

# Making Civic Space Resilient

February 2020



# Preface

*There's a crack in everything, that's how the light gets in*

Leonard Cohen

Even in the darkest hour, there's hope. Even in the most repressive situations, some people create sparks that ignite a fire. Whether inspired by their artistic talents or their religious motives, they touch people around them. It is such people that we have asked how they deal with sometimes severe oppression of their desires and hopes, and how to restore human dignity after it has been violated.

A stream of reports and analyses has put repression of civic action on the political agenda. It was not our ambition to add to those analyses. We thought it was time to share strategies on how to cope with it. To stimulate actors from different parts of civil society what can be done to increase their space to operate. Besides being an inspiration, these stories tell us that long term support and long term strategies are needed. Both financially and politically. We have to increase the solidarity and support amongst different organizations, communities and individuals, especially for the ones affected most, like indigenous groups, women and LGBTI.

Sometimes, they tell us, the best way is to silently continue working, keeping your head down. Sometimes it is crucial to shout out. This is true for all involved. Yes, there is such a thing as silent diplomacy. But one of the most important lessons from conversations we had, is that boldness, sincere involvement and show of solidarity are indispensable.

This as a worldwide trend. Laws are being proposed curtailing freedoms of CSO's, politicians and cartoonists are threatened, judges and the rule of law set aside or mocked, hate speech is increasingly common, both on- as well as offline. This puts a responsibility on our European offices, too.

The people interviewed for this report know how to deal with backlashes and have ideas on the way forward. We would like to thank them and their organizations, also those that cannot be mentioned by name, for sharing their ideas. Besides all the troubles civil society actors face, which we do not shy away from, we see creativity, humor and resilience. That is what we want to stress in this report. These are characteristics we can all learn from.

**Kees Zevenbergen**, CEO Cordaid

**Edwin Huizing**, CEO Hivos

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# Civic space oddity

## *How civil society organizations deal with transforming civic space*

Hivos and Cordaid initiated workshops with civil society organizations in 10 countries to discuss civic space and to identify recommendations and methods to deal with the pressure on civic space. Everywhere, the room for civil society organizations (CSOs) to operate in is changing, and usually for the worse. Even though the context for each civic actor works out differently, changing civic space seriously challenges the effectiveness of their work. The existing legal framework is often seen as problematic for CSOs. Some countries have laws that prohibit the freedom of assembly, associations and expression. CSOs identify national security concerns and anti-terrorism as important drivers of recent limitations to civic space. Both state and non-state actors are identified as perpetrators of civil rights violations. In cases where the legal framework is up to standard, enabling laws are often not enforced or they are interpreted in a restrictive way.

Hivos and Cordaid cooperate with civil society organizations in more than 35 low and middle-income countries. In 2019, meetings with civic actors were convened in ten countries to discuss the status of civic space. Those countries were selected based on requests from organisations in our network, on the availability of a diverse range of civic actors, and on the wish to include countries with very little to moderate civic space. This paper summarizes the main barriers to fully utilizing civic space, and it brings together the recommendations and best practices that were discussed at the meetings. For the ten countries, there is a short paper available on the issues and the local context of civic space transformation. The papers will be used in each country to continue the development of a joint proactive strategy to strengthen civic space. We would like to take this opportunity to thank all participants of the workshops, the people that provided suggestions for this report, including those persons and organizations that cannot be named due to security reasons. We would also like to thank Wereld in Woorden who supported us in writing this report.

## On civic space

Civic space refers to the space – online and offline, legally and in practice – where people exercise their rights to freedom of association, expression and assembly, to access information and to actively participate in society. Individuals, groups and organizations use civic space to solve problems and improve their well-being, by speaking out on issues of public concern, gathering together in online and offline fora, and by participating in public decision-making.

Civic space is highly dependent on the local, regional and national context. And the room to be active in civic space also depends on who is seeking this space. In many countries, civic space is closed to most CSOs and champions of social change, but elitist groups enjoy ample room to voice their interests.

Civic space is not static. Levels of repression of civic space vary over the years, often closely linked to the national political circumstances. The space for civil society<sup>1</sup> to operate in however is backsliding across the world, with just three per cent of the world's population living in countries with favorable environments for civil society. In the space of a year, twice as many people are living in countries where civic freedoms are being violated: 40% of the world's population now live in repressed countries – last year it was 19%.<sup>2</sup>

### Civicus and Freedom House

Civil society operates in countries with varying levels of freedom to associate, to assemble and to express views. Some are extremely closed, while others are more open. The table below shows how the civic freedoms in the 10 countries are rated by Freedom House and Civicus. Civicus is an international alliance dedicated to strengthening civil society throughout the world. Based on a range of sources, the Civicus Monitor<sup>3</sup> periodically rates civic freedom in all countries. Freedom House is an international human rights organization focusing on political rights and civil liberties.

The Civicus Monitor distinguishes five levels of civic freedom: (open, narrowed, obstructed, repressed or closed). In the Freedom in the World Report,<sup>4</sup> Freedom House ranks countries as free, partly free or not free. In addition, based on levels of political rights and civil liberties, Freedom House gives all countries an aggregate score of between 0 (least free) and 100 (most free).

Country	Status (Civicus)	Status (Freedom house)	Score
South Sudan	Closed	Not free	2
CAR	Closed	Not free	9
DRC	Closed	Not free	16
Afghanistan	Repressed	Not free	26
Zimbabwe	Repressed	Not free	30
Nigeria	Repressed	Partly free	50
Guatemala	Obstructed	Partly free	56
Indonesia	Obstructed	Partly free	64
Colombia	Repressed	Partly free	65
Tunisia	Obstructed	Free	70

1 In this paper, the terms 'civil society' and 'civic actors' are used interchangeably.

2 Statistics from: CIVICUS (2019) People power under attack. <https://monitor.civicus.org/PeoplePowerUnderAttack2019/>

3 <https://monitor.civicus.org>.

4 <https://freedomhouse.org/report/freedom-world-2018-table-country-scores>.

# Civic space barriers in 10 countries

## Legal embedding of civic space

In many countries, existing laws ensure civic rights and freedoms for civil society organizations (CSOs). The problem is the lack of law enforcement. Colombia, for example, has a progressive constitution, but it is not sufficiently enforced. In Tunisia, the constitution was even co-developed by national NGOs, but this has not prevented political actors from infringing on the gained freedoms. Sometimes non-compliance has to do with the state not being in control. For instance, in the Central African Republic (CAR), rebel groups are preventing state control over some 70% of the national territory. Laws regulating civic participation cannot be enforced there. And in Colombia, some territories are de-facto controlled by paramilitary groups, guerrilla movements or 'narcos'.

In some countries, new CSO-restricting laws are being prepared. A case in point is Nigeria, where a new NGO-registration law was recently proposed. In other cases, laws intended to regulate freedoms are (mis)-used to repress freedoms of expression, assembly and association. In Indonesia, the freedom of expression is increasingly restricted based on laws that were intended to regulate blasphemy, defamation and the spreading of disinformation. In Zimbabwe, the law to regulate public meetings is being used to ban meetings altogether, and the law to protect privacy is used as a pretext to ban newspapers and arrest journalists.

## Bureaucratic barriers

Whatever the existing legal framework, state actors can repress or control civil society by means of bureaucratic barriers. In DRC, for example, the Justice Ministry often refuses or delays the issuing of legal documents for CSOs. In Zimbabwe, CSOs are sometimes obliged to draft a Memorandum of Understanding with district officials.

A specific form of bureaucratic hindrance are the laws and regulations prohibiting funding from abroad. Such as in CAR, where in 2018 all direct funding of national CSOs by international donors was banned. Often such regulations are installed under the guise of anti-terrorism (or anti-crime) measures, as in the case of Tunisia, where the government declared the 'non-profit' sector was at risk of being misused for terrorism financing purposes.

## Censorship and access to information

Censorship is a much-used instrument to restrict freedom of expression. In many countries, critical newspapers are banned and/or journalists arrested, physically assaulted and even murdered. Repression by state and non-state agents can generate a situation of self-censorship, for example identified by Guatemalan CSOs. In a number of countries, independent or critical media and CSOs are criminalized or demonized by mass media controlled by economic-interest groups or politically motivated media owners. Tunisia is a case in point, where state-supported media launch smear campaigns against CSOs and human rights defenders.

In other cases, CSOs are denied access to relevant information. In Nigeria, for example, the state has repeatedly prevented CSOs from accessing information on the clean-up of oil spills in Ogoniland. Civic space extends to the digital world. In many countries the use of social media is restricted and/or internet partly shut down. In January 2019, the government of Zimbabwe ordered a complete internet shutdown after civic protests. In Tunisia, the authorities are prosecuting bloggers on charges of using social media platforms to criticize government officials.

