refugees being sent to Coventry are welcome', The Guardian, 13 October 2015, <http://bit.ly/1L9naeG>.

One of the most significant achievements of Finnish civil society in 2015 were the actions of solidarity and tolerance in response. For example, ordinary people gathered for a picnic to welcome refugees, and there was a large 'we have a dream' event that mobilised, with very little notice via Facebook, 15,000 people to a concert and demonstration in the middle of Helsinki. There have been thousands of people volunteering in refugee centres.

Julia Duchrow describes the joined-up response offered by different civil society groups in Germany, which included the provision of emergency assistance, political support, advocacy for the realisation of the human rights of refugees and for good quality social provision, combined with long-term programmes in countries refugees come from to try to address the root causes of displacement. However, Julia Duchrow also points to a connection between the negative rhetoric of states and the rise of attacks on those helping refugees:

In line with the general positive mood of the German government, the population reacted in a very positive and receptive manner, supporting refugees in order to fulfil their basic needs quickly. But when the government passed restrictive legislation to bring the numbers of arrivals down, movements within the country that advocate for racism, nationalism and exclusion grew and became more militant. As a result, individuals and CSOs supporting refugees reported being faced with threats by right wing groups and individuals, as were the refugees themselves. In several countries, groups supporting refugees have been subject to surveillance and other pressures.

Libby Freeman outlines the voluntary nature of the response, arising out of humanitarian motivations, but also the limitations of this:

There are many challenges involved. Gathering and maintaining the human resources and the funding which ultimately drive any kind of aid is a challenge. What you end up with is a lot of people helping through sheer frustration because nothing gets done by the government. So it is ordinary normal people who have no prior humanitarian experience, and that is a challenge because we do not offer training programmes.

At times, volunteers contrasted the heavy commitment of those who voluntarily mobilised out of humanitarian impulse with the powerlessness of the staff of large aid agencies, who at times were hamstrung by bureaucracy and the need for aid agencies to work with governments hostile towards refugees. As with any response to emergency, there were also issues of coordination and coherence between many different responses, competition for resources and visibility, and accusations that some large CSOs were using marketing tools to generate resources that presented refugees as victims and denied them dignity. There were also accusations that a focus on refugees from Syria was generating a two-tier system, in which refugees from other countries received less attention and support, and were made a lower political priority, challenging an essential principle of equality in humanitarian response.²⁴

Ultimately, many of the responses to the crisis from every sphere could be characterised as parochial, even if necessarily so, to respond to immediate, local needs. What should be understood is that the European situation formed part of a global refugee crisis, in which conflicts, human rights failures and economic hardship have driven the current record number of displaced people, against which the response from states and international agencies has fallen far short of what is required. Failure to bring an end to conflicts in the Middle East, and the lack of international funding to enable people to stay in troubled countries, have stoked the emergency.²⁵

In 2015, Europe was forced to confront a challenge that has long existed in the global south, but has attracted little attention: as Julia Duchrow points out, almost all the world's refugees are in countries that immediately neighbour their countries of origin, which are in the global south. European governments and international agencies consistently found themselves behind the curve of the crisis, holding numerous summits and reinforcing borders, while failing to unlock the level of resources effective response requires. Civil society action made a difference to many who were robbed of their rights and demonised, but the scale of the emergency was overwhelming. After the present emergency has faded from the spotlight, the long-term issues that turn citizens into refugees are likely to linger unad-

24 'The humanitarian caste system?', IRIN, 30 September 2015, <http://bit.ly/1MH-V6PY>; "We can do better." A volunteer's perspective of Europe's refugee response', IRIN, 5 November 2015, <http://bit.ly/1SLY62i>.

25 'What caused the refugee crisis? You asked Google – here's the answer', The Guardian, 9 December 2015, <http://bit.ly/1SNGIYp>.

dressed, and refugees will remain vulnerable to human rights abuses. As Julia Duchrow suggests, major failures of governance will remain, and so a civil society advocacy agenda seems clear:

The various organisations and networks of civil society should work together to expose the consequences of the externalisation of migration control by EU countries on countries outside Europe. Only an environment free of suspicion, surveillance and criminalisation can guarantee that diversity in society is recognised and pursued as an important goal, and an atmosphere created that protects refugees and migrants. Only governments that can be seen to be standing for and promoting a human rights based approach to refugee protection and migration control can prevent the rise of xenophobia and racism in their countries.

Unless there is concerted effort towards systemic change, Europe can expect to continue to receive wave after wave of refugees on its shores, hostility and conflict will increase, and civil society will continue to be stretched to the limit to respond.

CLIMATE CHANGE

Climate change is a further urgent global challenge, as recognised in the SDGs. To deal effectively with climate change and environmental degradation, Goal 15 seeks to protect, restore and promote the sustainable use of ecosystems, sustainably manage forests, combat desertification and check land degradation and biodiversity loss. To make progress on these goals, there is a need to address the clear dimensions of exclusion in climate change. As Andrew Norton and Charlotte Forfieh of the International Institute for Environment and Development indicate, climate change is innately unjust, because those who have done the least to cause it experience its worst impacts, both globally, at the level of comparison between countries, and within countries.

Andrew Norton and Charlotte Forfieh make clear that climate change, while a new threat, patterns onto and reinforces existing forms of exclusion:

Power relations lead to specific social groups suffering an excess of poverty, exclusion or discrimination, which undermines their ability to cope with or adapt to the negative impacts of climate change. Women, for example, may be more exposed to climate hazards due to customary practices, or vulnerable to specific stress due to their roles in households.

Poor communities are considerably more exposed on a global scale to the impacts of extreme weather events. There are many reasons for this: it may be because they live in parts of urban centres most likely to flood, or because they are rural farmers and are highly affected by drought. Low income groups are less likely to have savings and safety nets, social protection, access to services, capacity and, simply put, options. And within those communities, some social groups are much more vulnerable than others. For example, in the Sahelian drylands of west Africa, women are typically responsible for gathering water and fuel wood. Water stress caused by drought can greatly increase the time and labour burden that falls on them in performing those tasks.

The impacts of climate change are also causing populations to become displaced, which brings a further experience of exclusion for already excluded people, given the poor treatment displaced people often face.

IMPLEMENTING THE SDGS

For many in civil society, it is clear what the current opportunity is. The SDGs, because they specifically address inequality, and apply to all countries, appear as a potential game-changer. Phumzile Mlambo-Ngcuka describes the SDGs as:

A powerful counter-story of peace, gender equality, sustainability and shared prosperity that benefits the many excluded peoples of the world... arguably the most ambitious agenda for human progress that the world has ever seen.

There is now ample evidence, over the 15 year course of the SDGs' predecessor, the Millennium Development Goals (MDGs), that simply focusing on poverty does not necessarily challenge exclusion; indeed, as discussed

above, economic growth can fuel inequality and give rise to exclusion. The MDGs had no explicit focus on challenging inequality, and did not make specific mention of the needs of many excluded groups. As Vladimir Cuk and Jaimie Grant identify, this lack of detail meant that the situation of many excluded people became relatively worse as less excluded parts of the population benefited from interventions framed by the MDGs:

While we see that significant progress has been made in pursuing the MDGs for many, it is still important to recognise that this has not been the case for persons with disabilities, as it has not been for other at risk groups. Not being included meant being left behind, and actually intensifying inequality.

The transition from the MDGs to the SDGs can be seen as an acknowledgement that a focus on crude numbers has reached its limits, and that conditions of worsening inequality have added fresh urgency. By general consensus among our contributors, the SDGs are better at recognising the specific needs of excluded groups. For example, from a disability perspective, Thomas Ongolo of the Secretariat of the African Decade of Person with Disabilities finds encouragement in the relative precision of the SDGs' language:

The text specifically mentions persons with disabilities, rather than assuming that terminology such as 'vulnerable groups' would cover everyone, or leaving it to the interpretations of development practitioners.

Of course, language is only a start. For Gabriel Ivbijaro and Elena Berger of the World Federation for Mental Health, while the inclusion of some text relating to mental health in the SDGs is an improvement on the MDGs, which said nothing about the issue, the text alone can achieve nothing; the need is for CSOs to advocate towards national governments to make commitments about addressing mental health:

Key to addressing the neglect of mental health is advocacy at multiple levels to make sure the issue moves up on the political agenda. Advocates need to stress that government budgets do not provide adequate funding to cover the need for mental health services in the community.

The SDGs now need to be implemented, with a firm focus on combating various forms, processes and impacts of exclusion. Part of how the impact of the SDGs as a whole is assessed should be on the impact that they make on exclusion. If exclusion is as pressing a problem at the end of the SDGs as it is now, then the SDGs will have failed.

Continued civil society engagement in assessing the SDGs and exercising accountability over commitments, and structures to enable this, will be essential to avoid such failure. As Phumzile Mlambo-Ngcuka describes it:

Inclusive processes and structures are needed so that women's CSOs - from grassroots to regional and international levels - can effectively participate in the 2030 Agenda's implementation and monitoring.

As our report's section on civil society at the global level discusses, current contested issues with the SDGs include the agreement of indicators, and the role of CSOs in monitoring and reporting. The danger, as time moves on from the agreement of the SDGs, is that commitments will become watered down, including in the setting of indicators and oversight mechanisms. As Kathy Mulville puts it, civil society needs to assert the crucial grounding of the SDGs in human rights:

Women's human rights defenders are crucial in achieving the goals laid out in the 2030 Agenda, and states and the UN must take concrete steps to ensure that they are protected and recognised as key stakeholders and partners at all levels in implementing the SDGs. It is vital that civil society comes together to demand that states facilitate the work of women's human rights defenders, including by ensuring their meaningful participation in the development and monitoring of relevant policies and programmes, including the SDGs, and by creating an environment conducive for them to carry out their important work free from harassment, intimidation and violence.

Vladimir Cuk and Jamie Grant counsel that all those seeking to implement the SDGs need to avoid the temptation of cherry picking which exclusions will be addressed, or adopting a phased approach. Because exclusions overlap and compound, there is a need for approaches that intersect:

If the new SDGs are going to be met for everyone, we need to establish how each investment is going to work for everyone. We can't work on women's issues one year, children's the next, migrants after that, and persons with disabilities another. Each of our movements must collaborate from day one of every project, participating throughout the design, implementation and evaluation to ensure meaningful, comprehensive inclusion is ingrained in the DNA of the SDGs' response, across each country, and throughout the global review process.

This means that CSOs need to work collectively, and begin the process of collaboration now, as the implementation of the SDGs starts to unfold. The SDGs were the focus of the most sustained and wide-ranging civil society advocacy campaign of all time, and civil society needs to sustain its engagement with the process. As implementation gradually grinds into gear, the advent of the SDGs, with its breakthrough recognition of exclusion, offers a pivotal, high stakes opportunity that needs to be seized or lost.

5. EXCLUSION AND CIVIC SPACE: INCREASING RESTRICTION, INCREASING EXCLUSION

The SDGs dedicate Goals 16 and 17 to the creation of just, peaceful and inclusive societies, and to revitalising the global partnership for sustainable development. Critical to this will be ensuring access to information and protecting fundamental rights, including civil society rights, while encouraging and promoting meaningful civil society partnerships.

The present reality falls far short of this. Current, pressing issues of exclusion are particularly troubling because they come at a time when civil society space is coming under severe pressure. Over our series of State of Civil Society Reports, we have documented how, in countries in every region of the world, the fundamental civil society rights that define the boundaries of civic space are being pushed back, by state actors and political, private sector, criminal and extremist interests. The concentration of economic and political power, the rise of public anger about this, expressed through protest, and the pushback on civic space are intimately connected. In the

context of women's exclusion, Phumzile Mlambo-Ngcuka summarises the current challenges against civic space:

Many states are now promoting a security agenda, which has led to new and increasingly fierce attacks on democratic actors and democratic space. Civil society, and in particular women's rights activists and other social justice actors, face serious threats to their work and lives. The very legitimacy of their political work is being challenged as being anti-government and is liable to draw legal action. Many groups are being starved of resources and political space and access. Addressing this diminishing space for civil society must be a top priority.

Around the world, a poisonous discourse of intolerance, fear and exclusion has put women's rights squarely in its crosshairs. In the last few years, a number of societies have become more insular and intolerant, and governments have become increasingly authoritarian, squeezing civic spaces and cracking down on the debate, dissent and critique that is vital to women's rights and social justice movements everywhere.

As Araddhya Mehtta expresses it, two different trends are in tension with each other: there is a renewed attack on civic space, including by states as part of a stated concern with enforcing security, and dissent has increased, in part because of the opening up of social media channels:

Globally, the last two years have seen the space for civil society shifting and changing, growing smaller as governments assert a concern with enforcing security, but afforded more opportunities as the intensity of social media increases. There may never have been so much revealed dissent or so many tools for governments to control it.

The dynamic between these two is that as people express increased dissent, states apply further pressure to suppress it. When protest has proved successful in recent years in leading to political upheavals in repressive states, this has made other states more nervous about dissent, and more inclined towards repression.

Exclusion adds a third dynamic to civic space restriction. Restrictions do not fall equally across all sections of society, and they most affect those who already have little power. Those who are excluded already have the least voice in society, and so can least afford to experience any further restriction. Excluded people are the people who most need access to channels of dissent, but as Araddhya Mehtta puts it, they are the ones who face the highest costs of restriction:

For the socially excluded, dissent remains both particularly risky and particularly important.

The reason for this comes in the nature of the response to exclusion by CSOs and activists: by definition, they are raising questions that many would prefer not to be asked, and seeking to overturn dominant narratives. They are challenging those in power, because excluded groups, in seeking redress, are pursuing rights and resources that many in power have no interest in conceding. They are seeking a redistribution of power. Because of this, CSOs and activists of and for excluded groups are a particular target for restriction.

A common tendency, in the current wave of restriction, is for people from excluded groups to be characterised as terrorists or threats to national security. Julia Duchrow indicates how refugees and migrants can face false allegations of being supporters of terrorism, while Araddhya Mehtta points out the ways in which civil society activists are slurred:

When citizens and activists criticise government policy they are often labelled 'anti-development', 'anti-national', 'politically motivated' and even 'against national security'. In cases where this is coupled with measures to restrict civil society space and stifle public debate, marginalised groups are the worst affected, as they are often the ones challenging dominant and majority perspectives. This undermines the legitimacy of many groups of citizens and their ability to operate as engaged and active citizens.

Aruna Roy of Mazdoor Kisan Shakti Sangathan (MKSS) observes similar tactics being applied against civil society movements that are trying to stand up for poor and excluded people in India:

There has been a concerted and deliberate attack on CSOs, often by using the smokescreen of categorising CSOs as foreign-funded or anti-national as justifications for policing and surveillance. The stated fear is the undermining of the sacrosanct objective of national security, but the real threat is the questioning of high economic growth rates, and anti-people policies. The government clearly understands that social movements representing people's interests are a major adversary to corporate access to resources.

Marie Becher also notes such rhetoric being used against CSOs and activists that strive to realise indigenous peoples' rights:

Indigenous and other activists have been presented as 'anti-development', 'anti-dialogue', 'terrorists' and 'drug dealers'. These discourses can lead to divisions and weaken civil society as a whole.

A crackdown on the rights of indigenous peoples' CSOs is also being seen in Bolivia, reports FUNDAPPAC:

There are many organisations that were dedicated to defending the rights of indigenous peoples and conservation of the environment in Bolivia, but all of them now are threatened and sometimes attacked by the government through legal procedures that are totally subordinate to state power.

Constructions of national security and what constitutes national identity are rarely expansive, and who gets a say in defining these is rarely open. By definition, minority identities, particularly when they challenge established power, are rarely going to be consistent with narrowly constructed notions of national identity and what is deemed a threat to national security, which are determined by power-holders. So it is that, as Araddhya Mehtta observes, the powerful are pre-emptively eroding people's rights on the basis of their identity, as potential threats to national security, and as Wanja Muguongo describes, sexual and gender minorities are being painted as threats to ill-defined notions of national identity and national morality:

There is a growing political trend to strengthen laws that criminalise same-sex sexual relations and sex work, and community organising that promotes the dignity of sex work and diverse expressions of sexuality and gender. This political tide is increasingly

and specifically seeking to block and even criminalise advocacy for the human rights, health and dignity of sex workers and sexual and gender minorities. It is singling out these communities as threats to the notion of the 'natural order', an obtuse notion that gets substantial traction from its religious heritage.

Such attacks offer an implicit recognition of the power of civil society to focus dissent, and particularly change attitudes and win arguments by mobilising protest, engaging with citizens and undertaking advocacy. As Marie Becher observes, leaders of indigenous groups are attacked precisely because of their ability to organise dissent and resistance effectively. Civic space attacks are therefore being exerted specifically with the aim of isolating the civil society of excluded groups from the civil society mainstream and building public opinion against excluded groups. Wanja Muguongo characterises the situation in East Africa as follows:

Political leaders are actively using hate speech around diverse expressions of sexuality and gender as an issue to divide civil society, seeking to make an artificial divide between what they characterise as a 'good domestic civil society' that advances African independence, development and growth, and a 'bad foreign civil society' that challenges institutions of family and faith.

The approach in which excluded groups are attacked under the banner of national security and anti-terrorism can, of course, be counter-productive. Michael Hill notes that violence often results from marginalisation, feelings of powerlessness and people's anger that their values are not tolerated and respected, while Araddhya Mehtta suggests that the restriction of dissent on the basis of identity leads to backlash:

The suppression of dissent, often claimed to be an attempt to enhance national security, has often had the opposite effect, by causing deeper polarisation, leading to less secure, more fragile societies that foster divisiveness and encourage social competition and tension, instead of greater solidarity and cohesiveness across social groups.

The negative effects of such suppression call into question the real motivations behind it, suggesting that the restriction of civic space is more concerned with the consolidation of political and economic power than the

prevention of extremism and terrorism, something discussed in more detail in our year in review section on civic space.

It is important, however, in seeking to defend and enable civic space for excluded groups, to recognise the resources that excluded groups can have, and not to fall into narratives of victimhood or powerlessness. Matthew Hart of the Global Philanthropy Project and Ben Francisco Maulbeck of Funders for LGBT Issues, in their joint contribution, suggest that, precisely because they are accustomed to operating in difficult conditions, excluded groups can have vital experience in navigating restriction that makes them resourceful in the face of the current crackdown:

Since LGBTI leaders and CSOs have been grappling with homophobia and transphobia for decades, many have already developed strategies for continuing to operate effectively, even in the most repressive of contexts. Driven by dedicated volunteers and courageous activists, they are able to mobilise people and provide vital community services through informal networks and innovative mechanisms.

SPOTLIGHT: CONTESTED CIVIC SPACE FOR LGBTI CIVIL SOCIETY

Successive State of Civil Society Reports have documented one of the major battles for human rights around the world, and one in which civil society is active and winning victories: the fight for LGBTI rights. This is an important and pressing subject: until everyone has the same rights to act as they wish in their private lives, on the basis of consent, then there is not equality.

LGBTI people, activists and CSOs are in many contexts facing attack or restriction. Some states, such as Kyrgyzstan, are passing anti-gay laws modelled on Russia's repressive law. In Lithuania, at least five draft laws have been put forward since 2014 to criminalise advocacy for LGBTI rights, including the holding of pride marches and the dissemination of information. In Nigeria, prison sentences of up to 10 years can now be imposed for participating in CSOs that advocate for LGBTI rights.²⁶ Malaysia's highest

²⁶ 'UN HRC: Civic Space Restrictions in Central Asia and Eastern Europe must be addressed', Article 19, 22 June 2015, <http://bit.ly/1SAz6uF>; 'Supporting an enabling environment for LGBTI civil society. Concept note', CIVICUS, 23 June 2015, <http://bit.ly/1W7kaH0>.

court upheld a decision in October 2015 that makes cross-dressing illegal, essentially making it impossible to live openly as a transgender person.²⁷

Attacks on LGBTI people and groups often serve as an indicator of the wider repression of human rights, and LGBTI people and groups are particularly vulnerable to current waves of civic space restriction. Matthew Hart of the Global Philanthropy Project and Ben Francisco Maulbeck of Funders for LGBT Issues note how, as a group that is historically excluded, and against which there is social stigma, LGBTI people and groups represent something of a soft target for civic space restriction. In some contexts LGBTI people and groups are singled out for attention, but even when they are not specifically targeted, they are likely to be adversely affected by any restriction of civic space:

In several cases, LGBTI communities have been explicitly targeted by regimes that seek to close space for civil society. Since 2013, Algeria, Lithuania, Nigeria and Russia have all passed laws prohibiting 'homosexual propaganda', making it difficult, if not impossible, for LGBTI CSOs to operate without interference from the state.

LGBTI communities and CSOs are particularly vulnerable to the closing of space for civil society. Throughout history and across many cultural contexts, LGBTI people have often been subjected to criminalisation and violence simply for exercising their rights of assembly and association. A group with this history of marginalisation is bound to be among the most affected when repressive regimes place constraints on civil society.

Attacks can come when authoritarian regimes seek to detract attention from governance failures, and populist leaders seek to garner support, and often have the aim of fostering division within civil society and encouraging public suspicion, as Shehnilla Mohammed of OutRight Action International points out:

State sponsored violence and homophobia tend to rear their ugly heads in the lead up to elections, especially in countries where the leaders are determined to stay in power. They use their LGBTI citizens as scapegoats and often incite violence against them as a

²⁷ 'NGO alert: Malaysian court upholds anti-trans law', The Guardian, 12 October 2015, <http://bit.ly/1W1eZwg>.

ploy to distract the voters from all that is wrong with the country and their leadership.

Wanja Muguongo of UHAI EASHRI - the East African Sexual Health and Rights Initiative reports that CSOs that seek to realise rights for LGBTI people can also come in for close regulatory scrutiny:

Increased discussions by governments about the need to 'regulate' CSOs has the agenda of restricting the space for civil society organising, and the freedoms of assembly, association and expression. The case for regulation is carefully crafted by governments to appear as a well-intentioned effort to promote and protect values of accountability and transparency across government and non-government actors, but in fact, the effort veils specific and targeted efforts at legislating surveillance to single out and immobilise agencies undertaking work labelled as foreign or morally objectionable.

Matthew Hart and Ben Francisco Maulbeck further discuss the use of regulatory tactics to constrain CSOs that work on LGBTI rights:

In some cases, repressive regimes prevent LGBTI CSOs from formalising their institutions, raising funds and practising the most basic right of assembly.

The direction of travel is however not one way. Each year, there are indications of progress in the journey towards the realisation of equal rights. The last year has seen some major breakthroughs on same-sex marriage legislation, a key indicator of progress. A landmark moment came in June 2015, when the US Supreme Court ruled bans on same-sex marriage as unconstitutional. Same-sex marriage also became legal in Colombia in April 2016, and Ireland's overwhelming support for same-sex marriage, registered in its May 2015 referendum, saw the first such marriages carried out in November 2015. Nepal's new constitution, while controversial in other respects,²⁸ makes it the first Asian country to recognise LGBTI rights explicitly at the constitutional level.²⁹

28 See our section on civil society response to conflict and disaster for more on the new constitution of Nepal.

29 'Nepal's Constitution and Lessons for India', The Diplomat, 7 October 2015, <http://bit.ly/1QS410f>.

None of these victories came about without sustained and committed civil society campaigning. As Shehnila Mohammed describes it:

For many LGBTI people around the world, who sometimes feel their struggle is insurmountable, the US Supreme Court ruling was inspiring, as it was evidence of what could be achieved with consistent, organised advocacy and campaigning. The Supreme Court ruling was the tipping point following decades of campaigning by LGBTI activists. What the United States Supreme Court ruling underscored is that change is a process, and often a long sequence of events and actions. In this case, it was decades of consistent pressure, litigation and activism.

These examples show that breakthroughs are possible, but they demand sustained campaigning. Regressive laws can be challenged and changed, and public attitudes are dynamic and can be turned: research shows that attitudes towards LGBTI people and behaviour have changed remarkably over the past 20 years.³⁰

Contributors set out the different ways in which CSOs are realising LGBTI rights. CSOs are documenting human rights abuses, challenging impunity and fighting legal cases, in the courts and transnational human rights systems. They are working to challenge stigmatisation and stereotyping, and change public attitudes, and are pushing back against hate speech, including through dialogue with those who attack LGBTI people on grounds of national identity, culture and faith. They are developing messages of rights, empowerment and liberation rooted in the global south. Shehnila Mohammed describes the growth of the African movement in this regard:

Just a few years ago there was no LGBTI movement on the continent. That has changed. African LGBTI people and human rights defenders are definitely growing in numbers and becoming stronger as a continent wide movement, and are attempting to assert their rights more openly.

30 'Public Attitudes toward Homosexuality and Gay Rights across Time and Countries', The Williams Institute, November 2014, <http://bit.ly/1NjN4kx>.

Kene Esom of African Men for Sexual Health and Rights (AMSHer) also observes how CSOs of the global south are working to change public attitudes and challenge common narratives, including of victimhood:

The dominant narrative about LGBTI persons in Africa is one of passive victimhood: of a group that is actively persecuted by its governments and subject to all manner of discrimination, exclusion and human rights violations, based on people's sexual orientation and gender identity. This narrative often ignores other stories: positive stories of resilience, strategic organising, advocacy for legal and policy change, and contributions to social change in other spheres of injustice.

Matthew Hart and Ben Francisco Maulbeck indicate how, as a result of advocacy, LGBTI rights have become a more mainstream human rights issue:

In every corner of the world, LGBTI activists and allies have worked to resist persecution and to advance the recognition of the rights and dignity of all people, regardless of sexual orientation and gender identity. These activists have organised themselves in CSOs, networks and informal groups, often doing so in repressive contexts and with limited resources. In recent years, as acceptance of LGBTI people has begun to increase, a growing number of mainstream CSOs have also integrated LGBTI issues into their work.

At the same time, much remains to be done. Same-sex relations are still criminalised in over 75 countries. While this has fallen, from 92 in 2006, it may indicate that the world is getting down to the difficult cases, and attitudes are hardening in these, suggesting that, globally, opinions have become more polarised. The failure of the SDGs to mention sexuality directly indicates the lack of a global consensus at the level of states on LGBTI rights. Even where there have been legal breakthroughs, LGBTI people can still face violence, hostility and exclusion, and transgender people in particular have less access to rights. Some Latin American countries, for example, are recognised as being among the most legally permissive for transgender people, but still have some of the highest transgender murder rates in the world.³¹

31 'Latin America has a homophobic killing problem', Global Post, 29 December 2013, <http://bit.ly/1hhxzlr>.

The next series of battles looms, as further attempts to challenge laws, change attitudes and claim rights lie ahead. To win these struggles, still further work needs to be done to bring LGBTI rights into the civil society mainstream. The realisation of the rights of association, assembly and free expression of LGBTI CSOs could become the acid test of the emerging global movement to defend civic space.

POTENTIAL CIVIL SOCIETY RESPONSES

In the face of civic space restriction, Araddhya Mehta suggests that there is a need to build increased respect for dissent and civic space, and this should play a key part of the promotion of inclusion. To do this, it is necessary to urge states to develop the political will to accept dissent, and to see the ability to express dissent as a vital indicator of a healthy society. Civil society needs to work to try to bring about this shift, but alliances are needed between the civil society of excluded groups, which may be experiencing high levels of restriction, and other parts of civil society, which may be less subject to restriction.

As part of increasing the tolerance of dissent, there is scope for national-level civil society advocacy around a relevant recommendation on the management of assemblies, made to the UN Human Rights Council (UNHRC) in March 2016 by Maina Kiai, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, and Christof Heyns, the Special Rapporteur on extrajudicial, summary or arbitrary executions. As part of their recommendations, they called for there to be greater diversity in law enforcement forces that manage civil society gatherings and public protests, in order to reduce the risk of violence involving people from excluded groups.³²

Araddhya Mehta also indicates that because exclusions are dynamic, relational and overlapping, the nature of civic space for different forms of exclusion is ever-changing:

How space shifts, opens or closes depends on many changing and interrelated factors. It may be very possible for citizens and CSOs to engage critically with governments on women's rights, for example,

32 'Practical Recommendations For The Management Of Assemblies', United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, March 2016, <http://bit.ly/1Rq4Pu2>.

indicating an openness of space, while the topic of engaging in land rights issues might be met with immediate restrictions from the same government. Organisations working on different issues and representing different groups of people, such as ethnic minorities, women and youth, may face more or less restrictions than others at a given time, across different areas. The space available for civil society is shaped by constant negotiation with other actors and by other CSOs.

The response this suggests is of closer cooperation between CSOs and activists working on different forms of exclusion and at different levels, to share strategies in addressing restriction, take advantage of opportunities as they emerge, and resist attempts by the powerful to divide civil society.

There is also a need, among the many CSOs, networks and stakeholders that have become alarmed about the current decline in civic space and are actively working to uphold civil society rights, to improve their analyses of how civic space restrictions affect particular groups differently, and for campaigns to protect civic space to make special efforts to counteract restrictions against excluded groups. This suggests in turn that there is a need for ongoing assessments of civic space, as something that is dynamic and ever-changing, in order to better identify and react to emerging opportunities and threats in ways that speak to the needs of different excluded groups. This is something that demands sharper and more nuanced assessment and monitoring tools. As part of the follow-up to this report, CIVICUS will launch the Civic Space Monitor, a responsive online platform where global comparative analysis will be complemented by up-to-date information on how civic space restrictions affect a diversity of civil society, including excluded groups

6. RIGHTS AND LAWS

It must be clear that challenging exclusion demands the realisation of rights. Charity and welfare may ameliorate the effects of exclusion but by themselves they are unlikely to challenge the structural causes of exclusion or contribute to the empowerment of excluded people. Edward Ndopu encapsulates the problem with charitable responses that do not empower people and are not informed by their needs:

What is the point of giving free, one-size-fits-all wheelchairs - which is in itself problematic because there is no universal disabled body - to disabled people living in informal settlements where the terrain in these environments is not conducive for alternative forms of mobility?

There is a need, therefore, to look for ways in which excluded people can be enabled to demand rights, and the barriers against the realisation of rights can be overcome. Part of what needs to change is that the language of rights needs to be asserted, and the demands of excluded groups should be articulated in the language of rights. This implies taking on rhetoric from the powerful that human rights should be secondary to other concerns, as Shehnilla Mohammed suggests is the case in many African countries:

African leaders do not speak the language of human rights, and many of the challenges that are framed in this language are dismissed by some leaders, who claim Africa has bigger issues to deal with, such as poverty, HIV/AIDS and inequality.

RIGHTS AND LAWS AT THE NATIONAL LEVEL

One way in which civil society can assert rights is by seeking to have them written into law. There have been some recent breakthroughs in establishing new laws, for example, to recognise more than two gender identities, observed both by Marcela Romero in Argentina and Qamar Naseem in Pakistan.

These are important landmarks that give inspiration to excluded groups, but Qamar Naseem notes that little has changed in reality for Pakistan's transgender people since the law was passed. Araddhya Mehtta also sets out that, while equal rights can exist on paper, they may not be recognised in practice. While the struggle is partly one of establishing equal constitutional rights, constitutional rights will remain symbolic without the power and processes to defend them, and there is a need to examine what must change in practice to enable legal rights to be realised.

In Macedonia, MCIC sets out how laws exist, but fall short of what is needed:

Regarding the rights of the child, the Law on Child Protection was amended to introduce early childhood development services and broaden the scope of child protection, but the most marginalised children, who fall outside both the education and healthcare systems, as well as children with disabilities, continue to face problems accessing their rights.

While in Bolivia FUNDAPPAC describes a similar situation:

The effect of pressure has been the adoption of many favourable laws, but mechanisms required for enforcement are not implemented. In recent years, perhaps the only law that has achieved a favourable result is that for gender equity in political representation, which in all cases has achieved very close to 50 per cent, except for the president and vice president. A law against gender violence was also approved, but implementation is almost zero, and instead, cases of violence against women have increased to record figures.

Phumzile Mlambo-Ngcuka also notes that legal changes are necessary but not sufficient to achieve breakthroughs:

While constitutional and legal reform is usually a precondition for change, it is not enough alone to achieve substantive equality, which requires that proper implementation is ensured. The legacy of historical inequalities, structural disadvantages, biological differences and the uneven way that laws and policies are implemented mean that good laws are not enough to ensure that women are able to enjoy the same rights as men. In countries that have legislation that should ensure equality between women and men, discriminatory attitudes and social norms often prevent proper implementation.

Marcela Romero therefore suggests that there is a need to see new laws not as end points, but rather as offering opportunities for further action. Lene Steffen and Jennifer Grant point out that rights can only be realised if they are demanded. Excluded groups may be unaware of their rights and

so unable to claim them, meaning that awareness of rights needs to be fostered. Confidence also needs to be developed in the exercise of rights:

In order to facilitate or demand a right you need to be aware of it and feel confident enough to exercise it. Children may have the right to expression, but without the self-confidence may never fully exercise the right.

RACI in Argentina echoes this, stating that citizens need to:

...not only know their rights and regulatory frameworks, but also own developments that make demands on authorities, using the existing administrative and legal mechanisms.

Without the resources to implement them, laws are ineffective; Glowen Wombo Kyei-Mensah notes that even though a mental health law has been passed in Ghana, little has changed, because funding has not been committed to realise it. One important civil society role in such contexts is therefore to advocate for resources to be committed and for laws to be respected in planning and budgeting processes.

USING THE LEGAL SYSTEM

Alongside advocating for laws to be passed and implemented, civil society is increasingly using legal systems to challenge repressive laws, win visibility and spark debate about the attitudes of leaders and the public. Phil Vernon suggests that, while excluded people may lack the resources and capacities to engage with legal systems, CSOs can help them to do so. For example, the Palestinian Consultative Staff for Developing NGOs describes how civil society is active in monitoring, documenting and following up violations of Palestinian and international laws that impact on excluded people. Wanja Muguongo sets out how LGBTI rights are being sought in courtrooms:

Civil society, organising in our movements, is increasingly utilising legal systems and courts as an avenue for promoting and protecting freedoms and rights.

Kene Esom of African Men for Sexual Health and Rights (AMSHer) sees recent successes in using legal avenues as pointing to:

...a growing trend of using the courts to seek equality and protection of the rights of LGBTI persons in Africa. A number of convictions based on penal provisions have been set aside on appeal, with the courts making a clear distinction that homosexual identity is not criminalised in law.

Civil society is also using regional human rights mechanisms, where these exist, to defend rights and win decisions, including the African and Inter-American human rights systems. Looking forward, Marcela Romero reports that civil society working on transgender rights in Latin America feels it has developed its confidence to the point where it is ready to use regional human rights processes to take its campaign to the next level:

REDLACTRANS keenly feels the need for an emblematic case on the theme of gender identity to come to light in the Inter-American Supreme Court. It is clear that the authorities are happy to sign papers and pay lip service to the protection of human rights, but they do not put this into practice and do not comply with universal rights. Good financing would be required to sustain a successful case, which could last three years, and to employ a good legal team.

This indicates some of the challenges that can be encountered in using legal systems, including that of resources. Kene Esom points out that considerable infrastructure is needed to achieve such breakthroughs, including coalition building between organisations and the mobilisation of people on the ground to match legal advocacy with public campaigning, along with the means to follow up decisions to ensure that they are upheld and realised. Legal breakthroughs may require long-term investment in the sensitisation of legal officials in order to open them up to listening to the voices of excluded people, and sustained bouts of campaigning over long periods. For excluded groups and CSOs that lack resources, the challenges may seem daunting.

CHALLENGES IN ACCESSING HUMAN RIGHTS AND THE LEGAL SYSTEM

While legal and human rights systems provide an important arena for civil society to defend and realise the rights of excluded people, there is also a need to understand the ways in which legal processes can contribute to ex-

clusion. In relation to child rights, Lene Steffen and Jennifer Grant indicate that costs, access and complex language are all barriers to accessing rights that exist on paper:

In many countries the right to information is a constitutional right, but in practice the information might be hard or costly to access, presented in a way that is difficult for children to understand, out of date or inaccurate. For children, timing poses a particular challenge, as they often need the information to be translated into local languages or into child-friendly versions before they can analyse and present their inputs. This affects their ability to speak out and influence change.

Not all groups have equal access to the workings of justice. As Marie Becher notes, part of the characteristic experience of an excluded group is to be marginalised and distant from legal systems, which may be subject to the interference of powerful interests, and vulnerable to corruption. Top legal officials often come from the same elites that run a country's government and major businesses. Araddhya Mehta also points out that economic exclusion means legal exclusion:

Access to justice is often for sale, legally or illegally, allowing for political capture by elites. Court costs and access to the best lawyers is mostly affordable for elites, leaving the socially excluded further voiceless. When members of the elite can stand above the law, it feeds the level of lawlessness, inequity and fear in society, thus serving to maintain elite power, social exclusion and discrimination.

IMPUNITY AND CRIMINALISATION

Alongside legal exclusion, legal systems can fail to protect the rights of excluded groups sufficiently. Particular challenges include impunity for attacks on excluded groups, and the use of legal and criminal justice systems to criminalise activism by or on behalf of excluded groups.

Marcela Romero breaks down the workings of the mechanisms of impunity, as experienced by transgender people in Latin America:

Impunity manifests itself in a culture of silence that impedes the filing of complaints and results in a failure to adopt a differentiated

approach when dealing with transgender cases, ineffectiveness in the justice system, the existence of discriminatory legislation and the absence of legislation on gender identity.

Flawed and biased legal processes may inhibit people from bringing complaints, or cause them to withdraw complaints because of lengthy and expensive processes. Discussing complaints brought by sex workers, Marcela Romero notes that:

In many cases reports fall through when a person returns to sex work, is subject to threats, or leaves the country.

Wanja Muguongo discusses how stigma can also prevent people from bringing complaints:

Most human rights violations go unreported because the survivors of abuse either see silence as a way to protect themselves from further embarrassment and pain, or they do not trust that legal systems as presently constituted would allow for justice and redress.

Meanwhile, in conditions of declining civic space, Marie Becher assesses that the criminalisation of activism by and for excluded groups is on the rise:

In recent years, national and international CSOs have observed a dramatic increase in the intent to persecute, punish and criminalise social protest activities, and activities to promote and defend human rights, particularly in the context of conflictive business operations.

The consequences of criminalisation are that CSOs are exposed to increased costs and their energy is diverted into fighting legal battles. Activists lose much of their ability to speak out when detained and arrested, while the fear of criminalisation can exert a powerful impetus for self-censorship. Our year in review section on civic space discusses the ways in which criminalisation is increasingly being applied to activist civil society as a whole, but when it is levelled at groups that are already struggling for access, voice and rights, criminalisation heightens exclusion.

The state is not the only source of attack for civil society activists, with the private sector, political figures and organised crime all targeting civil society that challenges their power. In response, some states have put systems in place that recognise threats to activists and seek to protect them, including in Latin America, a region where physical attacks against activists are particularly high. However, Marie Becher notes some problems with protection systems, offering an example of where an offer by a state to protect an indigenous activist was in fact used to further intimidate the activist:

While these are a good starting point in recognising the problem, indigenous activists, together with women human rights defenders, rural defenders, LGBTI activists and other marginalised groups, have repeatedly denounced the lack of attention given to addressing their specific needs and the disproportionate focus on reactive, rather than preventative, protection measures.

RIGHTS AT THE GLOBAL LEVEL

Human rights, including civil society rights, are written into international law. When states fail to realise rights, civil society activists can turn to the international system to seek redress, including through regional human rights systems, the processes of the UNHRC and bodies that monitor compliance with UN Conventions. For example, in 2015 a grassroots movement in the UK, Disabled Peoples Against Cuts, successfully mobilised to demand an investigation by the UN Committee on the Rights of Persons with Disabilities into the impact of the UK government's public service cuts on the rights of people with disabilities, marking the first time this body has investigated a complaint against a state for human rights abuses.³³

The UNHRC in particular is a key arena of engagement for civil society seeking to tackle exclusion. Kathy Mulville notes that regressive governments are already involved in this battle, and there is always potential for victories over rights to be reversed:

In March 2016 at the UNHRC there was an attempt to remove the term 'women's human rights defenders' from a resolution on human rights defenders, demonstrating that the need for the special

³³ 'UN investigators begin taking evidence in UK on 'rights violations'', Disability News Service, 16 October 2015, <http://bit.ly/1ZcztFD>.

recognition of women's human rights defenders is not universally accepted.

Even when international laws exist, a challenge is that they are often not domesticated, which means that they are not translated into practical rights that people can claim. For example, in Macedonia, MCIC notes that there has been little follow-up of the UN Convention on the Rights of Persons with Disabilities (UNCRPD). Edward Ndopu likewise sets out that, while the South African government has ratified this Convention, it is not reflecting this commitment at the policy or resourcing level, limiting itself to an essentially charitable response:

The government's approach is fundamentally problematic, because charity is not policy. By conflating charity with policy, the government obfuscates its role in upholding the socio-economic rights of people with disabilities. The South African government can claim to be empowering people with disabilities without putting the mechanisms in place for the actual empowerment of disabled communities. This pseudo-empowerment leaves people with disabilities worse off, as equality and dignity become more and more elusive.

Julia Duchrow similarly notes that states are not adhering to existing EU standards on the acceptance and treatment of refugees, and falling short of the rights set out in the 1951 UN Refugee Convention and the International Covenants on Civil and Political Rights and Social, Economic and Cultural Rights; not enough pressure is being put on governments and the EU to comply with international law. Lene Steffen and Jennifer Grant report that, while children's rights are guaranteed, both in the Universal Declaration of Human Rights and the widely ratified UN Convention on the Rights of the Child (UNCRC), this has not translated into domestic law:

While there is close to universal ratification of the UNCRC, national law doesn't always reflect this and can even contradict it. Where children's civil rights are embedded in laws, this is not necessarily translated into practice, or it becomes a tokenistic compliance exercise.

At the global level, there are also challenges with how the civil society of and for excluded groups accesses global institutions. The special theme

of the 2014 State of Civil Society Report was global governance, and the report concluded that the global governance system is a dysfunctional patchwork that is not fit for purpose, notably in the ways that it privileges states, and the most powerful states in particular, and excludes civil society, particularly smaller and more isolated civil society groups in the global south. This is relevant here: excluded civil society most struggles to access global governance institutions, and the failure of those institutions means that opportunities to address exclusion are not being seized, or worse, that failure allows exclusion to grow. The inability of UN institutions to respond adequately to the Syria conflict, for example, has fuelled the exclusion being experienced by Syrian refugees in Europe, as discussed above.

Globally, Vladimir Cuk and Jaimie Grant also suggest that there remains a significant disconnect between the development and human rights agendas, as epitomised by the gap between SDG and UNHRC processes. This disconnect to some extent also applies to CSOs that organise to engage with these two arenas. Relating to the rights of people with disabilities, for Vladimir Cuk and Jaimie Grant it is a matter of concern that the relevant international law that currently exists, as expressed in the UNCRPD, is apparently not being integrated with processes to scrutinise SDG commitments that impact on disability. The gap should be closed, and the implementation of SDGs made consistent with the commitments of the Convention and, more broadly, with international human rights law as a whole. As an indicator of the need to join up agendas and monitor the achievement of the SDGs through human rights frameworks, the Danish Institute of Human Rights has linked 156 of the 169 SDG targets to international human rights instruments and labour standards.³⁴

Given the influence that large corporations can have on the rights of excluded groups, Marie Becher also points to the emerging international framework that is starting to bring together matters of business regulation with human rights concerns:

A legal and policy framework is emerging for both governments and businesses to protect human rights in the context of business operations. It includes, for example, the International Labour Organisation Declaration on Fundamental Principles and Rights at Work, adopted in 1998, the United Nations Protect, Respect,

34 'The Human Rights Guide to the SDGs', The Danish Institute for Human Rights, <http://bit.ly/1rnIOWM>.

Remedy Framework of 2008 and the United Nations Guiding Principles on Business and Human Rights from 2011. Civil society on all levels must continue to push for this framework to ensure effective accountability.

Marie Becher suggests that these emerging frameworks need to be further iterated and applied, and domesticated through national action plans. This is something that will need consistent and intensive civil society engagement.

POTENTIAL CIVIL SOCIETY RESPONSES

Several contributors suggest that in order to realise rights and uphold laws, there is a need to provide training, including for people from excluded groups, in how to resist and respond to arrest and detention, how to report crimes and how to utilise existing national and regional structures for redress for injustice. Training and engagement may also be needed to sensitise law enforcement officials, but, Marcela Romero adds, this can require advocacy in advance:

Sensitisation training of judges and the police plays an important role. This is not always an initiative that is welcomed by the judicial authorities, so often training cannot be carried out without strong prior advocacy for it to take place.

Capacity enhancement may also be needed to develop civil society's understanding of laws and legal and human rights processes, and its ability to undertake dialogue with judicial and security offices.

Marie Becher calls for the provision of more sensitive and nuanced protection systems for activists from excluded groups, which take into account the identities and needs of excluded people, accompanied by better training and sensitisation of protection officials. At the same time, she suggests, there is a need for protection systems to go beyond a focus on protecting individuals to protecting threatened communities, and beyond physical protection to psychological support. In doing so, they should tap into and use the power of existing community assets and capacities.

As Lene Steffen and Jennifer Grant suggest, because excluded groups may lack awareness about rights, civil society should work on the demand

as well as the supply side, to raise awareness and encourage people to demand rights. There is a need to commit resources to this, which implies promoting rights in diverse and accessible ways, including in languages and forms that people can understand, and articulating the SDGs clearly as a human rights agenda.

7. THE POWER OF LANGUAGE, AND THE VALUE OF EVIDENCE

STIGMA AND STEREOTYPING

As discussed, material things matter: the motivations for exclusion may be economic, and the consequences of exclusion are material, in poverty and lack of access to essential goods and services. But at the same time, it is important not to overlook the less tangible drivers and implications of exclusion. Many contributors call attention to the importance of language and narratives that consolidate exclusion, and the role played by stigma and social norms.

Shaun Mellors of the International HIV/Aids Alliance offers a powerful personal account of how stigma affected his ability to cope as a person living with HIV:

With my HIV diagnosis in 1986, I carried the burden and internalised the negative things that society expressed about my identity, my behaviour and my condition. In many ways I was a 'victim'. I was a victim to my circumstance and belief system. I was a victim when, at the time that I most needed support from family, community and faith, it was withheld, and I felt guilty and ashamed. I struggled to find my voice and lay claim to my orientation and my identity, at a time when this needed to be explored and celebrated. But what I was living, what I felt and what I saw was only negative.

Shaun Mellors also draws attention to the need, when discussing stigma, not to focus only on the role of others. External exclusion can be internalised, leaving people to feel that they are victims, blame themselves for their exclusion, or feel unentitled to their rights, leading to self-censorship and acceptance of exclusion. In the context of HIV, self-stigma, he writes:

...can result in feelings of self-blame, worthlessness and negative self-judgement that impact on an individual's health and well-being. This is often played out by a person's inability to access services or disclose his or her HIV status.

In Shaun Mellors' account, language has real power. It can reduce, over-simplify and stereotype, and this drives stigmatisation, which in turn gives rise to ostracism and isolation, and makes it harder to access services: exclusionary language drives tangible exclusion. As Glown Wombo Kyei-Mensah describes it, in relation to mental health in Ghana, stigma leads to the denial of rights:

In Ghana, mental illness is surrounded by stigma and ignorance, which results in severe marginalisation and ostracism of people with mental health challenges. They are excluded from their communities and frequently denied access to basic human rights, including rights to health, social and economic well-being, and participation in social life.

Wanja Muguongo also details the link between negative attitudes and the practical denial of access to rights and services:

Negative public opinions maintain stigma, discrimination and prejudicial treatment in accessing social, legal and health services, housing, education and employment. Too often prejudicial treatment that goes unchallenged goes on to validate targeted incitements to and threats and experiences of physical and sexual violence, and sometimes murder.

Alongside stigmatisation comes stereotyping, in which nuance is denied and narrow expectations about people's identities and roles are perpetuated. Kathy Mulville sets out how stereotyping is used to constrain women activists:

Gender and sexual stereotypes are routinely invoked to harm women human rights defenders' reputations and delegitimise their work; for example, they may be accused of being a bad mother, be threatened with losing their children, and excluded by their families or communities. Perpetrators may be state actors or non-state

actors, such as community leaders or individuals from religious groups. Frequently women human rights defenders face threats within their homes, from their own families.

Sometimes the fight is one for visibility. Excluded groups may simply not appear on the radar of power holders and policy-makers. The contributions of excluded groups to important struggles may be overlooked. Joanna Maycock, for example, suggests that:

Women have been at the forefront of every social movement, and yet women's roles have been systematically written out of history, from the campaigns for the abolition of slavery to the civil rights movements, and from anti-nuclear campaigns to the trade union movement.

Joanna Maycock also points out that much of what holds women back, even in contexts where policy confers equality on paper, comes from the informal sphere of attitudes and norms, including perceptions and assumptions about women. Sometimes exclusionary language, narratives and attitudes are subconscious, emanating from ignorance or out-dated social norms, and can be challenged through education and sensitisation. But as part of the restriction of civic space, exclusionary language may be used by the powerful as a weapon against the excluded. In particular, CSOs that seek to defend and realise the rights of excluded groups can find themselves demonised.

Several contributors also draw attention to the powerful position faith leaders can have. Because their words have influence, when faith leaders engage in hate speech and encourage exclusion, it makes a difference. Kene Esom identifies this influence by pointing to recent research that shows people are less accepting of LGBTI people in societies where faith is most central to people's lives:

A survey of gay and bisexual men in seven African countries identified homophobia inspired by religion and religious institutions as one of the top five barriers to accessing services for gay and bisexual men. Hate speech and incitement to homophobic and transphobic violence is characteristic of the messaging of a number of religious leaders in Africa and elsewhere.

The media is therefore important, because it can propagate stereotypes and fuel polarisation, as was seen during the European refugee emergency of 2015, or it can help to challenge these. RACI in Argentina points to media stigmatisation of that portion of the youth population that is neither studying nor in work, something that hinders the development of a genuine policy debate. Olfa Lamloom notes that the media coverage of neighbourhoods in which disaffected urban youth are concentrated in Tunisia is highly negative, and this impacts on the civil society that works with young people:

News stories relating to events in those neighbourhoods often concern violence, crime or terrorism. This image of fear has even fuelled mistrust of civil society.

MCIC points to the challenge of “homophobic media content” in Macedonia, and Shehnilla Mohammed underlines the role of media, and notably state media, in stoking the exclusion of LGBTI people:

Media, particularly state-owned media plays a huge role in fuelling homophobia, giving a platform to homophobic politicians. Access to independent, unbiased sources of information and media, particularly in rural areas, is low, and citizens are often unaware of their rights.

This suggests a need for closer and stronger engagement by the civil society of excluded groups with the media, as Phumzile Mlambo-Ngcuka suggests:

Strategic alliances with the media, as well as effective use of new media, provide key opportunities. Recent crackdowns on free press and journalism offer a cause for much concern, and more needs to be done to identify spaces where the freedom of expression is threatened, and efforts need to be stepped up to protect journalists who cover women’s rights and gender equality in oppressive environments. Further, change must also come to the media that people consume daily. Evidence has shown that entertainment and news media play a central role in creating and sustaining perceptions and attitudes, and in shaping social norms. Women must be equally represented in the media, consulted as experts in their fields, and reflected in news stories.

Clearly, there is a two-way interplay between public attitudes and negative messages propagated by those in power: governments can use the power of prejudice against CSOs only because prejudice exists among populations. Prejudice is not necessarily something that political elites manufacture, and public attitudes can lag behind progress in realising the rights of excluded people, as Shehnilla Mohammed observes:

Even in countries with progressive legal frameworks, social acceptance of LGBTI citizens is often low and levels of violence high.

Stigmatising or stereotyping amongst the public is therefore an enabling factor in the restriction of CSOs working for excluded people. Araddhya Mehta points out that, when governments justify restriction according to anti-terrorism discourse, they may well find a receptive audience among members of the public who fear conflict and are concerned about their safety; the work civil society has to do is to make clear to the public that the restriction of dissent does not make societies safer. Similarly, as discussed earlier, Julia Duchrow notes a connection between the growth of racist and xenophobic sentiment in Europe, increasing use of racist and xenophobic rhetoric by political figures, and attacks on refugees and CSOs working with refugees.

A key response that the contributions as a whole suggest is needed is the development of broad-based movements that position the rights of excluded people squarely as mainstream human rights, and that mobilise solidarity for excluded people on that basis. But some CSOs may themselves be conservative in outlook or uncomfortable in dealing with taboo subjects such as sexuality, particularly when social conservatism combines with a concern about being seen to work on controversial issues, which could damage support bases and relationships. Shehnilla Mohammed, for example, offers an example in which CSO action to get LGBTI rights on the agenda of a southern African intergovernmental meeting was blocked by representatives of trade unions and church groups, which were members of the civil society forum. Similarly, Qamar Naseem notes some reluctance among civil society in Pakistan to engage on transgender issues. Civil society groups may need to be challenged on the embedded attitudes that they hold.

DATA, EVIDENCE AND MONITORING

If countless millions can be said to be experiencing exclusion, then part of the problem is that they are not being counted. Data matters. This is acknowledged in the SDGs: Goal 17 recognises the need for capacity building support in developing countries to increase significantly the availability of high quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other relevant characteristics in the national context.

To call for better data is not to make a narrow, technical point; it gets to the heart of how excluded people can increase their visibility, challenge dominant narratives, tell their own stories and use evidence to demand better policies and services. Further, when rights are violated, violations need to be documented, so that abuses can be challenged.

For Thomas Ongolo, one of the problems is that data is incomplete and out of date: while the World Disability Report estimates that around 15 per cent of the world's population has a disability, national statistical offices tend to record the level of disability at between three and eight per cent. When they are not counted, people are excluded:

Many of these data are over two decades old, and use out-dated medical methodology in defining disability, and thus leave out millions of disabled persons in terms of accessing education, health, rehabilitation and empowerment programmes, and the provision of accessibility.

In Argentina, data is political, because there is a history of government interference in the collection and reporting of economic and social statistics. This presents a problem, RACI notes, that civil society is working to address:

In a country where the national statistics system and the generation of information for decision-making in public policy have been dismantled, discontinued or reduced by discretion, diagnostics on the social situation in Argentina have been deeply affected. In this context many civil actors maintained their commitment to the generation of information, not only as a basic human right, but as a

fundamental instrument for guiding interventions. Academia, CSOs and other stakeholders have become producers of information that can inform future agendas.

Exclusion makes it harder to obtain data, which in turn reinforces exclusion by making it more difficult to prove that problems exist and solutions are needed. For example, Qamar Naseem relates how the exclusion of transgender people in Pakistan, and the closeted nature of their lives, makes it challenging to assess accurately the living conditions and human rights situations of transgender people, and so to demand and develop interventions that meet their needs.

Sometimes the issue is that data is not collected, sometimes the question is that of who is empowered to collect data, and sometimes the problem is that the categories in which data is collected lack nuance and fail to reflect the reality of people's lived experience. Several contributions note that data disaggregation is lacking. For example, Toby Porter identifies that there is a lack of useful data on the needs of older people, in part because the final age category in most data collection tools is open-ended. In Macedonia, lack of gender disaggregated data is a challenge:

CSOs and municipalities have been part of the implementation of the 2011 to 2015 anti-discrimination strategic plan and have cooperated with the The Commission for Protection against Discrimination. Data collection and analysis are improved, but remain limited, with more systematic collection needed of data disaggregated according to gender.

A particular challenge comes around gender minorities, with almost all data tools being structured around a narrow gender dichotomy in which people are forced to choose between identifying as female or male. In Latin America, Marcela Romero relates that data tended to bundle transgender people and men who have sex with men into one category, meaning that the specific needs of transgender people were being missed. Reversing this was essential to challenging invisibility:

The first step carried out by the network was to ensure that the state no longer treated us as men who have sex with men. From

there we began to exist as our own indicator, where the gender identity of transgender people is respected in order to start to generate changes and public policies for the visibility and inclusion of the trans population. It was important first and foremost that they know that we have our own needs, needs that are different to those of the gay population.

POTENTIAL CIVIL SOCIETY RESPONSES

Clearly, civil society personnel need to be very careful about the language that we use when working with and talking about excluded people. Language changes from time to time, as breakthroughs in understanding are achieved. This means that civil society needs to check and update its language regularly, something that can only be achieved by having close and ongoing relationships with excluded groups, for example by drawing staff from excluded groups or having strong advisory and governance structures.

In response to narratives of stigmatisation and stereotyping, as Marie Becher attests, there is a need to construct and promote counter-narratives, which should be informed by the experiences of excluded people:

Civil society on all levels is increasingly aware of the necessity of constructing counter-narratives that promote the important contribution that activists make to democracy, the rule of law, diversity and sustainable development. Indigenous activists often have a tradition and practice of organising collectively, and can play a key role in the construction of memory, and the creation of counter-narratives and alliances between different sectors of civil society to share values of participation and social justice.

A key aim of civil society should be to raise awareness about excluded groups in order to grow their visibility, in ways that directly challenge exclusion, and to encourage public debate and advocacy about realising their rights. In some contexts, this will imply civil society being ahead of the curve of public opinion, and taking on and challenging negative public attitudes. It should be understood here that it is a legitimate civil society role to lead innovation and shift public perceptions. There may be a prior need here for civil society to develop its capacity and confidence to speak openly about difficult, even sometimes taboo issues, in order to challenge silence, raise awareness and educate people. This needs to be done in ways

that are informed by and respect excluded people, and do not encourage self-stigmatisation or contribute to narratives of disempowerment.

Public campaigns can help. Gabriel Ivbijaro and Elena Berger discuss the need to take on public prejudice and educate people to understand mental health better. The World Federation for Mental Health holds annual international campaigns, built around a day of action. The campaign, with a different theme each year, encourages local adaptation of messages, and responses appropriate to local cultures to capture the imagination of populations.

For Michael Hill, real world exchanges between young people in particular offer a way of overcoming the potential of new technology to perpetuate stereotypes and misunderstanding:

In today's hyper-connected world, students have access to volumes of information and can almost in real time gain insights into events and activities that are shaping global cultures. But technology does not provide a filter for bias and misinformation. Only through deep engagement - people to people - can disparate cultures understand one another.

Kene Esom encourages us to challenge our preconceptions of excluded people as passive victims, which implies identifying opportunities where excluded people can exercise agency, and encouraging the development of their agency. It also suggests a need to identify and work with the positive assets that exist, even in difficult situations; for example, Olfa Lamloom details that even when there is stigma attached to locale, excluded urban young people can feel a strong sense of identification with and pride in their neighbourhoods, and this is an asset that can be worked with to encourage mobilisation.

A focus on assets rather than deficits also means that civil society should seek opportunities to share positive stories of change that will fuel inspiration. Kene Esom calls for:

...positive stories of resilience, strategic organising, advocacy for legal and policy change, and contributions to social change in other spheres of injustice.

The need is for excluded people to be enabled to tell their own stories, rather than have others speak on their behalf; enabling people to tell their own stories contributes to their empowerment. Gabriel Ivbijaro and Elena Berger suggest that people who have experienced and overcome processes of exclusion can be powerful advocates to take on stigma and call for change, because they draw directly from their experiences. CSOs therefore need to identify and support such people:

People who have mental health conditions or who have experienced them in the past can themselves be first class advocates for better care. They know where there are inadequacies in mental health services, and can be forceful spokespeople on behalf of others who can't or don't want to take on this task.

Cedric Nininahazwe of the National Network of Young People Living with HIV/AIDS (Réseau National des Jeunes Vivant avec le VIH/SIDA, RNJ+) in Burundi points to the power of public testimony in challenging prejudice and encouraging action:

By offering testimonies, young people living with HIV have raised awareness among others, and encouraged them to participate in HIV screening, and adopt better behaviours towards HIV positive people. When testimony is made in front of an audience, it demands greater commitment from the community and exposes attitudes of discrimination and rejection.

For Marcela Romero, visibility is essential if stigmatisation and exclusion is to be overcome, and improving visibility involves getting excluded people into as many processes and spaces as possible:

One of the key objectives of REDLACTRANS is to give visibility to the network and the transgender population in political spaces. It is difficult to get into these spaces, as transgender people are underestimated and seen as having a lower level of education, and there is transphobia. REDLACTRANS recognises that now, more than ever, there is a need to be present in all political and decision-making spaces, and to make the voice of transgender people heard by civil society, the government and agencies.

Because the media is important, there is a need to engage with it, and use media tools to tell positive stories and promote empowerment. For example, Lene Steffen and Jennifer Grant relate how Save the Children was able to raise awareness of child rights by working with children's clubs to produce radio programmes that challenge adult attitudes towards children in Uganda. The rise of new, multiple forms of media has opened new possibilities here for civil society.

Because faith matters, faith leaders need to be engaged with, but as Kene Esom relates, this cannot be done in ways that risk alienating faith believers:

LGBTI activists and CSOs are aware that the struggle for full equality will not be won without engaging and building allies in the faith communities.

There is therefore a need, Kene Esom assesses, for platforms and spaces where people who hold both faith and LGBTI identities can reconcile and assert their identities, rebut homophobia and transphobia from a position inside faith, and strengthen the voices of LGBTI persons within faith communities. Once again, the implication here is that there is a need to work with the potential that exists.

Turning to data, Olfa Lamloom suggests that the gathering of better, more accurate data is part of how negative media stories can be challenged. Participation in data collection can also have the benefit of developing participation capacities and confidence. In Olfa Lamloom's account of working with marginalised young people in Tunisia, the generation of knowledge was the first step in understanding and raising awareness about a problem. Crucially, the project involved young people being empowered to gather their own data, using open data tools. The process helped to galvanise the group and build momentum:

The crucial tool that was designed to strengthen the coherence of the group, increase its visibility and run the process in a fun and progressive way was the OpenStreetMap. This innovative tool, never used before in Tunisia, is a digital mapping project that allows young people to work together to create an interactive map of

their neighbourhood. Its use can be seen as a pioneering exercise in social re-appropriation, geared towards both identifying problems and suggesting ways to improve neighbourhood life.

Similarly, Toby Porter sets out how empowerment and participation skills can be developed by involving excluded groups in data collection:

Evidence gathered by older citizen monitors is used in advocacy at local, national and international levels. The process not only raises awareness of rights and entitlements, thus empowering older people, but also creates social interaction that helps overcome isolation and loneliness.

Glowen Wombo Kyei-Mensah relates how a visibility-raising project - the development of a photo book documenting the lives of people with mental illness and epilepsy in Ghana - helped to challenge invisibility and exclusion, and because it was developed through a highly participatory process, also helped to strengthen the capacities and confidence of those involved. For Kathy Mulville as well, one way of challenging stereotyping is by involving excluded people in documentation:

Documentation can tell stories, create legal or cultural shifts, provide protection, hold people to account for abuses and shape social movements or individual actions. Documentation is a process as well as a product: it records experiences, either as specific incidents or as patterns, and it makes those experiences visible, whether literally or metaphorically.

Marcela Romero attests that, when it is difficult to obtain quantitative data, the gathering of the testimonies and stories of excluded people can be a powerful tool. Documentation, data gathering, work with the media and public campaigning all, therefore, have a role to play in challenging exclusion.

8. PARTICIPATION IN PROCESSES

ACCESS TO DECISION-MAKING PROCESSES

As the analysis so far suggests, in order to enable excluded people to access their rights, there is a need to look at the arenas and processes that people are being excluded from, and ask how access to decision-making processes can be strengthened. Phil Vernon poses questions about whose interests decisions are being made in and who has access to decision-making:

Are decisions made in consultation with and in the interests of different groups within society? Are political mechanisms broadly accessible to all, not limited by gender, ethnicity, class or other identity markers? Do functional, open relationships exist between different groups in society, and between citizens and those in positions of authority?

Discussing peacebuilding processes in particular, Henri Myrntinen assesses that while there is evidence that including women makes peace processes more successful and sustainable, it is still often the case that women are excluded. Formal processes privilege those who hold formal positions of power, who are usually men. Women's roles in such processes need to go beyond the symbolic:

Merely having more and more active women in peace processes is not enough. If the only women participating are external facilitators or guarantors from international agencies, and there is no local buy-in for gender-sensitive language, peace agreements are likely to fail. It is important to have local women, from combatant parties and civil society, involved.

Crucial, Henri Myrntinen adds, is that excluded people should not be limited to participating only on what are seen as their particular issues; people from excluded groups should be recognised as having something to say across a whole range of issues, and be enabled to choose the issues that matter to them:

Women need to be able to participate, not merely in roles as symbolic victims or peacemakers, and not only on so-called ‘women’s issues’, but on the whole spectrum of questions around peace and security, as these affect men and women alike, but differently.

To develop participation demands outreach. Aruna Roy underlines the importance of civil society reaching out to excluded people in ways that capture the imagination, describing a travelling yatra (caravan) that went from village to village and encouraged excluded people to mobilise:

The yatra travelled to communicate, listen and learn about people’s problems in accessing their rights. It travelled to small villages, towns and district headquarters. In each of these areas, public meetings were held where people came and filed right to information applications, and other applications detailing their grievances. Street theatre, puppetry, singing and dancing were part of the vitality and strength of the yatra. By communicating with people through humour, and in their idiom, the yatra established the beginnings of a new collective campaign.

Without continual understanding of the problems and grievances of people, policy cannot be relevant or implementable.

As well as outreach, to improve processes, there is a need to ask questions about how competence and confidence to participate can be developed and democratised. Lene Steffen and Jennifer Grant observe that in working to bring children into processes, there may be a need both to develop the capacities of the excluded, and sensitise the powerful:

Adults often find it difficult to listen to children, take children’s suggestions seriously and change their ways of doing things. Save the Children’s experiences with bringing children into adult decision-making forums are mixed, and we have learned that adults need as much preparation, training and support as children do to make the interaction successful. Appearing to listen to children is relatively unchallenging, but giving due weight to their views requires real change.

Henri Myrntinen similarly observes the need to engage the powerful and the excluded:

To ensure increased women’s participation requires a critical engagement with men and their masculinities in peace processes. Men’s conceptualisations of politics, war and peace as being strictly male domains need to be challenged, along with men’s attitudes and practices that actively and passively hinder increased women’s participation.

Olfa Lamloum’s experience in Tunisia indicates that processes to build trust are important, and outreach and the identification of peer leaders among excluded groups is an essential part of this. The project in Tunisia has a focus on involving excluded young people in planning and budgeting, because who is able to access resources is a key question in addressing exclusion. To be serious about leaving no one behind implies opening up all parts of the process to participation, including planning, budgeting, implementation and monitoring. It implies seeing people as active participants in their own development, rather than as beneficiaries of projects designed on their behalf, and as rights-holders rather than the recipients of services.

As discussed with reference to data collection and monitoring, participatory processes can have innate value, by enabling excluded people to lead, see themselves differently and develop feelings of self worth and confidence. Shaun Mellors talks about how processes to involve people living with HIV in the response to HIV were:

...developed at a time when HIV treatment was not available, so for many of us activism at the time was a form of treatment, as it kept us engaged, focused and motivated.

What this suggests is that both instrumental and intrinsic arguments can be mounted for the benefits of greater inclusion. Phil Vernon makes the point that societies that are more inclusive are likely to be more peaceful and resilient. Actions to build confidence, capacity and empowerment can result in excluded people participating more in mainstream political processes, which will make them less vulnerable to calls to extremist behaviour and violence.

There is also a need to make the case that opportunities are being lost because of exclusion; that better policies, decisions and outcomes are being missed because excluded people are not enabled to participate. Failing to get processes right incurs costs. For example, Vladimir Cuk and Jaimie Grant observe that a failure to ensure the early participation of people with disabilities raises the costs later on:

Retrofitting buildings, reorganising systems and redefining assumptions take exponentially more time and resources than getting it right the first time. Participation from the initial designs of a programme, and throughout its implementation, is critical.

A concern that consultation may be tokenistic runs through several of the contributions. Araddhya Mehtta, for example, notes that the processes and spaces of decision-making to which access is granted may not be those in which real power is exercised:

Invited spaces - consultation opportunities designed and managed by government - where they exist, can be used simply to provide an appearance of consultation rather than constitute a meaningful process to strengthen public engagement and the social contract between state and citizen. Real decisions and distribution of power often happen outside these processes.

Joanna Maycock also notes that, while it is important to focus on representation in decision-making processes, this is only part of the picture; there is a need to look at how decision-making processes can themselves be changed:

This is not just about having more women operating within a system, but also about transforming the nature of the systems of decision-making to ensure they are more inclusive, diverse and effective.

GOVERNMENTS AND MAINSTREAMING

If excluded people are to be enabled to participate in decision-making processes, then this implies a need for mainstreaming, in which multiple agencies, including government departments, understand the need to be proac-

tive in ensuring inclusion. Thomas Ongolo of the Secretariat of the African Decade of Person with Disabilities, however, assesses that governments are often not good at mainstreaming; they may, for example, designate a lead desk to address an issue of exclusion, such as disability in his example, but other government departments will then fail to see why they should also include issues of disability in their work: designating a lead agency does not necessarily galvanise action elsewhere, and indeed can lead to other arms of government disregarding an issue that they see as having been covered.

Gabriel Ivbijaro and Elena Berger of the World Federation for Mental Health see a similar challenge in relation to mental health, and call for an across government approach, in which multiple departments recognise that it is not only health departments that should take responsibility for addressing mental health:

The reality is that mental illness is not just a health matter. It should be addressed in multiple departments of government, including housing, education and justice departments. Health systems should interact with other government departments to provide the medical and social care needed to enable people with complex conditions to live in the community. Most importantly, mental health is relevant to finance departments, where decisions about funding are made.

