

Shrinking Space for Civil Society

Speech delivered by Brigitte Dufour, Director of International Partnership for Human Rights (IPHR), at the 14th EU-NGO Forum on Human Rights, Brussels, 6-7 December 2012

Dear Ladies and Gentlemen,

While recent years have seen increasing efforts to protect human rights at the international level, this trend has been countered by mounting pressure on those working to promote human rights standards in many parts of the world. Measures have been taken by national governments to obstruct efforts to establish and obtain legal status for NGOs, to impose excessively rigid controls on them, to unduly interfere with their activities, and to limit their opportunities to obtain foreign funding. NGOs addressing “controversial” issues such as human rights have also been the targets of government campaigns to denounce them as “unpatriotic”, “agents of foreign interests” and the like, as well as outright efforts to silence and shut them down. The adoption of restrictive NGO laws has been part and parcel of this backlash, which has resulted in violations of the rights to freedom of association, assembly and expression, as well as shrinking space for civil society organizations to carry out their mandates.

In the following, I would like to briefly summarize concerns with respect to a number of countries, where the legal and operational environment for NGOs currently is restrictive and disabling.

Civil society groups in the countries of the **Gulf region** work in difficult conditions. For example, in **Saudi Arabia**, civil society groups can only obtain registration as charities and are only allowed to carry out activities that have been approved by the government. The authorities also closely monitor the activities of NGOs and interfere with their internal affairs, including by attending their meetings. In the name of countering terrorism, the government has put in place numerous restraints on the opportunities of NGOs to obtain funding and it is virtually impossible for them to receive foreign funding. *Adala*, the first-ever human rights NGO founded in the country a year ago, has been denied registration.

While only NGOs that are officially registered can lawfully carry out activities in the **former Soviet republics** of **Uzbekistan** and **Turkmenistan**, efforts to obtain registration are thwarted by burdensome and non-transparent processes that grant authorities wide discretionary powers. Many Uzbek NGOs were closed down in the civil society crackdown that followed the 2005 Andijan events, and only one active human rights

group is now registered in this country. Other human rights NGOs carry out their work without legal status, which make them and their members highly vulnerable to harassment – ranging from surveillance and interrogation to arrest and politically motivated prosecution. In Turkmenistan, no independent human rights or pro-democracy group is currently registered or able to operate openly. Those individuals who still engage in such activities do it at great risk to themselves and their family members as dissent is systematically persecuted.

In **Belarus**, NGOs face restrictive rules for receiving and using foreign funds, with violations of these rules now subject to criminal penalties. It is, for example, prohibited to use foreign funds for holding seminars or other similar events. These repressive policies have forced civil society activists to open accounts abroad in order to secure continued funding for the activities of their organizations. This led to the 2011 conviction and imprisonment of prominent human rights defender Ales Bialiatski on bogus tax evasion charges and the recent eviction of his NGO Viasna.

A law adopted in **Ethiopia** in 2009 provided for enhanced control of NGOs and granted authorities wide powers to interfere in the management and operation of such groups. NGOs that receive more than ten percent of their funding from abroad were prohibited from engaging in human rights and advocacy activities. Given the lack of domestic sources of funding, this has resulted in that most of the country's independent human rights groups have had to stop their activities.

In neighboring **Eritrea**, a law from 2005 only allows NGOs to engage in relief and/or rehabilitation activities and requires them to dispose one million USD in order to get work authorization. The government exercises tight supervision over NGO operations and funding, and NGOs are prohibited from receiving funds from UN or bilateral agencies. This law has seriously stifled freedom of association in the country and currently no fully independent NGO is able to operate there.

While the Arab Spring gave rise to expectations of improvements in the NGO environment in **Egypt**, the first post-revolution period has been characterized by the continuation of repressive policies. Security concerns have continued to be exploited for media smear campaigns against in particular human rights groups. Investigations have been launched into foreign funding of NGOs, which is banned except for with advance government approval, and a high-profile trial has been initiated against a group of international NGO workers in this context. A new draft NGO law proposed by the current government has been described by local groups as even more draconian than the law from the previous era and threatens to further increase government power over NGOs.

A law passed in **Israel** last year obliges NGOs to report quarterly on funding received from foreign governments, doubling existing reporting obligations. While described as a measure to promote transparency, it is in practice aimed at the segment of NGOs which

promote human rights and are critical of government policy, as these NGOs rely heavily on foreign public funding. Other problematic legal initiatives that recently have been considered in this country include proposals to limit or heavily tax foreign funding to certain groups, as well as a bill allowing for closing down NGOs involved in foreign war crimes lawsuits against the Israeli army.

In **Russia**, the adoption of several recent laws has further aggravated the hostile climate facing civil society. One of these laws requires NGOs that receive foreign funding and conduct public advocacy to register and publicly label themselves as “foreign agents”. The stigmatizing nature of this law is reinforced by the harsh penalties foreseen for non-compliance, including closure of NGOs and criminal prosecution of their leaders. Another recent law broadened the definition of treason to include any kind of “assistance” to international organizations considered to be “directed against” Russian security. This provision could be used to punish and silence inconvenient NGOs that interact with international organizations (for example, by sharing information on human rights violations).

There are also worrisome indications that that the recent Russian measures have prompted those in power in other post-Soviet countries to consider similar approaches. For example, a pro-government parliament deputy in **Kazakhstan** has proposed to ban NGO activities funded by international donors.

Ladies and gentlemen, the concerns just described illustrate that NGOs face similar challenges in many countries, and additional examples of this could easily be found if we were to continue the survey. Thus, the trends highlighted form part of a broader assault on civil society organizations, and indirectly, also on those who benefit from the activities they carry out (who are typically members of the most vulnerable groups in society).

Against this backdrop, I would like to conclude by emphasizing the EU’s key role in continuing to support civil society organizations across the world, in accordance with the commitments it has undertaken in this area, such as in the EU Human Rights Strategic Framework and Action Plan adopted this past summer. I welcome the interest in NGO protection issues shown by the EEAS and the newly appointed EU Special Representative for Human Rights and encourage further positive action in this regard. It is essential that EU uses all available means to encourage governments that obstruct and impede NGO activity to overhaul and repeal legislation that is not compatible with international standards and to take adequate measures to ensure, in practice, that independent NGOs can carry out their work without undue interference or harassment. It is equally essential that EU support and solidarity with civil society organizations is expressed in a consistent and prominent way, including by high-ranking EU representatives who visit repressive countries. By meeting with members of truly independent groups, EU officials can send a strong message to the authorities of these countries that the EU stands with civil society

in its struggle for democracy, human rights and rule of law. Finally, in view of the fact that the EU is a major funder of NGO initiatives worldwide, I would also like to highlight the importance of continued efforts to ensure that EU instruments and schemes for the provision of both financial and other material assistance to NGOs are as accessible and flexible as possible so as to allow also groups working in the most difficult conditions to benefit.