

Zimbabwean citizens called for reform of the electoral commission ahead of the July general elections.

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PART 3

THE STATE OF DEMOCRACY IN 2018

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Our 2018 report, '[Democracy for All: Beyond a Crisis of Imagination](#)', explored the current tensions and challenges in democratic freedoms, and identified citizens' clear expectations that they should have more and better democracy in which they are enabled to have much more of a say in the daily decision-making that affects their lives. 2018 offered ample evidence that constraints on democratic freedoms are many and substantial, but also that people are ready to rise up and demand their democratic rights and forge new and better kinds of politics.

It was a year of multiple struggles to assert and access democratic freedoms. In some countries, the value of people power was proven as mass protests led to sudden and surprising shifts in which established political leaders were challenged and sometimes toppled. While the circumstances and dynamics varied from country to country, often it was public anger at obviously self-serving political manoeuvring and grand-scale corruption that triggered revolts. People power was to the fore in Armenia, where an attempt by an unpopular ruler to hold onto office backfired spectacularly, bringing people to the streets and forcing a change that might just mark a decisive break with the past. Mexican voters, sick of the failure of established politicians to combat crime, violence, poverty, inequality and corruption, embraced a political outsider as their new president. In Ethiopia, a change at the top signalled a thaw in the repressive state's attitude towards civil society, giving grounds for cautious optimism. In Malaysia the party that had ruled for six decades finally found itself out of power, although the incoming regime began in many ways to resemble the outgoing one, suggesting that it was falling short of many people's aspirations for reform, and offering a reminder, as in all these countries, that real and lasting change cannot come from the mere rotation of elites. Grassroots civil society momentum is needed to demand more than a change at the top. In

all these countries, civil society is now trying to keep playing its part, working to expand the spaces available, push for fundamental rights and democratic freedoms, and hold those who have newly come to power to high standards of accountability.

Referendums can exemplify democracy at its finest, giving people a direct say on a pivotal issue. But they can also be drivers of division, causing more problems than they solve, or tools that serve the interests of political elites. 2018 offered examples of all of these. In Ireland, referendums on abortion and blasphemy were part of a process of sweeping social change made by citizens and embedded in deliberative democracy. In the Netherlands, a referendum delivered a blow to the political establishment, which promptly moved to prevent future shocks by grabbing power back from voters. North Macedonia's name change referendum also told the political establishment a message it did not want to hear, and did little to build harmony on an issue that divides society. Burundi offered the latest example of a dismal recent history in which presidents have imposed top-down votes that are neither free nor fair to rework constitutions to their advantage. Ecuador, unusually, went the other way, reimposing presidential term limits by popular vote. Around all these votes, civil society was as active as circumstances allowed, advocating for rights advances and working to ensure that rights were respected in electoral processes.

Past [editions](#) of this [report](#), as well as our 2018 report on democracy, have tracked the growing appeal across a range of countries of right-wing populist politicians, who stoke social division, focus hatred and target excluded groups, offering deceptively simple answers to complex problems. They feed on public anger with the failures of establishment politics and economics and their personal insecurity, building coalitions of the negative, united more by what they reject

than what they support, often based on identity-based narratives that mobilise people around ethnic or religious belongings and look to pasts rather than futures. They sow political fragmentation, division and polarisation. That trend continued unabated in 2018, with a fresh wave of support for right-wing populist politicians across a cluster of neighbouring countries in Central Europe, with populist parties taking control of Italy and hardline figurehead Viktor Orbán tightening his grip on Hungary. In other contexts, while right-wing populist parties have not entered government, they have skewed political discourse and dragged mainstream parties towards their positions. This trend was not confined to Europe, as Brazil, Latin America's largest country, also took a hard turn to the right by electing Jair Bolsonaro as president after he stood on a platform avowedly opposed to the rights of women, LGBTQI people, indigenous peoples and civil society. As the example of Brazil suggests, these trends are dangerous for human rights and progressive rights-oriented civil society, which is often the subject of attack by right-wing populist forces. Attacks often come from anti-rights groups, which are increasingly confident and well-funded and position themselves in the civil society arena. These trends call for a civil society response that engages with citizens' anger and offers constructive alternatives to bring people together in a coalition united around positive, forward-looking narratives for change. They call for a response that reclaims the civil society arena as a progressive, rights-oriented space.

But if the year offered some inspiring examples of people power claiming democratic freedoms, as well as some more troubling instances of right-wing populism dominating political space, it too often also provided moments when democratic freedoms were suppressed or stolen around elections. Too often, elections were not celebrations of democracy when democratic participation and dissent were at their highest, but times when participation and dissent were repressed. Too many times in 2018, elections were used by presidents and ruling parties as little more than a means to claim a renewal of their mandate and garner



Students protested against Jair Bolsonaro in São Paulo, Brazil in October. The sign reads “#NotHim”.

Credit: Cris Faga/NurPhoto via Getty Images

some fake legitimacy; at their worst, as in Bangladesh, Cameroon, Russia and Venezuela – elections were shams, lacking any semblance of real political choice. In several contexts in 2018 – including Egypt, Pakistan and Zimbabwe – elections sought to conceal the real military power that lurks behind elected figureheads. Even when elections offered some genuine competition, election periods – including their run-up and aftermath – could be dangerous for civil society activists and opposition supporters, as seen in the Democratic Republic of the Congo and a slew of other countries. The challenge for civil society in all these contexts was to work as best as it could to monitor elections, ensure that fundamental democratic freedoms were respected and advocate for candidates to adopt progressive, rights-oriented positions.

TIPPING POINTS AND TURNING POINTS: ESTABLISHMENT SHOCKS IN 2018

ARMENIA'S VELVET REVOLUTION: FROM PROTEST TO POWER

Armenia experienced what quickly became known as its 'Velvet Revolution' in April. The trigger was provided by the installation of Serzh Sargsyan as prime minister as soon as his two terms as president had ended. This switch had long been suspected, primed by a short-notice 2015 **referendum** that significantly increased the powers of the prime minister. That referendum was plagued by allegations of vote rigging, as were 2017 **elections** that continued the ruling Republican Party's reign in office. The situation in which the Velvet Revolution came was one where the Republican Party, dominant in government for almost two decades, had gradually increased its grip on the state, squeezing democratic freedoms and civil society rights.

Artur Sakunts of Helsinki Citizens' Assembly-Vanadzor describes the history of increasingly undemocratic governance that fuelled public anger:¹

On 23 April, following a one-month period of non-violent, peaceful and decentralised civil disobedience and large-scale protests, Serzh Sargsyan had to resign.

Before the end of his second term of office, on Serzh Sargsyan's initiative, Armenia's form of government had changed from a semi-presidential system to a parliamentary one through a referendum. The constitutional amendment process was, however, not participatory. The draft amendments were published only three months before the referendum, leaving insufficient time for debate, while the referendum took place with numerous violations, including the falsification of results.

*Over the last 20 years, Armenia experienced obvious **regression** in the fields of democracy and human rights. Elections at the national and local levels were neither free nor fair. People were persecuted for their political views, political opposition activity and civil actions. The freedom of speech and pluralism were restricted. Journalists were subjected to violence when doing their jobs. Torture was of a continuous nature in police stations, penitentiary institutions and the armed forces. Human rights violations were of a sustained and systemic nature. Officials and representatives of law enforcement agencies were not brought to liability for these violations, as no effective investigations were conducted.*

One should note the scope of the spread of corruption, which international and local experts assessed as a threat to national security. The principles of equality before the law and the rule

¹ All interviews quoted in this report are edited extracts. Full versions of interviews can be found on our website at <https://www.civicus.org/index.php/media-center/news/interviews>.

of law no longer worked in Armenia; impunity dominated. The judiciary was fully subject to executive power, and justice was selective in nature. The participatory process in the field of government was an imitation only of real democracy. Due to the authorities having monopolised the economy, political parties, being deprived of a social base, had become a constituent part of the political system ruled by the Republican Party.

Serzh Sargsyan's blatant attempt to hang onto power brought matters to a head. In March, opposition leader Nikol Pashinyan began the 'My Step' **protest march** from Armenia's second city, Gyumri, to the capital, Yerevan. The march gradually gathered momentum and gained support before arriving in Yerevan on 13 April. Huge protests mobilised on the streets of Yerevan in the run-up to the National Assembly meeting to elect the next prime minister, with the protests growing in size each day up to the 17 April vote. Unsurprisingly, given the increasingly repressive nature of Serzh Sargsyan's government, protests were met with **repression**. On 16 April, when protests shut down traffic in the centre of Yerevan, police used teargas, and around 50 people were left needing medical treatment following violent clashes. Several journalists covering protests were attacked or detained. Momentum was however sustained, with protests spreading outside Yerevan and among Armenia's considerable **diaspora** abroad.

Protests grew in numbers after Serzh Sargsyan was confirmed as prime minister. Nikol Pashinyan and Serzh Sargsyan held a brief meeting on 22 April, from which the new prime minister walked out; Nikol Pashinyan then led a protest and was **detained**, along with other opposition leaders. They were among several hundred people reported detained that day. But tens of thousands continued to protest, and on 23 April the protest achieved its first aim: Serzh Sargsyan resigned.

Still the question of who would replace him to lead the country was in the balance. While **deciding** not to put up its own candidate, the Republican

Party blocked Nikol Pashinyan's election on 1 May; it seemed that Armenia's murky backroom politics were trying to reassert themselves. This brought an ever bigger **protest** of an estimated 150,000 people in Yerevan's Republic Square, along with strikes and acts of non-violent civil disobedience that brought Armenia to a standstill. The people had shown they would no longer be ignored. On 8 May, Nikol Pashinyan completed the transition from protest to power when he was **elected** as Armenia's new prime minister.

