



Christian Aid Ireland submission:

Office of the High Commissioner for Human Rights consultation on civil society space

17 July 2015

Christian Aid Ireland is a development organisation, working globally in over 40 countries - entirely in partnership with local civil society organisations. We work for profound change that eradicates the causes of poverty, striving to achieve equality, dignity and freedom for all, regardless of faith or nationality. We are part of a wider movement for social justice. We provide urgent, practical and effective assistance where need is great, tackling the effects of poverty as well as its root causes.

Christian Aid works with a range of actors from the private sector, governments to academic institutions. However throughout our 70 year history our core partners have been community activists, campaigners, trade unions and faith groups - and the people living in poverty they work with. We believe that in order to make development sustainable people living in poverty must have the power to influence and change the structures and processes that keep them poor. We believe we must give voice to the most marginalised and support them to transform power imbalances at every level, from the household to the global. Civil society provides a vital counterweight and essential partner to the expanding power of global capital, and a challenge to what is often corrupt or unaccountable governance. They are often the first to respond to emergencies and they have shown the courage to confront governments and businesses, and have changed the lives of millions.

Christian Aid Ireland warmly welcomes the active role of the Irish government in recent UN Human Rights Council 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 a global experience and seen in both the global south and developed countries. 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

Authoritarian rulers may have drawn the lesson from the 2011 Arab uprisings that civil society is a key driver of political change, particularly where opposition political parties are weak. Moreover, attacks on civil society at times serve to restrict political space in anticipation of upcoming elections.

Freedom House Policy Brief: *Resisting the global crackdown on civil society space*, July 2013.

There are an increasing number of states implementing restrictive legislation that has a negative impact on civil society in a number of contexts where Christian Aid partners operate. These include legislative measures such as excessive and expensive administrative procedures and/or the prohibition of foreign funding sources especially in the areas of advocacy, human rights or other issues perceived as political or sensitive. Some examples from contexts where Christian Aid operates are:

- In Cambodia, on 13 July 2015 the parliament passed a controversial law - the Law on Association and Non-Governmental Organisations (LANGO) - on the regulation of nongovernmental organisations with unanimous approval by ruling-party lawmakers. In its statement of purpose, the LANGO purports to protect rights and freedoms to create associations and NGOs in Cambodia. However, it imposes arduous conditions for the establishment and maintenance of associations and NGOs that are neither practical nor consistent with international standards. It fails to protect against the risk of arbitrary decisions in this regard, or provide for transparency in its implementation. The law gives broad discretionary power to block or terminate registration, and could undermine rights and freedoms to comment on the actions of the authorities. Moreover, the law appears to impose mandatory registration requirements on any form of association. An earlier exemption for informal or community-based organisations has been removed.
- In Angola, a new Presidential Decree was passed which will restrict, control and limit the work of civil society organisations in March 2015. Civicus, the World Alliance for Citizen Participation, has stated that 'the existing process of registration of civil society in Angola is ambiguously administered, and often used by the authorities to keep organisations in legal limbo and uncertainty. Several human rights groups remain challenged by non-receipt of their certificate of registration from the Ministry of Justice.'ⁱⁱ Under the new decree, the public prosecutor's office is empowered to suspend the activities of national and international NGOs on suspicion of money laundering, illegal or harmful acts against Angola's sovereignty and integrity. However the fear is that in reality this legislation will be used to restrict the work of anyone who disagrees with practices of abuse of power. The decree also places additional burdens on civil society organisations requiring them to provide information about their programmes, budgets and sources of funding. Civicus go on to state that civil society analysts fear that the decree's vague and overbroad provisions could be subjectively applied to restrict the activities of civil society seeking to uncover corruption and human rights violations.ⁱⁱⁱ
- In South Sudan the parliament passed a law in May 2015 that humanitarian agencies fear is aimed at restricting aid workers and are warning it could have "catastrophic effects" for civilians in the war-ravaged nation.^{iv} The government has stated that the intention of the law is to regulate and coordinate the activities of NGOs. While NGOs have welcomed steps towards greater regulation they fear the provisions of the bill will be used to restrict and monitor civil society rather than regulate it. The bill includes provisions that NGOs will be forced to employ 80 percent local staff, including at senior levels; NGOs must register and sign individual "country agreements" with the government, a tool used in the past in Sudan as a method of control; groups would have to use South Sudanese banks despite suspicions of graft in the financial sector. The bill also allows the government to impose unspecified fees; the bill covers not only humanitarian groups, but also civil society organisations that work in advocacy and human rights. Many fear this clause could be used to stifle dissenting voices; and the legislation also looks set to ban the formation of forums for international NGOs. The language in the bill is unclear and as a result could be open to misinterpretation or inconsistent implementation. It is believed the bill was inspired by legislation developed by others in the region. This bill comes in tandem with a bill which aims to give South

