Globethics Repository



Civil society taking risks in promoting human rights

This page was generated automatically upon download from the Globethics Repository. More information on Globethics see https://www.globethics.net. Data and content policy of Globethics Repository see https://repository.globethics.net/pages/policy.

Item Type	Article
Authors	Parhiala, Pauliina
Publisher	Life & Peace Institute
Rights	With permission of the license/copyright holder
Download date	2026-11-11 02:31:15
Link to Item	http://hdl.handle.net/20.500.12424/203096

The political space of civil society organisations is shrinking in many countries across the world as a result of government policies and actions. Intimidation, control, and regulation of the work of civil society organisations have become more frequent. These measures are often labelled as counter-terrorism, measures against external influence or harmonisation of national development priorities.

Civil society taking risks in promoting human rights

Pauliina Parhiala

Civil society organisations (CSOs) find themselves being drawn into the domains of powerful economic and political frameworks. Global surveys of political rights and freedoms have shown that 2009 was the fourth consecutive year in which global freedom suffered a decline, which is the longest period in the last 40 years. In addition, there is a concern that some of the principles of development effectiveness, such as domestic ownership or alignment to national development policy priorities are used to justify harsh limitations to the space of civil society. Witnessing these trends, some have even claimed that we are in the midst of a global contest over civic space.

The 1990s are often referred to as the golden era for the civil society organisations. Major UN summits included high levels of CSO participation. Belief in the capacity of the state was failing, privatisation and economic globalisation progressed. There was an increasing belief in the private sector and a belief that the civil society and voluntary organisations would help to make relief aid work. The number of non-governmental organisations increased in many countries. After the financial crisis of 2008 the state has increasingly "re-emerged". While civil society is still being given a key role in deepening democracies by many states, some authoritarian states have had enough of these actors. Some of these governments increasingly question the overall legitimacy and relevance of civil society. Some argue that civil society has become "a victim of its own success", as it has effectively represented the human rights agenda internationally. The ability to organise beyond borders, the capacity to scrutinise, follow up and hold states accountable have made some governments nervous about the influence of civil society on their local and national realities. The transformative role and legitimacy of international civil society action are increasingly critiqued.

Legal – lethal – barriers?

Legal barriers – including difficulties in registering, dealing with tax authorities or getting work permits are some of the most typical signs of shrinking space for civil society actors. Several civil society organisations have also faced barriers in funding their work and witness restrictions of expression, freedom of assembly, and restrictions against protests and freedom of movement. Civil society activities have been criminalised, and activists fear physical harassment, and even imprisonment or death. Negative attention is often given to organisations and actors who work in the fields of justice, human rights or on issues related to natural disasters.

> ***After the financial crisis of 2008 the state has increasingly "re-emerged".***

The State of the Civil Society Report (2011) paints a rather gloomy picture of the reality of CSOs. Persecution of civil society actors, including human rights defenders, trade unionists, campaigners, journalists and bloggers showed an increase in some contexts. Latin America was one of the deadliest regions for civil society activists, union leaders, environmental and indigenous rights activists. The dangerous nexus of economic interests, landowners, organised crime and links to local and national economic and political leaders is increasingly visible. Assassinations of civil society leaders were witnessed in countries like Brazil, Colombia, El Salvador, DRC, India, Indonesia, Iraq, Pakistan, the Philippines, Thailand, Uganda and Yemen.

A growing tactic is criminalisation through false prosecution, through ill-founded accusations and manipulation of criminal justice systems. The nervousness around popular movements – taking their inspiration from the Arab Spring – added to this tactic. In Zimbabwe, for example, trade unionists, students, lawyers and workers were arrested on suspicion of treason merely for watching televised recordings of the protests in North Africa. This said, it is not only repressive regimes that use these tactics. Some governments have started to respond to 'hacktivism' and riots with increasingly harsh methods. In addition, the imprisonment of reporters, editors, photographers and journalists has also increased, in particular in the Middle East and North Africa.

Barriers created to restrict freedom of expression and accountable governance are not only lethal but also affect women particularly severely. There are recent examples of women protesters being singled out – for example due to their "un-Islamic" behaviour – and methods like "virginity tests" have been applied.

External interventions challenged

Those justifying these actions have often argued that the international community – including global civil society actors – should not be intervening in matters



PHOTO: KNIGHT FOUNDATION

Journalists are among the hardest hit groups in a worrying trend of increasing repression, harassment and persecution. On 7 August, 2010, hundreds of Mexican journalists silently marched in downtown Mexico City in protest of the kidnappings, murder and violence against their peers throughout the country.

that are in the realm of domestic jurisdiction of states. The sovereignty of states has been highlighted, and it has been suggested that the applied measures are necessary in order to enhance accountability and transparency or to harmonise and coordinate civil society work with national development priorities.

> ***2009 was the fourth consecutive year in which global freedom suffered a decline.***

This said, it is clear that many international civil society actors face the same challenges that donor governments do. How to ensure that their support empowers people? How to ensure that they do not impose their own priorities, but let people and communities locally decide on their own development? With the shrinking political space, international civil society actors need to, increasingly, consider the safety and security of the local CSOs and their staff in order not to transfer a risk to them and to make sure that the duty of care is followed through.

It is notable that the influence of Western countries has been counterbalanced by the growing economic and political influence of emerging economies. These "new donors" provide a welcome alternative to some of the governments which are critical of rights-based development and the influence of civil society.

The problems facing civil society organisations have not gone unnoticed by the international community. The developments have been described as "worrying trends" and high UN officials and reports have called for an "urgent and effective solution for stigmatisation of human rights defenders and their growing categorisation as terrorists, enemies of states or political opponents".