The 2018 protests did not come out of the blue; they were fuelled by dissatisfaction that had built up over time, including against corruption and economic problems as well as constitutional manipulation. Previous demonstrations of public anger included the January 2015 '**Electric Yerevan**' protests sparked by rising fuel prices, which brought many young people into activism for the first time, and those around the flawed **elections** in 2016. This meant that when protests came again, they built upon the social capital and experience generated by a recent shared history of citizen action. Importantly, as Artur goes on to relate, organised civil society, having played a key role in past protests, was ready to respond when the moment came in 2018:

Civil society and its institutions, working on issues such as fundamental human rights, the fight against corruption and the freedoms of assembly and expression, were able to develop their capacities and skills in the fields of documenting and publicising human rights violations, corruption and economic crimes, carrying out strategic litigation, advocacy and monitoring the performance of international obligations by the authorities.

Short-term civil protests and long-term social movements mobilised in connection with various issues, including environmental issues, such as initiatives against the exploitation of the copper mine in Teghut and the construction of a hydroelectric power station at the top of Trchkan Waterfall; issues related to human rights violations

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*in the armed forces, including initiatives known as **the Army in Reality** and **Women in Black, Armenia**, and in penitentiary institutions; and issues related to human rights violations against women – including domestic violence – and LGBTQI people, to name but a few.*

From election to election, civil society organisations (CSOs) performed observation missions more and more professionally. The data obtained and the reports compiled enjoyed the attention of international observer missions and were perceived by them as unbiased, objective and well-grounded in data.

Within civil society, cooperation between different institutions developed through unions, coalitions, joint monitoring and reports. Civil society was active on international platforms as well, including those offered by the United Nations (UN), Council of Europe, Organization for Security and Co-operation in Europe (OSCE) and European Union (EU), by presenting shadow reports and statements, and submitting applications to the European Court of Human Rights and human rights institutions of the UN, including the Committee against Torture and Human Rights Committee.

Thus, the Velvet Revolution was preceded by the active work of civil society and numerous civil initiatives in unfavourable conditions. Despite being subjected to, to put it mildly, the disobliging attitude of the authorities, civil society still managed to present objective information to the public along with examples of fight and cooperation and opportunities for change. Through continuously involving society in its activity and through educational programmes, civil society contributed to raising the awareness of society and encouraging a demanding stance. It is noteworthy that active figures in CSOs and citizens who have a connection with those organisations and their initiatives were at the forefront of the 2018 people's movement.

For years, human rights institutions also provided institutional support for the civil fight going on in Armenia by defending citizens involved in that fight in police stations and judicial cases and providing legal help in other cases. In April, that support was more coordinated: through a joint hotline, a number of human rights organisations provided legal advice to the movement's participants and carried out rapid response activities.

As this suggests, during the Velvet Revolution, CSOs played a key role, including by monitoring protests, reporting on violations and providing legal support. CSOs also sought to mobilise **support**

from the international community and international civil society, bringing attention to the situation in Armenia and demanding that the right to peaceful assembly be respected; at the same time, protest leaders were keen to make clear that the focus of citizens was on Armenia's governance, and not on questions of whether Armenia became closer to the EU or Russia, as outsiders might suspect. Critically, while much of the media's attention focused on the clash between the two male protagonists, **women** were active in the protests and highlighted the need for any change to advance women's rights, demands they continued to make under the new government.

Importantly, the momentum to demand change that had been demonstrated in April and May did not dissipate once Nikol Pashinyan became prime minister. **Rallies** in August marked 100 days in office of the new prime minister and showed support for his moves against corruption and towards judicial and police reform. But with the Republican Party still holding a National Assembly majority and blocking many reforms, including **changes** to the electoral code, frustration set in. In October, thousands **protested** after the National Assembly refused to hold the early election that Nikol Pashinyan demanded, seeking a legislature that more closely reflected Armenia's changed political reality. Later that month he resigned as prime minister, and the National Assembly's failure to select a replacement meant an election. When the election was held amid unusually free and fair conditions in December, his My Step Alliance was the **overwhelming** winner, while the Republican Party was wiped out, failing to win a single seat for the first time in its history.

Clearly Prime Minister Pashinyan has been given a mandate for change on which he will now be expected to deliver. Positively for civil society, at a meeting with the media in December he **committed** to upholding the freedom of expression. At the same time, supporters of the old regime doubtless **continue** to occupy powerful positions and institutions possess considerable inertia that will resist attempts at reform. Civil society continues to push for change. The need for continued engagement,

both through relationship-building and advocacy towards the new government and willingness to take to the streets again if necessary, is clear. The key positive is that Armenian citizens have developed a fresh sense of their own power and of the possibilities that can be achieved through civic action. Artur sums up some of the work civil society is doing following the Velvet Revolution to build on the momentum:

A concept of transitional justice is currently being developed by CSOs to be presented to the authorities for implementation. The aim of the concept is to restore the rights of the victims of human rights violations committed by the previous authoritarian regime, including the victims of political persecutions and political prisoners, systematic corruption and impunity. In particular, this approach aims to determine the legal consequences of the mass violations that occurred during national elections and referenda, as well as corruption crimes that have resulted in human rights violations and caused substantial and irreversible damage to the environment and the economy, entailing the growth of poverty. These and the activities of civil society in all other fields are aimed at restoring public trust in justice.

After the Velvet Revolution, a wide field of activity has been created for civil society to realise the suggestions made over the years and act to improve the human rights situation in different spheres in Armenia, to protect rights, increase the level of accountability of the authorities and the transparency of their actions, and decrease corruption risks.

We are in the process of learning how to live and act in free conditions. On the one hand civil society has to cooperate with government; on the other, it has to continue to serve as a vigilant watchdog over the authorities to safeguard society against any possible abuses of the new government.

MALAYSIA: A SHOCK FOR THE OLD ORDER

A shock was delivered to the political establishment in **Malaysia** in May, when after 60 years of uninterrupted post-independence rule, the Barisan Nasional (BN) coalition was finally defeated. The election came against the backdrop of continuing revelations about the **1MDB scandal**, a vast exercise in corruption in which leading political figures were accused of plundering a state-run corporation; defeated Prime Minister Najib Rajik was alleged to have channelled almost US\$700 million from the fund into personal bank accounts. Ever since the scandal broke in 2015, the response of the government had been to attack and restrict those who reported on it, including civil society and the media, and to suppress investigation.

The election result showed, as has been **seen** in other countries (*see Part 1*), how anger at endemic and blatant corruption could prove the tipping point to help people overcome barriers – including the repression of civil society and democratic freedoms, and the cultivation of racial and religious divisions intended to secure sectional votes – that helped keep the corrupt in office. It showed how civil society – notably the **Bersih** coalition (the Coalition for Clean and Fair Elections), with its track record of organising massive street **protests** – can help advance an agenda for change even in deeply unfavourable conditions.

Shortly after the election we asked **Gayathry Venkiteswaran** of the University of Nottingham Malaysia Campus to describe civil society's role, which included election monitoring to try to ensure a fair result:

The electorate rejected the kinds of politics and corruption practised by the previous government. The transgressions were too obvious, and it was a matter of how big the loss would be for the BN coalition – but we didn't expect the fall to be this big. This election was significant because despite the challenges and obstacles placed in terms of the electoral processes, people were determined to reject the propaganda of the BN and insisted on change.

The results showed a rejection of fearmongering and bribery, and a willingness to bridge race and religion narratives as the main reference point for electing parties.

Civil society work to build political awareness and participation has been ongoing but it took a significant turn after the emergence of the Reformasi (reform) movement in 1998, and then the Bersih movement's protests for electoral reforms. Bersih provided a focus for change, and various interest groups also brought their particular concerns such as anti-corruption, environment and indigenous rights. This mobilisation, together with exposés by independent and citizen media of the corrupt practices of the government, raised the stakes for citizens to demand change.

During the election, voters demonstrated commitment, including outstation and overseas voters, and people participated by being monitors at polling stations and provided other forms of checks and support to prevent cheating or malpractice on polling day. These are indications of people invested in wanting a change. The use of social media to share information, especially on voting practices, also shows a society that wants governments – whether at the federal or state levels – to be accountable.

The result came despite the fact that ahead of the election, BN did everything it could to stack the odds in its favour, including by holding the shortest possible campaigning period and rushing through a 'fake news' law in April, not for the first time showing how this **terminology** has been adopted and weaponised by repressive states. A 'fake news' investigation was then immediately **launched** against Mahathir Mohamad, the opposition leader and veteran former BN prime minister, who had turned against his former protégés and would go on to win the election. Ahead of the election, Bersih **raised concerns** about the **redrawing** of constituencies, which was done in haste and in favour of BN, problems with the postal voting system for voters based in other

countries, vote buying and manipulation and abuse of power by the Election Commission on Nomination Day. But none of these manoeuvres were ultimately enough to stem the tide of public anger.

The initial signs from the new government seemed promising. The incoming government pledged to restore the rule of law and respect fundamental freedoms, launched an investigation into the 1MDB scandal and brought charges against former Prime Minister Najib. It committed to **ratifying** key international human rights treaties, notably the International Covenant on Civil and Political Rights. The government also established the Institutional Reforms Committee to reform government structures and agencies. CSOs were able to meet with the committee and make recommendations. In September, in a step that promised to help challenge police **impunity**, the government announced the establishment of the Independent Police Complaints and Misconduct Commission.