Sudan's National Security Service. According to Human Rights Watch the bill would allow the security service virtually unfettered authority to arrest and detain suspects, monitor communications, conduct searches, and seize property.^v

- In Israel and the occupied Palestinian territory, Israeli legislation restricts the activities of civil society organisations by prohibiting funding of campaigns that support boycott, divestment or sanctions of Israel. New legislation is also being proposed currently to limit foreign funding to Israeli NGOs that are accused of "eroding the legitimacy of Israel to exist as a Jewish and democratic state".^{vi} In 2011, the Knesset adopted a spate of legislation severely curtailing the exercise of the right to freedom of expression. The laws, including the Boycott Prohibition Law and the Budget Foundations Law, impose stringent economic sanctions on individuals and institutions that speak out against injustices in the occupied territory. The legislation, which severely restricts freedom of expression, has created a chilling effect among independent media in Israel and the occupied Palestinian territory. For example amendments to the Budget Foundations Law curtail funding to public institutions if they commemorate Israeli Independence Day as a day of mourning – or the Nakba as it is known to Palestinians. Under the Boycott Prohibition Law, it is a civil offence to call for a cultural, economic or academic boycott of Israel, one of its institutions or the goods it produces. The law also imposes strict penalties for organising or participating in a boycott. Principally, the law permits those targeted by boycotts to sue individuals or groups calling for a boycott for damages. The law further provides the government with a potent tool to restrict the activities of organisations by withdrawing the tax-exempt status of organisations that call for boycotts and makes public institutions which promote boycotts ineligible for crucial forms of public funding.^{vii}

Christian Aid programmes' experience shows that restrictions on civil society space are happening in a range of contexts that are nominally democratic and in some states not traditionally associated with attacks on civil society actors. Such legislation has a direct impact on our partners' operational work but also through more intangible ways. Where voices of dissent are viewed as a threat rather than contributing to a pluralistic society, this can contribute to mistrust between different kinds of civil society groups, and people living in poverty may mistrust civil society actors or perceive high personal risks to engaging with them.

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

Everyone shall have the right to freedom of expression; this right shall include the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

Article 19(2) of the International Covenant on Civil and Political Rights

Globally the conditions for civil and political rights have declined overall in recent years, as authoritarian governments grow more bold and sophisticated in stifling independent groups that monitor elections, expose corruption, or otherwise give citizens a voice in how they are governed.^{viii} There are some indications that freedom of association has declined more sharply than civil liberties and political rights. This sharper decline suggests that authoritarian rulers are going further to constrain civil society than to block traditional political opposition. They are targeting groups that

defend the rights of citizens, challenge abuses of power, expose electoral fraud, and mobilize public protests.^{ix}

The labelling of civil society actors by states as ‘traitors’ or threats to national security can reduce the space and environment for those working on human rights issues. In many states there is a lack of clear legal protections ensuring the right to peacefully demonstrate and vocalize one’s dissent against government policies and actors. In recent years, implementation of laws related to national security, terrorism, espionage, treason, defamation and slander, to effectively silence criticism against the state, often targeting human rights defenders, journalists, activists, international solidarity support or ecumenical accompaniment, bloggers, and protesters have increased. These types of laws tend to be vulnerable to governmental abuse.^x

For example among human rights and freedom of expression watchdogs in the Americas, there exists a general concern that criminalizing offensive expressions, primarily those directed at public officials, has the effect of limiting freedom of expression, freedom of the press, and the right to information. While defamation laws can serve a legitimate goal, there is widespread concern that these same laws, if they fail to balance the protection of an individual’s reputation with the need for the freedom of expression, have the effect of stifling the freedom of the press.^{xi}

Another tactic used by states to discredit civil society actors can be to accuse them of theft, fraud, assault or other false charges to undermine them. The misuse of law enforcement and judicial systems has been a means to silence opposition or criticism of government. This is common where there is no separation of powers and limited understanding of the need for accountability (to citizens) as well as to authorities.