## National security

A common reason cited for a clamping down on the freedoms of expression, assembly and association is national security. Indeed, this was the reason provided by the Nigerian government for banning all forms of protest in Rivers State, where major oil companies such as Shell and BP drill for oil. In Zimbabwe, dissident organizations are routinely accused of attempting to overthrow the 'democratically elected government'.

In some countries, freedom of movement is restricted for CSOs. In CAR, access to large parts of the national territory is virtually inaccessible because of roadblocks and illegal checkpoints. A very specific restriction on freedom of movement for national NGOs is identified in South Sudan, where civil society is often prevented from participating in meetings and conferences abroad. For example, no civil society representatives were allowed to participate in the UN Commission on the Status of Women meeting in March 2019.

It is not only the state that is responsible for curtailing civic space. Non-state actors (armed groups, paramilitary organizations, criminal gangs, and groups associated with national and international companies) often exert pressure on civic initiatives, or even violently repress all civic action. In areas controlled by armed opposition groups in CAR, CSOs face the threat of being shut down and/or their members being detained for ransom. In Afghanistan, the threat of attacks by extremist groups and the state alike obstruct CSO activities. In countries like Colombia and Nigeria, the private sector is responsible for some of the anti-CSO violence.

### **Differences within civil society**

Differences within national CSO communities sometimes prevent potentially strong coalitions and fruitful cooperation. Indonesian CSOs call this horizontal polarization; they discern a lack of solidarity between CSOs that have different political, ethnic or religious backgrounds. Also within CSO communities in some countries, knowledge about civic space and the right to organize, gather and voice opinion is not available.

In addition, civic space is particularly small for certain groups in a country's society. In Guatemala, for example, rights of indigenous and Afro-descendent groups are systematically violated. Women and LGBTI groups face strong impediments to participate in social, economic and political life. In general, rural communities enjoy fewer rights. In Afghanistan, impunity for perpetrators of violence against women is rampant and women are excluded from decision-making processes on all levels.

## **Recommendations**

### **Governments**

International diplomacy should be utilized to stress the importance of a strong civil society within an inclusive democracy. Civil society should not be hindered from exercising its rights to freedom of association, expression and assembly as its crucial for inclusive sustainable development.

Embassies can use their contacts with host governments to emphasize the crucial role of civic actors in societies. Their combined agenda of economy, diplomacy, security and human rights is an added value when talking with representatives from both the public and private sectors.

National and local governments could enter into a 'social contract' with civil society to involve them in policymaking. Governments can facilitate (virtual) information sharing platforms to share learning, experiences and challenges of CSOs at the local, national, regional and international levels.

Together with CSOs and other actors, governments should support and train people from different groups, especially youth, in critical thinking and in media literacy, so they can differentiate information from opinion, and 'noise from voice'.

### **Funders**

International funders are called upon to finance CSOs in their struggle to broaden civic space, for example by strengthening (lobbying and advocacy) capacities of CSOs. National governments are called upon to provide funding for their local civil society.

To be effective, campaigns to broaden civic space must be continued over several years. Funders should provide longer-term funding for CSOs, especially in countries where other sources of finance are scarce.

Funders should also consider supporting independent media and the cultural sector in countries with limited civic space. Initiate or support emergency funds for human rights defenders and/or other actors that risk being prosecuted (or worse!).

Target especially the civic space for 'high-risk groups', such as women, ethnic minorities, indigenous populations, LGBTI people, human rights defenders and independent media

### **Local civil society organizations**

Target parliament and the executive branch to convey the urgent message that an active civil society is vital to inclusive development.

Resolve internal differences and encourage more cooperation within civil society. Set up civic networks to initiate a permanent dialogue to identify common agendas and co-design strategies to influence public affairs. Bring together cultural, technological, religious, and public and private sectors in this dialogue. Involve art, pop culture and social design.

Leading CSOs should invest in educating other CSOs and communities on the various aspects of civic space.

### **All actors**

All relevant actors should promote a 'culture of tolerance' within their constituencies. Healthy state-citizen relations are a key enabling factor for inclusive development. Push the narrative of the necessity of strong citizen engagement and strong civil society.

## **Best practices**

### **From confrontational to collaborative**

Akin Oke, lobbying and advocacy coordinator at Cordaid in Nigeria, explains that in the initial stages of the Hydrocarbon Pollution Remediation Project (HYPREP)<sup>5</sup> in Ogoniland, the Ministry of Environment was reluctant to delegate control over the clean-up process. 'They were not in a hurry to make funds available.' We successfully managed to unlock this in two ways: by working in a coalition, and by framing the narrative in a way that is appealing to the government. 'Working in a coalition, with different types of stakeholders (e.g. embassies), gives us access to information and networks, and a visibility and credibility vis-à-vis the government that we otherwise don't have.' Second, it is crucial to provide those in power with the incentives to engage. 'We said we would support HYPREP in demonstrating their work to the communities.' But in order to frame the conversation from confrontational to collaborative, CSOs need capacity development. 'Many CSOs in Nigeria have "activist" origins, from the time when they were fighting the military rule with mass protests and rallies. Evidence-based, "soft" advocacy is alien to some of them.' Finally, through these concerted efforts, the ministry has released money to start the clean-up of 25 sites. Today, HYPREP even requests civil society's input on 'key performance indicators' to assess how the clean-up is going (e.g. regarding water quality in polluted areas).

### **The new generation vs the status quo**

The Resource Of Open Minds (R.O.O.M) program<sup>6</sup> supports the creative work of a new generation of artists, musicians and critical content producers around the world who are fighting for openness and leading the resistance against shrinking civic space. R.O.O.M. provides funding for new audio-visual artworks and safe online and offline environments for creators. It's funding also supports research on the power of art and the organization of events to bring together different stakeholders (artists, social entrepreneurs, researchers and activists) for cross-sectoral learning. Myriam Vandenbroucke, evaluation and learning specialist at Hivos, believes that creative content is the way to challenge social norms.

5 HYPREP was established under the Federal Ministry of Environment to focus on the clean-up of contaminated soil and groundwater in Ogoniland and other impacted communities.

6 <https://www.hivos.org/program/resource-of-open-minds-r-o-o-m/>



‘To put it bluntly, in order to achieve societal change, you need to go beyond the “traditional” NGO audience. Through popular art and culture you can reach a large part of society and you can target existing power structures. Art and culture are a great way to allow people to reflect on topics in a different way.’ ‘What also helps in fighting shrinking freedom of expression,’ she continues, ‘is to link to the interests of opposing parties. For example, make it clear that the creative sector is important for economic growth.’ Vandenbroucke is realistic about the future of online freedom. ‘I think it will get smaller and smaller. It is important to support artists in understanding the legal ramifications and risks, and to create a safe online and offline environment to address issues that people want to address.’

## Conclusions and observations

### Look for joint features

The 10 countries included in this paper all show specific characteristics and contexts but also show similar barriers. Identifying shared characteristics will facilitate the development of shared approaches to deal with shrinking space. Don't work in silos!

### It's (also) about upholding the law

Lobbying parliament and the government to adopt pro-civic space laws can only be part of a solution. Actions to defend civic space must also target the political will and means to uphold the law.

### Target state and non-state actors

Campaigns to promote and protect civic space should target both state and non-state actors.

### Analyze the international level

The analysis of civic space infringements should go beyond the national level. Changes to civic space are also the result of international developments, like the war on terror following 9/11, the international war on drugs, the globalization of (the fight against) crime and money laundering, the growth of foreign direct investment (e.g. in land). That international level can be operationalized.

### Use innovative strategies

Some organizations mention new, innovative ways of reconquering civic space, involving new target groups. There are inspiring examples of CSOs engaging the creative sector and the arts as a way to achieve societal change. Involve art and pop culture. Seek cross-fertilization between CSOs and (new) media.

### Collect best practices

To facilitate shared learning an inventory of strategies and practical methods (best practices) used by civic actors to deal with shrinking civic space would be useful. New approaches, tips and strategies should be shared within a global network of likeminded organizations.

# Civic space in Afghanistan

## *Claiming participation in peace process*



Afghan women, led by SAW Afghanistan and Afghan Women's Network, advocating for participation in local governance in Kabul, Afghanistan.



Afghanistan is the least peaceful country in the world, according to the latest Global Peace Index. In fact, the country can be found at the bottom of most international ratings, such as human development, rule of law and corruption indexes. It is also one of the countries where respect for civic freedoms has been in rapid decline recently. Aggravating insecurity and attacks on civil society organizations undermine the rule of law. Public gatherings and peaceful protests are curtailed or forbidden in many parts of the country and the government's instability is fueling violence at community, provincial and national levels.