They make the point that the argument can sometimes be articulated in economic terms, such as stressing the impact of poor mental healthcare on employment and economic production.

Thomas Ongolo offers a recent, more positive example, where the government of Lesotho:

...worked closely with and tapped the expertise from disabled persons' organisations to develop a costed disability mainstreaming strategy, together with a monitoring framework. Through the strategy, each department developed a plan and affirmed the existence of opportunities that could enable the participation of persons with disabilities through their departments and ministries.

Disappointingly, Thomas Ongolo sees that some governments in Africa are now moving further away from the mainstreaming approach, and reverting back to models where a concern with disability is centred in one department, which has a negative effect on the resourcing, services and access available for people with disabilities. This suggests a need for more civil society action to promote mainstreaming across governments, and to model and document processes of inclusion that governments can learn from.

POTENTIAL CIVIL SOCIETY RESPONSES

While getting diverse people around the table is not enough, it is an important start. Henri Myrntinen suggests some practical measures that can produce some quick wins in overcoming exclusion from processes, such as the exclusion of women:

Some of the steps that can be taken are relatively easy, such as ensuring that everyone is informed of processes on time and that child care is provided for those, almost always women, who are expected to take care of children.

For Araddhya Mehta, civil society needs to take on and pioneer the work of building more inclusive processes, because other actors, including governments and the private sector, are simply not doing this sufficiently. This implies that civil society needs to be conscious about how it builds inclusion, and mainstream approaches to building inclusion in its work. Phil Vernon similarly adds that CSOs that are not focused on peacebuilding per se can nevertheless integrate peacebuilding processes into their work; and indeed, one of the ways in which the contribution of CSOs might be assessed is their application of peacebuilding approaches and adherence to peacebuilding standards. In the same way, a key question to ask CSOs is how they are addressing exclusion, both externally and internally.

QUOTAS AND AFFIRMATIVE ACTION AS A RESPONSE

As a specific response, several contributors discuss the merits and challenges of initiatives such as quotas and affirmative action. Such measures can be used to drive increased participation in decision-making processes and increased representation in the staffing of institutions, including of CSOs. Phumzile Mlambo-Ngcuka of UN Women notes that quotas and

affirmative action have proved useful in increasing the number of women parliamentarians, for example. But as Araddhya Mehta of Oxfam observes, these measures are always controversial:

Opponents argue that reserving places for different social groups will lead to a less meritocratic approach to selection and therefore lower quality, because the best candidates are not necessarily selected. Opponents also argue that all reservations do is to reserve positions for the best off from each social group, rather than really dealing with social inequality. Supporters however argue that reservations are justified on equity grounds, but also on grounds of efficiency: they will encourage more applications and lead to higher overall quality.

Araddhya Mehta observes that such policies can also have unexpected, indeed perverse outcomes; in India, people have been known to agitate to be included as part of designated excluded castes, because of the resources and opportunities they see as being made available by the state for specific groups.

Joanna Maycock of the European Women's Lobby draws attention to the role that quotas they can play in promoting data gathering, debate and accountability, all of which contribute to raising the visibility of an issue, but also the need to situate them within a wider range of actions for change:

Having targets forces organisations to measure and discuss progress. It makes intentions clear to staff and stakeholders. Any quotas or targets need to be backed up with properly resourced policies for recruitment, retention and advancement of women.

Discussing the role of quotas in peacebuilding processes, Henri Myrntinen of International Alerts also reports that they can have value, but are best combined with other measures, and criticisms need to be understood and anticipated:

Quotas are an extremely effective tool to increase diversity and inclusiveness, but the evidence is clear: they work, and work well, when enabled by other elements that allow for effective participation, such as continuous training of delegates and gender caucuses,

and when it is ensured that women are not put forward only as proxies of more powerful men. Even when quotas are successful in enabling excluded people to take part, those people are then expected to demonstrate that they're better than the already included in order to win an argument. As in other professional contexts, if and when women do participate, they are often required to display a far higher level of expertise than male colleagues. If they gain access through a quota system, this is often held against them.

9. LOOKING INWARDS: INTERNAL CHALLENGES IN CIVIL SOCIETY

CIVIL SOCIETY - EXPECTATIONS AND REALITY

Civil society is often at the forefront of building inclusion. Contributors to this report offer many examples of how CSOs are running practical programmes and projects to challenge exclusion and realise rights, and of how excluded communities are self-organising and developing their own forms of representation and empowerment. The potential for CSOs to address exclusion is summarised by Aruna Rao and Sudarsana Kundu of Gender at Work:

CSOs around the world are seen as playing a pivotal role in spotlighting inequities and systemic disadvantage on the basis of multiple and intersecting dimensions, in addressing discrimination in policies and access to services, and in building the awareness and capacities of people to claim their rights, both in public spheres such as law courts, markets and schools, and in private institutions such as households.

A sense emerges from the contributions as a whole that civil society should see itself at the cutting edge of overcoming exclusion. Civil society should be able to reach excluded communities in a way that others, including governments and the private sector, cannot, because innate power relations will always raise suspicion about the motivations of government and private sector actions towards excluded groups. In comparison, civil society may be viewed as innately on the side of the excluded, compelled to act because of its values, and able to reach communities that might otherwise

be isolated, because of civil society's proximity to and close understanding of the grassroots. Civil society should therefore be at the heart of response to exclusion, and lead innovation and the development of best practice.

While many examples of strong civil society work to combat exclusion can be advanced, the present reality falls some way short of these high ideals. This gives rise to a number of dangers. CSOs may be seen as failing to practise their values. They could be letting excluded people down, and missing opportunities to change lives. If they do so, CSOs fall short of their missions and mandates. This then calls into question what CSOs are trying to achieve, and whether they are seeking transformation or ultimately accepting of, or even perpetuating, the status quo.

The overarching step that CSOs should take, as Joanna Maycock puts it, is to move from a position where they may be essentially reactive about dealing with exclusion, to one in which they are proactive. If CSOs are proactive then it follows that they will take steps to ensure inclusion in their ranks; to do so will help drive external actions that challenge exclusion, and avoid the potential for reputational damage that can be caused by campaigning for inclusion while not modelling it internally. There is therefore a need to examine how good CSOs are at ensuring they are sufficiently exposed to the voices of excluded people by being internally inclusive.

HOW DIVERSE IS CIVIL SOCIETY INTERNALLY?

CSOs, unless they demonstrate that they are proactive in challenging exclusion, may be vulnerable to the accusation that they reproduce exclusion in their internal workings. As Aruna Rao and Sudarsana Kundu state:

Passionately fighting for human rights on the outside does not necessarily mean that these same organisations practise inclusion and equity on the inside. The jarring fact is that when we look inside CSOs, ranging from trade unions, to national and international non-governmental organisations, we often see the same exclusions and inequities play out, in the way CSOs are structured, the way decisions are made and resources are allocated, and the ways in which silences around abuses of power are maintained and harassment against women is condoned.

To respond to such critiques may require change in civil society. As Joanna Maycock puts it in her analysis of the challenges to women's leadership in civil society:

If we truly wish to innovate and disrupt society for the better, we must be prepared to disrupt the power within our own organisations. We need to ensure that we align the mandate and principles of civil society with its practice.

This notion of the disruptive power of civil society suggests that in civil society, we may need to question, disrupt and change our models and understandings of civil society. As civil society, we may need to confront existential questions of what we expect civil society to do and how we expect it to act, and whether the civil society we have is the one that we want.

To answer these questions, CSOs should undergo continuous self-examination and reporting about how inclusive they are being, including in their employment practices and advisory and outreach structures, how proactive they are being on issues of inclusion, and how strongly they are monitoring themselves to ensure they are being inclusive. Toby Porter sets out some of the key questions CSOs should ask themselves to assess whether they are including older people, for example:

To what extent do we in civil society encourage age diversity at work? How many of us monitor the age profile of our workforce and take proactive steps to recruit under-represented age groups? Do we support employees as they age in the workplace, through mid-life career transitions or by creating flexible, individualised retirement plans? Do we have upper age limits for our volunteers or mandatory retirement policies that force people to stop working against their will?

Such questions can only be responded to in a climate where there is a high level of transparency in civil society. Civil society should be the most transparent and accountable sphere of society, so that it can lead by example and encourage greater openness in other areas. But Aruna Rao and Sudarsana Kundu suggest that this is not a given:

Despite the calls frequently made by CSOs for transparency by governments and corporations, when it comes to ourselves, we

can be quite non-transparent. There is an underlying assumption that since the sector propagates values such as human rights and well-being, non-discrimination and affirmative action measures are inherently part of the system.

There is, however, a practical danger to be acknowledged in opening civil society up to self-questioning. As Aruna Rao and Sudarsana Kundu suggest, to be open about civil society failings, particularly in restrictive contexts, may be to hand ammunition to those who attack and seek to restrict civil society. Civil society's honesty can be used against it. It must also be recognised that the civil society arena is one in which different CSOs compete, including for recognition and funding, and so individual CSOs may be reluctant to admit their faults in an environment where this is seen as conceding advantage to competitors.

These risks suggest a need for a civil society-wide response. Aruna Rao and Sudarsana Kundu, for example, suggest there is a need for a gender index tool that can be applied by a wide range of civil society. Standards, tools and recognition platforms are needed that run across civil society as a whole, so that the competition is one to demonstrate adherence to the highest standards, in a race to the top. CSOs that feel most secure and least hampered by civil space restriction should lead by example in developing such responses, and encouraging their uptake among their peers.

The value in looking inwards and ensuring that we in civil society are modelling best practice lies partly in enabling civil society to be confident about how we are working, which gives us power to rebut the criticisms that are made against civil society. As Joanna Maycock puts it, demonstrating that civil society cherishes and practises progressive values helps to assert legitimacy in the face of restriction:

At a time when civil society space is closing down everywhere, and our legitimacy as civil society is challenged on all fronts, it is essential for us to walk the talk in terms of the rhetoric about power, rights, gender and social and environmental transformation.

CSO STAFFING AND LEADERSHIP: WHERE ARE THE WOMEN?

There is a need in particular to examine the staffing, and particularly the leadership, of CSOs. The representation of women is one crucial test of the

inclusiveness of CSOs. CIVICUS has noted in earlier research on women in civil society in Africa that the entrenched barriers of patriarchy women face are experienced both in the workplace and at home, and the civil society workplace is not an exception to this.³⁵ If we are serious about advancing gender equality, civil society needs to look at our own workplaces.

As Aruna Rao and Sudarsana Kundu report, data on CSOs in Brazil and India shows that, while CSOs are ahead of the private sector when it comes to having women leaders, the gap is not so high as to suggest that CSOs are blazing a trail, and CSOs are still a long way from having as many women leaders as men. Worse, the larger a CSO is, the less chance it has of being run by a woman, and the higher up a CSO's hierarchy one goes, the less representation of women there is. The Third Sector Foundation of Turkey (Türkiye Üçüncü Sektör Vakfı, TUSEV) also notes a vast disparity between women and men members of CSOs, suggesting that a focus on recruiting women members is needed to drive wider progress on women's representation.

Low pay can be another challenge for women in civil society. A recent study in the UK found that women in the CSO workforce are concentrated in health and social care roles, which tend to be poorly paid, and that the median pay of women CSO staff is 16.3 per cent below that of men. This reflects a consistent under-representation in leadership, where women make up 68 per cent of the staff of CSOs, but only 43 per cent of the leaders, and only 27 per cent of the leadership of large CSOs.³⁶

The National Civil Society Council of Liberia also sets out the challenges civil society is facing in its context:

The participation of women and persons living with disabilities in training, conferences, meetings and other forums is low. The involvement of women in leadership positions of CSOs is low. Improvement is seriously needed in this area to further strengthen the human capacity of women for able representation.

35 'Report on the challenges faced by women in civil society in Africa', CIVICUS, March 2011, <http://bit.ly/1WJfu9l>.

36 'Does the charity sector have a problem with women?', Charity Finance Group, 9 November 2015, <http://bit.ly/1NX3ZJV>.

Aruna Rao and Sudarsana Kundu find a clear relationship between CSOs having women leaders and women staff, indicating the importance of inclusion at the top of CSOs: research in India shows that in CSOs led by women, 75 per cent of managerial level staff are also women, but in CSOs led by men, this figure is only 15 per cent. The clear implication is that, to make CSOs more inclusive in their staffing, making the leadership more inclusive offers a shortcut.

This also suggests that change does not come by accident. To change the make-up and leadership of a CSO calls for conscious and sustained action, as Joanna Maycock suggests was the case with ActionAid:

Changes did not happen overnight, nor without considerable resistance. The minute the organisation relaxed its vigilance, things would slip backwards. Relative success has only been achieved through consistent pressure and leadership commitment, evidence-based policy-making and monitoring.

Joanna Maycock suggests that there is also a need to examine the leadership styles of CSO leaders, and how they may contribute to exclusion, even subconsciously. To lead is to model behaviour, and leaders give off signals about the correct ways to work and behave in an organisation that staff will pick up and imitate. For example, leaders may practise and encourage a culture of working long hours that implicitly makes advancement harder for women, who tend to carry disproportionate childcare responsibilities. Alongside this, Joanna Maycock calls attention to continuing sexism, undermining behaviour, workplace harassment, including under-reported sexual harassment, and subconscious bias in recruitment and promotion processes. Similarly, Aruna Rao and Sudarsana Kundu assess that the biggest barriers to women progressing in CSOs are organisational cultures and belief systems, rather than formal policies, pointing out that practices that hold women back are deeply embedded, highly resilient, continually reproduced in decisions and conversations, mutually reinforcing, and seen as normal. They also suggest that a culture of silence exists around sexual harassment in civil society:

The way in which sexual harassment against women in organisations is overlooked is a little like the 'boys will be boys' explanation for widespread sexual violence in times of war and conflict: it is so

widespread and normalised. And it is usually the woman who complains who is ridiculed and told to shut up, and who loses her job.

This is an issue which came to greater prominence in 2015, with the release of research by the International Women's Rights Project that exposed the macho culture of humanitarian response organisations, which leaves women workers at risk of harassment and sexual violence by male staff. Weak policies, cultures of silence and a lack of support for women who report harassment make it hard for women to talk about harassment by male staff, suggesting that the size of the problem is being under-reported.³⁷

While our contributors focused particularly on sexism in CSO leadership, it can be expected that these challenges would apply to people from other excluded groups who aspire to leadership of a CSO. For example, Joanna Maycock notes that prejudice can be seen being exercised by global north CSO staff towards their global south counterparts, with staff in some large international CSOs making assumptions about the abilities and capacities of global south staff and partners, and adopting attitudes of superiority. CSOs might also be challenged on how accommodating their recruitment and personnel approaches are of people with disabilities, and how equipped their workplaces are to accommodate people with disabilities.

There must also be concern about bias according to social class and educational background in the employment practices of CSOs. Several international CSOs tend to be selective in recruiting employees, choosing those with higher education degrees from elite universities. Additionally, when it comes to working in large, international CSOs in particular, internships are often the only way in for young people or people with little experience, and these are often only available to people with post-graduate qualifications, and are unpaid or underpaid. The concern is that this enables access to careers in CSOs only to young people from relatively wealthy backgrounds, whose families are able to support them through lengthy spells of education and poorly paid internships. This will block the recruitment of a more diverse staff who come from a wider range of backgrounds. There should also be more scrutiny of the out-sourcing practices of CSOs, which may mean that staff delivering services to CSOs, such as cleaning and security services, have lower employment rights than directly contracted staff.

37 'Aid agencies accused of hiding scale of sexual assaults on employees', The Guardian, 19 October 2015, <http://bit.ly/1hMXrxU>.

More optimistically, Aruna Rao and Sudarsana Kundu suggest that embedded cultures and attitudes can be challenged and changed, over time and given sustained engagement:

Change can happen in organisations, big and small, to challenge and change social norms and values that perpetuate exclusion and inequality, through action learning processes, political strategising, reframing and the tireless work of feminist change agents inside and outside organisations.

Structural inequalities are deeply entrenched and resilient, but we believe they are not immutable. Many organisations have built pathways to chip away at those entrenched structures and challenge the norms that perpetuate them.

Again, the first step that CSOs may need to take is to recognise and be honest that there is a challenge. Once that step has been taken, there is a need to make special efforts to change cultures, and encourage the development of leaders from excluded groups.

Aruna Rao and Sudarsana Kundu point to the absence of monitoring within many CSOs on the impact of gender equality initiatives; exercises such as gender audits tend to be rare and one-off, while conventional project-oriented monitoring and evaluation cannot capture long-term shifts within CSOs. There is little data. This suggests a clear area for follow-up action, in the form of more nuanced and detailed monitoring and evaluation approaches:

Practitioners express the conviction that the more effective measurement of progress and results can help to identify leverage points, bring to the surface hidden mechanisms of change, and inform more strategic decisions. To become more successful, we need to improve our monitoring and learning practices.

In moving forward, the National Civil Society Council of Liberia sets out the steps that civil society should take in its context:

Organise more training programmes for women and persons living with disabilities; recommend more women for training opportunities and participation in meetings, workshops and conferences;

appoint more women to lead thematic groups of CSOs; and encourage women nominations to serve on boards and strategic committees.

Other initiatives that can be taken include support such as mentoring and coaching, as well as affirmative action and the use of quotas. Aruna Rao and Sudarsana Kundu point to the absence of mentorship programmes in most CSOs, but add that these work best as part of a multi-pronged strategy, which should also include the provision of spaces and opportunities for reflection and learning; a challenge is that, as CSOs come under funding pressure, these are the kind of initiatives that are cut back. Further, Joanna Maycock suggests, leaders become and succeed as leaders in part because they have networks to draw upon. People from excluded groups will find it harder to develop their networks, and need support to do so.

Joanna Maycock further proposes that civil society should boycott all-male panels at events to which it is invited, in order to encourage meeting organisers to recognise more diverse speakers, which will help those participants improve their profile and enhance their networks. There is a growing movement to encourage such boycotts.³⁸ By extension, this could be applied to people from other excluded groups, particularly where relevant to the theme of an event. To boycott implies CSOs showing that they are drawing a line and will not tolerate thoughtless exclusion, even to the point where they are prepared to carry a cost, such as risking an opportunity to profile their work and get their messages across.

Joanna Maycock also suggests that the boards of CSOs should be pushed to demonstrate that they are taking questions of inclusion seriously as part of their core governance duty. This is something further raised by TUSEV in Turkey with regard to improving the participation of young people in CSOs:

CSOs should work towards improving the level of internal governance of their organisations. It has been widely reported that the weakness of CSOs' internal governance structures stems from formal election procedures, president-oriented and top down deci-

sion-making structures and conflicts of interest. Furthermore, it is reported that younger people in particular are reluctant to participate or engage in the existing models, because of the high levels of hierarchy and bureaucracy that exist within organisations. Over the past years, it has been argued that CSOs are not able to represent or voice the needs of their constituencies. This is argued to be one of the major reasons for low engagement. CSOs need to question their ways of working and develop new ways that will include their constituencies.

CSOs should expect to be scrutinised for their performance in ensuring inclusion in their staffing and leadership, and also in their membership, governance and advisory structures. The CSOs that show themselves to be the most proactive and committed will be those that undertake such scrutiny voluntarily, rather than wait until they are exposed and accused of hypocrisy, or only do so in response to the demands of funders or intrusive state regulators.

A DISCONNECTED CIVIL SOCIETY

A further challenge comes in making connections between different civil society issues, and in bringing issues of exclusion into the mainstream of CSO agendas. CSOs may not necessarily see the confrontation of exclusion as urgent and central to their mandates and missions. Despite some progress, Shehnilla Mohammed points to continuing challenges in the mainstreaming of African LGBTI rights voices, both within human rights organisations and broader LGBTI rights networks. Toby Porter calls attention to the way that civil society organises itself, usually around tackling a particular problem or representing a particular group, something that is often linked to the availability of funding streams, which causes some issues to be under-represented:

International development focuses around particular population groups such as children, youth, women, people with disabilities or indigenous people. This is reflected in the way civil society organises itself and in how donors allocate their funding. No doubt the two are intricately linked. Most development donors do not list older people among the groups they support, and the result is that CSOs struggle to find funding for this area, perpetuating inequality.

38 See, for example Gender Avenger, <http://bit.ly/1D1sjoj>; 'The Pledge – I will not be part of male-only panels', <http://bit.ly/1aUYDMt>; 'Say no to man panels', <http://bit.ly/1KYOHPW>; 'The mysterious absence of women from Middle East policy debates', The Washington Post, 20 January 2015, <http://wapo.st/1rvulZg>; 'A woman's place is in the audience', Bond, 26 October 2015, <http://bit.ly/1rVIYXC>.

The implication of this is that the way civil society is organised and re-sourced makes it harder to work on addressing intersectional, overlapping and layered issues of exclusion, such as the way ageing adds a further dimension to other forms of exclusion. Civil society, even unintentionally, may be helping to perpetuate silos between CSOs and civil society areas of work, and missing opportunities for connection.

Vladimir Cuk and Jaimie Grant make a similar point in relation to disability, where they see opportunities to make connections across multiple forms of exclusion as being missed, because of the narrow way that programmes are constructed, and also because of the assumptions that underpin the design of programmes, which miss out on complexity and nuance:

Too often programmes to make goods and services accessible, or inclusive of an otherwise marginalised group, have a limited vision of who that group is. For persons with disabilities, unsubstantiated assumptions about their needs mean they are seldom considered for such interventions primarily aimed at other marginalised groups.

CIVICUS' analysis of civil society has long been that it is an arena characterised by disconnection, with much working in isolation and insufficient sharing of practice, something that is in part driven by competition for funding and visibility.³⁹ This disconnection detracts from the overall impact that could be achieved by civil society, and it means that civil society may be overlooking, and unwittingly reinforcing, aspects of exclusion.

OWNERSHIP BY EXCLUDED GROUPS AND PEOPLE OF THE GLOBAL SOUTH

Competition for visibility and resources not only inhibits self-questioning and cooperation, but it can also hinder the development of civil society forms that strongly represent and enable the empowerment of excluded groups.

In the context of LGBTI rights in Africa, Kene Esom questions the motivations of CSOs based in the global north that propagate narratives of victimhood, particularly when they have the aim of attracting resources. The

danger here is of encouraging the notion that people in the global south can change their own circumstances. As Kene Esom puts it:

It is important to acknowledge that a single narrative serves a number of purposes, one of which is to continue to fuel a global neo-liberal enterprise that uses catchy phrases such as 'capacity building' and 'documentation of violations' to perpetuate dependency and stifle agency. Freedom and solidarity should never be built on pity. Pity creates a power dynamic and a messiah complex, which very often merely replaces one oppression with another.

Wanja Muguongo, in her analysis of LGBTI and sex worker rights in East Africa, also draws attention to the agency of global south civil society to win advances and develop its power, even in the face of hostility. At the same time, it is important not to take a simplistic view of global south civil society. Global south CSOs compete like any others. Cedric Nininahazwe points out that when a new network of young people living with HIV/AIDS was founded in Burundi in 2004, it was not welcomed by an existing HIV/AIDS network, which saw it as a competitor. Division was then caused between different HIV/AIDS groups by the availability of external funding, which fuelled competition that impacted on the work of CSOs and caused lasting reputational damage, which took considerable time to repair:

2010 was marked by internal conflicts between some organisations of people living with HIV. This created a crisis of leadership, and caused the response to HIV to become paralysed. The conflict revolved around the community component of the funding of the Global Fund to Fight AIDS, Tuberculosis and Malaria, and commanded much of the attention that should have been given to intervention and community response. Work was almost suspended, including socio-economic assistance, prevention of HIV in the community, legal assistance for people living with HIV, and support for orphans and other children made vulnerable as a result of HIV. Organisations of people living with HIV came to be seen as profiteers.

The lesson of this experience is that external agencies, such as funders and international bodies, should be careful about the danger of fuelling competition, however inadvertently.

39 'Bridging the Gaps', CIVICUS, 2011, <http://bit.ly/241ZzbV>.

It is essential that the agency and potential of activism rooted in the global south to challenge exclusion be recognised and supported. Matthew Hart and Ben Francisco Maulbeck set out the value of locally rooted CSOs:

Local LGBTI CSOs play a unique and important role in advancing equality and well-being for LGBTI people. These organisations have deep first-hand knowledge of their local LGBTI communities, their needs, their challenges and their strengths. They often address a range of needs through a variety of strategies, for example, by providing HIV testing and services, working with faith leaders and others to create more tolerant spaces, advocating for policies and laws that protect LGBTI rights, and providing legal clinics and know your rights trainings for local community members. As a result of this work, LGBTI CSOs have established credibility and trust in LGBTI communities, reaching populations that larger, more mainstream CSOs are often unable to reach.

The key distinction, as Vladimir Cuk and Jaimie Grant see it, is between programmes designed for excluded groups, and programmes designed by excluded groups; by implication, the distinction between civil society for excluded groups, and the civil society of excluded groups is an important one:

Our movement's approach is 'nothing about us, without us'. History has been full of well meaning - and not-so-well meaning - people who have tried to speak and act on our behalf. The disability rights movement has found, as have others in civil society, that achieving real progress requires self-organisation and self-representation. So when different movements across civil society collaborate, we earn legitimacy by collaborating openly as equals: self-advocates to self-advocates.

One response this suggests is to broaden our understandings of what constitutes civil society, and recognise, encourage and support a wider variety of civil society forms, including smaller and less formal entities. For example, Shaun Mellors, in his analysis of the stigmatisation of people living with HIV, suggests that understandings of what civil society is and where its power resides should start with people, rather than organisations:

It is important to stress from the outset that we as people are civil society, because too often we forget that it is individuals, with individual concerns, struggles, joys and insecurities, that are the building blocks of this overused term of civil society. It is important to bear this in mind as we try and understand our individual role and responsibility in addressing HIV related stigma.

Paul Okumu of Africa Platform also cautions about any imposition of civil society structures that can constrain the potential of the direct activism of excluded people:

We have killed the passion of activists by herding them into formal institutions that leave them little room except to be structured like us, funded like us and behaving like us. Yet we know from history that activism has flourished when our support allows the emergence of individuals and groups who not only take on the funders and funded alike, but are also able to break away from the constraints that come with projects, indicators and log frames.

It requires a presence and local understanding that cannot be cured by merely moving headquarters to the global south, having federal governance or working through 'partners on the ground'. It cannot be solved by big international projects run by too-big-to-fail organisations seen as too close to their governments.

Aruna Roy describes the emergence in India of people's movements that are close to poor and excluded communities, which are able to develop trust with excluded people in ways that other forms of civil society cannot:

MKSS realised that poor and marginalised people wanted a more accountable government. It was also clear that many viewed the burgeoning civil society sector with justified suspicion, as its own acts of corruption and arbitrariness were increasingly becoming obvious.

The strength of the 'peoples movement' is that it emerged as a distinct form from the unheard articulation of peoples' demands.

The impetus for MKSS came from living with and understanding the lives, concerns and needs of people in rural India.

Andrew Norton and Charlotte Forfieh, in their discussion of climate change and marginalisation, indicate the benefit of global south ownership of the debate, where CSOs are being supported to develop local expertise and authority in countries that will experience the worst impacts of climate change:

By locating in a least developed country the capacity to build and disseminate knowledge on climate action, network with other actors, speak with moral authority on the climate crisis, and offer to others the benefits of knowledge accumulated about adaptation to climate change, perspectives are changed and powerful new voices are brought to the debate.

At the same time, there are also challenges that can be encountered in supporting the self-organisation by global south excluded groups; this may be more difficult than channelling resources to established, conventional CSOs, and there may be potential for failure due to the under-resourcing of such forms. As Cedric Nininahazwe discusses, it took years for RNJ+ in Burundi to establish itself and develop credibility, and demonstrate to potential funders the level of professionalism that they expect to see before committing resources. But this did not entirely preclude them from working in the meantime; for example, network members were able to volunteer their time in outreach sessions. This indicates that organisations of excluded people can start themselves up and develop their own power, even where resources are lacking.

A further challenge arises when systems and policies to work with civil society fail to see and include non-traditional forms of civil society, as TUSEV in Turkey suggests can occur:

Another cause of exclusion, marginalisation and inequality is the recognition of associations and foundations as the only legal forms of civic participation. Other organisational forms such as informal groups, platforms and initiatives are not recognised by law, and they lack legal personality. The legal framework contains negative prohibitions against them, they are not eligible for public funding and are prone to be excluded from public consultations.

Shehnilla Mohammed identifies another challenge, in that many organisations of excluded people tend to be rooted in the struggles of a charismatic leader, and so vulnerable to a loss of leadership:

Many of the LGBTI organisations in Africa have been set up by activists in reaction to personal experiences with homophobia, stigma or violence. These organisations tend to be personality driven and often struggle to keep afloat or deliver when the leader is unavailable or out of action. Hence there is a need to support activist organisations to develop into stronger institutions with proper succession planning and with increased capacity to provide sustained and high impact results. There is also a need to support new and emerging activists and organisations, as this will contribute to the building of a diverse and more effective movement.

SELF-ORGANISATION AND MAINSTREAMING: A PLURAL RESPONSE

The above analysis points to the suggestion that two simultaneous responses are needed within civil society: both to enable the self-development and self-organisation of excluded groups, but also to build connections between civil society groups working on different issues, in order to bring different and overlapping issues of exclusion into the work of civil society as a whole. As Lene Steffen and Jennifer Grant put it, in relation to child rights, the need is both for children to have their own spaces, and to participate in the spaces created by others:

Child-led bodies provide a structure through which children can elect their peers to represent them in local and national governance structures and to influence decision-making. Civil society should influence governments to put in place the necessary legal frameworks and budgets for children to organise. Equally importantly, children should be encouraged to join other, adult-led associations, as age should not be a barrier to participation.

Similarly, Matthew Hart and Ben Francisco Maulbeck note that, while groups that focus specifically on LGBTI issues are vital, there is also a need for other bodies, particularly CSOs working on other human rights issues, to work on LGBTI rights:

While LGBTI-specific CSOs play a vital role, there are some needs of LGBTI communities that will ultimately have to be met by mainstream agencies and CSOs. Mainstream human rights CSOs are positioned to amplify and lend legitimacy to efforts to advance the recognition of the rights of LGBTI people.

Increasing the LGBTI inclusiveness of mainstream CSOs complements the strengthening of LGBTI-specific CSOs. LGBTI CSOs have the knowledge and experience to offer larger service providers training, support and community linkages. Moreover, any service or advocacy effort focused on LGBTI communities will be more effective when local LGBTI communities are authentically engaged.

This also implies that existing CSOs should examine their participation bases and take steps to reach out to people from excluded groups, and explore ways to devolve functions to the ownership of excluded groups.

BUILDING CIVIL SOCIETY COALITIONS AND NETWORKS

Coalitions and networks therefore emerge as important. As Vladimir Cuk and Jaimie Grant put it, civil society needs to work across intersections to address the challenges that are common across different experiences of exclusion:

Our movements already share much in common. We combine journeys of recognition and inclusion with struggles for redistribution and empowerment. We face institutional, communicational and attitudinal barriers. Many of us face physical obstacles in myriad forms, and discrimination and marginalisation throughout our whole lives. These inequalities and discriminations lead huge numbers of us to be excluded from society and, all too often, left in poverty.

TUSEV in Turkey also calls for the development of a culture of collaboration:

Wider civil society coalitions should be formed and CSOs need to adopt a culture of collaboration in their everyday work. It has been noticed that women's and LGBTI organisations in particular have been successful in working together and developing common

ground. These attempts should be more widespread among different organisations in terms of developing complementary agendas and joint advocacy efforts.

Several contributors suggest that issues identified above, of competition between civil society, and missed opportunities to advance joint agendas, can only be addressed by renewed attention being paid to the building of coalitions and networks. For example, Cedric Nininahazwe notes that competition between HIV CSOs in Burundi was eventually mitigated by the formation of a consortium which helps to share information, manage representational opportunities and develop joint work. Phumzile Mlambo-Ngcuka appeals for coalitions to be broad-based and work beyond niches:

The transnational discourse on substantive gender equality issues needs to be built up from the grassroots. This requires that all stakeholders work collectively. It means working across generations and constituencies to build the solidarity that can overcome silos and individual agendas to build a collective and common vision of justice, equality and shared prosperity. It is not productive to preach only to the converted. It is critical to reach out to non-traditional constituencies, such as men and boys, youth, the military, academics, media, faith-based groups and trade unions.

As Toby Porter expresses it:

In order to truly 'leave no one behind', civil society and our organisations and representatives need to reject issue-based isolation and embrace inclusion.

One of the roles that alliances and coalitions could play is to identify and encourage working on issues of intersection. A focus on points of intersection between exclusions will enable stronger working across different identities, and help to bring issues away from the margins and into the civil society mainstream. Kene Esom sees that coalition working has achieved such breakthroughs in advancing LGBTI rights in Africa :

The last few years have witnessed greater public organising by LGBTI groups and their allies. Although many of these groups were established by LGBTI persons in response to imminent threats to

their human rights, these groups quickly formed alliances with CSOs working on broader issues of human rights and social justice, thereby elevating the discourse to a level never seen before in many countries on the continent.

Coalitions and alliances can also enable the sharing of successful models developed in one sphere that may have greater applicability to addressing other forms of exclusion, such as inclusive models that involve people living with HIV in tackling stigma, as outlined by Shaun Mellors. Araddhya Mehta points to another valuable role civil society alliances can play, in making channels for dissent more available to people from excluded groups, and mitigating the risks involved in dissent, but also draws attention to the need to respect the space of local civil society forms, rather than substitute for them:

We need to work in alliances that create stronger voice and mitigate the risk of speaking out. This has to be done in ways that support citizens and national groups, build their capacity and garner solidarity, rather than occupy their space.

Another function of coalitions and alliances is to bridge between civil society and other spheres, including to foster constructive engagement with governments, at national and international levels, as Phumzile Mlambo-Ngcuka suggests:

Despite the recent climate of intimidation for activists, productive interaction with governments, with space for autonomy and criticism, has been one of the hallmarks of the global women's movement. Strategic alliances, including within national governments and parliaments, can help women's movements reach their goals.

Coalitions and alliances need to be built at different levels, and make connections between those levels. Kene Esom indicates that regional LGBTI coalitions in Africa have grown out of national level coalitions, which developed and grew stronger. Shehnilla Mohammed also notes the growth of such networks, and calls for connected work on multiple levels simultaneously:

There is a need for the African LGBTI movement to strengthen and build on their work of engaging African leaders at regional bodies such as the Southern African Development Community, the African Union and the African Commission on Human and Peoples' Rights. This work then needs to be built into a cohesive strategy for engagement at the global level, such as with the UNHRC and other UN bodies, to derive maximum impact. In short, leaders need to be held to account at all levels.

Vladimir Cuk and Jaimie Grant draw attention to the need to work at different levels in the new context of the SDGs:

We must coordinate within our movements and between our movements. We must coordinate globally, to ensure global human rights processes link up to the SDGs as each country's progress is reviewed. We must coordinate regionally, to share information, resources and training, and coordinate regional funding. We must coordinate nationally, so that as governments plan and implement policies and reforms to achieve the Goals, all members of civil society are represented and heard throughout.

To focus on common challenges and demands is ultimately to demand the realisation of rights for all, and to make clear that advances in the rights of excluded groups promote human rights for everyone. Phumzile Mlambo-Ngcuka, for example, suggests that victories in the battle for women's rights have a "spillover effect" in improving society as a whole.

Alliances and coalitions are also needed to address new and urgent challenges. Jenny Ricks suggests that rising economic inequality and the increasing concentration of wealth call for a new, joined-up civil society response, but counsels that this will take time and effort to develop:

The internal factor pushing organisations to work together is a recognition from a number of CSO leaders that CSOs need to change, need to take sides with social movements, challenge power more fundamentally, and grasp the nettle of doing the right thing instead of the easy thing.

The strongest alliances are built around a shared political vision, from which an agenda and theory of change are built. Convening this takes time, patience, discussion, trial and error. Collective action needs to be built from people's experiences, both of inequalities, and how they are already working to fight them. It needs to be built from trust, and from a shared vision of how we will create change. It is long-term, not a quick fix directed at the next international summit.

The vision Jenny Ricks shares is consistent with a call made by CIVICUS, and a range of other civil society groups and networks, in 2014, which challenged civil society to break out of silos, put citizens at the heart of our work and connect with informal movements in order to challenge power.⁴⁰ That call remains relevant today, and continues to point the way forward for how civil society can step up to challenge exclusion.

10. THE CHALLENGE OF RESOURCES

The theme of the previous State of Civil Society Report was the resourcing of civil society, and the resourcing question remains a critical one for civil society action to address exclusion. While it is important not to underestimate the voluntary actions through which excluded people and CSOs can begin to alter their circumstances, to bring about change on a large scale requires resources.

Matthew Hart and Ben Francisco Maulbeck point to the under-resourcing of global south LGBTI groups, and the struggle they face to access resources from what can be characterised as mainstream funders:

Although LGBTI CSOs fulfil many vital needs in LGBTI communities, they are chronically under-resourced, particularly in the global south and east. Most LGBTI CSOs are run entirely by volunteers or with minimal staff, and only a small fraction have sophisticated mechanisms for resource development.

Historically and into the present day, LGBTI issues have received little support from foundations, government agencies, and other

mainstream institutions. Even in the United States, where the LGBTI civic sector is the most extensive, foundation support for LGBTI issues has remained stable at about one quarter of one per cent of all foundation funding.

Data from the Organisation for Economic Cooperation and Development, they go on to say, shows that only 0.04 per cent of Official Development Assistance specifically goes towards addressing LGBTI issues.

In a similar vein, Gabriel Ivbijaro and Elena Berger point to the enduring paucity of funding for people with mental illnesses, which they suggest needs sustained advocacy to change:

Constant pressure is needed to make governments provide a higher share of health budgets for mental health. Civil society, including people with mental health problems, their families, and professionals who work in the field, have an important role to play in advocating for reforms, better facilities and new treatment options. These efforts should be international as well as national.

Shehnilla Mohammed's concern is that donor resources, which have been essential for developing and strengthening movements of excluded people, are now under threat because of changing donor priorities. In response, donors need to be encouraged to see their support for excluded groups as being about the advancement of human rights as a whole. This calls for closer and more explicit connections to be realised between funding for development and human rights:

A major challenge confronting the human rights movement globally is diminishing donor support and a shift in donor focus. International events such as the Syrian refugee crisis, the global economic crisis and the fight against terrorism have seen many international donor budgets being cut substantially.

One way for donors to see value for money and greater impact would be to link human rights to development rights. Not only would this counter the refrain from African leaders that development trumps human rights concerns, but it would also ensure the LGBTI community is included in development planning and processes. The SDGs provide one opportunity.

⁴⁰ 'An open letter to our fellow activists across the globe: Building from below and beyond borders', CIVICUS, 6 August 2014, <http://bit.ly/24rMoBi>.

One interesting development in 2015 was a shift in the policies of the Ford Foundation, significant because it is one of the world's major philanthropic funders. Its new strategy explicitly focuses all of its work on reducing inequality, which it has identified as the major challenge of the day. It will seek to tackle underlying causes of inequality and, in a move that will be welcomed by many in civil society, will provide more of its resources as core support for organisations.⁴¹ It will be important to track the progress of the Ford Foundation's new direction, and encourage learning from its experiences as a potential model for other funders.

This move chimes with the need, as Matthew Hart and Ben Francisco Maulbeck identify it, to develop schemes of core support for local CSOs in the global south, where modest amounts of funding can make a crucial difference. They call for:

... core support to strengthen LGBTI CSOs at the local level, particularly in the global south and east. Since these organisations often provide a range of programmes with limited resources, even small grants for general support or core support can offer them invaluable flexibility in responding to the emerging needs of their local LGBTI communities.

Kathy Mulville meanwhile calls for resources to go beyond support for projects and programmes to support the development of international networks:

To protect our advocates and activists, civil society needs to be able to meet and discuss, share strategies and plan joint actions. At a time when funds for advocacy and activist networks are severely limited, it is important to tell funders that it is critical that resources are provided to protect the very advocates and activists that we depend upon to bring about social change.

A concern emerges that current funding schemes are missing the potential to support smaller organisations rooted in the experiences of the global south, including nascent, emerging groups of excluded people that may not qualify for funding schemes because of a lack of organisational formality.

41 'Ford Shifts Grant Making to Focus Entirely on Inequality', The Chronicle of Philanthropy, 11 June 2015, <http://bit.ly/1COTxFN>.

Emerging groups of excluded people may find it harder to work through the formal processes of registration, compliance and reporting that funders require, or may find that to do so risks making too many compromises with state regulatory agencies or losing their edge of innovation. When funders fail to reach such groups of the excluded, they are, however unintentionally, helping to perpetuate cycles of exclusion.

Coalitions and alliances offer one way in which resources can be encouraged to reach small and new groups, by sharing the burden of applications and encouraging non-financial forms of support between established and new CSOs. There is also a need to establish locally rooted funders, such as philanthropic institutions, in and of the global south, to support actions that larger and global north funders may not be able to see or reach. Matthew Hart and Ben Francisco Maulbeck characterise the roles such institutions can play:

Just as local LGBTI CSOs are vital, so too are locally-rooted LGBTI foundations and other philanthropic entities in the global south and east. These institutions often serve as implementing partners for government funders and private foundations, providing local knowledge and expertise as well as the capacity to build strong, sustainable and effective CSOs in their respective home regions.

Glown Wombo Kyei-Mensah's account of the conditions for people with mental illnesses and epilepsy in Ghana suggests that some quite modest resources can make a difference in challenging the exclusion that blights people's lives: an initial grant of around US\$5 provided support in the form of a mental health nurse that helped someone with a mental illness resume a productive role as a teacher and become reunited with his family. At the same time, there is a need to make connections between such interventions and work at the policy level, such as advocating for resource commitments to support mental healthcare. There is also a need to exploit synergies between financial and non-financial means of support, such as peer support and self-help networks.

Araddhya Mehta also affirms the need to support the small, local and southern, rather than supplant it, and Wanja Muguongo showcases the work of UHAI in supporting groups that challenge the exclusion of LGBTI people and sex workers, which conventional funders tend to miss:

Support from UHAI in particular has provided a critical lifeline to organisations that would otherwise not have accessed support because of their geographical marginalisation, weak institutional capacity, lack of registration, or, in some cases, the sheer cost of work that needs to be done, as in the case of UHAI's support of the constitutional challenge to the Anti-Homosexuality Act in Uganda. We are committed to identifying and supporting young, nascent ideas, sustaining funding over the years to allow for institutional development, and accompanying our funding with tailored capacity support in order to grow activist organisations until they reach the kind of structural and institutional integrity that attracts further, continuous funding.

Importantly, much of the funding from UHAI is given as peer grants, in which local activists decide where resources go, enabling excluded people to determine their own agendas and priorities, something that helps to develop participation and build empowerment. But Wanja Muguongo also reports that there is now a need for efforts to be scaled up, with supported organisations having reached a point of maturity where they now feel equipped to push for more dramatic change, which means that more resources are needed:

In order to respond effectively to current challenges and opportunities, our movements need sufficient, consistent funding to scale up their organising, advocacy and litigation efforts in a structured and effective way. They have proven to be knowledgeable, resilient, brave and efficient, but still with limited access to funding. It is increasingly important that much larger, and bolder, investments are made in East Africa to enable sex workers and sexual and gender minorities to access sustainable flows of funding, at greater scale, in order to maintain their resistance.

As with this example, there is a need for resourcing to be flexible and dynamic, and for long-term commitments, which enable organisations to grow and campaigns to be sustained, to be mixed with the availability of rapid, easily accessible funding, which helps CSOs and groups to ride emergencies and respond to opportunities. As our 2015 State of Civil Society Report set out, CSOs are more resilient when they have access to multiple sources of funding for a diverse range of actions. The principles that deci-

sions about funding should be taken as close to the ground as possible, and excluded groups should be involved in decision-making processes about the distribution of resources, are also sound ones.

There is, in addition, a need for funding schemes that help CSOs build their internal inclusion capacity, so that they can demonstrate that they strongly practise what they preach, model best practice and make themselves more inclusive. For example, specific funding schemes could be established that enable smaller CSOs to apply strong maternity and sickness pay practices, and develop, monitor and audit more inclusive policies.

11. CONCLUSION AND PRINCIPLES FOR FUTURE ACTION

Our contributors have discussed a range of exclusions across a diversity of contexts. While each is different, remarkable similarities have emerged, in the ways in which civil society is tackling exclusion and realising rights, the challenges civil society faces, and the issues that civil society must address in our ways of working. There are current emergencies that are giving rise to new, more complex and more enduring forms of exclusion, which give greater urgency to the need to address exclusion. The SDGs provide an extraordinary opportunity to achieve breakthroughs in tackling exclusion, but this will only come if civil society is fully involved from the outset in the design, implementation and monitoring of the actions that arise from them.

Because this report is of and from civil society, our closing thoughts must be about what we in civil society can do to improve our work to tackle exclusion. We must build coalitions and alliances that recognise and act on the fact that exclusions intersect, and find the common ground between the different lenses through which we each view exclusion. We must open ourselves up to listening to each other, and to seeking out and hearing the voices of excluded people. This has to be an ongoing process, because exclusion is dynamic, circumstances change and opportunities arise. This means that we have to develop structures to listen to excluded groups systematically, and to keep channels of communication open, flexible and up to date.

We should be aware of the profound social injustice that exists in the world, and be motivated to change it, but we should be optimistic about the potential for change, have a positive vision about what we are working to achieve, and not see people as victims. We must put the principle of mutual respect at the heart of our organisations, and our work must be rights-based, treating excluded people not as the recipients of charity, but as people who are being denied their rights and must have redress. Our focus must be on enabling excluded people to access their rights, by developing their own structures and platforms, and realising and applying their own power. It should be a sign of success when excluded people form their own organisations and these grow, but at the same time we should work to ensure that this growth takes place within a connected civil society universe that is focused on leveraging the value of collaboration.

We should be careful in the language we use, and take pains to ensure that our language is respectful and up to date. We need to do this, not because changing our language is enough on its own to challenge exclusion, but because it is respectful towards excluded people to do so. We must work and communicate in ways that excluded people can engage with.

We should apply tests of inclusion to all the work we do, even when that work does not, on the face of it, explicitly address exclusion. This implies asking the question of how all our work impacts on exclusion, and whether our work is likely to advance inclusion, or inadvertently fuel exclusion.

We should test our recruitment and personnel policies and practices, including for members, volunteers, staff, leaders, governors and advisors, to ensure that they offer no barriers to participation by any excluded group, and actively make efforts to reach and encourage excluded people who are under-represented in our organisations. We need to make sure that policies do not stay on paper but are implemented in practice. We should ensure that our workplaces are welcoming and accessible for all, and that we work in flexible ways that enable everyone to contribute and achieve their full potential.

We should be open and honest about our own challenges and failings, pioneer transparency, model best practice and encourage its adoption in other spheres. We need to do so collectively, so that we can do this from a position of strength and confidence, and avoid fuelling competition between different organisations, or fuelling attacks on civil society.

At CIVICUS, we propose therefore to work with our civil society alliance to develop a new assessment tool that civil society groups can use to audit and demonstrate how inclusive they are. This tool could contain an element of peer review to encourage civil society cooperation and shared ownership of good practice in inclusion. We will also call for donors to civil society to support the development and application of new assessment tools.

Inclusion needs to start at home, and civil society needs to practise what it preaches. At CIVICUS, we will therefore be the first to apply such an audit to ourselves, and we will share the results with the CIVICUS alliance. We will audit ourselves regularly in future, in order to monitor progress. We will do so to demonstrate how important we believe it is to challenge exclusion, and how it is up to civil society to lead by example. In doing so, we will take a small step towards our vision of a world in which everyone has an equal opportunity to participate, and everyone has equal access to their rights.

**GUEST
ESSAYS:
EXCLUSION**

BRINGING INTERNATIONAL CIVIL SOCIETY ORGANISATIONS TOGETHER TO FORM AN ALLIANCE AGAINST INEQUALITY

–JENNY RICKS, HEAD OF INEQUALITY
INITIATIVE, ACTIONAID INTERNATIONAL

INTRODUCTION

Civil society organisations (CSOs) are increasingly recognising the need for a stronger collective effort to fight the causes of inequality, and a group of them have started to work in alliance under the banner **#fightinequality**. It is still the early days of what is intended not as a one-year branded mobilisation around an intergovernmental event, but as a multi-year process of organising power from below to narrow the gap between the haves and have nots, and between men and women. At ActionAid, we have played the role of convenor of the groups involved. As these efforts now begin to gather pace, it is a good time to explore what led to this alliance forming, what lessons might be learned and what type of movement is needed to succeed.

THE NEED FOR AN ALLIANCE

Several factors have encouraged these organisations to come together and begin to work in alliance over the last year towards a bigger struggle against inequality. Firstly, there are external factors: changes in the real world make this a necessary fight. Organisations across many sectors, including the women’s movement, trade unions, environmentalists, human rights defenders, development organisations, faith based organisations, civil society networks and more, have seen how their struggles for a fairer and more sustainable world are being threatened by the concentration of power and wealth in the hands of fewer elites. That power is concentrated in the one per cent is not an exaggeration, but an understatement: it’s an even smaller group than that. The gap between the richest and the rest has reached levels not seen in a century. Runaway inequality is not a reality that any of us can ignore.

This has been illustrated starkly with statistics, such as those published in January 2016 highlighting how 62 people now own the same wealth as half the world, with the gap continuing to grow beyond expectations.¹ This has been accompanied by a severe shrinking of political space for civil society and activists in countries around the world, as extensively documented by CIVICUS. While many CSOs, ActionAid included, have been tackling inequality for decades, this new trend requires a larger scale effort, or we risk playing for smaller and smaller gains while the systemic transformation we desire moves further and further out of reach.

1 ‘62 people own same as half world – Oxfam’, Oxfam, 18 January 2016, <http://bit.ly/1PIORS7>.

It is not statistics that have driven the revived interest in inequality, but the raw lived experience that CSOs bear witness to everyday. While the statistics offer a snapshot of the problem and the mess we are in, the story of inequality is ultimately a human one. It is with the poorest and most excluded people where the problem of inequality wreaks the greatest harm, and where the hope for change begins. People's lived experiences tell the tale of an unjust economic system, and of power relations that need to change fundamentally in order to reverse the soaring levels of economic inequality. They tell of the need to challenge the inequalities of power that are so embedded in the daily lives of the poorest and most marginalised.

The internal factor pushing organisations to work together is a recognition from a number of CSO leaders that CSOs need to change, need to take sides with social movements, challenge power more fundamentally, and grasp the nettle of doing the right thing instead of the easy thing.

In 2014 a number of largely global south civil society leaders shared an open letter to activists around the world, in which they affirmed the need to reflect critically on the role of CSOs, and to challenge ourselves in civil society to play the fullest role possible in creating the transformative change we seek.² These views are still relevant. The global organising principles that they set out to help reshape and reorient the struggle for the world that we want are worth rereading. Civil society is coming in for increasing criticism, both from within and outside. Being clear on the principles which will lead to the change we must achieve in the world is a first step, instead of drifting into trading in incremental change.

*The story of
inequality is
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human one.*

WHAT TYPE OF ALLIANCE AND WHY?

So, given the scenario above, what is the type of alliance that is needed, and why? At ActionAid our assessment is that a systemic analysis of the drivers of inequality, and a collective and positive vision of the solutions, and a building up of collective power, are all essential.

The diversity of the movement is a key strength, in terms of its origins, breadth, reach and range of perspectives and learning. At the same time, the alliance has not been organised on the basis of partnering with every CSO irrelevant of their worldview and approach. The group is united by a commitment to addressing the systemic nature of the challenge, by movements coming together to change the power relations at the heart of the problem.

One of our key learnings is for this alliance to build power from below, from the grassroots level. This is where the experience of inequalities is lived on a day to day basis, and where struggles are already being fought and won, and fought and lost. It is time to build from here and elevate the struggle - to the national level, and the international level.

2 'An open letter to our fellow activists across the globe: Building from below and beyond borders', CIVICUS, 6 August 2014, <http://bit.ly/1r7qJuV>.

WHAT'S THE AGENDA?

The shared agenda is both radical and bold in its vision.

Timed to challenge and show up the complacency of elites meeting at the World Economic Forum in Davos in January 2016, we issued a joint statement, signalling our organisation's intent to step up the fight together and spelling out more about what that will look like.³

The establishment has registered that there is a problem. From international institutions such as the International Monetary Fund to the World Bank, and with governments setting a goal on reducing inequality as part of the Sustainable Development Goals, it can be seen that there is growing agreement that inequality is bad and must be tackled. But the consensus on what is actually required to tackle the problem does not yet stretch further than that. ActionAid, along with others in the alliance, has found that we cannot rely on the market, or the state or corporations to do the right thing. Ending inequality will primarily involve people holding the powerful to account at all levels in greater numbers, and with greater collective power. Where there are examples of governments having introduced innovative public policies that have countered this trend, for example the Brazilian Family Farmers credit and the Indian National Rural Employment Guarantee Act, the organising of poor and excluded people has been an essential part of winning change.

LESSONS WE NEED TO LEARN

Inequalities are intersectional. It is crucial to consider gender, race, class, caste and ethnicity, amongst other inequalities, when trying to understand the discrimination people face, and to shift power on a greater scale. It is not only about wealth. It is a lot about power, in all its forms.

At ActionAid we have seen clearly in our work for change in 45 countries around the world over the last 40 years that we need to be honest about our role in creating change. We are an international CSO, not a social movement. However, we partner with and support a range of social movements in countries from Brazil to Nepal. We must be more open to being challenged and changed by those movements, and to putting our collective power more at the service of vibrant movements.

We need to take our lead from people already at the front line of the fight, like the women I met recently in Kapchorwa District in Eastern Uganda, who were building their power via a cooperative to take on a range of inequalities, from earning a living as smallholder farmers, through to owning land, combatting violence against women and pressing for their rights to free and quality public services such as health and education. It's inspiring work. And organisations that are now convening nationally in alliance in Uganda, and at international level, need to ask ourselves how we get more on their side.

3 'Civil society leaders issue statement to step up the fight on inequality', ActionAid, 20 January 2016, <http://bit.ly/1RT8giu>.

The strongest alliances are built around a shared political vision, from which an agenda and theory of change are built. Convening this takes time, patience, discussion, trial and error. Collective action needs to be built from people's experiences, both of inequalities, and how they are already working to fight them. It needs to be built from trust, and from a shared vision of how we will create change. It is long term, not a quick fix directed at the next international summit.

WHERE NEXT?

*Collective
action needs
to be built
from people's
experiences.*

The work of building an alliance is only just beginning. The next stages are to broaden those around the table involved in building this vision from the start. Most importantly, this means more southern groups and more from the feminist movement. A deepening of collective strategy is needed, so that over the coming years we move further from vision to strategy to action, to create a movement of national alliances, built from the local realities of the inequalities people are experiencing. The task for 2016 is to build power from below, and ensure we are building an international movement that adds power to those struggles collectively. The task is huge, but collectively we are equal to it. We don't have a moment to lose.

THREATS AND ATTACKS ON INDIGENOUS PEOPLES' RIGHTS ACTIVISTS

—MARIE BECHER,
PEACE BRIGADES INTERNATIONAL

INTRODUCTION

“We must undertake the struggle in all parts of the world, wherever we may be, because we have no other spare or replacement planet. We have only this one, and we have to take action.” Berta Cáceres, indigenous activist from Honduras

Berta Cáceres, a well-known indigenous and environmental rights defender, and co-founder of the Council of Indigenous Peoples of Honduras, was shot dead by gunmen who entered her home on 3 March 2016. Her family and colleagues have no doubt that the assassination was linked to her activism against hydroelectric projects, dams and illegal logging. The campaign led by Berta Cáceres and others against one of Central America’s biggest hydropower projects, the Agua Zarca cascade, held up construction and prompted the withdrawal of China’s Sinohydro and the World Bank’s International Finance Corporation.

According to Global Witness, between 2010 and 2014, 101 land and environmental defenders were killed in Honduras, making it the country with the highest number of killings per capita of the past five years.¹ Berta Cáceres had received repeated threats for her human rights work and environmental activism, including threats of sexual violence and threats against her family. As a result of this, the Inter-American Commission on Human Rights had called on the Honduran government to apply precautionary measures for her protection. However, Berta Cáceres had repeatedly stated that these were not being implemented efficiently.

INDIGENOUS HUMAN RIGHTS DEFENDERS AND VIOLENT CONFLICTS OVER RESOURCES

In most cases, indigenous human rights defenders are attacked because people who hold power have an interest in the land and resources that their communities own, occupy or use. Aggressors know that indigenous communities and their leaders often have a strong capacity to organise collectively, advocate, resist and defend their right to autonomy and cultural identity. By threatening, attacking and criminalising

¹ ‘How many more? 2014’s deadly environment: the killing and intimidation of environmental and land activists, with a spotlight on Honduras’, Global Witness, 2015, p. 4.

indigenous activists, who are often leaders with political and spiritual authority, aggressors try to dismantle the social fabric that enables this resistance.

In 2015, Frontline Defenders registered 156 killings of human rights defenders (HRDs) worldwide. Forty five per cent of these cases were related to the defence of environmental, land and indigenous peoples' rights.² Indigenous groups also accounted for 40 per cent of the killings of land and environmental defenders that Global Witness documented in 2014.³ Figures such as these expose the extreme and multiple risks that an increasing competition for access to land and other scarce resources implies for indigenous communities.

Communities stand up against what are in many cases networks of local, national and transnational corporations, private security companies and members of old or new elites who are pursuing economic benefits. While the diffusion of power away from governments towards corporations is a somewhat new phenomenon, the threats emerging from this sphere towards indigenous activists often intersect with historical marginalisation and exclusion from all major parts of society, including from political decision-making processes and the justice system. The justice system is very difficult to access for indigenous activists, and aggressors are too often able to act with total impunity. At the same time, the misuse of the justice system and of legal action to criminalise HRDs' activities is another repressive tactic that indigenous activists increasingly have to respond to.

*Criminalisation
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stigmatisation
in public
discourses and
media.*

CRIMINALISATION OF ACTIVISTS

In recent years, national and international civil society organisations (CSOs) have observed a dramatic increase in the intent to persecute, punish and criminalise social protest activities and activities to promote and defend human rights, particularly in the context of conflictive business operations. Because of their historical marginalisation from justice systems, indigenous activists who are criminalised sometimes, in the words of Protection International, face special difficulties when trying to confront "...systems that are permeable to powerful interests (that feel challenged by HRDs), where officials are easily corrupted (for example, where salaries are low or there are scant administrative controls over their actions)," and there are irregularities in the processes against them, such as "...obstacles to gaining access to case files, difficulties for the legal representatives of HRDs to gain access to courtrooms and hearings that are repeatedly suspended."⁴

The effects of criminalisation, for example the financial burden emerging from bails, fines and other costs involved in legal proceedings, as well as the psychological effects on the individual and collective, can become even more destructive when they hit HRDs who are already economically and culturally marginalised. Additionally, criminalisation goes often hand in hand with stigmatisation in public discourses and media, as has been pointed out by the UN Special Rapporteur on the Situation of Human Rights Defenders: "They are depicted and perceived as troublemakers by the population."⁵ Indigenous and other

² 'Annual Report 2016', Frontline Defenders, 2016, p. 7.

³ Global Witness, op. cit.

⁴ 'Criminalisation of Human Rights Defenders', 2016, p.36.

⁵ 'Report of Margaret Sekaggya, Special Rapporteur on the situation of human rights defenders, 13th period of sessions of the Human Rights Council, Promotion and Protection of human, civil, political, economic, social and cultural rights, including the right to development', General Assembly of the United Nations, A/HRC/13/22, 30 December 2009, paragraphs 32-33.

activists have been presented as ‘anti-development’, ‘anti-dialogue’, ‘terrorists’ and ‘drug dealers’. These discourses can lead to divisions and weaken civil society as a whole.

INDIGENOUS WOMEN HUMAN RIGHTS DEFENDERS

Indigenous women around the world are challenging sexism, racism and economic marginalisation, and organising collectively, sometimes with and sometimes without their male colleagues. Yet their contribution to the human rights movement is often invisible, as Women Human Rights Defenders International Coalition notes: “Around the world, there are efforts by those with political, religious, military, familial or community authority not only to stop our work, but to keep our narratives, our claims and stories of our activist struggles from being told. There are overt efforts to silence us.”⁶

Indigenous women who defend the rights of their communities face all the risks that their male colleagues experience. In addition, they are targeted with gender-based violence and have to cope with gender-specific consequences of attacks, particularly when their activism challenges gender norms and roles. Indigenous women rights defenders have reported that threats and attacks also take place in the private sphere, including in the home, often perpetrated by non-state actors, and in some cases by family or community members. As Corporación Sisma Mujer reports, they face extreme difficulties in reporting violations, “...because of the distances that would be required to travel to the nearest town, cultural barriers to medical examinations, language barriers (...) and because of fear of retribution. Indigenous organisations report that when women do report violations against them, they are frequently turned away or not taken seriously, and so these crimes are not investigated.”⁷

One indigenous activist from Guatemala explains, “It is very hard for indigenous women to break away from our villages, and this means that our voices remain hidden. This is one of the challenges to be addressed by women’s organisations in the future. The invisibility of women is not considered a problem, but it must be. When a space for indigenous women is proposed, they say the intention is to break away. But this space is necessary to draw attention to the struggle. As a friend said: The struggle of indigenous women is a struggle among struggles.”⁸ Indigenous women human rights defenders, together with others, have started to advocate for strategies of integrated or holistic security that go beyond the physical protection of one individual, integrating socio-political, psychosocial and gender dimensions of security.⁹

6 ‘Gendering Documentation. A manual for and about Women Human Rights Defenders’, Women Human Rights Defenders International Coalition, 2015, p.5.

7 ‘Colombia: Human Rights Defenders under threat’, Corporación Sisma Mujer, 2011, p.18.

8 ‘Guatemala’s Indigenous Women in Resistance: On the Frontline of the Community’s Struggle to Defend Mother Earth and her Natural Assets’, PBI Guatemala 2010, p.64.

9 See for example, ‘Toolkit for Latin American Women Human Rights Defenders Working on Land and Environmental Issues’, Peace Brigades International, <http://bit.ly/1NnZh7X>.

PROTECTION STRATEGIES

Given the alarming situation of threats and attacks against indigenous HRDs, civil society at the local, national, regional and international level is revising strategies for protection and support. Some of the recent relevant discussions are summarised here.

COMMUNITY PROTECTION MECHANISMS

Any protection strategy should recognise and build on local support systems already in place and engage with indigenous activists on issues of security, in terms defined by indigenous peoples themselves. A rich body of knowledge and practice within indigenous communities is available to inform capacity development around protection. One example is the Nasa indigenous population in the department of Cauca, Colombia. Since 2001 the community has built up an 'Indigenous Guard' system as a nonviolent strategy for self-protection, in a context of violence exercised by paramilitary and guerrilla groups. The organised and unarmed guard consists of appointed men and women and is based on traditional teachings on nonviolence. They patrol their territories and request that armed actors leave. They have developed early warning systems to alert to the intrusion of armed groups, and take on a de-escalating role during demonstrations, trying to make sure that protestors do not react violently to violent repression. Interestingly, the Nasa community have started to train other indigenous communities to build up similar protection mechanisms.¹⁰

Any protection strategy should recognise and build on local support systems already in place.

BUILDING A STRONG BUSINESS AND HUMAN RIGHTS FRAMEWORK

A legal and policy framework is emerging for both governments and businesses to protect human rights in the context of business operations. It includes, for example, the International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work, adopted in 1998, the United Nations (UN) Protect, Respect, Remedy Framework of 2008 and the UN Guiding Principle on Business and Human Rights from 2011. Civil society on all levels must continue to push for this framework to ensure effective accountability.

At a minimum, ILO Convention 169 on Indigenous and Tribal Peoples, which recognises the right of communities potentially affected by investment and extractive projects to genuinely free, prior and informed consent, must be respected. Additionally, as an outcome of civil society advocacy, various states are currently drafting national action plans on business and human rights. This offers an opportunity for states to synergise policy on HRDs with policy on business and human rights. National action plans provide a platform to establish a more coherent approach across government, and to articulate fully to companies the need to respect and protect the work of indigenous rights defenders and other HRDs.

¹⁰ 'Caught in the Conflict – Colombia's indigenous peoples', ABColombia, 2010, p.22.

Indigenous rights defenders and other HRDs play a key role in advising and representing affected communities and individuals in processes of dialogue and consultation with states and companies. However, in practice, defenders claim that there is often a lack of political will to accommodate their views meaningfully. To address this issue, states need to promote the more effective and meaningful participation of activists in processes of consultation and policy design, ensuring that adequate security guarantees are in place.

NATIONAL PROTECTION MECHANISMS

A number of states where threats and attacks against human rights defenders are notorious have established laws and public mechanisms for their protection, including Brazil, Colombia, Côte d'Ivoire, Guatemala, Honduras and Mexico. While these are a good starting point in recognising the problem, indigenous activists, together with women HRDs, rural defenders, lesbian, gay, bisexual, transgender and intersex (LGBTI) activists and other marginalised groups, have repeatedly denounced the lack of attention given to addressing their specific needs and the disproportionate focus on reactive, rather than preventative, protection measures. For example, a Guatemalan indigenous defender has explained to the Women Human Rights Defenders International Coalition "...that the state assigned her several bodyguards, but for her this was a form of intimidation. Additionally, for the bodyguards it was difficult to accept that their job was to protect an indigenous woman. In negotiating this measure with the state, she emphasised the need to take into account gender and cultural sensitivity when assigning security guards."¹¹

This shows that there is a need for national mechanisms in which professionals can be trained in gender and culturally-sensitive analysis, in order to guarantee that risk assessments take into account the specific needs of indigenous women and men HRDs. It is also important that any mechanism accounts for the impact of attacks on the wider group of people that an activist represents or works with, and seeks to prevent further acts of violence against them.

CONSTRUCTING COUNTER-NARRATIVES

Given the criminalisation and stigmatisation that indigenous rights defenders and other HRDs are facing, civil society on all levels is increasingly aware of the necessity of constructing counter-narratives that promote the important contribution that activists make to democracy, the rule of law, diversity and sustainable development. It is all too obvious that aggressors try to isolate HRDs from other parts of society, and that their safety is very much in danger when this strategy succeeds. Indigenous activists often have a tradition and practice of organising collectively, and can play a key role in the construction of memory, and the creation of counter-narratives and alliances between different sectors of civil society to share values of participation and social justice.

11 'Our right to safety', Women Human Rights Defenders International Coalition, 2014, p.14.

RECOMMENDATIONS

Civil society at the local, national, regional and international level should:

Promote and recognise the key role that indigenous women HRDs play in their communities and in society as a whole.

1. Cooperate to strengthen indigenous HRDs' capacities to document their achievements, and the violations committed against them, as well as the context in which these occur, the impunity in which they normally remain and strategies that have been helpful and effective in changing these situations.
2. Build alliances to promote and recognise the key role that indigenous women HRDs play in their communities and in society as a whole, and work towards their protection, defining with them strategies of integrated security that take into account the socio-political context, and the gender and psychosocial dimensions of threats and attacks.
3. Call upon governments to ensure that policies and mechanisms that directly and indirectly relate to the protection of indigenous HRDs, such as the Protect, Respect, Remedy Framework or national protection mechanisms, account for gender, culture and the economic marginalisation of affected individuals and groups, and respond adequately to the often collective nature both of activism and risk for indigenous communities.

FROM SILENCE TO TRANSACTION IN KHYBER PAKHTUNKHWA

—QAMAR NASEEM, BLUE VEINS

INTRODUCTION

Gender identity and sexual orientation continue to be used as justifications for serious human rights violations in Pakistan, particularly in the North West Frontier Province of Pakistan, now known as Khyber Pakhtunkhwa. In this conservative tribal society, the transgender population forms a defenceless group.

Transgender persons do not have the same level of rights as other Pakistanis, and are routinely harassed, discriminated against and subjected to violence simply for being transgender. Transgender persons are often beaten by the police for no reason, burnt with cigarettes and raped. They experience discrimination in accessing economic, social, and cultural rights, including when it comes to education, health care and housing. Transgender persons are forced to live on the margins of society as entertainers, beggars and sex workers. Psychological and physical distress results from the exploitation of their non-conformist sexuality by the community and the state machinery.

THE SCALE OF THE CHALLENGE

Pakistan has substantial diversity of population. It includes people belonging to different religions, cultures, languages and ethnic backgrounds. Among this diverse mixture in our population lies a neglected community, a community that is deep-rooted yet remains disowned. The term hijra is commonly used all over South Asia, to include people who identify as transgender, transsexual, cross-dressers or eunuchs. In Pakistani society hijras are visible as a female dressing transgender and intersexual community who display a particular form of behaviour. In general, their idealised type of behaviour would be to be 'ladylike'.

In South Asia the history of hijras are mentioned and celebrated in ancient Hindu texts such as the 'Mahabharata' and the 'Kama Sutra' and had much respect in South Asian culture. In 1897, hijras began to be criminalised and they started to find solace in a guru or protective leader (sometimes seen as a 'mother figure') who could offer emotional or monetary support to them.

The hijras scrape out a hard existence. Hijras earn their living as beggars, dancers and prostitutes. Their sexual identity makes them a vulnerable section of society. They are made more vulnerable by a lack of access to education, skills and health care, a lack of awareness about their rights as a human and as a citizen of the country, and a lack of ways to hear and be heard by the national and international community about community wrongs and pains.