Many civil society organisations and human rights defenders continue to experience increased restrictions on their activities and funding, intimidation, excessive use of force, arbitrary detention, enforced disappearances and extrajudicial killings. In some contexts civil society and journalists can self-censor for fear in the face of fear of violent attack. Front Line Defenders estimates that over 130 HRDs were killed or died in detention in the first ten months of 2014 in Brazil, Burma, China, Colombia, Democratic Republic of Congo, Guatemala, Haiti, Honduras, India, Indonesia, Iraq, Libya, Mexico, Nigeria, Pakistan, Peru, the Philippines, Somalia, Syria, Turkey and Uzbekistan. Extreme violence affected human rights defenders in all world regions, while perpetrators everywhere enjoyed impunity.^{xii}

Many risks are common to men and women human rights defenders. Some risks are however gender specific, as recognised by several international bodies, women defenders are challenging traditional cultural norms and social structures.^{xiii} Their role in society is often insufficiently recognised, which exposes them to several risks. The Women Human Rights Defenders International Coalition identifies five phenomena that impact women human rights defenders- conservatism and fundamentalism, the growth and militarization and situations of conflict, the impact of globalization on economic marginalization and restrictions on civil society space, the ways authoritarian and undemocratic regimes reinforce gender inequalities and patriarchy and particular attacks against women working on sexual and reproductive rights or lesbian, gay, bisexual, transgender, intersex (LGBTI) rights. Specific violations of gender-based violence can be perpetrated against women in particular with the intention of de-valuing their work.^{xiv} Their families also become targets for threats and violence, aiming to discourage women human rights defenders from pursuing their work.^{xv}

LGBTI defenders are often marginalized and exposed to stigmatization, repression, discrimination and consequent human rights violations because of their sexual orientation and gender

identity/expression, and because they are defenders of the rights to equality and non-discrimination. Such groups are particularly vulnerable to violent repressions and are often the groups that get the least support from other civil society actors or international donors.

There has been a dramatic increase in levels of violence faced by those who work on land issues. Human rights defenders advocating for land reforms, opposing large-scale development projects and defending the rights of displaced people are often subject to physical threats and attacks, and stigmatisation and criminalisation of them or their families.^{xvi} Global Witness reported that between 2002 and 2013, 908 citizens were killed protecting rights related to their land and environment. Three times as many people were killed in 2012 than 10 years previously, with the death rate rising in the past four years to an average of two activists a week.^{xvii} These figures do not include non-lethal violence, sexual violence and intimidation.

An important study by the ACT Alliance and CIDSE showed how the climate of fear which many civil society organisations operate in makes development and human rights work extremely difficult.^{xviii} In addition to insecure working conditions, civil society organisations are routinely stigmatised for working on issues that challenge prevailing social norms, notably around sexual minorities. The survey also showed that people do not feel free to assemble peacefully. Given the role of protest in the struggle for peace and justice, such a development is a matter of concern.^{xix} Some examples from contexts where Christian Aid operates are:

- Christian Aid partner ABColombia in a recent report on the importance of creating enabling spaces for civil society highlighted how Colombia was the most dangerous country in the world to be a human rights defender prior to 2010 when President Santos was elected. However, since that date there has been an unprecedented increase in the number of attacks, threats and killings of human rights defenders. Since the start of the current peace talks approximately 169 defenders have been killed (October 2012 to March 2015). For human rights defenders and community leaders there has been a failure to address: extreme levels of impunity for crimes against defenders, the persistence of paramilitary activity linked to economic and political sectors at a regional level, slowness and inadequacy of the justice system and the lack of strong investigative techniques on the part of the police.^{xx}
- In Colombia as well the Secretary-General to the UN Security Council has highlighted how sexual violence has been used by illegal armed groups as a ‘strategy to assert social control and to intimidate ...in particular women leaders and human rights defenders’. Sexual assault has been used as a tactic against women defenders who raised their voices in support of land restitution.^{xxi}
- In the Democratic Republic of Congo a recent government crackdown on a legitimate protest highlighted a worrying concern about a broader crackdown on freedom of expression before the 2016 general elections. At least 26 activists and other non-Congolese actors were arrested in Kinshasa on 15 March 2015. The arrests, including of foreign journalists and a United States diplomat, followed a news conference by the pro-democracy youth movement Filimbi, organized with support from the US embassy in Kinshasa.^{xxii}
- In Guatemala the government has militarised various parts of the country, using violence against social movements and peasants who peacefully defend territory, or demonstrate against hydroelectric and extractive industries. Attacks, threats and intimidation against human rights defenders and journalists remain issues of major concern.^{xxiii}
- In Israel and the occupied Palestinian territory the Israeli military routinely uses disproportionate, excessive and sometimes lethal force to disperse demonstrations. Palestinian civil society activists are frequently subject to arbitrary arrest and detention for organising or participating in nonviolent protests in the occupied territory.^{xxiv}