A number of people who had been detained by the previous regime for expressing dissent were set free. In July, the court **acquitted** political cartoonist Zunar, human rights lawyer Surendran and parliamentarian Sivarasa Rasiah, who had all been charged with **sedition**. In August, activist Mandeep Singh and parliamentarians Maria Chin Abdullah and Sim Tze Tzin were **acquitted** on charges related to 2015 protests.

However, it did not take long for the promise of the May election to fade. In August, the government backtracked on a commitment to repeal the Security Offences (Special Measures) Act 2012, which allows for detention without charge or access to court for up to 28 days, and has been used as a key tool to subdue critical voices. That same month, it also stated that it would not **repeal** the Official Secrets Act, despite having made a manifesto promise to do so. It later stated that it would review the Official Secrets Act and introduce a Freedom of Information Act, but without offering a timeline. And while the government had **committed** to scrapping the 'fake news' law, September brought another **setback**, when the senate **rejected** its repeal. In November, the government stated that it **would not** ratify the International Convention on the Elimination of All Forms of Racial Discrimination, presumably because this would have called into question the **privileging** of ethnic Malay people that is written into the country's constitution.

Challenges for **excluded groups** and the civil society that asserts their rights, including refugees, LGBTQI people and **indigenous** minorities, remained largely unaddressed. There were still violations of fundamental freedoms. In September eight students were **arrested** during a Malaysia



Voters waited in long lines at polling stations for the general election held in Malaysia in May.

Credit: Ulet Ifansasti/Getty Images

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Day protest in the state of Sabah. In October, **Azman Noor Adam**, brother of a prominent figure in the former government, was arrested on sedition charges for allegedly insulting the new prime minister on social media. In December, the government **announced** it was lifting its moratorium on repressive laws, including the Sedition Act and Communications and Multimedia Act, both key instruments for repressing dissenting voices, for cases “involving threats to public order, national security and race relations.” Civil society **complained** of continuing police harassment of human rights activists. It seemed that a new government was quickly falling back on the tactics of the old.

Many in civil society continued to urge the government to hold true to the mandate for change it had been given by the people, and pushed for a more rapid pace of reform. But it was perhaps also the case that many in civil society had been somewhat caught out by the result. They had not necessarily invested before the election in developing policy alternatives because they had not expected such a change. After the election, there was both a need to overcome the initial euphoria that greeted the result and resist being **co-opted** by the new government, and also to come up with a new approach after the familiar years of attrition in the face of the entrenched former government. The need for these new responses might also expose capacity challenges for CSOs.

There was also the fear that the 60-year ruling coalition and its supporters would not go quietly, and would reassert themselves, while the machinery of government and its working styles would prove resistant to change. Ultimately, there must be limits to what can be expected when any political shift, however significant, puts a former ruling party prime minister back in office. Reforms cannot come from the top only; there must be continuing groundswell for change that civil society sustains. Gayathry outlines the situation civil society found itself in, and what it could do next:

While there was momentum for change and a number of initiatives that saw civil society coalitions or collaborations focused on the outcomes of the elections – for example, by issuing alternative manifestos – there was little real discussion on the possible scenarios, given the uncertainties and concerns that unlawful methods would be used to resist this change. It wasn’t clear what civil society’s stance would have been had the outcomes been different, and how it proposes to move forward in this environment.

There may still be fears that the BN coalition, especially members of the United Malays National Organisation (UMNO) party and organisations associated with them, use

provocations to destabilise the situation, and that Malay/Muslim electorates are pressed hard to become more fundamentalist in response to a multiracial narrative. At the same time, there are concerns that the ruling coalition could backtrack on its promises in order to accommodate the opposition and resistance from among BN and UMNO supporters.

I think it is urgent for civil society to sit down and come up with a road map, including recommendations and mechanisms to check on the government's actions. Civil society can pool its resources to build its own monitoring platforms and processes for engaging with the government. But most importantly, there should be leadership and commitment to ensure that change is for the long term, irrespective of which political parties come into power. We've done this in the past, after the 2008 elections, with the setting up of the Coalition for Good Governance (CGG) for the state of Selangor, and the Penang Forum. The CGG didn't last, but this is worth considering as a model, with adequate fine-tuning so there is clear focus, accountability systems and sustainability plans.

SOUTH KOREA: WHAT NEXT AFTER CHANGE?

South Korean civil society pointed to the value of sustaining action after a major political shift, as well as the challenges encountered. In 2017, anger at corrupt links between the president, her closest friend and powerful family-owned conglomerates was the trigger of the **Candlelight Revolution**, which saw the ousting of President Park Geun-hye. In April, the former president was **sentenced** to 24 years in jail for abuse of power and coercion.

2018 suggested that the power developed during those tumultuous times had not entirely been lost, but rather was seeking to further advance social justice and human rights. In 2018, protest momentum focused on challenging sexual harassment, sexism and ingrained cultures

of patriarchy ([see Part 2](#)), as well as on demanding employment rights. For example, in November, tens of thousands of workers held a half-day **strike**, accusing the government of rolling back from labour rights commitments in the face of economic challenges. The Korean Federation of Trade Unions said that 40,000 of those who went on strike took part in rallies and almost 10,000 gathered outside parliament.

Such protests pointed to the need for constant vigilance and action to make demands and safeguard rights, even after an apparently more progressive president has come to power. We asked South Korean civil society activist **Gayoon Baek** to assess what happened to the protest momentum of 2017:

For the last nine years when we had a conservative government, people felt that even though they protested over and over again, especially workers, nothing changed. For people who work in rights, we hadn't had much experience of winning something. But from the experience of 2017 people realised that if they all stand up together something can really change. Many people now are aware that once they are gathered together on the streets they can actually change something. This feeling of having achieved victory by our own hands will teach people that if you want to have some changes, you have to do something. This is something we did as a democracy and something we achieved with our own hands. Experiencing this makes a lot of difference. I think this will bring changes in the future when we have social issues to act on.

The election of a new president brought some immediate changes in the government's attitudes towards civil society. But at the same time, similar issues to those experienced in Malaysia were experienced: civil society faced the challenge of sustaining momentum, with some seeing victory as essentially having been achieved, some emotionally invested in the new regime and reluctant to criticise it and some having been co-opted into government. These are, Gayoon continues, issues with which South Korean civil society continues to struggle:

Government agencies changed their attitude after the election. The day after the election results were published government ministries contacted CSOs and wanted to have a meeting with us. Before they hadn't wanted to talk to us or include us as a partner. So it was positive, that they wanted to talk to civil society groups. Now we have more opportunities to be able to talk and negotiate with the government. But at the same time it shows we are dependent on who is in the administration. There is not systematic dialogue, so when we have a bad administration it will go backwards again.

Many former civil society members joined the new president's team. So now when it comes to advocacy and lobbying, we are having to do this with our former friends, which is difficult for both of us. So on the surface there are more opportunities, but when you go deeper, it can be more complicated. Their broad positions are similar to those of civil society, but when you go into details, and at the level of implementation, it's quite different.

But from the public's point of view, because it seems quite similar, there's now no need to support civil society. Some people have let their membership of CSOs lapse.

Many in civil society feel that all the momentum within civil society has dissipated since the Candlelight Revolution. Many people think our role is over somehow because we have a new government. There are also a lot of groups that are very supportive of the new president, and some of these are quite extreme. They feel invested in the new president, having helped bring him to power. And people say that at the beginning, you have to encourage the new president and government instead of criticising them. But civil society should play a watchdog role regardless of the administration.

There are urgent and long-running issues that demand sustained civil society engagement, not least to realise the rights of women, LGBTQI



South Korean union members demanded greater protection of workers' rights in a strike held in November.

Credit: Woohee Cho/Getty Images

people, refugees and workers, in a context where anti-rights groups are also active ([see Part 2](#)). The need, Gayoon concludes, is to continue to support South Korea's civil society, and for South Korean citizens to remember that they have the power:

On the one hand there are positives, but on the other there is still more to be done if this is to be called a government that is established with people power.

The government should be reminded that Koreans are able to impeach the president if they are not happy with the leadership of the government. The government is happy to be in power, but they may forget who they represent. They shouldn't forget that they were able to gain their position only because people supported them. They should not only be having a dialogue with civil society but also thinking about the ways they can implement the human rights pledges they made during the protests and the election. That is one of the ways they can make themselves distinct from the previous administration.

MALDIVES: A CHANGE AT THE TOP

Maldives' September presidential election also delivered a shock result as incumbent President Abdulla Yameen lost – substantially, by 58 to 42 per cent – to his opposition rival, Ibrahim Mohamed Solih. The result was surprising as it came in the face of evident and persistent attempts by the incumbent to suppress dissent and restrict the space for civil society – civic space – ahead of the election. Tactics during the election period included the appointment of close ally of President Yameen as head of the Election Commission, a police raid on the offices of opposition Maldivian Democratic Party the day before the election, and challenges around visas being denied to international observers and journalists.

These were just the latest tactics in a history of repression. In February, the government **declared** a state of emergency after two high court

judges ordered the release and retrial of a group of opposition politicians. This sparked protests when President Yameen refused to comply. After the state of emergency was declared, the two judges were arrested and removed from office. Under the state of emergency, fundamental constitutional rights were suspended, enabling a **sustained** crackdown on dissenting and opposition voices, including through detentions, the use of excessive force against protests opposing the president, the **barring** of some key opposition politicians from candidacy and the **misuse** of the Anti-Terrorism Act. President Yameen also **stripped** a number of parliamentarians of their seats in order to maintain his lead. Several journalists were **attacked** and injured while covering protests. This all made for a very unpromising context in which to hold an election.

