



Christian Aid Ireland's submission on civil society space

31 March 2017

Christian Aid Ireland recognises the leading role Ireland played during its membership of the UN Human Rights Council 2013-2015 and leading the two resolutions on civil society space. While Christian Aid's remit is to work on challenging poverty, largely in the global south, we recognise that the restriction of civil society space is an international experience and seen in both developing and developed countries. According to CIVICUS Monitor Findings Report, October 2016, '3.2 billion people live in countries where civic space (which is made up of freedoms of expression, association and peaceful assembly) is repressed or closed.' This submission outlines some of the concerns relating to civil society space from a sample of countries where Christian Aid works.

1. Increasing use of restrictive legislation targeting civil society activities

Throughout 2016 human rights defenders in every region of the world faced attacks because of their work to advance and defend the human rights of their communities. They were targeted by both state and non-state actors who sought to discourage, discredit and disrupt their non-violent activities. Smear campaigns and stigmatisation were widely employed, though legal action remained the most commonly used state tactic.

Frontline Defender Annual Report on Human Rights Defenders at Risk in 2016, December 2016

After the 9/11 attacks on the United States and the subsequent global counter-terrorism measures, civil society organisations have been facing increasing legislative challenges that restrict and negatively impact their work. Such legislation ranges from limiting foreign funding to NGOs, to state control over media regulation and broadening of penal laws. Some examples from contexts where Christian Aid Ireland operates are:

- **In Angola**, the parliament passed a Press Law on November 18, 2016 as part of a Communication Legislative Package (total of five laws) that grants the state party expansive power over the regulation of media. Any unauthorised production or distribution of news may be considered a criminal offence, and officials may raid offices and homes of individuals they suspect to be publishing information that has not been approved. According to Human Rights Watch, the implementation of these laws can 'interfere with the work of journalists, and potentially prevent reporting on

corruption or human rights abuses.’¹ Under previous laws, only courts had the authority to suspend media activities but under the new legislation an administrative body has the power to search, seize and close down any organisation or individual without warrant or court proceedings. What is particularly worrying is the inclusion of article 82 of the Press Law that criminalises the publication of a text or image that is ‘offensive to individuals.’ Among civil society in Angola, these laws are perceived as a sinister connection with the upcoming presidential elections in August 2017. They also put those working on democratic freedoms, media, anti-corruption and human rights more vulnerable and may give rise to increasing levels of self-censorship especially in the run up to the elections.

- **In Israel and the occupied Palestinian territory**, 2016 saw more discriminatory and anti-democratic laws enacted, including the Anti-Terror Law, which substantially expands the scope of the Israeli penal law including the state’s counterterrorism powers and its classification of terrorist acts and terrorist organisations. Additional offences have also been created including identifying with a terrorist organisation and failure to prevent a terrorist act.² There are also a number of severe associated punishments such as up to seven years’ imprisonment for threatening to commit an act that would be granted a life sentence if carried out. Other laws are a “Stop-and-Frisk” Law that allows the military to inspect individuals in specific locations and, alongside the ‘shoot to kill’ policy, may give rise to increased discrimination and limits to freedom of expression and movement against Palestinians, especially youth. Further legislative initiatives by the Israeli government that is curtailing civil society space is the passing of the NGO “foreign funding” law, which requires NGOs to publicly declare if they receive more than 50% of their annual budget from foreign governments in the name of transparency. This is perceived as a way of intimidating, discrediting and delegitimising the work of human rights organisations particularly in the eyes of the Israeli public. A bill allowing authorities to refuse entry to Israel for any person or organisation who call for any boycott of Israel or the settlements was passed with a large majority in March 2017. This shows another attempt to impede political dissent and demands for fundamental freedoms. At a more political level, there are efforts by the Knesset to stifle freedom of expression in Israel through the “Expulsion of MKs” Law, which allows the expulsion of any member of parliament on a three/fourths majority. This is seen by many as a legal tool for the Israeli Jewish majority in the Knesset to marginalise elected Palestinian representatives based on political or ideological considerations.
- As a reaction to a number of protests and a one day national strike organised over social media in **Zimbabwe** in 2016, the government has drafted legislation that will allow police to confiscate smart phones, laptops and other electronic devices. The ‘Computer Crime and Cyber Crime Bill’ can also be used to crack down on Zimbabweans abroad engaging in social media for organising protests in their home

¹ <https://www.hrw.org/news/2016/11/30/angola-new-media-law-threatens-free-speech>

² <http://www.haaretz.com/israel-news/1.725225>

country. This is a clear tactic that will support efforts to silence political dissent and the work of pro-democracy organisations in Zimbabwe.

Continuing threats to civil society and its operations has serious effects on Christian Aid's interventions both in tangible and intangible ways. Legislation that either directly or indirectly impacts on the work of civil society organisations not only creates an environment of suspicion and mistrust among organisations but also contributes to an atmosphere of fear and self-censorship whereby NGOs, activists, communities and vulnerable groups are more hesitant to speak up and demand their rights, or associate and engage with those who do. Therefore, such legislation is a double-edged sword when it comes to affecting the work of civil society; both to the implementation of programmes as well as to how those programmes are perceived and supported by beneficiaries.