Case study one: protecting those working on discrimination against transgender people in El Salvador

Karla Avelar is a transgender activist from El Salvador, where HIV and AIDS and violence claims so many transgender women's lives that there are few trans women over the age of 35 in San Salvador. Transgender women and men are violently targeted by both gangs and security forces in El Salvador.

Karla has repeatedly been brutally raped, threatened, imprisoned, tortured and attacked. She had lived with untreated HIV for 13 years before she received treatment and had to resort to being a sex worker to survive. Since 2008, she has run the trans rights organisation she founded in San Salvador, known by the acronym COMCAVIS Trans and supported by Christian Aid partner FESPAD. Karla and other trans activists have won incredible victories, including a directive issued by the government in 2010 prohibiting discrimination on the grounds of sexual orientation and gender identity in government jobs.

Following the murder of staff member Tania Vásquez in 2013, Fespad supported Comcavis to take a case to the Inter-American Commission on Human Rights. The Inter-American Commission passed a resolution calling on the Salvadoran state to develop and implement an identity law, reform the penal code to recognise hate crimes and to provide training to the prosecutor's office and police to recognise and investigate hate crimes. Although response from the government of El Salvador has been slow and unsatisfactory for Comcavis and Fespad, the resolution sets a precedent for the entire Americas.

Comcavis Trans are demanding equal recognition under law from the state of El Salvador. Trans activism is one of the most poorly funded parts of civil society, including from international development actors. Groups like Comcavis Trans need the support of international actors to highlight their situation and push pressure on the state of El Salvador to fulfil their human rights.

The work of Karla and Comcavis and Christian Aid partner Fespad show the importance of protecting civil society space, particularly for those actors that work on issues of discrimination of minority groups.

<http://www.comcavis.org.sv/>

Through FESPAD, Christian Aid supports the legal work of Comcavis Trans to help access human rights for the trans-gender population of El Salvador.

Case study two: providing a safe space and enabling youth advocacy through community arts in Guatemala

Guatemala's murder rate is ten times the world average and Guatemala City has the world's third highest murder rate, with a national average of almost a 100 murders a week in 2012. Women, girls and young men and women (between the ages of 21 and 30 years old) are disproportionately affected by violence.

In a context of poverty and exclusion, gangs and armed violence exercise much power and control. Youth arts collective Caja Lúdica - partnered with Christian Aid since 2001 and member of the Guatemalan Community Art Network - uses artistic and cultural activities to create safe spaces to promote a culture of peace in communities affected by violence.

The collective's Director explains that they use "a methodology that includes action, participation and transformation. We focus on issues such as social harmony, building of trust and violence prevention through arts. We work to give new meaning to public space, by opening social spaces where young people and their families can spend time together and participate, instead of just witnessing violence."

Caja Lúdica's work has helped change the behaviour and dynamics of the youth groups where it works, as well as their families and the wider community, creating opportunities for learning and alternatives to gang crime.

The project also uses art and culture to encourage youth groups to understand and claim their rights. These groups have reclaimed political spaces and engage with municipal and national authorities to promote the cultural aspect within policies and programmes designed for young people. Caja Lúdica engages in three levels of advocacy: from the individual awareness of one's rights and how to participate in society, to the commitment to share knowledge and community work, all the way to proposals at national level, such as the Law for the Collective Benefit. Caja Lúdica's strength lies in its local reach but also in its influence to make regional and national policies more participatory and inclusive.