In 2009 the Supreme Court of Pakistan ordered that the government officially recognise a separate gender for the hijra community, including transgendered people, transvestites and eunuchs. The court told the federal government to begin allowing people to identify as hijras when registering for a national identity card. Other recent gains for Pakistan's transgender community were new measures to entitle transgender persons to have a legal share of family inheritance, a reserved 2 per cent quota of jobs in all sectors and the right to vote in elections.

However, even after the Supreme Court ruling, there has been no effort by legislative bodies to introduce a comprehensive law to protect the rights of transgender persons. Little has changed in practice, and discrimination persists. Sexual orientation and gender identity are sensitive subjects in Khyber Pakhtunkhwa province, where life is defined by strict tribal values and religious beliefs. Despite this, many in civil society have identified a need to speak out for the rights of transgender persons, because their lives and rights are at stake.

Currently Pakistan's western border areas are racked by violence as government forces fight separatists and pro-Taliban militants. Hundreds of thousands of people have been displaced by the fighting, causing significant damage to human life, livestock and property. The resulting massive displacement, poor living conditions, overcrowding in camps, lack of privacy, disruption of social networks and social norms, and destruction of health and other support facilities have significantly exacerbated the already acute vulnerabilities of the transgender population. Compounded with this mass displacement and destruction of homes and livelihoods, transgender persons are at the greatest risk of sexual and gender based violence in Khyber Pakhtunkhwa.

It is, however, difficult to assess accurately the living conditions and human rights situation of transgender persons, because they are excluded by government and much of civil society, and there is silence around issues of sexuality. The deeply closeted status of the transgender population makes activism difficult.

Given these challenges, the needs of the transgender population in Khyber Pakhtunkhwa and the neighbouring Federally Administered Tribal Areas (FATA) are incredible. Problems are worsened by conflict and the experience of disaster. Past analysis of crisis situations demonstrates that emergencies often exacerbate prejudices and make marginalised people more vulnerable. Although disaster risk reduction (DRR) strategies and relief protocols are increasingly sensitive to the needs of at risk and vulnerable populations, the specific vulnerabilities of the transgender population are completely overlooked. For example, ration schemes are targeted only at women and men, while transgender persons are denied entry to internally displaced population camps because they do not possess government identity cards that match their appearance.

There are a large number of organisations working to improve the conditions of conflict affected populations, with interventions in areas including agriculture and food security, shelter and housing, gender issues, water and sanitation, healthcare, economic development, education and vocational training, infrastructure, governance, internally displaced person services and disaster preparedness, among others. While important, these in the main do not address the underlying issues of chronic vulnerability, and they overlook transgender needs, issues and vulnerabilities.

Civil society has observed with concern that development staff often overlook gender identity and sexuality concerns, because these issues cause unease, and because staff lack protocols to deal with the issues. Similar gaps exist in DRR and emergency relief programming. Relief efforts typically use the family as the common unit for analysing and distributing relief services. As a result, relief aid rarely extends to transgender persons. Further, transgender persons are vulnerable to being forced out of their family living situations as a result of stigma and prejudice. For those who continue to live with their families, prejudice inside the family unit can mean that transgender family members receive less material aid inside the household.

THE CIVIL SOCIETY RESPONSE

Civil society in Khyber Pakhtunkhwa has taken some initiative to mainstream the issues of the transgender population in Khyber Pakhtunkhwa and FATA. We anticipate that our efforts will contribute towards ensuring the provision of emergency relief to vulnerable transgender communities, including shelter, nutritional support, medical support, protection and assistance in recovering livelihoods. We also support advocacy for improved government and UN protection of transgender persons.

Development staff often overlook gender identity and sexuality concerns, because these issues cause unease.

Civil society is now working with the government to lobby the government of Pakistan to:

- recognise transgender people as equal citizens of Pakistan;
- provide free medical care to transgender people who are routinely denied public healthcare;
- enable entrepreneurship by providing economic opportunities for transgender people who are, by and large, left out of the mainstream economy.

We also hope that by working for a friendlier legal environment and political landscape, inclusive policies will be expedited.

The civil society alliances of Khyber Pakhtunkhwa have joined hands to protect the rights of the transgender population of Khyber Pakhtunkhwa and FATA and work for their safety and visibility. An alliance, representing 48,000 transgender persons from 25 districts of Khyber Pakhtunkhwa, has been formed under the banner of TransAction, to work for the well-being and protection of the transgender community, and to seek to achieve equality, inclusion and rights in gender identity and gender reassignment.

TransAction Khyber Pakhtunkhwa is emerging as a viable movement of transgender persons advocating for laws and policies that will protect the dignity of the transgender population, and working to create a safe and inclusive environment where transgender persons can enjoy their rights fully, without any fear and discrimination.

NEXT STEPS FOR THE ALLIANCE

Civil society alliances, including Blue Veins, Pakhtunkhwa Civil Society Network, MEN UNiTE and the Tribal NGOs Consortium, are working with TransAction to sensitise and engage multiple stakeholders in identifying gaps, and to prepare and advocate for

recommendations on how to increase the protection of transgender persons. Next steps include:

- To prepare and advocate for legislation that empowers transgender persons to be able to exercise their universal human rights.
- To call for increased legal assistance for transgender persons and equitable legal gender recognition for transgender persons.
- To establish a representative civil society organisation of transgender persons in Khyber Pakhtunkhwa and build its capacity.
- To engage the media in combating the stereotypical image of transgender persons in Khyber Pakhtunkhwa.

LGBTI RIGHTS AND THE POWER OF THE PEOPLE

–SHEHNILLA MOHAMMED,
OUTRIGHT ACTION INTERNATIONAL

INTRODUCTION

2015 was an unprecedented year for global decision-making, all of which have the potential to influence issues of human rights, poverty, inequality and development in Africa.

Three years of global intergovernmental negotiations all came to a head with the signing of three critical agreements. The first of these was the Addis Ababa Action Agenda, adopted at the Third International Conference on Financing for Development, which laid out the roadmap for the realisation of the post 2015 development agenda.

This was followed in August 2015 by a commitment by states to the modalities for ‘Transforming our World’ over the next 15 years. The resulting 2030 Agenda for Sustainable Development was adopted at the United Nations (UN) by heads of states and governments on 25 September 2015. The new plan includes 17 integrated Sustainable Development Goals (SDGs) and 169 associated targets, which take over from the Millennium Development Goals, which ended in 2015.

The third global development - the legalisation of same sex marriages across the entirety of the United States - was one that was important on many levels, as it gave hope in countries where most people are battling to access even their basic human rights.

For many lesbian, gay, bisexual, transgender and intersex (LGBTI) people around the world, who sometimes feel their struggle is insurmountable, the US Supreme Court ruling was inspiring, as it was evidence of what could be achieved with consistent, organised advocacy and campaigning.

On 26 June 2015, five of the nine Supreme Court Judges ruled that the right to marriage equality was enshrined in the United States Constitution under the equal protection clause of the 14th Amendment. The case was known as Obergefell v. Hodges, after an Ohio man who sued the state to get his name listed on his late husband’s death certificate.

The historic ruling expanded the recognition of gay marriages beyond the 37 states where it was legal to all 50 states, and affords same-sex couples the same rights and benefits long conferred on heterosexual unions. Important to note is that the Supreme Court ruling was the tipping point following decades of campaigning by LGBTI activists.

LGBTI and human rights activists around the world joined the United States in celebrating the decision, which gave hope to embattled LGBTI Africans, for whom 2015 was a year of tightening laws against them and a continuation of violence and insecurity.

CHANGE DOES NOT HAPPEN OVERNIGHT

What the United States Supreme Court ruling underscored is that change is a process, and often a long sequence of events and actions. In this case, it was decades of consistent pressure, litigation and activism.

Justice Kennedy was the author of all three of the US Supreme Court's previous gay rights landmarks, on the right to marry, and two preceding rulings leading up to it, and in his rulings he spoke of a vision of a living Constitution, one that evolves with societal changes.

LGBTI RIGHTS IN AFRICA

The point made by Justice Kennedy regarding the evolution of societal changes is important to note, especially for the LGBTI movement in Africa, where progress can be slow and often classified as having a 'one step forward two steps backwards' success rate.

And while there is often frustration at the slow pace of change, it is important to note that just a few years ago there was no LGBTI movement on the continent. That has changed. African LGBTI people and human rights defenders are definitely growing in numbers and becoming stronger as a continent wide movement, and are attempting to assert their rights more openly.

In Africa, LGBTI people face massive challenges. These include the criminalisation of same-sex relationships, sodomy laws, homophobia, exclusion and violence, including state sponsored violence. State sponsored violence and homophobia tend to rear their ugly heads in the lead up to elections, especially in countries where the leaders are determined to stay in power. They use their LGBTI citizens as scapegoats and often incite violence against them as a ploy to distract the voters from all that is wrong with the country and their leadership.

In May 2015 the Gambian President, Yahya Jammeh, while addressing a rally in the town of Farafeni, delivered a dire and chilling warning to homosexuals living in his country; "If you do it [in the Gambia] I will slit your throat... if you are a man and want to marry another man in this country and we catch you, no one will ever set eyes on you again."

President Jammeh is not alone. There are a number of African leaders who use election platforms to spew hatred against their LGBTI citizens. In 2015 Amnesty International investigated the human rights situation in 160 countries and territories worldwide. In Africa the report concluded that legal rights were diminishing for LGBTI people across the continent.

According to Amnesty there are presently four countries in Africa where homosexuality is punishable by death, 35 where it is illegal and punishable by up to 14 years imprisonment, only 19 countries where it has been legalised and one country, South Africa, where LGBTI people have the same rights as heterosexual people. Even in countries with progressive legal frameworks, social acceptance of LGBTI citizens is often low and levels of violence high.

THE NON-LEGAL CHALLENGES FACING LGBTI AFRICANS

LGBTI people in Africa face inequality before the law, but also a range of non-legal issues. These non-legal issues are often rooted in issues that all Africans face, such as poverty and inequality.

LGBTI people are confronted with an aggravation of challenges, being both African and LGBTI, which are fuelled by harsh legal frameworks and hostile social environments. In that sense, LGBTI Africans face an added burden of stigma, violence and exclusion.

The majority of African countries have a poor record around socio-economic and political rights. States' responsiveness to citizens' needs is generally weak. In addition to the socio-economic situation, African leaders do not speak the language of human rights, and many of the challenges that are framed in this language are dismissed by some leaders, who claim Africa has bigger issues to deal with such as poverty, HIV/AIDS and inequality.

Media, particularly state-owned media, also play a huge role in fuelling homophobia, giving a platform to homophobic politicians. Access to independent, unbiased sources of information and media, particularly in rural areas, is low and citizens are often unaware of their rights.

The state of civil society in many African countries, and especially civil society that focuses on LGBTI rights, continues to be weak and requires support. The voices of LGBTI Africans, both within mainstream human rights bodies, and the LGBTI caucus itself, continue to be weak, fragmented and sometimes inaudible.

Religion, particularly orthodox and evangelical churches, continue to have a negative influence on LGBTI rights, and in particular in strengthening the belief that LGBTI people are 'un-African' and un-Godly'.

A LIGHT AT THE END OF THE TUNNEL

But it is not all gloom and doom, and advances need to be recognised and applauded. In Africa, the battle for basic human rights is not one that is faced by the LGBTI community alone. It is rather that for LGBTI Africans, the situation is further exacerbated by societal attitudes towards LGBTI people. The fight for basic human rights is a universal one, hence any gains made in tackling LGBTI issues will benefit not only people from that community, but also Africans in general.

LGBTI people in Africa face inequality before the law, but also a range of non-legal issues.

To this end there have been some positive developments. One worth noting took place in Southern Africa, where in August 2015 there was a breakthrough at the Civil Society Forum that precedes the Southern African Development Community (SADC) Heads of State and Government Summit, which took place in Botswana.

The Civil Society Forum, which is organised by the SADC Council of Non-Governmental Organisations (SADC-CNGO), the churches, represented by the Economic Justice Network of the Fellowship of Christian Councils in East and Southern Africa and the Southern African Trade Union Coordination Council, included, for the first time ever, a session in the programme on ‘Securing Justice for All: The Rights of Minorities Under Threat’.

This session placed the issue of the rights of LGBTI southern Africans at the centre of its discussions. The inclusion of a session on minority groups was in and of itself an achievement. In past years, LGBTI rights and voices have been totally absent at SADC meetings. The attempt by SADC-CNGO to include a recommendation on LGBTI rights in the communiqué, although blocked by trade union and church representatives, was also an important first.

Another development, also in Southern Africa, was the hosting of the 18th International Conference on AIDS and STIs in Africa (ICASA), which took place in Zimbabwe from 29 November to 4 December 2015.

It was especially important for the LGBTI community in the country as the generally homophobic ZANU-PF government of Robert Mugabe surprisingly asked the Gay and Lesbians of Zimbabwe (GALZ) to be in charge of all ‘special’ sessions, including training the police and immigration officials on sensitive and respectful treatment of all key populations that arrived for ICASA.

For the first time in 30 years, GALZ was able to meet with key government officials, including the Ministers of Tourism and Health. This gave them a unique opportunity to discuss key issues for the LGBTI community. GALZ and the Sexual Rights Centre have said the holding of ICASA in the country was beneficial to the LGBTI movement, as well as that of the HIV/AIDS, sex workers and health movements.

Benefits highlighted by the organisations included being able to raise awareness, not only among the public but also government officials, of issues facing key populations, as well as an improvement in the relationships between government officials and organisations of key populations.

Samuel Matsikure from GALZ commented, “There is such a negative perception out there about LGBTI organisations like GALZ and what we do, and it is usually centred around us wanting to convert people or to being rapists and paedophiles – and there were many police and Central Intelligence Organization officials deployed who were actually surprised that all we were doing was raising awareness and providing people with information and there was nothing sordid or untoward about what we were doing. I believe this helped in changing perceptions around what we did as an organisation.”

THE ROLE OF DONORS

Activists would not have made progress without support from the international donor community. Historically, international donors have played a major role in supporting the LGBTI movement in Africa. Only two decades ago, the LGBTI movement on the continent was weak and fragmented. Donor support has been instrumental in building a sense of movement. But while great strides have been made, the battle is far from being won, and lasting change requires sustained investment and support. The US example regarding the right to marry is evidence of the fact that change is possible but it takes time and requires resources.

A major challenge confronting the human rights movement globally is diminishing donor support and a shift in donor focus. International events such as the Syrian refugee crisis, the global economic crisis and the fight against terrorism have seen many international donor budgets being cut substantially. Africa has not escaped unscathed.

Continued donor support to the LGBTI movement in Africa is critical. It is helpful if donors do not see the battle by LGBTI Africans to access their basic rights as separate to that being waged by Africans in general. Donors need to bear in mind that support to the LGBTI movement will benefit the advancement of basic human rights in Africa as a whole.

Continued donor support to the LGBTI movement in Africa is critical.

However, it is not just about continued support, but also about consistent focus. Sometimes donors can unwittingly become part of the problem. Zimbabwe is one example of this happening. LGBTI and human rights activists report that accessing funding to continue with their work has become a major challenge. They cite donor inconsistency as the major problem, saying that before the 2013 elections, donors would not fund them unless they adopted a confrontational and adversarial response to government.

But since ZANU-PF won the elections, donors are reported to have changed their approach completely. They now insist that funding is conditional on civil society engaging directly with government and the ruling party. As Chester Samba of GALZ commented, “They first wanted us to be antagonistic and confrontational towards the government... and now they want the reverse. Now we have to engage with government in order to get funding.”

Jestina Mukoko of the Zimbabwe Peace Project also noted that prevailing inconsistencies by some donors, brought on by changes in the global context, have resulted in many organisations being unable to continue with the work they have been doing.

RECOMMENDATIONS

The attainment of basic human and development rights for all LGBTI Africans is possible, but given the complexities of the context, there is need for sustained action. It is important not to separate the LGBTI struggle from the one being faced by all Africans. The strengthening of LGBTI people and organisations will contribute greatly to the struggle faced by all.

There is also need to work on strengthening the LGBTI movement in Africa and to ensure that it is strategically linked to similar movements around the globe. The establishment of Pan African ILGA (the African region of the International Lesbian and Gay Association) in 2015 is a great step forward and this work needs to be expanded and supported. There is a lot that the African LGBTI movement can share with and learn from the global movement.

For change to take place there is a need to focus on building strong LGBTI focused institutions and organisations. Many of the LGBTI organisations in Africa have been set up by activists in reaction to personal experiences with homophobia, stigma or violence. These organisations tend to be personality driven and often struggle to keep afloat or deliver when the leader is unavailable or out of action. Hence there is a need to support activist organisations to develop into stronger institutions with proper succession planning and with increased capacity to provide sustained and high impact results. There is also a need to support new and emerging activists and organisations, as this will contribute to the building of a diverse and more effective movement.

This development needs to be resourced, and donors need to be consistent in providing long-term support to the LGBTI movement in Africa. One way for donors to see value for money and greater impact would be to link human rights to development rights. Not only would this counter the refrain from African leaders that development trumps human rights concerns, but it would also ensure the LGBTI community is included in development planning and processes. The SDGs provide one such opportunity.

There is also a need for the African LGBTI movement to strengthen and build on their work of engaging African leaders at regional bodies such as SADC, the African Union and the African Commission on Human and Peoples' Rights. This work then needs to be built into a cohesive strategy for engagement at the global level, such as with the United Nations Human Rights Commission and other UN bodies, to derive maximum impact. In short, leaders need to be held to account at all levels.

The fight for basic human rights for LGBTI people on the African continent is not a pipe dream: it is possible. But it requires everyone to come together and jointly confront the hurdles. History has shown that the power of the people can shift nations, and Africa has the power and the people to do this.

PARTNERING WITH CIVIL SOCIETY TO OVERCOME CHALLENGES AND DRIVE IMPLEMENTATION FOR PLANET 50-50

– PHUMZILE MLAMBO-NGCUKA,
UNDER-SECRETARY-GENERAL OF THE UNITED
NATIONS AND EXECUTIVE DIRECTOR
OF UN WOMEN

INTRODUCTION

At the heart of the women's movement and the quest for gender equality are the personal lives and stories of millions of people around the globe. These stories speak of hope, change and transformation during the longest, broadest, most transnational movement for fundamental equality the world has ever known. They belong primarily to women, but are also about men, and they span the course of centuries. They are stories about the way individuals experience and express power in their lives, relationships and communities. The journey of the women's movement is made up of tales of the reshaping of the power structures that govern human interactions.

Many of these stories belong to the voices of civil society activists, who have been spearheading the women's movement for over a century and continue to stand firm on its frontlines. Civil society has helped to advocate for issues such as the right to vote and stand for office, the redistribution of unpaid care work, the closure of the gender wage gap, the elimination of violence against women, and the promotion of women's ability to act autonomously, own property and make decisions about their children. Many of these issues continue to be priorities for action today. For example, women still do 2.5 times as much unpaid care work as men and make an average of 24 per cent less for the same work; around the globe, some 35 per cent of women live with sexual or physical violence, usually at the hands of an intimate partner, with this number rising to 70 per cent in some societies; and a 2016 World Bank study found that 155 countries still have at least one concrete legal difference in the treatment of women and men. Through a united front, strategic partnerships and advocacy, following the roadmap laid out in the 2030 Agenda for Sustainable Development, these injustices can be redressed for millions of women and girls.

ACTIVISTS AT THE FOREFRONT OF PROGRESS

Activists from women's movements have proved a powerful political force for global good. Their work to influence the political agenda has important spillover effects on numerous aspects of society. By directly advocating for more women leaders, affirmative action mechanisms that support female candidates and the reform of laws that discriminate against women and girls, civil society activists are the change-makers of the women's movement.

Activists are quite literally helping to change the face of politics, incrementally but steadily. Fifty years ago, it was very unlikely that a woman would be a head of state, and even today, women have held the highest political office in only 50 countries. Currently just 22 countries boast a female head of state, but civil society activists around the world are working to transform biased perceptions of how women lead, and to increase that number to parity. It is essential that when women are in positions of power they use that authority to achieve greater gender equality and support women's rights.

Civil society is also advocating to increase the number of women parliamentarians from the current 22 per cent, as of August 2015. One effective way to do this is through the use of quotas and affirmative action programmes. Along with global declarations and resolutions, pressure from women's groups has helped dozens of countries to augment their number of female representatives in national assemblies. As of January 2015, women comprised over 30 per cent of parliamentarians in 41 single or lower houses of parliament, a number that is widely considered an important benchmark for women's representation. Out of the 41 countries, 34 had put in place some form of quota to provide space for women's political participation. These are important milestones on the way to our ultimate goal of gender-equal parliaments.

Civil society has also played a key role in reversing gender discrimination by helping to implement legal and constitutional reform. According to the UN Women Report, *Progress of the World's Women 2015-2016*, "as of 2014, 143 countries guarantee equality between women and men in their constitutions; 132 have equalized the minimum age of marriage (without parental consent) at 18 years or older, protecting girls from early marriage; at least 119 have passed legislation on domestic violence; and 125 have passed laws to make workplaces and public spaces safer for women by prohibiting sexual harassment."¹

In the all-important realm of family law, which is often highly tied to religion and custom, and codifies cultural discrimination, there has been less progress. However, analysis of data across 71 countries over 30 years suggests that the influence of autonomous feminist movements has been an important factor when reform has been successful.

By creating partnerships and alliances with other actors, including government officials, lawyers, politicians and development practitioners, women's groups have been able to make political inroads in both democratic and authoritarian countries. They have had significant impact on areas of law such as women's right to work, the prohibition of discrimination, the promotion of gender equality in the workplace and the adoption of maternity and paternity leave.

SIGNIFICANT CHALLENGES REMAIN

While the women's movement has brought us many stories of hope and success, there remain critical challenges that we must work together to overcome. Many of the women who have worked to usher in change for gender equality have pushed forward in environments that have been less than favourable. Furthermore, despite the adoption in 1995 of a landmark document in gender rights, the Beijing Declaration and Platform for Action, no country in the world has achieved gender equality and many are still far behind. The positive changes that have brought more equality and opportunity for women and

1 'Progress of the World's Women 2015-2016. Transforming Economies, Realizing Rights', UN Women, <http://bit.ly/1E9fo0L>.

girls are counterbalanced by statistics that reveal inadequate progress. Further, these changes are not consistent, may not be sustainable and are certainly not irreversible.

For example, while constitutional and legal reform is usually a precondition for change, it is not enough alone to achieve substantive equality, which requires that proper implementation is ensured. The legacy of historical inequalities, structural disadvantages, gender differences and the uneven way that laws and policies are implemented mean that good laws are not enough to ensure that women are able to enjoy the same rights as men. In countries that have legislation that should ensure equality between women and men, discriminatory attitudes and social norms often prevent proper implementation. Further, there remains an unresolved clash between modern laws and customary practice that has robbed many women of the benefit that should come from gender equality legislation. To achieve true and lasting gender equality, both direct and indirect discrimination must be addressed, specific policies and programmes that redress women's disadvantages should be adopted, and institutions and structures that reinforce and reproduce unequal power relations need to be transformed.

Civil society, and in particular women's rights activists and other social justice actors, face serious threats to their work and lives.

Another significant challenge is that many states are now promoting a security agenda, which has led to new and increasingly fierce attacks on democratic actors and democratic space. Civil society, and in particular women's rights activists and other social justice actors, face serious threats to their work and lives. The very legitimacy of their political work is being challenged as being anti-government, which makes it liable to draw legal action. Many groups are being starved of resources and political space and access. Addressing this diminishing space for civil society must be a top priority.

Many parts of our world are also in the throes of violent crisis, which demands a united front. Around the world, a poisonous discourse of intolerance, fear and exclusion has put women's rights squarely in its crosshairs. In the last few years, a number of societies have become more insular and intolerant, and governments have become increasingly authoritarian, squeezing civic spaces and cracking down on the debate, dissent and critique that is vital to women's rights and social justice movements everywhere. At the same time, the world is struggling with how to calibrate a response to the vast numbers of refugees and migrants seeking a better and safer future. In 2014, the total number of displaced people reached 59.5 million, the highest level since the Second World War. The plight of those left behind, who are too old, too young or too infirm to travel, is not made any less significant by its routine appearance in news media.

LOOKING FORWARD: THE SUSTAINABLE DEVELOPMENT GOALS

Such global challenges only amplify the need to work for a fair world within and between countries, and among peoples. The current climate demands a unified voice and a powerful counter-story of peace, gender equality, sustainability and shared prosperity that benefits the many excluded peoples of the world.

Fortunately, such a story already exists. Its message is woven throughout the words of the 2030 Agenda for Sustainable Development, which is arguably the most ambitious agenda for human progress that the world has ever seen. The 2030 Agenda

provides an aspirational roadmap to move forward on 17 Sustainable Development Goals (SDGs) and 169 targets that are universal and grounded in human rights. With a historic standalone goal on gender equality and women's empowerment (Goal 5), as well as related gender equality targets underlining the other goals, the Agenda calls powerfully for gender equality. The promise of the 2030 Agenda was echoed at the 2015 Global Leaders Meeting on Gender Equality and Women's Empowerment: A Commitment to Action, held at the United Nations, where heads of state and government from around the world gathered to make commitments to action for gender equality in their countries. Since then some 91 world leaders, at the time of writing, have made concrete commitments to gender equality and women's empowerment.

In 2016, focus turns to beginning to implement these commitments, measure progress, and make concrete steps towards meeting the goals by 2030. Civil society, particularly women's organisations, will play a key role in holding governments to account for the full implementation of commitments on gender equality and women's empowerment, and compliance with the 2030 Agenda. Inclusive processes and structures are needed so that women's civil society organisations (CSOs) - from grassroots to regional and international levels - can participate effectively in the Agenda's implementation and monitoring.

The practical steps needed on the road to achieving the new Sustainable Development Agenda can be broken down from the global level to the grassroots.

At the global level, the Commission on the Status of Women (CSW) is an important theatre for advocacy and activism. It is the foremost global intergovernmental body that brings leaders together to make the decisions that provide direction on the gender equality agenda. In 2016, UN Women hosted the 60th Session of the Commission on the Status of Women – CSW60. With a priority theme of 'women's empowerment and its link to sustainable development', the CSW60 specifically focused on the role of women in implementing the 2030 Agenda, and examined progress on 'the elimination and prevention of all forms of violence against women and girls' as its review theme. With some 4,100 representatives from more than 540 CSOs in attendance, civil society's contribution to CSW60 and the realisation of its outcomes was evident, and vital.

The Agreed Conclusions adopted by Governments at CSW60 affirmed the need for a gender responsive approach to implementing the 2030 Agenda. They highlighted the importance of gender mainstreaming and evaluating progress, and recognised the importance of tackling intersecting challenges relating to indigenous women, disabled women, rural women and young women. Crucially, the Agreed Conclusions also re-affirmed the role of feminist and women's and community based organisations, and acknowledged the challenges faced by women human rights defenders.

Despite the recent climate of intimidation for activists, productive interaction with governments, with space for autonomy and criticism, has been one of the hallmarks of the global women's movement. Strategic alliances, including within national governments and parliaments, can help women's movements reach their goals. Collaboration and autonomy will need to be re-examined, so that engagement with state actors can lead to a discussion on human rights as political discourse. In addition, an increase in electoral quota systems can engage even more women in the political process. Training and capacity building are needed for current political party members and women parliamentarians on issues such as gender equality, advocacy and political participation.

Strategic alliances with the media, as well as effective use of new media, also provide key opportunities. Recent crackdowns on free press and journalism offer a cause for much concern, and more needs to be done to identify spaces where the freedom of expression is threatened, and efforts need to be stepped up to protect journalists who cover women's rights and gender equality in oppressive environments. Further, change must also come to the media that people consume daily. Evidence has shown that entertainment and news media play a central role in creating and sustaining perceptions and attitudes, and in shaping social norms. Women must be equally represented in the media, consulted as experts in their fields and reflected in news stories.

Finally, the transnational discourse on substantive gender equality issues needs to be built up from the grassroots. This requires that all stakeholders work collectively. It means working across generations and constituencies to build the solidarity that can overcome siloes and individual agendas to build a collective and common vision of justice, equality and shared prosperity. It is not productive to preach only to the converted. It is critical to reach out to non-traditional constituencies, such as men and boys, youth, the military, academics, media, faith based groups and trade unions. Creating a politics and culture of gender equality means forging inclusive partnerships and strategies with diverse constituencies; it means recognising that men, faith actors and the private sector can all be feminist. Broader civil society can also be part of the solution, opening the space for greater women's political activism and women's civil society.

Strategic alliances with the media, as well as effective use of new media, also provide key opportunities.

CONCLUSION

Moving forward in making the story of the 2030 Agenda a collective reality, a number of practical questions require attention. For instance, what does redistributive economic justice look like? How do we get there? How do we make social policies affordable in countries and communities where they are most needed? How do we advocate for minimum wages, and access to quality, affordable education that teaches equality? How do we address improved conditions of work for women overall? How do we share unpaid care work so that that men, women, families and communities benefit fairly from labour, and so that the results of labour reward all? What will it take to institutionalise zero-tolerance of violence in state policy, and what will implementation look like? And how in a threatened, insular environment can women's movements reorganise to reach across boundaries to new movements and new constituencies, and use new technologies?

The answers to these questions, manifested in concrete action, require a collective response: an inclusive, multi-generational women's movement that is consciously fostered as a political force to promote the global good. Securing a safe, open and active space for women's rights activists is key to keeping the stories from the women's movement going, growing and becoming ever more inspiring.

RESILIENCE AND RESISTANCE: THE DETERMINATION AND PROGRESS OF CIVIL SOCIETY FOR AND BY SEX WORKERS AND SEXUAL AND GENDER MINORITIES IN EAST AFRICA

–WANJA MUGUONGO, UHAI EASHRI – THE EAST
AFRICAN SEXUAL HEALTH AND RIGHTS INITIATIVE

THE PRECARIOUS POSITION OF CIVIL SOCIETY

East Africa is home to a mature and progressive civil society movement. Over the years, East Africa's civil society has played a critical role in the evolution and development of political movements that have built citizen consciousness and citizen participation, particularly around controversial issues of accountability, where impunity previously went unquestioned.

Civil society has undertaken civic education on present and proposed laws, voter literacy, litigation and advocacy for accountability. Although impunity and corruption remain as the most critical political challenges in East Africa today, public consciousness and criticism have grown, are active and are increasingly protected. Unsurprisingly, East Africa's governments do not appreciate the increasing pressures for accountability emerging from civil society.

In the last year we have seen Burundi's government use violence, murder and bank account freezes to immobilise civil society and dissenting voices. We have also seen a growing number of laws being proposed and enacted in Uganda to constrain freedoms of association and expression. We have seen the governments of Kenya and Tanzania propose various laws and policies that challenge the constitution and registration of civil society organisations (CSOs) and then move spitefully to de-register CSOs. Ethiopia remains a haunting model of successful government intervention to control the agenda and financing of civil society.

Within East Africa's challenging civil society environment are growing, vocal and visible movements of sex workers and sexual and gender minorities. Though popular attitudes towards sex workers and sexual and gender minorities generally remain negative and hostile, movements continue to mobilise actively, educate publics and challenge exclusion.

Negative public opinions maintain stigma, discrimination and prejudicial treatment in accessing social, legal and health services, housing, education and employment. Too often prejudicial treatment that goes unchallenged goes on to validate targeted incitements to and threats and experiences of physical and sexual violence, and sometimes murder.

Most human rights violations go unreported because the survivors of abuse either see silence as a way to protect themselves from further embarrassment and pain, or they do not trust that legal systems as presently constituted would allow for justice and redress.

Religious, traditional and political leaders take advantage of negative public opinion to consolidate political support. Political leaders are actively using hate speech around diverse expressions of sexuality and gender as an issue to divide civil society, seeking to make an artificial divide between what they characterise as a 'good domestic civil society' that advances African independence, development and growth, and a 'bad foreign civil society' that challenges institutions of family and faith. As citizens find new ways to organise and challenge ignorance, governments are finding new ways to constrain space and voice by labelling anything they do not like as imported or foreign.

REGULATION AND REPRESSION

Increased discussions by governments in the region about the need to 'regulate' CSOs has the agenda of restricting the space for civil society organising, and the freedoms of assembly, association and expression.

The case for regulation is carefully crafted by governments to appear as a well-intentioned effort to promote and protect values of accountability and transparency across government and non-government actors, but in fact, the effort veils specific and targeted efforts at legislating for surveillance to single out and immobilise agencies undertaking work labelled as foreign or morally objectionable.

There is a growing political trend of strengthening laws that criminalise same-sex sexual relations and sex work, and community organising that promotes the dignity of sex work and diverse expressions of sexuality and gender. This political tide is increasingly and specifically seeking to block and even criminalise advocacy for the human rights, health and dignity of sex workers and sexual and gender minorities. It is singling these communities out as threats to the notion of the 'natural order', an obtuse notion that gets substantial traction from its religious heritage.

It is clear to some that the tendency of East African governments to restrict civil society increasingly is a symptom of deep governance challenges, and hence an effort to divert attention from poor governance and accountability. It is, however, not clear to most of the general population. Civil society aggressively continues to advocate for rights, democracy and good governance, and to distinguish its intentions from the attacks made on them by governments.

In particular, civil society, organising in our movements, is increasingly utilising legal systems and courts as an avenue for promoting and protecting freedoms and rights. Sex workers in Kenya, Tanzania and Uganda continue to partner with law enforcement officers in providing rights-based education to address regular experiences of arbitrary arrest, excessive harassment and detention, and cruel, degrading and dehumanising treatment while in police custody.

Further, sex worker activists in Kenya are actively undertaking the legal prosecution of perpetrators of violence and murder, whether they be state or non-state actors. This work builds upon a greater agenda by the sex worker movement to move towards advocacy for the full recognition of sex work as work, and the decriminalisation of sex work.

Similarly, sexual and gender minorities have actively utilised legal systems and courts as an avenue for promoting and protecting freedoms and human rights. Their efforts confirm the crucial role courts can play in the struggle to win equality, dignity and justice. Uganda's Civil Society Coalition on Human Rights and Constitutional Law took the government to the Supreme Court to challenge and successfully nullify the infamous Anti-Homosexuality Act of 2014.

Kenya's High Court, in three separate landmark cases, granted orders for the registration of Transgender Education and Advocacy and the National Gay and Lesbian Human Rights Commission, and ruled that the Kenya National Examinations Council revise a transgender woman's high school examination certificate to reflect her preferred name. There is also an ongoing High Court petition on the constitutionality of forced physical and medical examinations as a basis for criminal proceedings on homosexual sexual conduct. This case, and previous litigation efforts to challenge targeted human rights violations and violence, build upon an effort that seeks eventually to challenge the criminalisation of same-sex sexual relations.

Support from UHAI in particular has provided a critical lifeline to organisations that would otherwise not have been able to access support.

UHAI'S CONTRIBUTION

In recent years, there has been increased funding to activist organising for and by sex workers and sexual and gender minorities through [UHAI EASHRI](#) and other funding agencies. Support from UHAI in particular has provided a critical lifeline to organisations that would otherwise not have been able to access support because of their geographical marginalisation, weak institutional capacity, lack of registration, or, in some cases, the sheer cost of work that needs to be done, as in the case of UHAI's support of the constitutional challenge to the Anti-Homosexuality Act in Uganda.

UHAI is the largest funder of East Africa's civil society for sex workers and sexual and gender minorities. In the seven years since our founding, we have awarded around 400 grants amounting to about US\$5 million.

The majority of our grants are peer grants that are determined by local, peer activists within our movements. UHAI is keen to maintain that local movements self determine their own funding agendas and priorities. Because of this design - because the movements that request support themselves determine funding priorities - we make contributions to what our movements themselves deem the most timely, relevant and promising interventions.

UHAI is also the first source of financial support and most consistent funder for a majority of activist organising by sex workers and sexual and gender minorities in East Africa. We are committed to identifying and supporting young, nascent ideas, sustaining funding over the years to allow for institutional development, and accompanying our funding with tailored capacity support in order to grow activist organisations until they reach the kind of structural and institutional integrity that attracts further, continuous funding. We have identified, supported and nurtured the capacity of emerging groups to become powerful organisations.

UHAI's capacity support programme continues to focus on enhancing institutional and leadership capacity in our movements. As a result, the dynamics in our movements have shifted, with an increased number of organisations having strong institutional frameworks, new and emerging leadership, and increased engagement in local, national, regional, continental and international advocacy platforms.

ULTIMATELY, WHAT OUR MOVEMENTS NEED

In order to respond effectively to current challenges and opportunities in the region, our movements need sufficient, consistent funding to scale up their organising, advocacy and litigation efforts in a structured and effective way. They have proven to be knowledgeable, resilient, brave and efficient, but still with limited access to funding.

The work ahead is tougher, because East Africa's governments are more repressive today than they have ever been, and increasingly focused on targeting to shut down our movements. Our governments are far better financed and their political structures are more sophisticated and far reaching. They also have the favour of public opinion when it comes to sex workers and sexual and gender minorities. While UHAI has been able to expand and diversify its funding base over the years, it is increasingly important that much larger, and bolder, investments are made in East Africa to enable sex workers and sexual and gender minorities to access sustainable flows of funding, at greater scale, in order to maintain their resistance.

CHALLENGING STIGMA AND WORKING WITH HIV POSITIVE INDIVIDUALS IN BURUNDI

–CEDRIC NININHAZWE, RESEAU NATIONAL
DES JUENES VIVANT AVEC LE VIH/SIDA
(RNJ+), BURUNDI

INTRODUCTION: THE BEGINNINGS OF THE NETWORK

This case study describes the journey of the National Network of Young People Living with HIV/AIDS (RNJ+) in Burundi. It explores the circumstances of its creation, the obstacles encountered, the opportunity that it has had to forge partnerships, and the great success it has achieved, despite the ongoing challenges of discrimination, access to financing and the capacities of young people.

The creation of RNJ+ in 2004 came in response to the precarious situation of young people living with HIV. At that time, a group of young people living with HIV committed to raising awareness through national television and radio, schools, military camps and the workplace. The group decided to create a network of young people living with HIV.

The work of this group of young people was appreciated by many, creating a large demand for their work. Many organisations thought more of working with young people living with HIV and wanted to see the project succeed. Although the idea was welcomed by some partners, such as the government minister responsible for the fight against HIV/AIDS and the National AIDS Council, it was not welcomed by some others, including the Burundian Network of People Living with HIV, which at the time was two years old.

At creation, RNJ+ faced several challenges. Discrimination against people living with HIV was more intense at that time. Most HIV positive young people who tried to raise awareness were exposed to discrimination in schools, families and communities. A typical example concerned one of the youngest founder members of RNJ+, Juste St Rachel Izerimana, who died in hospital after spending a month on the street, chased by his family. This tragedy occurred after Juste St Rachel Izerimana testified on national television about his experience of discrimination by his family. RNJ+ at that time was barely credible, composed mainly of very young people, most of whom were students without any experience of managing resources, in an environment of competition for the acquisition of funding, and in a context where many people were afraid of associating with young people living with HIV. It was almost impossible to access funding for our work.

In 2006, two years after its creation and after a long process of advocacy, RNJ+ was legally recognised. Until then, there was no possibility of accessing funding, but it was still possible to perform some activities, either by working with partners, or by undertaking activities that required only voluntary commitment. For example, each year, outreach sessions based on the testimony of young people living with HIV were held in public schools.

THE LEADERSHIP OF PEOPLE LIVING WITH HIV QUESTIONED

Faced with the growing demands of people living with HIV, other groups and organisations of people living with HIV have been created. In 2012, there was a total of five networks of people living with HIV in Burundi. The existence of multiple networks creates complexity. It makes it hard to present a common voice of people living with HIV, and partners are sometimes confused as to which network should be regarded as the legitimate interlocutor and representative of people living with HIV.

2010 was marked by internal conflicts between some organisations of people living with HIV. This created a crisis of leadership, and caused the response to HIV to become paralysed. The conflict revolved around the community component of the funding of the Global Fund to Fight AIDS, Tuberculosis and Malaria, and commanded much of the attention that should have been given to intervention and community response. Such work was almost suspended, including socio-economic assistance, the prevention of HIV in the community, legal assistance for people living with HIV, and support for orphans and other children made vulnerable as a result of HIV.

This crisis could not leave anyone indifferent, and RNJ+ was affected. Organisations of people living with HIV came to be seen as profiteers, and impacts included HIV orphans being forced to suspend their studies.

The crisis passed after two years, but it took time to improve the image of HIV networks and focus again on serving the interests of people living with HIV. The two long years of crisis much tarnished relations between different organisations, and particularly organisations of people living with HIV. It was essential to rebuild relations in order to once again serve people living with HIV. Thus a consortium of organisations of people living with HIV was created, named ITEKA consortium, an acronym that means 'honour'. The five networks of people living with HIV have come together to create a framework for exchanging, and sometimes for working together.

The carrying out of an index study of stigmatisation of and discrimination against people living with HIV in Burundi offered an opportunity to demonstrate the importance of the consortium. The five networks of people living with HIV played a critical role in facilitating the realisation of the study, including in the chairing of the steering committee by the consortium, the recruitment and training of interviewers and supervisors, data collection and the supervision of collection.

A second opportunity that has proven the importance of the consortium came with the representation of people living with HIV in the Country Coordinating Mechanism (CCM) for the Global Fund. All networks of people living with HIV came together

and chose RNJ+ to represent them in the CCM. The choice of RNJ+ not only proved the importance and maturity of the consortium, but also demonstrated the esteem that other networks have for its work and leadership.

YOUTH LEADERSHIP BEARS FRUIT!

After eight years of work serving the community, RNJ+ has proved its capabilities. Its leaders have grown and gained experience, which enabled them to develop a plan of action, mobilise resources and implement the plan. Since 2006, RNJ+ has reached over 20,000 young people across Burundi through awareness sessions based on the testimony of young people living with HIV. By offering testimonies, young people living with HIV have raised awareness among others, and encouraged them to participate in HIV screening, and adopt better behaviours towards HIV positive people. When testimony is made in front of an audience, it demands greater commitment from the community, and exposes attitudes of discrimination and rejection.

When testimony is made in front of an audience, it demands greater commitment from the community, and exposes attitudes of discrimination and rejection.

In another proof of its success, RNJ+ was chosen as an equal partner with 15 other implementing organisations of the Link Up project in Burundi.¹ Link Up is a multi-country project that has the aim of improving sexual and reproductive health and rights (SRHR) services for young people living with and affected by HIV. This choice again proved the confidence that RNJ+ has developed.

The opening of a friendly and attractive youth centre by RNJ+, as part of the Link Up project, further demonstrated the value of youth leadership. The centre, unique in Burundi, offers services for sexual and reproductive health to young people, with a focus on key youth populations. In a context where homosexuality and sex work is criminalised, RNJ+ has taken the lead in ensuring access to services for marginalised youth groups. In addition, RNJ+ forged partnerships with private and public clinics to ensure that young people who attend the centre have access to all relevant SRHR services that meet their needs. Through a team of 12 peer educators and a staff of 5 young people, RNJ+ has reached 4,882 young people who would otherwise not be served with information, counselling and SRHR services.

IMPACT OF THE BURUNDI CRISIS

However, when Burundi's political crisis started in May 2015, we had to close our youth centre for two weeks. The centre was just 50 metres from an area where tensions and violence were occurring. While the centre was closed, young people had no access to the information, training, HIV counselling and testing, contraception advice, and male and female condoms that we provide.

Our centre has since reopened, but has had to change its opening hours to provide services from 11.00 am to 4.00 pm daily. In addition, peer educators are still able to distribute condoms, but only in their area of residence, where they are known by other

¹ The Link Up programme - www.link-up.org - funded by the Dutch Ministry of Foreign Affairs, aims to improve the sexual and reproductive health of young people most affected by HIV and promote the realisation of young people's sexual and reproductive rights in five countries, including Burundi. It is being implemented by a consortium of civil society organisations, led by the International HIV/AIDS Alliance.

local residents. Being perceived as a foreigner is also a security risk. For their safety, peer educators have been encouraged to avoid organising any kind of group gatherings in their communities, other than at the centre.

CONCLUSION

It continues to be the case that discrimination against and stigmatisation of young people living with HIV offers a major challenge to HIV response, but the leadership of organisations of people living with HIV remains the cornerstone of response. It is important to consider youth organisations as equal partners that can make an important contribution to HIV response. The case of RNJ+ is one example; there are doubtless other youth organisations that are also doing great work. The example of RNJ+ also shows how a political crisis can affect civil society's work, and how it is important to set up strategies that allow the continued provision of SRHR services, particularly to young people that are the most affected.

RESOURCING LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX ISSUES IN CIVIL SOCIETY

– MATTHEW HART, GLOBAL PHILANTHROPY PROJECT AND BEN FRANCISCO MAULBECK, FUNDERS FOR LGBTQ ISSUES

INTRODUCTION

In recent years, lesbian, gay, bisexual, transgender and intersex (LGBTI) issues have received increasing attention around the globe. In the first 16 years of the 21st century, countries such as Armenia, Costa Rica, Lebanon, Mozambique, Nepal, Nicaragua, Panama, Romania and the United States have repealed sodomy laws or decriminalised homosexuality. In the same period, the number of countries allowing same-sex marriage has grown from zero to 22.¹ Countries such as Argentina, Colombia, Denmark, Ireland and Malta have passed laws making it easier for people to change legal documents in recognition of their self-determined gender identity.² In 2008, for the first time, a declaration on LGBTI rights was introduced to the United Nations (UN) General Assembly. Ninety-six member states of the UN are signatories to the declaration, which condemns discrimination and violence on the basis of sexual orientation and gender identity.

Despite these advances for LGBTI rights, there has also been a rise in discriminatory laws and violence against LGBTI people in many parts of the world. Countries such as Belize and India have recriminalised homosexuality, and extreme anti-LGBTI laws have been passed in Nigeria, Russia and Uganda. Homosexual acts are still illegal in 75 countries, including six where homosexuality is punishable by death.³ Transgender Europe's Trans Murder Monitoring Project reports that 1,933 transgender people in 64 countries were killed between January 2008 and September 2015.⁴

In every corner of the world, LGBTI activists and allies have worked to resist persecution and to advance the recognition of the rights and dignity of all people, regardless of sexual orientation and gender identity. These activists have organised themselves in civil society organisations (CSOs), networks and informal groups, often doing so in repressive contexts and with limited resources. In recent years, as acceptance of LGBTI people has begun to increase, a growing number of mainstream CSOs have also integrated LGBTI issues into their work.

1 'Gay Marriage Around the World', David Masci, David, Elizabeth Sciupac and Michael Lipka, Pew Research Center, June 2015, <http://pewrsr.ch/1FFnZpe>.

2 'Rights in Transition: Making Legal Recognition for Transgender People a Global Priority', Neela Ghoshal and Kyle Knight, Human Rights Watch, 2016, <http://bit.ly/1ZSywZ9>.

3 'State-Sponsored Homophobia: A World Survey of Laws: criminalisation, recognition and protection of same-sex love', Aengus Carrol and Lucas Paoli Itaborahy, May 2015, International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), <http://bit.ly/1Mstals>.

4 'Transgender Day of Remembrance 2015 – Trans Murder Monitoring Update', Transgender Europe, 9 November 2015, <http://bit.ly/1T3nQ6T>.

This contribution to the 2016 CIVICUS State of Civil Society Report provides a brief overview of the current state of funding for LGBTI issues globally, drawing on recent research conducted by Funders for LGBTQ Issues and the Global Philanthropy Project (GPP), and offers four broad strategies for funders to resource LGBTI issues in civil society.

FUNDING FOR LGBTI ISSUES REMAINS SCARCE, PARTICULARLY IN THE GLOBAL SOUTH AND EAST

Historically and into the present day, LGBTI issues have received little support from foundations, government agencies and other mainstream institutions. Even in the United States, where the LGBTI civic sector is the most extensive, foundation support for LGBTI issues has remained stable at about one quarter of one per cent of all foundation funding. It was not until 1998 that the annual US foundation funding for LGBTI issues surpassed US\$10 million.⁵

Outside the unique and relatively well-resourced LGBTI civic sector in the USA, LGBTI communities around the world are even more under-resourced. A report shortly to be released by Funders for LGBTQ Issues and GPP finds that development assistance and foundation funding for LGBTI issues outside the USA totalled approximately US\$175 million over the two year period of 2013 to 2014. The majority of this funding (53 per cent) came from foundations, most of them based in the USA and Europe, although a growing number of LGBTI funders are rooted in the global south and east. The remaining 47 per cent came from government funders in the form of development assistance and international aid. According to the Organisation for Economic Cooperation and Development (OECD), all development assistance funding totalled almost US\$135 billion in 2013 and more than US\$137 billion in 2014. Given that context, for every US\$100 awarded in international aid, less than four cents specifically supports LGBTI issues.

LGBTI issues are particularly under-resourced in the global south and east. Our research has found that CSOs based in the global south and east receive only about one quarter of all foundation and government funding for LGBTI issues.

IMPORTANCE OF LOCAL LGBTI CSOS

Local LGBTI CSOs play a unique and important role in advancing equality and well-being for LGBTI people. These organisations have deep first-hand knowledge of their local LGBTI communities, their needs, their challenges and their strengths. They often address a range of needs through a variety of strategies, for example, by providing HIV testing and services, working with faith leaders and others to create more tolerant spaces, advocating for policies and laws that protect LGBTI rights, and providing legal clinics and know-your-rights trainings for local community members. As a result of this work, LGBTI CSOs have established credibility and trust in LGBTI communities, reaching populations that larger, more mainstream CSOs are often unable to reach.

⁵ '40 Years of LGBTQ Philanthropy', Anthony Bowen, Funders for LGBTQ Issues, January 2012, <http://bit.ly/1DNMTTd>.

Although LGBTI CSOs fulfil many vital needs in LGBTI communities, they are chronically under-resourced, particularly in the global south and east. Most LGBTI CSOs are run entirely by volunteers or with minimal staff, and only a small fraction have sophisticated mechanisms for resource development. Leaders of LGBTI CSOs must also grapple with the very real effects of homophobia and transphobia, including violence directed at them, their organisations and their constituents. In some cases, repressive regimes prevent LGBTI CSOs from formalising their institutions, raising funds and practising the most basic right of assembly. In such challenging contexts, LGBTI CSOs provide a lifeline for vulnerable LGBTI communities as well as an authentic and indigenous voice to advocate for the need to recognise the full dignity and equality of LGBTI people.

CLOSING SPACE AND LGBTI CIVIL SOCIETY

LGBTI communities and CSOs are particularly vulnerable to the closing of space for civil society. Throughout history and across many cultural contexts, LGBTI people have often been subjected to criminalisation and violence simply for exercising their rights of assembly and association. A group with this history of marginalisation is bound to be among the most affected when repressive regimes place constraints on civil society.

LGBTI communities and CSOs are particularly vulnerable to the closing of space for civil society.

In several cases, LGBTI communities have been explicitly targeted by regimes that seek to close space for civil society. Since 2013, Algeria, Lithuania, Nigeria and Russia have all passed laws prohibiting ‘homosexual propaganda’, making it difficult, if not impossible, for LGBTI CSOs to operate without interference from the state.⁶ In these contexts and others, local LGBTI communities are often scapegoated and falsely conflated with foreign or colonial forces, further constraining LGBTI CSOs.

However, since LGBTI leaders and CSOs have been grappling with homophobia and transphobia for decades, many have already developed strategies for continuing to operate effectively even in the most repressive of contexts. Driven by dedicated volunteers and courageous activists, they are able to mobilise people and provide vital community services through informal networks and innovative mechanisms.

A forthcoming GPP report explores in depth the unique implications of closing civil society space for LGBTI communities.

THE VITAL ROLE OF LGBTI PHILANTHROPIC ENTITIES IN THE GLOBAL SOUTH AND EAST

Just as local LGBTI CSOs are vital, so too are locally-rooted LGBTI foundations and other philanthropic entities in the global south and east. These institutions often serve as implementing partners for both government funders and private foundations, providing local knowledge and expertise as well as the capacity to build strong, sustainable and effective CSOs in their respective home regions.

6 ILGA, op. cit.

While locally rooted funding institutions are documented to be an effective tool for strengthening the impact of funding in many communities, they are particularly valuable in the case of LGBTI communities, given their history of marginalisation and exclusion from mainstream institutions.

LGBTI INCLUSION IN MAINSTREAM CSOS

While LGBTI-specific CSOs play a vital role, there are some needs of LGBTI communities that will ultimately have to be met by mainstream agencies and CSOs. For example, LGBTI refugees and internally displaced people are likely to require services from UNHCR (the UN Refugee Agency) and other agencies that respond to forced migration. It is crucial that these institutions be equipped with appropriate knowledge and competence to serve LGBTI people effectively, given that LGBTI people are more likely to face forced migration because of their sexual orientation and gender identity. Similarly, mainstream human rights CSOs are positioned to amplify and lend legitimacy to efforts to advance the recognition of the rights of LGBTI people.

Increasing the LGBTI inclusiveness of mainstream CSOs complements the strengthening of LGBTI-specific CSOs. While LGBTI-specific CSOs may never attain the scale of a mainstream hospital or refugee service system, LGBTI CSOs have the knowledge and experience to offer larger service providers training, support and community linkages. Moreover, any service or advocacy effort focused on LGBTI communities will be more effective when local LGBTI communities are authentically engaged.

RECOMMENDATIONS

While the current context remains a challenging one for LGBTI issues, the trends described above point to several ways that funders can resource civil society to advance the rights and well-being of LGBTI communities more effectively:

- Provide core support to strengthen LGBTI CSOs at the local level, particularly in the global south and east. Since these organisations often provide a range of programmes with limited resources, even small grants for general support or core support can offer them invaluable flexibility in responding to the emerging needs of their local LGBTI communities.
- Integrate LGBTI rights into broader efforts to foster democracy and address the closing of civil society space. This may include supporting mainstream human rights organisations to integrate LGBTI issues into their work, as well as providing support for LGBTI CSOs to partner with larger democracy-building initiatives and offer them crucial expertise and experience of operating in repressive contexts.
- Support local LGBTI philanthropic entities to build sustainable funding streams for LGBTI communities in the global south and east. Long-term partnerships with these entities allow them to strengthen LGBTI civil society at the grassroots level.

- Provide support for increasing LGBTI inclusiveness and competence among mainstream CSOs, while drawing on and supporting the expertise of LGBTI-specific CSOs. Partnerships between LGBTI CSOs and mainstream service providers are a powerful combination for bringing effective interventions to scale and assuring that even the most vulnerable LGBTI communities are reached.
- Across all of the above funding strategies, philanthropic networks and other spaces for convening funders should be supported, as these provide a vital mechanism for foundations, governments and other funding institutions that are seeking to increase their impact in LGBTI communities.

WOMEN'S PARTICIPATION IN PEACE PROCESSES

– HENRI MYRTTINEN, HEAD OF GENDER
TEAM, INTERNATIONAL ALERT

INTRODUCTION

Recently, I had the privilege of attending a workshop for women involved, in one capacity or another, with the Myanmar peace process, where parties to the National Ceasefire Agreement and resultant Political Dialogue have agreed to a non-binding quota of 30 per cent women's inclusion. While this was a potentially important step towards a more inclusive peace process, the experiences of the women in the room highlighted the obstacles that they have encountered throughout the process.¹ These obstacles are not new, and addressing them was one of the aims of the United Nations (UN) Security Council Resolution 1325 (UNSCR 1325) on Women, Peace and Security, passed in 2000.

Last year, the UN commissioned a Global Study in preparation for a High Level Review of progress on the goals of UNSCR 1325 on the occasion of its 15th anniversary.² In spite of some advances, on the whole both the study and the review paint a sobering picture of women's increased participation in peace processes. While increasingly gender-sensitive language is being integrated into peace agreements, the review finds that:

“[t]he most challenging gap that remains concerns the participation of women in peace processes and post-conflict political transitions, even as empirical evidence reveals a strong connection between the inclusion of women in peace processes and more durable and stable peace.”

A closer look at the figures summarised in the Global Study underscores the extent of these challenges: since the adoption of resolution 1325, only 27 per cent of peace agreements have referenced women, and in 31 major peace processes between 1992 and 2011, only nine per cent of negotiators were women.³ A study by Conciliation Resources found that between August 2008 and March 2012, women were signatories of only two of 61 peace agreements.⁴

While the gaps in women's participation remain significant, there is a growing body of strong evidence to show that including women in peace processes as negotiators,

1 See also 'Women, Peace and Security Policymaking in Myanmar, Context Analysis and Recommendations', Alliance for Gender Inclusion in the Peace Process, 2015.

2 'High-Level Review of SC Resolution 1325 (2000): From Rhetoric to Effective Results', UN Security Council, 2015, <http://bit.ly/1rQkHjZ>.

3 'A Global Study on the Implementation of United Nations Security Council resolution 1325', UN Women, 2015, <http://bit.ly/1WIMG7J>.

4 'Women and Peace Processes', Conciliation Resources, 2015, <http://bit.ly/1P5trvZ>.

mediators, signatories and in other roles makes such processes more successful and sustainable.⁵ However, simply having women in the room is not enough. Women need to be able to participate effectively, be heard and have their inputs taken seriously. The barriers faced by women against having their voices heard and their contributions given due consideration on issues of war and peace are conceptual, structural and practical, and tackling them will require not only supporting women, but also critically engaging with men.

CONCEPTUAL BARRIERS

A key barrier to women's active participation is that in the vast majority of societies, political participation and particularly issues of war and peace have historically been viewed as male domains, and often continue to be perceived as such. Politics in general is often viewed as a violent and dangerous field unsuited to women, while the business of war, and therefore of peace, is often only seen as pertaining to men with guns. Women and girls are seen as extraneous to these issues, even though they are directly and indirectly affected by violent conflict, as well as contribute to perpetuating or ending violent conflict, in ways as diverse as men and boys. In spite of overwhelming evidence to the contrary and an obligation under UNSCR 1325 to do otherwise, many of those involved in designing, funding, hosting and participating in peace processes, especially 'Track One', i.e. official governmental level peace processes, have systematically kept, and continue to keep, women and women's groups at a distance. The current Syrian negotiations are a case in point.

When women's voices are heard, their contribution is often limited to merely symbolic roles, either as a homogenous category of victims, as in the case of the Peace, Security and Cooperation Framework for the Democratic Republic of Congo and the Great Lakes region, or as 'innate peacebuilders', as for example in Liberia. In both cases, their gendered, tightly circumscribed roles as 'beautiful souls' foreclosed any possibility of taking part in the more fundamental political and economic discussions that have as great an impact on women's lives as they do on men's.⁶

STRUCTURAL BARRIERS

The erroneous conceptualisation of war and conflict as being pre-eminently or exclusively male domains, and the essentialising of women as only either victims or peacebuilders, leads to direct structural barriers to women's participation. Even where women have played major and visible roles, as supporters or active combatants, their participation is often air-brushed out of public narratives of conflict by various actors, and their roles either downplayed or rendered invisible. This leads to a reinforcing of the male domination of armed groups, be they state or non-state, and of their political representatives, since having fought in conflict is often an unstated prerequisite for participation in peace processes. Thus, the combatant parties, their political

⁵ 'Women's Participation in Peace Negotiations', Jana Krause and Piia Bränfors, Unpublished Working Paper, Geneva Graduate Institute, 2015; 'Beyond the Normative: Can Women's Inclusion Really Make for Better Peace Processes?', Thania Paffenholz, Geneva Graduate Institute, 2015, <http://bit.ly/1lusZeP>.

⁶ 'Gender audit of the Peace, Security and Cooperation Framework for the Democratic Republic of Congo and the region', Mireia Cano Vinas, International Alert, 2015, <http://bit.ly/1UPQiha>; 'Post-conflict women's movements in turmoil: the challenges of success in Liberia in the 2005-aftermath', Petra Debusscher and Maria Martin De Almagro, *Journal of Modern African Studies*, 2: 2016.

wings and, in spite of advances over past years, the international machinery supporting negotiations, remain a man's world, especially as far as Track One diplomacy is concerned. Most often, women have simply not been promoted to the positions necessary for taking part in discussions.

As participation in official channels is often blocked to women, they tend to be more active in so-called 'Track Two', i.e. non-governmental, processes. As indicative research shows, these efforts are often crucial to long-term stability and durable peace processes, giving life and substance to Track One agreements, something also highlighted by the UN High Level Review.⁷ For this to be more effective, however, the two tracks need to be brought closer together, and particularly, more input needs to flow from the broader, more inclusive non-governmental efforts into governmental processes.

PRACTICAL BARRIERS

Women who seek to participate in peace processes are often faced with a whole range of practical barriers.

In addition to conceptual and structural barriers, women who seek to participate in peace processes are often faced with a whole range of practical barriers. By way of example, Thin Lei Win recounts the obstacles faced by the seven per cent of women out of 700 delegates at the first Myanmar Union Peace Conference in early 2016: female delegates' contributions were left out of the minutes, men were dismissive of women's contributions and referred to delegates as 'girls', there was a lack of child care facilities, and women were informed at extremely short notice of events.⁸ These are not unique to this process. In our research, we have also repeatedly come across male-dominated, or even exclusively male, informal networks that make decisions in parallel to official processes and use informal communication channels that exclude women.

As in other professional contexts, if and when women do participate, they are often required to display a far higher level of expertise than male colleagues. If they gain access through a quota system, this is often held against them. Furthermore, politically active women are far more likely than men, even in peaceful societies, to be subjected to violent and sexualised intimidation, ranging from verbal or physical abuse to gender-based violence, abduction or death.

A NEED FOR A NEW PERSPECTIVE

If these factors that continue to conspire to keep women and women's voices out of peace negotiations can be addressed, better, more comprehensive, more inclusive and more durable peace settlements should result. Some of the steps that can be taken are relatively easy, such as ensuring that everyone is informed of processes on time and that child care is provided for those, almost always women, who are expected to take care of children. Quotas are an extremely effective tool to increase diversity and inclusiveness, but the evidence is clear: they work, and work well, when enabled by other elements that allow for effective participation, such as continuous training of delegates and gender caucuses, and when it is ensured that women are not put forward only as proxies of more powerful men. Challenges can be counteracted by increasing the role of civil society

⁷ 'Women Leading Peace: Women's Political Participation in Peace Processes', Georgetown Institute for Women, Peace and Security, 2015, <http://bit.ly/1O3fLzF>; 'Women Transforming Conflict - A Quantitative Analysis of Female Peacemaking', Laurel Stone, 2014, <http://bit.ly/1TEM5xN>; Krause and Bränfors, op. cit., UN High Level Review, op. cit.

⁸ 'Peace process quota no guarantee for women's participation', Thin Lei Win, Myanmar Now, 15 February 2016, <http://bit.ly/24rOd2W>.

actors. Women need to be able to participate, not merely in roles as symbolic victims or peacemakers, and not only on so-called 'women's issues', but on the whole spectrum of questions around peace and security, as these affect men and women alike, but differently.

Importantly, merely having more and more active women in peace processes is not enough. If the only women participating are external facilitators or guarantors from international agencies, and there is no local buy-in for gender-sensitive language, peace agreements are likely to fail. It is important to have local women, from combatant parties and civil society, involved, and, at the risk of stating the very obvious, it should be kept in mind that not all women will have the same goals or even be interested in promoting gender equality.⁹

Finally, to ensure increased women's participation requires a critical engagement with men and their masculinities in peace processes. Men's conceptualisations of politics, war and peace as being strictly male domains need to be challenged, along with men's attitudes and practices that actively and passively hinder increased women's participation. This is not a zero-sum game where men lose when women gain, and vice-versa; rather, it is a process where both sides stand to gain, but it requires an initial step of relinquishing some male privilege. In brief, to increase women's participation will require the adoption of a broader, deeper and more comprehensive understanding of gender in peace and security, in which neither women nor men are seen as homogenous categories; where the various roles played by men and women in war and peace are recognised; and where the transformation of certain unhelpful gendered dynamics is taken seriously as a prerequisite for building peace.

9 Georgetown Institute, *op. cit.*; Stone, *op. cit.*

THE PROTECTION OF REFUGEES NEEDS A STRONG CIVIL SOCIETY

–JULIA DUCHROW, BROT FÜR DIE WELT,
GERMANY

THE SITUATION OF REFUGEES IN 2015

In 2015, UNCHR, the UN Refugee Agency, counted 60 million people who were forced to leave their homes. Out of these 60 million, 20 million were refugees, according to the Refugee Convention of 1951. This is the highest number of women, men and children on the move since the Second World War. About 87 per cent of the world's refugees left their country and were given protection in their neighbouring countries, mostly in the global south. Europe has only given protection to around 10 per cent of the world's refugees.

Although the numbers of refugees in the European Union (EU) have been comparably low from a worldwide perspective, 2015 was the year in which several EU member states stated over and over that the EU might break apart due to the refugee situation and the lack of the sharing of the burden between EU states.

Germany has taken in approximately one million asylum seekers, among them many refugees from war-torn Syria. But parallel to this widely appreciated government humanitarian action, the German government also passed several restrictive pieces of legislation for persons seeking protection. Several countries in the Balkans were declared as safe countries of origin and the asylum claims of refugees from these countries were processed in a fast procedure, and restrictions of refugees' social services were passed, despite the problematic human rights situation for minorities in these countries. In February 2016, restrictions were introduced on family reunification in cases of subsidiary protection, and the scope was widened to expel a person who has committed a crime.

On top of that, many of the measures of the EU and its member states, including Germany, have the aim of externalising migration control in countries that lie outside the EU, such as Turkey or Northern African countries, and others that are part of the Khartoum process. This process was started in November 2014 as an initiative of the EU, the African Union, Eastern African countries such as Eritrea, Ethiopia, Kenya and South Sudan, and other countries such as Egypt and Tunisia, to combat the smuggling and trafficking of migrants and refugees on the route from the eastern Horn of Africa to the EU. In the process, the main focus has been to agree on cooperation in the management of border control, the building of reception facilities and the identification and prosecution of smuggler networks. The process has been

criticised by human rights organisations, because the EU is cooperating on security matters, such as migration management, with countries that consistently violate human rights. And for refugees, this means facing long and dangerous journeys, detention and lack of protection in the countries in which they become stranded, and denial of their economic, social and cultural rights.

Several European countries have decided, despite their legal obligations according to the Refugee Convention of 1951, to restrict the numbers of refugees to be admitted. For example, Austria has placed a limit of 80 per day. In many EU countries, racism and racist political parties are on the rise, which makes it more difficult for refugees to access those countries and survive in them.

POLITICAL AND HUMANITARIAN ASSISTANCE

Development organisations, such as Bread for the World (Brot für die Welt), and humanitarian aid initiatives, such as Diakonie Emergency Aid, support refugees in various ways, including by giving emergency assistance, but also by offering political support through the organisations with which they partner.

Bread for the World - Protestant Development Service is the globally active development and relief agency of the Protestant Churches in Germany. It is active in more than 90 countries all across the globe and has as its goal the empowerment of poor and marginalised communities to improve their living conditions. In its refugee work, Bread for the World contributes to improving the legal situation and living conditions of refugees and migrants in transit countries and countries of destination. In addition, it supports the work of church-based and social welfare organisations.

Bread for the World is also active in seeking to address the root causes that force people to leave their country. In this field, Bread for the World, together with many other organisations, advocates for a situation in which everyone can assert their right to freedom of movement, or make their own decision to remain in their homeland and not have to flee human rights violations, war and violence, or flee for other reasons. Peace education projects, such as work in Eastern Congo to prevent violence, make an important contribution to this. On the humanitarian side, Bread for the World facilitates humanitarian aid, together with its partner organisations, for internally displaced persons and refugees, and seeks to provide stable living conditions both for refugees and local populations.

As part of the same umbrella under which Bread for the World works, Diakonie Deutschland (German Diaconia) advocates for improvements in the legal status and health care of asylum seekers in Germany. Its position is that good reception standards must be guaranteed at the local and state levels, regardless of the high numbers of refugees.

For Bread for the World, a main area of work for many years has been to expose the human rights violations that occur through the expanding policies of the EU to deter refugees even beyond the EU's external borders. Opportunities to enter the EU legally are now almost non-existent for migrants and refugees. The restricted legal methods of migration force refugees and migrants to migrate illegally, and make them liable to being victims of human rights violations in countries of transit, at the

border and in the countries into which they are fleeing. In particular, women and children are often subject to violent attacks and exploitation. An essential part of the organisation's work is its close cooperation with Diakonie Deutschland and other civil society actors to engage with migration and refugee policy, both in Germany and at the EU level.

Bread for the World advocates and lobbies for a common European asylum system which is based on the Refugee Convention and on human rights standards enshrined in the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights. This means that the minimum standards that the EU member states have agreed upon, concerning reception conditions, accommodation and health care, have to be met by all EU countries. So far this is not the case, and the European Commission, together with member states, has not put enough pressure on those governments not complying with the minimum standards to do so.

Further, Bread for the World advocates for a human rights oriented system based on solidarity to ensure that EU member states apply asylum procedures in a manner that respects the fundamental rights of refugees, because the present 'Dublin' system is accepted neither by the EU states on the region's external borders, particularly Greece and Italy, nor by refugees. The Dublin regulations define which country in the EU is responsible for processing an asylum claim. With exceptions, the principle is that the country a refugee reaches first is responsible for processing the asylum claim. Countries on the external borders of the EU are therefore responsible for the majority of asylum claims, because refugees mostly enter the EU through those countries. For refugees, the consequences are often inhumane, because their basic social and cultural rights are not guaranteed, and families often face difficulties in staying together.

