



HUMAN RIGHTS DEFENDERS

UNDER THREAT

– A SHRINKING SPACE FOR CIVIL SOCIETY

BRAVE

AMNESTY
INTERNATIONAL 

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Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

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Cover photo: Lenca indigenous women protest the murder of Honduran environmentalist Berta Cáceres in front of the Public Ministry in Tegucigalpa. She was shot on 2 March 2016 after years spent campaigning against the construction of a hydroelectric dam, 5 April 2016
Credit: © ORLANDO SIERRA/AFP/Getty Images

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FOREWORD

We live in an age of fear, division and demonization. Across the world, toxic narratives of “us versus them” are being used to cast collective blame onto whole groups of people for social and political grievances.

Those who dare to make a stand for human rights are coming under attack in more and more places, on an alarming scale. They are facing an onslaught of harassment, intimidation, smear campaigns, ill-treatment, and unlawful detention. They are even being killed – just for standing up for what is right.

What we are witnessing today is a full-frontal assault by governments, armed groups, corporations and others on the right to defend human rights. In 2016, at least 22 countries saw people killed for peacefully standing up for human rights. In 63 countries, they faced smear campaigns. In 68 countries, they were arrested or detained solely because of their peaceful work. In 94 countries they were threatened or attacked.

Human rights defenders come from all walks of life. They are students, community leaders, journalists, lawyers, victims of abuses and their families, health professionals, teachers, trade unionists, whistle-blowers, farmers, environmental activists and more.

They are people challenging abuse of power by governments and corporations, protecting the environment, defending minorities, opposing traditional barriers to the rights of women and LGBTI people, standing up against abusive labour conditions. In the face of injustice and discrimination, abuse and demonization, they get in the way. And today they are bearing the brunt of a global assault on their right to speak out.

The nature of the threat is insidious. The whole ecosystem of protest is being corroded. By taking away their right to protest, putting them under surveillance, and either directly targeting them or failing to protect them from harassment, threats and physical attack, governments are cutting the oxygen supply to those defending human rights.

It is now almost two decades since the international community gathered at the UN and adopted by consensus its 1998 Declaration to protect human rights defenders and civil society and recognize them as agents of change, crucial in promoting and protecting human rights. In backing the Declaration, governments promised to support human rights defenders and enable them to work free from obstacles and without fear of reprisals. Yet today, the spirit and words of that Declaration are being openly flouted.

Governments in many countries are adopting laws and policies which make the work of human rights defenders riskier and more difficult. From laws that authorize force against peaceful protesters or allow for mass surveillance, to banning access to foreign funding or imposing stringent requirements to register organizations, the space to stand up for human rights is increasingly tight.

Meanwhile, human rights defenders are labelled ever more openly as criminals, undesirables, “defenders of demons”. They are called “foreign agents”, “anti-nationals”, “terrorists”. They are painted as a threat to security, development or traditional values.

And they are confronting the twin threat of reduced access to the information, networks and tools they need to bring about change, while protection against the attacks they face are wholly inadequate. Perpetrators of these attacks are rarely brought to justice. There is little political will to protect human rights defenders as a crucial ingredient for a safer and fairer world.

However, in spite of the global assault on peaceful protest, people will not simply roll over and accept injustice. Our spirit of justice is strong and it will not be suppressed.

Against this backdrop, Amnesty International is launching a Global Campaign calling for human rights defenders to be recognised, protected and able to operate in a safer environment.

The campaign's name is: Brave.

Now more than ever, we need people bravely standing up against injustice and those who undermine human rights in exchange for a false promise of prosperity and security.

We all have the power to challenge poisonous narratives and fight against injustice.

Together, we can make a difference. Let's support the brave, join the brave, protect the brave, defend the brave, and be the brave.

A handwritten signature in black ink, reading "Salil Shetty". The signature is fluid and cursive, with the first name "Salil" and the last name "Shetty" clearly distinguishable.

Salil Shetty
Secretary General

1. INTRODUCTION

“... I perceived clearly that I was participating in a truly significant historic event in which a consensus had been reached as to the supreme value of the human person... which gave rise to the inalienable right to live free from want and oppression and to fully develop one’s personality. In the Great Hall... there was an atmosphere of genuine solidarity and brotherhood among men and women from all latitudes...”

Hernán Santa Cruz, member of the drafting sub-Committee, Universal Declaration of Human Rights (UDHR), UN, September 1948

When the Universal Declaration of Human Rights (UDHR) was drafted after the atrocities of World War II, 70 years ago, the atmosphere was very different from today. Then, there was a spirit of solidarity with and support for the principles of freedom, justice and peace for all the members of the human family,¹ which underpinned the UDHR. In today’s world these principles are being eroded.

In 1998, 50 years after the adoption of the UDHR, the UN General Assembly reaffirmed the principles of freedom and justice by adopting by consensus the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (hereafter referred to as the HRDs Declaration).² It recognizes the importance that civil society actors play in defending the principles that support human rights. Crucially, it places the responsibility on states to implement and respect all of its provisions, particularly the duty to protect defenders from harm as a consequence of their work.

Today, however, HRDs and the civic space in which they work is being targeted and attacked instead of supported and protected in line with the requirements of the HRDs Declaration. Governments, armed groups, companies and other powerful entities and communities who believe their interests are threatened by human rights are using a range of tactics and tools to silence and repress HRDs.

This report explores the measures used to silence them. They range from personal attacks like threats, beatings and even killings to the use of legislation to criminalize human rights-related activities; methods of surveillance; and attacks on HRDs’ capacity to communicate and on their rights to peaceful assembly and association, as well as restrictions on their freedom of movement. Central to these methods is the use of smear campaigns and stigmatization to delegitimize HRDs and their work.

1 The Universal Declaration of Human Rights (UDHR) was drafted by representatives from each region of the world, and proclaimed by the UN General Assembly in Paris on 10 December 1948 (General Assembly resolution 217 A), available at www.un.org/en/universal-declaration-human-rights/index.html

2 Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, 1998, available at www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Declaration.aspx

The report also highlights the additional violence women human rights defenders face beyond attacks other HRDs might experience, including the use of sexual violence, threats and harassment as well as defamation campaigns linked to their gender.

It concludes with a series of recommendations to state and non-state actors, as well as regional and international bodies, which must be urgently addressed in order to reverse the ongoing attempts to shrink the space in which HRDs and civil society operate.

HUMAN RIGHTS DEFENDERS: WHO ARE THEY?

In line with the 1998 HRDs Declaration and other international standards, Amnesty International considers an HRD to be someone who, individually or in association with others, acts to defend and/or promote human rights at the local, national, regional or international levels, without resorting to or advocating hatred, discrimination or violence.

HRDs come from every walk of life; they may be journalists, lawyers, health professionals, teachers, trade unionists, whistle-blowers, farmers and victims or relatives of victims of human rights violations and abuses. Their human rights defence work may be conducted as part of their professional role, or be undertaken voluntarily or on an unpaid basis.

The term WHRDs (women human rights defenders) refers to both female HRDs (who may work on any human rights issue), and to defenders (who may not necessarily be women) who work on women's rights or on a range of gender-related issues.

2. PERSONAL ATTACKS

HRDs are often subjected to personal or individualized attacks by governments or non-state actors as a way to deter them from carrying out their work. Such attacks range from threats, beatings and even enforced disappearances and killings to the use of smear campaigns and trolling to stigmatize them and their work or prosecution on spurious charges. Whether committed by state or non-state actors, these actions aim to put an end to human rights activities and to send a message to others that they should refrain from defending human rights.

2.1 KILLINGS AND ENFORCED DISAPPEARANCES

Rarely a day goes by without reports of attacks against of HRDs. According to Front Line Defenders, an NGO founded to protect HRDs at risk, 156 defenders were killed in 2015 and 281 in 2016. Over half of those killings in 2015 and more than three quarters in 2016 were in the Americas region. Forty-nine per cent of those killed in 2016 were working on land, territory and environmental issues, including many Indigenous HRDs.³

HRD MEMORIAL: CELEBRATING THOSE WHO WERE KILLED DEFENDING HUMAN RIGHTS

It is estimated that over 3,500 human rights defenders have been killed for their peaceful work defending human rights since the 1998 HRDs Declaration was adopted. In November 2016, a coalition of national and international human rights organizations, including Amnesty International, launched a human rights defenders memorial website and database to commemorate all the HRDs killed since 1998 because of their work by state agents or non-state actors. In the majority of cases, no one has been convicted or even charged for these crimes.

(www.hrdmemorial.org)

When an HRD is attacked or killed, it is rarely an isolated occurrence and is often a culmination of a string of threats and warnings. In many countries, the authorities do not investigate or prosecute such threats, and rarely respond appropriately when the individual is killed or seriously injured. This inaction allows the perpetrators to enjoy impunity, thereby giving them a licence for repeated threats and attacks.

In March 2016, unidentified assailants killed HRD **Abdul Basit Abu-Dahab** in a car bombing in Derna, **Libya**.⁴ On 1 July 2016, **Gloria Capitan**, a leading environmental activist against the expansion of coal mining was shot dead in her home town of Mariveles, the **Philippines**. She was opposed to the use of coal storage facilities and the expansion of a coal-fired plant because they threatened the health and livelihoods of the local community. To date, no one has been held accountable for her assassination.⁵

Marcel Tengeneza,⁶ an HRD from the **Democratic Republic of the Congo (DRC)**, was shot dead in December 2016 by two unidentified men in military clothing. He worked for the Regional Council of

³ Front Line Defenders, *Annual Report 2016*, available at www.frontlinedefenders.org/en/resource-publication/annual-report-human-rights-defenders-risk-2016; Amnesty International, *Indigenous Peoples*, available at www.amnesty.org/en/what-we-do/indigenous-peoples/

⁴ Amnesty International, *Report 2016/2017: The State of the World's Human Rights* (Index: POL 10/4800/2017)

⁵ Amnesty International, *Report 2016/2017: The State of the World's Human Rights* (Index: POL 10/4800/2017)

⁶ HRD Memorial, Marcel Tengeneza, available at www.hrdmemorial.org/hrdrecord/marcel-tengeneza/

Development NGOs. His colleagues believe he was targeted for participating in a workshop organized by the Council of Elders under the guidance of the UN Organization Stabilization Mission in the DRC (MONUSCO). His family continue to press for a full investigation into his killing. In January 2017, his wife and young children were put in a holding cell for two hours with two prisoners after she tried to meet with officials in the Military Prosecutor's Office in Kanyabayonga to discuss her husband's case.

In **Colombia**, 10 HRDs were killed in January 2017 alone, nearly double the monthly average for 2016. On 17 January 2017, the bodies of HRD **Emilsen Manyoma**⁷ and her partner **Joe Javier Rodallega** were found in Buenaventura, Valle del Cauca Department. Emilsen Manyoma was the leader of the network Communities Building Peace in the Territories (CONPAZ), in the Bajo Calima, which represents the rights of Indigenous and peasant groups advocating social and environmental justice.

Organizations and families often strive for years to bring perpetrators to account for their crimes and their attempts to obtain justice or even to find the truth about a killing can place them and others in danger and result in further threats and killings.

BERTA CACERES HONDURAS



Berta Cáceres © Goldman Environmental Prize

Berta Cáceres, a prominent environmentalist HRD, was shot dead in her home when armed men broke in and shot her on 2 March 2016, apparently in connection with her human rights work. Her case illustrates the huge problems faced by those who defend environmental rights or rights related to territory and access to land in Honduras. She co-founded the Council of Popular and Indigenous Organizations of Honduras (COPINH) in 1993 and worked tirelessly for the rights of the Indigenous Lenca people.

Between 2013 and 2015, COPINH members held protests against the Agua Zarca hydroelectric project being implemented by Desarrollos Energéticos S.A. (DESA). Berta Cáceres and her COPINH colleagues suffered numerous attacks and threats by the authorities and other non-state actors who view their work as a threat to their business interests.

In 2009, the Inter-American Commission on Human Rights (IACHR) granted Berta Cáceres precautionary measures to protect her life but the Honduran authorities failed to implement the measures effectively. She was shot at least three times while in a COPINH vehicle in November 2015; she was subjected to surveillance, threats of abduction or disappearance and threats against her children, attacks, forced entries and criminalization of her work in an attempt to silence and deter her, and others, from their work.

The intimidation of her community did not end with her murder. Between 3 and 12 March 2016, her family and COPINH members were harassed and intimidated. On 15 April, her family, colleagues and members of other national and international organizations were attacked by armed men at an international meeting of Indigenous Peoples. Police at the scene did nothing to prevent the attacks. Eventually, after the international participants persuaded them to take action, the police escorted members of COPINH and other organizations from the area.

Investigations into Berta Cáceres' killing are ongoing, but were initiated without taking into account the possibility that her killing could have been linked to her human rights work. The lack of investigation into this possibility compromised her family's right to an effective and thorough investigation. However, one

⁷ Amnesty International, Colombia: Spike in killings as activists targeted amid peace process (News story, 7 February 2017)

month after her death, the authorities said that all lines of investigation were being considered, including in relation to her human rights work.

Eight people have been detained on suspicion of involvement in Berta Cáceres' killing. They include a manager of DESA, a military officer, and a former military officer who provided security to the Agua Zarca project. However, Berta Cáceres' family say they are facing great difficulty in gaining access to files and in participating appropriately in the investigation proceedings.

The concerted attacks against Berta Cáceres and other HRDs effectively stop them, their organizations, communities and wider civil society from working for the defence and promotion of human rights.

In some countries, attacks come in the form of abductions and enforced disappearance. Enforced disappearance of government critics continues to be common in **Zimbabwe**. **Itai Dzamara**, a journalist and pro-democracy activist, was abducted in March 2015 by five unidentified men in a suburb of the capital city, Harare. Two days before his abduction, he addressed a rally where he called for mass action to tackle the deteriorating economic conditions in Zimbabwe. At the time of writing, his fate and whereabouts remain unknown and the authorities have so far failed to launch an effective investigation into his enforced disappearance.⁸

Burundian journalist **Jean Bigirimana** has not been seen since he was taken by people believed to be members of Burundi's National Intelligence Service in July 2016. Independent journalists have been under attack since the failed coup in May 2015, following President Pierre Nkurunziza's decision to seek a third term, considered by many as contrary to Burundi's Constitution and the Arusha Accords which ended a decade of civil war.⁹

HRD **Ervin Ibragimov**, an ethnic Crimean Tatar from Bakhchysarai in central Crimea, was last seen on 24 May 2016. Days earlier, he had complained to his friends about being followed. CCTV footage from the site of his abduction, recorded on the day of his disappearance, shows a group of men forcing someone into a minivan. Ervin Ibragimov is a member of the World Congress of Crimean Tatars, an international organization which promotes the rights of Crimean Tatars and their cultural heritage which was established after the Crimean Peninsula's occupation and illegal annexation by **Russia** in 2014. There have been several enforced disappearances of ethnic Crimean Tatars since 2014.¹⁰

In **Pakistan** four HRDs went missing at the beginning of January 2017 after being subjected to a suspected enforced disappearance by security forces. **Salman Haider**, an academic and poet, and bloggers **Asim Saeed**, **Ahmed Raza Naseer** and **Waqas Goraya** were reported to have been reunited with their families more than three weeks after the abduction. Their families received death threats allegedly from the banned armed group Laskar-e-Jhangvi. A fifth activist, Karachi-based **Samar Abbas**, head of the Civil Progressive Alliance Pakistan, went missing from Islamabad where he worked on 7 January and his fate and whereabouts remain unknown. The five used online platforms like Facebook to disseminate their views on human rights in Pakistan and were particularly critical of religious militancy and the military establishment. Since their disappearance, some Pakistani media have accused them of "anti-state" activities, linked them with an allegedly blasphemous Facebook page called 'Bhensa' and, in some cases, accused them of instigating violence.¹¹

2.2 PERSECUTION THROUGH PROSECUTION

Authorities around the world are increasingly misusing criminal, civil and administrative laws to target and harass HRDs in order to delegitimize them and their causes and deter, limit or even prevent their human rights work.