Caja Lúdica has also been supporting the participation of women and girls in decision-making processes within the Guatemalan Community Art Network, by building their capacity to understand the social norms which perpetuate gender stereotypes, and fostering more equal relationships between men and women.

These case studies illustrate the critical need to protect and enable civil society actors in contexts with high levels of social violence, crime and discrimination. This violence, often driven by high unemployment, inequality and gang violence, can restrict civil society space and make the space for their work more restrictive, particularly to those seeking to directly address the violence. Reports published by the Geneva Declaration on Armed Violence and Development suggest that there are more people dying from homicides and murders in El Salvador and Guatemala today than there were people dying from combat or battle-related incidents during these two countries' civil wars. El Salvador, supposedly a 'post-conflict' country, suffers from more violent deaths^{xxv} than Iraq^{xxvi}. Guatemala has one of the highest murder rates in the world for a country that is not at war. Despite these figures — the international community has not yet mobilised to any degree comparable to what was seen in the response to the civil wars in the 1970s to the 1990s.

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

Civil society actors play a vital role in sustainable development and peace building. They are able to provide knowledge gained at the grassroots combined with the ability to engage critically in order to contribute effectively to policy construction. Civil society organisations provide the collective organisation and access to technical skills that are required to balance the inequality of power and facilitate dialogue between victims of human rights violations and the State, and between citizens and corporations. People working in these organisations are vital for: promoting human rights, supporting people to claim their rights, shaping development policies, and monitoring implementation.^{xxvii} However, the ability and importance of civil society participating in development, governance, humanitarian and peace building work is often either overlooked, deliberately ignored, or adversely affected by poor environments for civil society space.

In relation to governance reform, civil society plays an important role in strengthening citizens' capacity to claim their human rights, hold states accountable and creating opportunities for citizens to transform public policy and practice. The engagement of both civil society and citizens in this way contributes to efforts to build more accountable and transparent governance. Christian's Aid's work has shown that the empowerment of civil society can create spaces for dialogue within civil society; allow the voices of the poor and marginalized to be heard; mobilize support from other actors such as lawyers, the church, media and businesses; dialogue with traditional and non-traditional institutions and structures; and negotiate on behalf of citizens with powerful groups and actors.

The crucial role of civil society in peace building is often overlooked. Civil society can provide people with the tools and resources they need to tackle violence and build peace, re-build local level trust between people within communities, with different ethnicities and religions, between communities and their local government, document and record human rights abuses, and help initiate non-violent and peaceful alternatives at a local level. Weak institutions and poor governance are often both the root cause of conflict and an obstacle to building the conditions for peace. Many Christian Aid partners working in areas affected by violent conflict seek to protect civilians and reduce violence, but also to enhance state capacity and governance, and build the relationship between the state and its citizens, as a means of building sustainable peace.

UN Security Council Resolution 1325 (2000) emphasises the importance of women's participation in peace building processes, amongst other issues. Discrimination, patriarchal norms and stereotypes and alarming levels of gender-based violence, rooted in gender inequality, exclude women from meaningfully participating in peace building and broader development initiatives. Stereotyped notions of women and men in conflict tend to focus on women as victims and ignore the fact that they may be passive or active participants, as combatants or in subtle ways through mothering that produces combatants or in enabling social acceptability of violence. Women may also gain power or autonomy in times of conflict by becoming the head of the household. Alternatively it can be considered shameful if the man doesn't join the armed groups. Similarly, men of a certain age are automatically assumed to be aggressive, combatants, perpetrators of harm, ignoring their experience as victims and peace makers. The end of conflict is a transformative moment where the most vulnerable and marginalised have the opportunity to assert their rights and needs to ensure

that they are not left out of the process and subsequent agreements. Women should be encouraged and supported to be part of this process. Civil society plays a crucial role in ensuring that groups that have been historically marginalised are included and in assisting understanding of the gendered impacts of conflict.