Speaking before the election, **Shahindha Ismail** of the **Maldivian Democracy Network** also painted a dismal picture of the state of civic space and democratic freedoms, highlighting the difficulties that would be faced in any attempt to challenge the incumbent:

Civic space is practically non-existent and has been for a few years. No one but those who support the government are allowed to speak freely or assemble. All rallies organised by the political opposition or civil society are dispersed, and their organisers and participants are arrested. The police intimidate people. Defamation is criminalised, and this has been a challenge, as media houses and individuals are fined and face the prospect of imprisonment for expressing themselves or broadcasting alternative views.

Those working to counter radicalism and violent extremism also face violent threats, including the possibility of disappearance or murder, from vigilante groups sanctioned by the government. These groups operate with full impunity and have targeted organisations and individuals promoting tolerance, offering alternate narratives and promoting secularism.

In the current situation we have to do most of our work underground, and anything we do publicly requires extra care. As human rights defenders, we are constantly looking over our shoulders and have to take extra care when moving around. We fear for the safety of our families. Those who are part of the human rights defenders community who also work in the civil service or government-owned companies also fear the loss of their jobs. As an organisation, funding has become a serious challenge and we are on the brink of shutting down.

But despite these many challenges, the people gave their verdict on this misrule. On election day, an evidently enthusiastic turnout of 89 per cent saw the voting deadline extended because of long queues at polling stations. Crucially, opposition parties had united behind a single candidate to give citizens a straightforward opportunity to reject the incumbent. A subsequent court attempt by the defeated president to overturn the election result was unanimously **rejected**, although four members of the Election Commission fled the country citing intimidation and threats. Ibrahim Mohamed Solih took office in November.

Immediately after the election, the courts **released** five political prisoners who had been arrested during the state of emergency. Further releases from detention followed. In October the court **dismissed** politically motivated bribery charges against the two high court judges whose decision had sparked the state of emergency.

In further positive steps, in November the new government **repealed** the country's criminal defamation law, which since its introduction in 2016 had enabled opposition and dissenting voices to be **suppressed**, and set up an enquiry into disappearances and murders under the old government, including of critical bloggers and journalists. Politically motivated terrorism charges against prominent politicians who had opposed the outgoing government, including former President **Mohamed Nasheed**, were dropped.

From the outside, the Maldives election was significant because of where the country sits **geostrategically** between **China** and **India**. China was close to the outgoing president and had engaged in its customary infrastructure diplomacy of backing large-scale development projects, while India is supportive of the new president, to the extent that former President Yameen accused the Indian government of financially supporting the winning party. The incoming administration threatened to pull out of a free trade deal the outgoing government had agreed with China. But for Maldives' long-embattled civil society, they will look forward to reclaiming their rights and striving to play their proper role of holding the new regime to account.

MEXICO: THE APPEAL OF AN OUTSIDER

Up to **Mexico's** July election, every president bar two since the 1920s had come from the Institutional Revolutionary Party (PRI), the exceptions being two recent presidents from the equally long-established National Action Party (PAN). But that all came to an end when Andrés Manuel López Obrador, commonly referred to by his initials AMLO, won an outright majority in the July presidential election. AMLO stood for the National Regeneration Movement (MORENA), a party only founded in 2014. The candidate of the ruling PRI came a distant third in the presidential race, while MORENA and its allies also won control of both houses of Congress.

We asked **Emanuel Johansen Campos** of **Alternativas y Capacidades** to put the results into context:

There is no doubt that the elections have been a milestone in Mexico's political life. While the 2000 elections brought an opposition party – the centre-right PAN – to the presidency for the first time since 1929, the 2018 elections were the first federal elections in Mexico's modern history that saw the triumph of a party with a rather left-leaning ideological platform – MORENA. This development represents both a strong desire for change

among citizens and an intention to punish PAN and the PRI for the negative results of their past administrations. This is reflected in the fact that Andrés Manuel López Obrador won the presidential election with 53 per cent of the vote and a difference of 30 percentage points over his closest contender, the highest share obtained in presidential elections since 1982.

AMLO **positioned** himself as a left-of-centre outsider, untainted by the corruption and incompetence that has long characterised Mexico's political class. His message – grabbing headlines with promises that included **cutting** his own salary and **selling** the presidential jet – seemed to resonate with many voters sick of corruption, poverty, extreme inequality, crime and violence, including the violent fallout of previous governments' self-declared 'war on drugs'.

The scale of Mexico's problem with violence and crime was illustrated by the attacks that happened in the context of the electoral campaign. Article 19 **tracked** over 185 **attacks** on journalists during its #RompeElMiedo (Break the Fear) campaign that ran from April to the election, confirming Mexico's dismal **track record** as one of the most dangerous countries of the world in which to be a journalist, in which killings, enforced disappearances and impunity for these are **ongoing** challenges. More than 130 political figures were also **reported** killed between September 2017 and the July elections. The situation became so bad that UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye, **stated** in June that the country faced a major security crisis as a result of the breakdown of the rule of law, as exemplified by attacks on journalists.

Emanuel outlines the challenging environment for civil society during the election campaign, but also the significant levels of civil society engagement that, he believes, helped mobilise citizens and make corruption such a crucial issue:

*Activists and journalists have been repeatedly targeted with harassment, threats and murder, as documented by many human rights organisations. According to Article 19, between 2000 and 2018, 117 journalists have been killed in possible relation to their journalistic work, with 44 of them killed under the outgoing administration. A 2017 **report** by the National Network of Civil Human Rights Organisations stated that between 2012 and 2016, at least 76 human rights defenders were murdered in Mexico, while 73 went missing.*

The recent elections were also marked by a high degree of violence that seems to have become normalised within Mexican society. On election day, acts of violence were reported

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in several districts throughout Mexico. Notable among them was the case of Puebla state, where violent groups stole at least 70 ballot boxes and electoral materials.

*On the other hand, Alternativas y Capacidades has identified some positive trends in Mexico's democracy. Civil society participation during the electoral process was very high, as evidenced by the significant number of initiatives not only to bring out the vote, but also to promote among the candidates public policy proposals arising from the experience and collective work of organised civil society. In June and July we conducted a **mapping** of civil society initiatives promoted within the framework of the election campaigns. We identified at least 38 advocacy actions in which CSOs and social groups sought to influence the presidential candidates, with aims ranging from the dissemination of information and public analysis of candidates' proposals to the preparation of public policy agendas on a variety of topics. There were also a large number of initiatives at the state and local levels. Further, although electoral abstention is still relatively high, 63 per cent of the electoral roll voted in the latest elections, the highest since the 2000 federal elections*

In Mexico, the trend towards citizen involvement in the political arena has been gaining momentum since the last decades of the 20th century, but a huge leap forward has taken place in recent years. The abundance of voices of denunciation and the collaborative work of activists, independent media and CSOs made it possible to give visibility to acts of corruption at all levels of government. As a result, citizens are increasingly suspicious of the information disseminated by the media and are much more willing to mobilise and occupy public spaces to demand changes in their governments, especially concerning the struggle against corruption and impunity, and for security, justice and social development

*The monitoring and denunciation work undertaken by CSOs, citizen initiatives, activists, journalists and the media has been crucial for giving visibility to the alarming levels of corruption, impunity and insecurity that have prevailed in recent years. Examples of this were the 2014 investigations into the so-called '**White House**' acquired by First Lady Angélica Rivera from the Grupo Higa corporation and the possible conflict of interest represented by the participation of this company in the tender for the construction of the Mexico City-Querétaro railway line, an initiative put forward during the administration of her husband, President Peña Nieto. This news story was broken by the investigative team led by journalist Carmen Aristegui, earning them the 2015 National Journalism Award. Their reporting also contributed to the decision of the federal government to open an official investigation into this apparent conflict of interest, undertaken by the Ministry of Public Administration. In another instance, numerous human rights organisations denounced the 2014 **disappearance** of 43 teaching school students in the town of Ayotzinapa, presumably at the hands of the army; from that year on, the parents of the disappeared students have repeatedly mobilised to demand justice, with the support and accompaniment of human rights organisations and networks throughout Mexico.*

*Between 2012 and 2017 Mexico dropped from 34 to 29 points on Transparency International's **Corruption Perceptions Index**. According to the 2017 **National Survey** on Government Quality and Impact, 91 per cent of Mexicans think that acts of corruption in the government agencies they deal with are frequent or very frequent. During the current administration, numerous corruption scandals involving government figures at all levels have come to light; however, in very few cases have effective responses and solutions been put forward.*

Of the many initiatives undertaken by civil society during the 2018 presidential campaign, the Third Citizen Summit (TCS) stands out. Emanuel describes civil society's efforts to come together, develop common policy positions and use this as the basis of dialogue with presidential candidates to try to secure commitments for follow-up after the election:

The TCS is a space in which various social organisations and movements seek to influence the public policies of the incoming government to contribute to the solution of Mexico's major problems. In holding the TCS, important lessons were drawn from the previous two summits, held in 2012 and 2015.

The TCS' first step was to create a common public policy agenda. For 10 months from early 2017, a broad and diverse group of organisations and networks compiled an agenda that included 56 public policy proposals grouped into seven thematic sections: the environment and sustainable development, community cohesion and participatory development, human rights, quality education, the strengthening of CSOs, justice and security. The TCS included 10 proposals to address challenges in civil society laws, such as simplifying administrative processes, reducing over-regulation of CSO activities and improving the rules for access to tax benefits and public resources. The agenda and proposals were approved by consensus by 59 organisations, after which other organisations and social movements were invited to subscribe online, either to specific proposals or to the entire agenda. By July, almost 380 organisations and networks had endorsed the agenda.