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CHALLENGES FOR REFUGEES – AND THEIR SUPPORTERS

Refugees are amongst the most vulnerable people in any country. Particularly in countries of the global north, refugees face racism from parts of the population. In many countries, there is also a large group of people supporting refugees in transit or in countries that refugees flee, and working to ensure integration. Particularly when refugees face situations where public services have collapsed, as in Greece, and when public services are not able to provide for the basic economic and social needs of refugees, civil society often fills the gap. In Germany, the government let many refugees enter the country to prevent a humanitarian crisis that would have resulted from leaving Syrian refugees stranded at the Austrian and Hungarian border. In line with the general positive mood of the German government, the population reacted in a very positive and receptive manner, supporting refugees in order to fulfil their basic needs quickly. But when, as described above, the government passed restrictive legislation to bring the numbers of arrivals down, movements within the country that advocate racism, nationalism and exclusion grew and became more militant. As a result, individuals and civil society organisations supporting refugees reported being faced with threats by right wing groups and individuals, as were refugees themselves. In several countries, groups supporting refugees have also been subject to surveillance and other pressures.

In many countries all over the world, refugees and migrants are being criminalised, forced to enter a country illegally and often denounced as a threat to national security. In countries such as Mauritania, which find itself under pressure to comply with demands from the Spanish government to readmit refugees and migrants, xenophobia and racism are also rising, despite the fact that the country previously has been very welcoming towards refugees and migrants in transit. Bread for the World, together with partners in the region, tries to expose the mechanisms leading to these situations where exclusion is reinforced.

In many countries, refugees and migrants face false allegations of supporting terrorist groups. For example, in countries bordering Nigeria, refugees face criminalisation and are in some cases suspected to be supporters of Boko Haram. In these cases, there is a great need for civil society groups to make sure that refugees and migrants, not necessarily familiar with local and national procedures and often not integrated into the structures of the local communities, have access to justice and can advocate for their rights.

CONCLUSION: THE NEED FOR A STRONG CIVIL SOCIETY TO PROTECT REFUGEES

In conclusion, refugees and migrants, who are among the most vulnerable in society, can only get adequate protection if civil society is protected generally. In many countries, civil society takes over the state's duties to protect refugees and migrants and guarantee their access to economic, social and cultural rights. Bread for the World supports many organisations, in the Balkans, Mexico, Turkey, western Africa and elsewhere, that work with migrants and refugees and make sure the most vulnerable have access to rights.

The various organisations and networks of civil society should work together to expose the consequences of the externalisation of migration control by EU countries on countries outside Europe. Only an environment free of suspicion, surveillance and criminalisation can guarantee that diversity in society is recognised and pursued as an important goal, and an atmosphere created that protects refugees and migrants. Further, only governments that can be seen to be standing for and promoting a human rights based approach to refugee protection and migration control can prevent the rise of xenophobia and racism in their countries.

CREATING A NEW 'STANDING ARMY' OF YOUNG PEOPLE FOR PEACE

—MICHAEL HILL, YOUTH FOR
UNDERSTANDING

INTRODUCTION

Youth for Understanding (YFU) was founded as a simple solution to an unbelievably complex problem: how to heal the wounds of the Second World War, and harness the hope of a new generation of young people to ensure that the world would never again come to the brink of extinction.

YFU's history began humbly in the United States in 1951. Understanding that the hardships prevalent in Germany after the Second World War were having devastating effects on the country's young people, placing them in a cycle of bitterness, hopelessness and despair, American minister John Eberly made a proposal to church leaders. He asked to bring teenagers from war-torn Germany to the United States to live with a family and attend high school for a year. By teaching a group of young people how families lived together in the United States, the hope was that they would be motivated to go back to Germany and rebuild the country as a democracy, according to what they had observed while living in the United States.

THE FIRST YFU STUDENTS

In 1951, 75 German teenagers from Germany and Austria were selected by the Army of the Occupation to come to live with American families for one year under the auspices of the US Department of State. The students selected were from the oldest age group not to have been part of the Hitlerjugend, the youth organisation of the Nazi regime. The students were between 15 and 18 years old and, as it became apparent, this was exactly the age group that seemed to be most able to participate naturally and adjust to the lifestyles and values of a foreign family and community.

Dr Rachel Andresen, Executive Director of the Ann Arbor/Washtenaw Council of Churches, was asked to lend her assistance and help place these first students in American homes on a voluntary basis. In 1952, the Council of Churches received permission to act as the official agency for the programme, which they named Youth for Understanding. Family and community living were at the centre of the YFU international learning experience.

The initial exchanges established the family living experience and provided the impetus for YFU to expand to other parts of the world. YFU now has a global footprint, being active in more than 60 countries. Through the exchange experience,

YFU students gain intercultural understanding, learn mutual respect, and develop a sense of social responsibility. Their experience abroad gives them leadership competencies necessary to meet the challenges and benefit from the opportunities of a fast-changing global community.

In 2016, YFU celebrates its 65th anniversary, and proudly claims more than 250,000 alumni. Our ranks include prime ministers, heads of government organisations and leaders in industry and civil society. But equally and importantly, they include everyday citizens who have been instilled with a sense that national borders are not as important as the connections among global citizens. And close to 65 years later, the world may need a YFU prescription more than ever.

A THORNIER DILEMMA

In November 2015, within days of one another, bombings in Beirut and in Paris claimed the lives of close to 175 people. Understandable and appropriate expressions of support flooded into France as scenes of one of the world's most iconic cities flashed across screens, onto the web and through mobile devices. As vigils were held, peace activists in the United States and elsewhere quietly asked an important question: 'Where is the mourning for Lebanon?' How could a similar heinous act provide global support for one group of people and not another?

The YFU youth movement started at the end of what many had hoped would be the last great world conflict. Many more traditional wars would follow, but perhaps this new era of 'incident terrorism', in which disparate groups can and do strike any place and at any time, has created a thornier dilemma, but one in which the global engagement of young people with communities is still the answer.

THE HEART OF CONFLICT

Dr Andresen was nominated for the Nobel Peace Prize in 1973 for her work in uniting young people and communities. According to the Alfred Nobel's will, which established the recognition, the Peace Prize will be awarded "to the person who shall have done the most or the best work for fraternity between nations, for the abolition or reduction of standing armies and for the holding and promotion of peace congresses."

One of the central challenges for today's young people is that standing armies are not the pre-eminent threat to a peaceful co-existence. But while this is certainly the case, the heart of conflict has not changed all that much: conflict and terror exist when people move from a place of fear to a place of hatred to a place of violent action.

Paris and Beirut, and countless other cities, are victims of those who believe a way of life is threatened or that their values are not shared or at least respected. In this frame, young people are facing a future where conflict is resolved not through traditional methods of discourse, and when that fails, conventional warfare, but rather are subject to random acts of terrorism, destabilising the world and causing some to retreat into hyper-nationalist views that impede a much broader agenda for peace.

People to people exchanges are also about breaking down walls. When participants from one culture are courageous enough to leave the safety net of their home culture to experience that of another, the by-products are increased understanding, tolerance and increased skills for dialogue and negotiation.

In 2013, I met a young man named Rami, who was to come to the United States from the Palestinian Territory. He applied to the US Department of State's Kennedy-Lugar Youth Exchange and Study (YES) Program, which was founded by the late Senator Edward Kennedy and then-Senator Richard Lugar after the terrorist attacks of 11 September 2001, to provide scholarships for high school students from countries with significant Muslim populations to spend up to one academic year in the United States. The simple premise was this: if young people could see that the American people were not the stereotypical manifestation of 'evil', then perhaps future 9/11s could be prevented.

Rami was to be placed at a rural school district in the US state of Pennsylvania. When the school reviewed his application, they noted that he had listed Occupied Palestine as his country of origin. Soon there was a public expression of concern that perhaps this young man would be anti-Semitic or somehow not fit into the community. I was very proud that YFU fought back in the media, and Rami was ultimately placed in the community, spending a very successful year explaining his life, his viewpoints and his desire for peace. Shortly after his return, Rami's region was bombed. I emailed him to find out if he was OK. After several days, he emailed back saying that he was fine but could not understand how a nation that he had come to consider his second home (the United States) could support policies that, in his opinion, supported the bombing. My response was that I could only hope that his year in the United States has taught him that the people of nations and government policies were two different things, and asked him to hold on to the belief that the US government held a particular position, but not all Americans. He said he would have to reflect on that. How many more young people like Rami are out there that could benefit from being able to cut through the media clutter? What might happen if we created 'cultural armies' of young people versus standing armies? The impact could be profound.

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'A CALL TO LEAD'

David Gergen, Professor of Public Service and Co-Director of the Center for Public Leadership at Harvard University's Kennedy School of Government, writes in the World Economic Forum's 'Outlook on the Global Agenda 2015' that our world today "... looks in vain for strong leadership" to tackle the planet's great and many challenges.¹ Gergen notes that, "From the US to Europe and Asia, there's an agreement that having a 'global perspective' is the number one skill for any strong leader" today. He adds that collaboration and communication round out the top three traits most needed to bring a fractured world together: "We need moral, effective leadership, collaborating and communicating across boundaries - business, non-profit, and political leaders all have a role to play."

If Gergen's antidote is correct, how do we create such leaders to tackle the great issues of the day? It is often said that each generation looks to the next to solve the problems they could not resolve in their own lifetime. Civil society organisations (CSOs) such as YFU, and many others, must find increased pathways for young people to communicate, collaborate and gain a global perspective.

1 'Outlook on the Global Agenda', World Economic Forum, 2015.

When Dr Andresen began YFU six decades ago, the world was a simpler place. Students travelled on boats across the ocean to live with host families. There were few rules of engagement then. There were no governmental offices that monitored regulations. Students wrote letters home to update their parents on their experience abroad, and, if they were lucky, called home once during the experience, often to arrange a reunion time for when they would arrive back home. Schools accepted young people because a local citizen wanted to have their exchange son or daughter attend. And technology most likely referred to a car, not a mobile device.

In today's hyper-connected world, students have access to volumes of information and can almost in real time gain insights into events and activities that are shaping global cultures. But technology does not provide a filter for bias and misinformation. Only through deep engagement - people to people - can disparate cultures understand one another.

Today's young people must have access to forums that provide deep engagement and youth-led dialogue. I will always believe that traditional exchanges provide the best vehicle for such dialogue, but there are barriers to entry for too many young people, including, but not limited to:

- 1) Cost: Increased costs of travel, housing and basic living expenditures have priced all but the affluent or those who receive financial assistance out of engaging in traditional exchange. Those organisations that offer cheaper exchanges often cut corners on safety and support for young people.
- 2) Protectionism: Parents and guardians are understandably concerned about allowing young people to travel and live in what seems like an increasingly volatile world. Parents who are highly involved in every aspect of a child's life - sometimes referred to as 'helicopter parents' - often cannot take the leap of faith of allowing young people to go abroad to a culture that is not their own.
- 3) Crowded educational requirements: In many countries, mandatory curricula make it appear difficult for young people to experience another culture for long periods of time. In the US system, a proliferation of sports, cultural and other extra-curricular activities tie young people to increased schedules that many adults could not maintain in years past.

NOW WHAT?

If we believe that the world's future depends on interconnected citizens with an ability to see the benefits of different cultures, then we must find ways to allow the next generation to interact with those who may appear as the other. Just as the YES Program was created with a belief that Muslim-based cultures must understand Judeo-Christian cultures, and vice versa, and in an era when many nations are no longer defined by religious traditions at all, we must create vehicles for young people to dialogue and to take those skills into their adult lives when they become heads of state, heads of corporations, heads of families or simply everyday citizens.

RECOMMENDATIONS

A hyper-connected world provides several potential solutions:

- 1) YFU has just embarked on its first 'Virtual Exchange' programme, harnessing the power of social media and technology to provide an ongoing dialogue among young people of different cultures. Meeting young people where they most are living, YFU's programme is looking at curating conversations through social media and online platforms, but with the pathway of that conversation mostly managed by young people themselves. Key questions here include what are young people interested in talking about, and how can their imagination and interest help to reduce barriers and increase understanding? Can we break through the packed educational agendas in schools to be a partner in delivering curricular needs through youth dialogue? If so, could this be one avenue for young people to realise they are more alike than different? YFU is starting a pilot programme with the poorest school in New York City. The principal there, who also happens to be a YFU Trustee, posited that impoverished children in New York are a different form of refugee. We will attempt to link them up with young people in the Middle East and North Africa region, who are experiencing great upheaval and refugee status, to explore similarities, in the hope that the adult versions of these young people might contribute to a safer planet.
- 2) Corporations and individuals must step forward to provide resources to allow increased participation in traditional exchanges. Not only will these help create the workforce most needed in an increasing global society; the return on investment will also be far greater than the cost of training adults in intercultural competencies later on.
- 3) Governments must promote a platform of intercultural engagement in societies and schools, encouraging an examination of other cultures to provide greater global security.
- 4) CSOs that care about intercultural engagement must find new ways to link young people in dynamic dialogue and work in partnership with others to reduce the barriers to entry.

We must find ways to allow the next generation to interact with those who may appear as the other.

Dr Andresen answered the call after the Second World War. In one of her speeches, she recalls being in Amsterdam when the lights were turned on again. She notes, "The work of YFU is ensure that the lights never go out again." That must be a shared mission if the next generation has a shot at fulfilling that promise.

WORKING TOWARDS THE INCLUSION OF YOUTH: THE CASE OF ETTADHAMEN AND DOUAR HICHER IN TUNISIA

– OLFA LAMLOUM, INTERNATIONAL ALERT,
TUNISIA

INTRODUCTION: MARGINALISED YOUTH IN TUNISIA

The issue of youth inclusion in marginalised areas is one of the most important, yet challenging, issues in post-revolution Tunisia. The high hopes of young people, one of the most active groups in the revolution, have turned to bitterness, in the face of chronic underemployment, underdevelopment and political exclusion. Ettadhamen and Douar Hicher, two working class towns situated in Greater Tunis, embody this shift.

In both places, as with other towns further inland, such as Sidi Bouzid and Kasserine, young people played a decisive role in the social uprisings that led to the fall of the former regime in 2011. Today, however, both communities suffer from stigmas associated with poverty, crime and Salafism (fundamentalist Islam), an image that has been accentuated by the Tunisian media following a series of clashes between the police and Salafist groups. Both towns are seen as recruiting grounds for groups promoting violent extremism, including those sending Tunisians to Syria for jihad. News stories relating to events in those neighbourhoods often concern violence, crime or terrorism. This image of fear has even fuelled mistrust of civil society.

THE RESPONSE: UNDERSTANDING THE NEEDS OF YOUNG PEOPLE

Convinced that the consolidation of a peaceful democratic transition in Tunisia requires the empowerment of excluded communities and the strengthening of their voices, International Alert is working with young people in Ettadhamen and Douar Hicher. The first stage of the project consisted of conducting research, the first of its kind in Tunisia, allowing us to produce knowledge on young people in these neighbourhoods and begin to establish trust with the various local actors, such as civil society, authorities and political parties.

To carry out this research, in 2014 International Alert collaborated with social science researchers to conduct a quantitative and qualitative study of 18 to 34 year olds living in the towns of Ettadhamen and Douar Hicher. Young enumerators were involved in the process, many of whom were recruited from the two towns and given training in field research techniques. Over 740 young people completed a questionnaire on their perceptions of their neighbourhood, schooling, career path, relations with local institutions and police, political views and religious practices. The qualitative part of the study was conducted through individual interviews and focus groups attended by marginalised young people, members of community organisations, entrepreneurs, young unmarried mothers, rappers and Salafists.

The questionnaire revealed that the marginalisation and exclusion of young people takes many forms: social, economic, urban, cultural and political. Youth unemployment is particularly high among graduates, and as a result young people do not believe that going to school will promote their social prospects; instead, most say that they go to school to keep their parents happy. Only 10 per cent of young people think that their situation has improved since the revolution, and most say that they are disillusioned with the revolution, and express a defiant attitude towards politicians. Young people are very suspicious of institutions because of corruption, a lack of accountability and feelings of marginalisation.

The study also confirms that young people encounter difficulties as a result of the stigmas attached to their neighbourhoods. These stigmas serve to widen inequalities, particularly in terms of young people's access to jobs. Both towns have very few cultural and sports facilities, and they are marked by high rates of drug consumption, particularly cannabis and Subutex, a heroin substitute. Young people nonetheless have a strong sense of identity associated with their residential area, creating a sense of solidarity.

Further, when young people sympathise with Salafism, it is for two main reasons: either political, because they share its anti-system ideology, or residential, because they feel a sense of solidarity with young Salafist activists who live in the same neighbourhood as them and with whom they share the same daily suffering and deprivation. Many young people from Douar Hicher and Ettadhamen have left for Syria since 2011. The friends and families of those who have gone to fight in Syria are worried about what will happen to them when they return.

FOLLOWING UP ON THE FINDINGS

All these findings have generated a substantial amount of national and international media interest on the issue of youth marginalisation, with the aim of influencing national policy debates.

The research has shown that the key requirement needed to promote the inclusion of young people is the construction of their confidence in the state. This should be built through the reinforcement of young people's ability to have a voice in local governance, and by involving them in processes of participatory democracy where they are able to articulate their needs and expectations towards the public policies of the state.

From August 2015, International Alert launched the second phase of the project, with the implementation of a series of activities that aim to address the social and political marginalisation felt by young people. This 18 month project combines International Alert's dialogue and mediation experience, and tried and tested dialogue and political participation methodologies, with innovative digital community mapping tools. It is targeted towards previously overlooked young people, and tackles marginalisation where it is most needed, by using the following approaches:

- Building trust and establishing lasting partnerships between local authorities and young people by creating sustainable consultation mechanisms.
- Encouraging young people, and the general population of Ettadhamen and Douar Hicher, to exchange views with local and national authorities through a participatory dialogue process. This process aims to connect local people's voices to the national level and central government.
- Stimulating local development in Ettadhamen and Douar Hicher and promoting youth employment by establishing two or three pilot initiatives to set up solidarity-based social economy enterprises.

The crucial tool that was designed to strengthen the coherence of the group, increase its visibility and run the process in a fun and progressive way was the OpenStreetMap.

Initially, the biggest challenge for International Alert was to win the trust of young people and gather their support for this project by convincing them that they are able to commit to their community, be creative, be disciplined and are able to engage constructively and convey their views to the local and national authorities. This challenge was particularly important, given the fact of that in the two towns, international civil society organisations (CSOs) are absent and local civil society is mainly engaged in charity.

Through an inclusive approach, the project has succeeded in setting up a platform of CSOs in Ettadhamen, which helped to reach out to a number of young people to participate in the project's activities. International Alert also adopted various methods to reach out to and recruit participants; these included an open call for applications through a poster campaign, and contacts with high schools to facilitate access to young people deemed as harder to reach. More than 30 young people, gender balanced and from various backgrounds, were selected and trained in various topics such as leadership, local democratic governance, local elections and accountability and street art.

The crucial tool that was designed to strengthen the coherence of the group, increase its visibility and run the process in a fun and progressive way was the OpenStreetMap. This innovative tool, never used before in Tunisia, is a digital mapping project that allows young people to work together to create an interactive map of their neighbourhood. Its use can be seen as a pioneering exercise in social re-appropriation, geared towards both identifying problems and suggesting ways to improve neighbourhood life. For example, young people can map locations not marked on official maps, unsafe areas, such as those prone to accidents or violence, social requirements and facilities in need of development. In addition, the objective of OpenStreetMap is to give young people the opportunity to inform and influence local government constructively. This tool has already achieved this, having convinced local authorities of the need to begin to integrate young people's opinions in consultations relating to urban planning in the region, and in next year's budgeting.

The crucial ongoing phase is to establish a participatory process between local authorities and young people through participatory budget planning that should integrate a focus on young people's needs. The challenge is to continue to gain the confidence of young people and encourage their mobilisation in a very complex environment, while also ensuring the meaningful engagement of local authorities. Already, the project has managed to gain the support of local civil society, and today enjoys the enthusiasm of young people, who are determined to change their environment and break free from their stigma.

We hope to give hope to young people and demonstrate to other actors that marginalisation is not inevitable. The promotion of young people's capacity to work, and the development of projects such as this, is the only way to give meaning to their citizenship.

CHARITY, BUT NOT POLICY: UNREALISED RIGHTS FOR SOUTH AFRICANS WITH DISABILITIES

—EDWARD NDOPU, AMNESTY INTERNATIONAL

INTRODUCTION

In my contribution to the 2016 CIVICUS State of Civil Society Report, I argue that despite being one of the first states to ratify the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), the South African government remains complicit in the systemic neglect of people with disabilities. In support of my argument, I delineate the ways in which people with disabilities are compelled to shoulder the burden of their own welfare because of the government's failure to make their lives more liveable. Additionally, I bring into view the ways in which the government absolves itself of responsibility to meet the basic needs of people with disabilities by deflecting responsibility to charities in particular and civil society at large.

THE SOCIAL ASSISTANCE GRANT IN SOUTH AFRICA

Recognising the fact that people with disabilities are more likely than their non-disabled counterparts to live in extreme poverty due to persistent societal and attitudinal barriers, the South African government provides a social assistance grant, which operates in the form of a monthly stipend, to enable this marginalised group to survive. This policy intervention feeds into the post-apartheid administration's broader logic that a supplement in income can work as a lifeline, enabling the poorest of the poor to meet their most basic needs. In this way, the policy aims to alleviate the material constraints that restrict people with disabilities from seeking out economic opportunities. In other words, the social assistance grant programme is useful precisely because it helps to mitigate the likelihood of the poorest of the poor completely falling through the cracks.

Such an income supplement is meant to provide poor people with enough money to be able to, for example, sustain themselves, afford public transport, get themselves to job interviews and it is hoped, climb out of extreme poverty.

However, this framework does not work. Not only are people with disabilities more likely than their non-disabled counterparts to live in extreme poverty, they are also less likely to be able to circumvent poverty because of the ways in which disabled life is structurally unaffordable. People with disabilities, unlike non-disabled people, do not just require food and shelter to be able to survive. Many also require

additional support, such as adaptive technology devices and other equipment. These additional support mechanisms are unaffordable to the vast majority of people with disabilities. With the exception of basic equipment, such as walking sticks and other ambulatory devices, the South African government does not subsidise the provision of adaptive technology devices and equipment to people with disabilities, particularly to people with severe and multiple disabilities. In this regard, charitable organisations have stepped in where government has failed.

CHALLENGES WITH THE CHARITABLE RESPONSE

In the ever-expanding world of philanthropy, charities have turned their attention to people with disabilities in South Africa. In recent times, a popular charitable intervention has been to raise money for the provision of mobility devices, specifically wheelchairs, to people with physical impairments who live in informal settlements. This intervention, however laudable, is at best myopic and at worst foolhardy. Even if the South African government, as opposed to charities, stepped in to provide adaptive technology devices and equipment to people with physical impairments, it would still not make life more liveable for people with disabilities. This is because adaptive technology devices and equipment cannot work in isolation from the spatial context. To work properly, adaptive technology devices and equipment need to be augmented by and operate within an enabling and accessible built environment. What is the point of giving free, one-size-fits-all wheelchairs - which is in itself problematic because there is no universal disabled body - to disabled people living in informal settlements where the terrain in these environments is not conducive for alternative forms of mobility?

At the same time, the inability of people with disabilities to move freely extends far beyond the urban landscape of informal settlements. South Africa's public transport system is inaccessible to commuters with disabilities. People with disabilities are not thought of as commuters in the country's collective imagination. What this means in the context of the social assistance grant is that someone with a disability cannot take public transport and get to a job interview, as their non-disabled counterpart can. Consequently, disabled people are restricted, in ways that non-disabled people are not, in relation to the pursuit of economic opportunities, which if accessed, would enable them to get out of extreme poverty. It is no wonder that the majority of disabled people in informal settlements remain confined to the backrooms of shack dwellings. They are trapped, quite literally.

Thus, notwithstanding the social assistance grant, people with disabilities are left to figure out for themselves how to navigate structurally inaccessible public goods as part and parcel of their survival. Staying with the example of a job interview, people with disabilities in South Africa's major cities can only get from point A to point B by making use of special transportation services. These services are privately operated. The cost for a return trip is double the total amount of the monthly social assistance grant. Someone with a disability in this situation will never be able to seize job opportunities. The irony in this context is that the government has in place an employment equity policy, with ambitious targets to improve the representation of people with disabilities in the workplace. It is good that the government has legislation in place to compel organisations to hire people with disabilities, but it means nothing if disabled people cannot get to these organisations in the first place.

In response to the difficult employment situation of people with disabilities, there has been an increase in charities and civil society organisations (CSOs) providing skills and training opportunities to make people with disabilities more employable, so that they can earn an income in order to afford private access to public services. Many of these organisations receive funding from the government. For all intents and purposes, the South African government has defined its policy intervention on disability in terms of funding charities and CSOs. Funding for charitable interventions constitutes two thirds of the government's work on disability.

CHARITY BUT NOT POLICY

The government's approach is fundamentally problematic, because charity is not policy. By conflating charity with policy, the government obfuscates its role in upholding the socio-economic rights of people with disabilities. As a signatory to the UNCRPD, the South African government has agreed "...to adopt all appropriate legislative, administrative and other measures for the implementation of the rights [of persons with disabilities]." In the same document, it is acknowledged that people with disabilities are "...not objects of charity but rather subjects of [human development]."¹ By conflating charity with policy, the South African government can claim to be empowering people with disabilities without putting the mechanisms in place for the actual empowerment of disabled communities. This pseudo-empowerment leaves people with disabilities worse off, as equality and dignity becomes more and more elusive.

The government's approach is fundamentally problematic, because charity is not policy.

Not only are South Africans with disabilities denied the right equipment and the right infrastructure to enable them to exercise their basic human rights, such as freedom of movement; they are also denied access to basic education. According to a recent report by Human Rights Watch, "[it] often costs children with disabilities more to go to school. For example, many children with disabilities at special schools have to pay money. Children at other schools do not. It can cost parents a lot of money to send children with disabilities to special schools." Additionally, "in regular schools, many children have to pay for their own support in the classroom."² The social assistance grant cannot cover transportation, let alone the classroom support required by children with disabilities. Many children with disabilities cannot attend school by themselves because they need assistance with their daily needs and their physical care. A child with a degenerative condition, for example, needs someone to assist them to the bathroom and other physical activities. What happens then is that regular schools refuse to admit students with disabilities because they do not want to be charged with the responsibility of being entrusted with their care.

The government could mitigate this challenge by introducing an attendant services programme, in which caregivers are dispatched to schools that seek to admit children with disabilities. These caregivers would be hired by the school through the government to provide the service. This would remove the burden on the families of children with disabilities and help generate employment for the country's burgeoning unemployed population.

1 UN Convention on the Rights of Persons with Disabilities, <http://bit.ly/1ebQdup>.

2 "Complicit in Exclusion." South Africa's Failure to Guarantee an Inclusive Education for Children with Disabilities', Human Rights Watch, 18 August 2015, <http://bit.ly/1fr7YOr>.

CONCLUSION

In this contribution to the 2016 CIVICUS State of Civil Society Report, I have shown how the South African government is complicit in the systemic neglect of people with disabilities by highlighting the ways in which it places the onus on people with disabilities for their own welfare and deflects responsibility to charities and CSOs. Looking into the future, one can only hope the South African government embodies the words of its founding father, Nelson Mandela: a nation should not be judged by how it treats its highest citizens, but its lowest ones.

GHANA: A PICTURE OF MENTAL HEALTH

–GLOWEN WOMBO KYEI-MENSAH,
PARTICIPATORY DEVELOPMENT ASSOCIATES,
GHANA

INTRODUCTION: MY UNCLE MOSES

It was a sunny morning in 2011 and I was about to have my first interaction with a self-help group of people with mental health disabilities. This was part of the ‘Ghana, a Picture of Mental Health’ initiative of the Mwananchi Ghana project, funded by the Overseas Development Institute, as part of the Mwananchi Africa Programme. I didn’t know what to expect. In preparation for this experience, I tried to play back some memories of interactions with my uncle Moses, who had mental health challenges during my early childhood. That was not helpful, as I could not remember much about Uncle Moses. What was clear to me was that my family always accepted Uncle Moses into our home when he thought it wise to trek across the countryside for several days in order to visit his cousin, my dad. Sometimes he would be very interactive and have intelligent conversations with the family, as he was a smart man. However, on most days, he would stay locked up in his room and only open the door to collect his food and return dirty dishes. He refused medication and never ever said goodbye as he would creep away deep in the night, back to the village. That was my one and only direct experience with someone with mental health challenges.

Flash forward to 2011, and I realised this situation was here and now. The Mwananchi Programme had a mission to make a difference in the lives of people with mental health challenges, and I had to first of all meet them and interact with them. This group in Tamale was very impressive and it was clear that they had a deep desire for more than they were getting from society. I could relate to them due to my little experience with my uncle many years earlier. They consisted not only of people experiencing mental health challenges, but also caregivers and loved ones. That first interaction began several years of work with people living with mental health challenges. What I remember most is the hope on their faces as we discussed and worked together on activities that would help secure a better future for them.

STIGMA AND OSTRACISM

In Ghana, mental illness is surrounded by stigma and ignorance, which results in severe marginalisation and ostracism of people with mental health challenges. They are excluded from their communities and frequently denied access to basic human rights, including rights to health, social and economic well-being, and participation

in social life. Apart from challenges with social integration, national infrastructure does little to support the care and treatment of mental illness. In 2011, there was no mental health law, and currently, the Accra Psychiatric Hospital and two other psychiatric health facilities are heavily under-funded and on the verge of being shut down. Even though a Mental Health Bill has been passed into law, not much has been done to protect mentally ill persons in practice.

These challenges are more pronounced in the northern part of Ghana. The country has only three psychiatric hospitals, all of which are under-funded, overcrowded and located in the south. The three regions of the northernmost part of the country are the poorest, and particularly underserved in terms of mental health services. There are only a few psychiatrists and fewer than 50 psychiatric nurses for a population of over three million people in northern Ghana. This makes treatment difficult for the huge numbers of people with mental illness and epilepsy.

Many families, in the face of stigmatisation, attempt to deal with illnesses themselves, hiding relatives with mental illness or epilepsy from outsiders. Some even resort to shackling or locking family members in rooms, away from the public. This reduces people's lives to no better than the existence of chained animals, as was the case of Francis Kabila Pii.¹

FRANCIS' STORY

Francis, a resident of Bolgatanga, was diagnosed with Substance Induced Psychosis. According to Francis, his mental illness first started in 1996 as a result of a troubled marriage. He was then teaching at the Baptist Primary School in Bolgatanga. Misunderstandings at home kept him worried and stressed out, he narrated: "This was noticed by my friends, and they advised me to smoke a little Indian hemp to clear away my worries."² Francis agreed, and this was the beginning of his ordeal. He gradually became aggressive and temperamental, and neglected personal hygiene. He drove his wife out of their home, started threatening to harm his siblings regularly, and would leave home for weeks without notice. Even though he was treated and discharged in the early stages, continuous use of Indian hemp caused a relapse. He left home to live in the market square. Francis was forcibly taken home by his family to undergo traditional treatment. The healer contacted was from a nearby village. He made a small hole in a huge log and forced Francis' right leg through it. The healer also forced a metal rod through one half of the hole to prevent Francis from removing his leg from the log. With the family's consent, this was done to prevent him from wandering away and to aid his 'speedy recovery'.

Restraining people with mental illness by means of shackles and logs is quite common in most parts of Ghana, especially in the Upper East Region. It is believed that the log that is usually pinned to the patient's leg has spiritual powers to aid the treatment process, in addition to the physical restraint it imposes on a person.

Francis came in contact with BasicNeeds, a grantee of the Mwananchi Africa programme, in November 2010. Francis had spent nearly one and a half years pinned to a log. The BasicNeeds team, touched by Francis' plight, offered an initial amount of

1 Francis was interviewed by Bernard Alando of BasicNeeds Ghana as a case study in Bolgatanga, the capital city of the Upper East Region of Ghana. The interview was carried out under a tree, in front of his house, on 7 July 2011.

2 Indian hemp or Cannabis sativa, source of the drug variously known as hashish or marihuana.

GHS20 (approx. US\$5) to the community psychiatric nurse to commence his treatment. BasicNeeds and the Talensi/Nabdram District Education Office then supported the rest of Francis' treatment. Francis also found some good friends who provided social and psychological support. Today, Francis is healed, happy and reunited with his family. He is back at post as a teacher in another district. The Mwananchi Programme contributed to the success story of Francis and many others in northern Ghana.

WORKING AT THE POLICY LEVEL

Beyond these efforts to help individuals and communities, there is also a need to work at the policy level to improve the way that people with mental illnesses are treated. The Mwananchi Programme worked to strengthen citizens' engagement with governments across six African countries: Ethiopia, Ghana, Malawi, Sierra Leone, Uganda and Zambia. Participatory Development Associates, the organisation I work for, was the National Coordinating Organisation of the project in Ghana.³ Our project, Ghana - A Picture of Mental Health, was implemented in partnership with BasicNeeds Ghana. The initiative used photographic documentary, in the form of a photo book, to depict the everyday lives of people with mental illness or epilepsy. This served as evidence to influence mental health policy and practice that addresses the needs and rights of people with mental illnesses in Ghana.

There is also a need to work at the policy level to improve the way that people with mental illnesses are treated.

BasicNeeds Ghana and Participatory Development Associates worked closely with people with mental health issues to implement this project. We made a point of including them in planning, advocacy and engagements at the community and district levels, as well as in engagements with the Parliamentary Select Committee on Health.

The project ensured that peer support was delivered by self-help groups of people with mental health challenges. They were supported to use the photo book to engage duty bearers and law-makers on issues affecting them. Members of the self-help groups received capacity building support and were actively involved from the inception of the project.

The vivid and dramatic photos caught the attention of policy-makers at the community, district and national levels. We worked with the Mental Health Society of Ghana to engage the Parliamentary Select Committee on Health. Members of the delegation, who themselves had mental health challenges, had the opportunity to engage with the highest law-making body of the land. This was before Ghana's Mental Health Bill was passed. Our engagement, as well as the tireless efforts of several other civil society groups, led Parliament to pass the Mental Health Bill in March 2012. In May 2012, The Mental Health Act of 2012 (Act 846) received Presidential assent and became law. BasicNeeds Ghana was asked to represent Ghana's civil society on the committee that was tasked to work on the legislative instrument for the law.

As a result, the Ghana Mental Health Authority was set up, with its the board inaugurated in 2013. The Authority has initiated the legislative instrument to facilitate effective implementation of the Mental Health Act. The authority is working with regional and district hospitals across the country to make provision for mental health cases. This includes ensuring that there are beds for patients.

3 Participatory Development Associates website, www.pdaghana.com.

CONCLUSION

We were able to make an impact by being inclusive. The self-help groups continue to thrive and provide peer support, while BasicNeeds remains passionate about mental health. We are optimistic that the Mental Health Act will make a positive difference, but progress is slow.

Funding is a big challenge on the mental health front. Though the law was passed in 2012, there has not been any movement towards supporting the Mental Health Authority with funds from Value Added Tax (VAT) and the Consolidated Fund as stipulated in the law. This has left the Authority solely dependent on funding from the UK Department for International Development (DFID) to survive. The following need to happen in order to ensure that mental health issues are given the required attention:

- The authority needs to be properly funded, and not solely dependent on DFID funding.
- There should be adequate funding to ensure that Mental Health Nurses are given specialist psychiatric training, which would make them much more useful in their line of work.
- The Ghana Health Service budget needs to have adequate allocation for mental health.

Had my Uncle Moses lived in today's Ghana, he would have had a slightly better quality of life, but things still would not have been much different for him. Unless the Mental Health law is fully implemented and funding provided on all fronts, people with mental health challenges will continue to be hidden from view.

FROM BRIDGING THE RURAL- URBAN DIVIDE TO BUILDING RURAL-URBAN INTERDEPEN- DENCIES

– JULIO A BERDEGUÉ, RIMISP–LATIN AMERICAN
CENTER FOR RURAL DEVELOPMENT

INTRODUCTION

“The century of the city!” Such is the catchphrase read in a growing number of books and heard in conferences, international gatherings and political speeches. And this is not a groundless statement: in a hundred years, from 1950 to 2050, urbanites will have gone from 30 per cent to 66 per cent of our planet’s population.¹

This structural shift poses huge challenges for governments and civil society, as it implies new demographics, economics, social organisation, politics and relations with nature. Almost all of the shift is taking place in the global south, much of it in some of the poorest regions of the world. Because of this, there is a need to pay far more attention to what is going on, what the implications are for the present and the future, and what needs to be done to steer this tidal wave of change in a direction that can do the most good and the least harm for the majority of people, particularly poor and vulnerable people.

But there is also a danger of going in fundamentally wrong directions as we think and act upon this process of structural transformation. Yes, this is the century of the city, but to a significant extent it is one of the small and medium city and of rural-urban integration. It is the century of the city, but not the century of the megalopolis.

THE INVISIBLE SMALL CITY

Yes, the world has urbanised, but it has not done so exclusively or even mainly in large cities. In fact, 43 per cent of the world’s urban citizens live in locations of fewer than 300,000 people, and most of them live in towns with as little as 2,000 inhabitants, while an additional seven per cent live in cities of 300,000 to 500,000 people. This constitutes around 27 per cent of the world’s total population. The share of urban people in smaller cities and towns will stand at 45 per cent in 2030. The large and very large urban agglomerations of more than five million people that capture the imagination of people who speak or hear about the century of the city are where 20 per cent of urban people live, a proportion that will go up to 23 per cent in 2030.

¹ Unless otherwise noted, all data in this article are taken from, or based on World Urbanization Prospects: The 2014 Revision, United Nations Department of Economic and Social Affairs Population Division, 2014.

These small cities are not a transitional feature of developing countries on their way from the village to the megalopolis. There are countries in the global north and south alike, such as Japan or South Africa, where urbanisation is highly concentrated in large and very large cities, but these are by no means representative of the overall global pattern. In the USA today there are 1.4 people living in small cities of under 500,000 people for every urbanite in a city of five million or more; the majority of them are in places where fewer than 300,000 people live. In Germany the proportion of people living in small cities to large cities is 6.2 to one, with the largest cities being in the category of one to five million inhabitants. Some highly developed countries, such as Denmark or Norway, do not have very large cities, and almost 80 per cent of their population lives in small cities of under 300,000 people. In some industrialised countries, such as South Korea, urbanites are roughly equally shared among very large and medium and small cities.

Regions with smaller cities are not only important in terms of the distribution of population; together, they also contribute much of the world's economic value. In member countries of the Organisation for Economic Co-operation and Development (OECD), the small number of regions with very large cities that account for 13 per cent of the population contribute 26 per cent of aggregate growth, while the regions with intermediate cities, such as Norfolk in the UK or Salamanca in Spain, with 75 per cent of the population, are responsible for 83 per cent of total growth. So yes, New York is hugely important to the American economy, but put together the regions around such places as Fresno or Saint Louis are even more important. Unfortunately, this analysis has only been done for OECD countries that have the required information available, but it is reasonable to think that in developing countries, which have economies that are more dependent on natural resources, the aggregate contribution of regions with smaller cities could be even more prominent.

THE NOT SO RURAL RURAL

Misconceptions also abound when thinking about the rural, a word that for most people and, more dangerously, for most policy-makers, equates with tiny, remote and isolated villages, people working the land, pervasive poverty or, at best, a bucolic 'Vangoghesque' image of sunlight, clean air and sweeping fields. Yes, there is still some of this, but the image is as distorted as if, when speaking about the urban, we would think about Charles Dickens' London.

The data are scarce and not as comparable across the different studies as would be necessary, but there is enough evidence to suggest that most rural people, perhaps as many as 80 per cent of them, live close to a city, and in the majority of cases this is a small city.

In studies in which I have participated, we found that in Colombia, one third of rural people live within a 10 km radius of a city of 25,000 or more inhabitants, and 94 per cent live within 30 km of one. In Mexico, two thirds of the rural population can travel for less than one hour to reach a city, and close to 90 per cent are only 90 minutes or less away.

A recent study, based on spatially referenced data sets for the different regions of the world, provides evidence that allows us to estimate that less than three per cent of the rural population in developing countries live in remote and isolated regions. In densely populated South Asia, it is less than half of one per cent, and in Sub-Saharan Africa, less than three per cent.²

THE RURAL – URBAN INTERFACE

So our planet is not one of a few hundred huge urban agglomerations and millions of tiny villages; approximately eight out of 10 people in the world, and slightly more than that in developing regions, live in small cities of fewer than 500,000 people and the surrounding and relatively close rural areas.

In most of the developing world today it makes very little sense to continue to see 'urban' and 'rural' as a dichotomy of vastly distinct and separate spaces.

These socio-spatial places, or territories, where most of us live and make our living, are precisely those most invisible to policy-makers and, I would argue, to civil society as well. We continue to think in terms of a dichotomous world of the rural, separate from and even contradictory with the urban, and this lens informs the ways that policy-makers and organised civil society act. We are designing policies and strategies for a world that exists largely in our imagination. Brazilian author Jose Eli da Veiga wrote about 'imaginary cities', and we could equally well refer to 'imaginary rural societies'.

The important question is whether small cities and the surrounding rural areas constitute functional rural-urban regions, or whether they are two distinct forms of social organisation that are basically unconnected to each other. The answer would seem to be quite obvious: farmers live in the village but sell in the nearby city or to traders based there; shop owners in the city have customers from the urban neighbourhood as well as from the nearby rural areas; urban women go to the countryside to work during the peak harvest season; and rural women make much of their income in non-farm jobs which often take place in the city or are based on urban customers. If an impenetrable wall was built around the city limits to prevent all movement of people and goods from one side to the other, both the city and the countryside would soon suffer the consequences. These people live, work and engage in social interaction in rural-urban functional territories; they are not 'urban' nor 'rural', in the same sense as someone living in Munich or in the village of Tiby in Mali: they are rural-urban or 'rurban' citizens.

In most of the developing world today it makes very little sense to continue to see 'urban' and 'rural' as a dichotomy of vastly distinct and separate spaces. In fact, we now know that there is a gradient from 'deep rural' places, to provincial regions that combine rural and urban attributes and locations, to the peri-urban areas in the shadows of medium to very large cities in the world, to primary cities and very large urban agglomerations. Moreover, all of these places are increasingly interlinked in networks and systems that combine functions and hierarchies. The distribution of people across these types of spaces is by no means static; it changes with development, the rate of urbanisation, and the degree to which the urban population is concentrated in one or two cities or is more distributed among a larger group of primary, secondary and tertiary cities.

While interlinked rural and urban areas and locations today appear to be the norm rather than the exception, it is important to distinguish between two different and large categories of rural-urban linkages. A first situation is that created by flows of

² 'Poverty and the Spatial Distribution of Rural Population', Edward B Barbier and Jacob P Hochard, Policy Research Working Paper 7,101, The World Bank, 2014.

people, goods, money and information, between City X and a very large number of indeterminate rural areas throughout a country or even the world. For example, mobile phones manufactured in the city of Shenzhen, in China, which has a population of over 10 million, will be shipped and used to facilitate trade and social relations in hundreds or thousands of villages in Africa and Asia. The food consumed in Lagos, with a population of 21 million, and the immigrants flowing into Lagos, comes from all over Nigeria, the region and the world, and not just from the proximate rural areas. The relationships between Shenzhen or Lagos, and the rural areas of their countries and indeed the world, are very diffuse.

A different story is that of the relations between a specific rural area and a particular urban location, developed through systematic and repeated flow of goods, services, people and money. Geographic proximity appears necessary for this kind of interaction. In this case, the flows of goods, services, money and people are much more diverse, and there is a stronger degree of reciprocal dependency between the rural and the urban components. This is so to such an extent that the urban centre and the rural hinterland can become integral components of a single rural-urban functional territory, often cutting across administrative boundaries.

In Mexico, Colombia and Chile, rural-urban territories involving one or more small and medium cities and a rural hinterland house 43 per cent, 38 per cent, and 37 per cent of the total population respectively, while 'deep rural' territories that lack an urban nucleus range have seven per cent, 16 per cent, and six per cent of the population. In Brazil, up to 3,400 rural and urban municipalities could be part of these rural-urban functional territories, involving 93 million people, 37 million of whom live in poverty.

THE RURAL – URBAN GAP

And yet, innumerable studies confirm that there are large gaps in well-being between rural and urban populations. The difference in access to education, health, electricity, clean water and sanitation services are as large as the differences in political participation, voice, representation and power. Monetary and non-monetary poverty are more widespread and more severe in rural than in urban societies.

The issue is how to address these gaps. One strategy has been to focus investments on the rural poor and in their communities, to 'bridge the rural - urban divide'. Goal 2 of the Sustainable Development Goals framework, for example, is an expression of this approach.

It is essential to insist on this strategy. As a matter of human rights, every person, regardless of place of residence, must have access to a set of services and enjoy a level of well-being that allows him or her to express his or her human potential to the fullest degree. However, the experience of many higher middle income countries shows that many of these gaps can be reduced significantly, but without a corresponding proportional effect being generated in the ability of rural people to have a stronger place and role in society. Closing the rural-urban gap in basic indicators of well-being is not enough to create more and better development opportunities for rural people.

ORGANISED CIVIL SOCIETY AND THE BUILDING OF RURAL-URBAN INTERDEPENDENCIES

In order to develop greater opportunities for rural people, there is a need to give more prominence to policies and strategies that enhance the linkages and interdependencies between rural areas and small and medium cities, within functional territories.

There is a need to give more prominence to policies and strategies that enhance the linkages and interdependencies between rural areas and small and medium cities.

These policies and strategies, of which territorial development is a prominent example, must of course involve public and private investments to improve the functioning of labour and product markets, the daily or short-term mobility of people from rural to urban to rural, and amenities, among others. There is a wealth of valuable experience in the work of organised civil society that can be of use to guide these investments so that they lead to sustainable and socially inclusive economic growth and development.

However, the crux of the problem is one of governance. A woman in a rural-urban territory may live her social life across the rural-urban boundary, but it is almost always the case that governments and policies segment and separate these functional territories. Urban development and rural development policies do not speak to each other, and therefore miss the multiple opportunities for coordination and synergies that would achieve greater impact. Some associations involving local governments from rural areas and the local government of the nearby city exist, but are the exception rather than the norm. They are needed to deal with a range of issues, including integrated water management, labour commuting, market facilities in the city for rural producers and amenities to retain young men and women in a region, thus reducing brain drain to the larger cities.

Organised civil society is the only force that can promote this change in governance systems, so that they match in much better ways the rural-urban lives of so many people who no longer identify themselves with the labels of the past. Governments, left to themselves, will continue to reproduce the rural-urban divide through so many actions, because political incentives are aligned that way. These incentives, which encourage path dependency, range from the criteria used to evaluate and compensate civil servants, to the maintenance of political clienteles and of powerful economic interests that capture certain policies or sets of policies, and the budgets and subsidies that come with them. This often happens, for example, with agricultural or infrastructure policies.

While incentives exist to continue doing more of the same, few incentives exist within governments and public legal and administrative regulations to encourage and reward cooperation and coordination across sectors, or levels or units of governments, such as districts within a province. Policy engagement to change governance systems, so that they fit the

new structural realities of these rural-urban societies, should be the top priority of those in organised civil society who are interested in closing the rural-urban divide through a strategy based on building rural-urban interdependencies.

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³ 'Inclusive Rural–Urban Linkages', Julio A Berdegué, Felicity J Proctor and Chiara Cazzuffi, Working Paper Series No. 123, Territorial Cohesion for Development Programme, RIMISP, Chile, December 2014, <http://bit.ly/1YnRyHx>.

BUILDING PEACE AND STABILITY THROUGH INCLUSIVE ECONOMIC DEVELOPMENT

–PHIL VERNON, INTERNATIONAL ALERT

The idea that economic development alone equals progress is no longer believable, if it ever was. It is fatally undermined by the need to consider environmental and social sustainability. Environmental sustainability is well understood: is the environmental cost of producing energy and materials worth the benefits they confer? By social sustainability, I mean: does economic development avoid doing harm, and does it benefit people widely enough across society? Does it help make society more resilient to stresses and shocks? Does it reduce exclusion and marginalisation?

This contribution to the CIVICUS 2016 State of Civil Society Report explores social sustainability with respect to peace and conflict. It looks at ways in which economic development, if designed and done well, can contribute to greater inclusion, improved stability and progress towards peace, and the role civil society plays in making this happen. There is nothing mystical about peace, and most civil society organisations (CSOs) can integrate some element of peacebuilding into their economic development work.

PEACE, CONFLICT AND INCLUSION

Peace is not just the absence of fighting. It is when people are anticipating and managing their conflicts and differences without violence, while making equitable progress in their lives. International Alert has been building and promoting peace for 30 years, and we've learned that this rather abstract notion can be recognised by looking at five interlinked 'peace factors':¹

Figure 1. Links between peace factors



¹ International Alert programming framework, 2010.

- Power and relationships: Are decisions made in consultation with and in the interests of different groups within society? Are political mechanisms broadly accessible to all, not limited by gender, ethnicity, class or other identity markers? Do functional, open relationships exist between different groups in society, and between citizens and those in positions of authority?
- Income and assets: Are livelihood and savings opportunities broadly open to all, regardless of gender, ethnicity, class or other identity markers?
- Safety: Do all members of society feel safe from the threat of violence?
- Justice: Does everyone have equal access to fair and predictable mechanisms of justice?
- Well-being: Does everyone have broadly equal access to the means of maintaining and improving their health, education, a decent living environment and other essentials?

The answers to these questions give a sense of how resilient a society is in the face of stresses and shocks, and thus of how stable and peaceful it is likely to be. To put it simply, long-term peace is really only possible when people have fair opportunities for a sustainable livelihood and the accumulation of assets, combined with general well-being, justice and security, in a context of good governance. Applying this lens to Syria before the war began would have revealed a fragile polity and society, vulnerable to the shocks and stresses presented by drought, the economic downturn, upheavals in neighbouring Iraq, the contagion of the Arab Spring, and outside interference.

Inclusion and fairness are particularly important for peace, in two ways: first, and most obviously, because unfairness and exclusion lead to frustration and grievance. Aggrieved people, excluded from the opportunities and benefits available to others, may turn against the society that has excluded them, especially if the unfairness is tangible and immediate: for example, if they are denied land or irrigation, when others around them have both. When exclusion is linked to identity - to ethnicity, for example - it can give rise to a shared, chronic sense of grievance that can all too easily turn into violence.

Second, through mechanisms that are too complex to explain fully here, chronically unfair societies contain within them the seeds of violent conflict because they enshrine habits of 'structural violence' - exclusion - that harm those who are excluded, and thus implicitly condone the idea that some members of society are allowed to do harm to others. This can legitimise other forms of violence. This is one reason why lesbian, gay, bisexual, transgender and intersex (LGBTI) freedoms are important for peace: not because repression of sexual minorities will lead to civil war, but because it legitimises structural violence and makes society less peaceful generally. In both cases, unfairness contributes to a fundamental lack of resilience, thus undermining stability.

Most CSOs are not primarily focused on peacebuilding. Nevertheless, CSOs in places affected by or at risk of violence clearly have an interest in contributing to improving stability, resilience and thus peace. The good news is that CSOs that are not specialised in peacebuilding can and do make a contribution to peace, if they address the peace factors noted above - governance, livelihoods, justice, security and well-being - with a focus on inclusion. Provided they do so with a good

understanding of the peace and conflict issues in their context, and with the explicit intention to contribute to peace as well as their other objectives, they can improve resilience to stresses and shocks, and reduce the risk of violence.

TRENDS

But clearly this is not yet happening enough. Levels of violence across the world remain high. The wars in the Middle East demonstrate that, despite major gains for peace in the past few decades, much more needs to be done. The Global Peace Index score, measured by the Institute for Economics and Peace, has decreased in recent years.² Some 1.4 billion people live in around 50 fragile, conflict-affected countries.³ The situation of people in places as diverse as Afghanistan, the Central African Republic, Colombia, the Democratic Republic of Congo (DRC), India, Iraq, Israel, Libya, Mali, Myanmar, Nigeria, Pakistan, Palestine, the Philippines, Somalia, South Sudan, Sudan, Ukraine and Yemen reminds us that we still need to focus local and international efforts on peacebuilding, as a critical part of development. And other countries less obviously 'in conflict' are also affected, for example where political and gang and crime-related instability and violence prevail,⁴ and in Europe, where unmanaged issues linked to migration are creating fault lines in local communities.

The need and desire for access to and control over resources has always been one of the main causes of conflict.

The need and desire for access to and control over resources has always been one of the main causes of conflict, especially when resources are scarce or perceived to be scarce, or where the rules and norms of access and control are poorly institutionalised or highly skewed. Unfortunately, such competition too often leads to violence and, at a certain scale, to war. So making sure the economy is aligned with the needs of peace is critical to the prevention of violence, and critical to the sustainability of peace in post-war contexts.

BUILDING PEACE BY BUILDING ECONOMIC DEVELOPMENT

One thing we have learned in our 30 years of peacebuilding at International Alert is that most people, most of the time, are more interested in the economy than in peace: they need bread first and foremost. Rather than try to change their minds, we have sought ways to integrate peacebuilding into economic development. With this in mind, we isolated four generic goals or outcomes which we believe civil society, businesses and governments can and should aim at in their economic development work, to contribute to peace:⁵

- Decent livelihoods. When people are gainfully employed in decent work, whether employed or self-employed, earn enough to live with dignity and are treated fairly, they have a stake in stability. Decent livelihood opportunities that

2 'Global Peace Index Report', Institute for Economics and Peace, 2015, <http://bit.ly/1WrNUOV>.

3 'States of Fragility 2015: Meeting post-2015 ambitions', Organisation for Economic Cooperation and Development, 2015.

4 'Crime and Conflict: the New Challenge for Peacebuilding', International Alert, 2014.

5 'Peace through Prosperity: Integrating Peacebuilding into Economic Development', International Alert, 2015.

are accessible to people from all sectors of society help minimise exclusion, maximise social mobility and promote resilience.

- **Capital.** When people can accumulate economic assets securely, to provide them with a cushion in time of need, to improve their income, and to invest in and improve the economy, and can do so in a way that is fair to others, they have a stake in stability. They are more empowered to say 'no' when politicians or warlords try to foment violence. Their capital may be individually or jointly owned and managed, including by the community or the state, as in the case of welfare safety nets.
- **Revenue and services.** When the state, or other legitimate authorities, collect sufficient tax revenue, and invest it to provide the infrastructure and services needed for the economy and peace to flourish, they increase systemic resilience to violence. It is important they do so fairly and strategically, with both economic growth and strengthening peace as explicit policy intentions. Civil society does not collect taxes, but it can play a critical role in making sure they are fairly collected, and used for the right purposes.
- **Environmental and social sustainability.** The right kind of economic development can enhance or at least avoid damaging the environment, and enhance or at least avoid undermining peace-positive attributes in society. This implies effective governance: civil society has an important role in promoting inclusive and sustainable economic development.

THE ROLE OF CIVIL SOCIETY

As with the positive peace factors listed earlier, the idea of fairness and inclusion runs through these goals as blue runs through clear sky. Provided those promoting economic activities do so with a good understanding of the social, political and conflict dynamics, tailor their projects accordingly, and aim to hit as many of these four outcomes as possible, they are highly likely to enhance stability, resilience and peace.

CSOs help shape the development of any society, through service delivery and protection of the vulnerable, analysis and advocacy, collective action, and holding government and the powerful to account. These roles matter hugely in fragile contexts, where state services are often under-provided, and popular systems for holding the government and powerful economic interests to account may be thin. CSOs support inclusive grassroots economic development, including through small enterprise development, cooperatives and savings and loans groups. By bringing an independent perspective as well as specialised tools and methods, such as analysis, mediation, monitoring, advocacy, witnessing, dialogue, solidarity and training to the table, CSOs, operating locally, nationally and internationally, can help ensure that economic development is defined and done in ways that build peace. In Syria, for example, CSOs are already working to support livelihoods, and can play a critical role once peace is achieved, in making sure that economic reconstruction is designed to support a more peaceful, resilient, inclusive post-war society.

CSOs often help to counterbalance political and business interests, and bring aspects of economic development to attention which these interests might otherwise miss. For example, International Alert has helped parliamentarians in São Tomé e Príncipe and Uganda to frame oil legislation so that their governments can be held to account in their regulation of the oil industry and use of royalties. Pole Institute, a CSO in the DRC, published research and advocated for improved regulation and oversight of commercial activities, which interact with the political economy in ways that reinforce conflict and violence, as seen, for example, in the ways in which the minerals trade intersects with ‘informal taxation’ systems imposed on citizens by armed groups, thus perpetuating disorder.⁶

Research and analysis by CSOs help show governments, businesses and other economic actors how to maximise the peace dividend through economic development. Our research at International Alert on how the ‘shadow economies’ of Mindanao in the Philippines interact with peace and conflict is an example of this; it points out how this interaction needs to be taken into account to avoid undermining the peace process there.⁷ The Pole Institute explained in a recent report how coffee growing can contribute more effectively to peaceful prosperity in the DRC and Rwanda. It has promoted value chain improvements to improve coffee quality and revenue, partly through improved collaboration and better relations across the DRC’s eastern borders.⁸ There are myriad instances of CSOs supporting small, local businesses as a way to improve resilience in fragile countries. To take one example, CARE provided support in conflict-affected northern Uganda to micro-enterprises and small farmers, helping them with business planning, product analysis and marketing.⁹

CSOs provide education and training, including general awareness raising on economic concepts and techniques, and are well-placed to ensure that these link peace and economic development. Ex-combatants are frequently trained in economic, business and life skills by CSOs, as part of disarmament, demobilisation and reintegration (DDR) schemes. Many DDR programmes have justly been criticised for being poorly tailored to the needs of the ex-combatant, society and the market. Nevertheless, with the right resources, and as part of a well-conceived overall policy, CSOs are usually more effective than other service providers at dealing with the reintegration of ex-combatants, each of whom is an individual with specific vulnerabilities, opportunities and needs.

Many CSOs have the dialogue, training and awareness-raising capacity to help build functional relationships between economic actors and other stakeholders. In Uganda, CSOs have bridged the communications gap between local government, community members and oil companies that were drilling in the Albertine Rift Valley, helping to reduce the misunderstandings and conflicts that were developing on all sides, and smoothing the process of developing an oil sector with the capacity to contribute significantly to local and national incomes and fiscal revenues, and to sustaining peace.

Economic development projects often lead to disputes, which can become violent disputes, usually over access to resources. CSOs can support excluded people who lack the knowledge and resources to fight back through the courts and ensure that wrongs are redressed, or at least mitigated by the payment of correct compensation. Many CSOs that implement paralegal projects provide legal advice to small businesses to help defend their rights. Ugandan organisation Advocates Coalition for Development and Environment has used its legal and public lobbying expertise to help communities and local governments

CSOs provide education and training, including general awareness raising on economic concepts and techniques, and are well-placed to ensure that these link peace and economic development.

6 ‘Rule for sale: formal and informal cross-border trade in Eastern DRC’, A Tegera and D Johnson, Pole Institute, 2007.

7 ‘Out of the shadows: violent conflict and the real economy of Mindanao’, F Lara, Jr and S Schoofs (eds.), International Alert, 2103.

8 ‘La caféiculture et son incidence sur la transformation des conflits’, A Tegera, J-P Kabirigi and O Sematumba (eds.), Pole Institute, 2014.

9 Personal communication.

through advocacy, including court cases, to prevent large agribusiness projects going ahead, when these risked undermining relations in society, and between citizen and state.¹⁰

CSOs can advise businesses and governments about how to ensure the security of their enterprises and infrastructure without alienating and harming adjacent communities. International Alert has played this role in a number of countries, leading to non-violent security provision around company assets, and better communication with communities, based on an improved mutual understanding of circumstances and needs.

CSO involvement in infrastructure development includes analysis and advocacy. CSOs can facilitate multi-stakeholder dialogue to ensure that infrastructure is designed and implemented to maximise shared peace dividends. In the DRC, local and international CSOs, working together, have facilitated discussions and community decision-making on local infrastructure projects to ensure they are peace-conducive.¹¹

CSOs often provide economic services, especially micro-credit and micro-savings to poorer households and communities, and particularly to women's groups. This helps to finance small business investment and smooth out lumpy income and expenditure flows, which are essential to increasing conflict resilience, and lessening marginalised families' dependence on local elites for expensive loans. CSOs' facilitation and dialogue skills also help deal with conflicts over land. International Alert and its partners in the Philippines have supported indigenous communities, settler communities, the government and mining companies to map and plan for fairer and clearer access to land in areas where this has been a source of conflict.

CONCLUSION

What I have tried to show in this article is that more needs to be done to build peace; that this can be part of economic development, provided it is specifically designed with peacebuilding in mind; that this is often simpler than people think; and that civil society can play and is playing an important role. Governments and donors obviously need to make sure they provide an enabling environment and funds, and I have two broad recommendations for CSOs working on economic in conflict-prone or conflict-affected places:

- Embrace the opportunity to integrate peacebuilding into your work, even if you are not a 'peacebuilding organisation': you can do this by emphasising your impact on the generic outcomes: inclusive access to livelihoods and savings opportunities; fair taxation and well-directed government spending, focused on making a contribution to resilience, stability and peace; and sustainability.
- Do so in the way which best fits your capacity, for example through livelihood support projects, or monitoring and advocacy, and for business-oriented civil society groups, such as chambers of commerce, by providing guidance and setting standards for your business members.

¹⁰ 'Lessons from citizen activism in Uganda: Saving Mabira Forest', B Twesigye, Occasional Papers Series No. 7, South African Institute of International Affairs, 2008.

¹¹ 'Rebuilding Eastern Congo at the community level', Management Systems International, 2016, <http://bit.ly/1sg6GwQ>.

CIVIL SOCIETY IN AN AGEING WORLD

–TOBY PORTER, CHIEF EXECUTIVE,
HELPAge INTERNATIONAL

CHANGING DEMOGRAPHICS

The world's population is ageing. By 2050 one in five people will be aged 60 or over.¹ Due to longer life expectancy and a decline in fertility, older people already outnumber children under five; by 2050, they will outnumber those under 15.² Much of this growth is taking place in developing countries, where seven out of 10 of the world's over-60s live today,³ but where the structures and policies do not exist to support a life of dignity and inclusion in older age.

Living longer is a triumph of development. It is changing the way we view our lives, and the possibilities of what we will be able to achieve in life are expanding. For some of us, the accumulation of wealth over time, contribution to pension schemes and ever-improving healthcare mean we are healthier and wealthier than ever in our older age.

However, we live in an increasingly unequal world and, as we live longer, inequalities deepen. For millions of people the impact of years of poverty, inadequate access to healthcare, poor nutrition and limited education accumulate with devastating impact in older age. In low and middle-income countries just one in four people above pensionable age receives a pension, so retirement is a luxury for the very few.⁴ Health inequality is reflected in large variations in life expectancy: people aged 60 in Japan can expect to live over 20 more healthy years, whereas in Afghanistan this falls to just over nine years.⁵ Sixty per cent of people aged over 60 in low and middle-income countries report being unable to access health services because they cannot afford the visit.⁶

AGE AND CIVIL SOCIETY

HelpAge is a unique global network of organisations helping to shape the future for older people. We support older people to claim their rights, challenge discrimination and overcome poverty, so that they can lead dignified, secure and healthy lives. Our engine is a global network made up of over 100 organisations, working nationally

1 'World population prospects: the 2015 revision', United Nations Department of Economic and Social Affairs (UNDESA) Population Division, DVD Edition, 2015.

2 Ibid.

3 'World Population Ageing', UNDESA Population Division, 2015, <http://bit.ly/1Tcwt1a>.

4 'Social protection for older persons: Key policy trends and statistics', International Labour Organization (ILO), Social Protection Department, 2014, <http://bit.ly/1qRoZ2h>.

5 'Global AgeWatch Index: Insight report 2015', HelpAge International, 2015, page 8.

6 'World Report on Ageing and Health', World Health Organization (WHO), 2015.

and internationally, in more than 70 countries. Our members are diverse organisations all over the world, ranging from large national bodies to small local and grassroots organisations, all working to benefit older people on a huge range of issues, including healthcare, emergency response, social enterprise and income security. This diversity is a driving force for our network and organisation, and gives us extraordinary access to thinkers and changers, global leaders and local activists.

Civil society organisations (CSOs) have always been at the forefront of the fight for equality and inclusion. Whether focused on gender equality, disability or ethnic minorities, civil society activists have stood up for the rights of people neglected or discriminated against by society and governments and tirelessly promoted the rights and inclusion of the most marginalised.

However, there is still a long way to go with regard to ageing and older people. We need the support of civil society to acknowledge and embrace the fact that we live in a world with a rapidly growing older population, and to tackle ageism, arguably the last unrecognised widespread, identity-based form of discrimination.

AN AGEIST WORLD

The term ageism was first conceived in 1969 to describe discrimination against older people. It is the most commonly experienced form of prejudice, according to research across 28 European countries.⁷

Despite common narratives around respect for our elders, older people tell us that they are stereotyped as confused, of unsound mind and unable to make their own decisions. They often tell us that they are considered a burden on society, families, the healthcare system, the economy and the welfare system. They may be seen as incapable and useless, and unable to work efficiently, profitably or productively. An older man from Uganda summed this up: “I am considered a spent force with nothing left to contribute to society, that I have had my turn and should give way to the youth.”⁸

Age can signify dependence on others, which not only perpetuates and heightens inequality, but dehumanises and holds us all back. Kamrul, aged 78 from Bangladesh, said, “My problem is that since I was about 60 I’ve at times found it impossible to eat, and at other times I don’t eat. Sometimes my sons give me a lot, sometimes they don’t.”⁹

Ageist attitudes are a substantial challenge for society and individuals. Exclusion can be exacerbated in older age, when older women and men, who may already have seen poverty, poor health and marginalisation, can face stereotyping, prejudice and direct or indirect discrimination, simply on account of being older.

7 ‘Ageism in Europe: Findings from the European Social Survey’, D Abrams, P S Russell, M Vauclair and H Swift H, Age UK, 2011.

8 Quotations are from ‘In Our Own Words: What older people say about discrimination and human rights in older age’, Global Alliance for the Rights of Older People, March 2015, <http://bit.ly/1MvQCLG>.

9 ‘We can make change: piloting participatory research with persons with disabilities and older people in Bangladesh’, Voices of the marginalised Consortium, November 2014, page 37.

INCLUDING OLDER PEOPLE IN DEVELOPMENT

Age discrimination and the rationing of services on the basis of age is alive and well in most societies, as well as within development and humanitarian programmes.

CSOs working on the broad themes of development, poverty reduction, health or education could be more responsive to the impact of population ageing on their work and proactively include older people in their interventions and programmes.

International development focuses around particular population groups such as children, youth, women, people with disabilities or indigenous people. This is reflected in the way civil society organises itself and in how donors allocate their funding. No doubt the two are intricately linked. Most development donors do not list older people among the groups they support, and the result is that CSOs struggle to find funding for this area, perpetuating inequality.

Age discrimination and the rationing of services on the basis of age is alive and well in most societies.

Why is this? Development models that focus on economic growth, productivity and cost-effective interventions for which value for money can be demonstrated are not necessarily inclusive or innovative. They are certainly not rights-based. Limiting people to a single identity fails to recognise a person as a complex human being, and is a barrier to taking a life course approach to development.

Regardless of our identity, whether as a child, a woman, a gay person, an indigenous person, someone with disabilities, or a combination of these, we all aspire to live longer and healthier lives. Nearly a quarter of the world's women are aged 50 or over,¹⁰ and yet many organisations working on women's issues are only just beginning to address the issues affecting women across their entire life course. Most responses to violence against women and girls, for example, pay little or no attention to the different forms of exclusion and violence that women experience in their older age. Those working on disability are only just beginning to look at disability in older age, despite the fact that prevalence rates increase dramatically with age.¹¹ In the ageist world in which we live, after a certain age, we lose the identity we have of being a woman or a person with disabilities and are identified solely as an older person whose value and worth is diminished.

Human rights organisations rarely focus on human rights in older age. We see it in humanitarian responses too. Of those who died during Hurricane Katrina in the USA in 2005, 75 per cent were aged over 60.¹² And 56 per cent of those who died in Japan during the tsunami in 2011 were over the age of 65.¹³ Yet less than one per cent of the projects funded under the UN Consolidated Appeals Process (CAP) and flash appeals in 2010 to 2011 included activities targeting older people.¹⁴ Inclusive humanitarian assistance might cost more, but it is a right.

¹⁰ 'World population prospects: the 2015 revision', UNDESA Population Division, op. cit.

¹¹ 'World Disability Report', WHO, 2011, pages 25, 28 and 30.

¹² 'Hurricane Katrina: Unequal opportunity disaster', N Wilson, Public Policy and Ageing Report, vol. 16, no. 2, 2006, pages 8-13.

¹³ National Policy Agency, Japan, 2012.

¹⁴ 'Humanitarian financing for older people and persons with disabilities', HelpAge International and Handicap International, 2012,

BREAKING DOWN BARRIERS

We are now starting to see recognition and positive change. The engagement of civil society in the negotiation of the 17 Sustainable Development Goals (SDGs) highlighted the importance of leaving no one behind, regardless of, for example, age, gender, disability, ethnicity, religion, location and social and economic status.

Age is now included in the 17 SDGs and their targets. Whilst these high level commitments have not yet had time to translate into meaningful change on the ground, we are already seeing positive signs that change is coming and older people will have greater inclusion in organised civil society.