The lack of an enabling environment for civil society space has repercussions on the ability of international non-governmental organisations and UN agencies to respond to humanitarian crises. Restrictive legislation and practice towards civil society space can severely curtail the operations of international humanitarian organisations and their local partners. Specifically these restrictions can manifest in unnecessary bureaucracy leading to unpredictable implementation of support, limited access to areas most affected, limitations on recruitment and staffing, and financial penalties. Partnerships with local civil society actors can, and do, help to strengthen responsiveness and speed, especially in relation to preparedness and in the immediate aftermath of a crisis. No matter how large and well-resourced an INGO, it cannot be everywhere all the time.^{xxviii} Situations where national civil society is vulnerable to an increasingly repressive environment will also have consequences on overall humanitarian responses, making the provision of humanitarian aid harder at moments when it is most needed. Additionally decisions by states on where and how humanitarian access is granted and aid given can be linked to the political agenda of those in power. A topic that has received limited attention and focus by international agencies and governments. The enhanced role of states in humanitarian preparedness and response is to be applauded but it cannot be to the detriment of vulnerable populations excluded for political reasons.

4. Funding of civil society

Affirming that national security is threatened when an association receives funding from foreign source is not only spurious and distorted, but also in contradiction with international human rights law

Kiai, Maina (2013), Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association.^{xxix}

Shrinking funding available for civil society organisations poses significant challenges. The combination of the financial crisis and a tendency of states to restrict foreign funding for civil society organisations working on 'sensitive' issues such as human rights make the future of many organisations uncertain. The ACT Alliance and CIDSE survey in 2014 outlined how, in some cases, organisations conform to the agenda of international donors, sometimes at the expense of their own aims and objectives. However, with few alternative funding streams available, many civil society organisations feel that they will be forced to change the focus of their work in the future to shift to a project focus or to prioritize themes important to donors. The number of targets, objectives and activities expected by donors is progressively increasing while funds are decreasing, and there is little evidence of donors supporting civil society organisations to develop independent funding streams.^{xxx}

They also struggle with the increasing workload that comes with both applying for and administering international donor funds which are often focused on short or medium term project based funding rather than on long-term institutional support. The emphasis on the results based agenda by donors can force civil society into reporting on change that does not meaningfully reflect the complexity of working on human rights, peace building and governance issues or does not recognise the unpredictability and long-term nature of this work. For smaller organisations or more ad-hoc social

movements capacity is an issue when engaging with government, accessing funding or making their voice heard.

Funding to civil society in contexts that are emerging from armed conflict is particularly important. In contexts where the state has been complicit or a party to the conflict, independent funding for civil society is critical in order to build sustainable peace and deal with specific issues such as past atrocities and support to communities affected by violence. In conflict-affected areas civil society organisations can themselves have been victims to the conflict and made need significant capacity re-investment.

The role of international interventions in the ongoing peace talks in Colombia is a current example of how critical independent funding is for civil society. Christian Aid partner ABColombia has highlighted that if Colombia is to achieve a sustainable peace then international financial aid and political support for civil society organisations is going to be a key component. With huge resources being invested into reintegration there is the danger that little money will be given in an independent manner to civil society organisations (without the conditions of having to work with the State). If, as happened with many other countries, the majority of international aid is channelled through the State to civil society organisations it could reduce them to mere service deliverers. The peace agreements being negotiated in Havana (Cuba) are at the moment very general and open to interpretation. Therefore, if international aid is to be used effectively in order to implement these agreements, it will be essential for national governments and the EU to consult with civil society organisations as they will be able to indicate priorities for a sustainable peace, help construct public policies based on these, and monitor implementation. One of the main challenges in the construction of a sustainable and lasting peace is the length of the war and the unfulfilled promises that have generated high levels of scepticism from poor communities regarding the negotiations in Havana. In order for rural populations to see they have a future it will be essential that development policies support local economies, small scale agriculture and access to local markets for farmers.^{xxxii} The independent funding of civil society is crucial to ensure social unity, an independent civil society and the non-politicisation of reconstruction. Christian Aid partners in Colombia are working to ensure that post-conflict reconstruction does not only focus on income generation but that it addresses crucial issues at the heart of the conflict such as land restitution.

Other issues in relation to national security can limit civil society access to funding, while it may have legitimate intentions, counter-terrorism measures and legislation are affecting INGOs' access to financial services. In the last three years, a number of international banks, including HSBC, UBS and NatWest, have closed accounts or blocked or delayed funds to or transfers from accounts held by UK-registered charities and INGOs. While arguing that broad impact of some counter terrorism legislation is hard to assess and potentially has been over-stated, an Overseas Development Institute report found evidence that some INGOs operating in Syria, Gaza and other high-risk contexts are taking decisions on where to operate and which affected communities to provide aid to in part on the basis of their risk of exposure under UK and other counter-terrorism measures.^{xxxiii}

5. Recommendations

We need a more consistent and credible response from governments and INGOs. We must give the same priority and resources to creating an enabling space for civil society that autocrats give to closing it down.