The second step was to send the agenda to the four presidential candidates along with a request to indicate which proposals their coalitions subscribed to, which ones they supported with reservations and which they did not endorse, along with their reasons for expressing reservations or rejection. The four

*candidates **responded**, and three of them also made their positions public during an event held in May, before an audience of more than 400 people from civil society.*

Additionally, the TCS held a public dialogue with four candidates from various political forces standing for the federal Senate, with the aim of having them state their positions regarding a variety of agenda items, and it was agreed to open channels of dialogue once the next legislature takes office.

In the aftermath of the elections, the TCS is looking to follow up on the agenda proposals and establish dialogue mechanisms. Similarly, the TCS will establish contact with all the political forces represented in Congress.

Continued advocacy and the seeking of dialogue will be needed. Mexico's endemic rule of law failures cannot be remedied solely by a change at the top; following the election, violent **attacks** on and **detentions** of journalists continued. The challenges the new administration faced included a backlash from some quarters when it tried to roll out its policies. In November around 5,000 people **marched** in the capital, Mexico City, after construction of a new airport was halted; the decision on airport construction had been put to a local referendum, with around 70 per cent voting against. The following month, almost 1,400 judges and judicial workers went on **strike** to protest against a new law setting limits on their salaries, placing them at odds with the new president's promise to cut back such spending. What might happen next is uncertain and contested, but the potential is there for Mexico's civil society to help advance change, if the conditions are enabled for them to do so.

ETHIOPIA: A HUMAN RIGHTS WINDOW OPENS

While it did not result from an election, a change of leadership in **Ethiopia** in April seemed to hold some promise for civil society and democratic

freedoms. Dr Abiy Ahmed was appointed Prime Minister after Prime Minister Hailemariam Desalegn resigned. The move came in response to worsening conflict and the evident failure of the government's initial response, which was a **policy** of mass detention and **violence** against **protests** rather than any real attempt to deal with the material problems behind the conflicts. Fisseha Tekle of **Amnesty International** gives the background:

*In Ethiopia, a wind of change has been blowing since the appointment of Dr Abiy Ahmed as Prime Minister. In addition to the mass release of prisoners, including hundreds of prisoners of conscience, the new administration lifted the latest state of emergency that had been **declared** in February as effective for six months. Many hoped that the new administration of Prime Minister Abiy would rescue a country that was spiralling into fully fledged crisis. Since September 2017, various parts of Ethiopia had seen ethnically motivated mass evictions, frequent killings by the security forces that amounted to extrajudicial executions, and a deepening rift in the ruling coalition that paralysed the government in the face of the mounting crisis.*

In April and May 2014, frustrated by widespread displacement of residents on the pretext of development, young people staged protests in many parts of Oromia Region. The immediate trigger was the draft Addis Ababa-Oromia Integrated Master Plan, which protesters perceived as providing another excuse to displace Oromo farmers without adequate procedural guarantees, consultations and immediate and adequate compensation.

These protests met the iron fist of security forces that killed and wounded the largely peaceful protesters. The provisions of the Anti-Terrorism Proclamation were used to arrest and detain arbitrarily, charge and convict the perceived leaders of the protests. However, this did not deter the demand for freedom



An Oromo Liberation Front supporter celebrates the lifting of the ban on the Front's activities.

Credit: Eric Lafforgue/Art in All of Us/Corbis via Getty Images

to voice the grievances of the people, a demand that had been simmering for years.

In October 2015, five months after the ruling party won all the parliamentary seats in the 2015 general election, in an environment of repression and following a series of arrests against opposition leaders and critical bloggers, the protests in Oromia re-erupted. Only this time the protesters came back stronger, coordinated and with demands for the government, and protests were widespread. The protesters articulated their demands clearly: political and economic equality, release of prisoners of conscience and the rule of law. The state's brutal crackdown on the protesters was not able to stop the protest. Instead, residents in Amhara Region joined the protest in July 2016 when security forces arrested community leaders promoting the ethnic identity demands of Amhara people in the District of Wolqait-Tegedae, which was allegedly forced to be part of Tigray Region.

Efforts to quell the protests using sheer force, arrests and trumped-up trials did not yield the anticipated instinctive submission from the protesters. Instead, the ethnic-based parties that formed the ruling coalition, especially the Oromo Peoples' Democratic Organization and, later on, the Amhara National Democratic Movement, aligned themselves with the protesters and started pulling in different directions from party lines. This was unprecedented in the ruling Ethiopian People's Revolutionary Democratic Front, where the tight ethos of democratic centralism has treated the public expression of dissent and criticism within the party as a betrayal. Usually, the party dealt with those who broke ranks harshly, including through killings, arrests and exile.

By September 2017, the country had started to spiral into crisis as the rift in the ruling party deepened and the protests continued in various parts of Ethiopia. In September 2017 alone more than

700,000 people were displaced from Somali Region due to their ethnic background. Ethnically motivated attacks were popping up in different parts of the country, especially in Benishangul, Oromia and the Southern Nations, Nationalities and Peoples' Region. Members of the National Defense Force were also spraying bullets at civilians and protesters in Ambo, Chinaksen, Hamaresa, Moyale, Weldia and neighbouring towns.

It was in the middle of this mounting crisis that Hailemariam Desalegn resigned in February and the government declared a state of emergency, the second of its kind in less than two years. Dr Abiy took over and promised a wide range of reforms to address the grievances of the protesters, widen civic space and ensure economic justice.

Things happened fast. In April Prime Minister Abiy, Ethiopia's first leader from the Oromo minority that was at the heart of the protests, **announced** that he was considering reintroducing a two-term limit for prime ministers, a move that would go against **recent trends** that have erased term limits in many African states. That same month, mobile phone services, which had been blocked in parts of Ethiopia that had seen anti-government protests, were **restored**, although internet services were shut down again in eastern parts of the country in August following an outbreak of violence.

Among those **released** from prison in the early months of Prime Minister Abiy's administration were activists, bloggers, journalists, academics and opposition politicians. In May, opposition leader Andargachew Tsige, who had been sentenced to death on terrorism charges, was **pardoned**, along with 575 other prisoners. In June, the government allowed **access** to 264 previously blocked websites, including diaspora sites, and **established** a Legal and Justice Advisory Council to review restrictive laws, including the repressive Charities and Societies Proclamation and the Anti-Terrorism Proclamation, often used to restrict civil society, and

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held a public consultation on the laws under review. In July, the governor of Ethiopia's Somali region **announced** the release of thousands of detainees from the Ogaden National Liberation Front.

The thaw continued. In August the government signed an **agreement** to end hostilities with the Oromo Liberation Front (OLF), enabling it to pursue its activities through peaceful means. The OLF had earlier declared a ceasefire and expressed its intent to run in future elections. The OLF was one of a number of organisations removed from the government's list of terrorist organisations. The following month, OLF leaders **returned** to the capital, Addis Ababa, after 26 years in exile in Eritrea, along with around 1,500 OLF members. In October, almost 2,000 members of the Tigray People's Democratic Movement followed suit, returning from Eritrea committed to peaceful political action. That same month, Prime Minister Abiy **established** a Ministry of Peace and **appointed** a 50 per cent female cabinet. In November, Prime Minister Abiy met with opposition party members to **promise** that fair elections would be held in 2020, and **appointed** a previously exiled opposition leader as head of the country's election board. At the end of 2018, the Committee to Protect Journalists **reported** that, for the first time since 2004, Ethiopia had no journalists locked up in jail.

However, the fragility of the situation was underlined by continuing ethnically charged violence. As OLF leaders returned in September, violent **clashes** between Oromo youth groups and others left 23 people dead over a single weekend, and teargas was used to disperse clashes between OLF supporters and local residents. The state's response was familiar: around 3,000 young people were **arrested**, many of them likely not connected to the violence, and around 1,200 were detained. In October, nine people were reported **killed** by security forces during a protest in Tigray Region, and at least 50 people were arrested and many more beaten and injured as security forces intervened in a protest in Afar Region. Evidently, some old habits would die hard. Meanwhile, the opposition to reforms was indicated by a grenade **attack** on a rally held by Prime Minister Abiy in June, in which two people were killed.

But while these were undoubted setbacks, civil society sought to take advantage of and help maintain the apparent momentum for change, **calling on** the government to go further when it began preparing a draft new law on CSOs. Ethiopia has long had one of the world's most repressive legal environments for establishing and operating CSOs, and the draft law still contained many restrictive measures on the registration and funding of CSOs, particularly international CSOs.

The extent to which any new CSO law is truly enabling will offer something of a test case for how serious and committed to change Prime Minister Abiy's reform agenda will be. Ultimately, recent changes in Ethiopia, while broadly positive, also point to the continuing weaknesses of a governance system in which so much power is concentrated in the ruling party and its head; if a change of prime minister can quickly lead to human rights progress, then the obverse is obviously true, and another leader from the old guard could come in to steer the country back to autocracy. There is still much more reform needed, and to make change permanent must mean developing the structures and cultures of democracy – and that means enabling civil society to act, grow and play its full role in building democracy. Fisseha sets out the challenge ahead:

The main lesson is that popular demand for freedom cannot be bridled using sheer force. Hence, I urge the new administration to accelerate reform through a process that is inclusive and transparent.

Presumably, members of the ruling party who lost their political power through the reform process are unhappy. Avoiding potential accountability for heinous crimes and systemic corruption are incentives for former security officials and the reactionary elements of the ruling party to fight back against the reform process. Hence, there is a need to entrench the reforms in laws and institutions to ensure that they are irreversible.

The country is approaching the 2019 local election and 2020 general election. Yet the laws and institutions regulating the framework for civic engagement hinder political parties, media and civil society, inhibiting their effective engagement in the process. At this critical time in Ethiopia, holding a fair and credible election is key to ensuring the legitimacy of the government and peace and stability. However, the credibility of the election is at risk if conducted under the framework of the current repressive laws.