### Context

In 2001, a US-led invasion toppled the Taliban rule and set-up an internationally-recognized government after a new constitution in 2004. Subsequent reforms of Afghanistan's legal system have led to positive changes in recognition of civic rights and freedoms. The constitution guarantees the right to form associations, and both the legal framework and authorities have been relatively supportive of civil society groups. There is a plethora of registered and

unregistered civil society organizations (CSOs) – e.g. cultural, welfare, and sports associations – active in Afghanistan. CSOs provide critical services in many parts of the country and actively promote the rule of law and access to justice.

However, civic space has come under severe threat in Afghanistan. Since the NATO troops – responsible for maintaining security – officially left the country in December 2014, the Taliban are regaining ground. Fighting between insurgents, international, and government forces has a devastating impact on civilians. The violence drives massive displacement and government reforms are coming to a standstill. Recently there has been little improvement in women's rights, violent acts go unpunished, intimidation and violence against journalists is rising. While the constitution guarantees the right to peaceful assembly, in practice the poor security situation in Afghanistan prevents a meaningful use of most citizens groups – including women and youth – of civic space. Noteworthy is also the absence of women's voices at the international level about Afghanistan, including the US-led peace talks with the Taliban.



Kabul, March 2019. Afghan Women's Network members, representing women from all over Afghanistan, voice their concerns and claim participation in the peace process. © AWN

*'We will never allow the bitter memories of the past to become realities again'*

**Mary Akrami**, Director of the Afghan Women's Network

## Challenges for civil society

### Deteriorating insecurity affecting fundamental civic rights.

A deteriorating security situation in many parts of the country has created a highly repressive atmosphere. Citizens are increasingly unable to participate in gatherings, let alone to express their views openly. Non-state actors, insurgents and extremist groups are indiscriminately using violence against Afghan people, including against religious leaders who speak about equality and peace. The threat of attacks and the authorities' attempts to regain order and stability are obstructing CSOs' activities.

**Lack of government responsiveness.** There is a lack of responsiveness by the government to support civil society. Corruption is a major challenge, and CSOs experience an unwillingness of authorities to share information. Government shares policy information with only a few civil society platforms, networks and clusters. Most small-scale CSOs are not consulted at the national and provincial level. There is a general lack of inclusive consultation and decision-making processes. In addition, lengthy administrative processes cause unnecessary delays in implementation of project activities, including the delivery of essential services.

**Little awareness about the role of civil society.** Among the general public, there is little understanding about the role CSOs play in governance, development and peacebuilding processes. In addition, widespread poverty and instability results in less citizens having an interest in 'volunteerism'. At the same time, there is a great general mistrust of government services, which perpetuates the gaps and misconceptions between the general public on the one hand, and CSOs and government on the other.

## Recommendations

- **CSOs and state actors:** Work towards a 'social contract' between the Afghan government and its people by organising meetings, joint gatherings, and open debates on civic rights and revision of laws and policies.
- **International NGOs and funders:** Support community sensitization and mobilization in particular regarding women and youth, creating an enabling environment for policy change and the building of a social contract
- **Funders and embassies:** Allocate specific funding for local and grassroots organizations.
- **CSOs:** Create and manage a (virtual) platform to share learnings, experiences and challenges of CSOs at local, national, regional and international level. Pay attention to cross-fertilization among and between CSOs in Afghanistan.
- **CSOs, embassies and state-actors:** Use media for awareness raising of the general public and civil society organizations about the role of CSOs and the policies and legal instruments available.
- **For CSOs, embassies and funders:** Strengthen coordination between Afghan CSOs and the international community.

### On the lookout for positive change makers

Even if the state is less responsive to CSOs, some actors within governments may be more open to civic input. In Afghanistan Cordaid partners and other CSOs identified a number of actors from central and provincial government, from tribal leaders and from political parties that may function as key change makers. Also the first lady of Afghanistan has shown openness towards the voice of civic groups and women's organizations. Direct advocacy towards these actors sometimes prevents – or circumvents – bureaucratic hindrance, like the time consuming process of getting a simple Memorandum of Understanding signed by relevant ministries.

### Women demand inclusion in peace process

Peace talks in Afghanistan rarely include CSOs or women's groups. The exclusion of civic groups from the peace dialogue undermines the outcome of the talks. Intensive lobby by organizations like the Afghan Women's Network resulted, in 2018 in the decision by the Afghan presidency to integrate a women's and youth advisory board in the High Peace Council. The president also proved to be open to involvement of women in peace talks, in practice, however, there is still a lot of ground to cover. High-level talks in March 2019 in Doha between the Taliban and the US Peace Envoy, for example, did not include any participation by CSOs or women's representatives.



# Civic space in the Central African Republic

*Civil society organizations proving their worth*



Dancers at an awareness raising campaign for Gender Based Violence in Bangui, CAR.



The Central African Republic (CAR) spiraled into civil war in 2013. In spite of the recently-brokered peace deal between the government and various rebel groups, the country still faces serious security challenges. For the moment, the capital city of Bangui is spared from violent armed clashes, but lawlessness, criminality and the absence of the rule of law are still prevalent. Armed rebel groups control vast areas of the country. It is in this challenging context that Central African civil society organizations (CSOs) have taken up the important role of advocating for and advancing the development of an inclusive and stable society.

## Context

CAR has been in turmoil ever since a violent takeover of power by Muslim rebels from the Seleka umbrella group in 2013. Although the conflict has formally ended and peaceful elections were held in 2016, ongoing violence by armed groups – killings, rape of women and girls, attacks on displacement camps, recruitment of child soldiers, and kidnapping and attacks on villages – has a grave impact on civilians. The UN estimates the total number of internally displaced people in the country to reach over 642,800, and the total number of refugees to reach 574,600.<sup>1</sup> In February 2019, after talks in Sudan, the government and fourteen rebel groups agreed to a peace deal aimed at ending years of civil war.

Few residents outside of the government controlled Bangui enjoy access to national or international media sources or the internet. Insecurity is impacting on the freedom of media to operate, but some independently run radio-stations continue to run and have active participation from callers-in. Although freedom of assembly and the right to political protest is guaranteed under the constitution, in practice these liberties are curtailed due to widespread insecurity. The volatile security context also severely restricts the work of non-governmental organizations (NGOs). The US-based organisation Freedom House reports that more than 270 recorded security incidents involved relief workers between January and September 2018, causing 6 deaths and at least 15 NGOs to suspend humanitarian activities.

*“The phenomenon of shrinking civic space manifests itself not so much through the absence of the law, but through the absence of the implementation of the law. That is where civil society can help.”*

Cordaid CSO partner in CAR

The challenges and recommendations identified in this policy brief are part of the outcome of a workshop on Shrinking Civic Space and the SDGs, organized by Cordaid and the Civil Society Platform for Peacebuilding and Statebuilding (CSPPS) in Bangui on 26-27 February. Input for them came from seventeen Central African partners. These partners described the main operational challenges they encounter while implementing initiatives at the local and national levels. Recommendations for policymakers were developed in response.. Cordaid partners in CAR identify a strengthening of CSOs; the result of recent capacity building activities. Advocacy towards the government is growing stronger also because of improved CSO-coordination.

## Challenges for civil society

**Interference by non-state armed groups.** The lack of rule of law is by far the most pressing issue facing CSOs in CAR. Nearly 70% of the country's territory is controlled by non-state armed groups. These groups operate with impunity, posing a great risk to those working on civil society projects. CSOs in areas controlled by armed groups face the threat of being shut down and/or their members being detained for ransom. When leaders of non-state armed groups have limited control over their own men, the situation becomes even more unstable and the use of violence increases.

**Barriers to mobility.** War-damaged and crumbling infrastructure as well as the constant harassment at roadblocks and (illegal) checkpoints restricts the ability of CSOs to move freely and access communities in need. Since public transportation is underdeveloped and the operational state of roads can vary from one day to the next, CSOs face constant uncertainty regarding their ability to travel.

**Lack of sustainable funding.** Lately, the ability for CSOs to financially sustain themselves and carry out their activities has been greatly undermined. For example, in late 2018, the Ministry of Cooperation and Economy issued a communiqué in which it suspended – for an indefinite period – all direct funding from international donors intended for national CSOs, thus effectively cutting off CSOs from their main source of funding.