2. Arrest, stigmatization and restrictions on freedom of assembly and freedom of expression

The United Nations has long promoted the idea that expression is fundamental to public participation and debate, accountability, sustainable development and human development, and the exercise of all other rights. Indeed, expression should provoke controversy, reaction and discourse, the development of opinion, critical thinking, even joy, anger or sadness — but not punishment, fear and silence.

Report prepared by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye, September 2016

According to Frontline Defenders, there has been an increase in the number of reported killings of HRDs in 2016 compared to 2015 and 49% of those killed were working on land, indigenous and environmental rights. Christian Aid has seen the impact of this violence in its own programme, especially in Colombia where 85 out of the 217 reported global killings occurred. HRDs also suffer high rates of arrest, intimidation, torture, illegal detention with some suffering double discrimination, especially Women Human Rights Defenders and lesbian, gay, bisexual, transgender, intersex (LGBTI) defenders. Some of Christian Aid partners are consistently challenged by overt and covert campaigns to silence them and limit them from fully undertaking their work. This is not only an indication of governments efforts to disguise the truth but also weakens community's participation and removes them from decision making. In turn it leaves communities and individuals more vulnerable to human rights violations. A few examples from contexts where Christian Aid works are:

- **In Colombia** where in addition to the striking number of killings of HRDs in 2016, Christian Aid partners in Colombia recognise that the frequency of intimidation, attacks and killings have increased in the latter stage of 2016 and early months of 2017. Despite the Peace Agreement with the FARC Guerrilla and the commencement of talks with the ELN the situation for activists, HRDs, local leaders and others has deteriorated. According to the UN High Commissioner's office in January 2017, 13 HRDs have been murdered since the signing of the first peace accord with the FARC

on 26 September 2016.³ Christian Aid welcomes the recent efforts by the Colombian government to investigate some of these cases but Christian Aid remains concerned about the effect of paramilitaries on the security situation for both HRDs and communities in Colombia. There has been little advancement in the peace process in dismantling these groups and a high possibility that they are taking control of areas where FARC used to operate, thus furthering the vulnerabilities of communities and the challenges they face in expressing their concerns and protecting their rights.

- Also in **Colombia**, as the peace accord allows for the opening up of the Colombian economy to international business and investment, those defending land, environment and indigenous rights could be at even more risk if the relationship between businesses and communities is not respected. Christian Aid has already supported activities and human rights defenders who oppose large-scale development projects through resistance to land grabs, encroachment, forced evictions and re-settlements. Christian Aid calls on the government of Colombia and the international community to provide adequate protection for HRDs who face such high risks and to promote greater social corporate responsibility.
- In **Angola**, tensions and dissatisfaction among the public as a result of the collapse of the economy and widespread land grabbing have led to unrest and public protests. During these protests, the Angolan government has grown more violent and repressive by beating and arresting activists. On February 15, 2017, there are first-hand accounts and video footage of the police using excessive force and violence through the use of batons and police dogs to suppress a peaceful protest against corruption within the voter registry. Christian Aid's partner issued a strong statement denouncing this violent response.

3. Participation and civil society space

All groups in society must play their part in the development process. Citizens have a right and responsibility to participate in and influence political decisions that affect their lives.

White Paper on Irish Aid, 2006

Creating enabling spaces for civil society to organise and engage with governments, promoting participation and governance, pro poor service delivery and building a constituency for social justice. Civil society also play a crucial role in peace building and provide communities and society with the support, practical approaches and space to tackle violence and build peace. Civil society also supports the re-building of trust, which is crucial for building a more democratic society. Christian Aid partners in many different contexts, particularly those affected by violence, focus on building these relationships and supporting state capacity to better respond to violence and build sustainable peace. Civil society also supports through tackling cultural norms and structural based discrimination that often excludes women and other marginalised groups from peace processes and agreements. Partnerships with local civil society organisations can also strengthen certain mechanisms

³ <http://colombiapace.org/2016/12/05/social-leaders-face-a-wave-of-attacks-in-colombia-the-peace-accords-credibility-hinges-on-immediate-action-to-stop-it/>

that can alert and prevent the exacerbation of conflict by participating in early warning systems, collecting information and sharing analysis.

Recommendations

1. All legislation, in particular that related to civil society activities, must be developed in a transparent and accountable manner and with meaningful consultation of civil society and pay particular regard to states' obligations under the International Convention on Civil and Political Rights. All national laws inconsistent with international human rights law, in particular the rights to freedom of expression and assembly, should be repealed. States should monitor the status of such laws when engaging in diplomatic, trade and development partnerships and ensure they raise these issues in such partnerships.
2. UN member states should emphasise that human rights defenders and other civil society actors have an important and legitimate role in development, peacebuilding and governance activities and processes. All embassies should continue to implement and build on both the EU Guidelines and for the Irish government the Department of Foreign Affairs and Trade internal guidelines on human rights defenders. Diplomatic engagement by states should ensure they assess and review how civil society space is restricted in any context. This assessment should influence and encourage political dialogue on the importance of civil society space.
3. Developmental policy and practice must systematically ensure participation and involve civil society actors and marginalised groups.
4. UN Member States should insist on transparency and accountability mechanisms to ensure governments are held to account when they deliberately neglect or overlook the humanitarian needs of vulnerable populations for political or other reasons. They should also support local civil society as a legitimate actor in responding to humanitarian crises by ensuring the environment is enabling for their effective operations.