HRDs are frequently subjected to criminal proceedings on unfounded charges. Arbitrary detention and multiple other violations of the right to a fair trial are being employed as a way to interfere with their ability to defend and promote human rights.

8 Amnesty International, *Report 2015/2016: The State of the World's Human Rights* (Index: POL 10/2552/2016)

9 Amnesty International, *Burundian journalist is still missing* (Index: AFR 16/4832/2016)

10 Amnesty International, *Crimean Tatar activist forcibly disappeared* (Index: EUR 50/4121/2016)

11 Amnesty International, *Activists reunite with families; one still missing* (Index: ASA 33/5603/2017)

Criminal prosecutions can have the effect of stigmatizing defenders regardless of whether they are convicted or not. The situation is compounded by the fact that judicial proceedings exhaust HRDs' energy and resources.

In February 2016, Palestinian lawyer **Farid al-a** and youth activist **Issa Amro**¹² were arrested by **Israeli** soldiers after having participated in a peaceful protest to mark 22 years since the Israeli authorities closed off parts of the Old City of the West Bank city of Hebron and imposed discriminatory restrictions on movement on Palestinians. Both were subsequently released and then charged with participating in an illegal protest and assaulting soldiers. They are currently on trial before a military court and are facing a prison term, if convicted. Video footage of the arrest corroborates Farid al-Atrash's account that he was standing and holding a poster peacefully in front of Israeli soldiers before he was arrested.

In March 2014, **Sri Lankan** authorities arrested **Balendran Jeyakumari**, a Tamil mother who waged a public campaign for truth and justice after she saw a photo of a boy she believed was her missing son in a government-run "rehabilitation" facility. She was detained without charge for nearly a year before being conditionally released in March 2015 pending completion of the investigation into police allegations that she had harboured a fugitive. She was arrested again in September 2015 and held for a week in connection with an allegation that she was involved in the theft of mine detectors. Since then Balendran Jeyakumari has experienced continued police inquiries.¹³

Some HRDs are being charged under excessively broad and vaguely worded legislation – particularly counter-terrorism, anti-drug trafficking, national security and/or anti-extremism legislation. Some have had their accounts frozen and technological material seized while judicial proceedings continue. In several instances, simply participating in a social movement or being a member of a human rights organization has been used as a reason to prosecute individuals.

EDWARD SNOWDEN UNITED STATES OF AMERICA



Edward Snowden, former US intelligence officer and whistle-blower, in Moscow, Russia, 16 October 2016
© Amnesty International

Whistle-blower Edward Snowden is facing a 30-year prison sentence in the USA for disclosing information of enormous public interest. The former US National Security Agency (NSA) subcontractor shared US intelligence documents with journalists in June 2013, revealing the alarming extent of global, unlawful mass surveillance operated by the US and UK governments and with the involvement of Australia, Canada and New Zealand.

His revelations showed how governments were secretly scooping up huge chunks of personal communications, including private emails, phone locations, web histories and much more. His actions sparked a global debate which led to a change in laws that helped to better protect the right to privacy.

Edward Snowden said he acted "to inform the public as to that which is done in their name and that which is done against them". The US government responded by branding him a "traitor". It is seeking to extradite him from Russia on charges under the 1917 Espionage Act. He fled to Russia in June 2013 where he has since remained in exile.

¹² Amnesty International, *Israel/OPT: Two Palestinian human rights defenders on trial: Faris Al-Atrash and Issa Amro* (Index: MDE 15/5294/2016)

¹³ Amnesty International, "Only justice can heal our wounds" - Listening to the demands of families of the disappeared in Sri Lanka (Index: ASA 37/5853/2017)

Senior US officials have condemned him without a trial and flouted his right to the presumption of innocence. His case raises serious questions as to whether he would receive a fair trial in the USA since he could be prevented from presenting a public interest defence for his actions. There are also concerns that he would be at risk of further human rights violations if returned to the USA.

The US authorities have revoked his passport, interfering with his rights to freedom of movement and to seek asylum. He remains unable to travel to countries that have extended the offer of asylum.

His case illustrates the misuse by governments of legislation to criminalize and prosecute individuals who expose human rights abuses and information that governments want to hide, creating a climate of fear which deters others from disclosing information of public interest.

In recent years, there has been a proliferation of new restrictive and repressive legislation used to criminalize defenders' activities and thereby silence them; this is accompanied by a failure to amend laws that do not comply with international human rights law and standards. Charges typically brought against HRDs include inciting violence for organizing or participating in peaceful demonstrations.

In **Swaziland**, the 1938 Sedition and Subversive Activities Act (SSA) and the 2008 Suppression of Terrorism Act (STA) continue to be used to silence government critics particularly during periods of increased activism and unrest. In September 2016, the High Court ruled that parts of this legislation are unconstitutional, but the government has appealed this judgement.¹⁴

In August 2016 **Dilip Roy** a 22-year old student was arrested in **Bangladesh** after criticising the Prime Minister on Facebook for his and the ruling party's support of a new coal power plant to be built close the Sundarbans, the world's largest mangrove forest. Dilip Roy was arrested under the Information and Communications Technology Act, a draconian law that since 2013 has been used against hundreds of government critics, human rights defenders and religious minorities in the country. He was released on bail three months later but never formally charged. The investigation against him continues and he could face up to 14 years in prison if convicted.

In **Malaysia**, a wide range of repressive laws have been used to investigate and criminally charge scores of HRDs and other government critics. In November 2016, HRD **Maria Chin Abdullah** was detained without warrant and held in solitary confinement for 11 days under the Security Offences (Special Measures) Act for leading a protest where thousands took to the streets to call peacefully for electoral reform and good governance.¹⁵ In recent years, Maria Chin Abdullah and other human rights activists have also been repeatedly investigated and charged under the Peaceful Assembly Act and other laws for organizing and participating in similar demonstrations.

In **Kazakhstan**, the 2016 Criminal Code retained vaguely worded offences of inciting social and other "discord".¹⁶

In **China**, a series of new laws have been drafted and/or enacted since 2015 which focus on national security and threaten to severely undermine the rights to freedom of expression, peaceful assembly and association, rights which were already sharply curtailed under existing laws and policies.¹⁷ Similarly, **South Korea** broadened the application of the National Security Law in 2015 to include additional groups such as politicians, which could further restrict the right to freedom of expression.¹⁸

In **Ethiopia**, "foreign" organizations are prohibited from engaging in human rights work (among other activities). Meanwhile, HRDs are detained and charged with terrorism offences.¹⁹ In 2015, **Cambodia** introduced the Law on Associations and Non-Governmental Organizations which threatens to undermine the right to freedom of association.²⁰

14 Amnesty International, *Report 2016/2017: The State of the World's Human Rights* (Index: POL 10/4800/2017)

15 Amnesty International, *Malaysia: Drop travel ban on Zunar and other government critics* (Index: ASA 28/5013/2016)

16 Amnesty International, *Report 2016/2017: The State of the World's Human Rights* (Index: POL 10/4800/2017)

17 Amnesty International, *Report 2016/2017: The State of the World's Human Rights* (Index: POL 10/4800/2017)

18 Amnesty International, *South Korea: National security law continues to restrict freedom of expression* (Index: ASA 25/001/2015)

19 Amnesty International, *Stifling human rights work: The impact of civil society legislation in Ethiopia* (Index: AFR 25/002/2012)

20 Amnesty International, *Cambodia: Withdraw draft law on association and non-governmental organizations* (Index: ASA 23/1909/2015)

In **Algeria**²¹ and **Morocco**,²² state authorities use broadly worded legislation to criminalize communications deemed to be “insulting” and/or defamatory which allow for the imprisonment of government critics.

In **Jordan**, in 2016 alone dozens of journalists and activists faced prosecution under Penal Code provisions that prohibit criticism of the King and government institutions as well as the anti-terrorism law amended in 2014 that criminalizes criticism of foreign leaders or states.²³ In 2014, human rights defender and lawyer **Waleed Abu al-Khair** was sentenced to 15 years in prison in **Saudi Arabia**, to be followed by a 15-year travel ban after being convicted under the 2014 counter-terror law on a range of offences, including “disobeying the ruler” and “setting up an unlicensed organization [Monitor of Human Rights in Saudi Arabia]”. He defended many peaceful activists, including jailed blogger **Raif Badawi**, and was a vocal critic of Saudi Arabia’s human rights record.²⁴

In **Mauritania**, anti-slavery HRDs have faced persecution by prosecution for years. **Biram Dah Abeid**, a leader in the anti-slavery movement, was falsely accused and imprisoned three times between 2010 and 2016. Scores of other anti-slavery HRDs were arrested and charged with rebellion, use of violence, attacks against the police, and belonging to an unrecognized organization following a protest against an eviction in the slum Bouamatou, in the capital, Nouakchott, in 2016, despite none of them having been present at the protest or involved in this organization. Two of them, **Abdallahi Maatalla Seck** and **Moussa Ould Bilal Biram**, remained arbitrarily detained as of March 2017.²⁵

In **Nigeria**, state and federal authorities across the country are using legislation to clampdown on the rights to freedom of expression and of association. In Lagos, for example, HRD **Raymond Gold** is facing criminal charges for asking Integrated Oil and Gas Ltd, an oil company, to do an Environmental Impact Assessment (EIA), concerning the area they dredged in preparation for an oil refinery. He also received a threat from the company’s Chief Security Officer via agencies of the Lagos State Government.

2.3 STIGMATIZATION AND SMEAR CAMPAIGNS

Stigmatization and smear campaigns are commonly used to delegitimize HRDs and undermine their work. Typically, authorities and others in power make statements tarnishing their reputations. HRDs may be publicly (and falsely) accused of – among other things – being terrorists (often facilitated by excessively broad legislation), defenders of criminals, unpatriotic, corrupt, “foreign agents”, “fifth column” spies, “enemies of the state” or of “picking quarrels and provoking trouble” and opposing national or moral values.

In highly polarized societies, stigmatization can have the effect of inciting government sympathizers against HRDs, putting them at further risk, even of physical attacks and killings, at the hands of pro-government armed groups or other non-state actors, for example. In **Venezuela**, defenders are routinely verbally attacked by the authorities. High-level officials regularly criticize HRDs in public in order to undermine their legitimacy and spread false rumours about individuals and civil society organizations to discredit them.

In **Pakistan**, the outspoken frequently become the subject of media smear campaigns. For example, the Bol Television show *Aisay Nahi Chalay Ga* has recently been used as a platform for issuing threats against HRDs as well as journalists, civil society activists and bloggers, casting them as blasphemous, “anti-Pakistan”, or as being opposed to Pakistan’s intelligence service or the army. As a consequence, several individuals attacked on the show later received death threats. Blasphemy accusations and other smear campaigns have led not only to threats and attacks but even to killings of journalists and other activists in recent decades.²⁶

21 Amnesty International, *Algeria – Impunity past and present: Amnesty International submission for the UN Universal Periodic Review 27th Session* (Index: MDE 28/5468/2016)

22 Amnesty International, *Morocco: Submission to the United Nations Human Rights Committee 118th session, 17 October-14 November 2016* (Index: MDE 29/4858/2016)

23 National Center for Human Rights, Statement, July 2016, available at www.nchr.org.jo/english/DataCenter/News/tabid/96/newsid445/74

24 Amnesty International, New anti-terror law used to imprison Saudi Arabian human rights activist ([Press release](#), 7 July 2014)

25 Amnesty International, *Report 2016/2017: The State of the World’s Human Rights* (Index: POL 10/4800/2017)

26 Amnesty International, *Pakistan: Open letter calling for greater protection of human rights defenders* (Index: ASA 33/5792/2017)



LEANID SUDALENKA BELARUS

Leanid Sudalenka, an HRD from Homel in southeastern Belarus, was wrongly accused of distributing pornography after his email account was hacked. He faced the prospect of between two and four years in prison until he was able to prove the materials were not sent from his computer.

In April 2015, while he was attending an international human rights conference in Sweden, the police raided Leanid Sudalenka's office and his home, seizing eight computers in connection with a criminal investigation under legislation which outlaws the transmission of pornography.

He viewed this as a clear attempt by the authorities to defame him and put an end to his human rights work. His investigators told him that pornography was sent from his account to the tax authorities and the district investigators' office. He eventually proved that his email account had been hacked and that the materials were not sent from his computer. The case against Leanid Sudalenka was dropped but he believes he would have been charged without the overwhelming support of dozens of high-profile Belarus defenders, Swedish defenders and international human rights organizations.

Not only was Leanid Sudalenka's right to privacy violated, the effect of the accusations against him could have left him stigmatized as a criminal and an undesirable character.

WHRDs working in societies with strict notions about sexuality, gender roles, and women's place in the community, the family and the home are particularly likely to be targeted. When attacks against them are physical, they may take the form of sexual assault or rape, frequently used as a way to force WHRDs back into traditional gender roles.²⁷

In 2017, the UN Special Rapporteur on the situation of HRDs said that smear and name-calling campaigns used against HRDs – in this case in **Mexico** – "... may have a strong gender-based component, when aimed at WHRDs. They may include insults, depicting women as prostitutes or those without moral values. Harassment can also target family and community members as a way to indirectly intimidate defenders, forcing them to choose between protecting their relatives and continuing their human rights work."²⁸

In **El Salvador**, for example, organizations working for the decriminalization of abortion or for women's sexual and reproductive health and rights have been targeted with public statements disseminated by officials as well as private individuals depicting them as criminals, as being "unscrupulous" or of being "pro-death" and as "manipulating vulnerable women".²⁹

2.4 TROLLING

"If they don't kill you, they ruin your life. The trolls generate a constant climate of fear, and it stops people from publishing."

Alberto Escorcía, a Mexican human rights defender³⁰

Some HRDs are stigmatized and threatened by unknown online adversaries called "trolls". For activists, HRDs and many journalists, trolls are much more than an online annoyance. They work as part of

27 Women Human Rights Defenders International Coalition, *Global Report on the Situation of Women Human Rights Defenders*, 2012, p. 20, available at www.defendingwomen-defendingrights.org/wp-content/uploads/2014/03/WHRD_IC_Global-Report_2012.pdf

28 Office for the High Commissioner for Human Rights, End of mission statement by the United Nations Special Rapporteur on the situation of HRDs, Michel Forst, on his visit to Mexico from 16 to 24 January 2017, available at www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21111&LangID=E

29 Amnesty International, *Defenders under attack! Promoting sexual and reproductive rights in the Americas* (Index: AMR 01/2775/2015)

30 Amnesty International, Mexico's misinformation wars: How organized troll networks attack and harass journalists and activists in Mexico, 2017, available at www.medium.com/amnesty-insights/mexico-s-misinformation-wars-cb748ecb32e9#.n5zpb7oah

sophisticated networks organized and sometimes even funded by governments or private firms to seek out activists online, discredit them and intimidate them including by sending death threats.