The existence of ageism is becoming more widely acknowledged. The World Health Organization's (WHO) 2015 *World Report on Ageing and Health* recognised that ageism is widespread and can be a major barrier to developing good policy and practice.¹⁵ Civil society, including organisations of older people, contributed to this report. An International Labour Organization (ILO) report on the extension of social security to long-term care also recognised that ageism is a global phenomenon that can be embedded in regulations and legislation, and even text books on health and long-term care.¹⁶

More attention is being paid to ageism and age discrimination in the field of human rights at the regional level, with the prohibition of age discrimination central to the Council of Europe's 2014 recommendation on the rights of older people, the Inter-American convention on the rights of older people, adopted in 2015, and a new protocol to the African Charter on Human and Peoples' Rights.¹⁷

Issues of data on older people have long been hidden by gaps and weaknesses in national, regional and global statistical systems. It has now become more widely acknowledged that there is a lack of data on age because of upper age caps on data collection. As the implementation process for the SDGs begins to take hold, improvements must take place to ensure that data is collected across the life course.

OLDER CITIZENS MONITORING

How can we ensure legislation and policy commitments towards older people are upheld? One growing way is the involvement of older citizens in monitoring, by using participatory research to monitor the implementation of policies and services. Evidence gathered by older citizen monitors is used in advocacy at local, national and international levels. The process not only raises awareness of rights and entitlements, thus empowering older people, but also creates social interaction that helps overcome isolation and loneliness.

¹⁵ WHO, 2015, op. cit.

¹⁶ 'Extension of Social Security: Long-term care protection for older persons: A review of coverage deficits in 46 countries', ILO, ESS Working Paper No. 50, 2015, page 1.

¹⁷ 'Recommendation on The Promotion of the Human Rights of Older Persons CM/Rec(2104)2', Council of Europe, 2014, paragraphs II.6–II.8; 'Inter-American Convention on protecting the Human Rights of Older Persons', Organization of American States, June 2015, Article 5; 'Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa', African Union, 2016.

As a result of this work, a geriatric desk was established in the Kenyan Ministry of Health and Welfare. In the Philippines, after 2013's Typhoon Haiyan, which affected older people disproportionately, older citizens monitoring groups have become a fundamental part of emergency relief and rehabilitation programmes.

A lack of age disaggregated data can also mean that access to health services for older people is not monitored. In Tanzania a health service older people's forum working on a two year project saw the number of health facilities providing age disaggregated data increase from one per cent to over 60 per cent.

CHANGE THROUGH ACTIVISM AND INCLUSION

Older activists are also challenging ageist attitudes at the individual and community levels.

Older activists are also challenging ageist attitudes at the individual and community levels. Launched in 2007, Age Demands Action is a grassroots movement that involves older men and women in over 60 countries calling for their governments to end age discrimination. Mobilising on average 140,000 people annually, Age Demands Action has resulted in concrete improvements to older people's lives, ranging from discounted fares on train and bus routes in Pakistan, to a new senior citizens' allowance for people over 80 in Sri Lanka and an increased cash transfer with expanded coverage benefiting older Kenyans.

Last summer, I was delighted to accompany Esther Wamera, an Age Demands Action activist from Kenya, to a high-level panel event at the United Nations (UN). Also on the panel was Amina J Mohammed, the then Special Advisor of the UN Secretary-General on Post-2015 Development Planning. Esther, a retired banker and passionate activist who regularly leads delegations of older people to various ministries to campaign for older people's rights, is a great example of how older people can and should be ambassadors for their own rights.

HelpAge worked hard to have ageing issues included within the new global goals and the 2030 Agenda for Sustainable Development. But we recognise that we need to go further: civil society needs to collaborate and work together on inclusion. The growing interest in citizen action and participation is extremely positive. Last year's Action/2015 campaign was a great example of CSOs across the globe coming together. Different groups stood together on a shared platform and the campaign broke civil society barriers. But, in order to truly 'leave no one behind', civil society and our organisations and representatives need to reject issue-based isolation and embrace inclusion.

AGEISM AT WORK

A final area to consider is whether organised civil society is ageist in our own employment practices. Legal protection against age discrimination in employment is common across different jurisdictions. But to what extent do we in civil society encourage age diversity at work? How many of us monitor the age profile of our workforce and take proactive steps to recruit under-

represented age groups? Do we support employees as they age in the workplace, through mid-life career transitions or by creating flexible, individualised retirement plans? Do we have upper age limits for our volunteers or mandatory retirement policies that force people to stop working against their will? In 2012, the UN itself was accused of ageism when a woman who applied for a communications job at the age of 66 was told that the age cap for applications was 57. This was because the UN had a retirement age of 62 and employees had to work a minimum of five years to qualify for a UN pension.¹⁸

There needs to be more research in this area. According to data from the National Council for Voluntary Organisations, a membership body for CSOs in England, the voluntary sector in the UK is an important employer of older people, with 38 per cent of employees aged 50 or over, compared to 34 per cent in the public sector and 28 per cent in the private sector.¹⁹ What this does not tell us, however, is how many people continue working beyond the age of 64, often considered as the arbitrary end of our so-called 'working age'.

CONCLUSION AND RECOMMENDATIONS

Civil society has a key role to play in confronting and eliminating negative ageist attitudes and behaviour. Campaigns to end ageism, such as Age UK's Just Equal Treatment campaign,²⁰ need to be taken to a worldwide level, and HelpAge is planning just such a global action in the near future.

Policy makers need to respond to population ageing. A priority has to be age-inclusive development and humanitarian planning, policies and programmes supporting older people's health and economic, social and political empowerment.

Ending ageism requires all of us to challenge our own attitudes to ageing, and be vigilant with our own organisations, our governments and the wider community to ensure that there are positive and enabling environments to support later life. Older people must be reflected in data, their voices heard, their choices listened to, and their role as contributing citizens recognised and supported.

18 'Woman, 66, claims UN policy is ageist', The Canberra Times, 18 February 2012, <http://bit.ly/1Wscwap>.

19 'UK Civil Society Almanac 2015 / Workforce', National Council for Voluntary Organisations, 29 May 2015, <http://bit.ly/1YnAiCf>.

20 'Age discrimination: Just equal treatment', Age UK, <http://bit.ly/1TRqYFr>.

BUILDING A GLOBAL MOVEMENT FOR INCLUSIVE DEVELOPMENT

–VLADIMIR CUK AND JAIMIE GRANT,
INTERNATIONAL DISABILITY ALLIANCE

INTRODUCTION

Today persons with disabilities are marginalised, treated unequally and excluded in countless ways. There are people with disabilities across the world, across all sections of society, and in all stages and areas of life who face discrimination. But there is a diversity to this experience: there are many different impairments; there are vastly varied contexts in which people experience disability; and there is a huge diversity of persons with disabilities themselves. Despite these differences, every single person with a disability, like anyone else, has the potential to participate fully and equally in society.

Civil society has a responsibility is to help see this potential recognised and realised.

INCLUDING PERSONS WITH DISABILITIES IN CIVIL SOCIETY

Societies, cultures, economies and political systems exclude a great many people to different degrees and in different ways. To fully address how these systems and their institutions marginalise persons with disabilities, we need to understand how they interact with all marginalised groups of people in different ways, and how these different relationships overlap, merge and reinforce each other. We can gain this understanding through inclusion.

We in civil society can address marginalisation by making systems and institutions more inclusive. We can also lead by example, by improving our own programmes and investments to better include different voices. This does not mean offering tokenistic surveys or photo-ops. It means including the perspectives of everyone who faces exclusion in discussions and decisions that shape their lives.

Too often programmes to make goods and services accessible, or inclusive of an otherwise marginalised group, are siloed. We too often hold an over-simplified picture of who constitutes a group of people. This means that when decisions are made, the inclusion of diverse perspectives from within a group is overlooked. This allows for unsubstantiated assumptions and broad brush approaches which undermine programmes that ought to be widely accessible.

Women's crisis centres, legal aid, scholarships, emergency response systems, political representation: persons with disabilities need access to each of these. It has been well documented, for example, that women and girls with disabilities are more likely to be targeted by violence than the general population of women and girls, and yet they are less likely to have access to support services available for victims of violence.¹

Similarly, those of us who work on programmes and services that aim to be specifically inclusive of persons with disabilities must also recognise that more needs to be done to ensure accessibility for the full diversity of persons with disabilities.

The disability rights movement already shares much in common with other civil society movements. We combine journeys of recognition and inclusion with struggles for redistribution and empowerment. We face institutional, communicational and attitudinal barriers. Many of us face physical obstacles in myriad forms, and discrimination and marginalisation throughout our whole lives. These inequalities and discriminations have excluded us from society and, all too often left in poverty: a staggering 82 per cent of persons with disabilities worldwide live below the poverty line.² The need and opportunity for collaboration is clear, but deciding which of us should collaborate, and how, are critical for our legitimacy and effectiveness.

NOTHING ABOUT US, WITHOUT US

Our movement's approach is 'nothing about us, without us'. History has been full of well meaning - and not-so-well meaning - people who have tried to speak and act on our behalf. The disability rights movement has found, as have others in civil society, that achieving real progress requires self-organisation and self-representation. Building this trust and openness is possible when we collaborate as members of our own communities as well as working for them: self-advocate to self-advocate.

In terms of effectiveness, our movement has found that consistency and timing are crucial. Retrofitting buildings, reorganising systems and redefining narratives take exponentially more time and resources than getting it right the first time. Participation from the initial designs of a programme, and throughout its implementation, monitoring and evaluation, is critical.

Collaboration between movements of people who advocate for their own interests have succeeded in many local and national contexts. But now, in 2016, we have an opportunity to do this globally.

THE SUSTAINABLE DEVELOPMENT GOALS

2016 is the first year of the 2030 Agenda for Sustainable Development, with goals setting the world on course for inclusive sustainable development.³ Persons with disabilities were completely left out of their precursors, the Millennium Development

1 'Interpersonal Violence and Women with Disabilities: A Research Update', Laurie E Powers, Rosemary B Hughes and Emily M Lund with contributions from Mary Wambach, National Online Resource Center on Violence Against Women, 2011, <http://bit.ly/1NrYnY8>.

2 'Why a disability perspective should be included in all poverty reduction projects', CBM, <http://bit.ly/1VUMA7m>.

3 'Transforming our world: the 2030 Agenda for Sustainable Development', United Nations Sustainable Development Knowledge Platform, 2015, <http://bit.ly/1Epf648>.

Goals (MDGs), so we were left out of its programmes and achievements. If the new Sustainable Development Goals (SDGs) are going to be met for everyone, we need to establish how each policy and investment is going to work for everyone. We can't work on women's issues one year, children's the next, migrants' after that, and persons with disabilities' another. Each of our movements must collaborate from day one of every project, participating throughout the design, implementation and evaluation to ensure meaningful, comprehensive inclusion is engrained in the DNA of the SDGs' implementation, across each country, and throughout the regional and global review processes.

Equality is essential to sustainable development. While significant progress has been made in pursuing the MDGs for many, it is still important to recognise that this was not the case for persons with disabilities, as it was not for other at-risk groups. Not being included meant being left behind, and this actually intensified inequality. It bears repeating, as the Preamble to the 2030 Agenda recognises, that more than 80 per cent of persons with disabilities live in poverty. This is not acceptable, yet it reflects the current global status quo. We have to accept that business as usual at the global level is unsustainable.

Encouragingly, the new 2030 Agenda dedicates an entire goal to reducing inequality within and among countries, in which persons with disabilities have been explicitly included. Less encouragingly, we are missing from the first goal on poverty reduction. The 2030 Agenda is a powerful tool, but it cannot be our only tool. What are needed are blueprints for countries to use in the implementation of the SDGs that will guarantee inclusion through human rights principles. For persons with disabilities, we already have one: a comprehensive treaty spanning human rights and development, which has already been ratified by 162 governments, the United Nations (UN) Convention on the Rights of Persons with Disabilities (CRPD).⁴ If development and human rights are to be united in practice, their respective institutions and processes need to be linked. Currently, however, global development processes largely continue to be separated from global human rights processes. This is the key issue that the UN, governments and civil society must change, if we are to end the business as usual approach to sustainable development.

Equality is essential to sustainable development.

MAKING THE SDGS INCLUSIVE THROUGH HUMAN RIGHTS MECHANISMS

The CRPD, along with other international human rights instruments, should serve as a guide for implementing the 2030 Agenda. For states party to such treaties, they are legally binding. We can also address, for example, how we prepare for and manage natural disasters and humanitarian crises inclusively through the Sendai Framework, the new UN disaster risk reduction agreement.⁵ We already have many instruments and structures in place for a human rights-based, non-discriminatory and equitable approach for global sustainable development. We need to make sure that all these tools mutually reinforce each other, with each serving to enhance the implementation of the others.

4 UN Convention on the Rights of Persons with Disabilities, <http://bit.ly/1ebQdup>.

5 'Sendai Framework for Disaster Risk Reduction', UN Office for Disaster Risk Reduction, <http://bit.ly/1hj93Jk>.

As an indication of what this could look like, for almost 10 years, persons with disabilities have used the CRPD to achieve substantial progress, including with respect to development. There are many linkages between this Convention and the SDGs. Some Articles in the CRPD relate to specific Goals of the SDGs, and others are cross-cutting and relevant to multiple Goals. This means that as each of the 162 countries that have ratified the CRPD begin to plan and implement the SDGs, they must use the blueprints laid out in the CRPD.

INCLUSIVE EDUCATION

One example, of many, of how this ought to work relates to Goal 4 on quality and inclusive education. As governments plan to achieve this SDG, Article 24 of the CRPD on education must serve as a foundational guide to all national education policy and implementation. Additionally, all other related CRPD Articles, such as Five (equality and non-discrimination), Six (women and girls with disabilities), Seven (children and youth with disabilities), Nine (accessibility) and 19 (living independently and being included in the community), must feature in specifically relevant areas. This will help ensure equal access across all levels of education and vocational training for persons with disabilities, so that all children, and all adults, have access to:

- quality early childhood development, care and pre-primary education;
- complete, free, equitable and quality primary and secondary education;
- affordable and quality technical, vocational and tertiary education, including university.

The CRPD obliges governments to invest in education specifically by building and upgrading education facilities that are child, disability and gender sensitive. Only once inclusive and quality education is accessible at all levels for all children and adults, including persons with disabilities, and with relevant and effective learning outcomes, can a government legitimately claim to have achieved Goal 4 of the SDGs.

CIVIL SOCIETY COORDINATION

Many across civil society have been engaged in the UN's human rights processes: treaty bodies, special processes and the Universal Periodic Review process of the UN Human Rights Council. If we are going to achieve the SDGs for everyone, and really leave no one behind, civil society needs to link the global review of the SDGs to these existing global human rights review processes. The UN is working on developing these linkages itself, but civil society's essential role as the external accountability mechanism for governments means we have to coordinate ourselves; we can't wait for others to direct us. Across the disability rights movement, we have access to the expertise, experience and resources to link the 2030 Agenda review process to the CRPD to help ensure that money spent for development is done so inclusively of persons with disabilities. Across our entire global civil society, we have the combined expertise and experience to link the 2030 Agenda to the entire international human rights infrastructure. This has the potential to lead to the greatest political, infrastructural and resource investment for realising human rights in history.

We must coordinate globally, to ensure that the SDGs are linked to global human rights processes as each country's progress is reviewed.

We must coordinate within our movements and we must coordinate among our movements to make this happen. We must coordinate globally, to ensure that the SDGs are linked to global human rights processes as each country's progress is reviewed. We must cooperate regionally, to share information, resources and training, and manage funding. We must collaborate nationally, so that as governments plan and implement policies and reforms to achieve the goals, all members of civil society are represented and heard throughout.

There are one billion people with disabilities today, but we are not one billion identical voices. We must listen to one another and listen to others in civil society. Dialogue builds understanding and, with this understanding, we can build a movement of movements, for everyone, by everyone.

RELIGIOUS IDENTITY AND INCLUSION

—AMJAD MOHAMED—SALEEM

UNDERSTANDING THE CONTEXT

When talking about religious identity and inclusion, it is perhaps apt to start from the perspective of exclusion. Globalisation has disrupted the social fabric that helps individuals define themselves and assess their social roles.¹ The shifts of the 21st century have upended traditional structures of authority, relocated centres of power and allowed a flood of perspectives on how life should be lived. These shifts have unanchored lives, challenging the traditional structures and networks that guided peoples' behaviour in society, such as learning from the teachings of our forefathers and following the models of others. In times of rapid social change, these networks are erased or shifted to a degree that they become unrecognisable. The frantic pace of change has unsettled people to such an extent that they yearn for agents of constancy to provide an oasis in the shifting sands of today. At a time when we are, in some ways, more interconnected than we have ever been, ironically we are also disconnected, with exclusion taking place on a variety of levels. In particular, exclusion is reinforced by the following:

- **The search for social identity:** The increasing mobility of people and the ease of global communications seem almost to make it possible for everyone to live everywhere. As a result, huge new multicultural populations are emerging around the world that have mixed identities, grounded in their new homelands but in touch with countries of heritage. Thus today one's social identity is fluid and often determined by changing global circumstances, and remains a paradox. The paradox arises from the fact that unlike before, people have multiple competing factors around which their social identity is formed. This can in some cases create challenges, particularly for those who comprise the second and third generation of migrants in the west.
- **Accountability:** There is a global issue of authority. As the concept of the nation state becomes diluted with globalisation, it is no longer clear who is in charge. This phenomenon is further exacerbated by disaffected nationalist regimes and movements that claim, but at the same time have seemingly lost, moral bearings.

¹ See 'God in the Tumult of the Global Square: Religion in Global Civil Society', Mark Jurgensmeyer, Dinah Griego and John Soboslai, University of California Press, 2015, for more details.

- **Security:** We see mass disillusionment with the system of sovereign, secular states. National unities have been challenged by division based on religious and tribal identities, and new ideologies of nationalism have emerged based on the sectarian interests of religion.

Consistent with these feelings of exclusion, we have seen that the beginning of the 21st century was marked by predominantly civil conflicts.² Challenges to the established order are arising in different places around the world, linked to diverse causes such as political change, regional and national autonomy, urbanisation, climate change, faith and cultural identity, and the struggle to secure the basic conditions of life. In many cases, politics, faith, identity and rights are the foreground factors for conflict. Consequently, conflicts manifest themselves in rumour, hearsay and generalisations, which are often the first steps towards the stereotyping of people, on the grounds of their faith, culture and identity, and the denial of a diverse, lived reality. In some cases faiths - encompassing beliefs, culture and identity - become judged by the attitudes and actions of small and aberrant minorities.

It is precisely in this scenario that there are calls for new solutions. These new solutions will have to challenge people to create equal opportunities for diverse communities of ethnicities, traditions, cultures and faiths. This challenge also starts with the premise that whilst faith is seen as a cause of turmoil and exclusion, it can also be used as an antidote. As the sociologist and Islamic reformer Ali Sharyati put it, "Religion is an amazing phenomenon that plays contradictory roles in people's lives. It can destroy or revitalise, put to sleep or awaken, enslave or emancipate, teach docility or teach revolt."³

These new solutions will have to challenge people to create equal opportunities for diverse communities of ethnicities, traditions, cultures and faiths.

The North East Interfaith Reconciliation Forum, Sri Lanka

The North East Interfaith Reconciliation Forum (NEIFR) was constituted in 2009 by religious leaders who felt that spirituality and common human values founded and strengthened by the different religious teachings should be used as a force to promote inter-ethnic understanding and social cohesion in post conflict Sri Lanka. Faith leaders have come together from different religious backgrounds throughout Sri Lanka to convene multi-religious and multi-cultural awareness programmes to adopt common societal values and plans for upholding public goods. The forum believes that if religious leaders and institutions can provide an opportunity to apply their harmonising principles to post-conflict situations, the process of reconciliation can benefit. NEIFR was invited to present their findings to the Lessons Learnt and Reconciliation Commission (LLRC) set up by the Sri Lankan government in 2010, where they talked about the benefits of faith-based diplomacy, including:

- **Conscious commitment to respect and abide by spiritual principles, and preparedness also to use prayer, fasting and forgiveness as resources of peacemaking.**

² An authoritative estimate from World Bank data is that 1.5 billion people - a little over 20 per cent of the world's population - live in countries under the threat of large-scale, organised violence, whether perpetrated by terrorists, state forces or, mostly, by criminal gangs.

³ See 'The Power of Religion in the Public Sphere', Judith Butler, Jürgen Habermas, Charles Taylor and Cornel West, Columbia University Press, 2011, for more details.

- Faith-based diplomats to have a firm rooting in a particular religious tradition, and they should also understand and respect the essence of other faith traditions.
- Conviction that transcendental approaches and principles are derived from sacred texts and spiritual experience, and that applying these to conflict resolution adds value to other diplomatic efforts. Therefore, there is a need to institute and preserve a combined approach to reconciliation efforts.

NEIFR requested the following as ways for faith leaders to engage in reconciliation in Sri Lanka:

- Constitute a National Committee of Conscience rooted in spiritual guidelines of the right to life and the sharing of common space and resources. This will be an apex body to advise the government on human rights, resource access and allocation, and the ethical harnessing of natural resources. It will also function as an advocate for the safety of endowments passed down to the next generation. The Committee will also advise on the inclusion of spiritual teachings of human and family values in schools. The Committee will monitor divisionary or extremist publication or pronouncement that could incite divisions.
- Constitute Reconciliation and Peace Committees at district and local levels, to include clergy from different religions. These Committees will hold meetings, seminars and workshops involving public officers and the public as ways of strengthening inter-ethnic relationships, with a focus on a common Sri Lankan identity. These Committees will be linked to the National Committee of Conscience.
- Encourage the formation of community councils at the village level, including two members of clergy as ex-officio steering members. The responsibility of the steering members would be to guide the work of the councils, prevent excesses and corruption in public life and inculcate resource conservation as a spiritual requirement for posterity. The councils will promote respect for human values, including the right to life, as a platform to building a peaceful society.
- Religious leaders should be role models and focal points for forging peace and harmony in the society by providing incentives and recognition for humanitarian services and *community* reconciliation work.

The LLRC considered the recommendations, which were eventually highlighted in clause 8.274 of the LLRC final report as a recommendation for the government to pursue.

NEIFR still works on bringing faith leaders together to tackle humanitarian crises while creating platforms for communities to discuss issues of social concern. It still advocates for the role that religious leaders can play in reconciliation in Sri Lanka.

THE ROLE OF FAITH

For many people around the world, faith is embedded in cultures, practices and communities. Religious practices and perspectives continue to be sources of values that nourish an ethics of multicultural citizenship, commanding both solidarity and equal respect. Historically, spiritual heritage has often provided humanity with the capacity for personal and social transformation.

Religious practices and perspectives continue to be sources of values that nourish an ethics of multicultural citizenship, commanding both solidarity and equal respect.

Today we are experiencing dark moments, and in the tumult, religion appears to shine like a beacon of hope and reliability. Religions provide trusted institutions that have their bases of legitimacy in the divine order of the universe and in the societies they have nourished and been nourished by. As a repository of symbols, a system of belief, a convergence of cultural rights, a structure of morality, and an institution of power and one that challenges old systems, people often find religion offers them a sense of community, a trusted authority and meaning for their lives. Religious institutions can also be mediums for inclusive engagement, as they offer simple and easy access to communities, and a simple language to express the commonalities of existence, such as:⁴

- **Common values:** Major faith traditions are united in values that espouse the notion of a shared humanity. These fundamentals help to define a framework for dialogue, constructive debate and joint action, to confront that which is an affront to civilisation, namely the persistent scourge of material poverty, and the malaise of bigotry, intolerance and inequity, whether based on religion, nationality, race, culture or gender, and to address creatively the challenges of exclusion and take advantage of the opportunities commonalities may offer.
- **Social responsibility:** Diversity, like creation itself, is purposeful. The reality of its prevalence is reason enough for people, whatever their origin or background, to come together in an effort to know one another. This coming together and dialogue can only be sustained if merit or virtue is associated with the quality of one's conduct, irrespective of one's creed, race, colour, gender or material status in society. Abstractions of good, and protestations of righteousness, are of no avail unless translated into practical, good deeds. Without active social responsibility, religiosity may be seen by some as merely a show of conceit, and be divisive.
- **Social justice and ethics:** Justice, compassion and ethics generally only endure when they are part of a lived spirituality, mirroring a soul at peace. Justice, thus defined, is the bonding principle of our common or universal ethic that is the only way to ensure a human dimension to policies and strategies pertaining to inclusion.

⁴ See 'Religion and Globalisation: Perspectives for the New Millennium', Shams Vellani, The Institute of Ismaili Studies, 1 April 2001, <http://bit.ly/24M2nqF>.

The Imam and the Pastor, Nigeria

Nigeria has roughly equal numbers of Christians and Muslims, and with a population of 140 million, is often said to be the country that contains the greatest number of Christians and Muslims in one nation. Violence is seen as having its origins in the adoption of extremist positions by some local religious leaders in the 1970s, which intensified as a result of debates over Sharia law in the 1990s. It was against this backdrop that the Muslim-Christian Dialogue Forum, and subsequently the Inter-Faith Mediation Centre, was founded by two religious leaders, Pastor James Wuye and Imam Muhammad Ashafa, themselves former leaders of violence and militancy.

They first came face to face to talk about a common problem in their communities, drug abuse, in 1995, and agreed to begin a tentative dialogue between themselves to try to find a shared understanding. This personal interaction and reflection, originally charged with suspicion and doubt, eventually led to public-facing activity which aimed to develop trust and begin collaborative relationships to build reconciliation over time. The main objectives of their work are to reestablish relationships that have been damaged due to violence; attempt to minimise the likelihood of the reoccurrence of violence; offer projects which require the involvement of both Christians and Muslims, such as cultural events and workshops; and help support the capacity development of partners involved in peacebuilding. Activities have a particular focus on including women, as the chief transmitters of and educators about values in the home, and young people, who are vulnerable to religious calls to violence.

Part of the follow-up to this has been the development of a cadre of religious leaders who can be rapidly deployed to defuse tension in times of crisis.

The work has since been applied to contexts other than the strictly religious, such as ethnic contexts, with the skills developed in Christian-Muslim peace-building used to bring together opposing Fulani and Berom tribes. The work of the two leaders has also been showcased in a film launched in 2007, *The Imam and the Pastor*.

This experience demonstrates the need for processes of reconciliation to start from personal and apparently modest roots. A process of personal acceptance and understanding gradually broadened out into something that could reach and engage with others.

RELIGIOUS PLURALISM AND INCLUSION

The concept of inclusion around religious identity works on the premise of building an understanding of religious pluralism, based on common features in a language spoken by most people, setting the agenda for creating a new, improved environment. As a concept for espousing inclusion, religious pluralism is the interaction of religious actors with one another and with society and the state around concrete cultural, social, economic and political agendas. It denotes a politics that joins diverse communities with overlapping but distinctive ethics and interests.

Globalisation has challenged the familiar national/international polarity by transforming relationships between what were considered global and local aspects of politics, culture and society. As religion can cut across class, ethnic, geographic and cultural divisions, religious leaders can serve an important, if sometimes informal, representative function. Members of a religious community, anchored in different parts of the world, have an enormous latent capacity to increase their cultural, social and economic links with one another and with other religious and secular partners in other parts of the world. Religious identity also serves as a powerful bond amid the vicissitudes of globalisation, and one reinforced by ethical commitments embedded within a particular tradition.

As religion can cut across class, ethnic, geographic and cultural divisions, religious leaders can serve an important, if sometimes informal, representative function.

Despite this role, there has been a certain reluctance to recognise and acknowledge this and subsequently engage with faith organisations on such measures, with much of the rhetoric of ‘engagement with faith’ being done in the realms of inter-faith forums. While these have their importance and have a role to play, it is increasingly being felt that these forums are limited in mandate, scope and sphere of influence, with insufficient interest in leveraging the basic tenets of faith for the good of the wider, multi-faith society; they are seen as being more about talk than action.

Reluctance stems from the fact that, despite the importance of inclusion in principle, there is a character to the religious playing field that can complicate matters. Faith communities, whether they are numerous and powerful, a minority struggling for a voice, or even an influential tiny cadre, undeniably have as strong a history of internecine strife and struggle as they do of cooperation and collaboration. Yet given the challenges faced, and the opportunities posed, there is a need to engage with faith and faith organisations to build and sustain links with them, purely for the reason that communities can be engaged on a faith basis. This is of course something that political figures and conflict entrepreneurs know well, and have used for negative ends throughout history and today. It is important that civil society with the right intentions learns how to engage with faith for more positive ends.

The role of diaspora interfaith groups in reconciliation in Sri Lanka

International Alert has been working with the Sri Lankan diaspora in the UK over the last six years. The premise is that as long as diaspora have an interest in their countries of heritage, they can be utilised for peacebuilding and reconciliation. A new phase of this initiative has been to use the inter-faith platform amongst diaspora communities to open up a space for a discussion on reconciliation on Sri Lanka.

International Alert believes that the Sri Lankan communities living abroad have a positive and important role to play at this juncture for the country, and by responding in a systematic and committed way can help to secure a positive change in Sri Lanka, characterised by an inclusive identity where all people can live in dignity and security. As such it has been constituting inter-faith gatherings with communities in Australia, Norway and the UK to enable the perspectives of diaspora Sri Lankans who, through the commonality of faith teachings, can develop a collective vision and action for Sri Lanka.

Using some of the principles and values for religious pluralism discussed above, International Alert has succeeded in creating spaces for conversation for diaspora Sri Lankans, so that they can overcome political differences while looking towards the future with some underlying ethics and values.

REFLECTIONS

Faith identities will continue to be part of the picture, and faith based organisations will continue to thrive as part of civil society. Virtually all faiths have a common purpose, which is to serve humanity and aid the disadvantaged, which thereby addresses exclusion. Despite this, faith has been often side-lined by secular civil society organisations due to its potentially sensitive nature.

However we ignore faith at our peril, especially in a time when traditional understandings of identity, accountability and security are being continuously challenged, as is the way we belong to a community, which has changed due to increased mobility, improved communication technologies and the weakening boundaries of communities and the nation state. There is thus a need to find new ways to anchor us in a globally connected world. In the turbulent waters of the global era, religion, which has its basis in the past, can provide solid ground and protection, but also inspire creative ways to aid transition. Civil society needs to recognise the role that faith can play and provide a seat at the table for faith organisations.

Kwame Anthony Appiah writes eloquently of the urgent need for “...ideas and institutions that will allow us to live together as the global tribe we have become.”⁵ The roots of all global crises can be found in human denial of the eternal principle of peace. In order to fight this denial there needs to be self-critical reflection. The 19th century explorer Sir Richard Burton once wrote that, “All Faith is false, all Faith is true: Truth is the shattered mirror strewn in myriad bits; while each believes his little bit the whole to own,” by which he meant that you will find parts of the truth everywhere and the whole truth nowhere.⁶ In Appiah’s words, the shattered mirror concept enables us to see that “...each shard reflects one part of a complex truth from its own particular angle.”⁷ Our mistake in the world today is to consider that “our little shard can reflect the whole.”

5 ‘Cosmopolitanism: Ethics in a World of Strangers’, Kwame Anthony Appiah, W W Norton, 2006.

6 ‘The Kasidah Of Haji Abdu El Yezdi’, Sir Richard F Burton, 1924, available at <http://bit.ly/1WpRCbR>.

7 In developing this analogy, Appiah draws on the ideas of the 19th century adventurer and polyglot Sir Richard Francis Burton. Among other exploits, Burton managed in 1853 to gain entry to Mecca and Median as a pilgrim, helping to communicate the complexity and richness of Islamic culture to Victorian Britain.

This is the current problem with some thinking about exclusion. Many people misinterpret their little truth as being the whole truth and are not inclusive enough to consider the other ‘shards of glass’. True inclusivity can only be obtained when we carefully position all the ‘small shards of glass’ to create a compelling cosmopolitan mosaic. This will never be easy, but remains vitally important because, as Kwame Anthony Appiah illustrates, it involves creating the very “ideas and institutions that will allow us to live together as the global tribe we have become.”

THE IMPACTS OF CLIMATE CHANGE ON THE WORLD'S POOREST AND MOST MARGINALISED COMMUNITIES

–ANDREW NORTON AND CHARLOTTE FORFIEH,
INTERNATIONAL INSTITUTE FOR ENVIRONMENT
AND DEVELOPMENT

INTRODUCTION

The founder of the International Institute for Environment and Development (IIED), Barbara Ward, pioneered the concept of sustainable development and envisaged a world where the “care and maintenance of a small planet” was realised through transformative action and research addressing complex environmental, social and economic challenges.¹

IIED continues to work at the leading edge of sustainable development research today. Since I took up the directorship in the summer of 2015, I have been struck by the rich tradition of analysis, knowledge and evidence that IIED brings to bear on environmental justice, and also by the deeply embedded partnerships we hold with organisations in the global south. These mean our analysis and policy recommendations are rooted in the lived experience of those at the sharp end of climate change and environmental degradation.

CLIMATE INJUSTICE

Climate change is above all else an issue of social and environmental justice. Those most vulnerable to the negative impacts are, to a quite remarkable degree, those countries and people that are least responsible for causing the problem in the first place. This is a point that has been made many times, and Figure 1 is an effective illustration of this at the level of country responsibility and impacts.² Countries that are least responsible tend to be the most exposed. Further, new research indicates that some sources of natural wealth, such as populations of plants, trees and fish, are moving very broadly from the global south towards the global north, thereby benefitting richer countries at the expense of poorer ones.³ We keep finding new ways to make the point that climate change is simply deeply unfair, which amplify but do not change the basic message.

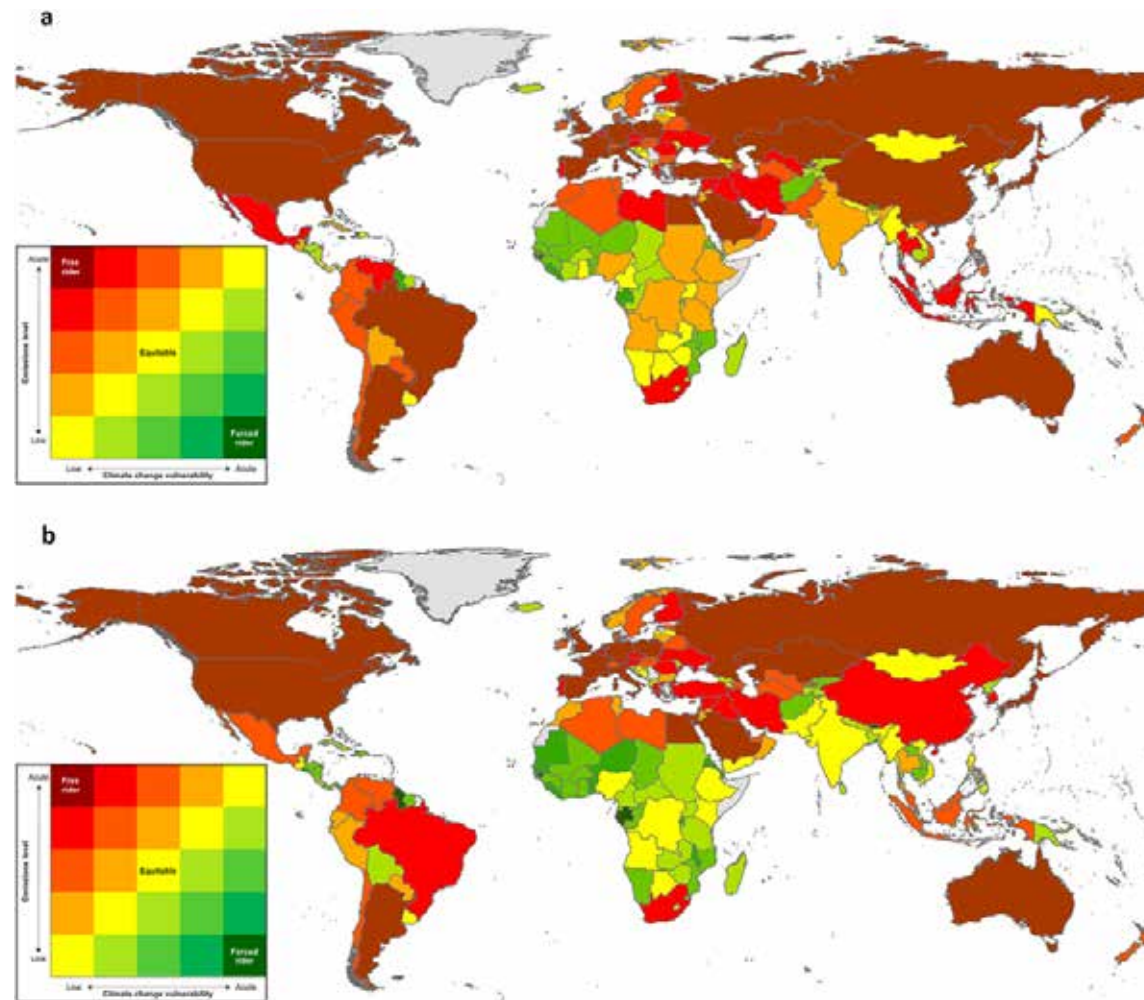
1 For a brief history see ‘Barbara Ward and the Origins of Sustainable Development’ David Satterthwaite, IIED, 2006, <http://bit.ly/1T5sZyJ>. ‘Only One Earth: The Care and Maintenance of a Small Planet’, Barbara Ward and Rene Dubois, 1973, was a seminal early statement of the imperative for environmental responsibility.

2 From ‘Global mismatch between greenhouse gas emissions and the burden of climate change’, Glenn Althor, James E M Watson and Richard A Fuller, Scientific Reports 6, Article number 20,281, 2016, <http://bit.ly/1NTWRH5>.

3 ‘Wealth reallocation and sustainability under climate change’, Eli P Fenichel, Simon A Levin, Bonnie McCay, Kevin St Martin, Joshua K Abbott and Malin L Pinsky, Nature Climate Change 6, 2016, pp. 237-244, <http://bit.ly/1OwJVY1>.

At the country level, the least developed countries (LDCs), a group of 48 countries with low incomes and low institutional and human development, combine climate vulnerability with low levels of capacity for response to the negative impacts of climate change. Approximately two-thirds of LDCs are in Africa. Some LDCs are landlocked. Others are island nations or have large low-income populations in low-lying coastal areas that are vulnerable to rising seas and fiercer and more frequent tropical storms. This makes people vulnerable to coastal erosion, flooding and loss of farmland due to saltwater intrusion.

Figure 1. Global mismatch between greenhouse gas emissions and the burden of climate change



(a) Climate change equity for 2010. (b) Climate change equity for 2030. Countries with emissions in the highest quintile and vulnerability in the lowest quintile are shown in dark red (the climate free riders), and those countries with emissions in the lowest quintile and vulnerability in the highest quintile are shown in dark green (the climate forced riders). Intermediate levels of equity are shown in graduating colours, with countries in yellow producing greenhouse gas emissions concomitant with their vulnerability to the resulting climate change. Data deficient countries are shown as grey.

The broad pattern of climate injustice is reproduced at the individual level. Lucas Chancel and Thomas Piketty concluded that globally, both greenhouse gas emissions and inequality are increasing. They found that the top 10 per cent of emitters contribute about 45 per cent of global emissions, while the bottom 50 per cent of emitters contribute 13 per cent of global emissions. The top 10 per cent emitters are on all continents, with one-third of them from emerging economies.⁴ Meanwhile poor people have fewer resources to deploy when climate change threatens their livelihoods or homes, are often more directly dependent than the non-poor on natural resources, which may degrade as a result of climate change, and more often live in areas highly exposed to climate hazards, such as flooding or cyclones, than the non-poor.

A further dimension of inequality at the sub-national level is the question of group-based inequalities. Power relations lead to specific social groups suffering an excess of poverty, exclusion or discrimination, which undermines their ability to cope with or adapt to the negative impacts of climate change. These groups can be based on gender, age, ethnicity, religion or other more specific social status markers, such as caste. Women, for example, may be more exposed to climate hazards due to customary practices, or vulnerable to specific stress due their roles in household reproduction.⁵

Poor communities are considerably more exposed on a global scale to the impacts of extreme weather events.

CLIMATE VULNERABILITY

Negative impacts are felt in multiple ways: in loss of lives; threats to livelihoods; increases in the prevalence and severity of diseases; constraints on and shocks to economic development; increases in the magnitude and frequency of floods, droughts and other disasters; human displacement; and disruptions to social and political systems.

Poor communities are considerably more exposed on a global scale to the impacts of extreme weather events. There are many reasons for this: it may be because they live in parts of urban centres most likely to flood, or because they are rural farmers and are highly affected by drought. Low income groups are less likely to have savings and safety nets, social protection, access to services, capacity and, simply put, options. And within those communities, some social groups are much more vulnerable than others. For example, in the Sahelian drylands of West Africa, women are typically responsible for gathering water and fuel wood. Water stress caused by drought can greatly increase the time and labour burden that falls on them in performing those tasks.

Sea level rise is increasingly causing displacements of populations. As vulnerable populations are often concentrated in low-lying flood plains, they are frequently the ones that will be forced to relocate earliest. This may be caused by the loss of land and habitat, or the degradation of farming land due to increasing salinity. For example, highly conservative scenarios in the Intergovernmental Panel on Climate Change (IPCC) Fifth Assessment Report, finalised in 2014, estimated that four degrees of global warming would lead to sea level rise of a metre by 2100. That, it is estimated, would displace 20 million people in Bangladesh alone. Meanwhile, recent administrative data demonstrates that such relocations away from vulnerable low areas to urban centres are already happening.

⁴ 'Carbon and Inequality: From Kyoto to Paris' Lucas Chancel and Thomas Piketty, Paris School of Economics, 3 November 2015, <http://bit.ly/1MhyNSy>.

⁵ For a consideration of the gender dimensions of climate impacts and civil society approaches to building resilience, see 'Gender and Resilience', Virginie le Masson, Andrew Norton and Emily Wilkinson, BRACED Knowledge Manager, 2015. <http://bit.ly/1ZG4kBl>.

The links between climate change and conflict are complex. Some have argued that preceding years of drought contributed to the onset of violent conflict in Syria in 2011. It is never inevitable that violence will follow from climate impacts. But the devastation that follows on from conflict in once relatively prosperous environments such as Syria is a dramatic cause of increased human misery on many levels, and cannot be ignored in a discussion of vulnerability to climate change.

The challenge for climate vulnerable communities and countries is to adapt to the changing climate. However, efforts to respond to climate change are hindered by the range of other big issues countries such as LDCs face, from poverty and insecurity to rising environmental pressures, weak capacity in the private and public sectors, and depletion of natural resources. Taken together, these present sizeable barriers to building adaptive capacity and resilience.

TOWARDS CLIMATE JUSTICE – CIVIL SOCIETY ACTION AT THE LOCAL, NATIONAL AND REGIONAL LEVEL

Under the United Nations Framework Convention on Climate Change (UNFCCC), governments have a responsibility to implement both mitigation and adaptation policies and programmes, and developed countries also have responsibilities for the transfer of finance and appropriate technologies to developing countries.⁶

The Paris Agreement of December 2015 established a radical new framework for pursuing climate action, which the scientific evidence shows to be ever more urgent. The Paris Agreement established a set of provisions that oblige countries to have a plan for climate action, to update the plan regularly to make it stronger, and to communicate with citizens about how they are doing. This process has to be underpinned by credible and consistent data. All of this will provide a framework against which accountability dynamics can work through reputational incentives, peer pressure, policy advocacy and activist litigation. Further, both the Paris Agreement and the UNFCCC establish responsibilities for developed countries to assist developing countries, and particularly LDCs, with both finance and the transfer of technology.

Civil society has a leading role to play, in raising awareness, advocating for increased ambition and effectiveness of action by governments, donors, investors, companies and international organisations, and helping to plan for a future constrained by our changing climate.

Increasingly, civil society organisations and other stakeholders are coming together at national and regional levels to form civil society networks to advocate for progressive change, such as the Climate Action Network South Asia and Sustainability Watch Latin America. Much of the work they undertake is lobbying, which involves building relationships with those in authority and

⁶ The United Nations Framework Convention on Climate Change of 1992 remains the primary text in international law for guiding national climate change action.

speaking with them about particular issues and community needs. Campaigning is also a key role for civil society, with civil society mobilising the public, raising awareness and asking for action in line with increasing public demand.

Organisations such as the Bangladesh Centre for Advanced Studies, Local Initiatives for Biodiversity, Research, and Development in Nepal and the African Centre for Technology Studies in Kenya harness science, technology and innovation for sustainable development, capitalise on local initiatives for the sustainable management of renewable natural resources and work to improve the livelihoods of the resource-poor. These organisations and many like them conduct research, form alliances and implement strategies to generate support for progressive policy change and climate action.

Because climate change is a global problem and climate action is a global public good, the role of civil society in countries that emit large amounts of greenhouse gases is equally important.

Because climate change is a global problem and climate action is a global public good, the role of civil society in countries that emit large amounts of greenhouse gases is equally important, whether in middle income countries such as China, or high income nations that are members of the Organisation for Economic Co-operation and Development. In wealthy countries, civil society has a vital role in campaigning for effective state policies to decarbonise economies and societies, the rapid removal of fossil fuel subsidies and changing practice in the private investment community to bring a massive shift of investment towards renewable energy technologies, and in encouraging support for the livelihoods of poor people in LDCs and other vulnerable countries.

On the question of resource flows to poorer countries, analysis by IIED has shown that the LDCs' climate action plans prepared for Paris would require US\$93.7 billion per year to implement from 2020 to 2030.⁷ The LDCs are the countries that will find it hardest to attract private investment at scale. This means that public climate finance will need to both increase and improve its targeting in order to make adequate global progress. Meanwhile the evidence at present suggests that climate and development finance flows to LDCs are declining, despite the various calls in international agreements, including the Paris Agreement, for this to increase.⁸ Civil society has an important role in highlighting areas where commitments, whether collective or country-specific, are not being realised.

WHAT NEXT?

Whether the Paris Agreement can act as a powerful catalyst for radical change in a range of complex social, economic and political systems remains to be seen. Climate change increasingly influences the context for all development action, but the ways in which that influence is felt will not be static.

A big challenge for the coming years will be to find ways to link local action for rights and inclusion to climate action at the global scale. The potential for this is vast, and actions can include:

- Democratising energy access through distributed power systems that can combine economic empowerment with the decarbonisation of energy supplies;⁹

⁷ 'A fair climate deal in Paris means adequate finance to deliver INDCs in LDCs', Neha Rai, Marke Soanes, Paul Steele, Andrew Norton, Simon Anderson and James McGregor, IIED Briefing Paper, December 2015, <http://bit.ly/1TFqMpG>.

⁸ 'What's happening to aid to the Least Developed Countries', Andrew Norton, IIED, 18 January 2016, <http://bit.ly/1SmDBu6>.

⁹ 'Shaping a Goal on Energy Access that leaves no-one behind', Sarah Best, IIED Briefing Paper, November 2013, <http://bit.ly/1Wq3JFW>.

- More equitable, inclusive and cleaner cities that address the substantial unmet needs for residents of low-income and informal settlements, in a way that limits additional emissions;
- Natural systems where local ownership rights are clarified to provide incentives for preserving and enhancing the world's vital carbon sinks, including forests and coastal ecosystems;
- Healthier and more equitable systems for the production and consumption of food, cutting down high-emissions foodstuffs that serve mostly richer consumers.

As always in relation to action that challenges the established political economy, the how is harder to identify than the what; if progress is to be made, we will need dynamic action across swathes of local and global civil society.

A WAY FORWARD

Civil society engagement in climate action potentially covers a very broad waterfront. In terms of its objectives it is as wide ranging as the territory of climate action itself. It may cover, for example: working collaboratively with governments to increase ambition and effectiveness in climate action planning and implementation, through litigation if necessary;¹⁰ encouraging governments to engage constructively in climate diplomacy and decision-making to ensure effective global legal and policy frameworks; supporting governments to access finance and technology for climate action; encouraging citizens to engage in personal or political action to reduce emissions or demand assistance for the climate vulnerable; encouraging investors to disinvest from fossil fuel industries and shift their investments to renewable energy; and supporting poor communities to adapt or to make claims for assistance in dealing with the negative impacts of climate change.

In relation to the role of civil society in contributing to climate diplomacy and global decision-making processes, an example was the work done by several civil society groups, including IIED, the European Capacity Building Initiative and the Legal Response Initiative, to support the LDC negotiating group in the run up to the Paris climate conference of 2015. The activities were framed around: providing evidence, legal advice and technical inputs to LDC diplomats and delegates; helping LDC delegates to develop their capabilities; and supporting media outreach and alliance building activities.

Alongside other progressive countries and global civil society advocacy groups, the LDC group played a strong role and contributed to notable components of the Paris Agreement. These include: the incorporation of the more ambitious language of limiting global warming to 1.5 degrees over pre-industrial levels, alongside the established UNFCCC two degree goal; a global goal on climate resilience; frameworks to establish global legal architecture for transparency and compliance; and the continued recognition of the specific needs and special situations of the LDCs.

10 'Using the power of the judiciary to protect people from climate change', Achala Abeyasinghe, IIED blog, 24 July 2015, <http://bit.ly/1OnXBpH>.

I would like to finish by highlighting the particular contribution that civil society can make to supporting climate justice by fostering the development of capacity in developing countries to engage in local, national and global debates. I will do this by describing one powerful example.

The International Centre for Climate Change and Development was set up in Bangladesh in 2009 through a partnership between IIED, the Bangladesh Centre for Advanced Studies and the Independent University of Bangladesh, with the aim of becoming a world-class institution that is grounded in local experience, knowledge and research in one of the countries most affected by climate change. IIED Senior Fellow Saleemul Huq is ICCCAD's Director and a motivating force in its development.

The stated goals of ICCCAD are:

- training future and current leaders on climate change and development;
- conducting research to generate peer reviewed publications on climate change and development;
- building capacity, specifically for LDCs;
- building and leading a network of partners, mainly consisting of institutes based in the global south.

Loss and damage refers to the impacts of climate change that go beyond what it is reasonable to expect people, communities and countries to 'adapt' to.

ICCCAD has diversified beyond this original set of objectives. It seeks to link communities in Bangladesh with financial and technical support to assist them to plan for adaptation to the negative impacts of climate change. ICCCAD has also played a role in sensitising public debate in Bangladesh, and particularly the media, about climate action, and used its position as a world-class climate institute located in a very climate-vulnerable LDC to generate a lot of coverage in the global media of the impacts of climate change in the run-up to the Paris meeting.

ICCCAD is able to engage with a powerful voice in the global political debate about the damage caused by climate change by linking local experience with global action. One of the most striking examples of this has been the role it has played in putting the contentious issue of loss and damage from climate change on the global agenda. Loss and damage refers to the impacts of climate change that go beyond what it is reasonable to expect people, communities and countries to 'adapt' to. Loss means impacts that lead to complete destruction, as in loss of life, while damage refers to degradation, for example, of infrastructure. Loss and damage has been a fraught issue in the UNFCCC negotiations in recent years, and definitions of the concept have been hotly contested. At Paris the concept moved from a somewhat taboo status for many developed countries to a mainstream part of the international legal framework. ICCCAD and its partners did a great deal of the groundwork for this striking change.¹¹

By locating in an LDC the capacity to build and disseminate knowledge on climate action, network with other actors, speak with moral authority on the climate crisis, and offer the benefits of knowledge accumulated about adaptation to climate change to others, perspectives are changed and powerful new voices are brought to the debate. This is only one among many vital roles that civil society can play in helping poor people to engage in climate action - but it is an important one.

¹¹ 'Defining Loss and Damage: Key challenges and considerations for developing an operational definition', Alexis Durand and Saleemul Huq, ICCCAD, 2015, <http://bit.ly/1Ymhu6f>.

WOMEN HUMAN RIGHTS DEFENDERS: ADVANCING THE RIGHTS OF THE MOST MARGINALISED AND STIGMATISED

–KATHY MULVILLE, WOMEN'S GLOBAL
NETWORK FOR REPRODUCTIVE RIGHTS

“Women human rights defenders around the world fight for freedom justice and fairness. We are connected to many political struggles, including, but certainly not limited to, fighting for the rights of women. We are engaged with virtually every form of human rights struggle, from access to food to the right to be free from arbitrary arrest. We call for an end to regulations and practices that endanger our lives and limit our activism. And we resist the systems of oppression - and those people who enact those systems - that for centuries have created a global crisis of gender inequality, patriarchy and misogyny.”¹

INTRODUCTION

The term ‘women human rights defenders’ (WHRDs) applies to a significant number of advocates and activists from a diverse range of civil society organisations (CSOs). Article 1 of the UN Declaration on Human Rights Defenders defines a human rights defender as: “Anyone who, individually or in association with others, promotes or strives for the protection and realisation of human rights and fundamental freedoms.”² The term includes women activists, men who defend women’s rights, lesbian, gay, bisexual, transgender and intersex (LGBTI) human rights defenders, and groups committed to the advancement of women’s human rights and sexual and reproductive rights.

Many WHRDs face significant risks in the work that they do. For many, demanding rights for women or simply being a woman activist can be life-threatening. This is especially true for those who challenge societal gender and social norms. These can include norms relating to reproductive rights, sexuality, freedom of expression, or the right to dress a certain way. For example, activists can be threatened for campaigning against female genital mutilation, early marriage or abortion, or for advocating for the rights of transgender people. Those who are themselves gender non-conforming are particularly targeted both for their advocacies and their identities

On 24 January 2016, human rights defender Ms Paola Barraza, a trans woman, and a member of the board of an organisation that works for equality and equity for the LGTBI community, was assassinated by unknown attackers in front of her house in

1 ‘Gendering Documentation - A Manual For and About Women Human Rights Defenders’, Women Human Rights Defenders International Coalition, 2015.

2 ‘Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms’, United Nations Office of the High Commissioner for Human Rights’, 9 December 1998, <http://bit.ly/1zVT2iw>.

Honduras.³ In El Salvador, activists working to overturn the complete ban on abortion in the country have become the targets of public defamation and misinformation campaigns, and hate speeches by public officials, as well as by non-state actors, such as religious and community leaders, and the media, as in the recent case of *La Colectiva Feminista* and *La Agrupación Ciudadana*.⁴ In Uganda, the Women's Organization Network for Human Rights Advocacy (WONETHA), which campaigns for sex workers' rights, had its offices raided by police officers, and documents, computers and other material were confiscated, while five staff members experienced harassment and faced criminal charges.⁵

RISKS AND THREATS

WHRDs are subject to additional violence, and risks sometimes specific to their gender, when undertaking their work. Culture, tradition, custom and religion are used to validate the suppression of WHRD activities by those who seek the power to deny women their rights. Violations against WHRDs are manifested in many forms, and range from verbal and online abuse to physical and sexual abuse. In addition to sexual violence, gender and sexual stereotypes are routinely invoked to harm WHRDs' reputations and delegitimise their work; for example, they may be accused of being a bad mother, be threatened with losing their children, and excluded by their families or communities.

Perpetrators may be state actors or non-state actors, such as community leaders or individuals from religious groups. Frequently WHRDs face threats within their homes, from their own families. Moreover, many WHRDs do not recognise such attacks as human rights violations. They may perceive abuse, often condoned within their community, as part of the job, and an unavoidable consequence of local customs and traditions. The prevalence of impunity for violations of women's human rights, especially for perpetrators, is also a reason why violations against WHRDs often go unrecognised and unpunished. Attacks may be blamed on the individual herself for challenging local norms of behaviour, attributed to robbery, or characterised as crimes of passion or 'honour killings'.

Because the risks and violations WHRDs face are unique in nature, their needs pertaining to security are also gender specific. The key issue is not to ask whether WHRDs face more or less aggression than men, but to recognise that the nature of these attacks, their impacts and consequences are different, and therefore require comprehensive and specific protection measures.⁶

3 'WGNRR condemns the recent murder of Honduran LGBTQI activist and WHRD Paolo Barraza', Women's Global Network for Reproductive Rights (WGNRR), 3 February 2015, <http://bit.ly/1Wp2XJY>.

4 'WGNRR Demands the Protection of Sexual and Reproductive Rights Defenders in El Salvador', WGNRR, 28 August 2015, <http://bit.ly/27cXskO>.

5 'International Coalition Condemns Human Rights Violations Against W.O.N.E.T.H.A', WGNRR, 1 August 2012, <http://bit.ly/1XkJGlj>.

6 Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights, UN Human Rights Council, <http://bit.ly/1Oh1vWM>.

DEFENDING WOMEN HUMAN RIGHTS DEFENDERS

In 1998, the United Nations (UN) adopted the Declaration on Human Rights Defenders, which defined human rights defenders as people who, individually or with others, act to promote or protect human rights and provide for their support and protection. In her first report to the UN in 2002, the UN Special Rapporteur on human rights defenders highlighted the particular risks facing WHRDs.

Documentation can tell stories, create legal or cultural shifts, provide protection, hold people to account for abuses and shape social movements and individual actions.

The Defending Women Defending Rights campaign, established in 2004, brought together an international coalition of representatives from women's rights, human rights and sexual rights groups, to highlight the need for greater recognition of the risks that WHRDs face. In 2008, this evolved into the Women Human Rights Defenders International Coalition (WHRD IC).⁷ The central pillar of the Coalition's work is that WHRDs are attacked for who they are, their gender identity and their struggles for system change and human rights for all. It is both their identity and their work that make them vulnerable to attack, as their activities challenge fundamental assumptions about gender roles in society.

WHRD IC works to promote greater recognition of the work undertaken by WHRDs, develop gendered protection responses, monitor violations and provide platforms for knowledge and skills sharing. WHRD IC members document cases, provide action alerts and emergency support, and work to hold states to account for the protection of WHRDs, and provide redress for victims and their families.

One approach to increasing the recognition of WHRDs is documentation. Documentation can tell stories, create legal or cultural shifts, provide protection, hold people to account for abuses and shape social movements and individual actions. Documentation is a process as well as a product: it records experiences, either as specific incidents or as patterns, and it makes those experiences visible, whether literally or metaphorically.⁸ WHRD IC launched its documentation manual at the 2015 meeting of the UN Commission on the Status of Women. It offers a practical guide for those wanting to undertake documentation and provide greater visibility and better acknowledgement of the work of WHRDs within civil society movements.

As the manual states, "Documentation in a rights context is a process about claiming the rights to speak at all, and to speak of injustice. It implies that survivors, victims, and those that care about them will not be silent. And it is a way of saying 'this situation must be fixed' and 'this must not happen again'."⁹

⁷ Women Human Rights Defenders International Coalition website, <http://bit.ly/1eaPcDC>.

⁸ 'Gendering Documentation - A Manual For and About Women Human Rights Defenders', op. cit.

⁹ Ibid.

SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS

The Women’s Global Network for Reproductive Rights (WGNRR), a global network of activists and advocates working on sexual and reproductive health and rights (SRHR), works specifically to gain recognition of SRHR activists and advocates as WHRDs, and undertakes activities to increase knowledge about security protocols among its 1,000 members, encourage documentation of abuses and, together with WHRD IC, build solidarity with WHRDs across civil society in general.¹⁰

On 8 March 2016, experts from the Committee on Economic, Social and Cultural Rights (CESCR) at the UN in Geneva confirmed that, “The right to sexual and reproductive health is not only an integral part of the general right to health but fundamentally linked to the enjoyment of many other human rights, including the rights to education, work and equality, as well as the rights to life, privacy and freedom from torture, and individual autonomy.”¹¹ Advocates and activists working to advance SRHR are therefore human rights defenders.

While many gains have been achieved in access to SRHR since WGNRR began its advocacy and campaigns, we continue to see attacks on our advocates and activists, our WHRDs, around the world. Attacks include the verbal abuse of advocates taking part in marches, and online attacks against websites and individuals via social media. A number of women are currently being held in prison in El Salvador accused of having abortions, and in Hungary Agnes Gereb, a midwife, was held under house arrest from 2010 to 2014 for undertaking home births; in 2016 she will appeal against the suspension of her license to practice handed down by courts in 2015. In February 2016 a WGNRR staff member was held for questioning at Dar es Salaam airport in Tanzania merely for having materials challenging abortion myths in his luggage.

For the 16 Days of Activism Campaign against gender based violence in 2015, WGNRR called for an end to the violence directed at SRHR defenders, as well as their recognition and protection as WHRDs.¹² WGNRR called on governments, civil society and human rights advocates to recognise SRHR activists as WHRDs, particularly those who advocate for safe and legal abortion, LGBTI rights, human rights in childbirth, sex workers’ rights and youth SRHR.

CURRENT OPPORTUNITIES AND CHALLENGES

Recent developments have led to systematic monitoring of WHRDs, and various mechanisms and policies protecting the rights of human rights defenders at the national, regional and international levels. However, despite this growing recognition of the vital role of WHRDs, and the focus on protecting them, violence against WHRDs is on the increase due to militarisation, conflicts

¹⁰ WGNRR website, www.wgnrr.org.

¹¹ ‘General Comment No. 22 (2016) on the Right to sexual and reproductive health (article 12 of the International Covenant on Economic, Social and Cultural Rights)’ Committee on Economic, Social and Cultural Rights, 2016.

¹² ‘16 Days of Activism: Stop Violence against SRHR defenders!’, WGNRR, 24 November 2015, <http://bit.ly/1rUo1dP>.

over resources and religious or cultural extremism. In March 2016 at the UN Human Rights Council there was an attempt to remove the term WHRD from a resolution on human rights defenders, demonstrating that the need for the special recognition of WHRDs is not universally accepted.

WHRDs are crucial in achieving the goals laid out in the 2030 Agenda for Sustainable Development, and states and the UN must take concrete steps to ensure that WHRDs are protected and recognised as key stakeholders and partners at all levels in implementing the Sustainable Development Goals (SDGs). It is vital that civil society comes together to demand that states facilitate the work of WHRDs, including by ensuring their meaningful participation in the development and monitoring of relevant policies and programmes, including the SDGs, and by creating an environment conducive for WHRDs to carry out their important work free from harassment, intimidation and violence.

WHAT IS NEEDED: A CIVIL SOCIETY RESPONSE

WHRDs are crucial in achieving the goals laid out in the 2030 Agenda for Sustainable Development.

It is important that civil society as a whole recognises that advocates working on stigmatised issues, such as LGBTI issues, the rights of sex workers and abortion rights, are often more vulnerable, particularly because many CSOs shy away from such issues. We need to examine how we are inclusive, not only in protecting the rights of marginalised communities, but also of those working to protect the rights of those communities. To protect our advocates and activists, civil society needs to be able to meet and discuss, share strategies and plan joint actions. At a time when funds for advocacy and activist networks are severely limited, it is important to tell funders that it is critical that resources should be provided to protect the very advocates and activists that we depend upon to bring about social change. Advocates and activists need security training. WHRD organisations need to be able undertake documentation and be supported to better monitor global trends. Collectively, we need to generate coordinated responses to violations as they occur.

As stated by Hina Jilani, UN Special Representative of the Secretary-General on the Situation of Human Rights Defenders, “There is no better protection for women human rights defenders than the strength and support of their own movements.”¹³ Civil society needs to recognise the work of WHRDs so that we can ensure that a stronger and more inclusive civil society movement works together to protect WHRDs, and in doing so better supports the advancement of women’s rights in general, and specifically those working to advance SRHR.

¹³ ‘Claiming Rights, Claiming Justice: A Guidebook on Women Human Rights Defenders’, Asia Pacific Forum on Women, Law and Development, 2007.

HUMAN RIGHTS, SEXUAL ORIENTATION AND GENDER IDENTITY IN AFRICA: CHALLENGING THE SINGLE STORY

–KENE ESOM, AFRICAN MEN FOR SEXUAL
HEALTH AND RIGHTS (AMSHER)

“The single story creates stereotypes. The problem with stereotypes is not that they are untrue but that they are incomplete. They make one story become the only story.” Chimamanda Adichie, ‘The Danger of a Single Story’¹

INTRODUCTION

The dominant narrative about lesbian, gay, bisexual, transgender and intersex (LGBTI) persons in Africa is one of passive victimhood: of a group that is actively persecuted by its governments and subject to all manner of discrimination, exclusion and human rights violations, based on a person’s sexual orientation and gender identity. This narrative, propagated by a powerful international media, often ignores other stories of African LGBTI persons: positive stories of resilience, strategic organising, advocacy for legal and policy change, and contributions to social change in other spheres of injustice.

This contribution to the 2016 CIVICUS State of Civil Society Report highlights several positive developments in the areas of human rights, sexual orientation and gender identity and civil society organising to advance the human rights of LGBTI persons in Africa.

CONTEXT

The human rights context for LGBTI persons in Africa could for the most part be described as severe, with consensual same sex activities illegal in around 34 countries.² While there is a lack of data on actual convictions, what can be said is that these laws are actively used to intimidate, persecute and deny access to a whole range of rights to LGBTI persons and organisations on issues of sexual orientation and gender identity. In recent times, a number of countries have moved to re-criminalise consensual same sex conduct and apply stiffer penalties, and in some cases, have gone beyond conduct to criminalise homosexual or bisexual identity, and organisations and associations that work to address exclusion and discrimination based on sexual orientation and gender identity.³

1 ‘The danger of a single story’, Chimamanda Ngozi Adichie, TED, July 2009, <http://bit.ly/1scUlt2>.

2 ‘State-Sponsored Homophobia. A World Survey of Laws: criminalisation, protection and recognition of same-sex love’, International Lesbian, Gay, Bisexual, Trans and Intersex Association, May 2015, <http://bit.ly/1Mstals>.

3 As well as new laws in Nigeria and Uganda, other countries that have moved to re-criminalise include the Democratic Republic of the Congo, The Gambia and Liberia.

Despite what has been described as an epidemic of homophobic legislation across the continent, there has also probably never been more public dialogue about, visibility of and policy changes relating to sexual orientation and gender identity in Africa as today. To paraphrase the words of Charles Dickens, it is the best of times and the worst of times, the spring of hope and the winter of despair.⁴ Despite the fact that almost two thirds of African countries still criminalise consensual same-sex conduct, and parliaments on the continent continue to debate and promulgate homophobic legislation that criminalises and severely limits rights, LGBTI persons and civil society organisations (CSOs) working on issues of human rights, sexual orientation and gender identity in Africa continue to record significant gains as they organise and advocate to address inequalities and exclusions. These gains can be assessed under four headings: stronger CSO organising at national and regional levels; engaging the African regional human rights system; rights adjudication using national courts; and engaging with faith and religious leaders.

STRONGER CSO ORGANISING AT NATIONAL AND REGIONAL LEVELS

The last few years have witnessed greater public organising by LGBTI groups and their allies. While many of these are national level groups, a few strong regional groups have also emerged that are engaging in human rights advocacy and service provision. Although many of these groups were established by LGBTI persons in response to imminent threats to their human rights, these groups quickly formed alliances with CSOs working on broader issues of human rights and social justice, thereby elevating the discourse to a level never seen before in many countries on the continent. Across Africa, organisations working to challenge discrimination and violence based on sexual orientation and gender identity are organising strategically and more visibly, including in countries where this had not been the case before, such as Algeria, Egypt, Mauritius, Morocco, Sierra Leone and Sudan.

Uganda is a good example of this. In response to the Anti-Homosexuality Bill, presented before Uganda's parliament in 2009, the Civil Society Coalition on Human Rights and Constitutional Law was established as a platform of 28 Ugandan CSOs working on a range of issues to advocate against the bill. Through sophisticated advocacy and engagement they managed to mobilise national, regional and international support for their campaign, culminating in a legal challenge that resulted in the Act being declared unconstitutional by the Ugandan Constitutional Court.

Regionally, coalitions such as African Men for Sexual Health and Rights (AMShER), the Coalition of African Lesbians (CAL) and the Pan-African International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) are bringing together various national organisations to form common advocacy platforms at regional and global levels. These coalitions are articulating a different narrative and challenging the single story of African LGBTI persons. For instance, AMShER espouses as two of its guiding philosophies "...the empowerment model: promoting partnerships and strategies that reinforce the autonomy and agency of African MSM [men who have sex with men] and LGBTI persons instead of charity models that perpetuate dependency" and "...positive narratives: portraying 'the other narrative' that celebrates the courage and success of African MSM/LGBTI persons and the rich diversity and humaneness of the African peoples."

4 'A Tale of Two Cities', Charles Dickens, 1859.

Regional coalitions, bringing a pan-African lens to advocacy on sexual orientation and gender identity, are supporting their broad network of members to inform and shape national, regional and global agendas, through the voices and experiences of those living the realities.

ENGAGING THE AFRICAN HUMAN RIGHTS SYSTEM

Through consistent interventions, by way of shadow reports, panel discussions, trainings, publications and lobbying, they brought visibility to the situation of LGBTI persons across Africa

Since 2006, a number of organisations and LGBTI activists have been engaging the African Commission on Human and Peoples' Rights (known as the African Commission), which is the human rights body of the African Union, tasked with promoting human and peoples' rights and ensuring their protection in Africa.⁵ The African Commission has distinguished itself as an independent institution which took its mandate to hold states to account for human rights violations seriously. Through its country review process and communications procedures, it articulated such progressive decisions, such as the Social and Economic Rights Action Centre (SERAC) v. Nigeria (2001), where the African Commission read into the African Charter on Human and Peoples' Rights (known as the African Charter) the rights to shelter and food, and held the Nigeria government liable for the violation of these rights, even though the rights were not explicitly provided for the African Charter.⁶

In the past, the only opportunity the Commission may have had to make a pronouncement on sexual orientation and gender identity was a communication filed before the African Commission in 1995 concerning the legal status of gay persons in Zimbabwe, which stated that the criminalisation of consensual sexual contact between gay men in private was a violation of several articles of the African Charter. The case was, however, withdrawn by the complainant before the Commission made a decision.⁷ Even so, this helped LGBTI activists to recognise the potential of this institution to promote and protect the rights of LGBTI persons.