*“The activist methods of CSOs have evolved. Civil society in CAR is now more mature. Whereas in the past civil society leaders were easily manipulated by political parties and got side-tracked for personal prestige reasons, today we are increasingly proving our worth, including in government programmes.”*

Cordaid CSO partner in CAR


## Recommendations

- **For the United Nations:** CSOs call on the United Nations to take their responsibility to ensure the strict implementation of the Khartoum Agreement, the recommendations of the Bangui Forum, all the while taking into account Resolution 2448 (December 2018).
- **For international funders and technical partners:** CSOs call on international donors and technical partners to promote innovative financing for civil society organizations. Bilateral donors and international organizations should promote fair taxing of (foreign) companies working in logging, mining and the oil sector. Tax revenues should partly benefit local CSOs.
- **For the Government:** CSOs ask the Central African Republic state authorities to bring government and citizens closer together through stronger and more autonomous decentralised powers and services.
- **For the Government:** CSOs ask the Central African Republic state to sign the decrees implementing the parity law that would allow the government to have a greater representation of women in decision-making bodies.
- **For the Government:** The government must – in accordance with the constitution – respect the right of citizens to demonstrate and punish those responsible for unlawful repression.

<sup>1</sup> <https://www.hrw.org/world-report/2019/country-chapters/central-african-republic>.

# Civic space in Colombia

## *Arts and change*

 Three years after the signing of an agreement between the Colombian government and the main guerrilla movement, FARC, little is left of the hope and expectations that surrounded the peace dialogue. Human rights violations are rising; civic space is a dangerous environment. The state is unwilling or unable to secure basic human rights. The promises of the peace agreement are not kept. While paramilitary groups never really ceased their practice of civil rights abuses, factions within FARC also seem to return to violence. In this context CSOs have been leading collective actions and creative solutions to face these issues, fighting for their rights.

### Context

In November 2016 the Colombian government and the Armed Revolutionary Forces of Colombia (FARC) signed a peace accord, ending five decades of civil war. In spite of the high expectations and the general feeling of optimism that resulted from the newly found peace, the human rights situation in Colombia has hardly improved. Colombia is a dangerous country for social activists.

The 1991 constitution formally guarantees civic freedoms in Colombia and promotes the existence of CSOs as an instrument for civic driven change. Colombia has ratified most relevant international human rights treaties. The legal framework, however, is accompanied by an intricate web of regulations and policies that complicate the legality of social activism. The boundaries of civic space are fuzzy. To be active in that space means being subjected to threats, gender-based violence and attacks.

The annual report published by the non-governmental 'Information System on Aggressions to Human Rights Defenders' revealed that in 2018 the murder of activists and human rights defenders increased by 43,7%, compared to 2017.<sup>1</sup> In the second half of that year, no less than 82 human rights defenders were murdered in Colombia. Especially community leaders, peasants and indigenous peoples from rural territories are at risk.

The state is not always the primary sources of civil rights infringements. Under the pretext of protection against guerrilla actions, paramilitary forces have for many decades repressed civil activism. In areas under their control, left-wing guerrilla movements have

restricted freedom of association and expression. Also commercial actors – both industrial companies and landowners – have been accused of violence against community leaders, human rights activists and trade unionists.

The civil rights situation in Colombia is complicated by the arrival of over one million refugees from the neighboring country of Venezuela. Their presence puts pressure on social services and on solidarity systems in the Colombian society.

The reconstruction of trust is thwarted by the non-compliance with the provisions of the peace accord. In September 2019, the FARC reactivated its activities, which threatens any effort to consolidate free and diverse civic spaces. Right-wing paramilitary groups, with close ties to security forces and the Colombian oligarchy, were never really demobilized and continue to provoke terror among activists and rural communities.

### Challenges for civil society

**Lack of trust.** In the present circumstances, public trust in dialogue and peaceful change is limited. Civil society organizations have to balance a diverse agenda, aligning the priorities of the donors, of the government, of the citizens and their own concerns.

**Inefficient justice system.** In spite of the provisions in the constitution and the promises of the peace accord, the state does not have the institutional infrastructure to promote the creation of civil society organizations. The justice system is fragile and not efficient in providing appropriate protection to activists and human rights defenders.

**Bureaucracy obstructs civil society.** Decades of armed conflict have resulted in a bureaucratic public system that is obstructive for civil society. Collective actions are restricted. Many public spaces are administered by military forces.

**Lack of platforms for dialogue.** One of the main constraints faced by civil society organizations is the absence of interactive platforms where activists and community leaders can strategize and strengthen alliances in the face of censorship and persecution.

## Recommendations

- **Funders:** Invest in trainings, workshops and public spaces that allow civil society organizations to improve their capacities and strategies.
- **CSOs:** Initiate dialogues among different leaders and organizations to identify common agendas and co-design strategies to influence public affairs.
- **CSOs and governments:** incorporate indigenous peoples, afro-Colombians, peasants and women into the public affairs to diversify the services and policies and co-create solutions. In this context, transparent and open dialogues are necessary not only in the main cities, but also with activists and organizations around the country.
- **Governments:** The implementation of Open Government initiatives (providing access of citizens to government documents and proceedings) will allow civil society organizations to rebuild the trust in the government and the interest in public affairs.
- **Governments and funders:** Boost the civic space culture by empowering activists and human rights defenders. This can help reinvent the meaning of diversity and embrace the conflict as a source of political, artistic and social opportunities towards innovative solutions.

### Art against violence in Comuna 13

Colombia has lived through many decades of conflict and insecurity. Historically the Colombians have responded to situations of conflict and violence with art. An example is Comuna 13 ('Comuna trece') in Medellin. This neighborhood has in the past been dominated by drug lords, government supported death squads, guerrilla groups and gangs. From 2013 onwards things started to change. Local graffiti artists decorated empty walls with colorful murals, often depicting the neighborhood's lively past. Seeing the community change, the government invested in local infrastructure. Today Comuna 13 is a tourist destination; one of the most colorful and artistic communities of Colombia. It is an example of how local communities, supported by local governments can build safe living environments.

<sup>1</sup> [https://somosdefensores.org/wp-content/uploads/2019/04/informe-somos-defensores-2019-ingles\\_web.pdf](https://somosdefensores.org/wp-content/uploads/2019/04/informe-somos-defensores-2019-ingles_web.pdf)



# Civic space in the Democratic Republic of Congo (DRC)

*New laws threaten to reduce civic liberties*



Local activists are consulted to provide input to Community Security Plans in Kivu, DRC.



Freedom House lists DRC as a 'non-free country' with a score of 15 out of 100. Citizens lack possibilities to exercise their basic civil liberties, and government is very sensitive to initiatives aiming to strengthen the expression of civil and political rights. Especially since 2014 government officials and security forces engage in widespread repression and serious human rights violations against political opposition leaders and their supporters, pro-democracy and human rights activists, journalists, and peaceful protesters. Since the 2018 elections there are signs of an opening-up of civic space.

## Context

DRC's civil society comprises of various civic, religious, movements at local and national levels. Most civil society organizations (CSOs) seek to advance democratic principles, social and economic development, often through the provision of social services for the public interest. From the 1990's, CSOs have been curtailed in their role to contribute to the democratization of the country and holding the government accountable for respecting human rights.

With the first general elections held in 2006, however, came some relative growth for civic space in the DRC. Civil society actors and other movements have substantially contributed to policy reforms



in the country such as the security sector reform, health and education response strategies, gender and women's role in the society and in leadership positions. But, since 2014, in the lead-up to the general elections, civic space again came under attack.

The Congolese Government has increasingly attempted to repress and muzzle all dissenting voices that demanded respect for the constitution and called for free and transparent elections in the constitutional time frame. Curtailment of civic space has worsened and has taken various forms throughout the country: peaceful demonstration were banned; peaceful demonstrators were brutalized by security forces; opposition leaders and civil society activists who campaigned for a peaceful democratic transition have been arbitrarily arrested and even assassinated.

Furthermore, the government launched several legal reforms, aiming to reduce fundamental civic rights and freedoms. From 2016-2018, several bills were submitted by the Government intended to downgrade the civic space, and democratic principles, and the work of human rights defenders as well.

After the general elections in December 2018 - the outcome of which remains controversial to date - there are signs of an opening-up of civic space, notably with the release of political leaders, the possibility to organize peaceful demonstrations and the reopening of opposition media. Despite these early positive developments, a fragile civic space remains a major concern for civil society organizations in DRC as considerable obstructions continue to hamper them in carrying out their activities.

## Challenges for civil society

**Legal reforms restricting civil rights and liberties.** Recently submitted government legislative reforms would have large negative impacts on the work of NGOs, journalists and the exercise of civil liberties. It includes the reform of NGO legislation, the bills on counter-terrorism, and on peaceful demonstrations. The legislation requires organizations to report any grants of more than 5,000.00\$ received from external donors. Under the counter-terrorism bill, CSOs could themselves be labeled as terrorist organizations for any of their actions aiming to sensitize citizens to claim for their civil, political or socioeconomic rights.