Troll networks have recently expanded their tactics to include full-blown misinformation campaigns – sometimes employing people to generate trending topics that discredit and stigmatize HRDs and journalists. Reporting troll attacks to the relevant social media outlet will not necessarily eliminate the problem.

Human rights defenders critical of the government's "war on drugs" campaign in the **Philippines** face regular harassment, intimidation and cyberbullying.³¹

Twitter says it faces particular problems in countries like **Mexico** where they have great difficulty keeping abreast of abusive content or fake account complaints. The company's policy team describe it as an endless game of technical "one-upmanship" – as the Twitter spam team evolve their measures to counter these attacks so do the trolls, and so on. Mexican HRD **Alberto Escorcía** told Amnesty International that "[o]n an average day" he "see[s] two or three trending topics generated by the trolls. Anywhere between 1000 and 3000 tweets a day. Many operate as part of organized 'troll gangs' who are paid to make stories go viral or to launch campaigns discrediting and attacking journalists."³²



CARMEN ARISTEGUI **MEXICO**

Carmen Aristegui is a renowned and outspoken investigative journalist who has revealed several corruption allegations among Mexico's rich and powerful; she has openly challenged the government many times. She has twice been sacked from national radio and there is a defamation civil lawsuit pending against her in connection with her 2014 investigation into the acquisition of President Peña Nieto's house.

In recent years, Carmen Aristegui's reports have provoked a massive, co-ordinated troll attack which aims to intimidate and discredit her and her team. In 2015, a video was posted on Facebook which accused her of taking bribes from the Mexican telecom tycoon, Carlos Slim. This was followed immediately by a massive troll offensive on Twitter, soon turning the hashtag into a trending topic – #LosSecretosdeAristegui (Aristegui's secrets).

Carmen Aristegui now runs an independent online news portal which estimates that each troll attack diminishes its capacity by 20-50% as staff are occupied with responding to the attacks.³³

Such defamation campaigns take a substantial toll on HRDs and journalists by forcing them to deal with a constant string of scandals which undermine their credibility and distract them from the issues they work to expose.

2.5 REPRISALS

The ability to communicate and interact with international institutions like the UN and regional mechanisms such as the European Union (EU) is essential for HRDs' work. Interacting with and within such bodies allows HRDs to bring important human rights information to relevant stakeholders; it also creates a space for HRDs to network with other civil society actors. The right to communicate with international bodies is articulated in Article 5(c) and 9(4) of the HRDs Declaration and numerous other international instruments, including those related to freedom of expression and movement.³⁴

31 Amnesty International, *Philippines: "If you are poor, you are killed": Extrajudicial killings in the Philippines' "war on drugs"* (Index: ASA 35/5517/2017)

32 Amnesty International, *Mexico's misinformation wars: How organized troll networks attack and harass journalists and activists in Mexico, 2017*, available at www.medium.com/amnesty-insights/mexico-s-misinformation-wars-cb748ecb32e9#.n5zpb7oah

33 Amnesty International, *Mexico's misinformation wars: How organized troll networks attack and harass journalists and activists in Mexico, 2017*, available at www.medium.com/amnesty-insights/mexico-s-misinformation-wars-cb748ecb32e9#.n5zpb7oah

34 Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Art. 11; Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), Art. 15; Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (CESC), Art. 13

The UN Human Rights Council (HRC), in resolutions 12/2 (2009)³⁵ and 24/24 (2013)³⁶ defines reprisals as:

“All acts of intimidation or reprisal against those who:

- (a) Seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, or who have provided testimony or information to them;
- (b) Avail or have availed themselves of procedures established under the auspices of the United Nations for the protection of human rights and fundamental freedoms, and all those who have provided legal or other assistance to them for this purpose;
- (c) Submit or have submitted communications under procedures established by human rights instruments, and all those who have provided legal or other assistance to them for this purpose;
- (d) Are relatives of victims of human rights violations or of those who have provided legal or other assistance to victims.”³⁷

HRDs face increasing levels of harassment and intimidation and, in some cases, criminalization and other attacks for exposing human rights violations and abuses to regional or international human rights mechanisms. This includes the imposition of travel restrictions or insurmountable visa requirements on HRDs to bar them from travelling abroad and participating in human rights events or meetings.

At the same time, many civil society organizations are finding it more difficult to gain observer status at international and regional institutions.³⁸

By prohibiting HRDs from participating in such procedures, governments are actively undermining their attempts to bring human rights concerns to international attention and to communicate with human rights communities abroad, effectively silencing them and suppressing information, thereby allowing human rights abuses to go unchallenged, and even unreported. Without crucial input from HRDs, the ability of international and regional mechanisms to carry out and fulfil their mandates is seriously limited.

In 2015, numerous HRDs were followed and intimidated in **Venezuela** after returning there from the March session of the HRC. HRDs from Venezuela also faced reprisals after returning home from participating in sessions before the Inter-American Commission on Human Rights after their names were revealed in a television programme directed by the then President of the National Assembly.³⁹

Sometimes, HRDs face reprisals when they have not even left their country but have met with UN or regional representatives on official visits to their country. In his statement upon returning from an official mission to **Mexico** in early 2017, the UN Special Rapporteur on the situation of human rights defenders noted his concerns at the number of HRDs who received threats on social media simply for meeting him.⁴⁰

35 United Nations General Assembly, Annual Report of the United Nations High Commissioner for Human Rights and Reports of the Office of the High Commissioner and the Secretary General, UN Doc. A/HRC/RES/12/2 (2009)

36 United Nations General Assembly, Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, Resolution adopted by the Human Rights Council, UN Doc. A/HRC/RES/24/24 (2013)

37 Office of the High Commissioner for Human Rights, Acts of intimidation and reprisals for cooperation with the special procedures, available at www.ohchr.org/EN/HRBodies/SP/Pages/Actsofintimidationandreprisal.aspx

38 For an example of a protracted and difficult process see these articles on the initial decision to deny the Committee to Protect Journalists (CPJ) Consultative Status at the UN Economic and Social Council (ECOSOC), and the reversal of that decision a few months later: CPJ, CPJ denied ECOSOC consultative status after vote in UN NGO Committee, May 2016, available at <https://cpj.org/2016/05/cpj-denied-ecosoc-consultative-status-after-vote-i.php>; CPJ, UN committee grants CPJ accreditation, July 2016, available at <https://cpj.org/2016/07/un-committee-grants-cpj-accreditation.php>

39 Amnesty International, *Report 2015/2016: The State of the World's Human Rights* (Index: POL 10/2552/2016)

40 Office of the High Commissioner for Human Rights, End of mission statement by the United Nations Special Rapporteur on the situation of HRDs, Michel Forst, on his visit to Mexico from 16 to 24 January 2017, available at www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21111&LangID=E



NARGES MOHAMMADI IRAN

Narges Mohammadi in Ireland in June 2007. She is now serving a 22-year prison sentence in Iran on charges connected with her human rights work, © Amnesty International

Narges Mohammadi is an Iranian WHRD. She was the vice president of the Centre for Human Rights Defenders in Iran before it was disbanded by the authorities.

Iranian courts sentenced her to 22 years imprisonment for her human rights work, including campaigning against the death penalty, and for meeting with the former EU High Representative for Foreign Affairs, Catherine Ashton. After her most recent arrest, her 10-year old twins were forced to leave Iran to live with their father.

For years, the Iranian authorities have harassed and intimidated Narges Mohammadi because of her peaceful human rights activities. Banned from travelling abroad since 2009, she was unable to go to Guatemala in 2010 to participate in an international conference organized by the Nobel Women's Initiative or to Sweden in 2011 to accept the Per Anger Prize for her human rights work.

The harsh sentence against Narges Mohammadi exposes the Iranian authorities' intention to silence HRDs at all costs.

In October 2016, in response to the increase in and seriousness of reprisals from governments interfering with and/or punishing nationals for engaging with the UN and other human rights mechanisms, the UN Secretary-General mandated the Assistant Secretary-General to "receive, consider and respond to allegations of intimidation and reprisals against HRDs and other civil society actors engaging with the UN".⁴¹ It remains to be seen how effective this initiative will prove in protecting the right of individuals to engage at the international level.

A number of treaty bodies have also recognized the need to address reprisals suffered by HRDs who engage with such mechanisms and have created dedicated rapporteurs or focal points on this matter.⁴²

41 United Nations, the United Nations Secretary-General Press Conference, Geneva, 2016, available at un.org.au/2016/10/04/the-united-nations-secretary-general-press-conference-geneva-3-october-2016/2/

42 Including: United Nations, Guidelines against Intimidation or Reprisals ("San José Guidelines"), HRI/MC/2015/6 and the Treaty bodies that have adopted such proceedings: Committee Against Torture, Statement of the Committee against Torture, adopted at its fifty-first session (28 October–22 November 2013), UN Doc. CAT/C/51/3 (2013); Committee on Enforced Disappearances, UN Doc. CED/C/1 (2012); Committee on the Rights of Persons with Disabilities, Guidelines on the Participation of Disabled Persons Organizations (DPOs) and Civil Society Organizations in the work of the Committee, UN Doc. CRPD/C/11/2 (2014). For more information, see the website of International Service for Human Rights (ISHR): www.ishr.ch/sites/default/files/article/files/ishr_reprisals_handbook_web.pdf

3. ATTACKS ON COMMUNICATION

3.1 SURVEILLANCE

“... [I]t’s like sitting in the dark, knowing there are other people in the room – you can hear them breathe, you can hear them move and talk but you can’t quite identify them. All of a sudden someone strikes a match and for a little while, while that flame is still going you get to see everybody’s faces.”

Hisham Almiraat, a Moroccan HRD, December 2016

Mass surveillance and targeted surveillance of HRDs – on and offline – continues to grow worldwide. Its rapid growth is aided by the increasingly broad powers being granted by new and existing legislation, as well as the development and availability of new technologies. It is often difficult for HRDs and others to prove the existence of surveillance, either because of technical hurdles or because its use is covert. However, even where targeting cannot be proven, the fact of living under the constant threat of *possible* surveillance may constitute a human rights violation in itself. Surveillance laws and practices have a widespread damaging effect on communities and societies, causing HRDs to self-censor out of fear, and refrain from exercising their rights to freedom of expression, association and peaceful assembly. This is compounded by the threat of prosecution as a result of these practices, which diverts HRDs’ energy and resources to fighting judicial proceedings.

In a world where the powerful are increasingly pushing a harmful narrative which undermines human rights, the rights to privacy, association and expression are more important than ever. Surveillance is another way of discouraging or preventing people from exercising these rights.

While mass surveillance is carried out by countries like the **UK** and the **USA**, the targeted surveillance of HRDs and others is commonplace in countries all over the world. In the **UK**, police have put journalists under surveillance in order to identify their sources, while **Bahraini** activists in exile have been tracked by their government using spyware, and **Colombian** radio journalists have been subjected to electronic surveillance by the national police. The **Ethiopian** government has used electronic surveillance to spy on opposition activists at home and abroad.⁴³

43 Amnesty International, *Encryption: A Matter of Human Rights* (Index: POL 40/3682/2016)

Several countries have enacted legislation to prevent people gaining access to and use of encryption tools and services to protect their private communications from surveillance. Countries such as **Pakistan** and **India** have either banned encryption, restricted the strength of lawful encryption to levels set by the government, or have required individuals to seek regulatory authorization for its use. **Turkey** requires encryption suppliers to provide copies of encryption keys to government regulators before offering their encryption tools to users, while the **UK** and **France** can order companies to disclose encryption keys and decrypt data. **China's** Counter-Terrorism Law of 2015 requires telecommunications providers to “provide technical support and assistance to government investigators by, among other things, providing access to technical interfaces and decryption keys to law enforcement and national security authorities to support terrorism prevention and investigation activities” (Article 18); and “implement network security, information content-monitoring systems and measures designed to prevent the dissemination of content containing terrorism and extremism, to delete such information, and to immediately report to the Chinese police”.⁴⁴



SURVEILLANCE IN BELARUS

The fear of state surveillance is pervasive amongst civil society activists in Belarus. Inadequate regulation and oversight, and a lack of opportunity to challenge surveillance mean that activists and HRDs have little choice but to assume they are under surveillance at any time. The fear is exacerbated by the memory of the crackdown that followed the 2010 elections, where private communications and location data played a prominent and public role in several politically motivated prosecutions of opposition politicians and other activists.

During 2015 and 2016, Amnesty International documented Belarus's use of continuous and unchecked surveillance of citizens and its debilitating effect on NGO activists where basic work, like arranging a meeting by phone, was a risk. Dozens of Belarus civil society activists said that they believed they were under some form of surveillance because of their peaceful activism. Their fears were compounded by the use of restrictive legislation which punishes civil society members for exercising numerous rights.

Former opposition presidential candidate **Mikalai Statkevich** was imprisoned for his role in peacefully protesting the 2010 elections, and was considered by Amnesty International to be a prisoner of conscience, until his release in August 2015. He told the organization that during his interrogation transcripts of his phone calls and Skype chats, as well as those of his friends and associates, were shown to him by his interrogators. He believes that these transcripts were obtained without a legal basis.

Ales Bialiatski, the chairperson of the Human Rights Centre Viasna, was arrested in 2011 on tax evasion charges. Viasna had been providing assistance to victims of the post-election crackdown and the charges against Ales Bialiatski appeared to be politically motivated. He told Amnesty International: “[p]arts of my Skype conversation with our Polish NGO partners were actually published in the state newspaper... So they were trying to compromise me as if I was looking for funding to overthrow the regime or something but I was actually discussing assistance to victims of political repression.” The conversations were published directly after his arrest.

The impact of extensive surveillance on activism in Belarus cannot be underestimated. Several activists emphasized to Amnesty International that the ongoing uncertainty regarding whether they were under surveillance took a toll on their psychological state and the way they lived. Many activists said that maintaining confidentiality around sensitive information such as that related to their funding or public activities was a key preoccupation. Several feared that personal information obtained via secret surveillance might be used not for criminal prosecution, but rather to compromise their personal lives.