At the time, there was great opposition and palpable hostility to sexual orientation and gender identity discourse by the African Commission, and against human rights defenders working within the human rights system. Over a period of around eight years, activists and organisations working on sexual orientation and gender identity embarked on a process to sensitise the Commission, CSOs and other human rights defenders working within the Africa human rights system. Through consistent interventions, by way of shadow reports, panel discussions, trainings, publications and lobbying, they brought visibility to the situation of LGBTI persons across Africa, and developed solidarity by co-campaigning on a host of intersectional rights issues, until the African Commission could no longer stay silent on the issue. In May 2014, the African Commission adopted the landmark Resolution 275 condemning discrimination, violence and other human rights violations against persons based on their real or perceived sexual orientation and gender identity in Africa.

⁵ African Charter on Human and Peoples' Rights, Article 30.

⁶ '155/96 Social and Economic Rights Action Center (SERAC) and Center for Economic and Social Rights (CESR) / Nigeria', African Human Rights Case Law Analyser, Institute for Human Rights and Development in Africa, 27 October 2001, <http://bit.ly/21W4WEW>.

⁷ '136/94 William A. Courson / Zimbabwe', African Human Rights Case Law Analyser, Institute for Human Rights and Development in Africa, 22 March 1995, <http://bit.ly/1ZEGyWx>.

This Resolution is significant for a number of reasons, chief of which is that, by pronouncing itself expressly on sexual orientation and gender identity based discrimination and violence, it opens a clear path to developing the jurisprudence of the African Commission and the African human rights system more broadly on these issues. Subsequent to the adoption of Resolution 275, the African Commission granted observer status to CAL, ending a seven year battle for recognition before the Commission. However, this remains contested at the time of writing. A number of CSOs have approached the African Court of Justice and Human Rights for an advisory opinion on the legality of the request by the African Union's Executive Council to the African Commission to withdraw the observer status granted to CAL.

In March 2016, the South African Human Rights Commission, together with a number of African CSOs, including those mentioned above, hosted a regional seminar on Resolution 275, with broad participation by CSOs, national human rights institutions and government officials from across the continent.

The above has offered a synopsis of around a decade of engagement by LGBTI persons, activists and rights organisations with the African human rights system. The real story is in their resilience and persistence, the solidarity built with CSOs working on other rights issues, the increasing capacity to frame the struggle for LGBTI equality through the lens of intersectionality, and the ability to mobilise an army of activists and CSOs at the country level to commit to a common campaign and see it to fruition. The fact that African LGBTI persons and organisations were the vanguard of this campaign as its faces and voices cannot be over-emphasised, especially to the degree that it has changed the rhetoric that claims that 'homosexuality is unAfrican'.

RIGHTS ADJUDICATION THROUGH NATIONAL COURTS

Across Africa, LGBTI persons and CSOs are using the courts to enforce their rights and challenge discrimination based on sexual orientation and gender identity. A few of these cases are mentioned below.

ERIC GITARI V. NGOS COORDINATION BOARD AND FOUR ORGANISATIONS (2015)⁸

The NGOs Coordination Board of Kenya denied the petitioners' application to register a CSO on the basis that the persons whose rights the CSO sought to protect were gay and lesbian persons, and homosexual conduct is criminalised in the Kenya Penal Code. The applicant approached the court seeking, among other matters, a decision that his right to the freedom of association had been infringed. The court held that the rights of the petitioner to the freedom of association and non-discrimination had been infringed by the NGOs Coordination Board's refusal to register his CSO. The Court also held that the rights to non-discrimination granted to "any person" under section 30 of the Kenyan Constitution referred to "...all persons living within the Republic of Kenya despite their sexual orientation."

8 'Petition 440 of 2013', Kenya Law, <http://bit.ly/1FbYRtl>.

THUTO RAMMOGE AND 19 ORGANISATIONS V. ATTORNEY GENERAL OF BOTSWANA (2015)⁹

In February 2012, activists in Botswana applied to register their organisation, Lesbians, Gays and Bisexuals of Botswana (LEGABIBO), with the government. The registrar rejected their application on the grounds that Botswana's constitution does not recognise homosexuals and that the application would contravene the Societies Act, by operating for an "unlawful purpose or other purpose prejudicial to, or incompatible with, peace, welfare or good order in Botswana."

More than two years later, in November 2014, LEGABIBO's persistence paid off when the Botswanan High Court held that the refusal to register the group was a violation of the applicants' rights to equal protection by the law and the freedoms of association, assembly and expression. This decision was especially significant, as the court emphasised that the laws prohibiting same-sex sexual acts did not criminalise homosexuality per se. Nor did they criminalise advocacy for the reform of these laws.

REPUBLIC V. KENYA NATIONAL EXAMINATIONS COUNCIL AND ANOTHER EX-PARTE AUDREY MBUGUA ITHIBU (2014)¹⁰

The applicant, a transgender woman, sought an order of court to compel the Kenya National Examination Council (KNEC) to re-issue her Kenya Certificate of Secondary Education in her new name, and without any gender marker. The court found in favour of the applicant and ordered the KNEC to withdraw the previously issued certificate and issue a new one in the applicant's new name and without a gender marker.

PROFESSOR OLOKA-ONYANGO AND NINE ORGANISATIONS V. ATTORNEY GENERAL OF UGANDA (2014)¹¹

A number of LGBTI persons, human rights defenders and CSOs brought a petition before the Constitutional Court of Uganda, seeking a declaration that the Anti-Homosexuality Law 2013 was contrary to the Constitution of the Republic of Uganda, having been enacted without the quorum required by law; and that the Anti-Homosexuality Act was in contravention of the rights to equality before the law without discrimination and the right to privacy. The Constitutional Court granted the petition nullifying the Anti-Homosexuality Act, on the grounds that its enactment process contravened the Constitution.

The cases outlined above represent a growing trend of using the courts to seek equality and protection of the rights of LGBTI persons in Africa. A number of convictions based on penal provisions have been set aside on appeal, with the courts making a clear distinction that homosexual identity is not criminalised in law. A number of other cases are pending before courts in Botswana, Nigeria and Uganda, addressing a number of issues aimed at judicial pronouncement to advance respect and protection of the rights of LGBTI persons.

9 The Botswanan judgement is available at <http://bit.ly/1WoEaoC>.

10 'Judicial Review 147 of 2013', Kenya Law, <http://bit.ly/1TzS2X1>.

11 The Ugandan judgement is available at <http://bit.ly/1OhsFNi>.

These cases not only demonstrate the agency of LGBTI persons and CSOs working on issues of sexual orientation and gender identity to seek rights protection using state institutions, they also challenge another misconception of African judicial systems, that they are not independent and capable of being sympathetic to the rights of LGBTI persons. The author has participated in a number of sensitisation activities for judges and judicial officers in Africa. There is an increasing cadre of African judges and judicial officers with an appreciation of human rights and sexual orientation and gender identity issues.

Determined no longer to be passive targets for the perpetrators of this cultural war, LGBTI activists and CSOs working on issues of sexual orientation and gender identity are proactively engaging religious communities and faith leaders on the question of violence, exclusion and discrimination.

ENGAGING FAITH AND RELIGIOUS LEADERS

Africa is a visibly religious continent, and religion plays a very active role in social interaction across most Africa countries. A global survey by the Pew Research Centre showed a strong relationship between a country's religiosity and its attitudes towards homosexuality. It found that people were far less accepting in countries where religion was considered most central to peoples' lives.¹² A survey of gay and bisexual men in seven African countries, conducted by AMSHeR in 2013, identified homophobia inspired by religion and religious institutions as one of the top five barriers to accessing services for gay and bisexual men.¹³ Hate speech and incitement to homophobic and transphobic violence is characteristic of the messaging of a number of religious leaders in Africa and elsewhere.

Across the continent the role of religious institutions has also extended into legislation, with religious groups actively sponsoring homophobic bills before parliaments and promoting a state of moral panic aimed at persecuting LGBTI persons. It could be said that a global cultural war is raging, with religion its frontier and LGBTI persons the casualties.¹⁴

Determined no longer to be passive targets for the perpetrators of this cultural war, LGBTI activists and CSOs working on issues of sexual orientation and gender identity are proactively engaging religious communities and faith leaders on the question of violence, exclusion and discrimination. A number of national and regional initiatives are supporting dialogues between religious leaders and LGBTI constituencies. For three years AMSHeR and INERELA+, a global network of religious leaders, have been collaborating on a project to sensitise religious leaders on issues of sexuality and spirituality. Their latest joint project, Integrating Spirituality and Sexuality, brought together LGBTI persons and religious leaders from four African countries in a dialogue, after which country groups embarked on individual action plans. Processes such as this are reopening spaces for mutual understanding and acceptance.

Another initiative led by LGBTI persons and CSOs to address issues of discrimination and exclusion is the Global Interfaith Network for People of all Sexes, Sexual Orientation, Gender Identity and Expressions (GIN-SOGGIE). GIN-SOGGIE was born out of a necessity to provide LGBTI persons of faith with a safe space to heal the separation they experience between faith and

12 'The Global Divide on Homosexuality', Pew Research Center, updated 27 May 2014, <http://pewrsr.ch/1JD2VZk>.

13 AMSHeR's Utezezi Project worked with policy-makers and stakeholders in seven African countries to address a number of barriers to access to service identified by LGBTI persons through policy reform. For more on the Utezezi model see 'An Advocacy Guide for Policy Change Around MSM Health', AMSHeR, 2015, <http://bit.ly/1qduv6o>.

14 'Globalizing the culture wars: U.S. conservatives, African churches, and homophobia', Kapya Kaoma, Political Research Associates, 1 December 2009, <http://bit.ly/24KQpO6>.

their sexual orientation and gender identity, and strengthen the voices of LGBTI persons within their religious communities.¹⁵ The Inner Circle is a further organisation, working with LGBTI Muslims to reconcile their Islamic identity, sexual orientation and gender identity.¹⁶

In Africa, religion remains a very important frontier of contestation in the struggle for social injustice and equality, particularly for LGBTI persons. LGBTI activists and CSOs are aware that the struggle for full equality will not be won without engaging and building allies in the faith communities: hence this movement seeking to integrate spirituality and sexuality.

CONCLUSION

The aim of this article was not to paint the image of Africa as a pseudo paradise, a haven where LGBTI persons enjoy their rights and are respected as full and equal citizens of their countries; no such place exists in Africa, or elsewhere. While acknowledging the myriad of challenges facing LGBTI persons in Africa, this article has sought to challenge the dominant, often single, narrative of African LGBTI people as passive victims of oppression devoid of agency and beholden to a messiah, often from the global north, to free them of their shackles.

It is also important to acknowledge that a single narrative serves a number of purposes, one of which is to continue to fuel a global neo-liberal enterprise that uses catchy phrases such as ‘capacity building’ and ‘documentation of violations’ to perpetuate dependency and stifle agency. Freedom and solidarity should never be built on pity. Pity creates a power dynamic and a messiah complex, which very often merely replaces one oppression with another. CSO solidarity is central to the struggle for non-discrimination based on sexual orientation and gender identity, and true solidarity comes from giving voice to every narrative, and recognising the commonality of all human struggles for freedom, dignity and bodily autonomy.

“If you have come here to help me, you are wasting your time. But if you have come because your liberation is bound up with mine, then let us work together.”

- Lilla Watson, Murri visual artist and activist¹⁷

15 GIN-SOGGIE website, <http://bit.ly/1rFZABa>.

16 The Inner Circle website, <http://bit.ly/1YIAaDi>.

17 ‘About Lilia Watson’, Lilia: International Women’s Network, <http://bit.ly/1QJphX3>.

THE FACE IN THE MIRROR: UNDERSTANDING AND RESPONDING TO HIV RELATED STIGMA

—SHAUN MELLORS, INTERNATIONAL HIV/AIDS ALLIANCE

INTRODUCTION

There was a time when I struggled to look at my face in the mirror. I did not like the person who looked back at me, because in some ways I was now what my family, community and faith had defined as bad, sinful and against the will of God. I was a homosexual. My punishment, according to many, was an HIV diagnosis, because in their eyes I was ‘promiscuous’, living a life of sin, a vector of disease.

This was during the mid-1980s, and much of these attitudes and reactions I believed at the time. With my HIV diagnosis in 1986, I carried the burden and internalised the negative things that society expressed about my identity, my behaviour and my condition. In many ways I was a ‘victim’. I was a victim to my circumstance and belief system. I was a victim when, at the time that I most needed support from family, community and faith, it was withheld, and I felt guilty and ashamed. I struggled to find my voice and lay claim to my orientation and my identity, at a time when this needed to be explored and celebrated. But what I was living, what I felt and what I saw were only negative. The media fed into this cycle of negativity, and demonstrated the power of language. I was encircled by language such as ‘HIV victims’, ‘AIDS sufferers’, ‘patients’, ‘gay disease’ and ‘guilty versus innocent victim’. These terms reinforced to that face in the mirror that he was bad. It was language that allowed society to find comfort in this game of blame, as it became an issue of ‘us vs. them’ and ‘those type of people’ who were the guilty ones, allowing those who did not fit this category to find false comfort in the belief that the rest of society was protected, immune and isolated.

Growing up believing that my homosexuality was dirty, sinful and wrong left a powerful imprint inside me. It made some part of me an ally of those awful voices who said that my infection with HIV was a judgement upon me, and a deserved judgement. This is the devastating, destructive working of internal stigma, or self-stigma.

UNDERSTANDING STIGMA AND DISCRIMINATION

I would like to believe that much of the reaction at the time was related to ignorance and fear, two powerful drivers that perpetuate and reinforce the vicious cycle of

HIV related stigma. Civil society has, over the last 30 years, played a critical role in defining and implementing an effective response to HIV, and in many parts of the world it is because of civil society mobilisation and action that we now have access to treatment, care and support for many people with HIV. But has civil society done enough around understanding and addressing the myriad of issues related to HIV stigma?

It is important to stress from the outset that we as people are civil society, because too often we forget that it is individuals, with individual concerns, struggles, joys and insecurities, who are the building blocks of this overused term of civil society. It is important to bear this in mind as we try and understand our individual role and responsibility in addressing HIV related stigma. Looking at issues that centre on individuals, such as self-stigma, is as important, if not more so, than addressing the broader societal and systemic issues.

HIV related stigma remains one of the more complex challenges when working to ensure an effective and humane response to HIV. We as civil society have an important role to play, both in addressing and challenging issues of HIV related stigma, and in understanding how stigma informs the reality of whether and how people living with and affected by HIV are able to access appropriate prevention, treatment, care and support services.

Definition of HIV related stigma and discrimination¹

HIV related stigma refers to the negative beliefs, feelings and attitudes towards people living with HIV, groups associated with people living with HIV, such as the families of people living with HIV, and other key populations at higher risk of HIV infection, such as people who inject drugs, sex workers, men who have sex with men and transgender people.

HIV related discrimination refers to the unfair and unjust treatment, by act or omission of an individual based on his or her real or perceived HIV status. Discrimination in the context of HIV also includes the unfair treatment of other key populations, such as women, sex workers, people who inject drugs, men who have sex with men, transgender people, people in prisons and other closed settings and, in some social contexts, women, young people, migrants, refugees and internally displaced people. HIV related discrimination is usually based on stigmatising attitudes and beliefs about populations, behaviours, practices, sex, illness and death. Discrimination can be institutionalised through existing laws, policies and practices that negatively focus on people living with HIV and marginalised groups, including criminalised populations.

The World Health Organization (WHO) acknowledges that fear of stigma and discrimination is the main reason why people are reluctant to get tested, disclose their HIV status and take antiretroviral drugs.²

1 'Reduction of HIV-related stigma and discrimination', UNAIDS, 2014, <http://bit.ly/1JXS4Gr>.

2 'Progress Report 2011: Global HIV/AIDS Response'. World Health Organization (WHO). 2011. <http://bit.ly/24OdRxo>.

UNAIDS has set ambitious HIV related targets in its latest strategy.³ The strategy describes the unfinished agenda of reducing new HIV infections in order to bend the trajectory of HIV. It is a bold call to action to ensure that those who are left behind are met with the services and support that they require, that the world is able to reach the global targets to extend access to treatment to all those who need it, and that funding is secured to properly resource an effective response. However, I fear that without understanding and addressing the different forms of HIV related stigma, these slogans and targets will remain just that: rhetorical slogans and unachieved targets.

Stigma and discrimination are terms that are often used interchangeably, but discrimination focuses on behaviour - treating people differently - while stigma is an attribute or fear - perceiving people as different.

Stigma and discrimination are terms that are often used interchangeably, but discrimination focuses on behaviour - treating people differently - while stigma is an attribute or fear - perceiving people as different. Stigma is referred to as a social process, closely linked to social inequality. It plays a key role in producing and reproducing relations of power and control and operates in relation to difference.⁴

Stigma may manifest itself internally or externally, and has different effects. External (enacted) stigma refers to actual experiences of discrimination.⁵ These forms of discrimination can include exclusion, resentment and blame; punishment can sometimes lead to violence against people living with HIV.⁶

Internal (self) stigma is the shame associated with HIV. This can result in feelings of self-blame, worthlessness and negative self-judgement that impact on an individual's health and well-being. This is often played out in a person's inability to access services or disclose his or her HIV status.

THE GREATER INVOLVEMENT OF PEOPLE LIVING WITH HIV (GIPA) – AN EFFECTIVE CIVIL SOCIETY RESPONSE?

The idea that the personal experiences of people living with HIV could and should be translated into helping to shape a response to the AIDS epidemic was first voiced by people living with HIV in 1983 at a national AIDS conference in Denver, USA. This was the beginning of what has often been described as the 'patient response', and was the catalyst for many activists and self help and support groups around the world. At the core was a response to address HIV related stigma through participation and engagement. During this ground-breaking conference, HIV-positive activists announced a set of principles destined to revolutionise the way the world responds to this epidemic. The Denver Principles set forth standards for human rights and self-

3 'On the Fast-Track to end AIDS. 2016-2021 Strategy', UNAIDS, <http://bit.ly/1MYWQb8>.

4 'Siyam'kela. Measuring HIV/AIDS related stigma. HIV/AIDS stigma indicators. A tool for measuring the progress of HIV/AIDS stigma mitigation', Policy Project South Africa and the Centre for the Study of AIDS, University of Pretoria, <http://bit.ly/24LypTA>.

5 'HIV-Related Stigma, Discrimination and Human Rights Violations. Case studies of successful programmes', UNAIDS, April 2005, <http://bit.ly/1Oi4zBY>.

6 Policy Project South Africa and the Centre for the Study of AIDS, op. cit.

empowerment in a health crisis. This important historical moment has defined and shaped how patient groups respond to their health condition, and it also led to a more mobilised movement of people living with HIV all over the world.

The sentiments expressed in the Denver Principles were the core of the Greater Involvement of People Living with HIV/AIDS (GIPA) principle, which formed an integral part of the Paris AIDS Summit. The summit, which took place on 1 December 1994 and was organised by the government of France along with the WHO, brought together 42 heads of state to renew their political commitment to the fight against AIDS. They all signed the Paris Summit Declaration, confirming the need for political leaders to make the response to HIV a priority. They had agreed to adjust their national policies and make the necessary resources available to tackle the pandemic. This included the commitment to providing adequate support for civil society, including people living with HIV, non governmental organisations and community based organisations working with vulnerable populations. GIPA was not meant to be a project or programme, but rather an ingrained principle that would facilitate more successful local, national and global responses to HIV. The GIPA principle means involving people with HIV at every level of the response.

During 1999, representatives of networks of people living with HIV worked with UNAIDS to develop an analytical framework that would refine the understanding of GIPA. The GIPA pyramid describes increasing levels of involvement, moving from describing people living with HIV simply as ‘target audiences’ and ‘contributors’ to progressively higher levels of involvement as ‘implementers’ and ‘experts’, and eventually as ‘decision-makers’.⁷

It was through this process of defining, shaping and embracing a ‘patient response’ that HIV was given a face and that people living with HIV started to have a voice at important tables and deliberations. It is important to understand that ‘patient response’ and the subsequent GIPA principle were developed at a time when HIV treatment was not available, so for many of us activism at the time was a form of treatment, as it kept us engaged, focussed and motivated.

Civil society championed the GIPA principle when it was most needed. We have seen many examples of how people living with HIV have moved up the GIPA pyramid and are now an important part of various decision-making bodies at the country and international levels. I can chart my own pathway, having served on the board of the Global Fund to Fight AIDS, TB and Malaria, an international financing mechanism designed to accelerate the end of the three diseases. This, I know, contributed to breaking down barriers of ignorance and fear, but also gave me a sense of self-worth and purpose.

In the real world it is easier to respond to external (enacted) stigma when developing programmes. We have seen many countries and institutions develop policies, implement legislation and introduce programmes to train and sensitise those who are responsible. United Nations agencies and civil society partners have developed numerous approaches to address external stigma, from education campaigns to engagement with community decision-makers, and from systems to monitor HIV related stigma to peer advocacy and support.

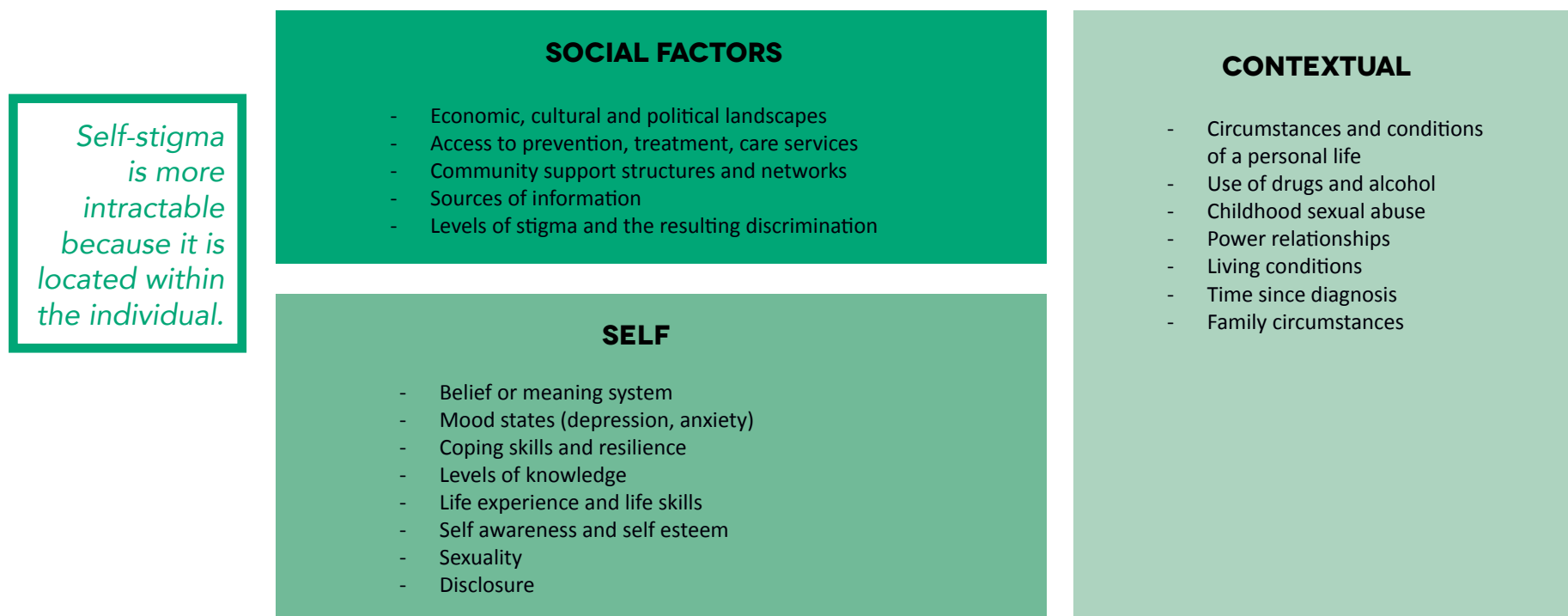
These programmes are still vital and civil society continues to push for the necessary funding to retain and extend them. However, there is much more that needs to be done with regard to addressing self-stigma.

7 ‘The Greater Involvement of People Living with HIV (GIPA)’, UNAIDS, March 2007, <http://bit.ly/1VTjRj2>.

According to the well known HIV and gay rights activist, Justice Edwin Cameron, self-stigma is more intractable because it is located within the individual. He states that self-stigma is more insidious and more destructive than external stigma, as it eludes the direct, politically conscious confrontation with which we rightly respond to overt discrimination. He argues that our inability to respond effectively to self-stigma is not only impacting on our ability to understand the epidemic but is, more shockingly, also costing lives.⁸

Self-stigma is the result of complex interactions between social and contextual factors and the self, and in the midst of all of this is the individual, who is trying to deal with living and functioning.⁹ Understanding this as civil society is paramount if we are to address HIV meaningfully. Our inability to deal collectively with this issue has, according to Justice Cameron, resulted in a gaping omission, where internal stigma forms virtually no part of individual, professional or programmatic responses to AIDS.¹⁰

Figure 1. Factors in self-stigma



Nadine Ferris France developed the above framework in an effort to understand the gap in HIV response at the self-stigma level. This showed that research and action at all three levels are really important to tackle self-stigma, stigma and

⁸ 'Moving from promises to actions', Edwin Cameron, XVII International AIDS Conference, 6 August 2008.

⁹ Nadine Ferris France, 'An unspoken world of unspoken things. A study identifying and exploring core beliefs underlying self-stigma among people living with HIV and AIDS in Ireland', Dissertation submission, University of Dublin, Trinity College, July 2012.

¹⁰ Edwin Cameron, op. cit.

discrimination effectively. She argues that we should not attempt to deal with each factor in isolation when designing programmes because, while laws and policies could be perfect and enshrined in a constitution, people might still not be able to function well, access services or feel in control of their own lives due to attitudes and fear that pervade society. Similarly, addressing contextual factors such as living conditions and drug use will not be enough to help people who ultimately believe they are not worthy, suffer from depression or have difficulty coping.

Admittedly, civil society finds it easier to address the external issues. It is far more challenging to address the issues that require us to go inside, to show our vulnerability.

CONCLUSION

We, as the collective who make up the mosaic of civil society, need to ensure that we confront and challenge stigma wherever it appears. In our efforts to confront the face in the mirror, there are three broad areas that I believe we need to focus on:

1. RESEARCH

We know that stigma is not just related to HIV but to broader issues related to health, morality, people's fears and our fundamental beliefs, often shaped and informed from a very young age and influenced by our family, our community, our faith structures and our cultures.

- Academics and community based researchers need to develop more effective frameworks to explore and analyse the implications of self-stigma at the social, self and contextual levels, and find solutions that are applicable and relevant to all three.

2. ADVOCACY

Civil society needs to support people living with HIV with strong messages of solidarity and support. We now know that people can live healthily with HIV when they have appropriate access to prevention, treatment, care and support services and structures. Making this a reality by reinforcing the messages of positive living, health and dignity, particularly for those living with HIV, is the responsibility of the entire community and its related structures. There are a few tools available to support trainers and community leaders to begin to tackle this problem, such as the one used by the International HIV/AIDS Alliance, which evolved out of a two-year research project on stigma conducted in Ethiopia, Tanzania and Zambia.¹¹

- Civil society organisations (CSOs) should encourage, support and empower people living with HIV to talk about the impact of self-stigma on their lives.

11 'Integrating stigma reduction into HIV programming. Lessons from the African Regional Stigma Training Programme', International HIV/AIDS Alliance, March 2011, <http://bit.ly/24OojVA>.

The message of 'you are not alone' from Edwin Cameron, while not being an easy message to convey, is pivotal in ensuring that a person with HIV realises and understands that their feelings can be addressed and treated.

- CSOs should themselves speak passionately about issues related to self-stigma, and ensure appropriate understanding and funding to address these issues within a broader holistic approach.

3. PROGRAMMES

The message of 'you are not alone' from Edwin Cameron, while not being an easy message to convey, is pivotal in ensuring that a person with HIV realises and understands that their feelings can be addressed and treated. We need to ensure that the community and faith structures that many rely on for support and guidance provide messages of acceptance and encouragement.

- CSOs need to address self-stigma head on and include the topic in training materials, workshop sessions and community dialogues. Civil society leaders, and other leaders, need to talk publically about the need to address stigma

Finally, when I now look in the mirror I am able to look back at the person with a sense of appreciation, gratitude, achievement, and - yes - love. I see someone who is a little older, informed by lived experience, visible through the wrinkles and greying hair. I am proud of who and what I am, and indeed of who I have become. Yes, I still struggle with issues related to self-stigma, but I understand them a little more now. I am able to put them into context and find ways of dealing with them. Most important of all, I am able to face myself in the mirror.

MENTAL HEALTH AS A NEGLECTED HEALTH ISSUE

GABRIEL IVBIJARO AND ELENA BERGER,
WORLD FEDERATION FOR MENTAL HEALTH

INTRODUCTION

Around the world mental illnesses attract an extraordinary amount of prejudice in society. And yet such conditions are common: one in four adults will experience mental health difficulties. Stigma and discrimination are significant barriers that deprive people of their dignity. To make dignity in mental health a reality requires that every member of society works together. Therefore the World Federation for Mental Health, together with its friends, allies and partners, has launched The World Dignity Project to create awareness and advocacy for Dignity in mental health.¹

Over the next two years we will continue our efforts to:

- Address the stigma associated with mental ill health
- Empower people to take action to promote mental health
- Spread understanding of the equal importance of mental and physical health

There has been no universally recognised symbol to represent mental health. In 2015, the World Federation for Mental Health conducted a global consultation among patients, carers and professionals and subsequently adopted a Dignity symbol, which we would like to propose as a universal symbol to promote public awareness of the above goals. The CIVICUS State of Civil Society Report 2016 is well timed, as it enables us to work together to highlight issues concerning mental health and mental illness at home, in the community and in the workplace.

Making dignity in mental health a reality requires action in the workplace. One in five people in the workplace suffer from a mental health condition, and while many employers are developing policies to support their workers, there is no shared vision for mental health in the workplace.

Our vision, therefore, is to define best practice in promoting mental health in the workplace and to create a broad coalition to promote best practice, decrease stigma and empower individuals to promote mental health and dignity for all.

The availability of treatment in high, medium and low income countries is not adequate to the need, particularly if care for substance abuse is included. In low to middle income countries treatment continues to be inadequate or barely available at all, and we need to ask ourselves why this is the case.

¹ World Dignity Project website, <http://bit.ly/1bKhL00>.

Depression and anxiety alone account for a high proportion of the global burden of disease, according to statistics on years lived with disability. Examining treatment coverage for a single mental illness, major depression, the World Health Organization (WHO) found that only 36.3 per cent of men affected by depression receive treatment in high income countries. In low and middle income countries the proportion receiving treatment is far worse, standing at only 13.0 per cent. Depression affects more women than men, but in high income countries, less than half of those affected, 43.9 per cent, receive treatment. Only 18.6 per cent of women from low and middle income countries who experience depression receive treatment. There is a very wide gap between those who need care, and those who receive it, even in countries with the best healthcare resources.²

Why are mental illnesses neglected? Partly it is the effect of stigma and prejudice. People are intolerant of different behaviours. Families can hide the problem, or are expected to care for an individual themselves without professional help. Health budgets are usually under pressure, so that funding for mental illnesses is chronically underfunded. But partly the neglect is caused by widespread public ignorance of the dimensions of the problem.

THE SIZE OF THE PROBLEM

The WHO's 2014 Global Health Estimates showed that of the years lived with disability globally in 2012, 31 per cent were due to combined mental, neurological and substance abuse illnesses. This was equal to the combined total of 31 per cent for other major non-communicable diseases, such as cardiovascular conditions, cancer, diabetes and respiratory diseases.³

In the WHO's 2012 list of the 20 leading global causes of years lost to disability, depression was at the top, accounting for 10.3 per cent of the total. Anxiety conditions accounted for a further 3.7 per cent. Schizophrenia and bipolar conditions each accounted for 1.8 per cent.⁴

These statistics are extraordinary, and few people are aware of them. They are also extraordinary considering how little is spent on mental healthcare in health budgets compared with other non-communicable diseases. The prejudice against people with mental illnesses flows over into the resources assigned to medical care. Other illnesses have priority in funding and treatment.

Most people do not realise how common mental illnesses are. They don't understand that 'mental illness' is an umbrella term covering many different conditions, ranging from less serious diagnoses to extreme disabilities. They don't know that mental illness is treatable. Affordable and effective treatment is now available for many mental health conditions and can often be provided in primary care, by a family doctor or trained health worker. In some low income countries, however, there are no doctors or clinic workers to provide services, and people with mental illnesses are put in chains or kept in miserable mental institutions.

2 'World Mental Health Surveys, 2001-2012. Introduction to the agenda, 'Out of the Shadows: Making Mental Health a Global Development Priority'', World Health Organization (WHO), World Bank-WHO Meeting, Washington, D.C., 13 to 14 April 2016.

3 Ibid.

4 'Global Health Estimates. 20 Leading Causes of Years Lost to Disability (Global)', WHO, 2014.

The stigma surrounding mental illness and the neglect of people who experience them is particularly tragic because some major conditions can emerge at a comparatively young age. Such conditions slowly become visible in the teenage years, becoming full-blown in older teenagers or young adults.⁵ Early treatment can result in improvement of these conditions, helping young people and their families to cope with them. Neglect can lead to a lifetime marked by severe illness. Sometimes suicide is the outcome; like mental illness, this is another subject people don't like to talk about. The WHO reports that suicide is the second leading cause of the deaths of young people worldwide.⁶

CURRENT ADVANCES

The WHO's Department of Mental Health and Substance Abuse is playing a leading role in informing the governments of its 194 member states that mental illnesses are serious and widespread conditions. In 2008 this department introduced the Mental Health Gap Action Programme (mhGAP) to draw attention to the large gap that exists in many countries between the need for mental healthcare and the care that is available. It has also published an atlas series to show, in a different form, the absence of care, country by country. Some low income countries have only one or two psychiatrists, one or two mental health nurses, and perhaps a social worker to address an entire nation's care.

In 2013, the WHO's major annual meeting, the World Health Assembly, introduced a Comprehensive Mental Health Action Plan (2013-2020) to encourage countries to adopt targets for specific improvements in mental healthcare and the reduction of suicide rates. Governments are gradually being prodded to address inadequate mental health services, even as they grapple with care for other important illnesses. But progress remains slow, and stigma is stubborn.

THE EFFECTS OF STIGMA

One troubling reason for the treatment gap is that the perceived shame of having a mental illness discourages people from seeking care, even if care is available. People often feel it is difficult to go to a specialist health professional for help. One way to address the stigma associated with mental conditions is to provide first-line help through family doctors and general practitioners, medical professionals who treat a variety of ailments and who can provide mental healthcare as part of comprehensive care. Serious mental conditions are often associated with other non-communicable diseases, such as cardiovascular disease, cancer, respiratory diseases and diabetes, and people with mental illness often have shockingly shorter lifespans because these co-occurring conditions are neglected.⁷ Family doctors trained in mental health can provide overall treatment, referring individuals for specialist care as needed.

One troubling reason for the treatment gap is that the perceived shame of having a mental illness discourages people from seeking care, even if care is available.

5 'Preventing Mental, Emotional, and Behavioral Disorders Among Young People: Progress and Possibilities', Mary Ellen O'Connell, Thomas Boat and Kenneth Warner, Eds., The National Academies Press, 2009, page 15.

6 'World Health Assembly. 2013. Draft Comprehensive Mental Health Action Plan, 2013-2020. A66/10 Rev.1', WHO, 16 May 2013, page 5.

7 Ibid.

THE BUDGET PROBLEM

Because so many people are affected by mental illnesses, public spending on mental healthcare will probably always be inadequate. Constant pressure is needed to make governments provide a higher share of health budgets for mental health. Civil society, including people with mental health problems, their families and professionals who work in the field, have an important role to play in advocating for reforms, better facilities and new treatment options. These efforts should be international as well as national.

Internationally, recent civil society efforts focused on getting mental health mentioned in the new United Nations Sustainable Development Goals (SDGs), which have replaced the Millennium Development Goals (MDGs) that covered the period 2000 to 2015. Organisations and individuals pressed to have mental health targets listed among the health goals, and were successful in getting a small mention inserted into the text, which compares favourably to the MDGs, in which mental health was not mentioned at all. While this will influence the international context, more practically, organisations should press their own governments to see that spending is improved.

Civil society is constrained by its own funding problems, as mental health is not a popular cause in the competitive arena of fundraising. Nevertheless, civil society has an important role to play in keeping the cause on the public agenda, and reframing it as government priorities change. A number of civil society organisations (CSOs) are able to raise funds to provide basic services in some low income countries. Examples include BasicNeeds, the Peter C Alderman Foundation and CBM.⁸

GOVERNMENT HEALTH AGENDAS

Key to addressing the neglect of mental health is advocacy at multiple levels to make sure the issue moves up on the political agenda. Advocates need to stress that government budgets do not provide adequate funding to cover the need for mental health services in the community. The World Federation for Mental Health and other CSOs advocate at the United Nations and the WHO, directly with governments when the opportunity arises, and most importantly at the grassroots level, where a better understanding is needed about how common mental illnesses are. If grassroots knowledge about these conditions remains hidden, then a satisfactory level of services will never be provided.

Civil society's objectives include pressing governments to take the broadest possible view of mental illnesses, so that support is provided by a range of departments of government, and not just in the health budget. The reality is that mental illness is not just a health matter. It should be addressed in multiple departments of government, including housing, education and justice departments. For example, in the USA, the largest government system dealing with mental illness is the prison system. Health systems should interact with other government departments to provide the medical and social care needed to enable people with complex conditions to live in the community. Most importantly, mental health is relevant to finance departments, where decisions about funding are made.

8 Basic Needs website, www.basicneeds.org; CBM website, www.cbm.org; Peter C Alderman Foundation website, <http://bit.ly/1qdzWll>.

In April 2016, to emphasise the neglect of adequate mental health funding, the World Bank and the WHO held a joint meeting on mental health at the time of the World Bank's Annual Meeting. The introduction to the meeting's agenda noted that mental illnesses were responsible for 23 per cent of England's total burden of disease, but received only 13 per cent of its National Health Service health expenditures. The introduction also reported that on average, low income countries give only 0.5 per cent of health budgets to mental health.

To catch the ear of politicians, advocates are now stressing the economic consequences of neglecting to invest in mental healthcare. The costs are significant. The introduction to the World Bank/WHO meeting agenda stated that depression was estimated to cost US\$800 million or more in 2010 because of lost production. Depression and anxiety cause employers to lose production because of workers' absences or poor productivity, while families lose income, and governments face higher welfare costs.

Campaigns to provide information about mental conditions will slowly provide a more realistic understanding of mental illness.

PROMOTION AND PREVENTION

To develop a more flexible government approach to the social setting of mental health, more funding should be assigned to research on promotion and prevention - the promotion of mental health and the prevention of mental conditions - and to the adoption of evidence-based interventions. Programmes such as the Nurse-Family Partnership, a home visiting intervention in the USA, have been shown to improve the wellbeing of mothers and young children.⁹ Many well-researched interventions that improve mental health outcomes can be introduced in school settings, and there are interventions appropriate for use in the workplace.¹⁰

THE PUBLIC EDUCATION EFFORT

Public education is an important way to address the knowledge gap and counter unfavourable perceptions and prejudices. Campaigns to provide information about mental conditions will slowly provide a more realistic understanding of mental illness. One example is the World Federation for Mental Health's international campaign, which sees World Mental Health Day observed each year on 10 October. This vehicle for grassroots advocacy and public education was founded by the Federation in 1992 and has wide outreach.

Each year the board of the World Federation for Mental Health selects a current mental health issue as a theme, and organises a group of experts to write short articles about it. The material is distributed electronically, and translated into several languages on our website.¹¹ The articles can be translated individually into local languages, as needed.

9 Nurse-Family Partnership website, <http://bit.ly/1umn0Lz>.

10 'Public mental health: the time is right for translation of evidence into practice', Kristian Wahlbeck, World Psychiatry, vol. 14, no. 1, February 2015, pp.36-42.

11 World Federation for Mental Health website, www.wfmh.org.

The theme and materials are used by many CSOs around the world as a basis for programmes, lectures, health fairs and other public events. Government departments, hospitals and medical schools in some places also find them useful. Programmes are widespread in some high income countries such as the UK, and also in countries with much lower levels of resources. In low and middle income countries the local approach can be imaginative: banners and signs have been placed alongside streets in Mongolia and Tanzania, and carried in parades in Nepal, Zambia and Zimbabwe. Slogans on banners have been carried by elephants and camels in India.

In 2015 the World Mental Health Day theme was ‘Dignity in Mental Health’, which addressed the many ways in which people with mental illnesses are not accorded dignity, and the many ways in which dignity could be fostered. In 2016 the theme is ‘Psychological and Mental Health First Aid’, with the aim of increasing knowledge about the Mental Health First Aid training programme that originated in Australia. This course trains members of the public to recognise the symptoms of mental illnesses or a mental health crisis, such as serious depression, psychosis and suicidal thoughts, and gives guidance on how to provide initial support until professional or other assistance can be obtained.

People who have mental conditions or who have experienced them in the past can themselves be first class advocates for better care. They know where there are inadequacies in mental health services, and can be forceful spokespeople on behalf of others who can’t or don’t want to take on this task. Moreover they exemplify the range of experience related to such conditions. Some people with mental illnesses can be severely disabled by them. But others hold jobs and take care of families. The public as a whole may not understand that these illnesses are very variable, treatment exists, improvement can be expected, and recovery is possible. People who have experienced this can be strong advocates.

Treatment is available for many conditions. We should address how best to offer care for mental and physical illness when they co-exist in a patient, as often happens. Work in Waltham Forest in London, UK, shows that when mental illness exists with long-term physical conditions in patients, costs are significantly higher than when individual chronic long-term conditions are treated alone. Lessons need to be learnt from this so that we can find the best way to address mental and physical health co-morbidity.¹²

RECOMMENDATIONS

Stigma contributes considerably to the neglect of mental illnesses. Efforts must continue to address stigma through public education about mental illnesses, and civil society has a big role to play here. People who have experienced mental illness and their families can also play a major role in advocacy. Single organisations can make a difference; coalitions of organisations can be even more effective. There are many opportunities to keep the issue in the public eye.

Advocates should campaign vigorously for improved allocations of funding for mental healthcare in government budgets, not only in the health sector but also in multiple government departments. They should adopt a ‘whole of government’ approach.

¹² ‘Collaborative care: models for treatment of patients with complex medical-psychiatric conditions’, G O Ivbijaro, Y Enum, A A Khan, S S Lam and A Gabzdyl, *Current Psychiatry Reports*, vol. 16, no. 11, article 506, November 2014.

Fundamentally, care for people with serious mental illness is a human rights issue and a matter of fairness. Alternative approaches are needed to deal with the shortage of professional staff who have specialised training and qualifications. In high income countries training to treat mental conditions should be expanded further for general practitioners and nurse practitioners. In low to middle income countries appropriate training should be provided for nurses and lay clinic workers, with referrals available for specialist care.

DISSENT, EXCLUSION AND ACTION

–ARADDHYA MEHTTA, INFLUENCING ADVISOR,
OXFAM INTERNATIONAL

“They follow me. They threaten to kill me, to kidnap me, they threaten my family. That is what we face.”

Berta Cáceres 2013, a Honduran activist and winner of the 2015 Goldman Environmental prize

On 2 March 2016, Berta Cáceres was shot dead in her home. Her murder was the latest tragic instalment in a sad tale of dissent, violence and social exclusion echoing around Honduras. Being the co-founder and coordinator of the National Council of Popular and Indigenous Organizations of Honduras (Copinh), Berta had been fighting for the rights of indigenous people for decades. She had been fighting illegal loggers, plantation owners and the building of dams which would threaten the livelihoods of indigenous communities. Berta had received countless threats and was consistently harassed for her outspokenness. For these reasons, she was awarded precautionary measures by the Inter American Commission on Human Rights in 2009, yet she was the 14th person in the last five years to be murdered while under the protection of these special measures. According to Global Witness, at least 109 environmental activists have been murdered in Honduras between 2010 and 2015. Working in the most dangerous country for environmental activists, Berta, like many others before her, paid heavily for taking on powerful vested interests in her struggles to defend the rights of indigenous communities in Honduras. It is a story familiar to many across the world in this turbulent year.

CITIZEN ACTION: DIALOGUE AND DISSENT

At the time of writing the details of the Berta Cáceres case are still emerging, but the tragedy illustrates the fraught relationship between social and economic inequality and the right to dissent and protest. Berta, was, like many others in Honduras and across the world, publicly protesting against the Agua Zarca hydro-dam on the Gualcarque River, a river sacred to the Lenca people and a major source of their water and food. In a country where there has been systematic targeting of environmental defenders, many of whom come from indigenous backgrounds, this was brave. Her precarious status as an indigenous woman, allied with years of challenging powerful international and national powerful elites, made her vulnerable to recrimination. Did she have as much right as anyone else to protest? Yes. Did she have as much power? No.

The space, power and ability to flourish of citizens, whether marginalised, socially excluded, or not, is dynamic and multi-layered. How this space shifts, opens or closes depends on many changing and interrelated factors. It may be very possible for citizens and civil society organisations (CSOs) to engage critically with governments on women's rights, for example, indicating an openness of space, while the topic of engaging in land rights issues might be met with immediate restrictions from the same government. Organisations working on different issues and representing different groups of people, such as ethnic minorities, women and youth, may face more or less restrictions than others at a given time, across different areas. The space available for civil society is shaped by constant negotiation with other actors and by other CSOs. The negotiation for space has existed for years, as have the incidents of discrimination, stigmatisation and even death of people from indigenous groups and tribal populations and others from socially marginalised backgrounds, which are many in Honduras and elsewhere.

So what makes the situation uniquely different today? Why is there such outrage from people in Honduras and outside on the murder of Berta Cáceres?

Globally, the last two years have seen the space for civil society shifting and changing, growing smaller as governments assert a concern with enforcing security, but afforded more opportunities as the intensity of social media increases. There may never have been so much revealed dissent or so many tools for governments to control it. But at the same time, in 2015, the Freedom House Freedom in the World Index recorded a decrease in freedom globally for the tenth consecutive year. For the socially excluded, dissent remains both particularly risky and particularly important. It is risky because, like Berta Cáceres, dissenters can easily be driven out of the expression of options and targeted for upholding the rights of the most marginalised groups. It is important because around the world, processes of social exclusion are intensifying: for many groups, accidents of birth are becoming more significant, not less.

This is compounded by the fact that globally, access to justice is often for sale, legally or illegally, allowing for political capture by elites. Court costs and access to the best lawyers is mostly affordable for elites, leaving the socially excluded further voiceless. When members of the elite can stand above the law, it feeds the level of lawlessness, inequity and fear in society, thus serving to maintain elite power, social exclusion and discrimination.

In the case of Cambodia, for example, land rights are a major focus of advocacy for civil society. Prominent networks, such as the Coalition of Cambodian Farmer Communities and the Community Peacebuilding Network, have been championing farmers' rights for decades. Cambodian authorities have a history of dispersing peaceful demonstrations, as well as threatening and attacking those opposed to land confiscation. Incidents of land grabbing and forced eviction by political and economic elites have continued to escalate in recent years, leaving farmers further marginalised with little recourse to accessing the legal system or attaining justice. The law on associations and non-government organisations, passed in July 2015, is an example of the introduction of further restrictions on civil society. This restriction is hugely detrimental to aims of reclaiming public space, instilling confidence in the distributions of public resources and putting social protection measures in place.

Many would argue that restating constitutional rights would help in reclaiming lost rights, whereas others believe that dealing with social exclusion requires working on the development of long term social cohesion, focusing on citizens as much as the state, investing in the idea of a 'community' and working together to build a sense of a 'common good' that cuts across gender, religion, caste, creed, tribe and other social stratifications. Perhaps it is both that are required to bring about long-term

systemic change for the socially excluded. What is certain is that without space for dissent, neither approach would be effective for overcoming the plight of socially excluded and marginalised groups.

SOCIAL EXCLUSION: INTENSIFYING NOT DIMINISHING

Often, governments have supported exclusionary processes in the name of maintaining social order.

Social exclusion is not new. Groups have been marginalised for millennia on the basis of their gender, race, beliefs and practices. And it continues: a report by India's National Council of Applied Economic Research in November 2014 estimated that untouchability continues to be practised by at least 25 per cent of the population, and only five per cent of Indian marriages are inter-caste marriages. Exclusion is overlain by economic inequality. The increasing gap between the rich and the poor has furthered existing social cleavages rather than diminished them. Credit Suisse recently estimated that the richest one per cent have now accumulated more wealth than the rest of the world put together. During the 2015 Davos summit, Oxfam released a report that highlighted that just 62 individuals have the same wealth as 3.6 billion people - the poorest half of humanity.¹ Ending tax havens, resourcing basic services and providing an equal living wage for men and women are some ways in which growing economic inequality could be bridged. Social inequality and exclusion, however, are more complex problems that money can't always solve. Many prejudices that govern policy and practice require behavioural change, not only from policy-makers, but also from the people at large.

The role of government in social exclusion is mixed, and the role of dissent complex. Often, governments have supported exclusionary processes in the name of maintaining social order. The earliest example we know of is Hammurabi's code, which almost 4,000 years ago instituted three classes (property owners, freed men and slaves) and two sexes. The penalty for killing a property owner vastly exceeded that for killing a slave. More recently, the British colonial administration in India designated some itinerant tribes as 'criminal' tribes, restricting their movement and the jobs they could obtain.

Several governments try to correct for social exclusion through affirmative action. Policies in South Africa and the USA, for example, recognise the historic discrimination suffered by black people and try to reserve places in universities or employment as a means of correcting this discrimination. In India, this policy takes the form of 'reservations' for members of groups that have suffered discrimination in the past, for 'Scheduled Tribes' (Adivasis), 'Scheduled Castes' (Dalits) and 'Other Backward Castes'.

These policies are controversial wherever implemented. Opponents argue that affirmative action for different social groups will lead to a less meritocratic approach to selection and therefore lower quality, because the best candidates are not necessarily selected. For some jobs, such as doctors, this matters, because lives are at stake. Opponents also argue that all affirmative action does is to reserve positions for the best off from each social group, rather than really dealing with social inequality. Supporters however argue that affirmative action is justified on equity grounds, because it will reduce the historical inequality between different social groups in terms of opportunity and access to basic services. And moreover, some supporters argue

¹ '62 people own the same as half the world, reveals Oxfam Davos report', Oxfam International, 18 January 2016, <http://bit.ly/1PAVKgX>.

that affirmative action makes selection more efficient and more meritocratic: it will encourage more applications and lead to higher overall quality.

Usually, those most excluded have the most difficulty in raising their voice, whether on their own behalf or on behalf of others. We saw this with Berta Cáceres in Honduras, and we see this across the world. Global Witness reported that 116 environmental activists were murdered in 2014, three quarters of them in Central and South America, and 40 per cent of them from indigenous communities, with most people losing their lives over hydropower, mining and agri-business related issues.

Similarly, the plight of refugees from the Middle East in Europe is exacerbated by their statelessness, and their lack of a mechanism to raise their voices. These examples are indicative of larger trends that point to greater political capture by elites and a reduction in civic space for socially excluded and marginalised groups.

GOVERNMENT ACTION AND REACTION

At the same time, many governments are responding to perceived security concerns by tightening controls on civil society, making it difficult for everyone to raise their voices, and particularly difficult for socially excluded groups. There have been a range of narratives that have been used by governments to prevent dissent and dialogue between and by certain social groups. Anti-terror discourse has often been used to justify restrictions on the freedom of expression, association and assembly through a variety of means: legislative, by passing new laws or amending existing ones; judicial, with law enforcement agencies targeting activists; and extra-legal, through covert operations. There have been 13 restrictive laws implemented in East Africa alone since 2012. Many of these laws directly affect marginalised groups, as the laws limit the role of that part of civil society that is working for the rights of the socially excluded.

For example, in mid-2015, the NGO Bureau of Kenya de-registered and froze the accounts of two leading Muslim human rights advocate CSOs, Haki Africa and Muslims for Human Rights (MUHURI). This was based on stated suspicions that they are tied to violent extremists, aligning with government crackdowns on Muslim civil society in response to al-Shabaab terror attacks. In addition, both Haki Africa and MUHURI had been critical of the government's treatment of Muslims. After filing a suit against the NGO Bureau, Haki Africa and MUHURI had their registrations reinstated and their accounts were ordered to be unfrozen, but the case points to the targeting of specific organisations based on who they represent and the views they hold.

In other cases, the rhetoric of national unity and cultural preservation has been used to curb the voice of already socially excluded groups. In the case of Uganda, for example, the 2014 Anti-Homosexuality Act has affected the gay community immensely, and with the Anti-Money Laundering Act 2013, many of the organisations and activists working for gay rights find that they are unable to support their activities and continue to work towards equal rights. Similarly in Kenya, despite 2014 task force consultations on amendments to the Public Benefits Organisation (PBO) Act, the task force report recommends a number of problematic amendments, including prohibiting the implementation of donor directives that "offend Kenyan culture." This appears to be targeted at lesbian, gay, bisexual, transgender and intersex (LGBTI) advocacy groups. Many CSOs are dissatisfied with the inclusion of such an amendment.

Activists and journalists working on the issue have highlighted that invited spaces - consultation opportunities designed and managed by government - where they exist, can be used simply to provide an appearance of consultation rather than constitute a meaningful process to strengthen public engagement and the social contract between state and citizen. Real decisions and distribution of power often happen outside these processes, and the passing of laws such as those highlighted here reduces the space to engage in a constructive dialogue and debate issues openly, let alone bring about real change for the socially excluded.

In Rwanda, the state's attempt at building national unity has led to the prevention of the airing of dissenting voices, which has led to many citizens and organisations adopting positions of self-censorship since the Law on Public Demonstrations and Public Gatherings 1991 and NGO laws 2012 were passed. Similarly, in South Sudan, the National Security Services (NSS) Act 2015 and the controversial NGO Bill 2015, now an Act, were used as means to restrict dissenting voices and political opposition.

Governments and citizens may increasingly find themselves faced with a difficult choice. Many citizens are concerned with the threat of violence and insecurity. The means to disrupt ordinary lives seriously and brutally through violence is growing. Many governments and citizens feel the need to act to improve security, and often the easiest course of action is to tighten controls. The hard won gains of the 1990s and 2000s on civil society space and citizen participation are being reversed and this trend is apparent the world over. But at the same time, social exclusion is an increasing and major concern, for the health of countries and economies, and for security itself. Berta Cáceres should have been able to protest against a decision she disagreed with, just as gay activists should not be criminalised and jailed for their sexual orientation. Many governments and citizens feel the need to act to reduce exclusion by reserving positions or providing direct support. The question is therefore whether governments and citizens can simultaneously make their societies safer and less exclusionary.

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They can. But it is not easy, and to do so requires clear and effective leadership, strong political will and the willingness to tolerate, embrace and even celebrate dissent. While notionally, the space to express views by all concerned might exist in democracies, it does not necessarily imply that citizens are able to voice dissent openly, let alone influence decision-making processes that affect them. Not giving people like Berta Cáceres an opportunity to express dissent and be heard sympathetically and fairly is a mistake that risks exacerbating the problems that controls on security are ostensibly seeking to avoid.

When citizens and activists criticise government policy they are often labelled as 'anti-development', 'anti-national', 'politically motivated' and even 'against national security'. In cases where this is coupled with measures to restrict civil society space and stifle public debate, marginalised groups are the worst affected, as they are often the ones challenging dominant and majority perspectives. This undermines the legitimacy of many groups of citizens and their ability to operate as engaged and active citizens. The suppression of dissent, often claimed to be an attempt to enhance national security, has often had the opposite effect, by causing deeper polarisation, leading to less secure, more fragile societies that foster divisiveness and encourage social competition and tension, instead of greater solidarity and cohesiveness across social groups. Governments that legislate to control their societies tightly need, more than governments that do not, to be held to account by all their citizens, and particularly those who are excluded.

CIVIL SOCIETY RESPONSE: A CALL TO ACTION

With increased economic inequality, rising social exclusion and limited space for dissent, civil society has a responsibility not only to create space for dialogue and dissent, but also to engage in doing so constructively. The layered nature of civic space means that in countries where civil society space is largely closed or closing, opportunities may still arise where civil society actors are invited to participate, or where citizens and CSOs are able to create space specifically related to voicing the concerns of those most excluded. International civil society needs to be agile in taking those opportunities and ensuring timely and constructive responses.

Given the complex and dynamic nature of civil society space, civic space needs constant assessment in order to understand current realities and identify where opportunities and threats lie. Where space increases, citizens and civil society will be able to gain strength, in that there will be fewer limitations on their actions and expressions. As civil society becomes stronger and more responsible and responsive, it will be better able to defend civic space and support citizens to claim their rights, voice the interests and needs of their communities, and hold governments, the private sector and international institutions to account. However, if we focus on strengthening the voice of civil society without building robust internal and external accountability or taking into account the space available for civil society to operate in, we may in the short term unwittingly be contributing to increasing restrictions on civil society. Attacks on civil society as being undemocratic or anti-state will become increasingly difficult to defend unless we are able to improve accountability to those we serve.

More than ever before, it is important that organisations such as Oxfam reinvent themselves and increase efforts and resources to support small and fragile citizen groups at the grassroots, and national organisations working with the socially excluded to access information, voice concerns and encourage dialogue between and amongst citizen and state authorities. We need to do so by working in alliances that create stronger voice and mitigate the risk of speaking out for people like Berta Cáceres. This has to be done in ways that support citizens and national groups, build their capacity and garner solidarity, rather than occupy their space.

We need to work towards keeping the influence of powerful elites in check by building mandatory public lobby registries and stronger rules on conflict of interest, and ensuring that good quality information on administrative and budget processes is made public and is free and easily accessible to all. The reform of the regulatory environment, particularly around transparency in government, is essential, if civic space is to be democratised substantively, rather than just procedurally. Clear laws, frameworks and processes that enhance continuous citizen-state interaction will not only strengthen the social contract between citizens and state and deepen civic space, but will also lead to a more transparent, accountable and responsive government. Such initiatives will strengthen civil society, making it better able to contribute constructively to key policy processes. Further, separating business from the financing of political campaigns and wealth from access to justice, and introducing measures to close revolving doors between big business and governments, would lead to a more level playing field.

Oxfam, and other organisations, can use their institutional muscle proactively to place the repression of civil society on the agenda of international institutions and national governments, and assist citizen groups and civil society to operate in repressive environments. We can make use of the evidence from our research, programmes and campaigns to strengthen the impact of our influencing work. We can further support civil society by strengthening the connections between local, national and global level influencing initiatives and encourage the sharing of best practices. Our credibility and strength will only stem from embedding ourselves in local contexts, and ensuring that our policies and processes are informed by the needs of the most socially excluded and marginalised.

INCLUSION AND EQUITY: HOLDING THE MIRROR UP TO OURSELVES

–ARUNA RAO AND SUDARSANA KUNDU,
GENDER AT WORK

INTRODUCTION

Civil society organisations (CSOs) around the world are seen as playing a pivotal role in spotlighting inequities and systemic disadvantage on the basis of multiple and intersecting dimensions, in addressing discrimination in policies and access to services, and in building the awareness and capacities of people to claim their rights, both in public spheres such as law courts, markets and schools, and in private institutions such as households. CSOs are seen as flexible and adaptive to new ideas and learning, important actors in holding power holders to account and effective advocates. Feminist mobilisation in civil society, for example, according to an oft cited global survey of 70 countries, was found to be the most important factor in achieving policy change regarding violence against women, which has now become seen as a global pandemic destroying lives everywhere.¹ Yet passionately fighting for human rights on the outside does not necessarily mean that these same organisations practise inclusion and equity on the inside.

The jarring fact is that when we look inside CSOs, ranging from trade unions, to national and international non-governmental organisations (NGOs), we often see the same exclusions and inequities play out, in the way CSOs are structured, the way decisions are made and resources are allocated, and the ways in which silences around abuses of power are maintained and harassment against women is condoned.

While known widely to civil society insiders, this is a not a picture that is often made public. A rare exception occurred in 2015 in India, when a 29 year-old female research analyst with the Energy and Resources Institute (TERI) accused its Nobel Prize winning head and chair of the UN's Intergovernmental Panel on Climate Change, Rajendra Pachauri, of sexual harassment, a charge held up by an internal investigation.² Despite ample evidence also collected by the Delhi police of stalking, sexual harassment and criminal intimidation, the board of TERI removed him from his post as Director General only to appoint him as the think tank's executive vice-chairman. This case, which was splashed all over the Indian news media, garnered heavy criticism from external and internal observers for the way it was handled and its brazen impropriety. Ultimately, while proven guilty, the high profile harasser still holds his position of influence.³ The way in which sexual harassment against women in organisations is

1 'The Civic Origins of Progressive Policy Change: Combating Violence against Women in Global Perspective, 1975-2005', Mala Htun and S Laurel Weldon, *American Political Science Review*, vol. 106, no. 3, August 2012, pp. 548-469, <http://bit.ly/1TdOsYd>.

2 See for example 'Rajendra Pachauri', *The Guardian*, updated May 2016, <http://bit.ly/201ooOX>.

3 At the time of writing, he has been on leave since February 2016, but has still not been removed from his post. See 'RK Pachauri Goes On Leave, Won't Attend TERI University Convocation', *The Huffington Post*, 11 February 2016, <http://huff.to/1NwD5bR>.

overlooked is a little like the ‘boys will be boys’ explanation for widespread sexual violence in times of war and conflict: it is so widespread and normalised. And it is usually the woman who complains who is ridiculed and told to shut up, and who loses her job.

Sexual harassment is an especially pernicious manifestation of a culture of domination. There are many others. We are now more aware that such cultures operate not only out there in families and communities, but also inside formal systems and organisations, including CSOs, many of which are mandated to address inequity and inclusion. What do we see when we hold the mirror up to ourselves? What are the implications of inequitable structures, gender power dynamics and discriminatory cultures within CSOs for women and men inside the organisation? How does this affect their ability to challenge and change marginality, inequality and exclusion successfully, in the communities they work in? This contribution to the 2016 CIVICUS State of Civil Society Report discusses these questions and draws on recent data from India to make the case that to change systems of power that hold inequality in place, relationships between people, institutions and organisations have to shift. This needs to happen both inside and outside organisations to promote social justice and gender equality.

BARRIERS WITHIN CIVIL SOCIETY

Despite the calls frequently made by CSOs for transparency by governments and corporations, when it comes to ourselves, we can be quite non-transparent. Unlike corporations, which are heavily surveyed on issues of gender breakdowns in leadership positions, adherence with labour laws and voluntary social and environmental standards, there is little data on the make-up and performance of CSOs, particularly those in the global south. For instance, the role that the ‘glass ceiling’ plays in civil society has not been scrutinised in comparison to studies conducted on the subject in governments and corporates.⁴ There is an underlying assumption that since the sector propagates values such as human rights and well-being, non-discrimination and affirmative action measures are inherently part of the system.⁵ Moreover, civil society has been viewed traditionally as providing women with professional and paid roles.⁶

The little data that exists tells us that women constitute a significant portion of the labour force in CSOs. For example, a 2015 survey of 328 CSOs carried out in India by Dasra, a philanthropic foundation, suggests that women constitute close to 53 per cent of CSO employees. However, their proportion drops dramatically when it comes to managerial positions, in which women make up only 34 per cent. In CSOs led by women this representation jumps to 75 per cent, but in CSOs led by men, it falls to a mere 15 per cent.⁷ The survey found that as CSOs become larger, “the chances that they will be led by a man double.” This data is congruent with Guide Star’s 2015 Nonprofit Compensation Report, which surveyed over 1,000 CSOs globally: the share of women CEOs is 43 per cent among CSOs, with inequality rising in number and compensation the larger and wealthier the

4 ‘Glass ceiling’ refers to transparent but real barriers, based on discriminatory attitudes or organisational bias, that impede or prevent qualified individuals from advancing into management positions, including, but not limited to, women, racial and ethnic minorities, and disabled persons. See ‘The nonprofit sector and gender discrimination’, Margaret Gibelman, *Nonprofit Management and Leadership*, vol. 10, no. 3, 2000, pp. 251-269.

5 Ibid.

6 ‘Nonprofit management practices and work processes to promote gender diversity’, Sharon H Mastracchi and Cedric Herring, *Nonprofit Management and Leadership*, vol. 21, no. 2, 2010, pp. 155-175.

7 ‘Even in the non-profit sector, women are getting left behind’, Live Mint, 18 March 2016, <http://bit.ly/201qw9c>.

organisation.⁸ In comparison, women constitute 11 per cent of CEOs in the largest 250 Indian companies and 12 per cent of Brazil's largest companies.⁹ While CSOs outperform corporations, we would expect to see a much higher figure if CSOs are to be effective advocates for women in leadership. In 2014, the World Economic Forum predicted that this global gender gap will close only in 2095, which is not impressive for CSOs that are supposedly leading the fight against inequality.

In her 2014 in-depth study of gender discrimination and sexual harassment in four CSOs in India, Martha Farrell points out that, although CSOs are generally compliant with legal requirements, such as providing necessary facilities for women in the workplace, and paying attention to working hours and maternity leave, and the safety and security concerns of their staff, she concludes that, "CSO workplaces are generally patriarchal institutions, established on the premise that men are the dominant part of the workforce."¹⁰ CSO women leaders agree that the biggest barrier to women's advancement in these organisations is not external challenges but internal belief systems. Pheareak Ly, a former garment worker who is now a leader of an international CSO in Cambodia, says that "...women face so many social norms and gender stereotypes," and that this has to be taken into account when promoting women.¹¹ Similarly, Barbara Stockton, the former executive director of Oxfam GB, says that the uneven playing field is the biggest challenge that women face in reaching leadership.¹² The challenge is in what Gender at Work refers to as the "deep structure" of organisations.

While CSOs outperform corporations, we would expect to see a much higher figure if CSOs are to be effective advocates for women in leadership.

THE DEEP STRUCTURE AND ENTRENCHED DISCRIMINATION

Gender at Work has developed an analytical framework that elucidates aspects of this deep structure.¹³ Our approach is based on an analysis of the role of social institutions, both formal and informal, in maintaining and reproducing women's unequal position in society. An organisation working to bring about gender equality must address changes in four interrelated domains, as depicted in Figure 1 below. In the Gender at Work Framework, the top two quadrants are individual. On the right are changes in measurable individual conditions, such as increased resources, space and time to address gender issues. On the left are individual consciousness and capability, including knowledge, skills, political consciousness and commitment to change towards equality. The bottom two clusters are systemic. The cluster on the right refers to formal rules as laid down in policies and accountability mechanisms. The cluster on the left is the set of informal norms and practices, including those that maintain inequality in everyday practices. Of course, this analysis is deeply contextual.

8 'Nonprofit Compensation Report', GuideStar, 15th edition, September 2015, <http://bit.ly/1Xixyau>.

9 'Are women in the West being left behind on leadership?', The Guardian, 23 October 2013, <http://bit.ly/25aBU9I>.

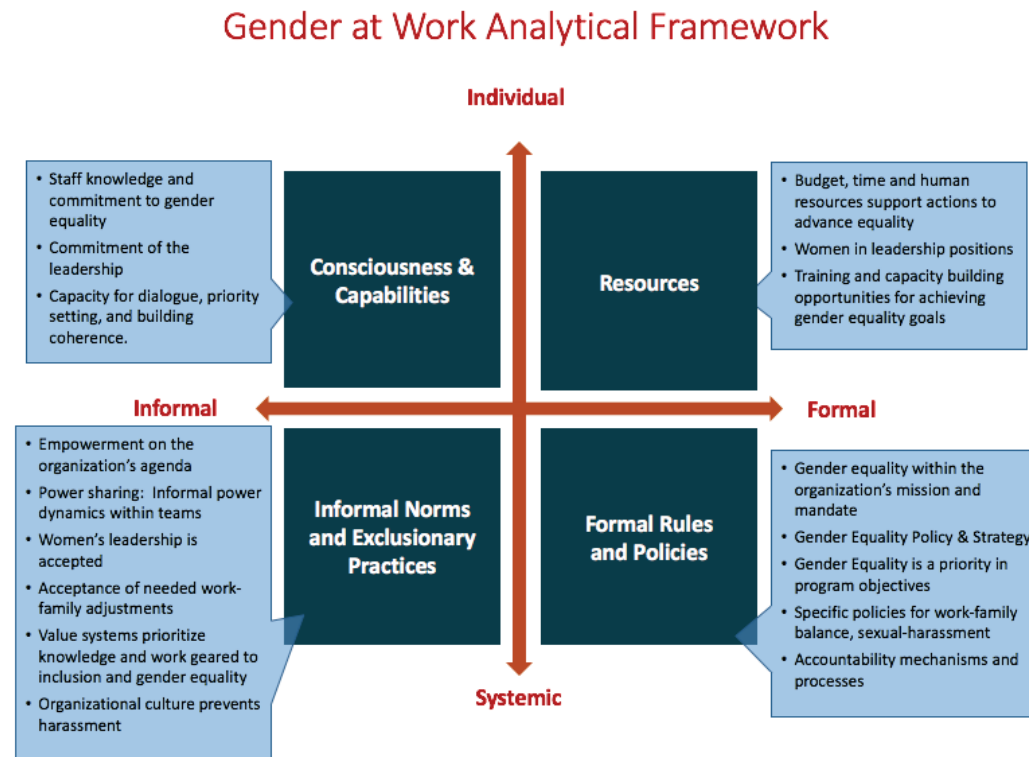
10 'Gender Discrimination and Prevention of Sexual Harassment in Organisations', Martha Farrell, Uppal Publishing House, 2014.