**Administrative and physical harassment of civic actors.** The Ministry of Justice often refuses to issue legal operating documents for NGOs. During the last elections, external observers have been denied to enter the DRC. Moreover, security forces engaged in widespread intimidation, arbitrary arrests, forced exiles, assassinations, and restrictions on the freedom of movement of civil society actors and political leaders such as journalists, human rights activists and opposition leaders. Violent crack-downs on demonstrators is rife.

**Malfunctioning of human rights protection mechanisms.** Due to lack of resources, technical capacity and political will, human rights protection mechanisms are not practically operational nor responsive to ensure effective human rights protection and promotion of a civic space. This malfunctioning contributes to increasing impunity that exacerbates human rights violations and shrinking civic space countrywide.

**Politicization of public services and in particular security, intelligence and justice institutions.** In the DRC the executive power has a strong influence on other institutions supposed to be independent especially security, justice and intelligence services. These services have in the past been entirely under the control of the president and his close allies. Most perpetrators of human rights violations have been linked to the power owners and no actions could have been successful to bring them to court. All CSO actions to make powerful people accountable have been completely curtailed by the ruling groups.

## Recommendations

- **Government:** Make sure that all legal reforms, fit within the constitution, and within international human rights agreements.
- **Government:** Revitalize the 'Liaison Entity on Human Rights in the Democratic Republic of Congo'.
- **Government:** Entrust to the National Human Rights Commission the role of protecting human rights by consulting it in all human rights related issues.
- **Government:** Provide to NGOs all necessary fiscal and administrative facilities for their work.
- **Government:** Stop impunity for crimes and human rights violations committed on civil society actors and journalists and other civic movements.
- **Government:** Ensure the independence of the judiciary and the professionalism of security services.
- **Parliament:** Do not adopt laws that will undermine civic space.
- **Parliament:** Adopt the Law on the Protection of Human Rights Defenders in compliance with the United Nations Declaration on Human Rights Defenders.
- **Parliament:** Finalize the process of adoption of the Freedom of Demonstration Act in accordance with the country's Constitution.
- **CSOs:** Work with communities to understand and defend their real needs and aspirations.
- **CSOs:** Cooperate with other stakeholders for more impact.

# Civic space in Guatemala

*Solid democracy has only partially arrived*



Journalists of Plaza Pública, an independent news agency supported by Hivos. A key activity of Plaza Pública's work is data-driven journalism, also known as investigative data journalism.



After the end of civil war in 1996, there were hopes in Guatemala for solid democracy and a return to the Rule of Law. Communities that were once excluded are now recognized, and some steps have been taken to fight corruption and human rights abuses. But violence, poverty, inequality, and discrimination continue to destabilize this Central American country. Civic action faces severe limitations, including administrative and fiscal restrictions, violence against human right defenders, and constraints of freedoms of assembly, association and expression. Guatemalan CSOs attempt to widen civic space by stimulating dialogue with actors from cultural, technological, religious and public sectors. They are using art, pop-culture and social design to safely mobilize non-traditional groups; and provide protection and security to journalists and social leaders.

## Context

In 1996, the Peace Agreements put an end to a 36 years civil war in Guatemala that had lead an estimated 200,000 killings. Twenty three years later, the Rule of Law and the solid democracy the country imagined for the future, has only partially arrived. Guatemala remains a highly unequal society, where, according to the World Bank, almost a quarter of the population lives on US\$ 3.20 or less per day.<sup>1</sup> Almost half lives on less than US\$ 5.50 per day. The richest 1% of the population gets half of the national income.<sup>2</sup>

Nowadays, national laws recognize communities and individuals that used to be excluded, and significant efforts to tackle corruption and impunity have been undertaken. Especially relevant has been the 'International Commission against Corruption and Impunity'

(CICIG). CICIG helped to put in jail businessmen and public officials responsible for misuse of public resources. Among them, for example, the former president of Guatemala Alfonso Portillo (2000 – 2004). The current government of Guatemala, however, decided to dismantle CICIG by September 2019.

Social participation, human rights, and the freedom of assembly, association and expression are secured in law, but practical implementation is increasingly absent. Democratic institutions tend to be weak or politicized. Between 2017 and 2018 39 human rights defenders have been killed.<sup>3</sup> Bills to control NGOs, criminalize social protest, and limit freedom of expression have been presented to the Congress.<sup>4</sup> In Congress, evangelical parties have growing influence. Their agenda includes the ban of abortion and other women's and LGBTBI's people rights.

The law recognizing local communities and indigenous people often do not prevent that their rights are violated by large-scale agriculture, extractive industries and mega-hydropower projects backed by foreign companies. In 2017, for example, the OXEC hydroelectric plant was allowed to be built despite not having complied with the legally required consultation of local communities affected by its operation.

Public and private security forces have been reported to perpetrate violence against communities fighting for their land rights. Violence against activists and critical journalists includes criminalization, surveillance, threats and physical violence, even killings. The harassment and threats come from authorities, local security forces, traffickers, and groups aligned with companies operating in rural areas.

## Challenges for civil society

**Rights of minorities and women are violated.** Access to civic space is especially limited for certain groups in society: rights of indigenous and afro-descendent groups and individuals experience are systematically violated. Women's groups face strong impediments to participate in social, economic and political life.

**Bureaucratic difficulties.** Civil society organizations face bureaucratic difficulties when in the way of ruling elites. The state limits the possibilities of NGOs and grassroots groups to receive funding from international donors, from development agencies and from private donors. They experience increased control of the state over budgets, financial reports, and activities.

**Mass media delegitimize activists.** Corporate mass media owned by political elites are often used to delegitimize activists, journalists, and civil society organizations.

**Environment of (self) censorship.** The threats and the violence against journalists and CSOs generate an environment of censorship and self-censorship not only among communicators but also in civil society. Most actors lack the skills to protect themselves and to advocate for increased civic space.

## Recommendations

- **CSOs:**
  - Improve and intensify advocacy based on accurate context and power analysis.
  - Organize innovative campaigns in favor of widening civic space.
  - Stimulate local politics to improve civil participation; create spaces of dialogue with actors from cultural, technological, religious, public, and private sectors.
  - Facilitate multi-stakeholder efforts focused on solutions building.
  - Use art, pop-culture and social design to develop more attractive narratives able to safely mobilize traditional and non-traditional groups.
  - Seek strategic allies at the regional and international level able to tackle violence against civil society.
  - Document and litigate cases where attacks and threats against activists are proven so jurisprudence is established.
- **CSOs and Embassies:** The embassy's combined agenda of economy, diplomacy, security, and human rights is an added value when talking with representatives of both, public and private sectors. In a joint effort CSOs and Embassies may also influence funders agenda's towards investing in civic spaces.
- **CSOs and media:** Together journalists, media organizations, activists, 'tech' actors and CSOs can develop new and more effective strategies to promote human rights and eradicate the stigma against those who defend them.
- **CSOs and media:** Publication of clear, attractive and rigorous media stories, and creating pro-rights narratives and transforming them into political action plays a role in civil society engagement. Access to information is key.

1 [https://databank.worldbank.org/data/download/poverty/33EF03BB-9722-4AE2-ABC7-AA2972D68AFE/Archives-2019/Global\\_POVEQ\\_GTM.pdf](https://databank.worldbank.org/data/download/poverty/33EF03BB-9722-4AE2-ABC7-AA2972D68AFE/Archives-2019/Global_POVEQ_GTM.pdf)


2 <https://www.oxfam.org/en/node/9718>

3 <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24634&LangID=E>

4 <https://www.cejil.org/es/reforma-ley-ong-promovida-congreso-guatemala-violenta-derechos-libertad-asociacion-y-expresion>

# Civic space in Indonesia

## *The tide is turning*

 Civil society in Indonesia grew exponentially after the students and social movement dethroned Soeharto in 1998. Twenty years later, the tide is turning. The space for civil society organizations (CSOs) and critical individuals to engage in social activism is increasingly restricted. Identity politics have resulted in growing friction between groups in society. Especially minority groups and women are being stigmatized and persecuted. Groups that should join forces to broaden civic space are often using the remaining space to promote their own agenda.

### Context

Despite its increasing economy and growing GDP, Indonesia lacks inclusiveness. The country ranks 65th on the Democracy Index, below neighboring countries such as Malaysia, the Philippines and East Timor. Indonesia scored 32 out of 62 on the civil liberties category in the latest Freedom House report, showing that respect for basic human rights is lacking.

The shrinking civic space in Indonesia can be partly attributed to the focus of the government on national development and economic growth. Increasingly, any activism that questions or criticizes this agenda is being considered as anti-national, hence suppressed. Also fierce competition among national elites has resulted in the repression of any activity that may jeopardize the support base and constituency of populist leaders. This has resulted in a decline of attention and protection for the freedom and the safety of Indonesian citizens.