The law in Belarus allows the authorities to undertake wide-ranging surveillance for nearly any reason, and with no independent oversight. It has had a debilitating effect on civil society which is already seriously undermined by the threat of criminal or administrative punishment merely for exercising human rights like attending peaceful protests.⁴⁵

⁴⁴ Amnesty International, *Encryption: A Matter of Human Rights* (Index: POL 40/3682/2016)

⁴⁵ Amnesty International, *Belarus: “It’s enough for people to feel it exists”: Civil society, secrecy and surveillance in Belarus* (Index: EUR 49/4306/2016)

3.2 INTERNET CENSORSHIP

The right to freedom of expression, which includes the right to seek, receive and impart information, is recognized under Article 19 of the International Covenant on Civil and Political Rights (ICCPR).⁴⁶ In June 2016, the UN Human Rights Council adopted a resolution on “[t]he promotion, protection and enjoyment of human rights on the Internet”,⁴⁷ which affirms that people have the same right to freedom of expression online as they do offline, and condemns state “measures to intentionally prevent or disrupt access to or dissemination of information online in violation of international human rights law”. In a report published in 2011, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression stated that “the framework of international human rights law, in particular the provisions relating to the right to freedom of expression, continues to remain relevant and applicable to the Internet”.⁴⁸

Under Article 19.3 of the ICCPR, the right to freedom of expression may be subject to certain restrictions, but only if these are provided by law and are necessary and proportionate for the purpose of protecting legitimate aims, defined as the respect of the rights or reputations of others, and the protection of national security or of public order or of public health or morals. Any restrictions on freedom of expression on the internet must also comply with these criteria.⁴⁹

Internet censorship takes different forms. In some cases, states use the criminal justice system or administrative sanctions to prosecute individuals for expression online – as was the case in **Kazakhstan** when many people were arrested and detained under administrative laws simply for stating on social media their intentions to attend a public protest.⁵⁰ In other cases, the proliferation of new technologies equips states with increased censorship capabilities which are used to limit individuals’ ability to seek, receive and disseminate information.

The story of *Mamfakinch* (We won’t give up), an independent **Moroccan** news website, illustrates this problem. In 2011, it aimed to circumvent the Moroccan media blackout on protests and to provide a platform for dissenting voices which were being sidelined by state-owned media in the context of the “Arab Spring”. In 2012, *Mamfakinch* was targeted with use of a powerful spy software program called “Remote Control System”, developed by the Italian company Hacking Team, intent on compromising communications. It was one of the first documented cases of computer attacks using European-made technology to repress and target human rights activists and journalists.

That year, *Mamfakinch* broke stories about the use of excessive force by police against protesters and exposed a high-profile corruption and nepotism case against a government minister. After the attack, contributions to the website dwindled from about 30 regular contributors and co-editors to three people struggling to keep the website alive. *Mamfakinch*’s **Hisham Almiraat** and some colleagues later established the *Association des Droits Numériques* (ADN), a digital rights organization which in 2015 published a report with the UK-based Privacy International, documenting multiple cases of unlawful electronic surveillance against Moroccan academics, journalists and human rights activists. Three days later, the government opened a criminal investigation against him and ADN’s vice-president on charges of “slandorous denunciation” against a government body and of “falsely reporting” and “offending” public officials, charges carrying five years’ imprisonment.⁵¹ The case remains open to date.

In **Thailand** vaguely worded provisions contained in the Computer Crimes Act (CCA) have been used extensively to penalize individuals for publishing dissenting materials, including about human rights violations, online and has led to the initiation of criminal proceedings against HRDs. **Jatupat Boonpattaraksa**, a law student and HRD was, at the time of writing, detained facing charges under the CCA and Article 112 of the Penal Code (on lèse majesté) for sharing a BBC news article on Facebook in December 2016. Authorities revoked his bail on 22 December 2016 on the basis that he had failed to

46 For more on states’ duties to uphold the right to freedom of expression under the ICCPR, see: Human Rights Committee General Comment 34

47 Human Rights Council, The promotion, protection and enjoyment of human rights on the Internet, UN Doc. A/HRC/32.L20 (2016)

48 UN General Assembly, Report of the Special Rapporteur on the promotion and protection of the rights to freedom of opinion and of expression, UN Doc. A/66/290 (2011)

49 Restrictions must also be in line with the legitimate grounds for restriction specified in Article 19 of the ICCPR, that is: i. respect for the rights or reputation of others; or, ii. the protection of national security or of public order, or of public health or morals. See: UN General Assembly, Report of the Special Rapporteur, UN Doc. A/66/290 (2011), pp. 6-7

50 Amnesty International, *Think before you post: Closing down social media space in Kazakhstan*, p. 13 (Index: EUR 57/5644/2017)

51 Amnesty International, *How a hacking campaign helped shut down an award-winning news site*, 2016, available at www.amnesty.org/en/latest/research/2016/12/how-a-hacking-campaign-helped-shut-down-an-award-winning-news-site/

delete the post, and continued to post material on Facebook which authorities maintained symbolically mocked the authority of the state.⁵²

Information collected or communicated by HRDs and deemed to be sensitive or politically threatening is blocked by some states, undermining numerous human rights obligations. The proliferation of laws restricting the free flow and exchange of online information also limits civil society's ability to communicate.

For example, periodic restrictions on the use of the internet and social media feature increasingly as a form of repression of freedom of expression in **West and Central Africa**. In 2016, access to the internet was entirely cut for periods ranging from two to five days before and after presidential elections in **Gabon, Gambia and Congo**. In both Gambia and **Chad**, where presidential elections were also held in April 2016, social media sites and messaging applications like Facebook, WhatsApp and Twitter were only accessible throughout most of the year by using VPNs (virtual private networks) to bypass restrictions, while in Chad a range of blogs and news sites continue to be blocked into 2017. In the most severe and persistent restrictions to date, the internet was cut in the Anglophone regions of **Cameroon** in January 2017 to date following protests related to the use of French in courts and schools and demands for greater autonomy.



INTERNET CENSORSHIP IN ETHIOPIA

The Ethiopian authorities heavily monitor and even block online communications and employ legislation which criminalizes online activities thereby restricting the ability to peacefully protest.⁵³

Ethiopian human rights activists told Amnesty International that in March 2016 social media and messaging mobile applications such as Facebook, WhatsApp and Twitter were largely inaccessible, especially in the Oromia region where protests against the plans for its administrative control from the capital, Addis Ababa, and later against arbitrary arrests and ethnic marginalization were protracted. Internet services were also completely blocked in Amhara, Addis Ababa and Oromia Regions after political activists called for region-wide protests which went ahead in August 2016. Government security forces used excessive force against the protesters resulting in at least 100 people being killed.

Political and other activists face arrest and charges under the 2009 Anti-Terrorism Proclamation (ATP) for their activities on social media platforms, including those who criticize government policies. They include: **Yonatan Tesfaye**, formerly of the Blue Party, who was arrested without charge in December 2015 and five months later was charged with terrorism because he criticized government policy and action on Facebook⁵⁴; the **Zone 9 bloggers**⁵⁵ who were detained for 500 days between 2014 and 2015 charged with terrorism crimes for using encrypted software to ensure the security of their communications; and **Zelalem Workalemahu** who was sentenced in May 2016 to over five years in prison for providing training on online encryption methods.⁵⁶

In June 2016, a computer crimes law was enacted which authorizes the Ministry of Justice to issue warrants for interception or surveillance, and detention without charge for up to four months of people suspected of computer crimes.

The authorities' widespread interference and internet blocking effectively deters HRDs from peacefully protesting and expressing their views and opinions and furthermore enables the authorities to prepare to suppress protests with brutality.

52 Amnesty International, *Thailand: Activist's Bail revoked for Commenting on Facebook* (Index: ASA 39/5412/2016)

53 Amnesty International, *Ethiopia: Government blocking of websites during protests widespread, systematic and illegal* (Index: AFR 25/5312/2016)

54 Amnesty International, Ethiopia: Release opposition politician held for Facebook posts (Press release, 6 May 2016)

55 Amnesty International, *Report 2015/2016: The State of the World's Human Rights* (Index: POL 10/2552/2016)

56 Amnesty International and OONI, *Ethiopia offline: Evidence of social media blocking and internet censorship in Ethiopia* (Index: AFR 25/5312/2016)

4. SHRINKING SPACE FOR CIVIL SOCIETY

4.1 ATTACKS ON THE RIGHT TO FREEDOM OF PEACEFUL ASSEMBLY

“... [2015] saw an emphatic continuation of the global trend of massive protest movements. Activists in dozens of countries successfully harnessed public discontent, drew unprecedented numbers to rallies and commanded attention, both at home and abroad.”

The Special Rapporteur on the rights to freedom of peaceful assembly and of association in his 2015 report⁵⁷

The right to freedom of peaceful assembly is an essential prerequisite to effective human rights work. It is protected under numerous international and regional instruments⁵⁸ which require states to respect, protect and fulfil the right without discrimination. Any restrictions on peaceful assemblies must be established by law, and be necessary to and proportionate to a legitimate aim.

Public assembly has long been a tool used by HRDs to influence social change and, despite increasing activism online, peaceful protests and assemblies are not on the decline as a method of communicating unrest or dissatisfaction with the authorities. The Arab Spring was one of the most dynamic examples of people-power ever seen; it showed the world that taking to the streets to tell those in power that ordinary people would no longer accept the status quo can and does bring about change.

At the same time, however, many states responded to the Arab Spring with brutal and sophisticated methods of repression. Governments increasingly view mobilization as a threat to established political and economic power because it is unpredictable, often informal and agile; it has the potential to rapidly expose abuse to huge global audiences. In response, there has been an increase in the use of unnecessary and excessive force by security forces to police assemblies, and of surveillance, arbitrary detention, torture and other ill-

57 The Special Rapporteur on the rights to freedom of peaceful assembly and of association, *2015: The Year in Assembly and Association Rights*, 2016, available at <http://freeassembly.net/reports/2015-year-in-review/>

58 The Universal Declaration of Human Rights (Art. 20(1)); The International Covenant on Civil and Political Rights (Art. 21); The International Convention on the Elimination of All Forms of Racial Discrimination (Art. 5 (d) (ix)); The Convention on the Rights of the Child (Art. 15); The European Convention for the Protection of Human Rights and Fundamental Freedoms (Art. 11); The African Charter on Human and Peoples' Rights (Art. 11); The African Charter on the Rights and Welfare of the Child (Art. 8); The Arab Charter on Human Rights (Art. 28); The American Convention on Human Rights (Art. 15); The HRDs Declaration (Art. 5 and 12)

treatment, the imposition of the death penalty, and the use of other restrictive legislation as well as onerous vetting rules or procedures to hinder people's ability to organize peaceful protests.⁵⁹

Peaceful assemblies, including meetings, strikes, processions, rallies and sit-ins, are frequently disbanded unlawfully even where there are no concerns that they might adversely affect public safety or national security. In many countries, authorities have dispersed peaceful protests just because commercial activity or traffic flow is disturbed. Many governments shut down or block access to the internet and social media sites to target and obstruct peaceful protests.

Other countries impose legislation to restrict the ability of individuals to come together to collectively express and promote common interests and views or political opinions. In **South Korea** for example, although freedom of assembly is guaranteed in the Constitution, other domestic legislation and practice governing assemblies imposes burdensome notification processes to make public gathering difficult; or puts obstacles in the way of spontaneous and urgent assemblies; or allows for authorities to ban entirely certain gatherings.⁶⁰

In **Kazakhstan**, at least 32 people were placed in administrative detention for between 10 and 15 days in May 2016, most of them for stating in social media posts their intention to attend a demonstration. In January 2017, a regional court in Western Kazakhstan confirmed a five-year sentence against two HRDs, **Maks Bokaev** and **Talgat Ayan**. The charges against them included using social media and messaging services to organize "illegal" demonstrations and encourage others to attend, and criticizing the actions of the authorities. They were sentenced to serve their time in a penal colony in Northern Kazakhstan more than 1,500 kilometres from their home, in what appears to have been a warning to others against organizing and participating in "illegal" demonstrations.⁶¹



STANDING ROCK WATER PROTECTORS UNITED STATES OF AMERICA

Activists gather outside the Army Corps of Engineers Office to protest against the Dakota Access Pipeline, 10 March 2017 in Washington DC
© Alex Wong/Getty Images

The Standing Rock water protector movement is formed of Indigenous Peoples and their allies. It was formed in April 2016 in response to the proposed Dakota Access Pipeline planned to go underneath the Missouri River, the main source of clean water for the Standing Rock Sioux Reservation and other Indigenous and non-Indigenous communities downstream. Its construction threatens to destroy sacred burial sites and is posing a catastrophic risk to residents' access to clean water.

Members of the Standing Rock movement have repeatedly and publicly stated that their movement is non-violent and embraces the human rights of all people. Yet they have been met by unnecessary and excessive use of force by US security forces.

On 22 October 2016, for example, the authorities appeared to use chemical irritants indiscriminately and without provocation before arresting and strip searching at least 140 people. In November, heavily militarized security authorities sprayed water on peaceful demonstrators for hours in freezing temperatures, putting them at serious risk of injury.

Amnesty International sent human rights observers to Standing Rock four times to document the situation and urged the authorities to fulfil their international obligations to facilitate the right to peaceful protest.

59 Amnesty International, *The Arab Spring: Five years on*, 2016, available at www.amnesty.org/en/latest/campaigns/2016/01/arab-spring-five-years-on/

60 Amnesty International, *Freedom of peaceful assembly in South Korea and international human rights standards* (Index: ASA 25/5099/2016)

61 Amnesty International, *Kazakhstan: Prisoners of conscience conviction upheld: Maks Bokaev and Talgat Ayan* (Index: EUR 57/5599/2017)

The organization's call for a federal investigation into the policing of the Standing Rock gathering has been ignored.

In 2017, President Donald Trump issued a memo calling on all relevant agencies to fast-track completion of the Dakota Access Pipeline. Amnesty International is calling on the US government to halt the pipeline, carry out a full review of its potential impact on the environment and the rights of the tribe, and seek the free, prior and informed consent of Indigenous Peoples before any such projects are approved in the future.

4.2 HINDERING THE RIGHT TO ASSOCIATION

The right to freedom of association allows for individuals to form or join formal or informal groups to take collective action, a critical element of the work of HRDs. It is protected under numerous international and regional instruments⁶² which require states to enable the effective functioning of associations and to refrain from imposing conditions on registration that might operate as undue restrictions.

States have an obligation to provide the legal framework for the establishment of associations, must abstain from unduly obstructing the exercise of this right and must protect associations from interference by third parties. States are obliged to take measures to establish and maintain a safe and enabling environment for associations to function in, respecting their privacy and that of their members. The right to freedom of association also includes the right of groups to access funding and hold resources.