11 'Women in leadership: 'It's not going to work the way we're doing it'', The Guardian, 1 August 2013, <http://bit.ly/1gChJSy>.

12 Ibid.

13 'Is there Life After Mainstreaming?', Aruna Rao and David Kelleher, in 'Mainstreaming Gender in Development: a Critical Review', Oxfam, 2005, <http://bit.ly/1TVixpG>.

Figure 1. Gender at Work Analytical Framework



Change in one domain is related to change in the others, and in order for an organisation to be an effective agent of change in one or more of the above domains it must have certain capabilities and cultural attributes that have both individual and systemic and formal and informal dimensions. Our initial work on the framework was to understand gender inequality and the power relationships between women and men in communities, and we have also used the framework to analyse and strategise for change in gender relations within organisations.

More recently, in 'Gender at Work: Theory and Practice for 21st Century Organizations', the "deep structure" of organisations is examined further, based on Gender at Work's work over the past 15 years with more than 100 organisations, including small community based organisations, large bilateral and multilateral organisations, international NGOs, trade unions, government programmes, private philanthropic foundations and the private sector.¹⁴ The authors believe that while discriminatory social norms and deep structures of inequality manifest in different ways in different settings, they share five common qualities:

¹⁴ 'Gender at Work: Theory and Practice for 21st Century Organizations', Aruna Rao, Joanne Sandler, David Kelleher and Carol Miller, Routledge, 2016.

Gender power hierarchies are the “sticky stuff” that constrain gender equality everywhere in the world.

1. They are often invisible, so ‘normal’ and taken for granted by organisational insiders, that they are unquestioned. For example, in many organisations, working long hours is viewed as a sign of commitment and is often necessary for promotion. But this often unstated requirement is difficult for women to fulfil, as they are still disproportionately responsible for home and child care. A recent survey carried out in India by Gender at Work on gender equality issues in the workplace found that this dual work burden of women was cited as the greatest challenge facing women in organisations.¹⁵ Unsurprisingly, new figures compiled by the World Economic Forum on the gender chore gap, which measures the difference between the amount of housework done by women and men, show that India ranks at the bottom in terms of how many minutes men spend on housework each day.¹⁶
2. They are layered and mutually reinforcing. Hierarchical power, for example, is so deeply entrenched in organisations that it reinforces discriminatory norms. Women and men “...continue to be slotted into stereotypical gender roles on the assumption that women may be unable to perform in the workplace due to their responsibilities as mothers and wives,” which not only “...impedes the growth of their careers, but also lessens the extent to which diversity is embraced by organisations.”¹⁷
3. They are constantly being reproduced in every conversation, every process and every decision. Power works in a way to produce and reproduce discriminatory norms and structure unequal gender power relations. This is what Fiona Mackay calls the “daily enactment of institutions.”¹⁸
4. They are highly resilient and often come back in new forms to quash what seemed like a victory. For example, just as we become more aware of sexual harassment in organisations, we are faced with cyber bullying.
5. They are both unchanging and can change. Gender power hierarchies are the “sticky stuff”¹⁹ that constrain gender equality everywhere in the world, yet Gender at Work’s experience of working with many organisations around the world suggests that change can happen in organisations, big and small, to challenge and change social norms and values that perpetuate exclusion and inequality, through action learning processes, political strategising, reframing and the tireless work of feminist change agents inside and outside organisations.

CSOs have made some progress but face a long road ahead.²⁰ In India, with the universalisation of maternity benefits, and growing awareness and implementation of measures against sexual harassment in the workplace, steps are being taken towards creating a more gender equal workplace. Currently, many CSOs appear to be focusing on issues of equal opportunity, diversity, inclusion and representation at various levels. They are making attempts to broaden the roles that women play in the workplace and give women opportunities to move up the ladder. Some organisations have adopted affirmative action

15 ‘Gender Equality Issues in the Workplace’, Sudarsana Kundu and Swaha Ramnath, Gender at Work India, unpublished paper, 2016.

16 ‘Global Gender Chore Gap Report 2014’, World Economic Forum, 2014.

17 Sudarsana Kundu and Swaha Ramnath, op. cit., page 3.

18 ‘Towards a Feminist Institutionalism’, Fiona Mackay, in Mona Lena Krook and Fiona Mackay, ‘Gender Politics and Institutions’, Palgrave Macmillan, 2011.

19 ‘World Development Report 2012, Gender Equality and Development’, World Bank, 2012.

20 This section draws heavily on Sudarsana Kundu and Swaha Ramnath, op. cit.

policies: ActionAid, for example, actively hires women and gives them a 10 per cent weightage when they apply for promotions. Similarly, Amnesty International India makes a conscious effort to reach out to all genders and has hired people of different genders.

LEADERSHIP AND PRACTICE GAPS

Women leaders are important role models; feminist leaders are even better. But as the data reviewed earlier shows, women are missing when it comes to the leadership of CSOs. While there are several initiatives that are focused on building women's leaderships in various arenas, including in local governance, politics, the private sector and even within the police, there are very few initiatives for women leaders in the CSO space. A 2014 Gender at Work study, which surveyed 75 rural CSOs run by women in India, found that "...the investment in building women-led local institutions is under resourced and the required support for them in leadership and institutional development is mostly non-existent."²¹ Moreover, mentorship programmes are still rare in civil society, although they abound in the corporate sector around the world. In India, only 23 per cent of organisations surveyed had a mentorship programme for women. At the same time, it is important to acknowledge that, while capacity building for women's leadership is important to advance inclusion and equity, there is a need to go beyond such initiatives and address the "deep structures" of an organisation. To achieve a culture that embraces diversity and inclusion requires a multi-year transformation, which necessitates a multi-pronged approach.

Gender at Work's experience over the years has shown that it is crucial to create opportunities and space for reflection in order to advance gender equity and inclusion among CSOs. As one CSO participant from one of our workshops noted, "The space for interactions with my peers and discussions that help further my conceptual knowledge is extremely valuable. This space has allowed us an opportunity for experiential learning, which has motivated me to push my organisation to include people from the lowest castes among our staff." And yet this space has been steadily shrinking, with donors increasingly willing to only fund project activities.

The culture of having a work-life balance has not seeped in deep enough. This finding is common elsewhere. Care work or unpaid work, as many analysts, particularly Diane Elson, have pointed out, is a deeply devalued and unchallenged responsibility that women carry for the care of children and older people; this is the case in most places of the world.²² The care economy subsidises capitalist production and perpetuates "...the corporate practice, on national and global levels, of claiming non-responsibility for the reproduction of human life and the reproduction of the natural environment."²³ At the Gender and Economic Policy Discussion Forum, held in September 2015 in New Delhi, Kalyani Menon-Sen pointed out that despite technologically progressive aspects of working, such as telecommuting, there is very little uptake on work-life policies. If there are negative implications associated with taking up such provisions, and where they are not universally supported, they are unlikely to work. In large CSOs surveyed in Gender at Work India's study, a number of women reported that they had decided to resign from their jobs, despite the presence of work-life balance policies, as they continued to be unable to balance

21 Dipta Bhog and Malini Ghose, Gender at Work India, unpublished paper, 2015.

22 'The Economic, the Political and the Domestic: Business, States and Households in the Organization of Production', Diane Elson, New Political Economy, vol. 3, no. 2, 2005, pp. 189-208.

23 'Gendered Institutions: From Sex Roles to Gendered Institutions'. Joan Acker. Contemporary Sociology. vol. 21. no. 5. 2003. pp. 565-69

commitments to their organisations and families. This is a serious issue that CSOs have to address. India's female labour force participation rate is well below the global average of about 50 per cent, and in contrast to most other regions has been declining since 2004.²⁴

THE NEED TO MONITOR

An important finding of the Gender at Work India survey is that there are insufficient mechanisms and processes to monitor the impact of gender equality initiatives within an organisation. Little data is available at the organisational level and there is very little accountability on these issues. Who is holding CSOs' feet to the fire when it comes to gender equality and inclusion? Gender audits are useful, but they are few and far between, and tend to be one-off events. And certainly, shifts in organisational culture and transformations in power relations are difficult to detect, because both are complex, multi-dimensional, dynamic and context specific. From recent discussions with other gender activists and organisational development practitioners, it is clear that others are struggling with this challenge as well. Yet these practitioners also express the conviction that the more effective measurement of progress and results can help to identify leverage points, bring to the surface hidden mechanisms of change and inform more strategic decisions. To become more successful, we both need to improve our monitoring and learning practices.

An important finding of the Gender at Work India survey is that there are insufficient mechanisms and processes to monitor the impact of gender equality initiatives within an organisation.

Monitoring and evaluation (M&E) systems that are built around the assessment of linear longitudinal change in individual programmatic indicators, such as the number of women receiving a particular set of services, poorly serve strategies that seek to address underlying structures and patterns of interaction between individuals, organisations, institutions and governing bodies. Oversimplified measurement approaches and indicators that are interpreted from a distance, with no real understanding of context, can result in incorrect conclusions about an organisation's effectiveness. As a result, traditional, non-participatory M&E processes can create pressure on practitioners to stick to and measure activities and outcomes that are no longer relevant. Additionally, traditional M&E approaches rarely provide practitioners with actionable feedback in a timely way so that they can learn and adapt as they go.

We believe that a far more useful approach would be a participatory and flexible index, based on the Gender at Work Analytical Framework, which would enable organisations to measure and visualise changes in the four quadrants, in both organisational effectiveness and gender equality outcomes, and to examine connections. While a comparison of the snapshots produced by the indexing tool would be an important way to track and communicate progress internally and to funders, the process of collecting the data and of collective interpretation and reflection would be an equally or even more important part of the tool. The Gender at Work Analytical Framework is already in use by several organisations for programme design, monitoring and learning. However, it has not yet been developed into an evaluative tool that users can revisit on regular basis to measure progress over time and facilitate dialogue about organisational effectiveness and gender equality outcomes.

Some key principles should inform the design of the indexing tool. It should be designed so that practitioners, such as an organisation's staff and key stakeholders, can collect data for all or most of the indicators comprising the index at a minimal

²⁴ 'Women Workers in India: Why So Few Among So Many?', Sonali Das, Sonali Jain-Chandra, Kalpana Kochhar and Naresh Kumar, International Monetary Fund Working Paper, March 2015, <http://bit.ly/1HWJIN8>.

cost. Because organisations have different capacities and levels of resources for data collection, the tool should offer tiers of indicators, based on the four quadrants, so that an organisation can choose how much depth and detail it needs, with appropriate guidance and cautions about the relationship between methodological rigour, triangulation and the level of certainty one can reach about the validity of conclusions. Organisations should be able to ‘start small’ with their use of the index and scale up to increase the number of indicators that inform their snapshot as they discover where they need to deepen their understanding of what is changing. For example, organisations could choose to further deepen their analysis along other categories, such as minorities, ethnicities, socio-economic status and lesbian, gay, bisexual, transgender and intersex (LGBTI) status.

Organisations using the index may be anxious about how funders and other external stakeholders will interpret the results, make conclusions about an organisation’s effectiveness, or make inappropriate comparisons between organisations working in different contexts. But just as CIVICUS’ indexes have enabled participants within an organisation to discuss organisational health, and then to share that discussion more broadly amongst civil society as a whole, the gender equality index could guide users to do the same, as well as consider how best to report the findings of the indexing process to outside audiences in order to minimise the misinterpretation of results.

CONCLUSION

We started this contribution to the 2016 CIVICUS State of Civil Society Report bemoaning the lack of data and transparency on gender equality issues within CSOs and ended with ideas on how to address this problem. We fully recognise that structural inequalities are deeply entrenched and resilient, but we believe they are not immutable. Many organisations have built pathways to chip away at those entrenched structures and challenge the norms that perpetuate them. Making the picture we are working with more transparent is a first step in this direction.

Shifts in power dynamics can be made, but like most social change dynamics, they are not fixed. For example, BRAC, a large development CSO, today faces some of the same contradictions and inequities around gender equality that it faced in the early 1990s, because the race for expansion has trumped the need for quality oversight, and the hard slog of airing and re-airing gender inequities within the organisation and its deep structure have fallen by the wayside with shifts in people, priorities and the attention of its leadership. The rise of individual women leaders that we see now in many organisations is a welcome change, but individual stories of triumph over patriarchal cultures don’t change the culture for everyone; they simply show that in given circumstances, for a mix of reasons, individuals can rise above the quagmire. ‘Leaning in’ as Cheryl Sandberg exhorts, is not enough; we need to transform cultures and systems that discriminate, to support women, men and all genders.

COMMUNICATING WITH RURAL PEOPLE, IDENTIFYING THEIR PRIORITIES AND SEEKING SOLUTIONS

—ARUNA ROY, MAZDOOR KISAN SHAKTI
SANGATHAN

INTRODUCTION: THE RISE OF SOCIAL MOVEMENTS

A little over a thousand peasants and workers came together on 1 May 1990 in the small market town of Bhim, India to form the Mazdoor Kisan Shakti Sangathan (MKSS). For the local population, this workers' organisation may have seemed a quixotic effort. It was critiqued as being out of sync with the times, when markets were opening up. The local bureaucracy, landlords and the traders of the area were uncomfortable.

For them, a workers' and peasants' organisation could only be seen as something aligned to Moscow and Beijing, both irrelevant. Communism was under attack and the Berlin Wall was coming down. With the winds of change from Europe came new terms such as 'civil society', to be overlaid on the much used but ill-defined term of 'non-governmental organisations' (NGOs). While NGOs were defined simply as organisations outside government, civil society was seen more as an antithesis to government. At this time, market fundamentalism implied that the state should shrink in role and responsibility. Even basic services needed to be delivered by the private sector. With the privatisation of government, civil society began to be pushed to fill in the gaps and oversee the privatisation of 'development'.

In this market-driven scenario the provider was out of state control. For the huge numbers of poor and marginalised people who had neither economic nor social clout, the state alone guaranteed basic needs. While the state was reducing its role, the poorest people of the country were looking for ways and means to ensure that the state did not abdicate its basic responsibility.

This popular sentiment was reflected in the growth of social movements and peoples' organisations which, unlike their counterparts in the west or in the former Communist countries, sought to use democracy and democratic modes to establish that the government must provide the basics - food, employment, education and health - and meet the livelihood needs of people. Movements set themselves up as a counter to corporate influence over the government, and sought to establish that the state must protect the interests of the people against the growing power of money and an unaccountable private sector.

CIVIL SOCIETY AND ‘THE PEOPLE’

Economic liberalisation did bring affluence to some people. Growth rates began to rise. However, the poor found themselves fighting for survival as much as before. The cycle of droughts in Rajasthan continued in the late 1980s and early 1990s of the last century. Oblivious to the reform process, the poor of the area, with their backs to the wall, continued to demand work and the basic necessities of health and food to survive. The market quite clearly failed to meet the basic needs of poor people. They had no purchasing power to use the private hospitals or schools that had begun to mushroom, providing a service for the more affluent. The poor kept doing the only thing they could: organise, mobilise, and demand more accountability.

The corporate sector was doing well. It began to dabble in development efforts, and we began to hear of corporate social responsibility. This was positioned as a more efficient form of charity for the destitute, and offered a platform for the private sector to appease its conscience. A new form of civil society intervention began to be advocated for, in the form of public private partnerships. Here the private sector could play the development role for government, and get paid for it. It was clear that an independent, or more politically conscious, civil society was not a part of this framework.

We realised that we need to classify civil society organisations (CSOs) the way we classify political parties: by their ideologies and their constituencies. At a time when strong political mobilisations are taking place around popular issues, and there are claims and counter claims about representing ‘the people’, it is extremely important to understand who the people are, and what conception there is of the future.

MKSS and its constituents, uncomfortable with the paradigm of these kinds of partnerships, continued to swim against the tide, albeit in a limited area in Rajasthan. The early and mid-1990s were in fact the years when the seeds were sown for the realisation of the right to information in India, and the battle taken forward for wage employment. The people of the area asked for work, fought for minimum wages and began to demand copies of the accounts and papers related to development expenditure. “Hamara Paisa, Hamara Hisaab” (our money, our accounts) was the slogan, which came from people themselves, that called for accountability, and demanded a greater role for the state, with greater transparency and accountability to the people. Such campaigns began to spread, and it became clear that there were large numbers of poor people who, far from gaining, were suffering the effects of the reform process.

MKSS emerged as a powerful movement looking for principled rights guaranteed by a constitutional democracy. It sought the right to information, and mobilised the democratic demand for a share in governance. MKSS realised that poor and marginalised people wanted a more accountable government. It was also clear that many viewed the burgeoning civil society sector with justified suspicion, as its own acts of corruption and arbitrariness were increasingly becoming obvious.

The strength of the ‘peoples movement’ is that it emerged as a distinct form from the unheard articulation of peoples’ demands.

PROGRESS IN RIGHTS-BASED LEGISLATION

In 2004, the newly elected United Progressive Alliance (UPA) government, somewhat surprised at its victory, acknowledged the nature of the peoples' mandate by passing at least three landmark pieces of legislation, which had been sought by social movements: the Right to Information (RTI) Act, the Employment Guarantee Act and the Forest Rights Act. They were the first of a series of rights-based legislations that established the rights of the ordinary person to demand accountability from the state. These laws stemmed from the involvement and experience of ordinary people in rural India, manifested in groups such as MKSS. The impetus for MKSS came from living with and understanding the lives, concerns and needs of people in rural India.

The passage of the RTI Act was a great victory for the people of Rajasthan and for India as a whole. It transformed the relationship of the citizen with the state by allowing ordinary people to access information in a way that was previously unimaginable. Since the RTI Act was passed, MKSS has been involved in a number of other movements and projects related to transparency, accountability and basic rights. These include movements for the right to food, the right to education, the Grievance Redressal Act and the Whistleblower Protection Act.

The yatra travelled to communicate, listen and learn about people's problems in accessing their social sector entitlements.

REACHING AND ENGAGING PEOPLE

Our understanding and work is based on engagement with a large community of people. The strength of the MKSS has been in its living with people in rural Rajasthan and understanding their experiences. Therefore people themselves were involved in all the MKSS struggles and there was no question of their voices being excluded. The most recent activity to emerge from the work of movements such as MKSS was the hundred-day accountability caravan, known locally as the Jawabdehi yatra (accountability journey), of the Suchna evum Rozgaar Adhikar Abhiyan (SR Abhiyan), a platform of organisations working on the right to information and guaranteed employment. This yatra or caravan began on 1 December 2015 and journeyed for 100 days across the 33 districts of the state of Rajasthan. The yatra travelled to communicate, listen and learn about people's problems in accessing their social sector entitlements. The yatra consisted of a bus and two accompanying vehicles, with around 60 volunteers from different CSOs. It travelled to small vilages, towns and district headquarters. In each of these areas, public meetings were held, where people came and filed RTI applications, and other applications detailing their grievances. Street theatre, puppetry, singing and dancing were part of the vitality and strength of the yatra. By communicating with people through humour, and in their idiom, the yatra established the beginnings of a new collective campaign.

Over 10,000 grievances were recorded and collected during the yatra. From the texture, nature and facts of these grievances, the SR Abhiyan realised that a strong accountability law is required. On its 100th day, the yatra reached Jaipur, where over 6,000 people marched to the Legislative Assembly and demanded the passage of an accountability law, known as Jawabdehi Kanon. A draft law is currently being prepared, including through localised consultations with people and people's movements, along with public hearings. It includes four important sections that deal with the redress of grievances, social audits, a pre-legislative consultative policy and a citizen's charter that details the duties of public officials. The law is intended

to lay the groundwork for a comprehensive accountability framework. Through people's mobilisations and demands, the SR Abhiyan will continue to demonstrate and demand the passage of this important law.

The perception that we live mutually exclusive lives is a fallacy; people continue to live and understand their problems in multiple ways, and since the right to information movement, it has been clearly understood by many people that governance impacts on their lives daily. Governance is broken up into many parts, and although the most interactive is local bureaucracy, it is amply clear that policies are fashioned through elected representatives. When the links are clear, people can make an informed choice to demand particular policies and pieces of legislation.

Without continual understanding of the problems and grievances of people, policy cannot be relevant or implementable. This constant engagement helps us understand the nature of the relationship, or contract, between citizens and the state. From the first struggles for the right to information and the right to work, it is continuous engagement through public hearings, yatras and everyday living that keeps the work of MKSS relevant.

ATTACKS ON CIVIL SOCIETY

In contemporary political discourse, there has been a concerted and deliberate attack on CSOs, often by using the smokescreen of categorising CSOs as foreign-funded or anti-national as justifications for policing and surveillance. The stated fear is the undermining of the sacrosanct objective of national security, but the real threat is the questioning of high economic growth rates, and anti-people policies. The government clearly understands that social movements representing people's interests are a major adversary to corporate access to resources. The spectre of investigations by the Home Ministry and witch-hunts against foreign-funded groups has led to the shrinking of space for organised civil society. Simultaneously, there has been a growth and assertion of indigenously supported citizens' groups, which are far more political in their response, and which have begun to form alliances to resist the advance of the corporate and fundamentalist state.

CONCLUSION: A MULTIPLE CIVIL SOCIETY, AN ENDURING DEMAND

In a country like India, civil society will never be a single conglomerate. Indian civil society will reflect the complexities inherent in its socio-political fabric, will always need nuanced comprehension, and will often present conflicting and contradictory positions. It would be a fallacy to see it as a single entity.

But as the nature of movements changes over the years and new people's movements are born in different parts of the country, the basic demand of people remains the same: dignity of life. The question of how the means to lead a dignified existence can be achieved is where the demand for structural change is most deeply felt, and where the most creative thinking comes. The RTI Act was one such change that almost for the first time in the history of independent India represented a shift

in the concentration of power into the hands of ordinary people who can use this as a tool to better their existence. This legislation came from the vulnerable, the marginalised and the excluded. It came to be passed after long protests before legislative assemblies that lasted for months on end. In thinking of our future, we require continual engagement with ordinary citizens, living and learning with them.

UNDER THE KNIFE: HUMAN RIGHTS AND INEQUALITY IN THE AGE OF AUSTERITY

—IGNACIO SAIZ AND LUKE HOLLAND, CENTER
FOR ECONOMIC AND SOCIAL RIGHTS

In the wake of the global economic downturn triggered by the financial crisis of 2008, austerity has become the new normal. Under pressure to reduce budget deficits, many governments have responded with a package of fiscal austerity measures, typically comprising severe cuts to social expenditure, regressive tax hikes, pension and other social welfare reforms, and the stripping away of labour rights protections.

The impact of these measures on inequality and human rights has been devastating. As the Center for Economic and Social Rights (CESR) has documented over many years and in several different contexts, the austerity drive has mounted a widespread and systematic assault on economic and social rights, particularly the rights to decent work, an adequate standard of living, food, health, housing and social security.¹ Cuts in public spending and clampdowns on anti-austerity protests have also threatened civil and political rights, such as the rights to freedom of expression and association. Austerity is a factor behind the increasing restrictions on civil society space in many countries, making it more difficult to mobilise for fairer alternatives and to access justice for those deprived of their rights.

While the nature and impact of the policies introduced vary from one context to another, one constant is that those facing poverty, marginalisation and discrimination are always hit hardest. In a study published by the Council of Europe Commissioner for Human Rights, CESR highlighted the severe and disproportionate impact of Europe-wide austerity measures on women, migrants and asylum seekers, Roma people and other ethnic minorities, children, young people and older persons, people with disabilities, and lesbian, gay, bisexual and transgender people.² In countries across the globe, economic inequality - the gap between rich and poor - has escalated since the onset of austerity, fuelling the worldwide trend of increasing income disparity and wealth concentration, which has now reached historic levels. As Oxfam recently reported, one per cent of the world's population has now agglomerated more wealth than the rest of the world put together.³

1 'Rights in crisis', Center for Economic and Social Rights (CESR), <http://bit.ly/1rTYBxd>.

2 'Safeguarding Human Rights in Times of Economic Crisis. Issue Paper published by the Council of Europe Commissioner for Human Rights', Council of Europe, November 2013, <http://bit.ly/1V9n6SH>.

3 'An Economy For the 1%: How privilege and power in the economy drive extreme inequality and how this can be stopped', Oxfam, 2016, <http://bit.ly/1SZ7sHQ>.

AUSTERITY: A WORLDWIDE TREND

Austerity is a global phenomenon. After more than five years of draconian cuts to key social sectors and regressive tax, labour and social welfare reforms in countries across Europe, a stark pattern of growing inequality and deterioration in economic and social rights has emerged. Spain, for example, has experienced one of the largest increases in child poverty in the EU since the onset of the crisis, and has now become one of the most unequal countries in Europe. Social exclusion of immigrant households is now more pronounced, and undocumented migrants have been denied access to healthcare on the grounds of health budget cuts.⁴ A similarly unsettling scenario of widening deprivation and increased disparities unfolded in Ireland as a series of austerity budgets prioritised social spending cuts over progressive tax reforms.⁵

But the pursuit of such austerity programmes, while still a central feature of the European economic landscape, is not limited to industrialised economies. Austerity packages are now being rolled out in Latin America as economic recession looms in the region, including in previously buoyant upper middle income countries.⁶ In Brazil, for example, the government responded to economic slowdown by announcing a fiscal adjustment of US\$24 billion in 2015, with budget cuts falling principally in the areas of education, social protection, racial equality and human rights.⁷ In a region that remains the most unequal in the world, the implementation of austerity policies threatens to erode the significant advances made in poverty reduction and social protection in recent years, and to exacerbate economic and social disparities.⁸

Fiscal austerity measures have also been aggressively pursued in lower middle income countries undergoing political transition. In Egypt, for example, the government responded to its post 2011 economic crisis by drastically cutting food and fuel subsidies while also implementing a series of regressive tax reforms, including increasing sales tax on essential commodities.⁹ These measures, which directly contradicted the popular demands for social justice embodied in the uprisings commonly referred to as the Arab Spring, have exacerbated levels of poverty and already pervasive disparities in the country.¹⁰

Austerity programmes are not only spreading across the globe: they are also set to intensify over the coming years. The global economy, having already experienced a major contraction in 2010 and 2011, is now heading into another that is estimated to last until 2020.¹¹ A recent analysis of spending projections in 187 countries shows that the gross domestic product of some 132 countries will be impacted on by this adjustment shock, with 81 developing countries set to reduce public spending during the period up to 2020. The global south will be worst affected, with east Asia and Sub-Saharan African expected to be the worst hit regions.¹² The same study found that more than 100 countries were planning to reduce subsidies, rationalise social safety

4 'Visualizing Rights: A Snapshot of Relevant Statistics on Spain', CESR, January 2015, <http://bit.ly/1TZutf>.

5 'Mauled by the Celtic Tiger: Human rights in Ireland's economic meltdown' CESR, February 2012, <http://bit.ly/1eS3kTi>.

6 'Panorama Fiscal de América Latina y el Caribe 2016: las finanzas públicas ante el desafío de conciliar austeridad con crecimiento e igualdad', Economic Commission for Latin American and the Caribbean (CEPAL), March 2016, <http://bit.ly/1srQU1d>.

7 'Arrocho fiscal detona direitos dos que mais precisam', Instituto de Estudos Socioeconômicos, 26 May 2015, <http://bit.ly/1LGhHv9>.

8 'Social Panorama of Latin America 2014', CEPAL, 2014. See: <http://bit.ly/1zP9pNA>.

9 'Poverty and Austerity - 2014 Egypt UPR Briefing', CESR, 2014, <http://bit.ly/1XzXmzx>.

10 Egypt factsheet series, CESR, 2014, <http://bit.ly/27zSL4K>.

11 'The Decade of Adjustment: A Review of Austerity Trends 2010-2020 in 187 Countries', I Ortiz, M Cummins, J Capaldo, and K Karunanethy, SS Working Paper No. 53, International Labour Organization (ILO), The South Centre and Initiative for Policy Dialogue - Columbia University, 2015.

12 Ibid.

nets, cut or cap public sector wages and introduce pension reforms, with scores of countries also planning health sector and labour market reforms in order to adjust to fiscal contraction. Meanwhile, on the revenue side, 138 countries were set to increase consumption taxes, something likely to adversely affect vulnerable populations, and a third of countries reviewed were considering privatising state assets and services.

The study also observed that such economic adjustment programs have been promoted by the International Monetary Fund (IMF), the Bank of International Settlements and other international financial institutions in a majority of countries around the world since 2010. That austerity packages are being encouraged and expanded despite ample evidence of their harmful implications for human rights and inequality highlights the extent to which economic and fiscal governance at the national and global level remains a rights-free zone.

The belief that fiscal adjustment and reduced public spending would lead to increased private sector confidence and investment has proved unfounded.

IN SEARCH OF FAIRER ALTERNATIVES TO FISCAL AUSTERITY

The renewed austerity drive is all the more alarming in view of growing evidence that it has also failed in its principal objectives. Numerous studies have highlighted the ‘fiscal fallacies’ behind the dogma of austerity:¹³ government deficits are portrayed as a result of profligate public spending, and proof that the social welfare state is an unaffordable impediment to growth and competitiveness. In reality, many countries’ budget deficits were the result of massive financial sector bailouts, decreased revenues due to economic downturn and the cost of necessary but short-lived post-crisis stimulus measures.¹⁴

The belief that fiscal adjustment and reduced public spending would lead to increased private sector confidence and investment has proved unfounded. Rather than staving off the worst impacts of the economic crisis, fiscal contraction brought many developed countries to the edge of a severe and lasting depression.¹⁵ Experience has shown that austerity generates higher unemployment, depresses incomes and decreases domestic demand.¹⁶ Even the IMF, which made fiscal consolidation a precondition for emergency loans in several crisis-hit countries, eventually admitted there was “little support for the expansionary austerity hypothesis.”¹⁷

The argument that, with government coffers all but exhausted, there is no alternative to austerity has also been widely discredited. A number of United Nations agencies and human rights experts have repeatedly recommended progressive taxation, counter-cyclical fiscal policies, investment in productive employment and social protection, and financial market

13 ‘Fiscal Fallacies: 8 Myths about the ‘Age of Austerity’, CESR, 2014, <http://bit.ly/1syHLVs>; I Ortiz et al, 2015, op. cit.

14 I Ortiz et al, 2015, Ibid.

15 See for example ‘On the Brink: Fiscal Austerity Threatens a Global Recession’, Policy Brief No 24, United Nations Conference on Trade and Development (UNCTAD), December 2011; see also the reports on austerity by the UN Special Rapporteur on Extreme Poverty and Human Rights and the UN Independent Expert on Foreign Debt and Human Rights.

16 I Ortiz et al, 2015, op. cit.

17 ‘Expansionary Austerity: New International Evidence’, Working Paper, International Monetary Fund Research Department, July 2011, <http://bit.ly/1ss07Xv>.

regulation as alternative pathways to economic recovery.¹⁸ Extensive research by the International Labour Organization has demonstrated that, even in the poorest countries, sufficient fiscal space exists for social protection programmes to be reinforced rather than cut back. Putting in place more equitable forms of revenue generation through progressive tax reforms and confronting cross-border tax abuse is key to maintaining this fiscal space.¹⁹

CESR's research on financing for international development has shown that a range of progressive tax reforms, coupled with a concerted international effort to confront tax abuse and avoidance, could generate over US\$2 trillion dollars in public finance that governments could use to meet their human rights and sustainable development commitments.²⁰ Research in countries that have experienced some of the most dramatic cutbacks to social spending has also shown that a concerted effort to address tax evasion would generate more than enough revenue to achieve deficit reduction targets without any need for spending cuts. Using estimates from the Spanish Union of Tax Inspectors, CESR calculated that a 10 per cent reduction in tax evasion by large corporations and wealthy individuals in Spain would have generated significantly more than the €27 billion (approximately US\$30 billion) slashed from the national budget in 2011 to 2012.²¹ Similarly, the amount lost each year to the Egyptian public coffers through tax evasion and other illicit financial flows represents about a fifth of the country's total fiscal deficit.²² As Brazil slashes spending on essential services, equality and human rights, little has been done to retrieve the 27 per cent of corporate income tax which it is estimated is lost to tax evasion, or to improve collection of more equitable personal income taxes.²³ Tax policy must therefore be at the core of the search for human rights-centred alternatives to austerity.

MOBILISING FOR ACCOUNTABILITY: CHALLENGES AND OPPORTUNITIES

Regressive austerity measures have effectively burdened the poor and disadvantaged with the costs of the economic crisis, while safeguarding the wealth and privileges of the economic elites responsible for causing it. Outrage at this unfairness has at times boiled over into the streets, with mass mobilisations against austerity and inequality in many parts of the world. The demand for governments to respect basic social rights and tackle extreme inequality has been a unifying feature of these movements. Indeed, the commonality of the injustices experienced and demands made has helped foster transnational solidarity, empowering activists in each context, and in some cases helping secure significant victories.²⁴ In some cases, they have spurred the emergence of new political forces in response to popular frustration with more established alternatives.

18 'Development-led globalization: Towards sustainable and inclusive development paths', UNCTAD, 2011.

19 For more on this see 'Fiscal Space for Social Protection: Options to Expand Social Investments in 187 Countries', ESS Working Paper no. 48, ILO, 2015.

20 'A Post-2015 Fiscal Revolution, Human Rights Policy Brief', CESR, May 2014, <http://bit.ly/1pslf95>.

21 'Spain Factsheet' CESR, 2011, <http://bit.ly/1WEemEY>.

22 'Visualizing Rights: A Snapshot of Relevant Statistics on Egypt', CESR, 2013, <http://bit.ly/1NyxFgg>.

23 CEPAL, 2016, op. cit.; 'Time to Tax for Inclusive Growth', CEPAL and Oxfam, March 2016, <http://bit.ly/1OzZCPV>.

24 For example, civil society pressure forced the Irish government into a dramatic climb-down over its plans to introduce water charges in the country, and parties campaigning in the 2016 general election competed to outdo each other in distancing themselves from the plan.

All too often, however, the austerity context has restricted the space for civil society organising and political participation, as the perceived need for extraordinary measures leads to political exclusion and retrenchment in democratic accountability. This can have especially pernicious and enduring ramifications, as legislation passed amidst the supposed exigencies of a crisis, when generally accepted legal processes are more easily subverted, can prove difficult to reverse further down the road.²⁵

Spain's controversial Decree Law 16/2012, which effectively excluded undocumented migrants from accessing universal healthcare following austerity cuts to the health budget, was passed as an emergency decree, bypassing the normal parliamentary approval process. This was followed by the Ley de Seguridad Ciudadana (Public Security Law), more commonly known as the 'Ley Mordaza' or 'Gag Law', which represented a dramatic crackdown on the wave of public protests against austerity measures. The law, which provoked an outcry from civil society organisations (CSOs) and human rights oversight bodies,²⁶ threatened fines of up to €600,000 (approximately US\$677,000) for participating in unauthorised protests near government buildings and public facilities, and €30,000 (approximately US\$33,900) for filming the police during demonstrations, a response to widespread national and international concern at media images of the heavy-handed policing of anti-austerity demonstrations.²⁷ The 'Ley Mordaza' also included provisions for the summary expulsion of migrants and refugees, overtly contravening international human rights law.

Just as CSOs in austerity-hit countries see the space for civic participation and dissent being stripped away, they are also facing capacity limitations as their funding dwindles. Spain cut its development assistance budget by 49.7 per cent in 2012,²⁸ affecting the funding of many Spanish CSOs also addressing poverty and inequality at home, as well as shrinking funding to civil society groups in Latin America and other regions.

All too often, however, the austerity context has restricted the space for civil society organising and political participation.

AUSTERITY IN THE DOCK

With spaces for political participation and social mobilisation being shut down, social justice advocates in many countries have turned to legal or quasi-judicial processes to confront the human rights violations unfolding in their countries as a result of austerity measures. This has included litigation before national courts and recourse to regional and international human rights oversight bodies. The goal of such efforts has been to bring the principles and tools of human rights law to bear in challenging austerity policies and the spectrum of human rights deprivations they have entailed.

At the national level, there has been a proliferation of litigation initiatives aimed at challenging the legality, and remedying the impacts, of unjust austerity policies. In Spain, groups working on the right to health, as well as certain local government authorities, challenged discriminatory healthcare reforms that excluded undocumented migrants from universal primary care,

25 'Crisis Governance in the Administrative State: 9/11 and the Financial Meltdown of 2008', Eric A Posner and Adrian Vermeule, University of Chicago Coase-Sandor Institute for Law and Economics Research Paper Series, 13 November 2008, <http://bit.ly/1syM6ry>.

26 'Two legal reform projects undermine the rights of assembly and expression in Spain - UN experts', Office of the United Nations High Commissioner for Human Rights, 23 February 2015, <http://bit.ly/1OcMXTJ>.

27 'Report by Nils Muižnieks, Council of Europe Commissioner for Human Rights, following his visit to Spain, from 3 to 7 June 2013', The Council of Europe Commissioner on Human Rights, 9 October 2013, <http://bit.ly/1R8OdpL>.

28 'Aid to poor countries slips further as governments tighten budgets', Organisation for Economic Co-operation and Development, April 2013, <http://bit.ly/1R8OdpL>.

leading to a partial policy reversal and a ruling by the Supreme Court that local governments could design their own law to extend coverage to the affected sector. Portugal's Constitutional Court meanwhile struck down over €1 billion (approximately US\$1.1 billion) of the €5 billion (approximately US\$5.6 billion) in cuts that had been planned in the country's 2013 budget, invoking constitutional human rights provisions.

Access to legal remedies has, however, been undermined in many countries by austerity cuts that target the budgets of judicial systems and reduce their capacity. Across Europe, for example, funding for legal aid was reduced as austerity programmes rolled out, thereby raising an additional impediment for marginalised groups affected by cuts.²⁹

The limited potential for seeking domestic legal remedies in some contexts has led many civil society groups to seek accountability at the international and regional levels. For example, coordinated civil society engagement in shadow reporting led to the governments of Ireland and Spain being called to account for their austerity programmes before the UN Committee on Economic, Social and Cultural Rights. In both cases, the UN body issued strong recommendations concerning the human rights impacts of reforms, echoing civil society concerns. Following its 2012 review of Spain, the Committee was moved to issue guidance to all states clarifying their human rights obligations in the context of crisis and austerity.³⁰ It warned that, in accordance with the principle of non-retrogression, which prohibits any backsliding in economic and social rights protection, any austerity measure that might reduce the enjoyment of these rights can only be justified after careful consideration of all alternatives, such as progressive tax reforms or reallocation of resources from other areas.

Civil society efforts have also found success in pushing regional accountability bodies such as the Inter-American Commission on Human Rights to engage more proactively in confronting the human rights impacts of austerity and scrutinising states' fiscal policies through the lens of human rights principles.³¹

These examples illustrate the scope for adjudication to confront the injustice of austerity. However, social mobilisation is fundamental for adjudication strategies to succeed and have a lasting impact on policy change. As well as the chilled climate for civil society, an additional obstacle for the human rights movement in challenging austerity is the need to adapt its methods of analysis, advocacy and mobilisation to address the complex realities of fiscal policy. There is nevertheless a growing convergence of activists across the human rights, tax justice and development communities committed to forging interdisciplinary tools and strategies to hold governments and other powerful actors to account for the deprivation and disparity wrought by austerity policies across the globe, and to offer a rights-centred framework for the design and implementation of more equitable and sustainable solutions.³²

29 'Evaluation of European Judicial Systems 2012', The European Commission for the Efficiency of Justice, 2012; 'Annual report 2012', European Union Agency for Fundamental Rights, 2012.

30 The letter issued by UN Committee on Economic, Social and Cultural Rights affirms that in order to be in compliance with the Covenant, any policy implemented to address economic crisis should be: temporary, covering only the period of the crisis; necessary and proportionate, in the sense that the adoption of any alternative policy, or a failure to act, would be more detrimental to economic, social and cultural rights; non-discriminatory and cognisant of all possible measures, including tax measures, to support social transfers and mitigate inequalities; and that it protect the minimum core content of economic, social and cultural rights.

31 'Fiscal Policy and Human Rights in the Americas: mobilizing resources to realize rights', CESR and partners, October 2015, <http://bit.ly/1KrjsZR>; 'From the margins to the center: fiscal policy and human rights in the Americas', CESR, 26 October 2015, <http://bit.ly/1W2BWLd>.

32 For more on this, see 'Human Rights in Tax Policy', CESR, <http://bit.ly/1TZD3Zd>; 'Lima Declaration on Tax Justice and Human Rights', 2015, <http://bit.ly/23ooQcw>.

The SDG commitments will remain paper promises unless there is ceaseless vigilance and pressure from civil society for their implementation.

As the austerity juggernaut continues to thunder forward civil society must open up new avenues for accountability to confront the injustice of austerity and inequality. While strategies to achieve this will of necessity be manifold, one clear opportunity for international civil society collaboration lies in the recently agreed Sustainable Development Goals (SDGs). The SDGs contain commitments to policy reform over the next 15 years that, if implemented, would reverse many of the harmful trends and impacts witnessed in the era of austerity.

SDG Goal 10, for example, commits governments to reduce inequality within and among countries, including through fiscal, wage and social protection policies, along with improved regulation of the finance sector. The SDGs and the Financing for Development agreements also include commitments to tackle illicit financial flows and improve international cooperation in tax matters. Such commitments are timely. The Panama Papers scandal highlighted the nefarious impact of tax abuse by wealthy elites in depriving government coffers of the revenues needed to tackle inequality and fulfil human rights, just as the most disadvantaged sectors of the population see wages stagnate, social protection slashed and services they rely upon cut through austerity measures.

The SDG commitments will remain paper promises unless there is ceaseless vigilance and pressure from civil society for their implementation. They will also require meaningful accountability systems at national, regional and international levels to ensure that the targets set are reflected in all relevant policy programmes, and that governments and the private sector are held answerable.³³ Whether the SDGs live up to their potential depends on how effectively civil society activists around the world can maintain the pressure for human rights to be at the core of the economic and development agenda, in order to bring about a transformational shift from austerity to accountability.

33 'Who will be accountable? Human rights and the post-2015 development agenda', CESR, 22 May 2013, <http://bit.ly/1gC1UBt>.

BREAKING THE GLASS PYRAMID: TRANSFORMING LEADERSHIP AND INCREASING WOMEN IN LEADERSHIP IN CIVIL SOCIETY

–JOANNA MAYCOCK, SECRETARY GENERAL,
EUROPEAN WOMEN'S LOBBY

PUTTING WOMEN AT THE HEART OF DECISION-MAKING

At the time of writing, the EU Heads of State Summit has just concluded in Brussels. Of the 34 participants discussing the critical issues of the day, from 'Brexit' to migration and from austerity to security, just four were women. Over the past 18 months, Brussels has seen a never ending succession of summits, where ashen-faced, middle aged white men in grey suits negotiate through the night, consistently failing to tackle the deep systemic challenges the world is facing.

This raises some serious questions about the state of leadership and democracy. It is also a reflection of the way in which citizens feel increasingly alienated from traditional decision-making institutions. In Europe, the statistics on women in power are dismal: just 27 per cent of members of national parliaments are women; more than 80 per cent of government ministers are men; and more than 80 per cent of seats on corporate boards are held by men. If we look at the judiciary, police, the media and universities the picture is similarly alarming.

At the European Women's Lobby, we unite women's organisations from across Europe fighting for a feminist Europe in which gender equality is a prerequisite to achieving the well-being of all people and the planet.¹ As part of our campaigning platform, we call for women to be at the heart of decision-making in politics, government, business, institutions, and in civil society.² This is not just about having more women operating within a system, but also about transforming the nature of the systems of decision-making to ensure they are more inclusive, diverse and effective. Nor is this about promoting women at the expense of 'better qualified' men, but about reconsidering what leadership skills and attributes, and what institutions and structures, are needed for transformative leadership in the 21st century. It is also about promoting a diverse and intersectional leadership that tackles privilege based on sex, age, race, ability and sexual orientation and identity.

1 'Mission, vision and values', European Women's Lobby, 14 July 2015, <http://bit.ly/1R5LNIs>.

2 'Women in decision-making', European Women's Lobby, <http://bit.ly/1rROVF7>.

IT IS EASY FOR US TO CRITICISE EVERYBODY ELSE, BUT IS THE PICTURE ANY BETTER WHEN WE LOOK TO CIVIL SOCIETY?

When CIVICUS published a special edition of its newsletter exploring the role and space for women in civil society, 'Breaking the Glass Pyramid', on International Women's Day in March 2013, I read it with interest and was saddened but not surprised by the message.³ The articles and testimony described the failure of our own sphere, civil society, to address gender inequality in our leadership. They went on to demonstrate how that translated directly into our failure to integrate the transformative power of women's rights into our work. The articles told a story of an organised civil society in which as many as 75 per cent of all the staff are women, but women make up less than 30 per cent of the leaders of the largest civil society organisations (CSOs).

As a senior manager at ActionAid International at the time, I had seen the efforts that my organisation had invested in trying to increase the recruitment, retention and advancement of women at all levels. This was an essential part of a wider commitment to improve the representation, diversity and inclusiveness of leadership at all levels in the organisation. Over the period from 2007, when ActionAid's first Feminist Leadership Forum met in Johannesburg, South Africa, up to 2015, ActionAid increased the number of women Country Directors from 35 per cent to 46 per cent.

ActionAid did this through a wide range of measures, including targets, the creation of women-only spaces, leadership programmes for women and specific measures to improve work-life balance. For me, as for many women working in the organisation, ActionAid's feminist leadership development programme proved a life changing experience both personally and professionally. As well as the opportunities it gave me to challenge myself professionally, it connected me with a wide network of amazing and inspiring women throughout the ActionAid world. I also experienced over the years how these efforts directly linked to increased attention being paid to women's rights across the range of ActionAid's programmes and campaigns work. It is hard to find an ActionAid staff or board member today who does not refer to or understand women's rights as a core value and operating principle of the work.

However, these changes did not happen overnight, nor without considerable resistance. The minute the organisation relaxed its vigilance, things would slip backwards. I also saw how difficult it was to make those changes, within a deeply rooted patriarchal society that continues to discriminate and hold women back in our families, our societies and our workplaces. The relative success was only achieved through consistent pressure and leadership commitment, evidence based policy-making and monitoring. And there is always more to be done, especially in addressing hidden power and privilege in the organisation, and ensuring that the response addresses multiple and intersecting layers of inequality.

I have also seen, from my networks of women in civil society in Europe, how difficult it still is for women to flourish, even in our allegedly progressive organisations: macho cultures prevail, with long hours working making it difficult for women and

3 'Women in civil society: breaking the glass pyramid', CIVICUS, March 2013, <http://bit.ly/1qq9eGB>.

men to manage work-life balance; women face everyday sexism and sexual harassment in the work place; and unconscious bias in recruitment and promotion systems continue to make it twice as hard for women than men to advance into leadership positions. We continue to see that in better resourced international CSOs there are very few women in positions of power and leadership.

In May 2014, I took up my current position as Secretary-General of the European Women’s Lobby. Having understood the importance of women’s networks for mutual support and empowerment, I was surprised to discover that there is no global network for women leaders in civil society. Therefore, at the 2014 CIVICUS World Assembly in Johannesburg I co-convened a conversation with participants from all continents coming together to explore the negative impact of this lack of women’s leadership and to begin sketching out some strategies to turn this around.

WHAT IS THE CASE FOR CHANGE IN CSOS?

It is essential for us to walk the talk in terms of the rhetoric about power, rights, gender and social and environmental transformation.

The case for improving the gender balance and diversity of our civil society decision-making spaces is clear. At a time when civil society space is closing down everywhere, and our legitimacy as civil society is challenged on all fronts, it is essential for us to walk the talk in terms of the rhetoric about power, rights, gender and social and environmental transformation.

The lack of women able to develop their leadership roles has a negative impact on the whole of civil society, as we are missing the full potential of the diverse skills, experiences and talent available. As a sector, we are therefore failing to bring new perspectives about the type of transformational leadership needed to tackle complex and rapidly changing contexts for civil society. A significant knock-on effect of this is that we fail to integrate the transformative values of a women’s rights perspective into our work.

“My success is your success; your success is my success,” is how CIVICUS Chair Nyaradzayi Gumbonzvanda described her vision for feminist leadership. She also pointed out the need to build and strengthen the pipeline of women in leadership, creating space and opportunity for a new generation of leaders. We must be intentional about conscious actions to develop new and diverse leaders for civil society.

Ama Marston’s 2013 article, ‘Women in leadership: ‘It’s not going to work the way we’re doing it’, explores how women leaders of development CSOs feel about the lack of gender equality at the top.⁴ She also points out the significant issues “...faced by local women working in Africa where colleagues are undermined because of their sex but also their race. In some instances, they have been treated as less competent and have been micro-managed by international and local colleagues as a result.” When I talked to Ama recently, she explained that she is currently working on a new book on the importance of resilience for women leaders: “Resilient women’s leadership is essential for the health of our sector, as it extends the opportunities for space, voice, renewal and resources.” Like me, Ama was surprised that the private sector seems to have much better grasped the case for supporting more gender diversity in leadership, even if they face many of the same, if not more, challenges in realising the change they claim to want.

4 “Women in leadership: ‘It’s not going to work the way we’re doing it’”, The Guardian, 1 August 2013, <http://bit.ly/1gChJSy>.

If we truly wish to innovate and disrupt society for the better, we must be prepared to disrupt the power within our own organisations. We need to ensure that we align the mandate and principles of civil society with its practice. We rightly talk a lot about shifting power dynamics, and this approach to changing leadership has the real potential to invert power structures and rethink power and participation within our organisations. As feminists we seek to disrupt the notion of power as being finite - i.e. either yours or mine - to see power instead as an endless resource that can be shared by focusing on building the 'power within' (self-awareness); the 'power with' (ability to build dialogue and effective coalitions); and the 'power to' build new ways of doing things.⁵ Social movements need to learn from women's experience, including to open up power and voice to the stakeholders and communities we work with as civil society, ensuring that a full range of voices is included.

The power dynamics between women and men need to be discussed as one of the core systems endangering our future; patriarchy and male domination should be identified, named and addressed in our work towards system change, in our values, missions and activities, and within our own movements.

Getting serious about transformational and systemic change means recognising and valuing women's central and existing role in transformative changes in their homes, their workplaces and societies. Our failure to address inequalities in our CSO leadership effectively has translated directly into our failure to integrate the transformative power of women's rights into our work. Whether we are talking about climate change, tax justice, trade or the redistribution of natural resources, all have gendered dimensions that need to be understood, integrated and addressed.

From the humanitarian sector, Ylva Stromberg, Head of international Disaster Management of the Swedish Red Cross described to me how important feminist leadership is in delivering better more sustainable results in their humanitarian work: "Feminist leadership is about inclusion and making sure you listen to what people need, not what you are capable of giving. If we exercise feminist leadership in humanitarian response it will become more qualitative. In an emergency it is more important to make sure you have done a thorough inclusive assessment of the situation and people's capacity before you start to act."

Women have been at the forefront of every social movement, and yet women's roles have been systematically written out of history, from the campaigns for the abolition of slavery to the civil rights movements, and from anti-nuclear campaigns to the trade union movement. Rucha Chitnis' recent article highlighted stories of 'How Women-Led Movements Are Redefining Power, From California to Nepal': "In the face of corporate domination, economic injustice, and climate change, movements led by women offer a revolutionary path. They have redefined leadership and development models, connected the dots between issues and oppression, prioritized collective power and movement-building, and critically examined how issues of gender, race, caste, class, sexuality, and ability disproportionately exclude and marginalize."⁶

5 'MCH3 power: concepts for revisioning power for justice, equality and peace', JASS, 2006, <http://bit.ly/1OU6XOu>.

6 'How Women-Led Movements Are Redefining Power, From California to Nepal', Yes! Magazine, 8 March 2016, <http://bit.ly/1nvBfv7>.

SO HOW DOES THIS LOOK IN ORGANISATIONS IN PRACTICE?

Here are just some of the ways in which this lack of diversity in leadership manifests itself in the culture and practice of CSOs, that we explored in the women's leadership meeting at the CIVICUS World Assembly in 2014:

Impacts of patriarchy and sexism: A system of patriarchy has existed for over 10,000 years. It is remarkable in its dominance in all societies and all parts of the world. It is an essential building block of all the world's major religions, and of all our economic systems. In comparison, capitalism is a 'Johnny-come-lately' at just 300 years old.

Deeply entrenched systems of patriarchy permeate every aspect of our personal, public and professional lives. Gender stereotypes persist in all cultures and organisations. One of the most obvious impacts is that the burden of balancing work with family, social and home life responsibilities most often falls predominantly on women. Another example is the persistence of subtle and not so subtle sexism, undermining, and inappropriate behaviour, including sexual harassment, that often goes under reported, including in CSOs.

Women themselves often don't want to be seen as powerful and 'authoritarian', imagining this is the only way to lead.

In 'The Beautiful Trouble Handbook', Harsha Walia describes the ways in which sexism manifests itself in our social movements:⁷

"Women face an uphill battle to prove their intelligence and commitment as political activists... Women discussing sexism are often characterized as 'divisive' or 'over-reactive' and women's concerns are belittled unless validated by other men. This highlights disrespect for women's voices in discussing their own oppression.

"Feminism is not seen as central to revolutionary or collective struggle; instead it is relegated to a special interest issue. This results in the trivialisation of women's issues, particularly violence against women and reproductive justice."

We have seen an overall loss of focus about women's rights as a central and very political means of bringing transformation. We need to put women's rights back at the centre of our struggles, and we have to engage the right people and resources to make this possible, rather than treating women's rights as an add-on, once we have faced down climate change or won the class struggle.

Image of leadership: The perception of leadership and how a leader behaves is still very masculine in definition. Women themselves often don't want to be seen as powerful and 'authoritarian', imagining this is the only way to lead. This is sadly limiting our ability to redefine a collective leadership vision.

⁷ 'Challenge patriarchy as you organize', Beautiful Trouble, <http://bit.ly/1LpWOEg>.

Resistance: Sadly, women often speak to me about how difficult it is to face off against the male dominated networks within and between CSOs. Many men, and some women, in CSOs perpetuate the system and hold on to power, but it is difficult to challenge them on this as they don't acknowledge it.

WHAT CONCRETELY CAN YOU DO ABOUT IT?

Broadly speaking the emphasis needs to shift from trying to 'fix the women' so that they can succeed in defunct organisational systems towards providing more space, resources and action to change the leadership culture.

The following are steps for action that can be taken by all of us in positions of influence within civil society. Broadly speaking the emphasis needs to shift from trying to 'fix the women' so that they can succeed in defunct organisational systems towards providing more space, resources and action to change the leadership culture.

Check your privilege: Create opportunities to reflect on power and privilege within your own organisation. Try to understand the often hidden power dynamics that limit and define whose voices are heard or ignored. You can explore gender and other factors such as race, sexual identity, class and ability in this reflection. Understand and tackle hidden power and privilege. An excellent handbook for political organisers on tackling 'Power and Privilege' was produced in 2015 by the New Economics Organising Network.⁸

Make the issue visible: Gather and publish data on the numbers of women in leadership positions. Explore the pay differentials between women and men to fully appreciate the scale of the challenge.

Set targets and quotas: Nobody loves quotas, but having targets forces organisations to measure and discuss progress. It makes intentions clear to staff and stakeholders. Any quotas or targets need to be backed up with properly resourced policies for recruitment, retention and advancement of women.

Networking: Building networks of women in civil society, within and between organisations, provides opportunities for women to exchange and learn from one another.

Leadership development: CSOs should develop properly resourced leadership development programmes for women leaders that include mentoring and sponsorship. In practical terms, one of the most effective strategies to build women's confidence and visibility is to create meaningful opportunities for younger women to take on challenging projects and support them to succeed.

I asked Joanna KERR, Executive Director of Greenpeace Canada, and CIVICUS board member, for examples of how this can make a difference: "In developing our Three Year Strategic Plan at Greenpeace, I decided to encourage two young staff who were always speaking up with great ideas, to go and build a key piece of it, our mobilization strategy, with the only parameters to be as innovative and creative as possible. What they delivered is remarkable both in terms of vision, and how to operationalize it, including how it will allow Greenpeace to be relevant to diverse constituents including indigenous groups. I have heard from peers it has been considered the best in all of Greenpeace!"

⁸ 'Power and Privilege: A handbook for political organisers', Audrey Lorde, New Economy Organisers Network, 2015, <http://bit.ly/1Xi4z6D>.

Self-care and mutual support: Women should take more time for themselves and wage a war on workaholism. We should delegate, let go of perfectionism, take time to eat lunch out of the office with a friend or mentor, switch off our phone and email, and take care about the impact on more junior staff when we are contacting others out of normal working hours.

Take the pledge to refuse to be part of male-only panels.⁹ Ensure that women participate in international spaces. Give up your space for a woman, and boycott all panels where there is no woman speaking. Make sure that whenever you organise a conference or assembly that half of the speakers on all panels are women, and reflect a real diversity of perspectives and voices.

Speak out: CSOs should have zero tolerance on sexual harassment and sexism, with transparent policies that are implemented fully.

Finally, CSO boards need to confront this issue as a political and strategic challenge: There are still not enough women in decision-making positions on CSO boards. All too often, if CSOs tackle gender inequality and discrimination at all, it is usually reactive, when there is a problem. Even when good policies are in place, they are not implemented or properly resourced. Well-balanced, empowered boards can make all the difference in demanding information and allocating appropriate resources.

9 'The Pledge – I will not be part of male-only panels', <http://bit.ly/1aUYDMt>.

ADVOCACY TO CHALLENGE IMPUNITY AND VIOLENCE AGAINST TRANSGENDER HUMAN RIGHTS DEFENDERS

–MARCELA ROMERO, COORDINATOR, LATIN AMERICAN NETWORK OF TRANSGENDER PEOPLE (REDLACTRANS), WITH THE INTERNATIONAL HIV/AIDS ALLIANCE¹

¹ The International HIV/AIDS Alliance supported the Latin American Network of Transgender People (REDLACTRANS) with summarising into English the network's information, interviewing Marcela Romero, and making sure the article followed the structure she suggested. Unless otherwise stated, quotations used in this article are from an interview conducted with Marcela Romero in February 2016.

INTRODUCTION

Transgender women in Latin America have an average life expectancy of 35 years.¹ The lives of transgender women in Latin America are marked by a dynamic of exclusion that is the consequence of family, social and institutional transphobia. This begins at a young age when they are often rejected by their families, and essentially excluded from the educational and health care systems. This lack of education and access to job opportunities pushes the vast majority of transgender women in the region into sex work.² Consequently, transgender women are the population with the highest prevalence of HIV/AIDS in Latin America, as the table below indicates.

Table 1. Prevalence of HIV in the general population, transgender sex workers, transgender people and men who have sex with men (MSM) in Latin America.³

Country	Adult Population (ages 15-49)	Transgender sex workers	Transgender people ¹	MSM
Argentina	0.14*	27.8	33.51	10.50
Brazil	0.55	-	33.07	10.50
Chile	0.33	-	-	20.26
Paraguay	0.40	26.20	27.00	19.10
Uruguay	0.71	20.00	18.85	9.70
Average - Southern Cone region	0.43	24.67	28.11	14.01
Bolivia	0.25	19.70	-	11.60
Colombia	0.45	20.10	-	12.90
Ecuador	0.41	31.90	-	11.10
Peru	0.35	20.80	21.00	12.40

¹ 'On the International Transgender Day of Remembrance, IACHR urges States to increase the life expectancy of trans persons in the Americas', Organization of American States Inter-American Commission on Human Rights, 20 November 2015, <http://bit.ly/27zBKaP>.

² 'The Night is Another Country', REDLACTRANS, 2012, page 40. For example, between 94 and 95 per cent of transgender women in Peru and Chile are engaged in sex work. See 'Human Rights Report on the Trans Community in Lima', Instituto Runa de Desarrollo y Estudios de Género and Hivos, 2010, page 5; 'Transphobia in Latin America and the Caribbean' Ulises Borgogno and Ignacio Gabriel, 2009, page 44.

³ From 'Global Fund Concept Note', REDLACTRANS. Data from the Global Aids Response Progress Reporting, UNAIDS, 2013 and estimates from Spectrum, AIDSinfo Online Database, <http://bit.ly/1srFCKv>. Countries where most data was missing were not included. Data with * next to it are estimates from 2012, as the country did not publish prevalence data for people aged 15 to 49 in 2013.

Venezuela	0.56	-	-	-
Average - Andean region	0.40	23.13	-	12.00
Costa Rica	0.23	-	-	10.90
El Salvador	0.53	-	25.89	10.40
Guatemala	0.59	-	23.80	8.90
Honduras	0.47	26.70	31.90	15.20
México	0.23	15.50	-	17.30
Nicaragua	0.70*	-	27.80	6.60
Panama	0.65	31.60	37.60	19.80
Average - Central America region	0.49	-	29.38	12.73

The Pan-American Health Organisation states that transgender people are 40 times more likely to be affected by sexually transmitted infections than the general population in Latin America. For example, prevalence rates of syphilis show similar patterns to those of HIV in transgender people, while three studies evaluated the prevalence of genital herpes in transgender people of El Salvador, Nicaragua and Peru at rates between 71 per cent and 81 per cent.⁴

TRANS-ACTION

REDLACTRANS - the Latin American Network of Transgender People - works to highlight the vulnerability and inequality of transgender women in Latin America, and encourages states to take immediate action to rectify this situation. It calls on states to help create a political and legal environment that favours the inclusion of transgender women in society. It is focused on advocating for transgender rights, as well as the development of the network and its focal points in 14 countries in the region: Argentina, Belize, Bolivia, Chile, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru and Uruguay. Over the past few years, the member organisations of REDLACTRANS have contributed to unquestionable historical achievements as a result of their political growth, despite a continuing context of flagrant discrimination. The network has the support of key stakeholders, including UNAIDS, the International HIV/AIDS Alliance, The Heartland Alliance and the Robert Carr Fund.

So, how do you implement change in such a context?

⁴ 'Por la Salud de las Personas Trans. Elementos para el desarrollo de la atención integral de personas trans y sus comunidades en Latinoamérica y el Caribe', AIDSTAR-One, 2013, <http://bit.ly/1TYPDVF>.

MAKING THE INVISIBLE VISIBLE

An increase in acceptance and work towards equality must start with the recognition of gender identity. As Marcela Romero explains, developing the understanding that transgender people form a distinct population is the first step:

“The first step carried out by the network was to ensure that they (the state) no longer treated us as men who have sex with men.⁵ From there we began to exist as our own indicator, where the gender identity of transgender people is respected in order to start to generate changes and public policies for the visibility and inclusion of the trans population. That’s where we started from. It was important first and foremost that they know that we have our own needs, needs that are different to those of the gay population.”

In the majority of Latin American countries, the gender identity of transgender people is not recognised by law, and so they are condemned to an existence that does not coincide with their gender identity.

One of the key objectives of REDLACTRANS is to give visibility to the network and the transgender population in political spaces. It is difficult to get into these spaces, as transgender people are underestimated and seen as having a lower level of education, and there is transphobia. This is the case even in civil society: some civil society organisations are transphobic, and while transgender women may be included in lesbian, gay, bisexual, transgender and intersex (LGBTI) organisations, they do not always feel that their needs are met or they have sufficient space.

REDLACTRANS recognises that now, more than ever, there is a need to be present in all political and decision-making spaces, including in social movements and unions and to make the voice of transgender people heard by civil society, the government and agencies. Many transgender-led organisations have managed large programmes with significant funding, showing they can manage technical teams effectively. The network fights daily to shed light on the fact that there is a population that exists that is not included on the political agenda, a population that has the highest prevalence of HIV/AIDS.

The main achievement of the network to date is its instrumental role in the introduction of gender identity laws in Argentina. Argentina’s Gender Identity Law was approved by the Senate of Argentina on 8 May 2012. In the majority of Latin American countries, the gender identity of transgender people is not recognised by law, and so they are condemned to an existence that does not coincide with their gender identity. The Argentinian law seeks to reduce discrimination based on gender identity by guaranteeing the rights and dignity of transgender people. It includes mechanisms for allowing people to change the gender and name given in their identification documents. However, as Marcela makes clear, the work here is not over:⁶

“There is still a long way to go. In order to generate changes in society and the culture, advocacy work needs to carry on. A person without identity does not exist. With the passing of the law, we succeeded in getting our existence recognised. It was a first step. The second step is social, labour market and educational inclusion.”

5 Men who have sex with men (MSM) is an epidemiological term. Transgender women were often included in the data of this population.

6 ‘The Night is Another Country’, op. cit., page 31: Interview with Marcela Romero, August 2012.

A transgender activist based in Guatemala City, Guatemala, echoes this sentiment:⁷

“We are not asking for different opportunities, just equal ones. A Gender Identity Law is not going to sort our lives out. It will not mean that tomorrow I will be a university student or that I’m going to have a top job, but it will help to combat the stigma caused by the fact that my identification document says one thing and my appearance and gender identity says another.”

ENGRAINED IMPUNITY

Impunity is a constant challenge, as Marcela notes:

“The theme of impunity is present from the moment of reporting the crime until the time it comes to trial or tribunal.”

The rights violations experienced by transgender women in Latin America include extrajudicial executions, torture, cruel, inhuman and degrading treatment, and arbitrary detentions. Impunity manifests itself in a culture of silence that impedes the filing of complaints, a failure to adopt a differentiated approach when dealing with transgender cases, ineffectiveness in the justice system, the existence of discriminatory legislation and the absence of legislation on gender identity.⁸ In many cases reports fall through when a person returns to sex work, is subject to threats, or leaves the country.

Activists allege that in the majority of cases, violence and threats come from state actors, the very agencies charged with the responsibility of protecting the population and seeking justice. REDLACTRANS has learned about the importance of evidence: where gender diversity does not exist, data is not disaggregated by gender, and so it is vital to gather reports of human rights violations against transgender people in the region. In 2012, REDLACTRANS and the International HIV/AIDS Alliance published a report, ‘The Night is Another Country’, which, in the absence of quantitative data due to the invisibility of the transgender population, provides powerful testimonies from the community. A transgender activist from San Pedro Sula, Honduras, reported that she has gone back to doing sex work, combining it with her human rights work, and that it is putting her at greater risk than ever of being subjected to violence by police officers, who have allegedly tried to kill her on several occasions:⁹

“I am a certified public accountant. For over seven years, I worked on HIV prevention programmes as a health technician both for the state and international organisations. I have been a human rights activist for over 20 years. In the 1990s I witnessed the murder of a colleague by police officers. Their lawyers threatened to kill me if I identified them. I testified against them. Following the 2009 political crisis I was left jobless and had to go back to doing sex work on the streets. One night in October 2011 I was coming out of a bar when a car without plates stopped next to me. Four individuals got out and shot me four times in the head and body without saying a word. One of the bullets is still lodged in my neck. No one asked me any questions in the hospital and there was no police investigation. It wasn’t the only time. I had already been shot three times while out doing sex work. Altogether I have been shot nine times. There are witnesses but they are also afraid to make a statement. I myself have witnessed many other police attacks but I’m also afraid to report them.”

7 Interview from ‘The Night is Another Country’, *ibid.*

8 ‘*ibid.*

9 *ibid.*

In response to the wholly inadequate response of Latin American states and their agents to the violence perpetrated against transgender women, REDLACTRANS organise regional workshops and meetings about action to take when reporting crimes, such as hate crimes, human rights violations, institutional violence and gender based violence, as well as carrying out training within the inter-American human rights system. Marcela draws attention to what needs to change:

“We need to ensure that the murders of trans people do not go unnoticed as the government treats them as crimes of passion, or drug related crimes when in actuality they are institutional crimes or cases of gender-based violence. No-one is arrested and cases are closed too quickly. It’s considered by the authorities as just another death.”

For this reason, sensitisation training of judges, government law enforcement officials and the police plays an important role. This is not always an initiative that is welcomed by the judicial authorities, so often training cannot be carried out without strong prior advocacy for it to take place. In order to continue our work, REDLACTRANS, funded by the Global Fund to Fight AIDS, Tuberculosis and Malaria, is starting a project for access to justice and services of the transgender population in 2016.

Sensitisation training of judges, government law enforcement officials and the police plays an important role.

REDLACTRANS has produced various human rights reports, with the most recent one documenting cases in Costa Rica, El Salvador, Guatemala, Honduras and Panama. The Panamanian report was presented on 19 October 2016 to representatives of the Panamanian Association of Transgender Persons, and REDLACTRANS participated in a public hearing of the Inter-American Commission on Human Rights on the ‘Human rights situation of transgender people in Panama’. There they provided information on situations of violence and discrimination against transgender women in the country. For the first time in the history of REDLACTRANS, representatives of a nationally based transgender organisation had the opportunity to sit in front of representatives of the national government and Commissioners of the Inter-American Commission on Human Rights. In the presentation, government officials admitted that the police fined transgender women regularly simply because of their transgender status. Following this, the First Lady of Panama met with REDLACTRANS to express support for changes in the police.

LOOKING FORWARD

REDLACTRANS keenly feels the need for an emblematic case on the theme of gender identity to come to light in the Inter-American Supreme Court. It is clear that the authorities are happy to sign papers and pay lip service to the protection of human rights, but they do not put this into practice and do not comply with universal rights. Good financing would be required to employ a good legal team and sustain a successful case, which could last three years.

For the protection of defenders of transgender rights, REDLACTRANS feels it is essential to work together with country governments on workshops and working groups to promote sexual and gender diversity. Transgender organisations, civil society and the government must work together to be able to prevent the abuse of authority by the police, and to ensure fair treatment of all people, regardless of their gender identity.