The repression of civic space includes physical and digital persecution by partisan groups, disinformation and provocation, censorship and content blocking, as well as legal restrictions against CSOs through legislation and the criminalization of concerned citizens and activists. State agents are not the only ones responsible for violating civil rights. In the case of the palm oil industry, big companies and plantations are also suppressing the freedom to assemble, convene and criticize. The restrictions on the freedom of assembly and association, as well as the freedom of expression, are even stronger in Papua than in any other part of Indonesia. Expression of any political view that differs from the state definition can be considered as subversive action.

After the fall of 'New Order' President Suharto in 1998, the number

of CSOs grew exponentially – gaining strong countervailing power. The effectiveness of CSOs, however, decreased along with the emerging identity politics. For the sake of electability, government and populist leaders were inclined to favor the mass-based social and faith organizations and/or ethnic based groups that are either conservative or intolerant. As a result, civil society in Indonesia is in a difficult situation.

### Challenges for civil society

Legal restrictions on freedom of speech. The limitations on freedom of expression are based on several laws dealing with defamation (Electronic Information and Transaction Act, No. 19/2016, Article 27 and 28), blasphemy (Blasphemy Act, No. 1/1965, Article 156a), and spreading disinformation (Broadcasting Act, No. 32/2002, Article 5).

**Censorship and state surveillance.** The state restricts the use of the internet and social media through various approaches (e.g. content blocking, censorship, etc.) and monitors citizens with a SIM card registration policy. While a data protection law has not been enacted to date, citizens risk becoming the victims of surveillance and data exploitation. The government does not have a clear framework for regulating hate speech.

**Stigmatization of activists online.** There is now a tendency to put the Social Justice Warrior (SJW) label on those who share their opinions regarding social and political change on social media. SJW has become a pejorative term to degrade people with genuine concerns about the Indonesian system. This stigmatization makes people more reluctant to share their thoughts.

**Media dependence.** With few exceptions, media companies are controlled by or affiliated to political party leaders. It is becoming increasingly difficult for journalists to push for objective coverage. Media outlets that criticize any political or business interest will be hampered either through advertising sales or through interventions from their shareholders.

**Academic freedom is restricted.** Some universities have banned discussion on 'controversial' issues such as the conflict between local communities and corporations, the 1965 mass violence, Sexual minorities and left-wing ideologies. The government monitors research topics through the obligatory research permit.



**Discrimination against women and minority groups.**

Discrimination of women and minority groups includes restricting the freedom of expression and criminalizing sexual minorities through laws and local regulations. Religious minority groups are stigmatized and persecuted.

**Freedom to unionize is restricted.** Intimidation tactics are decreasing freedoms of assembly and association. Management in many factories and plantations is engaging in systematic union busting. Migrant workers are not recognized as a participant in social dialogue on labor relations. The state usually condones this by referring to the economic growth agenda.

**Shrinking of funding.** Funding agencies are shutting down their operations following the improved economic status of the country. At the same time, there is stricter monitoring of foreign organizations, leading the remaining donors to support mainly 'safe' issues, such as public services and the environment. For example, funding organizations that promote minority rights may affect the position of INGOs operating on Indonesian soil.

**Horizontal polarization.** Conflict occurs within the civic space itself. All political sides try to manipulate it to promote their agenda. There is little solidarity within Indonesian society for groups or individuals that have different opinions or backgrounds.

## Recommendations


- **Academics and CSOs:** To identify and develop new standards of democratic governance in a context of uprising ultra-nationalists and right-wing populists, the crumbling of current frameworks of democracy and human rights, the proliferation of hate speech and fake news, and discontent and distrust toward government institutions.
- **Government and CSOs:** Both state agencies and CSOs should support and train different groups of people, especially youth, in critical thinking so that they can differentiate information from opinion, and noise from voice.
- **Funders:** Look for ways to support groups beyond 'usual suspects', such as the arts community and indigenous peoples, in building cultural narratives and expressions.
- **Funders:** Provide long-term funding and strengthen structural interventions to build a culture of tolerance among diverse groups through cultural platforms and activities, such as providing moderate preachers and moderate reading materials for Friday prayers.
- **Activists and CSOs:** Go beyond the dichotomy of pro- versus anti-civic space, and instead work together and forge alliances to defend civic space from anti-democracy attacks.

# Civic space in Nigeria

## *Spilling civic liberties*



Female activists in Ogoniland, Nigeria advocate for women's involvement in resource governance.

 Civic space is under threat in Nigeria, especially from state actors. Amidst violent conflict and insecurity in many parts of the country, the Nigerian government is pushing back on civic liberties. The hurdles range from denying CSOs access to relevant information, to frequent intimidation and arbitrary arrests by state and security agencies. On top of that, the general lack of understanding of the concept of civic space by CSOs themselves is impeding civic action. Yet, a positive development is that the Open Government Partnership (OGP) is emerging as an important enabler of civic space.

### Context

Nigeria is home to a wide variety of CSOs. A vibrant civil society operating in various forms as social movements, student unions and journalists, has always been a visible part of national life – even

during the long decades of military rule. CSOs provide essential services in the areas of education, health, agriculture, democratic governance, gender rights, public rights advocacy, and many more.

At the same time, instability and violent conflict in several parts of the country – fuelled by political, ethnic and religious divisions – are affecting millions of Nigerians. Military and law enforcement agencies try to tackle security threats through the use of indiscriminate violence, extrajudicial killings, torture, and other abuses. The latest infringements on civic freedoms include a clampdown on critical media outlets and journalists, a proposed NGO registration bill, frequent prohibition of lawful assembly or protests, and refusal to provide access to public information by government institutions. Civil liberties are also undermined by religious and ethnic bias, and discrimination against women and LGBT (lesbian, gay, bisexual, and transgender) people.

Roughly half of Nigeria's population live in extreme poverty, according to estimates from the World Data Lab's Poverty Clock. At the same time, Nigeria is one of the world's largest oil producers, but few Nigerians, including those in oil-producing areas, have benefited. Moreover, between 1976 and 1991, over two million barrels of oil polluted Ogoniland in the Niger Delta.<sup>1</sup> British-Dutch oil and gas-company Shell is one of the biggest exploiters in the area. In 2011, the United Nations Environment Programme (UNEP) exposed severe health risks resulting from extensive oil pollution. The Hydrocarbon Pollution Remediation Project (HYPREP)<sup>2</sup> has been established to undertake the clean-up, but progress has been painfully slow.

## Challenges to civil society

**Threats or intimidation by public agencies.** Government agencies often try to control or counteract any form of dissent, often with the justification of protecting 'national security'. A recent blanket ban on all forms of protests in Rivers State highlights the nature of restrictions that the state continues to impose on civic freedoms – in many cases with the connivance of security agencies who are deployed to harass, arrest and intimidate CSOs and communities.

**Barriers to accessing relevant information for civic engagement.** CSO members require more access to information and engagement with state actors, in particular regarding the HYPREP. CSOs cited frequent instances where access to relevant information regarding the clean-up process was denied to members. Civic involvement is needed to ensure that the Ogoni clean-up process incorporates community needs, becomes more transparent and sustainable.

**Lack of understanding of the concept of Civic Space by CSOs and Communities.** A recent survey conducted by the Strategic Partnership (a partnership of eight CSOs working with Cordaid on lobby and advocacy in Nigeria with funding from the Netherlands Ministry of Foreign Affairs) revealed a general lack of understanding of civic space among CSOs. This implies that infringements on civic space are unlikely to be challenged. The HYPREP Governing Council, Board of Trustees and the Central Representative Committee (CRAC) can be enablers of more citizen participation by promoting CSO consultations on project implementation.

### Open Government Partnership

The Open Government Partnership (OGP) is emerging as an important enabler of civic space in Nigeria. This global initiative, set up in 2011, partners government leaders with civil society advocates to promote accountable, responsive and inclusive governance. Nigeria became a member in 2016. Although the OGP is now adopted at the national level, efforts are undertaken to deepen its adoption at sub-national (state and local government) levels. Recent experience in states that have adopted the OGP shows increased civic participation in policy making and a willingness by state actors to engage communities and CSOs as partners in policy formulation and implementation. Even though OGP is not adopted yet in the two states where the SP works, it was the knowledge of the OGP that helped CSOs to develop increased engagement with HYPREP.