4.2.1 RESTRICTIONS ON FOREIGN FUNDING

The right to “solicit, receive and utilize resources” to promote and protect human rights is enshrined in Article 13 of the HRDs Declaration. According to the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association,

“The ability to seek, secure and use resources is essential to the existence and effective operations of any association, no matter how small. The right to freedom of association not only includes the ability of individuals or legal entities to form and join an association but also to seek, receive and use resources – human, material and financial – from domestic, foreign, and international sources.”⁶³

Yet, this right is under attack as countries in all regions introduce and implement increasingly restrictive legislation governing access to funds to civil society organizations, including from foreign and international sources. Laws curtailing civil society activities and their funding have been proposed or enacted recently in more than 90 states.⁶⁴

In some countries, such as **Bahrain** and **Belarus**, all foreign funding is effectively prohibited.⁶⁵ In many countries,⁶⁶ like **Algeria** for example, foreign funding is forbidden without prior permission and is subject to specific government authorization which requires funds to be transferred through specified government-controlled financial entities, or limited to certain activities or organizations. Organizations deemed to be “foreign” are particularly subject to such measures.⁶⁷

62 The Universal Declaration of Human Rights (Art. 17); The International Covenant on Civil and Political Rights (Art. 22); The International Convention on the Elimination of All Forms of Racial Discrimination (Art. 5 (d) (ix)); The Convention on the Rights of the Child (Art. 15); The European Convention for the Protection of Human Rights and Fundamental Freedoms (Art. 11); The African Charter on Human and Peoples' Rights (Art. 10); The Arab Charter on Human Rights (Art. 28); The American Convention on Human Rights (Art. 16); The HRDs Declaration (Art. 5 and 13)

63 United Nations General Assembly, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, UN Doc. A/HRC/23/39 (2013)

64 CIVICUS, quoted in UN Special Rapporteur on HRDs, 2016, Report of the Special Rapporteur on the situation of human rights defenders, UN Doc. A/HRC/31/55 (2016), para. 28

65 See World Organisation Against Torture (OMCT), *Violations of the Right of NGOs to Funding: From Harassment to Criminalization: Annual Report 2013*, available at www.omct.org/files/2013/02/22162/obs_annual_report_2013_uk_web.pdf, p. 42

66 For example, Bangladesh, Egypt, India. See World Organisation Against Torture (OMCT), *Violations of the right of NGOs to funding: From harassment to criminalization: Annual Report 2013*, available at www.omct.org/files/2013/02/22162/obs_annual_report_2013_uk_web.pdf, p. 42

67 Amnesty International, Algeria, New law on associations used to stifle civil society (Press release, 7 May 2013)

In June 2016, the licence to receive foreign funding by the Lawyers Collective, a prominent human rights organization in **India**, was suspended for 180 days in what was clearly selective targeting. The Ministry of Home Affairs stated that the NGO had violated several provisions of the Foreign Contribution (Regulation) Act. The Collective is known for its pioneering work on violence against women, LGBTI rights and the right to health.⁶⁸

In July 2016 the **Israeli** Parliament passed the so-called Transparency Law, imposing new reporting requirements on organizations that receive more than 50% of their funding from foreign governments, almost all of which were human rights groups or other NGOs critical of the Israeli government.⁶⁹

In **Egypt**, where an ongoing criminal investigation into the foreign funding and activities of human rights organizations has thus far resulted in 17 travel bans and asset freezes for seven organizations, thereby hampering their ability to operate, the parliament approved new legislation in November 2016 which would severely restrict NGOs' activities, right to obtain legal registration and access to funding from abroad while imposing extremely high financial penalties for violating its provisions. The law is yet to be signed by the President and therefore not yet in force.⁷⁰

Some states have also used administrative proceedings such as complicated registration processes or abusive fiscal procedures, including extensive tax scrutiny, that have forced HRDs and civil society organizations to close down or restrict their work.

In the **UK**, Muslim organizations and other charities operating in countries deemed "sensitive" face serious difficulties in transferring and spending funds. In addition, the Transparency and Lobbying Act and the Non-Party Campaigning and Trade Union Administration Act adversely affect the work of charities during election periods, with many opting to be silent on issues pertinent to their work for fear their words might be misunderstood and interpreted as evidence of engagement in prohibited party political activity.⁷¹

Even where civil society is able legally to receive foreign funding, they may be labelled "foreign agents", which stigmatizes them and significantly increases the risks they face.



THE "FOREIGN AGENTS" LAW RUSSIA

In July 2012, Russia's President Vladimir Putin approved legislation that would label NGOs as "foreign agents" if they receive overseas funding or are engaged in what is vaguely defined as "political activity". Such NGOs must be listed in the "foreign agents" register which is administered by the Ministry of Justice.

In June 2016, President Putin approved legislation amending the definition of "political activity". The amendment of the "On Non-commercial Organizations" Law now includes commentary on vast areas of public life and almost any form of participation in it.

Although the amendment does not cover activities in the areas of science, culture, art, health care, social support and environmental protection, officials insist that organizations active in these areas must register as "foreign agents". Almost any NGO receiving funds from abroad is likely to be placed on the "foreign agents" register, irrespective of the nature of their activities.

NGOs listed in the registry face a difficult choice: to continue accepting funds from abroad and be labelled a "foreign agent" or refuse foreign funding and rely exclusively on Russian sources, including presidential grants or local authority grants. The Russian authorities are sending a message to NGOs that, while they can use foreign funds, doing so will cost them dearly from a legal and reputational point of view. As of November 2016, at least 27 organizations had closed down after being placed on the "foreign agents" register.⁷² The Law is used to undermine and discredit a range of NGOs and has contributed to a growing atmosphere of suspicion and intolerance.

⁶⁸ Amnesty International, India: Suspension of human rights NGO's foreign funding license must be revoked (News story, 3 June 2016)

⁶⁹ Amnesty International, *Report 2016/2017: The State of the World's Human Rights* (Index: POL 10/4800/2017)

⁷⁰ Amnesty International, Egypt: *Signing new NGO Bill would be a "death warrant" for Egyptian Rights Groups* (Index: MDE 12/5171/2016)

⁷¹ Special Rapporteur on the rights to freedom of peaceful assembly and of association, April 2016, available at <http://freemovement.net/news/statement-united-kingdom-follow-up/>

⁷² Amnesty International, *Russia: Agents of the people: Four years of "Foreign Agents" law in Russia: Consequences for society* (Index: EUR 46/5147/2016)

4.2.2 RESTRICTIONS ON REGISTRATION

The HRDs Declaration outlines the rights of individuals to form, join and participate in NGOs, associations or groups to promote or defend human rights.⁷³ This is a key component of the right to association.

Prohibiting registration or de-registering organizations is a relatively easy way for states to prevent individuals from associating with each other. The **United Arab Emirates (UAE)** for example makes the process of registering a civil society organization extremely onerous as a way of dealing with organizations they see as “troublemakers”.

In **Bahrain**, NGOs cannot operate free from government interference and many chose not to register because of the overly-restrictive NGO law which empowers the authorities to intervene directly in the internal affairs and activities of NGOs. The main human rights NGO Bahrain Centre for Human Rights was banned in 2004.

In 2015, **Angola** introduced a law which imposed rigorous restrictions on organizations trying to register by requiring them to provide their financial reports.⁷⁴ In 2015, **China’s** National People’s Congress adopted legislation governing foreign NGOs and their domestic partners which authorizes the Ministry of Public Security to oversee NGO registration and supervise their operations, heightening fears that it would be used to intimidate and prosecute HRDs and NGO workers.

South Sudan’s NGO Bill of 2016 requires NGOs registering or renewing registration to provide performance reports, an audited financial report, asset lists, plans and budgets for the next fiscal year and a list of national and international staff and their positions.⁷⁵

Uganda’s NGO Act, passed in 2016, prevents organizations whose objectives are deemed to be “in contravention” of Uganda’s laws from registering. The provision is likely to affect specifically organizations working on the rights of LGBTI individuals, sex workers or people who use drugs, as well as those advocating women’s sexual and reproductive health and rights, including access to safe abortion.⁷⁶ The NGO Registration (Amendment) Act 2006 makes it illegal for NGOs to operate without registration.⁷⁷

In **Turkey**, 375 registered associations and NGOs were permanently closed and their assets seized in sweeping measures under executive decree No. 677 of November 2016, under the state of emergency. They were closed on allegations of links to terrorist organizations or for being “structures, formations or groups that are acting against national security”. NGOs that were closed included dozens of national and local human rights organizations, women’s rights organizations, local cultural associations, associations providing support to people living in poverty, students and business associations and even sports clubs.⁷⁸

4.3 RESTRICTIONS ON THE FREEDOM OF MOVEMENT

Many states impose restrictions on the right to freedom of movement within national as well as international boundaries with the aim of restricting or impeding human rights activities, including co-operation with international and regional human rights mechanisms, and HRDs’ access to international support.

Travel restrictions take a variety of forms, including travel bans, often as a result of unfounded judicial proceedings against HRDs. Restrictions can also be imposed by receiving countries that may deny visa applications or make the application process overly burdensome. Some measures deny HRDs the opportunity to receive in-country visits from external support organizations, undermining opportunities for

73 Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, 1998, Art. 5

74 Amnesty International, *Report 2015/2016: The State of the World’s Human Rights* (Index: POL 10/2552/2016)

75 Radio Tamazuj, S Sudan MPs pass law restricting aid groups, available at <https://radiotamazuj.org/en/article/s-sudan-mps-pass-law-restricting-aid-groups>, 2016

76 Position Paper on the Non-Governmental Organisations Act 2016, 20 March 2016, Human Rights Awareness and Promotion Forum, available from <http://hrapf.org/publications/legal-analyses/>, p. 4

77 Position Paper on the Non-Governmental Organisations Act 2016, 20 March 2016, Human Rights Awareness and Promotion Forum, available from <http://hrapf.org/publications/legal-analyses/>, p. 2

78 Amnesty International, *Turkey: Further information – Turkey permanently closes hundreds of NGOs* (Index: EUR 44/5208/2016)

capacity building. Amnesty International's research staff have on several occasions been banned from entering countries or have been deported during research missions.

In 2015, **Ahmed Mansoor** won the Martin Ennals Human Rights Defender Award, but the **UAE** banned him from travelling to Switzerland to participate in the ceremony.⁷⁹ The authorities confiscated his passport in 2011 when they arbitrarily arrested him and four others. As with many of the tactics outlined in this report, such restrictions on movement are often a precursor to more serious violations and attacks. In March 2017, Ahmed Mansoor was arrested at his home and his whereabouts remain unknown at the time of writing.⁸⁰

In 2016, **Cyril Almeida**, assistant editor of *Dawn* newspaper, was placed on **Pakistan's** Exit Control List after the Prime Minister's office took exception to a front page report he wrote on tensions between the government and the military.⁸¹ Cyril Almeida was removed from the list a few days later.⁸² This kind of intimidation tactic is designed to silence journalists and stop them from doing their job.

HRD **Abdul Fatoma** was recently prevented from travelling following his arrest in Freetown, the capital of **Sierra Leone**, at the end of January 2017. Abdul Fatoma was arrested after he challenged the government and the Anti-Corruption Commission about their lack of accountability. He was released without charge, but had to surrender his passport for 45 days.⁸³

In **Malaysia** the authorities have implemented arbitrary travel bans on HRDs like **Zulkiflee Anwar Ulhaque (Zunar)**, a cartoonist, political activist and outspoken government critic. In October 2016, immigration officers informed him of the ban at Kuala Lumpur International Airport from where he tried to travel to Singapore to attend a private forum; they provided no lawful or valid reason for the travel ban.⁸⁴



TRAVEL BANS, ASSET FREEZE AND NGO RAIDS IN EGYPT

Over the past two years, the Egyptian authorities have escalated an unprecedented crackdown on civil society organizations. In the context of a criminal investigation into the work of human rights organizations and their funding, the authorities have banned 17 HRDs from travelling abroad and frozen the assets of seven organizations and 10 individuals, as well as summoning staff for interrogation by investigative judges.

In February 2017, police raided and closed al-Nadim Center for Rehabilitation of Victims of Violence for its work on human rights violations and supporting survivors of torture.⁸⁵ Dr Aida Seif al-Dawla, the executive director of al-Nadim Center, had already been banned from travelling in November 2016; in the same month another four HRDs were banned from travelling including Ahmed Ragheb of the National Community for Human Rights and Law and Malek Adly of the Egyptian Center for Economic and Social Rights.

In December 2016, security forces arrested Azza Soliman, director of the Center for Women's Legal Assistance, from her home and took her for interrogation by an investigative judge on charges relating to receiving foreign funding without government authorization. She was released several hours later.⁸⁶ Her arrest came three weeks after the authorities barred her from travelling abroad in relation to a well-known foreign funding case. Further, in June 2016, Mozn Hassan of Nazra for Feminist Studies was also banned from travelling to Beirut to participate in the Executive Committee meeting for the WHRDs Regional Coalition for MENA.

In all such cases, the authorities have not given any reason for preventing people from boarding flights and refused to provide formal documentation supporting the travel ban. In some cases, officers of the Interior Ministry's National Security Agency questioned the HRDs, searched their luggage and phones,

79 Amnesty International, *Human rights defender banned from travel* (Index: MDE 25/2464/2015)

80 Amnesty International, *Human rights defender's whereabouts unknown* (Index: MDE 25/5923/2017)

81 Amnesty International, *Pakistan: Drop travel ban on Dawn journalist*, 2016 (Press release, 11 October 2016)

82 The Guardian, *Pakistan lifts travel ban on journalist whose scoop angered army*, available at www.theguardian.com/world/2016/oct/14/pakistan-journalist-cyril-almeida-travel-ban-lifted

83 Amnesty International, *Sierra Leone anti-corruption activist's detention an attempt to stifle freedom of expression* (Press release, 1 February 2017)

84 Amnesty International, *Malaysia: Drop travel ban on Zunar and other government critics* (Index: ASA 28/5013/2016)

85 Amnesty International, *Shutdown of renowned torture rehabilitation centre in Egypt* (Press release, 9 February 2017)

86 Amnesty International, *Egypt: Prominent women's rights activist arrested in worrying escalation* (Press release, 7 December 2016)

and seized their passport without justification. In most cases, they were not told when or if the ban would end.

Such travel bans contravene international human rights law and Egypt's own Constitution. The bans infringe their rights to freedom of movement and association, and stifle the right to freedom of expression, sending a clear message that human rights work is not welcomed.

5. ABUSES BY NON-STATE ACTORS

5.1 BUSINESSES

Companies have a responsibility to respect human rights. The scope and meaning of this responsibility is clarified in the UN Guiding Principles on Business and Human Rights (UN Guiding Principles).⁸⁷ The responsibility to respect human rights requires that companies,

“[a]void causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur”.

It also requires that companies,

“[s]eek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts”.

The UN Guiding Principles recognize the crucial role of HRDs in assessing the adverse human rights impacts of business. They also remind states of their duty to ensure that the legitimate and peaceful activities of HRDs are not obstructed.