Andrew Anderson, Deputy Director, Front Line Defenders- from an Intrac publication, 'The role of INGOs in complex and politically charged contexts'.^{xxxiii}

1. The Irish government (and other UN member states) should ensure they fully support the work of human rights defenders, in particular in implementing the European Union Guidelines on Human Rights Defenders and paying heed to the Office of the High Commissioner for Human Rights Declaration on Human Rights Defenders. Governments should meet human rights defenders and civil society actors when they travel on diplomatic engagements. They should also publicly denounce human rights abuses and raise human rights concerns when on diplomatic and trade missions.
2. The Irish government (and other UN member states) should consult with civil society and human rights defenders in particular, on the implementation of guidelines on human rights defenders and the United Nations Principles on Business and Human Rights.
3. The Irish government (and other UN member states) should continue to pursue high-level efforts to highlight the issue of civil society space and democratic practices and ensure states are held to account on their actions in this area. States have a particular duty to protect those particularly subject to discrimination, women human rights defenders and those working on minority human rights issues such as LGBTI in particular and issues that are perceived as sensitive such as one land and economic, social and cultural rights.
4. 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.
5. The Irish government (and other 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.
6. Art, play and cultural expression are necessary to transform the conditions that perpetuate the exclusion and subordination of marginalised groups subject to discrimination. Particular support and attention should be given to those working on arts and cultural activities to develop safe and enabling environments for these groups. The Irish government (and other UN member states) should promote spaces in communities to foster cultural, artistic and play activities, particularly through education.

7. The Irish government (and other UN member states) should ensure meaningful participation of men and women from all parties and groups in any peace building initiative. In particular it is important to ensure the participation of marginalised groups in peace processes and ensure they conduct a gendered analysis of how men and women have been affected by conflict and can be engaged in peace building. It is critical not to assume stereotypical understanding of gender of the different roles of women and men.
8. Donors should work with civil society partners to assess if their reporting requirements are unnecessarily burdening civil society organisations and not meaningfully capturing how change occurs (or supporting transformative change) when working on complex development processes or human rights programming.
9. Developmental policy and practice must systematically ensure participation and involve civil society actors and marginalised groups.
10. The Irish government (and 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.

// ENDS

Endnotes:

ⁱ Christian Aid (2012), Partnership for Change, http://www.christianaid.org.uk/Images/2012_strategy.pdf

ⁱⁱ Civicus, 'Angola: end crack down on civil society, uphold international commitments', 29 June 2015, <http://civicus.org/index.php/en/media-centre-129/news-and-resources-127/2252-angola-end-crackdown-on-civil-society-uphold-international-commitments>

ⁱⁱⁱ Ibid Civicus.

^{iv} IRIN, 'Will the NGO bill restrict aid efforts in South Sudan?', 13 May 2015, <http://www.irinnews.org/report/101488/will-ngo-bill-restrict-aid-efforts-in-south-sudan>

^v Human Rights Watch, 'South Sudan Abusive Security Bill', 15 October 2014, <https://www.hrw.org/news/2014/10/15/south-sudan-abusive-security-bill>

^{vi} <http://www.ynetnews.com/articles/0,7340,L-4667051,00.html>

^{vii} CIVICUS, State of Israel: Submission to the UN Universal Periodic Review, 15th Session of the UPR Working Group, submitted 16 July 2012, <http://civicus.org/images/stories/CIVICUS%20Israel%20UPR%2015th%20Session%20July%202012.pdf>

^{viii} Freedom House, Freedom in the World 2015, <https://freedomhouse.org/report/freedom-world/freedom-world-2015>

^{ix} Freedom House, Resisting the Global Crackdown on Civil Society Space, Policy Brief July 2013, <https://freedomhouse.org/article/resisting-global-crackdown-civil-society>

^x The International Centre for Not for Profit Law, Global Trends in NGO Law, Volume 6, Issue 1,

^{xi} <https://knightcenter.utexas.edu/blog/00-15868-mapping-criminalization-defamation-latin-america-laws-affect-freedom-expression>

^{xii} Front Line Defenders, Annual Report 2015,

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