(FOOTNOTES)

1 'Central American Survey on Surveillance of Sexual behaviour and STI and HIV', El Salvador 2012; Guatemala 2013; Honduras, 2012; Nicaragua 2010. The rate of Panama is from the national epidemiology study of 2013. The rates for Panama and Peru were presented in a workshop on population size estimates in El Salvador 2014. The data from Argentina, Brazil and Uruguay come from 'Worldwide burden of HIV in transgender women: a systematic review and meta-analysis', S D Baral, T Poteat, S Stromdahl, A L Wirtz, T E Guadamuz and C Beyrer, *The Lancet Infectious Diseases*, vol. 13, no. 3, 2013, pp. 214-22.

PUSHING THE BOUNDARIES FOR CHILDREN

–LENE STEFFEN AND JENNIFER GRANT, SAVE
THE CHILDREN

INTRODUCTION

Children comprise more than 30 per cent of the world’s population and depend on caregivers and governments to meet their basic needs and realise their rights.¹ Under international law, children have civil rights and freedoms that should enable them be active citizens and claim their rights. Save the Children’s longstanding engagement with children shows that children can and want to drive their own agendas, influence decisions that affect them and positively contribute to their own development and that of their societies. Civic space, support and opportunities to exercise their civil rights are fundamental to do so.

However, in most countries children can’t vote, and few governments have made significant efforts to invest in budgets, legal frameworks, policies and programmes that enhance children’s rights to association, peaceful assembly, expression, information and participation. Often, prevailing socio-cultural attitudes towards children limit the realisation of their civil rights, especially the most excluded groups of children.

This is a problem because children have a right to be heard on issues that affect them. Children want to influence the world they live in and we need their perspectives in order to improve outcomes for children globally. We know that civil rights in general and space for independent civil society in particular are under threat for all, but this contribution to the 2016 CIVICUS State of Civil Society Report will focus on the challenges that children face, some of which are specifically related to their legal or cultural status as children. Using examples from Save the Children’s work and research, we will discuss how these challenges can be overcome.

WHAT ARE CHILDREN’S CIVIL RIGHTS AND FREEDOMS?

A number of international human rights instruments establish civil rights for all individuals, including children. The 1948 Universal Declaration of Human Rights states that, “Everyone has the right to take part in the government of his country,

¹ In this article children are defined as individuals under the age of 18 in accordance with the definition in the UN Convention on the Rights of the Child.

directly or through freely chosen representatives.”² The 1989 UN Convention on the Rights of the Child (UNCRC) affirms that a child has the right to freedom of expression, religion, information, association, assembly, identity and privacy. These rights must be guaranteed to all children, including stateless children, without discrimination. For example, a child’s language or disability status must not impede respect for the obligation to extend the freedom of expression to children.

The 2030 Agenda on Sustainable Development now provides an important opportunity to accelerate the realisation of the rights to access information and fundamental freedoms for adults and children alike.³

CHILDREN’S CIVIL RIGHTS AND FREEDOMS

In addition to the general principles of the UNCRC (non-discrimination - Article 2, best interests - Article 3, right to life - Article 6 and children’s participation - Article 12), there are eight articles relating directly to the civil rights and freedoms of children:

- Name and nationality (Article 7)
- Preservation of identity (Article 8)
- Freedom of expression (Article 13)
- Freedom of thought, conscience and religion (Article 14)
- Freedom of association and of peaceful assembly (Article 15)
- Protection of privacy (Article 16)
- Access to appropriate information (Article 17)
- The right not to be subjected to torture and other cruel, inhumane or degrading treatment or punishment (Article 37 (a))

WHY ARE THEY IMPORTANT?

IT’S A HUMAN RIGHT

All children are entitled to civil rights and freedoms under the UNCRC and it is our responsibility as adults to facilitate that. As Marvin Ramírez, 16, from Guatemala states, “I often hear that we as children and adolescents are the future of the nation, and we are, but we’re also the present, and I want my rights to be fulfilled now.”⁴

CHILDREN HAVE MUCH TO OFFER

The majority of children want to be involved in the making of decisions that affect them. In a recent consultation carried out by Save the Children with 1,606 children from 60 countries, 81 per cent reported that they were interested in “decisions made

² ‘Pushing the Boundaries: A guide to increasing the realization of children’s civil rights and freedoms’, Save the Children, 2013, <http://bit.ly/21Z1jxO>.

³ ‘Transforming our World: The 2030 Agenda for Sustainable Development’, Goal 16, target 10, United Nations, 2015.

⁴ ‘Children in politics. A Collection of 11 Inspiring, Motivating and Suggestive Case Studies on Children’s Engagement in Governance’, Save the Children, 2012, page 36, <http://bit.ly/1Wrc3py>.

by government and other people in positions of authority about issues and things happening in their community, country or the world.” Almost two-thirds, 63 per cent, said they had faced an issue that made them feel they should do something, and 74 per cent of these said that they had done something about it.⁵ In the words of one child from the Latin American and Caribbean region, “I saw that nobody wanted to report the problem so I told myself that if they can’t do this I have to try. It was a challenge for me, but I did it.”⁶

Save the Children’s work with children has proven that children have a great deal to contribute, have different perspectives to adults and bring new insights about their situation and possible solutions. As a 15 year old girl from our programme in Nicaragua explains, “Adults need our help when it comes to public policies. Otherwise they can only think of their own priorities and not ours.”⁷ Children show a high degree of responsibility in the way they use opportunities to engage and are as concerned as adults about making a difference.

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IMPROVING CHILDREN’S ABILITY TO HOLD US TO ACCOUNT

When children can exercise their civil rights they become more able to hold organisations, institutions and governments to account. Children’s motivation to act on issues is directly related to their awareness of their rights: an increase in awareness leads to an increase in motivation to act.⁸ Civic engagement raises the visibility of children’s issues, ensuring that they are included in economic, social and political agendas. This compensates for children’s exclusion from formal political processes.

BECOMING RESPONSIBLE, DEMOCRATIC ADULTS

It is unrealistic to expect children to grow into responsible, participating adults if the skills involved in a democratic process have not been introduced to them at an earlier stage. Individuals need to practise to understand the nature of democracy and develop the competence and confidence needed to participate. By exercising their civil rights, children are provided with multiple opportunities for self-expression, dialogue and exchange with children and adults alike. This ultimately plays an important part in establishing and maintaining a healthy democracy.

WHAT ARE THE OBSTACLES TO REALISATION?

THE STATUS OF CHILDREN

In many countries children are at best seen as vulnerable and in need of protection, and at worst as the property of adults. The civil rights of children have been ignored by governments, caregivers and civil society in part because to grant them would be

5 ‘Enabling the exercise of civil and political rights: The views of children’, Save the Children and Centre for Child Rights, Queens University Belfast, 2016, page 4 (unpublished at time of writing).

6 Ibid, page 38.

7 Save the Children, 2012, op. cit., page 49.

8 Save the Children and Centre for Child Rights, op. cit.

to challenge a status quo that privileges adults over children. To see children as equals and as capable agents of change can be very threatening to power hierarchies. Interestingly the arguments posited against children's rights have a strong resemblance to those made against women's equal rights. They too are about limited capacity and the idea that women are dependent on their fathers or husbands. While millions of children around the world contribute to their own survival and development as well as that of their households, many are still expected to be silent and obedient in front of adults. This can be even worse for girls, as expressed by a 16 year old Guatemalan boy: "We would mainly like to change people's mentalities. Change their prejudices, the myths and the sexism. Women and children have not been supposed to raise their voices and participate."⁹

MISINTERPRETATION OF 'EVOLVING CAPACITY'

The UNCRC has a concept of children's 'evolving capacities', which seeks to reflect a reality that capacities increase throughout the age range of a child. It is an acknowledgement that as children grow they have less need for protection and a greater capacity to take responsibility for decisions affecting their lives. This opens the issue of rights up to interpretation, and has been used to limit children's rights in the name of protection. In fact the UNCRC is quite clear that all children have civil rights and adults should keep in mind their evolving capacities when facilitating access to them. It is important to note that children with perceived limited capacity, such as children with disabilities, are equally entitled to their civil rights.

AWARENESS AND EMPOWERMENT

In order to facilitate or demand a right you need to be aware of it and feel confident enough to exercise it. Children may have the right to expression, but without the self-confidence may never exercise the right. As explained by a boy from the Philippines, "Talking to adults is something new, and other children are surprised. But I think we have to inspire other children and help others gain strength and make them understand that it is possible. We have to fight for children and the welfare of children. We have to be role models. This will change society."¹⁰

Even where adults are aware of these rights they often find it difficult to listen to children, take children's suggestions seriously and change their ways of doing things. Save the Children's experiences with bringing children into adult decision-making forums are mixed, and we have learned that adults need as much preparation, training and support as children do to make the interaction successful. Appearing to listen to children is relatively unchallenging, but giving due weight to their views requires real change. A survey with children from across the world found that 62 per cent of children reported 'adults not listening to children' as one of the biggest challenges to children becoming involved in government decision-making.¹¹ Save the Children has found that the extent to which children's views are given due weight depends on whom they are trying to influence, with parents and adults in the community more likely to listen than those in government.¹²

9 Save the Children, 2012, op. cit.

10 Ibid.

11 'Towards Better Investment in the Rights of the Child: The Views of the Children', Centre for Children's Rights, 2015, <http://bit.ly/13cpC1S>.

12 Save the Children and Centre for Child Rights, op. cit., page 6.

GAPS BETWEEN CHILD RIGHT COMMITMENTS AND LAW AND PRACTICE

While there is close to universal ratification of the UNCRC, national law does not always reflect this and can even contradict it. Where children's civil rights are embedded in laws, this is not necessarily translated into practice or becomes a tokenistic compliance exercise. As Raven, from a children and youth organisation in the Philippines explains, "We have comprehensive rules and regulations for child participation in the Philippines, but inside the government these platforms are violated, and we have no assurance of real participation."¹³

In many countries the right to information is a constitutional right, but in practice the information might be hard or costly to access, presented in a way that is difficult for children to understand, out of date or inaccurate. For children, timing poses a particular challenge, as they often need the information to be translated into local languages or into child-friendly versions before they can analyse and present their inputs. This affects their ability to speak out and influence change. When children were asked about their opinion of their governments' investment in children, 57 per cent said that a main challenge for their involvement is that they don't have information about how governments spend money, and 49 per cent that they don't know how governments make decisions about how to spend money.¹⁴

Children need space to organise themselves outside existing political affiliations to set their own agendas.

The right to association might be hampered by heavy administrative procedures, and in a number of countries children's organisations are not allowed to receive and manage funding or open a bank account, which might be needed for them to receive funding.

RISKY BUSINESS

Fear is also a very real obstacle. Children, just like adults, are putting themselves at risk when exercising their legal civil rights. In January 2015, 10 Kenyan children, students of a primary school, were taken to hospital with injuries and the effects of exposure to teargas.¹⁵ They were protesting against plans to demolish their playground. In March 2015, a 16 year old in Singapore was fined and given a custodial sentence for uploading a video in which he criticised the late Prime Minister Lee.¹⁶ Then of course there is the now world famous case of Malala Yousafzai, a young Pakistani girl who dared to defy the Taliban in seeking an education and was shot in the head. In its recent research, Save the Children found that only 38 per cent of children consulted felt able to attend a public protest due to fear of reprisals.¹⁷

In some countries children can be exploited for adult political purposes. Children need space to organise themselves outside existing political affiliations to set their own agendas. A child researcher from a project supported by Save the Children in Lebanon emphasises this: "I'm interested in politics and social issues and this was a great opportunity to work on these questions in my community in a way that was not affiliated to political parties; no-one else was offering something like this."¹⁸

¹³ Save the Children, 2012, op. cit.

¹⁴ Centre for Children's Rights, 2015, op. cit.

¹⁵ 'The Year in Children's Rights: CRIN's 2014-15 annual report', Child Rights International Network, 2015, <http://bit.ly/1TGyMXq>.

¹⁶ Ibid.

¹⁷ Save the Children and Centre for Child Rights, op. cit., page 7.

¹⁸

Our research shows that only 36 per cent of children believe they would feel safe online and only 34 per cent would feel safe in public. There were regional differences, with children from Latin America feeling significantly more safe than children from Africa. Perhaps unsurprisingly children with experience of working with civil society organisations (CSOs) reported much higher levels of safety when they were part of a group that was supported by a CSO.¹⁹

HOW CAN WE OVERCOME THE OBSTACLES?

Trying to stop children from exercising their rights is not an option. Our job is to keep children safe while they exercise their rights. Adults must support children to assess and mitigate risks and to make informed decisions. We must sensitise governments, communities and caregivers to provide space for children to exercise their civil rights, to prevent reprisals and provide legal services when necessary for child rights defenders. And we must continue to work to make state obligations to implement children's rights a reality by translating these into laws, policies, budgets and practice.

DOMESTICATION OF THE UNCRC

There is still advocacy to do, including to ensure that all the rights contained in the UNCRC are guaranteed in national legislation, for the removal of the reservations to the UNCRC that many states made when ratifying and for the ratification of the UNCRC's optional protocol on a communications procedure. Customary or religious laws may contradict the civil rights enshrined in the UNCRC and so may also need to be reformed.

STRENGTHENING CHILDREN'S PARTICIPATION IN GOVERNANCE

Children need formal opportunities and space to engage. Civil society must continue to lobby to amend laws, policies, processes and budget allocations to ensure that governments introduce institutionalised mechanisms for children's voice. To be effective they must include measures on access to appropriate information, feedback on the weight given to children's views, and procedures for complaints, remedies and redress.

To prevent tokenistic participation, civil society can promote proven models of child participation to be scaled up and institutionalised at all levels of relevant decision-making, including legislative reform, policy-making, planning, data collection and resource allocation. Such mechanisms may include children's parliaments and child advisory committees. In Kenya, Save the Children, together with the Kenyan government and civil society, has supported the Children's Assembly. It has structures in all counties and is a mechanism for children aged seven to 17 years old to engage in policy-making.

In Bangladesh, Save the Children supports children to monitor systematically the provision of services and budget allocations for children's social development and other rights. They do this through child-friendly complaints and response systems set up at local levels of government. For the first time, local governments are explicitly considering children who live in their communities in their development plans and budgets.²⁰

19 Save the Children and Centre for Child Rights, op. cit., page 5.

20 'Submission to the UN Office of the High Commissioner for Human Rights for its follow-up report on investment in Children's Rights', Save the Children, 2015.

IMPROVING CHILDREN'S ACCESS TO INFORMATION

Making information accessible and available to children gives them the means to understand and claim their rights and access the services they are entitled to. Forty-two per cent of children consulted reported that the biggest obstacle to them was a lack of information as to how they could get involved in issues that concern them.²¹ Civil society should continue advocating for children's access to free, child-friendly, timely and accurate information. This is a key requisite for meaningful participation and for children to hold duty bearers to account. Information should be available in a variety of formats, accessible to children with disabilities or low levels of literacy, and available in all languages, including those spoken by ethnic minorities, migrant and refugee children. Information also needs to be tailored to suit the evolving capacities of children.

Making information accessible and available to children gives them the means to understand and claim their rights and access the services they are entitled to.

SUPPORTING CHILD LED INITIATIVES

Children form their own organisations, unions, associations, networks and groups - online and offline - to meet on a regular basis, share experiences, and identify, analyse and plan activities on issues affecting them. They also have greater power to defend and negotiate their rights through their collective strength, which is particularly relevant to those many children whose rights are violated on a daily basis. Child-led bodies provide a structure through which children can elect their peers to represent them in local and national governance structures and to influence decision-making. Civil society should influence governments to put in place the necessary legal framework and budgets for children to organise. Adults can also provide motivational, technical and financial support to strengthen children's groups and initiatives. Equally importantly, children should be encouraged to join other, adult-led associations, as age should not be a barrier to participation.

RAISING AWARENESS AND PREPARING ADULTS

It is crucial to raise awareness of children's civil rights with adults, to prepare and support them to meet and listen to children and to value their contributions. As Adonech Sema, a Community Conversation Facilitator in Ethiopia working with Save the Children, explains, "Traditionally, children could not speak out. Before, we did not even eat with our children, and they had to leave the house if visitors came. Gradually people realise that children raise critical issues concerning everyone."²²

While states have an obligation to raise awareness of child rights across all sections of society, civil society and the media play important roles in modelling and promoting adult respectful behaviour when engaging with children. In Uganda, Save the Children supported children's peace clubs to produce radio programmes on conflict resolution and peacebuilding, which generated great interest among adult listeners. Opportunities for phone-in responses from listeners created increased dialogue, and one regular adult listener commented, "Whoever thought of making children discuss major issues concerning them on radio should be blessed by God. We thought the future was bleak. But if there is still a handful of children who can articulate issues eloquently like those ones, then the Acholi tribe still have something to be proud of. I'm proud we still have children who can do great things for their families in the future. I already see future Members of Parliament among them."²³

21 Save the Children and Centre for Child Rights, op. cit., page 21.

22 Save the Children, 2012, op. cit.

23 Save the Children, 2013, page 31, op. cit.

LOWERING THE AGE OF VOTING

Voting provides the most recognisable way of making governments accountable. A number of countries, including Argentina, Austria, Brazil, Cuba, Ecuador and Nicaragua, along with territories such as Guernsey and the Isle of Man, have reduced the voting age to 16 years. Children aged 17 years have the right to vote in Indonesia, Timor-Leste, the Seychelles, South Sudan and Sudan. In the Philippines, children aged 15 to 17 years are allowed to vote and run for office in the youth councils that are part of the local government unit. People aged 16 to 18 can vote in Bosnia and Herzegovina, Montenegro and Serbia if they are employed, and in Germany and Switzerland children can vote in municipal elections from the age of 16. Civil society can contribute to this development by demonstrating how children are capable of contributing, and by advocating for them to have a voice in governance at all levels, and for the voting age to be lowered.

CONCLUSION

While the civil rights of children are clearly articulated in international law, the reality is that due to age discrimination, perceptions of children and poor domestication in law and practice, they have been widely ignored by governments and communities. Children want to engage in changing their societies for the better. Indeed, they are currently engaging, and we need to enable them to engage more if we are to create a world fit for children and a world with active, democratic citizens. We know that adult support can help children overcome some barriers in engaging with adults, particularly with officials, and increase their sense of personal security and confidence.²⁴ Our job as civil society is to advocate for these rights, to make the case for why they are important and to support and protect children in exercising them.

24 Save the Children and Centre for Child Rights, *op. cit.*, page 7.

AFFIRMING THE VOICES OF DISABLED PERSONS: AFRICAN EXAMPLES

–THOMAS ONGOLO, AFRICA DISABILITY ALLIANCE

NGOMA'S STORY

Ngoma is a young boy with a disability who uses wheelchair. He attends a school in his village 1.5 km away. His friends and cousins help him reach the inclusive school. However, every morning he does not eat breakfast or join the school feeding programme, as he will not be able to go to the school toilets, which are not accessible. So, for the whole day, he restrains from eating until he gets back home. He is an average student, but could improve if marginalisation was not perpetuated with negative attitudes, which also mean that he cannot join sports, and does not come to school when it rains, due to an inaccessible environment.

Ngoma has been able to make a difference in his community, as a member of the local disability association. The association was able to convince the organisers of the village free open air cinema to change its location to an accessible one that is still within the village market. Now more villagers, including older persons and women with children, find it convenient to attend the shows.

Ngoma's story resonates with other thousands of students, young boys and girls, and men and women with disabilities globally. Governments and development actors need to change to find ways to improve the lives of Ngoma and millions like him.

THE SUSTAINABLE DEVELOPMENT GOALS AND THE SIZE OF THE CHALLENGE

The year 2015 was a last lap, racing round the track with the stadium acknowledging that in the race, persons with disabilities were also competing as citizens who should be part of development goals. Organisations of persons with disabilities covered the full race, advocating across all continents for inclusion, and when the Sustainable Development Goals (SDGs) were finally adopted by the United Nations (UN) assembly in September 2015, they included several targets that aim to improve the status of persons with disabilities. The text specifically mentions persons with disabilities, rather than assuming that terminology such as 'vulnerable groups' would cover everyone, or leaving it to the interpretations of development practitioners.

The UN's new message promoting the SDGs, 'leaving no one behind', must be a reality and not a buzz phrase. Leaders of organisations of persons with disabilities, both large and small, are keen to be part of this change movement, but many are struggling to find out how they could move SDG advocacy to the next level. But one message that all are in unison with is that the 'leaving no one behind' mantra can only be achieved when marginalised groups, which includes persons with disabilities, are recognised in the planning, budgeting and implementation of programmes.

Though the World Disability Report, published by the World Health Organization and the World Bank, notes that there are a billion persons with disabilities globally, constituting 15 per cent of the world's population, unfortunately we still see glaring mismatch between this and the national data.¹ Around the world, three to eight per cent seem to be the national figures that state statistical offices are saying should be used when planning. But many of these data are over two decades old, and use out-dated medical methodology in defining disability, and thus leave millions of disabled persons out in terms of accessing education, health, rehabilitation and empowerment programmes, and the provision of accessibility.

Human Rights Watch and the South African Human Rights Commission's 2015 report, 'Complicit in Exclusion', exposed the magnitude of educational exclusion, assessing that there are 500,000 children with disability not in school.² The numbers are even higher according to UNICEF, going up to 95 per cent across many developing countries.³ The long term effect of the marginalisation of persons with disabilities is exclusion from decision-making processes and absence or lack of services because there is no data, promoting human rights violations and perpetuating poverty, including intergenerational poverty.

In many of these cases, the solution to access and ensuring that persons with disabilities are included is not rocket science; for example, with education, it's about teacher training, and supplying curriculum and teaching support systems within schools that are inclusive, thus making education universal for all.

THE MAINSTREAMING CHALLENGE

The greatest impediment to the delivery of disability services is the lack of knowledge on how to plan or budget for disability across government ministries, other than the traditional dockets such as education, health and disability services. It is common to get such answers as, "How can we include persons with disabilities, as our ministry have nothing to do with disability?" But such arguments immediately collapse when persons with disabilities expose them to disability mainstreaming, when they are trained to use disability lens and disability response actions, or when persons with disabilities are consulted and participate in development planning.

Despite these challenges, it is worth noting that the disabled persons' organisations are seeing a shift in attitudes, and more effective implementation of inclusive programmes by government officials, particularly when officials have acquired knowledge

1 'World report on disability', World Health Organization, June 2011, <http://bit.ly/1sy4ZLc>.

2 "'Complicit in Exclusion.'" South Africa's Failure to Guarantee an Inclusive Education for Children with Disabilities', Human Rights Watch, 18 August 2015, <http://bit.ly/1fr7YOr>.

3 'Children and Young People with Disabilities', UNICEF, May 2013, <http://uni.cf/1MxUifs>.

and skills on disability. This success has been possible in countries where expertise on disability has been sourced and used from disabled persons' organisations by government departments and other civil society organisations (CSOs).

A case in point was seen in 2015, when the government of the kingdom of Lesotho worked closely with and tapped the expertise of the Lesotho National Federation of disabled persons to develop a costed disability mainstreaming strategy, together with monitoring framework. Through the strategy, each department developed a plan and affirmed the existence of opportunities that could enable the participation of persons with disabilities through their departments and ministries.

Other good practices worth singing about have been seen in Kenya and South Africa, where governments ensure the participation of persons with disabilities through procurement policies that are inclusive and which ring-fence tenders for marginalised groups. These economic affirmative policies have been able to open up spaces and enable groups and individuals with disabilities to provide goods and services as suppliers. For example, Sindi, a horticultural farmer with a disability living outside Pretoria, South Africa, has emerged as a businesswoman supplying major supermarkets and stores as a result of this kind of opportunity. These successes offer evidence that is being showcased and used to bring out and make heard the voices of persons with disabilities.

Disability rights CSOs are concerned that successes that have been gained are now being eroded.

There is more evidence and good practice on inclusion that needs to be replicated across countries. This can be more effective if more awareness is created persons with disabilities and their organisations, so that many more government ministries are seen to be coming up with dedicated inclusive programmes. Ministries such as those of culture, sports, agriculture, technology and trade and industry should be able to set indicators that facilitate disability mainstreaming, thereby enabling the attainment of disability targets within ministerial mandates. "It is unbelievable how we were able to come up with innovative disability indicators in our ministry of culture and heritage," stated one surprised Lesotho government official after developing their plan.

However, it is not well on all fronts. Disability rights CSOs are concerned that successes that have been gained are now being eroded. The gains brought about through advocacy and disability mainstreaming campaigns, which resulted in the establishment of dedicated offices in government systems, with some mainstreaming desks being located in the presidency, prime minister's office or government coordination offices, are being challenged. These mainstreaming gains came as a result of the embracing of disability issues as crosscutting and being about human rights. The philosophy of restructuring in many governments seems to be fuelling these relocations, with disability often the casualty, while a focus on other marginalised groups such as women and young people has been preserved following protests from their political wings. These shifts have real impacts on resources and take disability back to a social thematic cluster in governments. This is being seen with the relocation of the drivers of disability mainstreaming messages and planning in government, while some governments have relocated directorates back into ministries of social development or welfare, turning the clock back a decade.

A disability activist and leader from South Africa, Mr Dan Kekane, shared his worry: "The mainstreaming battle is being lost in certain fronts, especially when new government administration drives the thinking that disability should be well served in the social cluster." Restructures have a negative bearing on budget allocations and the monitoring of implementation. Many departments are going back to sleep, because no memo from a coordinating ministry is demanding that they account for their disability targets.

Fortunately, we have seen the voices of disabled persons and their organisations loud and firm in this discourse. They have made submissions to parliament, petitioned cabinet offices and staged demonstrations on the doorstep of their president's office. This advocacy must be sustained to conscientise the body politic. Experts on governance and the central commands of political parties should be exposed to disability consciousness and reflect this in the architecture of governance.

LOOKING AHEAD

The agents of change here are in the vanguard of the disability rights movement. They carry with them the soul and scars of exclusion. Organisations of persons with disabilities must now be proactive, deploy more experts to work with agencies on mainstreaming, and help political parties understand disability, as in many instances, they are unaware. By presenting disability position papers, an important perspective which has been left out can get a hearing in development of solutions. The wider CSOs have no excuse not to reach out to disabled persons' organisations and, in partnership and coalitions, promote, protect and defend the human rights of persons with disabilities.

Looking ahead, I see more dialogues between government departments and disabled persons' organisations. I see departments developing mainstreaming plans and piloting methods to include persons with disabilities. I see the family of civil society more aware and working closely with disabled persons' organisations on disability rights. I see that we are living in good times, and that no department will want to be left behind in the experiment of disability mainstreaming.

TO DEFEND THE WORLD, WE MUST DEFEND OUR ACTIVISTS

—PAUL OKUMU, AFRICA PLATFORM

*Two roads diverged in a wood, and I—
I took the one less travelled by,
And that has made all the difference*
Robert Frost (1874–1963)

BEHIND MASS MOVEMENTS ARE INDIVIDUAL SACRIFICES

Many of us can lay claim to some form of activism. We have resisted some attempts from society or political leaders to achieve private gains ahead of public good. We have led online campaigns, engaged in some form of civil disobedience, developed some documents that have shaped global policies, led celebrity campaigns, or contributed to initiatives and ideas that have gone on to change social structures in societies. All these have a critical place in society and are acknowledged as some form of activism.

But this contribution to the 2016 CIVICUS State of Civil Society Report is not about such forms of activism. It is instead an attempt to appreciate the work done by people who are at the forefront of confronting power - corporate, institutional or individual - in ways that many in society appreciate, but would rather not try themselves.

These people are often excluded, including within civil society itself. They are not in our civil society conferences. They are not UN speakers or people who make interventions at High Level Meetings, even though periodically, they may reluctantly be invited to these arenas. These are people who, often with little or no resources or social backup, but with a strong conviction, go beyond engaging in activism, to shaping activism. They do not challenge society: they shape societies. They are driven not by motivations of career, funding or the need for some recognition or public profile, but by the passion and desire to see society take a different path, a road less travelled, but one that they believe nevertheless must be travelled for society to move forward. In the end, real and true activists know that deep within them, society, and not the individuals who control societies, have the power and the final word on how they move forward.

This contribution is about these activists, and this kind of activism.

RECOGNISING ACTIVISM

One of the most memorable cases in the history of activism, and considered the longest case in British history, is that of Helen Steel and Dave Morris, two British activists who took on the giant of McDonalds in a legal battle that left civil society and the world marvelling at what change can come from conviction and the personal sacrifice of a few.¹ What begun as an ordinary case of environmental activism by a local, independent form of Greenpeace ended only when McDonalds learnt a powerful lesson: that might is not right. The subsequent documentary, *McLibel*, has become a must-watch for anyone in civil society who seeks to move the boundaries of development and political change into real societal transformation.²

Helen Steel and Dave Morris made us appreciate the power of activism: that one does not need a crowd, considerable resources or a strong intellectual background to take on powerful actors. All that is needed is a belief that the overall good of society must always override the private benefits of individuals, whether in government, donor circles, civil society organisations (CSOs) or business. However, Helen Steel and Dave Morris remain largely unknown, and their efforts mostly unrecognised.

And so it is refreshing to see that CSOs have, over the past 20 years, had successive great moments of recognition by the Nobel Peace Prize Committee for work that goes beyond traditional development and into the realms of activism. After the first ever Nobel Peace Prize awarded to a coalition of CSOs, the International Campaign to Ban Landmines, in 1997, the Liberian Women Coalition followed 13 years later, before the surprise award to the Tunisian civil society quartet in 2015.³

What stands out in all these awards is the recognition by the Award Committee that behind coalitions and mass movements are the sacrifices of individual activists, from Jody Williams to Leymah Gbowee: people just like Helen Steel and Dave Morris. The spark that begins the fire of democratic changes around the world is often lit and fuelled on the backs of individuals who, at great personal cost, have resisted attempts to herd society into a paddock controlled by the people in power. Activism is what moves society into territories that it is otherwise too cowardly or too comfortable to confront.

In the past seven years that the Africa Platform has worked with activists, mainly in post-conflict countries across Africa, we have been awed by the courage and sheer passion of activists, many of whom work under circumstances that the rest of society would fear even to live in. Working with activists in these countries has made us appreciate the great personal and often uncelebrated sacrifices activists make to move their countries and societies forward.

THE COST OF ACTIVISM

From a distance there is great admiration of the bravery of those amongst us ready to defend the cause of others; but even though many of us may call development work activism, we cannot fully grasp the personal costs that come with a

1 'McLibel Case', Jiv Daya Digest, 2011, <http://bit.ly/1U0ZJlv>.

2 'McLibel: full documentary (Official)', Spanner Films, 2005, <http://bit.ly/1OBa89F>.

3 'The Nobel Peace Prize 1997', Nobelprize.org, <http://bit.ly/1W3Y7Bg>; 'Leymah Gbowee – Biographical', Nobelprize.org, <http://bit.ly/1TIM9XH>; 'The Nobel Peace Prize for 2015', Nobelprize.org, <http://bit.ly/1rVTYTs>.

commitment to activism. In many cases there is a short-lived joy when the world pauses to celebrate the courage of activists, often after an award such as the Nobel Peace Prize or the Pulitzer, or when we hear their tales of bravery in the media or from some committed organisations. Often these are stories of their death, incarceration or serious injury and loss. But those moments fade quickly, and the world goes back to await another activism landmark to celebrate, leaving these people and their families to deal with the consequences of their actions.

In rare cases, and they are indeed rare, activists will see a breakthrough result from their conviction to their cause. Jody Williams lived to see the UN ban anti-personnel mines, and Leymah Gbowee lived to see Liberian dictator Charles Taylor sent to jail.⁴ But we cannot say the same of Berta Cáceres, murdered in March 2016, or of Jose Claudio Ribeiro da Silva and his wife, Maria do Espirito Santo, or John Paul Oulu, or Myrna Mack.⁵ And many of us do not know the fate of Wang Wei Lin, famously known as the Tank Man in China's Tiananmen Square protests.⁶

This is the hidden side of activism, and one that calls on all of us to remember that while development and humanitarian work may be central to the progress of society, it is activists who move society towards sustainable development by looking beyond manifestations of the ills in society and demanding that it addresses the root causes of its challenges. Without support for activism, development work is a short-term solution that cannot meet long-term ills.

NO ROOM IN THE INN OF PROFESSIONALISED CIVIL SOCIETY

The saddest moments and greatest pain of activists is when they can find no space in mainstream civil society and are excluded, dismissed as loners who lack a constituency, simply because they are not aligned with the many networks, coalitions and platforms that CSOs form to gain legitimacy, solidarity, resources and profile. We in CSOs are committed to representation, but often unwittingly act in ways that make it difficult for activists to share their passion and pain without having to subscribe to some funded or formally structured institution. Standing up, often alone, is not new to activists, and for many their legitimacy rests not in how many people stand with them or how many organisations rally behind them. Activists seldom care to answer the first question many global south actors in development are asked: who funds you?

Our experience with activists has shown that they derive their strength and energy from the knowledge that not everyone is willing to give up personal freedom and comfort for the sake of a higher cause.

Activism, we have learnt, is a calling, rather than a career. Activists delight in standing up to authority and reminding people in power that theirs should be a social contract: that authorities owe their power to the public, and that this is not just some democratic ideal, but is about respect for the collective destiny of citizenry. These are people like the lone Wang Wei Lin, or

4 'Jody Williams – Facts', Nobelprize.org, <http://bit.ly/1TgRISV>; 'Leymah Gbowee - Liberia, 2011', Nobel Women's Initiative, <http://bit.ly/1mFlvQ5>.

5 'Berta Cáceres, Honduran human rights and environment activist, murdered', The Guardian, 4 March 2016, <http://bit.ly/1oS5flQ>.

6 'Wang Wei Lin Tiananmen Square Tank Man', YouTube, <http://bit.ly/209FaLU>.

the young poor man Mohammed Bouazizi, who set himself ablaze in Tunisia in 2010, or Boniface Mwangi, who almost lost his family, or the more than 10 Kenyan activists who the Africa Platform brought together in late 2015 to encourage their South Sudan colleagues, only to end up leaving them in tears about the lonely and costly path of activism in the global south.⁷ These are not people looking for recognition, or seeking any funding, and seldom will they fit within the organised, highly structured ways that the rest of us work.

AN EASY JOURNEY FOR ACTIVISM IN THE GLOBAL NORTH? PERHAPS NOT

In the past, many activists in the global south used to envy their counterparts in the global north. What they saw on television as activism, often in the form of demonstrations, had well funded and well structured machinery that had the backing of several institutions, sometimes including the state, and key resources and communications strategies that rivalled large corporate public relations capacities. For recent anti-bribery demonstrations in Copenhagen, and the Global Climate March, held in September 2014 in New York, organisers had to give several weeks' notice. Protestors had to walk on certain designated streets, have certain media behind them, travel to the venue in certain buses, and stick to certain protected areas designated by the police for a specified period of time. In the end while the many people who took part were proudly called activists, some who regularly see activism in the global south were not sure whether to be amused or frustrated, because in the south this type of organisation, luxury and protocol does not even qualify the activity as a demonstration!

What was even more surprising was the speed at which many global north activists achieved success and attention. Yes, many faced difficulties, and Greenpeace activists who successfully stopped Shell's drilling in the Arctic demonstrated clear acts of courage.⁸ But we had been made to believe that in the global north, soft activism was all it took to win political battles.

Not any more. Activists in Europe and North America are today at the centre of a concerted effort by right wing governments and political powers to protect special interests at whatever cost.

We all remember where we were when the Occupy Wall Street Movement was dispersed late at night on the streets of New York. But what marked the beginning of a shift in once progressive Europe was the frozen moment captured by video when two bombs exploded in the middle of a well organised and peaceful solidarity match by activists in Turkey.⁹ The symbolism of the event, with over 100 people killed while holding hands in the name of peace, went beyond the fact the attackers were said to be terrorists. It was the realisation that a country that is on the European Union's (EU) expansion list is on a downward path of intolerance. And it didn't take long for us to notice that the rest of Europe is coming down with it.

7 'Mohammed Bouazizi. A Tunisian martyr', Al Jazeera, January 2011, <http://bit.ly/1USBGf1>; 'A conversation with Boniface Mwangi, Kenyan activist and photographer', Index on Censorship, 9 August 2013, <http://bit.ly/1YEKPsR>.

8 'The Arctic 30: How Greenpeace Activists Risked All to Stop Oil Drilling in New Climate Battleground', Democracy Now!, 9 June 2015, <http://bit.ly/1B6kPQ1>.

9 'Nearly 100 dead as Ankara peace rally rocked by blasts', Al Jazeera, 10 October 2015, <http://bit.ly/1NLg7MP>.

On 4 March 2016 the Turkish government forcibly took over the country's largest media institution.¹⁰ Not only was entire Europe silent, but a day later the EU Council of Ministers came out of a meeting with the Turkish Prime Minister to celebrate a deal on managing refugees without making any reference to what Turkey had done the previous day. The irony is that the deal itself was the first major collective EU violation of the international laws on refugees. Despite protests by human rights groups, the praise emboldened Turkey, which on 15 March 2016 expanded its definition of terrorists to include anyone, including elected officials, who opposes the government.¹¹

Beyond Turkey, Europe is increasingly becoming hostile to the voice of its citizens. The secret negotiations on the Transatlantic Trade and Investment Partnership (TTIP), a trade deal currently under discussion between the EU and the USA, revealed the darker side of Europe, one it has been hiding from the world: when its private interests are at stake, European governments will trample on the rights of anyone, including their own citizens.¹² When farmers were violently repulsed in Brussels in 2015, and protestors similarly treated in Greece and Spain, it was made clear that it is not only the global south that is intolerant of dissent.¹³ Under the pretext of fighting terror, France, Germany and the UK went ahead with laws that make migrants live under constant fear of deportation for any activity defined by the government as criminal.

It hasn't ended there. As resources for social support weakened, partly due to EU members eroding their tax bases to compete to offer the safest corporate tax avoidance conditions for multinationals, Europe has become more intolerant. The Finnish government decided for the first time to cut back on its support to the citizens' greatest source of pride, education. Denmark soon followed.¹⁴

And if CSOs in Europe thought they were safe, providing they kept away from activism, the recent proposal by the UK government to deny funding to organisations that criticise it should be the much needed wake up call to European CSOs that they need more activism at home than international projects abroad.¹⁵ The UK is not alone here. In the past year, several governments, the most vocal being the Netherlands, have adopted a new version of the much maligned 3D strategy, now branded the Coherence Strategy.¹⁶ Initially promoted as a strategy to deliver on development under one policy, in practical cases such as Canada, Netherlands and now spreading to the rest of Europe, the coherence strategy has turned out to be a means to control development actors and make them data collectors for European governments, and to extend foreign and trade agendas. This move is perhaps the greatest threat to the independence of civil society in the history of development.

10 'Turkey's Largest Newspaper Just Got Taken Over by the Government', Vice News, 4 March 2016, <http://bit.ly/1OBcVj7>.

11 'How Europe's Deal With Turkey Aims to Resolve the Migrant Crisis', The New York Times, 8 March 2016, <http://nyti.ms/1XBJBh>; 'EU/Turkey: Mass, Fast-Track Returns Threaten Rights', Human Rights Watch, 8 March 2016, <http://bit.ly/1UPHOWI>; 'UN and rights groups criticize EU-Turkey 'one in, one out' migrant deal', Euronews, 8 March 2016, <http://bit.ly/1U1jsdf>; 'Turkey's Erdogan Looks to Expand Terrorist Definition to Include Civilians', Sputnik International, 14 March 2016, <http://bit.ly/1VcHZeV>.

12 'TTIP controversy: Secret trade deal can only be read in secure 'reading room' in Brussels', Independent, 14 August 2015, <http://ind.pn/1Mu7Uf4>.

13 'Thousands rally in Spain protest austerity measures', DW, 15 September 2012, <http://bit.ly/23Ya0bl>; 'EU throws lifeline to farmers as protests bring Brussels to a standstill', EurActiv, 7 September 2015, <http://bit.ly/1OBdJ7z>.

14 'OECD warns Finland over education cuts', Uutiset, 29 October 2015, <http://bit.ly/1O9rJLL>; 'Research and education budgets in shambles in Denmark and Finland', Euro Scientist, 6 January 2016, <http://bit.ly/22KAS0x>.

15 'Sector bodies voice dismay at Cabinet Office lobbying clause announcement', Third Sector, 8 February 2016, <http://bit.ly/1QoPWaX>.

16 'The Dutch Experience. Working on Policy Coherence for Development', Dutch Ministry of Foreign Affairs, May 2006, <http://bit.ly/1XBktEW>; 'The 3 D's of Foreign Affairs', Harvard Political Review, 17 October 2010, <http://bit.ly/1suND0G>.

Sadly, CSOs have gradually lost their bargaining power, due mainly to their narrow funding options, which have largely relied on governments in the global north. A recent Africa Platform analysis of the flow of funds from the Organisation for Economic Co-operation and Development (OECD), backed by the UK Department for International Development's (DFID) aid tracking tool and other reports revealed that seven governments - the EU, UK, USA, Germany, France, Sweden and the Netherlands - and two philanthropic donors, the Bill and Melinda Gates Foundation and the Rockefeller Foundation, account for 83 per cent of total funding to civil society today, and together with Japan, 73.6 per cent of funding to all development support around the world.¹⁷ This is despite the fact that the EU and these other countries are known for using aid as an ideological and commercial entry point in poor countries.¹⁸

In short, CSOs are at the mercy of seven OECD members whose aid is destroying the very social and political structures we are building, and two philanthropists accused of promoting private interests.¹⁹

ACTIVISM, NOT BIG DEVELOPMENT PROJECTS, OUR ONLY REMAINING STRENGTH

Activism is not just under threat; it has no home anymore in the world, unless we fight to protect it.

Global south actors know very well that activism, as opposed to traditional CSO development work, has been their most powerful tool for liberation from poverty and repressive governments. It remains the weapon of choice for a society that knows its future is at stake. Because what Europe calls project areas, global south actors call home; what they call recipients, we call brothers and sisters; what they call victims, we call our mothers and children. The global threat to civic engagement and freedom has shown us that there are no project areas, recipients or victims: we are all family

What global south actors have learnt over the years is that development is politics, and it requires more than programmes and projects. It requires a mobilisation of concerned citizens ready to go beyond helping the poor among them earn a living, to setting them free from the powers that confine them to poverty.²⁰ It requires a presence and local understanding that cannot be cured by merely moving headquarters to the global south, having federal governance or working through 'partners on the ground'.²¹ It cannot be solved by big international projects run by too big to fail organisations seen as too close to their governments.²²

17 'Aid by donor, recipient and sector', Organisation for Economic Co-operation and Development, <http://bit.ly/1suNISE>; 'Development Tracker: Search Results for CSOs', Department for International Development, <http://bit.ly/2524xm9>;

18 'Donor Ideology and Types of Foreign Aid', Viktor Brech and Niklas Potrafke, 2013, <http://bit.ly/1TIC1o6>; 'Foreign Aid for Development Assistance', Global Issues, 28 September 2014, <http://bit.ly/1W42XhP>; 'Foreign aid close to record peak after donors spend \$135bn in 2014', The Guardian, 8 April 2015, <http://bit.ly/1FfFQJ8>.

19 'Funding for NGOs', Global Policy Forum, 2012, <http://bit.ly/2525NWe>; 'Gated Development - is the Gates Foundation always a force for good?' Global Justice Now, January 2016, <http://bit.ly/1nySITS>; 'The zombie ISDS', Global Policy Forum, 8 March 2016, <http://bit.ly/1009QkX>.

20 'Amartya Sen's Development as Freedom: Ten Years Later', Denis O'Hearn, Centre for Global Freedom, 2009, <http://bit.ly/2526HCa>.

21 'Our structure and governance', ActionAid, 2 February 2014, <http://bit.ly/1suOdMr>; 'Will the sky fall in when big NGOs move south?', Open Democracy, 1 March 2016, <http://bit.ly/1pnLxix>.

22 'NGOs, States, and Donors Revisited: Still Too Close for Comfort?', Nicola Banks, David Hulme and Michael Edwards, World Development, vol. 66, February 2015, pp. 707-718, <http://bit.ly/1rXxo56>.

Yet as we have so often been reminded, in places as widespread as Egypt, Haiti, India, Somalia, Tunisia and now Turkey and Europe, the state will dismantle activism on its way to silencing all forms of society engagement.

To defend ourselves, we must defend activists. To protect ourselves, we must protect our activists.

HOW TO DEFEND ACTIVISM

Here are four passionate pleas to reverse their current exclusion that the activists we have engaged with have requested of us, and perhaps some of you as well. Some of these may be uncomfortable to hear, and some may appear to lack the intellectual analysis that we tend to use to measure every idea that comes from the outside. But we need to listen to them, because our future depends on our ability to embrace them, bring them closer and refuse all attempts to make them look and act like us. Our future and success in development depends on our continued protection of these people who are increasingly being excluded by our governments, and our own CSO structures and attitudes. I travel to many civil society gatherings, and often I quickly begin to sense why many of the activists around the world no longer find them a safe space to engage.

By working with these people we become a connected world, a protected world and a focused world.

EMBRACE, NOT LABEL, ACTIVISTS

On 24 February 2016, Amnesty International hosted the second ever Hologram Rally in what has become increasingly known as virtual activism.²³ This was the latest attempt by civil society to balance personal safety with civic disobedience in the face of increasingly intolerant regimes. Sadly, what virtual activism has done is to make many people cynical of activists who still believe in a direct personal challenge of the people in power. Today, activists who disrupt meetings or challenge the security apparatus are labelled as extremists by governments and ‘noise makers’ by many CSOs. The trend is to tweet about an issue of concern, write a policy position response signed by hundreds of CSOs, or create hashtags and videos that go viral.

We all know that while these are a good way to reach authorities in a safe way and in a show of solidarity, they do not have the impact that activists who come out to challenge power accomplish.

Soft activism has its place, but only if it is used to back up those still strong enough to confront power. By itself, virtual activism cannot sustain change in ways that physical activism does. Virtual activism may generate public attention and in some cases a response by governments and businesses, but if Greenpeace activists had not occupied a rig in the Arctic, Shell would be drilling there today. The failed Climate March in 2015, and accusations that the 2014 March was a corporate public relations exercise with little success, should lead us back to activism that creates space for activists ready to go beyond simple walks and online petitions.²⁴

23 ‘Activists stage holographic ‘ghost rally’ in South Korea’, The Washington Post, 25 February 2016, <http://wapo.st/1XOk2Kw>.

24 ‘How the People’s Climate March Became a Corporate PR Campaign’, Counter Punch, 19 September 2014, <http://bit.ly/1DoJFIX>; ‘Why big NGOs won’t lead the fight on climate change’, ROAR Magazine, 6 December 2015, <http://bit.ly/1Om9POT>.

Instead of asking our activists to tone down their aggression, we should see it as a leadership trait that seeks to remind us all that we should be angry enough to go beyond tweets, solidarity position papers and hashtags, and confront those robbing us of our future. Activists do not need a label; they need our embrace.

SHEPHERD, BUT DO NOT ORGANISE

Collective action is needed, and no one needs this action more than activists.

But we in organised civil society have increasingly become impediments to activism. It is not just our silence and focus on development work in a narrow sense that has allowed governments to isolate individuals. We have killed the passion of activists by herding them into formal institutions that leave them little room except to be structured like us, funded like us and behaving like us. Yet we know from history that activism has flourished when our support allows the emergence of individuals and groups who not only take on the funders and funded alike, but are also able to break away from the constraints that come with projects, indicators and log frames.²⁵ We know that the more we place our brands and logos ahead of the work of activists, the less space we will have for true and often spontaneous activism. We are in danger of giving the impression that we like activists, as long as they do not disrupt our work and put our funding at risk. When in 2015 the Government of India was on the verge of banning Greenpeace, an body of international CSOs (ICSOs) expressed frustration that large ICSOs with offices in the country declined to support Greenpeace, on the grounds that it would jeopardise their continued work in the country.²⁶

RECOGNISE THE CONTRADICTIONS FACING ACTIVISTS

Activists battle with the internal contradictions they see in organised civil society. On the one hand, we champion the need for a principled engagement that protects our cause and does not cause harm to the people we serve. Yet on the other hand, we are funded by and have close relationships with donors and corporations that are at the centre of disenfranchising the poor.

How can we be funded by those opposed to what we are trying to build? If you look at the funding sections of the websites of the top CSOs in the world today, you will find listed as supporters companies such as Chevron, Coca Cola, General Electric, Monsanto, Shell, Unilever and the banks that are at the heart of the tax evasion and tax havens that have caused great pain to people in poor countries, and increasingly in Europe. We know that Bill Gates and his foundation stands for things that destroy our effort to help the poor. We know that Barclays Bank supports companies that rob countries of domestic tax revenues.²⁷ Yet these companies and foundations are still promoted as corporate partners by a section of our civil society.²⁸

It goes beyond this. The US government has refused to sign or even follow any international human rights framework that is not in its private interests, while its aid agency, USAID is known for using its network and resources to advance America's

25 'Empathy, Sympathy and Activism: When Confrontation Succeeds', National Center for Science Education, 2 February 2015, <http://bit.ly/1TgXiEQ>.

26 'India Tightens the Noose on Civil Society With Greenpeace Ban', PassBlue, 9 November 2015, <http://bit.ly/1XBOjOt>.

27 'Barclays must stop promoting the use of tax havens in Africa – ActionAid report', ActionAid, 20 November 2013, <http://bit.ly/209XqEI>.

28 'Corporations that NGOs loved and hated in 2015', SIGWATCH, January 2016, <http://bit.ly/1RNPmcN>.

corporate agenda, in ways that have adverse effects on poor countries.²⁹ The UK actively supports repressive Turkey, and DFID, in partnership with USAID, the Bill Gates Foundation and Syngenta, finances market-driven agricultural practices that effectively kill the livelihoods of the poor.³⁰ The EU remains the greatest host of tax havens and trade regimes that are closed to poor countries.³¹ The World Bank has caused the greatest pain to poor people around the world. Yet these are still our greatest donors and development partners.

This is a contradiction that many activists find too painful to live with.

BUILD ON ACTIVISM, NOT ON PROJECTS

We surely all agree, as Amartya Sen reminded us, that development is freedom. We all agree that development is almost exclusively about access to and the sharing of resources by society. And we know this is a highly political process.

These are the things that drive activism. So why are many activists not comfortable working with established CSOs?

Because, even when we believe that development is about power and politics, we tend to focus on development as if it is a social problem. We raise funds using the faces of children whose hunger and suffering is a result of a failed political system, not a failed father or mother. We run projects in isolation, and we do not connect the dots, for example, between Ebola and a failed budgetary process in government.

Activists may believe that we truly believe in their cause. But they are not sure we are committed to follow that cause in deed.

These may appear simple demands, and indeed they are. For activists, they are the heart of passion, and of sacrifice.

To save the world, we must come together to save our activists.

29 'USAID in Africa: 'For the American Corporations'', GRAIN, 24 April 2015, <http://bit.ly/1WE0k76>.

30 'Carving up Africa – aid donors and agribusiness plot the great seed privatization', Ecologist, 26 March 2015, <http://bit.ly/1GGpeun>.

31 'EU tax havens drain money from developing nations', EU Observer, 13 November 2014, <http://bit.ly/209YMj1>.

AGNA REPORT



VOICES FROM THE AFFINITY GROUP OF NATIONAL ASSOCIATIONS NETWORK

Each year as part of the State of Civil Society Report we carry out a survey of members of our Affinity Group of National Associations (AGNA), an international network of national and regional level civil society membership bodies. The 27 responses from AGNA members helped to inform our report's year in review sections, and the special thematic overview on civil society and exclusion. Alongside this, AGNA members contributed a wealth of fresh information on the relations between civil society and the state in their various contexts, and on the challenges civil society organisations (CSOs) currently face. The responses paint a picture of how in country after country, civil society is doing its best to engage with governments and develop positive relations, even in the face of some difficult obstacles.

SOME GROUNDS FOR OPTIMISM BUT CONTINUING CHALLENGES

In some contexts, members see cause for optimism in improvements in the relationship. In the **Dominican Republic**, Alianza ONG reports that:¹

There are, in general, good conditions for an enabling environment for CSOs in the Dominican Republic through public financing and institutional mechanisms that allow civil society to engage and dialogue with the government. Although 2014 saw limited improvements in the relationship and a strong need to continue improving the transparency and efficiency of public institutions, it slightly improved in 2015 with an enhanced dialogue on key public policies.

While in **Jamaica**, the Association of Development Agencies also sees some positive signs:

The most significant recent achievement of Jamaican civil society was that CSOs achieved greater respect from the government and private sector for our continuous advocacy stance on critical policy issues. CSOs now sit on the government and private sector International Monetary Fund Economic Oversight committee.

In **Liberia**, the National Civil Society Council of Liberia sees that an improved relationship has enhanced its the ability to resist attempted restrictions on constitutional guarantees of civic space:

The relationship between government and the CSOs has improved to a better position in 2015. With some government institutions, joint implementation of programmes were carried out, joint monitoring conducted and partnership policy between government and civil society developed. In 2015, during the spread of the Ebola virus, the government requested legislative powers to suspend a portion of the constitution under a state of emergency. This was not approved, because of CSOs' engagement with the legislators to deny the request of the president.

¹ Quotations cited in this section of the 2016 CIVICUS State of Civil Society Report are drawn from responses to our annual survey of members of the Affinity Group of National Associations (AGNA). In some cases, quotations have been edited from the original contributions for reasons of brevity and clarity, and some have been translated into English from other languages. Any analysis and conclusions drawn are the views of the author, and are not necessarily those of the contributors.

While the **Samoa** Umbrella for Non-Governmental Organisations reports that civil society is working to improve its engagement:

The most significant achievement of civil society in our country was improved engagement with policy-makers and the provision of services that were not provided by the state.

In **Jordan**, Partners-Jordan points to some improvement, but the need for further change to broaden engagement:

In some areas the relationship has improved, such as in one of the projects implemented by Partners-Jordan on open budgets. But still the level should be increased more. The government still lacks a participatory approach with civil society; only a few organisations are in the loop regarding government participatory events.

The NGO Information and Support Centre in **Lithuania** notes that there have been some difficulties in the regulatory environment for CSOs, but it also sees signs of improvement:

Local governments, as well as a number of government agencies, did not always adhere to the legal definition of an NGO (non-governmental organisation) as established by the Law on the Development of Non-governmental Organisations, which in turn had practical implications for CSOs. However, with a number of initiatives underway, and civil society's growing capacity to advocate, lobby the government and gain public recognition and support, the environment for CSOs looks likely to continue to improve steadily. Although still slightly problematic, there was some positive evolution of the relationship between CSOs and local governments, with many increasingly engaging with CSOs in the co-design and co-delivery of public services.

In **Honduras**, a country that has seen mass protests against the president and the continued killing of civil society activists, the Federation of Non-Governmental Organisations for the Development of Honduras understandably sees challenges, but also some improvements in the regulatory environment:

The most significant challenge is the creation of enabling environments for civil society due to the current tax legislation regarding the collection of taxes, exemptions and billing schemes. The most significant achievement was the government's approach to creating an enabling environment and simplification of administrative procedures to facilitate the proper and legal functioning of CSOs, including legal status and registration.

Before its rightward turn in the October 2015 election, discussed in our section on civic space, **Poland's** government also took some positive steps to improve the regulatory environment for CSOs, as the Polish National Federation of NGOs records:

The new law on associations was accepted by parliament. The new law was created in a long participatory process which included hundreds of CSOs. The law makes it much easier to set up an association and restricts the administrative control on public administration on associations. There were also two other positive changes in law on public benefit. There has been a big debate on the law on assembly that still not ended. The idea of forbidding participants of demonstrations covering their faces has given rise to a lot of comments.

The situation in Poland has, however deteriorated since, and it will be important to track how the new law on associations is applied in practice.

WORSENING RELATIONS AND REGRESSIVE LEGISLATION

Elsewhere, the relationship is more difficult. Sometimes the challenge is that a distracted government is failing to give sufficient priority to working with civil society and upholding civic space. The protests that convulsed **Macedonia** in 2015 are covered in our section on protest and activism, but the Macedonia Center for International Cooperation points to the attention this drew away from the day to day business of government cooperation with civil society:

Due to the political crisis throughout 2015, communication and cooperation with public institutions was at a minimal level. Regarding the strategic commitment of the government towards civil society, the government failed to improve its track record in implementing its Strategy for Cooperation between the Government and Civil Sector 2012-2017. It left two key measures - establishment of a civil society council and regulation of budgetary support to CSOs - at the draft stage, and halfway through its implementation, 48 per cent of the measures in the strategy had no progress, and only two were completely realised. The unit for cooperation between the government and civil society is still not effective and supportive towards civil society, since the unit does not have funds for cooperation or implementation of its activities. CSOs are insufficiently involved in policy-making and law-drafting by state administration bodies. Numerous new laws, by-laws and amendments were adopted, without consultations with the public.

A similar lack of focus on the relationship is observed in **Tajikistan** by the Tajikistan National NGO Association:

So far there is no a legal definition of the concept of 'civil society' in the main strategic documents of the country, including the constitution. A number of fundamental strategically important documents and concept papers, such as the National Concept of Civil Society Development in Tajikistan, the Strategy of State Support to NGOs in Tajikistan and the National Concept on Social Partnership have not been adopted yet.

In **Argentina**, The Argentine Network for International Cooperation (Red Argentina para la Cooperación Internacional, RACI) notes that there have been recent legal changes, but these fell short of civil society expectations:

A key event that received high levels of participation of CSOs was the reform of the Civil and Commercial Code, enacted in August 2015. The reform could be called ambiguous. There is a significant gap with CSOs in regard to the promulgation of a legal framework and a specific tax that allows the social sector to act as such; this vacuum is a matter of debate and advocacy from civil society. In this context, the comprehensive reform of the Argentine Civil Code was a missed opportunity for the full recognition of CSOs and the production of public goods of social relevance.

These changes fall within a broader context in Argentina where there has been some tension between civil society and the government, experienced in particular around civil society accountability and advocacy functions:

A peak point for the tense relationship between CSOs and the government in 2015 was the setting up by civil society of a public agenda on the independence of the judiciary in Argentina. Apart from the development of joint activities to generate debate and contributions, the presence of various CSOs at international organisations presenting on the situation of the judiciary in Argentina was read by the government as an attack that fuelled negative opinions about participants, and sparked threats of public prosecutions against participating CSOs.

Some CSOs have had fluid contact with the Federal Government, especially under the management of social programmes associated with territorial decentralisation. This type of link has helped grassroots organisations develop social inclusion activities, but it also generated financial and programmatic ties that threaten the sustainability of actions, especially when these links have political alignments.

There are also a significant number of organisations that have their missions and visions aimed at developing a mix of activities coordinated with the state - as well as other resources - while holding critical positions around various aspects of national or regional public policies. Finally, many CSOs have been targeted by the media as opposition, having their advocacy work being systematically read by the government as attacks and vectors of particular interests. The CSO label has also been used by political actors with specific interests to hide party activities. This has been used as an excuse to get into the public agenda negative messages about CSOs in general, creating suspicions around their activities and transparency.

The worsened situation for civil society in **Turkey** is covered in more detail in our section on civic space, but The Third Sector Foundation of Turkey (Türkiye Üçüncü Sektör Vakfı, TUSEV) points to a lack of institutional dialogue processes as part of the problem:

The state of CSO-government relations has not been improved in Turkey in terms of the adoption of strategies and policies in this area. An overreaching national strategic document to create mechanisms for CSO-government cooperation is still missing in Turkey. In Turkey, public sector-CSO relations are not continuous and are left to the discretion of the public institutions' decision-makers. Despite the existence of relatively good but rare examples of cooperation between CSOs and public institutions by several ministries, the relationship between the public institutions and CSOs is limited mostly to information provision by the government, without extending to the levels of dialogue or partnership. CSOs are seldom able to participate in legislation, and when they do engage in law making processes, they are only able consult on a limited and one-way capacity. CSOs that are consulted prior to or during legislation are not provided regular updates on the progress of the legislative process and are excluded from the further or final steps of this process. According to recent research, the majority of public officials state that the dialogue between CSOs and public institutions is not efficiently maintained.

An under-developed legal environment is an issue in **Palestine**, and this is more explicitly rooted in poor relations between civil society and the state, the Palestinian Consultative Staff for Developing NGOs assesses:

There is a problem relating to Palestinian Association Law. The law needs to be developed and reviewed, because there are some items inconsistent with the right to forming associations, especially in the security survey conducted during registration of new associations. The right of peaceful assembly is guaranteed in Palestinian law, but unfortunately from the practical side, it doesn't exist. There have been dozens of violations of this right, with many associations prevented from assembly and holding peaceful demonstrations.

The relationship is bad, for many reasons: there is a feeling by the government that civil society is a political and financial competitor for the government. There is a large dispute between them on human rights.

Negative attitudes by the state toward civil society in **Bolivia** are revealed in the state's suppression of protest, as discussed in our section on protest on activist. They can also be seen in legislation and regulation that restricts civil space in **Bolivia**, as the Foundation to Support Parliament and Citizen Participation (La Fundación de Apoyo al Parlamento y a la Participación Ciudadana, FUNDAPPAC) reports:

The main challenge for 2015 was to maintain and in some cases restore democratic institutions.

In general CSOs feel threatened because of the authoritarian tendencies of the current government in Bolivia, intended to restrict freedom of action based on a law adopted in order to control, and in many cases, eliminate the action of these organisations. The right to freedom of association has been severely restricted by Law 351 regulating the establishment of CSOs. According to this law, all existing CSOs must update their legal personality, and the conditions are so restrictive that of over 2,000 existing CSOs, so far only 20 have managed to upgrade.

Moreover, the government has introduced a new bill to regulate the operation of CSOs that has not yet been approved, but is outrageously restrictive, since it only allows the operation of organisations that support government policies.

A similar experience is seen in **Kenya**, where a number of regressive laws and policies have been introduced or threatened by the government in recent years. As the Kenya National Council of NGOs records:

The relationship between civil society and government is very poor. Poor government policies are leading to unfavourable working conditions and the shrinking of donor funding. The right to freedom of association is restricted, with some CSOs deregistered; the right to freedom of peaceful assembly is challenged, with some CSO meetings being broken up, such as during the World Trade Organisation summit in Nairobi; and the right to freedom of expression is poor.

Unfortunately in 2015 **Cambodia** finally passed its regressive civil society law, something that had been on the cards for years, despite widespread domestic and international condemnation. The Cooperative Committee for Cambodia locates this negative law within a broader context of restriction:

The new Law on Association and Non-governmental Organisations (LANGO) was promulgated. Many of its articles are strict and assert control over the status of civil society, including in registration and operation. Moreover, the political ideology of the ruling party and the control of power for the ruling party is infiltrated into all government work. CSOs are sometimes ignored or accused of opposition, particularly CSOs working on issues of advocacy and human rights. The government uses a new task group, known as security guards, formed by local authorities, instead of the police and military forces, to prevent or crack down on any peaceful assembly. The government also uses the police or military forces in places where CSOs mobilise.

In **Zambia**, the Zambia Council for Social Development observes that laws are being applied more tightly to squeeze civil society, but civil society has fought back:

The right to freedom of peaceful assembly has worsened. The government is indiscriminately applying the Public Order Act, preventing CSOs from freely assembling. The biggest challenge faced was insecurity in the form of re-registration as demanded by the NGO Act number 16 of 2009. CSOs however challenged this Act in the Zambian High Court, which resulted in the government suspending registration and beginning negotiations with CSOs.

In the **Dominican Republic**, while relations are generally assessed to be good, there is a particular challenge around the holding of public protests:

In the context of mobilisation and advocacy against corruption, peaceful protests have been forbidden by the police, blocking access to a public building hosting a public institution that was the object of the protest, even though the Superior Administrative Court had specifically authorised those protests. Movements organised human chains but police officials in civilian clothing were spotted taking pictures of all the participants. The same tactic was noticed during a peaceful march on 29 November 2015 on global climate change policy.

FREEDOM OF EXPRESSION

In a number of contexts, restriction of the freedom of expression emerges as a particular concern. This is seen in **Bolivia**:

The freedom of expression in Bolivia is being seriously affected by the massive takeover of the media by the government. At the moment, all the most important means of communication have been bought by pro-government forces, are being blackmailed economically with government advertising and tax, or are being persecuted. Nationwide there are only one or two truly independent media companies, and these are constantly harassed.

There are some similar issues in **Argentina**:

2015 was a period in which the freedom of expression occupied much debate, given structural problems in the exercise of this right. The exercise of the freedom of expression and the press has gone through its most adverse period since the return to democracy, according to international bodies specialised in this area. Problems include: discretionary use of advertising for the promotion of media linked to governments or to deter criticism both at national and sub-national levels; the use of public media for government campaigns; excessive instrumentation of the presidential national channel; pressures on and direct assaults of media workers in many parts of the country; and a persistence of gaps in the access to public information, due to a lack of a national regulation.

Freedom of expression also seems to be worsening in the **Dominican Republic**:

Although freedom of expression has generally been respected in the Dominican Republic in 2015, an increase in attacks and crime against journalists has been reported, from threats against lives to murder. A lack of improvement can also be highlighted with the long wait for a trial decision on various legal measures restricting the work of journalists.

While in **Liberia**, notwithstanding the improvements in CSO-government relations noted above, freedom of expression is a lingering concern:

Some journalists have been imprisoned for using their freedom of expression. Speaking on critical national issues has led to the death of an advocate by unknown person. There is surface freedom of expression, but care must be taken in terms of what you are speaking about and who are your targets.

In **Zambia** too, this is a worry:

The right to freedom of expression has worsened. Media freedom is non-existent, and the government has monopolised the public media, which is the only media outfit with nationwide coverage.

As it is in **Palestine**:

The right to freedom of expression is guaranteed in Palestinian law, but unfortunately on the practical side, there are grave violations against opinion leaders and journalists. In recent years, there were hundreds of violations against journalists, arrests, the prevention of the publication of articles, and observation of peoples' opinions in social media.

CIVIL SOCIETY RESOURCING

The resourcing environment for CSOs was the special theme of the 2015 State of Civil Society Report, and remains a critical area for CSOs. The ability to access resources is affected by civic space and civil society relations with the state, and where resources are more challenged, civil society struggles.

Resourcing is identified as a particular challenge in a range of very different contexts, from large countries to small, and the global north to the global south, including in **Nigeria** by the Nigerian Network of NGOs:

Funding has been reported as a major challenge for civil society in 2015, including the capacity to manage CSOs and fundraise.

While in **Samoa**:

The most significant challenge faced by civil society in our country was the lack of funding opportunities and sustainability of programmes.

In **Japan**, a particular constraint encountered in securing domestic funding is the bureaucracy surrounding the qualification for exemption from taxation of donations, an issue on which civil society is campaigning, as the Japan Association of Charitable Organizations (JACO) reports:

JACO advocated towards the national tax office to improve the tax system for charities, finally getting it partially relaxed. Our final goal is to remove the Public Service Test regulation from our system. It is a mess of our taxation system.

Resourcing is a major concern in the **Dominican Republic**, with falling international support and scarce public support:

The most significant challenge faced by civil society in the Dominican Republic in 2015 related to the financial sustainability of CSOs, with a lack of opportunities to strengthen their work. CSOs have been worrying about the sustainability of their organisations and activities in a context of diminished international cooperation support and the absence of any improvement in public funding.

Issues of poor domestic support are also seen in **Macedonia**:

In 2015, still CSOs depend heavily on foreign funding, and the system of state support remained unreformed, thus not supporting the development of CSOs.

In **Tajikistan**, there is a sense that the funding environment has worsened:

The organisational capacity of CSOs in Tajikistan in recent years has deteriorated markedly. This is primarily due to the limited financial capacity of the organisations. Many CSOs do not have a permanent, well-trained professional staff. Many organisations work from grant to grant. Programmes are directly dependent on the amount and availability of funds from foreign donors. The lack of funds hinders CSOs from long-term strategic planning. Tajik CSOs are almost 100 per cent still dependent on foreign donors. Other sources of funding - state, private sector, income from business activities of CSOs, philanthropy, membership fees - remain unused and are not involved enough.

In **Jordan**, a change to the law has worsened the funding environment for CSOs, while competition between issues and among CSOs has worsened the situation:

A challenge was the amendment of the Association Law in the articles that deals with the approval regulations on external funding; the law is stricter now, and the process is longer. More of the portion of international funding resources was directed to relief activities as a response to the crisis of Syrian refugees, which caused higher competition over a smaller amount of funding resources allocated for development activities. The number of CSOs in Jordan continued to increase, which also increased competition on funding opportunities.

While in **Uganda**, the Uganda National NGO Forum report, restricted civic space has led to donor withdrawal which has worsened the conditions for civil society:

Civil society was challenged by inadequate funding that came with the withdrawal of funds by some donors, due to uncertainty with threats against lesbian, gay, bisexual, transgender and intersex (LGBTI) activists, and the run-up to elections to 2016.

It is significant that no examples of improving resourcing conditions were offered. Given recent changes in Official Development Assistance from donor governments, which may make it harder for some CSOs to access donor funding, as discussed in our section on civil society at the global level, the outlook on resources remains challenging.

CONCLUSION

In summary, the responses to the annual AGNA survey describe an experience of national-level relations between CSOs and governments that is at best mixed. There are attempts at developing constructive institutional dialogue with governments, although there is usually room for improvement in these. In the worse examples, restriction is heavy and increasing. In many cases, even when not deliberately restrictive, the laws and policies that impact on civic space and regulate relations between governments and CSOs are insufficient, dysfunctional or inadequately resourced. Civil society continues to seek improvements, but there must be particular concern about the limited freedom of expression and poor resourcing of CSOs, as these hinder advocacy, among other CSO functions.

Covers photographer: Tony Carr - #FeesMustFall mass meeting, South Africa



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