Despite this, HRDs continue to face serious threats and attacks either at the hands of businesses or in the context of their operations. A number of recent reports have documented worsening attacks and restrictions from both governments and private actors in retaliation against their work.⁸⁸

In 2014, the UN Working Group on the issue of human rights and transnational corporations and other business enterprises reported that it received a concerning number of communications about threats and attacks against HRDs:

“Communications have addressed alleged murders of, attacks on and acts of intimidation against HRDs who campaign against the adverse impacts of extractive company operations and allegations regarding the impact of mining and hydroelectric projects on indigenous peoples. The Working Group is gravely concerned about a disturbing increase in attacks and acts of intimidation by State and non-State actors against those who protest against the actual and potential adverse impacts of business operations and major development projects.”⁸⁹

The Working Group called on UN member states to:

⁸⁷ UN Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework, UN Doc. HR/PUB/11/04 (2011)

⁸⁸ Global Witness, Honduras: The deadliest country in the world for environmental activism, 2017, available at www.globalwitness.org/en/campaigns/environmental-activists/honduras-deadliest-country-world-environmental-activism/; Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, UN Doc. A/HRC/29/25 (2015); Report of the Special Rapporteur on the situation of HRDs, Michel Forst, UN Doc. A/71/281 (2016)

⁸⁹ United Nations General Assembly, Report of the Working Group on the Issue of Human Rights and Transnational Corporations and other Business Enterprises, UN Doc. A/HRC/26/25 (2014), p. 18

“Ensure the protection of HRDs who raise awareness of the impacts of business activities, especially large infrastructure and productive development projects, and communicate to business enterprises that they also need to respect the rights of HRDs.”⁹⁰

The dire situation for HRDs working on issues related to the land, territory and the environment is in no small way related to the “power imbalances at play around the commodification”⁹¹ of the environment by states and businesses. Amnesty International’s research confirms the high level of violence against HRDs who work on these issues. The majority of cases documented by the organization took place in the context of projects where companies exploited natural resources.⁹²

In March 2016, for example, land rights defender **Sikhosiphi “Bazooka” Rhadebe**⁹³ was shot dead at his home in Lurholweni, Eastern Cape Province, **South Africa**, by two men claiming to be police officers. For decades, he had opposed the opencast mining of titanium and other heavy minerals on communal land in Xolobeni by a local subsidiary of Australia-based Mineral Commodities Limited. Some members in the community living in the area fear that if the mining application is granted they will lose their homes and land and suffer ill-health associated with water pollution. Others in the community believe the initiative will provide job opportunities. Nobody has been brought to justice for Sikhosiphi Bazooka Rhadebe’s murder.

In June 2016, **Daw Mar Cho** and **Daw Ma Sanda** of Thone village in Sagaing Region, central **Myanmar**, received a letter from the Salingyi Township Court stating that they had been charged, including with defamation. The charges relate to their participation a month earlier, with other villagers, in a march opposing copper production at the Letpadaung mine. They face up to four years’ imprisonment if convicted although, at the time of writing, they had received no further information from the court. The Thone village residents were protesting what they consider to be inadequate compensation for land lost as a result of the mine.⁹⁴

In January, **India**’s Supreme Court rejected Greenpeace India campaigner **Priya Pillai**’s appeal against criminal defamation charges filed by Mahan Coal Ltd. The company alleges that she carried out negative publicity and protests over purported irregularities in mining activities. The Court’s ruling clears the way for the case against her to proceed. It is one of several legal and bureaucratic measures she and Greenpeace have faced over two years.⁹⁵

The latest report by the UN Special Rapporteur on the situation of HRDs states that,

“The weak regime concerning the duty of companies to respect the rights of EHRDs [environmental HRDs] is one factor underlying vulnerability of EHRDs to risks. Reports have shown the involvement of businesses in human rights abuses that range from restricting their legitimate activities, curtailing the exercise of their rights, to attacks carried out by private security firms on behalf of companies. National action plans, when established, often fail to advise how States should sanction corporations involved in such abuses.”⁹⁶

However, many governments justify their actions against groups who protest the exploitation of their land or natural resources (which frequently include ancestral territories of Indigenous Peoples) by companies for business by arguing such groups are trying to halt development and economic growth.

90 United Nations General Assembly, Report of the Working Group on the Issue of Human Rights and Transnational Corporations and other Business Enterprises, UN Doc. A/HRC/26/25 (2014), p. 22

91 United Nations Special Rapporteur on HRDs, They spoke truth to power and were murdered in cold blood: Analysis of the situation of environmental human rights defenders and concrete recommendations to better protect them, adaptation of UN Doc. A/71/281 (2016)

92 Amnesty International, *We are defending the land with our blood: Defenders of the land, territory and environment in Honduras and Guatemala*, (Index: AMR 01/4562/2016)

93 Amnesty International, *South Africa: Human rights defenders under attack* (Index: AFR 53/4058/2016)

94 Amnesty International, *Mountain of trouble – human rights abuses continue at Myanmar’s Letpadaung mine* (Index: ASA 16/5564/2017)

95 Frontline Defenders, Environmental campaigner faces criminal defamation, available at www.frontlinedefenders.org/en/case/environmental-campaigner-faces-criminal-defamation-case

96 United Nations Special Rapporteur on HRDs, They spoke truth to power and were murdered in cold blood: Analysis of the situation of environmental human rights defenders and concrete recommendations to better protect them, adaptation of UN Doc. A/71/281 (2016),



MÁXIMA ACUÑA PERU

*Máxima Acuña in Cajamarca, Peru, 20 May 2016
© Raúl García Pereira/Amnesty International*

Máxima Acuña is a 2016 winner of the Goldman Environmental Prize for her work in defence of a safe environment in a community threatened by the potential impact of gold mining. She is a subsistence farmer from Sorochuco district, Cajamarca region, northern Peru. Since 2011, she and her family have been in a legal dispute with the mining company Yanacocha around the property and possession of the plot of land where they live. The mining company has demanded the family leave the land and has relied on criminal and civil laws to remove the family's crops and gain ownership of the land.

For almost 6 years from 2011 till 2017 Máxima Acuña faced criminal prosecution on baseless grounds. She and her family were accused of "usurpación", a crime associated with illegal and violent occupation of the land. In 2012, a court found them guilty and gave them a three-year suspended prison sentence. In December 2014, a court in Cajamarca declared the ruling void and determined that the family was not guilty of illegally occupying the land as claimed by the company. The mining company challenged the decision and the Supreme Court finally ruled in May 2017 that the prosecution was entirely baseless.

Though the criminal case is now resolved, the prosecution of Máxima Acuña has effectively stigmatized her and her work in defending human rights, portraying her as a criminal, and putting a massive additional strain on the family. This is further compounded by false rumours which were circulated in her area accusing her of using her human rights work for economic gain. Yanacocha representatives regularly accuse her of being a "squatter", although the claims of ownership of the land have not been determined yet by judicial authorities.

Máxima and her family have been subjected to a sustained campaign of police violence and harassment for refusing to leave the land. In May 2014, the Inter-American Commission on Human Rights (IACHR) granted Máxima Acuña and 45 other HRDs in peasant communities in Cajamarca precautionary measures as a result of the threats, harassment and violence they suffer because of their work. This move obliges Peru to take the necessary measures to guarantee the life and personal integrity of these defenders.⁹⁷

5.2 ARMED GROUPS

HRDs working in areas of armed conflict face specific threats and challenges. Those working in conflict zones and reporting human rights violations and abuses commonly face attacks from the various parties to the conflict who regard them as potential enemies. Attacks might come from the security forces, armed groups and other militias.⁹⁸

Some of the common abuses HRDs working in conflict zones face include, among others, unlawful killings, abductions and hostage-taking, torture and other ill-treatment (including rape and sexual violence), and forced displacement.

Since the Huthis and their allies entered the city of Sana'a in September 2014, exercising control over the capital and other parts of northern **Yemen** since early 2015, they have severely curtailed the rights to

⁹⁷ Peru: Human rights defender Máxima Acuña criminalized by unsubstantiated criminal prosecution for land invasion (Index: AMR 46/5879/2017)

⁹⁸ United Nations General Assembly, Report of the Special Rapporteur on human rights defenders, Situation of human rights defenders, UN Doc. A/70/217 (2015)

freedom of expression, association and peaceful assembly in areas under their control. They have arbitrarily arrested critics and opponents including journalists, HRDs and members of the Baha'i community, subjecting scores to enforced disappearance, and forcing NGOs to close. By the end of 2015, they had closed at least 27 NGOs in Sana'a. In June 2015, nine journalists were arrested in a single raid in Sana'a; they remained in detention at the time of writing. Some of the journalists worked for al-Islah-affiliated online news outlets that oppose the Huthis' control.⁹⁹

In **Colombia**, in spite of the 2016 peace agreements, there has been an increase in killings of HRDs. Paramilitary groups continue to operate despite their supposed demobilization over 10 years ago and are thought to be responsible, either alone or in collusion with state actors, for many of the attacks against HRDs and others. Throughout 2016 and early 2017, local NGOs have reported that paramilitaries from the Gaitanista Self-Defence Forces of Colombia (AGC) carried out incursions in humanitarian zones and collective territories in Cacarcica, Chocó Department, and in the Peace Community of San José de Apartadó, Antioquia Department.¹⁰⁰

5.3 ORGANIZED CRIMINAL GROUPS

Organized criminal groups also pose specific risks and threats to HRDs, particularly where weak state institutions result in tenuous territorial control and a lack of accountability for crimes and human rights abuses.¹⁰¹ Several countries around the world rely on the armed forces to undertake tasks relating to public safety or have adopted military techniques, training and equipment for use by the police and other law enforcement agencies to address the challenges posed by criminal gangs.

In many cases, organized criminal groups work with the complicity or acquiescence of states. HRDs who work to expose their abuses and hold them to account are often met by violence and threats. It is often difficult for HRDs to identify their adversaries or assess the likelihood that the threat will be realized, thus making self-protection nearly impossible in a context where state protection mechanisms are inadequate.

In **Honduras**, the authorities have shown an inability to halt gang-related violence. This, coupled with the prevalence of corruption among and abuse by law enforcement and security forces, has left HRDs unprotected. Relatives of victims and witnesses of human rights abuses are at particular risk. **Alexa** (not her real name) was a protected witness in the trial against at least five men who were arrested for the murder of two of her young children, allegedly by members of a local gang who sought to recruit them. **Mauricio**, another of Alexa's sons, received anonymous text messages threatening to kill the whole family if they did not leave their neighborhood. Alexa and her two surviving sons fled to Mexico.¹⁰²

The general lack of recognition of HRDs is even more pronounced in situations of armed conflict or where public security tends to be militarized. In particular, WHRDs face increased marginalization and delegitimization in such contexts.

In **Mexico**, since 2006 over 30,000 people have gone missing. It is unclear how many are victims of enforced disappearance by state actors and how many at the hands of non-state actors. In Cuauhtémoc, a city in northern Mexico, those looking for their loved ones have suffered direct attacks in retaliation for their demands for truth and justice, including by threats and harassment. Increasingly, families and friends are afraid to report the disappearance of relatives or friends to the authorities because of the evidence that public officials collude with criminal gangs and the almost absolute impunity in which these crimes remain.¹⁰³

99 Amnesty International, "Where is my father?": Detention and disappearance in Huthi-controlled Yemen, 2016 (Index: MDE 31/4006/2016)

100 Amnesty International, *Annual Report 2016-2017, The State of the World's Human Rights* (Index POL 10/4800/2017);

Amnesty International, Colombia: Spike in killings as activists targeted amid peace process, (Press release 7 February 2017)

101 Insight Crime: Investigation and analysis of organized crime, criminal evolution and violence in Latin America and the Caribbean, 2014, available at www.insightcrime.org/news-analysis/evolution-crime-violence-latin-america-caribbean

102 Amnesty International, *Home sweet home? Honduras, Guatemala and El Salvador's role in a deepening refugee crisis* (Index: AMR 01/4865/2016)

103 Amnesty International, *Treated with indolence: The state's response to disappearances in Mexico* (Index: AMR 41/3150/2016),

6. THE IMPACT OF INTERSECTING FORMS OF DISCRIMINATION

HRDs who are from, and/or who work with marginalized individuals or groups – including people who have faced historical discrimination on the basis of their sex, ethnicity, religion, caste, class, sexual orientation, gender identity, age, nationality, membership of an Indigenous group or disability – experience specific challenges in their work. The abuses they experience are multi-faceted and they are subject to multiple and intersecting forms of discrimination. This often arises from the fact that they or those they represent face specific violations and/or discrimination arising from their defining characteristics.

6.1 WOMEN HUMAN RIGHTS DEFENDERS

In every region of the world, WHRDs face forms of gender-based violence in addition to the attacks other HRDs might face, including sexual violence, and threats, harassment and defamation campaigns linked to their status as women. WHRDs are frequently targeted not only because of their activism but also because of their gender and their activities are repeatedly delegitimized and denigrated. Many of them operate in an environment of blatant hostility against the interests they promote. Those who challenge gender stereotypes and who work on issues like sexual and reproductive health and rights, or defend more widely the human rights of women and girls, are often especially vulnerable to gender-based attacks and threats.

According to the UN Office of the High Commissioner for Human Rights, while WHRDs face the same risks as other defenders, they are likely to be “targeted for or exposed to gender-specific threats and gender-specific violence. The reasons behind the targeting of WHRDs are multi-faceted and complex, and depend on the specific context in which the individual WHRD is working in. Often, the work of WHRDs is seen as challenging traditional notions of family and gender roles in the society, which can lead to hostility by the general population and authorities. Due to this, WHRDs are subjected to stigmatization and ostracism by community leaders, faith-based groups, families and communities who consider them to be threatening religion, honour or culture through their work.”¹⁰⁴

The WHRDs International Coalition¹⁰⁵ notes that “in national contexts... characterized by an ‘official religion’ or [which] have separate religious laws, legal frameworks that discriminate against women by failing to grant certain rights or that penalize women disproportionately for certain offences may also result in the criminalization of activities that WHRDs need to carry out during the course of their human rights work. The criminalization of abortion, for example, which results in abortion providers being placed outside the law,

104 Office of the High Commissioner for Human Rights, Women Human Rights Defenders, available at www.ohchr.org/EN/Issues/Women/WRGS/Pages/HRDefenders.aspx

105 The Women HRDs International Coalition (WHRDIC) is a network that supports and protects women HRDs worldwide in their defence of human rights, www.defendingwomen-defendingrights.org

means that retaliatory attacks may be less likely to be reported, and consequently also less likely to be investigated and punished.”¹⁰⁶

Furthermore, WHRDs may be subjected to smear campaigns which portray them as sexually promiscuous as a means to ostracize them from their communities. Attacks which target individuals close to an HRD, like their children, have been used to specifically deter women from continuing their work in the interests of their children’s safety.