## Recommendations

- **Leading CSOs and funders:** Invest in educating other CSOs and communities on the various aspects of civic space and about the need for more effective participation by civic actors in public policy and decision-making.
- **HYPREP:** Conduct more regular CSO sessions to provide a platform where the plans and milestones can be discussed.
- **The international community and leading CSOs:** Invest in strengthening Lobby and Advocacy capacity of CSOs for effective engagement with state actors. This is especially important for increasing effective advocacy with subnational governments on the OGP.
- **The international community and leading CSOs:** Increase support to media actors in disseminating public information and fostering discussion for more openness and accountability. This could include organizing media trainings, mentorships and internships for accountability reporting, investigative journalism and fact-checking techniques for informed, evidence-based advocacy.
- **Both CSOs and international community:** Advocate for completion of the ongoing review of environmental governance laws by the National Assembly. These should include specific roles for communities and civil society participation and promoting local ownership of local resources.

1 Friends of the Earth International.

2 HYPREP was established under the Federal Ministry of Environment to focus on the clean-up of contaminated soil and ground water in Ogoniland and other impacted communities. Objectives include remediation, capacity building, raising awareness and building livelihoods, as well as promoting peace-building and strengthening good governance in the region.




# Civic space in South Sudan

*A nuisance at best and the enemy at worst*



Victims, often rural women, and activists sharing and exchanging stories about GBV in Wau, South Sudan.

 In 2011, after decades of violent struggle, South Sudan gained independence from Sudan. Only two years later, a civil war broke out due to conflict between the president and the then vice-president. Fighting between government and opposition forces has had a devastating impact on the population – killing and displacing millions of people. A peace deal in September 2018 has reduced fighting in most parts of the country, but conflict and abuses continue. Space for civil society is extremely limited. Freedom House gives the country an all time low score of 2 on a scale of 100 in terms of political rights and civil liberties.

## Context

South Sudanese society is characterized by a military mindset and a 'winner takes all' attitude. Principles like peaceful resolution of conflict, power sharing, and mutual respect and trust are not yet deeply rooted in South Sudanese society. This poses very

fundamental challenges for building a healthy relationship between the state and civil society. Civil society is regarded as a nuisance at best and the enemy at worst in a country marked by insecurity, deplorable infrastructure, widespread human rights abuses, identity politics (tribalism), corruption, mismanagement of natural resources and impunity for the mass atrocities committed during the civil war.

Amidst an extremely volatile political situation, there is a further deterioration of civic space. The Juba administration has increased its repression of peaceful dissent to avoid replication of popular protests in neighbouring Sudan. Especially more vocal organizations and those working on oil-related issues are targeted. Human rights activists face threats, kidnapping and torture.

In 2016 a bill was passed, restricting the operations of CSOs, and thus affecting the ability of NGOs to provide humanitarian relief to those affected by the conflict.



The African Union and development partners exert pressure on the main political factions to remain committed to the peace process. Civil society, especially organizations promoting women participation, are lobbying for inclusion in the peace process. Yet, there is some influencing space remaining – albeit only at the local level and within communities - if framed in neutral language, avoiding wordings like ‘human rights’, ‘democracy’, ‘lobby and advocacy’, and ‘good governance’.

## Challenges for civil society

**Freedom of expression and media freedom under threat.** Civic actors are suffering from widespread intimidation, harassment, arbitrary arrests and detention, the kidnapping of journalists and the shutdown of media houses. There is limited access to information, caused by deliberate internet shutdowns, or refusal to grant access to government data. CSO representatives were at times prevented from speaking with parliamentarians.

**Intimidation and hindrance.** Government institutions frustrate implementation of NGO activities through bureaucratic hurdles. Also bribes are sometimes requested. Regional and international CSOs report being intimidated and in some cases being infiltrated by security personnel. Meetings on (possibly) sensitive issues have been banned by state authorities. International NGOs can be banned from relevant activities if local partner organizations have not met all bureaucratic requirements. Civil society representatives are prevented from participating in meetings abroad, for example in the Commission on the Status of Women, or the High Level Revitalisation Forum for South Sudan. In addition, freedom of assembly is curtailed by a ban on gatherings of more than five people without prior approval.

**Insecurity and bad infrastructure affecting CSO's space to operate.** Insecurity and bad infrastructure in many parts of the country is impeding CSOs in carrying out their activities. Also forming coalitions and networks as platforms to share experiences and jointly advocate towards duty bearers is limited by insecurity and bad infrastructure. As a result the CSO-landscape is rather scattered and solidarity among CSOs leaved to be desired.

## Recommendations

- **International community:** Make funding for the Government of South Sudan conditional on support for civic space.
- **International community:** Show solidarity with South Sudanese civil society by organising roundtables and engaging with civil society.
- **International community:** Provide multi-donor basket funding for South Sudanese civil society with programming grants, capacity development support and coalition building.
- **Government:** Create clear and unambiguous standards for CSOs to operate. CSOs should be accepted as relevant development partners, not as enemies of the state.
- **Government:** Include freedom of expression in the constitution.
- **Government:** Implement existing, good policies. Showing the state's willingness to serve the people is important for building trust of citizens and civil society.
- **Government:** Pay security personnel (soldiers and police), judges and civil servants their salaries monthly and ensure their salary is decent to avoid corruption.
- **Government:** Strengthen the understanding of civil society among civil servants.
- **Donors:** Allocate specific funding to grassroots and local organizations, thus amplifying the voices of marginal communities.
- **Policy makers and CSOs:** Create a virtual platform to share lessons, experiences, challenges of CSOs at the local, national, regional and international level. Pay attention to cross-fertilization between CSOs.
- **CSOs:** Enter into a dialogue with government institutions, preferably in larger civil society coalitions CSOs: Use non-threatening language towards the government. Praise what the government is doing well and stimulate it to do more of that.
- **CSOs:** Develop a joint civic education curriculum to make the population less receptive of political manipulation.

### Enablers of civic space


Despite the extremely limited civic space, CSOs have identified ‘change makers’ that can be engaged to broaden civic space. Within the state apparatus, for example the Judiciary branch and the Chief Justice have proven to be relatively open to CSO-advocacy. Some members of parliament at the national and state levels are supportive, like the women caucus and some state MPs from oil-producing states affected by oil spills. Parts of the international community present in South Sudan generally can be considered ‘enablers’: Foreign embassies like the Canadian, Norwegian, British, US, and Dutch, as well as the African Union. Also some religious leaders have a pro-CSO attitude.

# Civic space in Tunisia

## *Democratic transition under threat*



DJ workshop organized by the SHIFT campaign in Tunisia. SHIFT was part of a recent Hivos-supported women's empowerment campaign that deployed music videos, graphic novels, dance and film to create new pathways for contemplating the challenges encountered by women changemakers.

 Tunisia has seen major gains in civic freedoms since the 2011 revolution. The country inspired millions of Arabs to stand up for their rights and is now considered an example in the region when it comes to a free civil society. Yet, the consolidation of democratic gains is far from guaranteed. Repression and criminalization of social movements, bloggers and journalists, and shrinking support and growing administrative restrictions for civil society organizations (CSOs), are among the challenges impacting civic space in Tunisia.

### Context

Since the 2011 revolution, Tunisia went through a major democratic transition towards broader civic involvement. As a result, CSOs proliferated and the number of political parties grew. Young CSOs played a crucial role in building a culture of peaceful negotiations and reconciliation. CSOs were notably instrumental in the drafting of the 2014 Constitution and progressive legislation like 'Decree 88'. Decree 88 is considered one of the most enabling civil society laws

in the region, providing freedom of association and support for an independent civil society sector.

However, in the context of terrorist threats by Islamist militants – whose attacks for example killed 60 people in 2015 – and amidst a grim economic situation, popular discontent, and political divisions, the consolidation of democratic gains is far from guaranteed. And instead of capitalizing on the newly opened spaces, political powers are threatening to infringe on the gained freedoms. CSOs face serious obstacles in their everyday operations. Many of the limitations are the result of the State of Emergency that was reinstated in November 2015. Under the State of Emergency, authorities are, for example, allowed to ban public protests. In addition, contradictory and incoherent legal frameworks, discrepancy between laws and practices, repression and defamation of social movements, bloggers and journalists, and the noticeable shrinking support and growing restrictions for CSOs are amongst the common challenges faced by CSOs in Tunisia.

## Challenges for civil society

**Roll-back of civic space enabling legislation.** Since 2017, the Tunisian government has taken a range of measures to better control financial transactions and prevent criminal activities. The government identified the 'non-profit' sector at risk to be misused for terrorism financing purposes. It has subsequently taken steps to impose several restrictive amendments to existing legislation, among others to the progressive 'Decree Number 88'. The various laws being drafted (e.g. the 'Anti-terrorism and Anti-money laundering Laws no 2015-26', the draft 'Prosecution of Abuses against the Armed Forces Law', the 'Online Defamation Project Law', the 'State of Emergency Law', and the draft 'Law on the Creation of the Audio-visual Communication Body'), will pose serious threats to a free and independent civil society sector. In addition, contradictory and incoherent application of existing legislation further encroaches on the protection of civic freedoms.