The reforms have international implications too. Ethiopia's troubled relations with its neighbour **Eritrea**, which became independent from Ethiopia in 1991, improved, leading to the signing of a **peace deal** in July. But while the agreement made it easier for Ethiopian exiles to return from Eritrea, it did not lead to any immediate **improvement** in rights in Eritrea, which has long used its conflict with Ethiopia as the **pretext** for **authoritarianism** and forced military service. Even after the peace agreement, Eritrea's crackdown continued. In September, for example, former Eritrean Finance Minister Berhane Abrehe was **arrested** and detained after he published a book criticising the president and calling for young people to rise up for democratic change. Eritrea's status as a **prison state** now stands even more stark in contrast to the thaw in Ethiopia.

The regional implications matter because, as Fisseha concludes, Ethiopia has long been seen as a regional success story, both by donor governments and its surrounding states. It was hailed for its development successes under an authoritarian system, until that system could no longer contain the conflicts caused or exacerbated by remote decision-making and economic inequality. The potential is now there for Ethiopia, urged on by its long-repressed civil society, to offer a different and more inclusive model:

There is a lesson for other countries in East Africa, which have been observing the Ethiopian model. Many neighbouring governments showed interest in the developmental state model of Ethiopia and some of them tried to replicate it. However, countries tempted by the developmental state model should not be deceived by the partial story. The much-applauded economic strides Ethiopia registered in the last 10 years were shadowed by systemic and widespread human rights violations that finally led to political crisis. The whole picture from Ethiopia shows that the benefits of an undue priority being placed on economic development at the expense of human rights are short lived and doomed to crumble. Currently, what stands out is that repressive techniques, as used

by the Ethiopian government, are recipes for state failure instead of ensuring sustainable development.

THE PEOPLE'S WILL? REFERENDUMS IN 2018

IRELAND: SOCIAL REFORM THROUGH DELIBERATIVE DEMOCRACY

Ireland's May referendum that reversed a constitutional ban on abortion ([see Part 2](#)) – offered a positive example from 2018 of how a mechanism of direct democracy can advance progressive change. Crucially, the referendum was part of a broader process of dialogue and deliberation, with a citizens' assembly – a non-partisan, broadly representative convention – being the source of the proposal, breaking through decades of political deadlock. It was not the only step forward for rights achieved through a referendum in Ireland in 2018: in October, voters **overwhelmingly** voted to abolish the blasphemy law, in a positive move for the **freedom of expression**. Building on the abortion law vote and 2015's referendum to legalise same-sex marriage, the October vote was the latest in Ireland's '**quiet revolution**' in which long-established conservative laws have been overturned by popular vote. In 2019 and the coming years, more votes seem likely, on issues such as the liberalisation of divorce laws and the removal of language in the constitution that states that a woman's place is in the home.

Another of Irish civil society's targets is to challenge the provisions in the country's Electoral Act around receiving funding for "**political activities**." This broad terminology has led to demands that CSOs return international donations that are deemed to be political. While in July a 2017 order that Amnesty International Ireland had breached the Act and should return a donation was **reversed**, in October Equate, a children's rights CSO, **reported** that it too was being investigated under the Act.

Amid Ireland's series of referendums on social issues, concerns have grown about how the law can limit legitimate civil society campaigning on human rights issues. A **coalition** of CSOs therefore **launched** a petition to urge change in the law. Reform proposals are on the table, and civil society has asked that it be properly consulted in developing any amendments, and examples of good practice from elsewhere in Europe are considered.

THE NETHERLANDS: AN ANTI- ESTABLISHMENT TOOL IS REMOVED

A referendum also led to a step forward for fundamental rights in the **Netherlands**, where citizens voted in March to reject a law that increased the state's power to conduct surveillance and collect electronic data. The law, introduced in 2017, had been dubbed the 'Big Brother Charter'. Over 384,000 signatures were first collected to trigger the referendum, in which voters narrowly – by 49 to 47 per cent – chose to **reject** the law. The vote was generally seen as a shock result, but one that showed mounting awareness among Dutch citizens of the pervasiveness of online **surveillance**. Many in civil society had campaigned against the surveillance law, concerned about its impact on fundamental freedoms, including the right to privacy.

The 2015 Referendum Advisory Act meant that many laws could be put to an advisory referendum shortly after being passed, if enough voters requested so. If a majority voted against the law and the turnout was over 30 per cent, then that law was suspended until a further bill was introduced, either to put the law into effect or to repeal it. The purpose of referendums was therefore to urge law-makers to think again and reconsider the implications of new laws. The March vote on the 'Big Brother Charter' was only the second time the Act had been triggered. While the March referendum was advisory – it did not automatically mean the law would be repealed – the government acknowledged the result and stated that it would amend the law.

But following these two defeats for the political establishment, in July the Dutch parliament voted to **abolish** the Referendum Advisory Act. Some civil society groups vowed to mount a legal challenge to the decision. It seemed as though a political elite had experimented with enabling more direct democracy, only to end the experiment when it did not like the results. **René Rouwette** of Dutch CSO **Kompas** sums up the dissatisfaction this caused:

*A major issue of current democratic tension in the Netherlands is focused on referendums. Over the past few years, referendums were introduced at the local and national levels. Almost all votes resulted in wins for anti-establishment forces. In the first national referendum that took place the Netherlands, in April 2016, two-thirds of voters **rejected** the EU accession treaty with Ukraine.*

As a result, the ruling coalition decided to put an end to referendum opportunities at the national level. People are angry about the government's unwillingness to follow up on the referendum results as well as about the decision to suspend referendums.

If referendums are not to be the tool of choice, then civil society will urge the government to come up with other ways of listening to citizens, seeking their input to improve laws and engaging with the genuine concerns and dissatisfaction that have driven referendum results.

NORTH MACEDONIA: NAME CHANGE VOTE FALLS SHORT

In politically polarised times when questions of national identity are being highly contested in so many countries, it is perhaps unsurprising that what a country calls itself can become a matter of intensely political debate. **Macedonia's** aspirations of joining the EU and North Atlantic Treaty Organization (NATO) have long been blocked by the government of **Greece**. The historical region of Macedonia includes a large part of what is now Greece, and that region of Greece is also called Macedonia. Macedonia's post-independence political leaders have cultivated a national image strongly rooted in the region's ancient history; this fuels Greek fears of a potential irredentist claim to its Macedonian region. After years of negotiation between the two states, a **compromise** was hammered out in June under which Macedonia would change its name to the Republic of North Macedonia and Greece would no longer block any movement towards EU and NATO membership.

On the streets, the agreement revealed antipathies on both sides of the border. A large **protest** against the name change proposal was held in Macedonia's capital, Skopje, in February, involving



The referendum on changing Macedonia's name to North Macedonia, held in September, fuelled division on both sides of the country's border with Greece.

Credit: Chris McGrath/Getty Images

around 10,000 people. Some conservative civil society groups accused Greece of war crimes and genocide against Macedonians. In March, several thousand people joined a further **protest** against any name change in Skopje, and accused the main political parties of betraying the national interest. Another **protest** was held in March against the law on languages, which extends language rights for Macedonia's ethnic Albanian minority. Meanwhile in the Greek capital, Athens, in January, around 140,000 people **protested** against the name-change negotiations. There were clashes between far-right protesters and counter-protesters, and police used teargas and stun grenades when far-right protesters threw stones at them.

A furious backlash came in both countries when the deal was announced in June, with a heated protest taking place outside Macedonia's parliament. The police used teargas and **detained** 26 people after some protesters threw stones and fireworks; nine police officers and four protesters were reported to have been injured. Protests continued in front of parliament for weeks, often characterised by patriotic songs and the waving of Macedonia's flag.

The agreement went to a national referendum in Macedonia in September, with **protests** held ahead of the vote both in support of and against the name change, including a campaign to boycott the referendum. The main opposition party, the VMRO-DPMNE, which had ruled Macedonia for several terms until being exposed as implicated in an extensive illicit surveillance **scandal**, urged its supporters to reject the deal. Civil society expressed **concern** about calls to violence and ethnically charged rhetoric and misinformation.

As in some other recent votes, allegations grew of potential **Russian interference**, particularly through social media, with thousands of fake accounts urging people to reject the move and boycott the vote, including by invoking the spectre of control by ethnic Albanians in the predominantly Slavic country. Russia's government denied any involvement, although

its position is clearly against any further integration of states into the EU and NATO on its western border. Western states clearly also had a stake in the decision: the yes campaign was **reported** to have received US\$8 million in **US** congressional funding to counter Russian disinformation, several shadowy companies that claim to achieve influence through social media were said to be involved in encouraging a 'yes' vote, and a string of European leaders visited Macedonia to endorse the name change proposal. What this all made clear is that much more than the name of the country was at stake: Macedonia was seen from outside as a key battleground between the determination of the EU and Russia to hold and extend their spheres of influence.

But when the vote came, at only a 35 per cent **turnout**, the proposal fell. Although 94 per cent of those who voted supported the name change, it fell short of the 50 per cent turnout threshold required. The low turnout surely spoke not of passivity, but of an organised boycott by those opposed to the change.

For many in progressive civil society who supported the move, seeing potential in closer EU relations to make progress on fundamental rights, democratic freedoms and tackling corruption, the failed referendum presented something of a dilemma. Relations between civil society and the government have improved since the Social Democratic Union of Macedonia came to power in May 2017, in comparison to the previous government's **hostile** approach. Since then, CSOs reported that opportunities for consultation with the government increased, including over possible abortion law **reform** and **monitoring** of procurement and tendering processes. A parliamentary group to cooperate with civil society on LGBTQI rights was also **established**. In March, the old government's controversial 'de-Sorosization' programme **ended**, and with it the long-running investigation and financial inspection of at least 20 CSOs. In October, the government **adopted** a new strategy for cooperation with and development of civil society.