Isabel (not her real name), a sex worker in Niterói, a city in the state of Rio de Janeiro, **Brazil**, publicly denounced violence, including the use of rape, police extortion, harassment and forced eviction against sex workers in June 2014. Some two weeks later, Isabel was forced into a car by four men who – over a 30-minute period – cut her arms with a razor blade, showed her pictures of her son entering his school and ordered her to stop making accusations against the police and talking to journalists. After the abduction, Isabel was too frightened to report it and lived in fear for her family; she was too afraid even to go home.¹⁰⁷

Soni Sori, a woman human rights defender who has spoken out about human rights abuses committed by both security forces and armed Maoist groups in Chhattisgarh, **India**, was attacked on 20 February 2016. Three unidentified men threw a chemical substance on Soni Sori’s face, temporarily blinding her. Soni Sori had been trying to file a complaint against a high-ranking police official in a case involving an alleged extrajudicial execution. From 2011 to 2014 Soni Sori was imprisoned on false and politically motivated charges.¹⁰⁸

In the **Philippines** in February 2017, HRD **Senator Leila de Lima**, a former justice secretary and former chair of the Philippine Commission on Human Rights, was arrested on politically motivated charges. At the time of writing, she was held at the Philippine National Police headquarters in Manila and could face up to 12 years in prison if convicted. Since leading an investigation by the Senate into President Duterte’s violent “war on drugs”, which has claimed over 7000 lives since July 2016, Leila de Lima has been subjected to a targeted campaign of misogynistic attacks and character assassination by the President and his allies.¹⁰⁹

Award-winning **Khadija Ismayilova**, an **Azerbaijani** investigative journalist and outspoken government critic, has been the subject of a prolonged smear campaign including by being arbitrarily detained for over 17 months between 2014 and 2016 on trumped-up charges. In 2012, she was sent copies of screenshots of a video depicting her private life and taken in her apartment by hidden cameras in her home. The screenshots were accompanied by a note threatening to “shame” her if she did not abandon her work. The press has published stories blaming “her mother for her daughter’s ‘shameless lifestyle’” and claiming she and her sister appeared in pornographic films.¹¹⁰

Cartoonist **Atena Farghadani**, an **Iranian** HRD, was arrested in December 2014 and initially sentenced to almost 13 years imprisonment, for drawing a satirical cartoon protesting a bill that would criminalize voluntary sterilization and restrict access to contraception and family planning services. She was released in May 2016 after her sentence was reduced to 18 months. In 2015 after Atena Farghadani shook hands with her male lawyer, she was charged with “illegitimate sexual relations short of adultery” and was forced to undergo a “virginity and pregnancy test.”¹¹¹

In **El Salvador**, women human rights activists campaigning on sexual and reproductive rights have been publicly accused in the press of being “unscrupulous”, “pro-death”, “adding to the rivers of blood already flowing in the country”, “unpatriotic traitors bringing shame on El Salvador”, and of “manipulating vulnerable women”.¹¹²

Authorities also seek to undermine WHRDs’ rights to privacy and subject them to stigmatization online. In some cases their private email accounts have been hacked in an effort to uncover and expose personal activities, photographs or videos. In other cases documents, photographs and videos have been doctored to

106 Women Human Rights Defenders International Coalition, *Global Report on the Situation of Women Human Rights Defenders*, 2012, p. 21, available at www.defendingwomen-defendingrights.org/wp-content/uploads/2014/03/WHRD_IC_Global-Report_2012.pdf

107 Amnesty International, *Brazil: Sex workers evicted and abused by police* (Index: AMR 19/006/2014)

108 Amnesty International, *Blackout in Bastar, Human Rights Defenders under threat*, 2016, available at www.amnesty.org.in/images/uploads/articles/Chhattisgarh_Campaign_Digest.pdf

109 Amnesty International, *Philippines: Impending arrest of senator politically motivated* (Index: ASA 35/5772/2017)

110 Amnesty International, *Guilty of defending rights: Azerbaijan’s human rights defenders and activists behind bars* (Index: EUR 55/1077/2015)

111 Iran: Imprisoned cartoonist subjected to forced “virginity test” (News story, 9 October 2015)

112 Amnesty International, *Defenders under attack! Promoting sexual and reproductive rights in the Americas* (Index: AMR 01/2775/2015).

falsely implicate women in behaviours that are considered culturally inappropriate. Regardless of where these materials originate, they are meant to disgrace and discredit WHRDs.¹¹³



**MALALAI
AFGHANISTAN**

“I was returning home from work by car, when they detonated a bomb and my husband received serious wounds to his face and hands. The children and I had a lucky escape and received minor injuries but the car was completely destroyed.”

Malalai (not her real name), former head of an Afghan girls' school regarding an incident in February 2012

Malalai and her family had been targeted several times because of her work as an educator. Malalai, a Pashtun, was the head of a girls' school in Afghanistan, where she worked until 2014, after which she sought asylum in Europe because of the attacks against her and her family.

The threats and intimidation against Malalai began in 2005, when she started to campaign for the establishment of a girls' high school in her area. She was simultaneously encouraging parents to allow their daughters an education. As the campaign became more public she was increasingly targeted:

“Mullahs started accusing me of being an infidel and Western, and saying that I had given up my religion. This is enough in a traditional fundamentalist society to turn people against you...”

A few years later, Malalai and her family were targeted once again:

“When I was having guests, our home came under attack. Around midnight, we heard a big explosion... We ran out and saw dust and debris in our home and realized that it was us that had been hit. The rocket destroyed the bathroom and damaged another room. All the windows and doors were shattered. [The authorities have done nothing about the incident]. They just say, ‘yes, yes, we are investigating’ but they don't take it seriously.”

Malalai continues to fight for the right to education for girls in Afghanistan. She says: “I will always carry the flag of education on my shoulder like a soldier till I fall down and die.”¹¹⁴

6.2 LGBTI DEFENDERS

Like WHRDs, defenders of the rights of LGBTI people face multiple strategies by the authorities and non-state actors to obstruct their work – both off and online, arising in many cases from deeply rooted discrimination and marginalization. LGBTI defenders experience intersectional discrimination, both for their work as HRDs and because they experience transphobic or homophobic discrimination because they are or are perceived as being LGBTI.

Amnesty International has particularly documented numerous violations of the right to peaceful assembly when authorities have banned or inadequately policed Pride marches around the world and also cases of attacks and even killings against LGBTI people, including many HRDs.

¹¹³ Amnesty International, *Defenders under attack! Promoting sexual and reproductive rights in the Americas* (Index: AMR 01/2775/2015)

¹¹⁴ Amnesty International, *Their lives on the line: human rights defenders under attack in Afghanistan*, (ASA 11/1279/2015)

In **Turkey**, **Hande Kader**, a well-known transgender rights defender, was killed in August 2016. Her body was found by the side of a road in Istanbul; she had been raped, mutilated and burnt.¹¹⁵ Fashion designer and LGBTI activist **Barbaros Şansal**¹¹⁶ was remanded in pre-trial detention on 3 January 2017 for allegedly “inciting the public to hatred or hostility” for comments he made in a New Year’s Eve video and two tweets. He was conditionally released on 2 March but his prosecution continues.

Pride in **Turkey**, normally one of the spaces where LGBTI people and their allies can celebrate collectively and make an important statement about the visibility of LGBTI issues, has been increasingly, unjustifiably and unlawfully suppressed. In 2015, it was banned one day before it was due to take place and police attacked revellers with water cannons, tear gas and pepper ball projectiles. In 2016, Pride marches were also cancelled.¹¹⁷

In **Indonesia**, in February 2016, the Menteng Jakarta police disbanded a workshop organized by **Arus Pelangi**, an LGBTI organization, after they received complaints from the Islamic Defender Front (FPI). In the same month, the police prevented a peaceful pro-LGBTI rally in Yogyakarta alleging that the group had not given the authorities adequate notice of the event. Some people attended the rally regardless and there were clashes with anti-LGBTI demonstrators.¹¹⁸

The 2015 Pride event in Kyiv, **Ukraine**, ended in homophobic violence in which a number of people were injured, including 10 protesters and at least five police officers. A lack of state co-operation with the event’s organizers and a failure by the authorities to put an evacuation plan in place were believed to be at least partially responsible for the injuries.¹¹⁹ A year later the 2016 Pride in Kyiv was supported by the city authorities and effectively protected by the police, making it the largest-ever such event in Ukraine.

LGBTI organizations have also been subjected to unlawful interferences online. At least three LGBTI websites from the US and Canada were blocked by the **Ethiopian** authorities in September 2016 for several weeks. The **International Foundation for Gender Education** (IFGE), a US-based educational organization that promotes acceptance of transgender people; **samesexmarriage.ca**, a Canadian website that promotes same-sex marriage; and **QueerNet**, a project of the Online Policy Group – a non-profit organization dedicated to online policy research around digital rights issues – which provides free online services such as email hosting, websites, and mailing lists for LGBTI communities found their websites inaccessible as part of the overly broad and unlawful internet censorship in the country.¹²⁰

6.3 YOUTH DEFENDERS

Young HRDs face specific risks and harm. They tend to be at the bottom of many hierarchies and face age-based discrimination intersecting with other forms of oppression. As a result, and a general stereotype that young people are troublemakers, idealistic and/or immature, many young HRDs are discredited and silenced. Youth-led civil society groups and young people are often key agents of change and can make a significant contribution to human rights, but remain susceptible to undue restrictions and persecution.

Giyas Ibrahimov and **Bayram Mammadov**¹²¹ are students and youth activists from Baku, **Azerbaijan**. In May 2016 they were detained on trumped-up drug-related charges after they painted political graffiti on a statue of Azerbaijan’s former President Heydar Aliyev and sentenced to 10 years’ imprisonment. During police interrogation, they were threatened with rape, beaten and forced to clean the police station’s toilets while being filmed.

Lutte pour le Changement (LUCHA) is a civil rights movement led by young people from the **DRC**. They work on issues of democracy, accountability and for the promotion and respect of human rights. In December 2016, 20 LUCHA activists were arrested in Goma, and later released, for holding a peaceful sit-in in front of a governor’s office and holding banners saying “nobody is above the law”, “bye Kabila” and “defending the

115 Profile from Frontline Defenders, see <https://www.frontlinedefenders.org/en/profile/hande-kader>

116 Amnesty International, *Turkey: LGBTI activist held in pre-trial detention: Barbaros Şansal* (Index: EU 44/5431/2017)

117 Amnesty International, *Turkey: Lift ban and protect Istanbul Pride* (Index: EUR 44/4283/2016)

118 Amnesty International, *Indonesia: Stop inflammatory and discriminatory statements that put the LGBTI community at risk* (Index: ASA 21/3648/2016)

119 Amnesty International, *Ukraine, Homophobic violence mars gay rally in Kyiv* (News story, 6 June 2015)

120 Amnesty International, *Ethiopia: Government blocking of websites during protests widespread, systematic and illegal* (Index: AFR 25/5312/2016)

121 Amnesty International, *Azerbaijan: Youth activists detained, speak of ill-treatment* (Index EUR 55/4039/2016)

constitution is not a crime". In February 2017, one of their activists, **Musasa Tshibanda**, was released after having been in incommunicado detention since 16 December 2016.¹²²



PHYOE PHYOE AUNG MYANMAR

Phyoe Phyoe Aung is a young student activist and former Secretary General of the All Burma Federation Student Union (ABFSU). In 2015, she led student protests against the new National Education Law, adopted in September 2014, which the protesters said curtailed academic freedom. In March 2015, she was beaten by police officers and imprisoned for over a year for her peaceful protest. She and many other peaceful protesters were charged with criminal offences connected with the protest; many faced prison sentences of over nine years.

In February 2015, Phyoe Phyoe Aung and other student leaders organized four concurrent marches throughout the country which were to meet in Yangon, the country's main city. Government authorities ordered the students to stop protesting. In the meantime, student leaders and government and parliamentary representatives continued talks with the students on amendments to the Law, leading to a suspension of the protests.

When the talks broke down in early March, student protesters in Letpadan, Bago Region, announced that they would resume marching towards Yangon. They were blocked by police, leading to an eight-day stand-off. This culminated on 10 March, when police forcibly dispersed largely peaceful student protesters. Eyewitnesses told Amnesty International that when some protesters tried to dismantle a police barrier, police beat them with batons.

Phyoe Phyoe Aung, who had previously tried to negotiate a peaceful ending to the stand-off, took refuge with other students in a nearby monastery which the police surrounded. When Phyoe Phyoe Aung and a friend offered to surrender with a guarantee that violence would not be used, the police handcuffed the students, made them sit down in rows and then beat them with batons, and threatened female students with sexual abuse.

Phyoe Phyoe Aung was released in April 2016, days after a new government in Myanmar came into office and a court dropped the charges against her and other students and protesters.¹²³

122 Amnesty International, *Democratic Republic of Congo: Further Information: LUCHA activist released without charge: Musasa Tshibanda* (Index: AFR 62/5660/2017)

123 Amnesty International, *Going back to the old ways: A new generation of prisoners of conscience in Myanmar* (Index: ASA 16/2457/2016), 8 October 2016; Amnesty International, *Myanmar: Student leaders released* (Index: ASA 16/3836/2016)

7. THE RIGHT TO DEFEND HUMAN RIGHTS

“Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.”

Article 1, UN HRDs Declaration

International human rights law and standards establish and protect the right to defend human rights as an autonomous and independent right. The HRDs Declaration recognizes this right and develops provisions contained in international instruments such as the UDHR, the International Covenant on Economic, Social and Cultural Rights and the ICCPR.

The HRDs Declaration does not create new rights and obligations but instead articulates existing ones and applies them to the particular role and situation of HRDs. It recognizes the crucial role played by HRDs in the defence and promotion of human rights which often exposes them to additional and specific risks, thus requiring measures explicitly for their protection.

The HRDs Declaration also establishes that states bear the ultimate responsibility to protect HRDs, to prevent and effectively address allegations of human rights violations and abuses committed against them and related to their human rights work, and to ensure that they can carry out their work in a safe and enabling environment.¹²⁴

PRIMARY RESPONSIBILITY FOR THE PROTECTION OF HRDS

1. Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.
2. Each State shall adopt such legislative, administrative and other steps as may be necessary to ensure that the rights and freedoms referred to in the present Declaration are effectively guaranteed.

(Article 2, HRDs Declaration)

¹²⁴ Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, 1998, Art. 2.

Furthermore, in 2014 the UN General Assembly, in adopting resolution 68/181 specifically on WHRDs, acknowledged that

“... women of all ages who engage in the promotion and protection of all human rights and fundamental freedoms and all people who engage in the defence of the rights of women and gender equality, individually and in association with others, play an important role, at the local, national, regional and international levels, in the promotion and protection of human rights, in accordance with the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.”¹²⁵

The resolution called upon all institutions and protection mechanisms at international, regional and national levels to recognize the crucial role of WHRDs and their responsibilities and obligations to protect them.

At the **regional level**, there are a number of institutions and mechanisms in place to promote and provide tools for HRDs to seek protection, redress and accountability for the multiple risks and abuses they face. While a full analysis of such mechanisms is outside the scope of this report, there are specific protection mechanisms for HRDs around the world which should be highlighted.

The **European Union** and its member states have made a number of key commitments and adopted several instruments on HRDs that guide their actions to promote and protect them in third (or non-EU) countries.¹²⁶ Their objective is to enable and empower the EU and its member states to protect and promote HRDs' work, engage with them and give legitimacy to issues they raise by giving political and economic backing. Other EU guidelines, such as those on human rights dialogues with non-EU countries, provide an important space for HRDs to engage with the EU and its member states.¹²⁷ At the **Council of Europe**, the Commissioner for Human Rights is also mandated to support the work and protection of HRDs, including by assisting member states in fulfilling their obligations in this regard.¹²⁸ In 2007, the **Organization for Security and Co-operation in Europe** (OSCE) created a focal point for HRDs to, among other things, monitor the challenges they face in the region and increase their capacities. In 2014, it adopted specific guidelines on the protection of HRDs.¹²⁹

The **Inter-American Human Rights System**, comprised of the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights, plays a crucial role in promoting and ensuring protection for HRDs at risk in the Americas. Both bodies can grant protection measures for serious and urgent situations which create a risk of irreparable harm to a person or a group of people. These measures call on states to take appropriate steps to protect the life and physical integrity of HRDs and to investigate thoroughly the attacks and security incidents which led to the decision to grant such measures. The Inter-American Commission also has a Special Rapporteur on HRDs, who closely follows the situation of all those who work to defend human rights in the region.