*'Instead of making sure that the law is well implemented, they prefer changing it, as it gives them an opportunity to shrink the gained constitutional freedoms'*

**Amin Ghali**, Al-Kawakibi Center

**A crackdown on freedom of expression.** There is a concerning trend by Tunisian authorities to prosecute bloggers on charges of using social media platforms to criticize government officials. On top of that, the Tunisian authorities are proposing controversial bills that will place major limitations on press freedom and access to information by including provisions that could criminalize criticism of the government and the security forces.

**Repression and demonization of protest movements and human rights NGOs.** The repression of protest movements continues. Those arrested during protests are often subjected to human rights violations by the police – in spite of legislation passed in 2016 reforming the Penal Procedures Code to protect detainee rights. Rumors and fake news originating among the ranks of security forces are concocted to further justify forceful intervention and brutality. Several fabricated photographs broadcasted on TV or social media platforms portray protesters in the act of looting or posing with weapons. Other threats stem from systematic smear campaigns led by state-supported media against CSOs and human rights defenders who have been denouncing violations of fundamental freedoms in the country – portraying them as 'anti-patriotic', 'troublemakers' and 'supporting foreign agendas'.

**Increasing difficulties to access funding.** While there is little public funding for CSOs, access to foreign funding is threatened by administrative measures undertaken by both the government and the banking system. Banks temporarily block all transactions to CSO bank accounts before releasing them – causing significant delays in project implementation. Some CSOs have seen transactions reversed and banks are requesting documents whose disclosure would violate the protection of private data, such as pay slips for CSO staff.

*'Small NGOs active in marginalized communities are the most vulnerable to this general tightening movement targeting foreign funding'*

**Alaa Talbi**, FTDES.

### Coalitions

There is an increasing number of coalitions between CSOs sharing the same objectives with the aim of promoting human rights, gender equality, transparency and accountability. In addition to the coalitions between legal entities, there are more and more grassroots and loose coalitions formed around issues of public concern such as election monitoring, advocacy and awareness raising.

## Recommendations

- **Funders and embassies:** Provide support to CSOs (e.g. building legal expertise and lobby and advocacy capacity) to advocate for coherence in legal texts and the enforcement of the existing enabling laws.
- **Governments and funders:** Support free and independent media efforts in raising awareness about the need for inclusive and open democracies and fight the defamatory narrative on civil society peddled by some media.
- **International funders:** support small and independent media to guarantee the Independence of their editorial line from political and state interference.
- **Funders:** Provide longer-term and core financial support for CSOs suffering from lack of public and local funding.
- **Funders:** Support and train CSOs to develop a business model and a fundraising strategy that could eventually lead them to sustain their activities in the long-term.




# Civic space in Zimbabwe

## *Changing the rules of engagement*



Comrade Fatso (left) and Outspoken are two hip hop and spoken word artists who started Magamba Network in Zimbabwe. Hivos was one of Magamba's first funders, starting collaborations in 2008.

 After the removal of Robert Mugabe in 2017, there was hope for political reform and increased civic space in Zimbabwe. Unfortunately, current president Emmerson Mnangagwa has continued the repressive tactics of his predecessor. Laws intended to regulate the civic space are misused by authorities to curtail civic freedoms. Yet, there are inspiring examples of Zimbabweans contributing to positive change. Magamba Network developed creative forms of youth activism to make use of the available space, inspiring a new generation of young Zimbabwean satirists.

### Context<sup>1</sup>

The space for citizens and civic groups to freely operate is shrinking in Zimbabwe. The state restricts the work of civic groups and citizens through a number of tactics ranging from intimidation to administrative, legal, and political measures. The restrictions became more pronounced from around 1997, when strong civil society organizations (CSOs) emerged that challenged repressive policies during Robert Mugabe's presidency. Civil society action flourished in the following two decades. However this flourishing civil society in turn provoked authoritarianism. In the 2000s, a raft of laws were put into effect to restrict basic freedoms of assembly,

expression and association. All this against a background of repeating economic crises and growing poverty.

Mugabe's removal from power in 2017 provided a window for political reforms and a resetting of relations between the state and CSOs. However, the current government, led by Mugabe's former deputy Emmerson Mnangagwa, has continued repressive tactics such as arrests of activists and internet shutdowns. And worse: after a nationwide protest in January 2019, the Human Rights NGO Forum documented 17 'extra-judicial killings'.<sup>3</sup> In addition, almost 1,000 people were arrested. The arrests and charges usually follow civil protests. In May 2019, seven activists were detained after returning from an international workshop on peaceful resistance.<sup>4</sup>

*'... [CSOs] should not cry foul for they have redefined the rules of engagement. Money pours in variously through individuals, through Trojan horses, among them NGOs, trade unions, select private media, embassies... all to be used against us...'*

**Robert Mugabe**, former president of Zimbabwe<sup>2</sup>

## Challenges for civil society

**Legislation to restrict civic action.** The most important legislation used to restrict civic space are the Public Order and Security Act (POSA) of 2002 and the Access to Information and Protection of Privacy Act (AIPPA) of 2002.<sup>5</sup> POSA was intended to regulate ‘meetings held for the purpose of the discussion of matters of public interest’. POSA stipulates that public gatherings must be announced four days in advance, formally to provide the police enough time to ensure public safety and security. However, the police have been accused of applying this act in a partisan manner: meetings are banned altogether and civic leaders arrested. AIPPA is used to stifle information dissemination and to muzzle the media under the pretext of protecting privacy. Based on AIPPA a number of independent newspapers, such as the Daily News, were banned and journalists arrested.

**Bureaucratic obstructions.** CSOs are facing administrative challenges imposed by local authorities. In order to hold meetings, CSOs are asked to have a Memorandum of Understanding with District Administrators. This is despite the fact that this is not a legal requirement. In March 2018, human rights lawyers went to court in an effort to stop the banning of a local NGO in Masvingo district.

**Threats and shaming.** State spokespersons and officials use the media to threaten and intimidate critical CSOs and activists. An often-used method is to accuse critics of attempting to overthrow the ‘democratically elected’ government.

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*‘Civil society leaders across the country have reported an increase in surveillance, office visits and interruption of their meetings by the State (agents). This has affected the ability of such organizations to implement initiatives meant to address challenges which are affecting communities’*

Zimbabwe Human Rights NGO Forum chairperson,  
**Jestina Mukoko**

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**Restricting digital space.** Despite the expansion of telecommunication and internet, the free use of the digital space is curtailed. Following civic protests in January 2019, the government imposed a total Internet shutdown. In February 2019, the police arrested comedian/vlogger Gonyeti (real name: Samantha Kureya) for putting a comic video online on ‘who should take over’ (without referring to what).

## Recommendations

- **CSOs:** Influence parliament and the executive branch towards inclusive open democratic societies.
- **Funders:** Support Capacity Strengthening – developing Civil Society Consciousness Toolkit – focusing on how civic actors can overcome challenges
- **Funders and governments:** Retain direct support to Human Rights Defenders and work towards a Human Rights Defenders Emergency Fund.
- **Governments:** Provide protection to Human Rights Defenders Networks that provide solidarity to threatened civil society members and get involved in regional and international advocacy to defend activists when in trouble
- **Embassies:** Provide international advocacy and solidarity when activists are harassed/persecuted.

### Magamba Network – Humor to deal with politics

As part of Hivos’ 50-year anniversary commemorations held in September 2018, a documentary, *Who owns civic space?* was commissioned with Magamba Network. Magamba is one of Zimbabwe’s leading organizations using creative forms of youth activism. Magamba has inspired a new generation of young Zimbabwean satirists who use humor to deal with the country’s complex political situation.

### Workshop could not be organized

In order to take stock of the current situation on civic space in Zimbabwe a workshop was to take place to bring together key CSOs. However, due to the many challenges Zimbabwe was facing during the research phase the workshop could not be organized. Instead, a focus group discussion was organized with key project staff drawn from different Hivos programs. Additional desk research was conducted on civic space in Zimbabwe.

- 1 This paper borrows from a research paper commissioned by Hivos and Zimbabwe Europe Network (ZEN): Shifting Priorities, Changing Relations – Civil Society, Donors and the Funding of Governance and Human Rights in Zimbabwe, Hivos ZEN, Unpublished 2019
- 2 Mugabe warns against meddling, The Herald, 13 October 2002
- 3 <http://www.hrforumzim.org/wp-content/uploads/2019/02/Shutdown-Atrocities-Report-6-February-2019.pdf>
- 4 <https://www.hrw.org/news/2019/05/30/zimbabwe-7-detained-after-rights-meeting>
- 5 These laws are currently being reformed.

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