While there is no international legal instrument that would explicitly guarantee or protect the work of civil society organisations, individuals working in these organisations are entitled to all basic human rights. All states are obliged to respect, protect and to fulfil the human rights standards and principles.

Through UN conventions on human rights the performance of states towards CSOs can be scrutinised. Human rights defenders are explicitly protected by an international agreement – the UN Declaration on Human Rights Defenders 1998 – which charges states with the responsibility to ensure that acts of intimidation and violence against human rights advocates and victims are punished. Also the special monitoring mechanisms of the UN can be used to report such situations.

From protection to an enabling environment

Different protection strategies have been utilised to respond to the challenges facing human rights defenders. These protection strategies include prevention, response and intervention strategies, which need to be well defined on the basis of contextual needs, with careful risk assessment and clear response protocols and security plans, along with necessary financial and logistical support. In addition to protection, advocacy and media

strategies can be adopted. In this context collaboration with diplomatic mission officials may also be needed, for example in order to promote fair trial guarantees.

In order to ensure that advocacy efforts do not threaten the security of local activists one needs to study possible approaches and tactics ranging from quiet diplomacy and passing information to others, to semi-public advocacy. Sometimes full public advocacy is better done by actors who are not so obviously connected to the organisations or the individuals targeted.

The actors involved need to undertake a case-by-case analysis and assess potential consequences. In each case of advocacy one needs to analyse a combination of factors. These factors range from the impact on the security of communities and organisations to the impact of the programme's presence generally. It is also necessary to assess the possibility that the work can be continued and followed up by other actors if needed. Sometimes advocacy can be a tool to maintain presence, as the attention makes people more unlikely to disappear. All in all, multi-track approaches are often necessary.

Insufficient information dissemination, lengthy internal processes of donors and lack of collaboration between likeminded actors may cause delays in the design and implementation of protection, advocacy and media strategies. Civil society organisations could work more together in creating these strategies and in sharing resources in implementing them. The efforts at intensive campaigning by domestic and international civil society, in some instances, have succeeded in delaying the implementation of the plans of certain governments and even to plans being modified or shelved.

In global processes, including the follow up to the Accra Agenda for Action in 2008, the role of CSOs as independent development actors in their own right has been repeatedly affirmed. In these processes, the need to ensure an enabling environment for civil society has been identified. Under which conditions can civil society serve as a catalyst for development and effective governance? How can the contributions of civil society be maximised? What roles should international civil society organisations, governments, the private sector and donors play in order to ensure an enabling environment for local civil society?

There is much we do not know in detail and many criteria to be worked on. Meanwhile, what we do know is that the donors should continue supporting the efforts to increase the capacity of all development actors. Governments should contribute to the development of accountability concepts and practises. In addition to capacity building there is much to do to increase collaboration between civil society actors and those seeking to support civil society. Strengthening international and regional human rights bodies and shadow reporting by civil society organisations is also needed. It is clear that the development effectiveness of civil society organisations requires legal frameworks and mechanisms that provide for freedom of association, access to information, the right of citizens to organise and participate in civil society, and free and open media.

This said, the CSOs themselves can also respond to their critics by strengthening their own accountability mechanisms and transparency, and by working on cost structures to better mirror their stated visions and goals.

For further reading: In 2011 ACT Alliance published a policy paper, Shrinking political space of civil society action, explaining global trends and exploring case studies in ten countries. In addition, the CIVICUS State of Civil Society Report (2011) is recommended reference material

SHRINKING SPACE FOR NGOs

The example of Zimbabwe

Millions of Zimbabweans are dependent on NGOs for the basic necessities of life. Despite this the space for civil society is narrow and the possibilities to engage unpredictable. When the political tension grows, NGOs are not given space to meet the needs of the people.

The state-civil society relations have never been good in Zimbabwe, not even in colonial times. Already in the late 1960s a law was adopted to control and neutralise NGOs. After independence in 1980 the law was not repealed. In 1995, the law was replaced with the Private Voluntary Organisations Act, which provides the main regulatory framework for NGOs.

In 2004 there were attempts to bring NGOs under even stricter government control. A draft law was passed by the Parliament, but rejected by the President. Despite this the work of NGOs is reportedly made difficult with selective application of the legal framework and as a result of the power given to the minister responsible for NGOs and social welfare.

In 2008, the minister suspended NGO operations in Zimbabwe. All NGOs – including humanitarian organisations – were banned from operating. The ban affected society on many levels, including the food distribution to around two million Zimbabweans in urgent need. In early 2009 the tension eased for a short time – NGOs could even organise meetings and street marches without harassment by security forces. International NGOs started to return. After the brief break, by October 2009, the tension between the two major government coalition partners resulted in continued shrinking of the democratic and humanitarian space.

In addition to restrictions imposed by the legislation, war veterans and youth militia are often used to disturb NGO work. Arbitrary arrests, harassment, repression of journalists, civil society activists and church leaders, raids on the premises of NGOs and other civil society organisations are witnessed. Many NGOs and trusts operate with the fear of being shut down. The government has also been accused of creating pseudo-NGOs to control civil society.

In March 2013, Zimbabwe holds a constitutional referendum and is expected to hold general elections later in the year. Human rights leaders are reportedly already being detained on charges of conspiring to conduct illegal voter registration, fraud and of communicating false information. National and global civil society organisations have called on national governments to carry out necessary diplomatic actions to ensure that Zimbabwe abides by its commitments under international human rights law.

Pauliina Parhiala

The case study is a summary from "Shrinking political space of civil society action". ACT Alliance. June 2011.