In contrast to the government's broadly positive strategy, the VMRO-DPMNE continued its campaign of **smearing** civil society, **accusing** civil society groups of being involved in money laundering and corrupt links to the Social Democratic Union of Macedonia. These attacks affected public trust in civil society: 2018 **research** suggested that 60 per cent of Macedonian people viewed civil society negatively. However, in November, Nikola Gruevski, disgraced former VMRO-DPMNE leader and prime minister, showed that he was the one not to be trusted when he **fled** the country rather than serve a two-and-a-half-year sentence for corruption; in an irony, he was welcomed warmly in **Hungary** (*see below*) by Prime Minister Viktor Orbán, who normally takes a tough line on asylum seekers. The ways in which right-wing, anti-rights political leaders support and reinforce each other could not have been made any more clear.

Many in progressive, rights-oriented civil society therefore knew where their sympathies lay. But events after the referendum could open civil society up to accusations that it was siding with political elites in defiance of public sentiment. In October, the referendum having fallen short of a decisive vote, parliament **voted** to go ahead with the name change regardless, and as January 2019 arrived, the name-change process reached its endgame: a further parliamentary vote **changed** the country's constitution to rename the country formally, albeit in the face of vehement VMRO-DPMNE opposition and continuing protests. The baton then passed to Greece, which also needed to ratify the change; continuing disagreement almost **brought down** the government in January 2019 and sparked another **protest** of up to 100,000 people in Athens before its parliament narrowly **voted** to approve the name change.

Amid these conditions of polarisation and the assertion of ethnic and nationalist sentiment, it surely falls to civil society in what has become North Macedonia – and its counterparts in Greece – to continue to cultivate more constructive relations with government but at the same time strengthen connections with citizens who are still angry at the

change and what it represents to them, and believe their voices have not been listened to. There is much work for civil society to do in healing the divisions the process has caused.

BURUNDI: A RUBBER-STAMP REFERENDUM

But if the year threw up examples of referendums in which direct democracy delivered progressive change, others where they handed a defeat to the establishment, and others still that had the effect of fuelling division and polarisation, all these need to be distinguished from those entirely fake referendums that exist purely to confer a veneer of legitimacy on continuing power. **Burundi** in 2018 offered the latest in a recent **series** of at best dubious referendums, particularly across a slew of states in Africa and Latin America, through which constitutional term limits have been erased or amended to enable rulers to stay in power.

An earlier exercise in defying the constitution in **2015**, when President Pierre Nkurunziza stood for a third term, triggered protests that were met with a brutal wave of violence and repression from the state and the ruling party's Imbonerakure militia. An estimated 1,200 people were killed in the ensuing violence and over 400,000 forced into exile. Among those **exiled** were many civil society activists who fled to escape repression, while most rights-oriented CSOs have been closed down. The May referendum had the purpose of enabling President Nkurunziza to serve two more seven-year terms after 2020, meaning that he can stay in power until 2034, if he so wishes.

Ahead of the vote, we asked Burundian civil society activist **Janvier Bigirimana** to give the background on the referendum:

President Pierre Nkurunziza has long sought a third term. This is illegal and in violation of the 2000 Arusha Accords and the resulting 2005 Constitution, and has faced continuous and strong opposition since 2015. As a result, he imposed a referendum upon

the Burundi people to amend the Constitution. The main goal of this referendum is to set Pierre Nkurunziza up as a dictator-emperor of Burundi and deny political and ethnic minorities any access to power. It should be noted that his political party recently gave him the title of 'Eternal Supreme Guide', a thinly disguised way of getting public opinion ready to enshrine a cult of personality. Pierre Nkurunziza is making every effort possible to become the next absolute ruler.

As the Nkurunziza regime realised it would not be able to obtain the legislative majority required to pass a constitutional amendment in the National Assembly, they decided to call a referendum. They had failed to pass a constitutional amendment in 2014 and did not want to fail again. Given that the official body in charge of elections is not independent and no international observers will be present, there is reason to believe that the regime will stop at nothing to ensure a victory of the 'yes' vote to enable the constitutional change.

The violation of the Arusha Accords, which ended Burundi's bloody, ethnically divisive 1993 to 2005 civil war, should not be taken lightly. As Janvier explains, the Accords envisaged a style of government vastly different from the autocracy Burundi has turned into, built around the notion of **consociational democracy**, in which there would be space for both Burundi's Hutu majority and Tutsi minority to have a voice and emphasis would be placed on brokering compromise:

In a fragile democracy like Burundi's, it is especially important to take into account the country's recent and painful unresolved past to evolve towards consensual governance. This is not the present case: the Nkurunziza regime has committed a number of serious crimes currently under investigation by the International Criminal Court (ICC) and continues to promote the law of force instead of the force of law.



Protests when Burundi's President Pierre Nkurunziza stood for re-election in defiance of constitutional term limits in 2015 sparked violent repression that has lasted ever since.

Credit: Nibigira Onesphore/Anadolu Agency/Getty Images

The amendment of the constitution ignores the principle of power sharing with ethnic and political minorities provided for in the Arusha Accords. It does so by modifying governmental structure, extending the president's term and lowering the majority required to pass laws in the National Assembly.

The constitutional amendment rules out entirely any possibility of democratic alternation of power in Burundi and turns the constitution's strict presidential term limits into wishful thinking. In so doing, the amendment violates the Arusha Accords' stipulation that no president shall be allowed more than two terms in office.

The amendment to the constitution is unconstitutional in itself. Article 299 of the constitution clearly states that "no amendment procedure may be adopted if it jeopardises national unity, the cohesiveness of the Burundian people, the secular state, reconciliation, democracy, or the territorial integrity of the Republic." The referendum takes place in a context of crisis and runs the risk of further polarising Burundian citizens.

Additionally, while Article 297 of the Constitution allows the president to submit a draft constitutional amendment to a referendum, such a vote would merely have consultative value and would not be legally binding. Despite the unquestionable clarity of this constitutional provision, Article 5 of Decree no. 100/0027, issued on 18 March to call on voters to participate in the referendum, violated it when it specified that the draft amendment of the Constitution shall pass if it gets the absolute majority of votes.

Ultimately, the chances of resolving the crisis peacefully through a negotiated political settlement are crumbling even further and the lack of dialogue, tolerance and political pluralism constitutes a serious infringement of the democratic process.

The regime is exhibiting selfishness and indifference to the population's distress. In the context of a grave political, socio-economic and humanitarian crisis, one might as well wonder whether a referendum should take priority over the challenges currently facing Burundi.

This referendum has been tailored to fit Nkurunziza's interests and the game is not transparent in the least. It is organised against a backdrop of terror, human rights violations, persecution of opponents and clamping down on all civil liberties. Proponents of the 'no' vote have undergone various forms of persecution.

More than 400,000 Burundians, including members of the political opposition and civil society leaders, are currently living in exile following a major crisis and the subsequent repression. Negotiations initiated by the East African Community failed because the Nkurunziza regime was never willing to resolve the crisis through a negotiated political solution. Human rights violations against Burundians both within and outside the country are no way to help Burundi get back on the path of democracy.

Indeed, in conditions of closed civic space where democratic dissent is suppressed, no vote could possibly be free or fair, and the referendum occasioned a further **crackdown**. In January around 60 people were **arrested** for calling on citizens to reject the proposal. In May, both BBC and Voice of America operations in Burundi were **shut down**.

Ahead of the vote, there were also reports of people being **forced** to register, particularly in rural areas, by the police force and militia. With a vote against the president unimaginable, it had evidently become the state's goal to claim legitimacy by securing a high turnout; the final **reported** turnout stood at an unbelievable 96 per cent, with a vote of 73 per cent in favour. Fear of repercussions seemed to be one key factor behind that turnout, with **reports** that people had been killed or attacked if they could not prove they had voted or were members of

the opposition. Ahead of the vote there were also ominous warnings from senior figures, including the president, of negative consequences if anyone tried to hinder the president getting his way. Following the result, opposition parties said they would mount a legal challenge to the vote, but in a state increasingly organised around the personal rule of President Nkurunziza, they had little chance of success.

The repression **continued** after the referendum, which presumably had left President Nkurunziza secure in the knowledge that he can continue to rule as he wishes: the government celebrated by suspending several CSOs from operating. In December, the newly emboldened government **ordered** the UN Human Rights Council to close down its office in Burundi. Having already become the **first country to leave** the ICC in 2017 (*see Part 4*), the move indicated a further hostility to international scrutiny.

To combat this trend, concludes Janvier, the need is to **encourage** greater international efforts to hold President Nkurunziza to account:

The international community needs to acknowledge what is happening in Burundi. The shift from relative democracy to absolute dictatorship may have serious repercussions for the future of democracy across Africa, as other African leaders might be tempted to experiment following the example of Pierre Nkurunziza.

*The risk of mass atrocities, including genocide, is very high. All the necessary preconditions are present, including the adoption of hate speech by the highest state authorities and the existence of a militia that has replaced state institutions. In the name of the **responsibility to protect**, the international community must take the situation in Burundi seriously and plan on taking meaningful, effective coercive measures to keep the Nkurunziza regime from committing irreparable harm and have it agree to negotiate sincerely and unconditionally with its opponents.*

BOLIVIA: THE CONSEQUENCES OF A DIVISIVE VOTE

The consequences of a divisive referendum, intended to legitimise continuing presidential rule but that rejected it, continue to be seen in **Bolivia**. President Evo Morales lost the February 2016 referendum on whether he could override the constitution to stand for a fourth term, but has simply ignored the verdict and ploughed ahead regardless. There have been **protests** ever since, under the banner of the 21-F movement – a label that commemorates the date of the referendum – to urge him to change course and respect the people's verdict. Protests continued into 2018, when the second anniversary of the referendum saw people take to the streets to **demonstrate** both against and in support of President Morales' plan to stand again. The protests took place in a tense atmosphere, with some **clashes** between the two protest camps.