Apart from a number of resolutions on the protection of HRDs,¹³⁰ the **African Commission on Human and Peoples' Rights** (ACHPR) is yet to formulate a set of comprehensive guidelines. In 2004, the ACHPR adopted a resolution on the protection of HRDs in Africa, in which it created a Special Rapporteur on HRDs mandated to, among other things, develop and recommend effective strategies to better protect them.¹³¹ The latest resolution from the ACHPR, adopted in 2016, called on member states to adopt laws and measures to promote and protect HRDs' work, addressing the specific protection needs of WHRDs; to ensure that efforts

125 United Nations General Assembly, Promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms: Protecting Women Human Rights Defenders, UN Doc. A/RES/68/181.

126 European Union, EU Guidelines on Human Rights Defenders, available at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3A133601>

127 European Union, EU Guidelines on Human Rights Dialogues with non-EU Countries, available at eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3Ar10115

128 Council of Europe, Human Rights Defenders, available at www.coe.int/en/web/commissioner/human-rights-defenders

129 Organization for Security and Co-operation in Europe, Human Rights Defenders in the OSCE Region: Our Collective Conscience, 2007, available at www.osce.org/odihr/29714; Organization for Security and Co-operation in Europe, Guidelines on the Protection of Human Rights Defenders, 2014, available at www.osce.org/odihr/guidelines-on-the-protection-of-human-rights-defenders

130 African Commission on Human and Peoples' Rights, Resolution 336 on Measures to Protect and Promote the Work of Women HRDs, ACHPR/Res. 336 (EXT.OS/XIX) 2016, available at www.achpr.org/sessions/19th-eo/resolutions/336/; African Commission on Human and Peoples' Rights, Resolution 119 on the Situation of HRDs in Africa, available at www.achpr.org/sessions/42nd/resolutions/119/; African Commission on Human and Peoples' Rights, Resolution 69 on the Protection of HRDs in Africa, available at www.achpr.org/sessions/35th/resolutions/69/

131 African Commission on Human and Peoples' Rights, Resolution on the Appointment of a Special Rapporteur on Human Rights Defenders in Africa, 2010, available at <http://www.achpr.org/sessions/48th/resolutions/171/>

designed to address violations against women's rights are developed and monitored in consultation with WHRDs; and to train all relevant authorities on their specific risks and protection needs.¹³²

Several states have taken steps at the **national level** to better protect and promote the work of HRDs. In Latin America, a number of states have created national protection mechanisms to provide protective and preventative measures for HRDs and other groups at risk, including **Colombia**,¹³³ **Honduras**,¹³⁴ **Guatemala**,¹³⁵ **Mexico**,¹³⁶ and **Brazil**.¹³⁷ Civil society organizations in these countries have, however, expressed their concern over the lack of resources and effective implementation of such mechanisms.¹³⁸ Other countries have passed or are discussing legislation aimed at protecting human rights defenders, including **Côte d'Ivoire**,¹³⁹ **DRC**,¹⁴⁰ and **Mongolia**. Some states, such as **Norway**,¹⁴¹ **Switzerland**¹⁴² and **Canada**¹⁴³ have adopted national HRDs guidelines that also serve to offer guidance for their diplomatic staff on how to provide protection and recognition to HRDs in third countries.

In the 20 years since the HRDs Declaration was adopted, a loose international regime for the protection of HRDs has been in formation. It is comprised of a set of key principles, including "... the recognition of local actors as key agents of change; the importance of promoting and protecting 'civil society space'; the need to tailor protection interventions to meet the unique and specific needs of individuals, groups and communities, and the necessity of complementing reactive measures with efforts to build a 'safe and enabling environment' for the defence of human rights."¹⁴⁴

However, much remains to be done to ensure a safe and enabling environment for HRDs all over the world where recognition and protection is effectively implemented as specified under the HRDs Declaration.

MODEL LAW FOR THE RECOGNITION AND PROTECTION OF HRDS: A PRACTICAL GUIDE TO IMPLEMENT THE HRDS DECLARATION

The "Model Law for the Recognition and Protection of Human Rights Defenders" was launched in June 2016 by the International Service for Human Rights (ISHR). It provides authoritative guidance to states on how to implement the HRDs Declaration at the national level by giving technical guidance on developing appropriate laws, policies and institutions to support the work of defenders and protect them from reprisals and attacks. The Model Law was developed in consultation with over 500 defenders from every region, and settled and adopted by leading human rights advocates, including by two UN Special Rapporteurs on the situation of human rights defenders.¹⁴⁵

132 African Commission on Human and Peoples' Rights, Resolution on Measures to Protect and Promote the Work of Women Human Rights Defenders, ACHPR/Res. 336 (EXT.OS/XIX) 2016, available at www.achpr.org/sessions/19th-ee/resolutions/336/

133 The National Protection Unit (Unidad Nacional de Protección – UNP)

134 The Law to Protect HRDs, Journalists, Social Commentators and Justice Officials (Protection Law)

135 Internal Agreement 11-2004 of the Presidential Commission on Human Rights in Guatemala (COPREDEH)

136 Law for the Protection of HRDs and Journalists

137 National Programme for the Protection of HRDs

138 Protection International, Focus 2014, available at <http://protectioninternational.org/publication/focus-2014/>

139 Law 2014-388 on the Promotion and Protection of Human Rights Defenders

140 Following consultation with NGOs, law no. 13/011 was promulgated on 21 March 2013 to create a National Commission on Human Rights (CNDH). The CNDH is yet to receive a budget and Commissioners yet to sit. Taken from www.ishr.ch/sites/default/files/article/files/drc_-_ishr_briefing_on_hrds.pdf

141 Government of Norway, Norway's efforts to support HRDs: Guide for the foreign service, 2010, available at www.regjeringen.no/contentassets/b7384abb48db487885e216bf53d30a3c/veiledningmrforkjengelskfin.pdf

142 Government of Switzerland, The Swiss Guidelines on the Protection of HRDs, 2013, available at www.eda.admin.ch/dam/eda/en/documents/publications/MenschenrechtehumanitaerePolitikundMigration/Leitlinien-zum-Schutz-von-HRD_en

143 Government of Canada, Human Rights Defenders, available at international.gc.ca/world-monde/world-issues-enjeux-mondiaux/rights_defenders-defenseurs_droits.aspx?lang=eng

144 Bennet, K. et al, Critical perspectives on the security and protection of HRDs, *International Journal of Human Rights*, Volume 18, number 7, 2015

145 International Service for Human Rights, Model law for the recognition and protection of human rights defenders, available at www.ishr.ch/sites/default/files/documents/model_law_full_digital_updated_15june2016.pdf

8. CONCLUSION AND RECOMMENDATIONS

States around the world are failing in their obligations to respect and protect the right to defend human rights, including by failing to implement effective protection mechanisms for HRDs at risk, or punishing those responsible for attacking them. Amnesty International is campaigning for the explicit and public recognition by states of the legitimacy of HRDs and their work and to pass and implement legislation for their effective protection. This must include acknowledgment of the contribution made by these individuals to the advancement of human rights. HRDs cannot operate effectively and contribute to making a safer, more just world unless states undertake to ensure they are adequately equipped with the necessary skills, tools and training for them to carry out their work. Furthermore, states must ensure that HRDs are allowed to connect with each other, including HRDs in other countries, and that they have full access to decision makers at the national, regional and international levels without fear of reprisals.

Countries all around the world must also take account of the particular importance of the role played by WHRDs and those who work on women's or gender-related rights. These defenders face particular and unique risks in their work arising from their identity. It is crucial, therefore, that they be afforded effective protection against violence, including sexual violence, and discrimination.

The assault against HRDs has reached crisis point. Amnesty International is making the following recommendations to states, companies and regional and international human rights bodies as a starting point to ensure a safe and enabling environment for HRDs and civil society. These measures must be implemented without delay if individuals who take injustice personally and act on it are able to do so without being attacked, threatened or otherwise harassed and intimidated.

AMNESTY INTERNATIONAL CALLS ON STATES TO:

EXPLICITLY RECOGNIZE THE LEGITIMACY OF HRDS AND PUBLICLY SUPPORT THEIR WORK, ACKNOWLEDGING THEIR CONTRIBUTION TO THE ADVANCEMENT OF HUMAN RIGHTS. IN PARTICULAR:

- Develop and implement public awareness campaigns about the work of HRDs and ensure their wide dissemination;
- Promote and widely disseminate the UN Declaration on Human Rights Defenders, and adopt national legislation for its effective implementation;
- Publicly acknowledge the particular and significant role played by WHRDs and those who work on women's rights or gender-related issues, and ensure they are able to work in an environment free from violence and discrimination of any sort;
- Adopt and implement legislation which recognizes and protects HRDs; and repeal or amend legislation that may place obstacles in the way of legitimate activities to promote and defend human rights, including with regard to the rights to freedom of peaceful assembly and association;

- Publicly condemn the attacks, threats and intimidation against HRDs;
- Refrain from using language that stigmatizes, abuses, disparages or discriminates against HRDs including by characterizing them as criminals, “foreign agents”, terrorists, undesirables or of being morally corrupt, threats to security, development or traditional values.

ENSURE A SAFE AND ENABLING ENVIRONMENT IN WHICH HRDS ARE EFFECTIVELY PROTECTED AND WHERE IT IS POSSIBLE TO DEFEND AND PROMOTE HUMAN RIGHTS WITHOUT FEAR OF PUNISHMENT, REPRISAL OR INTIMIDATION. IN PARTICULAR:

- Effectively address threats, attacks, harassment and intimidation against HRDs, including, where applicable, by thoroughly, promptly and independently investigating human rights violations and abuses against them and bringing the suspected perpetrators to justice in fair trials without recourse to the death penalty, and providing effective remedies and adequate reparations to the victims;
- Establish, in consultation with HRDs and civil society organizations, national protection mechanisms for defenders at risk which incorporate preventative, collective and gender-sensitive approaches;
- Ensure WHRDs receive the specific protection they need against gender-threats and violence they may face due to their work, recognizing the particular challenges and risks they face, including specific forms of violence;
- Take appropriate measures to recognise and protect young human rights defenders and youth-led organisations engaged in the defence and promotion of human rights, including by removing age-based discriminatory practices which restrict participation of young people in public decision-making, as well as by providing resources for the work of young human rights defenders and youth-led organisations.
- Ensure that justice systems are not misused to target or harass HRDs and refrain from bringing criminal charges or any other proceedings or administrative measures against them that stem solely from the peaceful exercise of their rights.

FACILITATE AND SUPPORT PROGRAMMES TO GUARANTEE THAT HRDS HAVE ACCESS TO THE NECESSARY SKILLS, TOOLS AND TRAINING THEY REQUIRE SO THAT THEY ARE ENABLED AND EQUIPPED TO CONDUCT THEIR HUMAN RIGHTS WORK. IN PARTICULAR:

- Develop concrete ways to strengthen the knowledge, skills and abilities of HRDs, including on how to protect their rights and to manage their security;
- Strengthen national human rights institutions and provide them with the necessary human and financial resources to carry out their duties effectively, including having a specific mandate covering the protection and promotion of HRDs.

ENABLE PARTICIPATORY APPROACHES TO ENSURE THAT HRDS ARE CONNECTED WITH EACH OTHER, WITHIN THE COMMUNITY IN WHICH THEY OPERATE AND HAVE ACCESS TO DECISION MAKERS AT THE NATIONAL, REGIONAL AND INTERNATIONAL LEVELS IN A SECURE MANNER. IN PARTICULAR:

- Facilitate the establishment of national and regional networks for the support and protection of HRDs;
- Establish participatory processes within civil society that include HRDs working in rural areas or in community-based settings, when adopting laws and mechanisms for their protection;
- Ensure that domestic laws governing the surveillance of communications are in accordance with international law and standards, including by containing effective safeguards against indiscriminate mass surveillance, and guarantee that HRDs have access to the necessary tools to secure their communications, including encryption;

- Fully co-operate with the different UN human rights mechanisms and, in particular, extend an invitation to the Special Rapporteur on the situation of human rights defenders to conduct visits without restrictions on duration or scope and ensure s/he is allowed to meet with HRDs without hindrance;
- Ensure that public policies are developed and implemented in a participatory manner in which HRDs and communities affected are able to actively, freely and meaningfully participate;
- Take all necessary measures to prevent and deter acts of intimidation and reprisals against HRDs in relation to their communications and interactions with international and regional organizations.

AMNESTY INTERNATIONAL URGES COMPANIES TO:

- Implement adequate human rights due diligence processes, as set out in the UN Guiding Principles on Business and Human Rights, to ensure that the human rights of individuals and communities, including HRDs, affected by activities of companies or those of subsidiaries, subcontractors or suppliers are respected;
- Refrain from making statements or expressing views that discredit, denigrate or stigmatize HRDs;
- Conduct meaningful consultations and meetings with HRDs at critical phases of project planning and implementation, and disclose in a timely manner all relevant information about business projects, including potential impacts on human rights;
- Adopt a policy of zero-tolerance of acts of violence, threats or intimidation committed against HRDs opposing or expressing their views about the company's projects;
- Collaborate with the state authorities in the investigation of any attack, threat or intimidation perpetrated against HRDs because of their work in opposing or expressing their views on a company's projects.

AMNESTY INTERNATIONAL URGES INTERNATIONAL AND REGIONAL HUMAN RIGHTS BODIES TO:

- Reaffirm the right of every person, individually or in association with others, to defend and promote human rights in accordance with the HRDs Declaration;
- Continue to make repeated public statements about the crucial role and legitimacy of the work carried out by HRDs;
- Monitor the implementation of states' obligations in the protection of HRDs, including paying particular attention to WHRDs;
- Formulate policies and strengthen mechanisms to prevent and address acts of intimidation or reprisals against HRDs who communicate and interact with international and regional mechanisms and ensure that the crucial information received from them does not place them at risk.

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HUMAN RIGHTS DEFENDERS

UNDER THREAT

- A SHRINKING SPACE FOR CIVIL SOCIETY

While the world's powerful are increasingly using toxic narratives of fear and division casting collective blame for social ills onto minority groups, those who dare to make a stand against injustice and defend human rights are under attack.

Human rights defenders (HRDs) across the world increasingly face harassment, intimidation, smear campaigns, ill-treatment and unlawful detention; or are even killed. In 2016, at least 281 HRDs were killed in 22 countries, including HRDs who challenged entrenched economic interests, protected the environment, defended minorities, or opposed traditional barriers to women and LGBTI rights.

Governments, armed groups, businesses, and other powerful entities are intensifying efforts to silence critics across large parts of the world in order to protect their own interests over human rights. This has been accompanied by a pervasive narrative depicting HRDs as criminals, undesirables, terrorists, or as opposing development.

Against this backdrop, this report is part of Amnesty International's Global Campaign: *Brave*, launched to combat measures by the powerful to threaten and attack HRDs and shrink the space in which civil society operates. It provides an overview of the dangers HRDs face and calls on those in power to take immediate measures to ensure that human rights defenders are recognized, protected and equipped to conduct their work without fear of attack in a safe environment.

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