Javier Gómez Aguilar of the **Centre of Studies for Labour and Agrarian Development** outlines the context within which these protests came:

Our normative framework is that of a multiparty liberal democracy with periodic elections and the separation of powers; however, there is an ongoing trend, which is apparent not only in Bolivia, towards a dominant party regime and the personal concentration of power. The Movement towards Socialism (MAS), led by President Morales, is deeply rooted in Bolivia's popular sectors, and over the course of 12 years in power it has taken over civil society space. It has done so through very different mechanisms: by criminalising protest, persecuting opponents, dividing social organisations, putting pressure on CSOs, harassing them by applying tax or labour standard compliance regulations, acquiring media outlets, denying official advertising to independent media and monitoring social networks.

The use of these mechanisms has increased as the MAS, despite remaining the biggest party, has lost support. As the party

controls the four branches of government, it uses them to counter its progressive loss of legitimacy. Discontent has increased and so have protests, albeit not in the same proportion. The government continues controlling the streets and retains the capacity to mobilise its supporters, particularly public servants and sectors of the population who depend on transfers of funds or state subsidies.

The 2016 **referendum** was organised by the president himself, with the intention of getting a green light to change the constitution – a constitution that had been passed under his administration – in order to enable a further re-election. The referendum mechanism gives citizens the last word, so the issue of re-election should have been resolved for good with the ‘no’ victory, and the president should not have been able to run again.

After 12 years in power, the dispute over re-election reflects the ruling party’s institutional fragility. A prohibition on re-election would not amount to a ban against the party: the MAS could present another candidate. But at this point there is no successor to President Morales because, instead of acknowledging at an earlier stage that there would be no re-election, and therefore focusing on producing an alternative leadership, the government devoted itself to finding ways to overcome the re-election ban.

Given that the ‘no’ option won by a very narrow margin, it has been said that the vote was ‘almost’ a draw, and therefore the result was not conclusive. In the judicial arena, two pro-government representatives filed a claim of unconstitutionality, invoking the American Convention on Human Rights, which has a status higher than the constitution. They say that because the Convention guarantees the full right of citizens to vote and be voted for, the prohibition on re-election would be a violation of the president’s political rights.

In December 2017, just days before its term ended, the Constitutional Court accepted the plaintiffs’ claim and **authorised** President Morales to seek a further re-election. It should be emphasised that Constitutional Court judges are elected and serve five-year terms, and the judges who issued that ruling are all public officials now. In other words, the judiciary is not an independent power. We are **awaiting** the Inter-American Court of Human Rights’ pronouncement on the subject.

During one of the recent marches by university students the front of the Electoral Court building in Santa Cruz was **set on fire**. According to students, the fire was caused by

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Bolivia has been polarised since President Evo Morales called and lost a 2016 referendum to enable him to run again, and then ignored the people's decision.

Credit: Marcelo Perez Del Carpio/Anadolu Agency/Getty Images

infiltrators who also caused much other damage. But the government immediately arrested the protest leaders, one of whom was indicted in a single day: he was given an abbreviated trial, pleaded guilty and was given a three-year suspended prison sentence – something quite extraordinary in the context of a very slow judicial system, in which 80 per cent of prisoners have not been sentenced. The student was later freed, but the objective of creating fear among mobilised sectors was achieved. It clearly showed that if you mobilise, you can end up in jail.

This was not the only protest in 2018. When Bolivia hosted the South American games in May and June, a woman was **harassed** and threatened for wearing a 21-F t-shirt and starting a chant of 'Bolivia said no'. On Independence Day in August, 21-F supporters were prevented from holding a protest in the city of Potosí, where President Morales was giving a speech, leading to some clashes with the police. Protesters said that in response they would take legal action against the head of the police. Further protests were held in November and December, when protester **Suleydi Estivariz** died after falling and hitting her head during a struggle with police officers. At another 21-F protest in December, nine people were **arrested** for blocking a road. The repression did not stop at the 21-F protests; it extended to violent action against a series of strikes, including of **healthcare workers** (*see Part 1*), while a student protest in May was brutally crushed, leaving one student, **Jonathan Quispe Vila**, dead from a security force gunshot wound. The security officer accused of the shooting was released when a judge ruled there was insufficient evidence against him.

Regardless of the dissent, President Morales' candidature moved forward in primary elections held in January 2019. Javier describes the polarisation within Bolivian society, where President Morales continues to enjoy some support, but it has been tested by his apparent determination to stand again:

*There are demonstrations and counter-demonstrations, expressions in favour of and against the re-election. President Morales retains a very important level of support, particularly among public servants. There are organised sectors that receive abundant state resources and mobilise systematically against any anti-re-election protest. At the same time citizen platforms – groups of women, young people, students and sections of the middle class – have **mobilised** under the 'Bolivia said no' banner to demand respect for the results of the referendum.*

As this suggests, President Morales is losing the **support** of at least some of those who once enthusiastically backed him on the basis of his economic and social track record. The story in Bolivia currently seems to be as much about wasted energies as anything else. With efforts increasingly going into securing President Morales' continuing rule and suppressing the dissent of those opposed, it is hard not to think of the opportunity cost: of what might have been achieved if all these efforts and energies had been focused on advancing further progressive economic and social change in Bolivia.

ECUADOR: TERM LIMITS RETURN

In contrast and for once, a constitutional **referendum**, held in **Ecuador** in February, reintroduced presidential term limits. Former President Rafael Correa had eliminated term limits in 2015 before handing over to his Vice-President Lenín Moreno, and had been **reported** to be ready to run again next time. But the proposal to reintroduce term limits was part of a break by President Moreno with the decisions of his predecessor. The proposal was overwhelmingly **carried** – at 64 per cent for and 36 per cent against – as were six other questions put to the vote, including one on whether to exclude people convicted of corruption from participation in politics and others to reform state participation structures and strengthen environmental regulations.

Daniel Barragán of the **International Centre for Research on the Environment and Territory** at Universidad de Los Hemisferios explains what was at stake:

*The **referendum** addressed issues as diverse as the fight against corruption, the restructuring of the main official participation body, the Council for Citizen Participation and Social Control (CPCCS), the elimination of indefinite re-election, the protection of children and the non-proscription of sexual crimes, and the prohibition of mining in urban centres and protected areas.*

*The referendum resulted in important institutional change, particularly as a result of the reform of the CPCCS, and its implications to date in terms of the evaluation and **removal** of around 27 officials in supervisory bodies, accompanied by new appointments – some of them temporary and others permanent – to those positions, as has been the case with the Constitutional Court. The CPCCS had been established by the 2008 Constituent Assembly and was conceived of as a 'fifth power' in charge of auditing control mechanisms, encouraging citizen participation and fighting against corruption. It also plays a role in appointing officials, which made it a target of major criticism.*

On the legality of what has been done on these issues, perspectives diverge; what is certain however is, as far as I can tell, that the workings of the temporary CPCCS enjoy social and citizen support.

The referendum was part of an apparent shift towards greater respect for human rights and democratic freedoms under Ecuador's new leadership, which has seen civic space open up. Daniel puts the referendum result in context:

Over the past two years an environment of greater freedom and respect for the freedoms of association, peaceful assembly and expression has become apparent in Ecuador. Change has taken the form of a government policy of openness to dialogue and in reforms of the regulations that apply to CSOs and the Organic Communications Law.

*Communication is no longer considered a public service but a right, the right to freedom of expression has been conceptually broadened, media control is eliminated and self-regulation is promoted, the crime of **media lynching** – which punishes the repeated dissemination of information aimed at discrediting or destroying someone's credibility – is repealed, and administrative sanctions are eliminated.*

While it has not always been possible to achieve the best possible regulations and the margin of discretion allowed by the current legislation is still a pending issue, the changes point in the right direction.

From my point of view, today better conditions exist for the exercise of democratic freedoms. Proof of this is the existence of an environment of dialogue, tolerance of divergent opinions and respect for the rule of law.

*A clear example of the progress made is the **decision** of Ecuador to **join the Open Government Partnership**. This was one of the measures taken not only towards citizen participation but also regarding the fight against corruption. For Ecuador, it is essential to advance towards the creation of a climate of trust based on the transparency of actions of the authorities and officials, as well as on a logic of citizen co-responsibility in public affairs. At the moment we are making progress towards the design of our first Open Government National Action Plan. Additionally, recently the Consultative Council of Open Government in Quito, the capital city, gave the mayor a city-level action plan to be implemented in 2019. I am participating in both processes and I can attest to the fact that when there is political will, coordinated work among different sectors and actors is possible.*

Many challenges of course **remain**, particularly relating to the freedom of expression, but the referendum outcome made a refreshing change and offered another step in the right direction, towards further enabling civil society rights in Ecuador.

TOWARDS BETTER REFERENDUMS

What is clear from the various forms of referendums seen in 2018 is that the existence of referendums by itself tells us little about the state of democratic freedoms in any given context. What matters is

why referendums are called and who calls them: whether they speak to bottom-up demands identified and articulated by citizens, or are imposed from the top down by the political class – often in an attempt to add legitimacy to an elite decision. It also matters whether referendums are held in contexts of open or closed civic space.

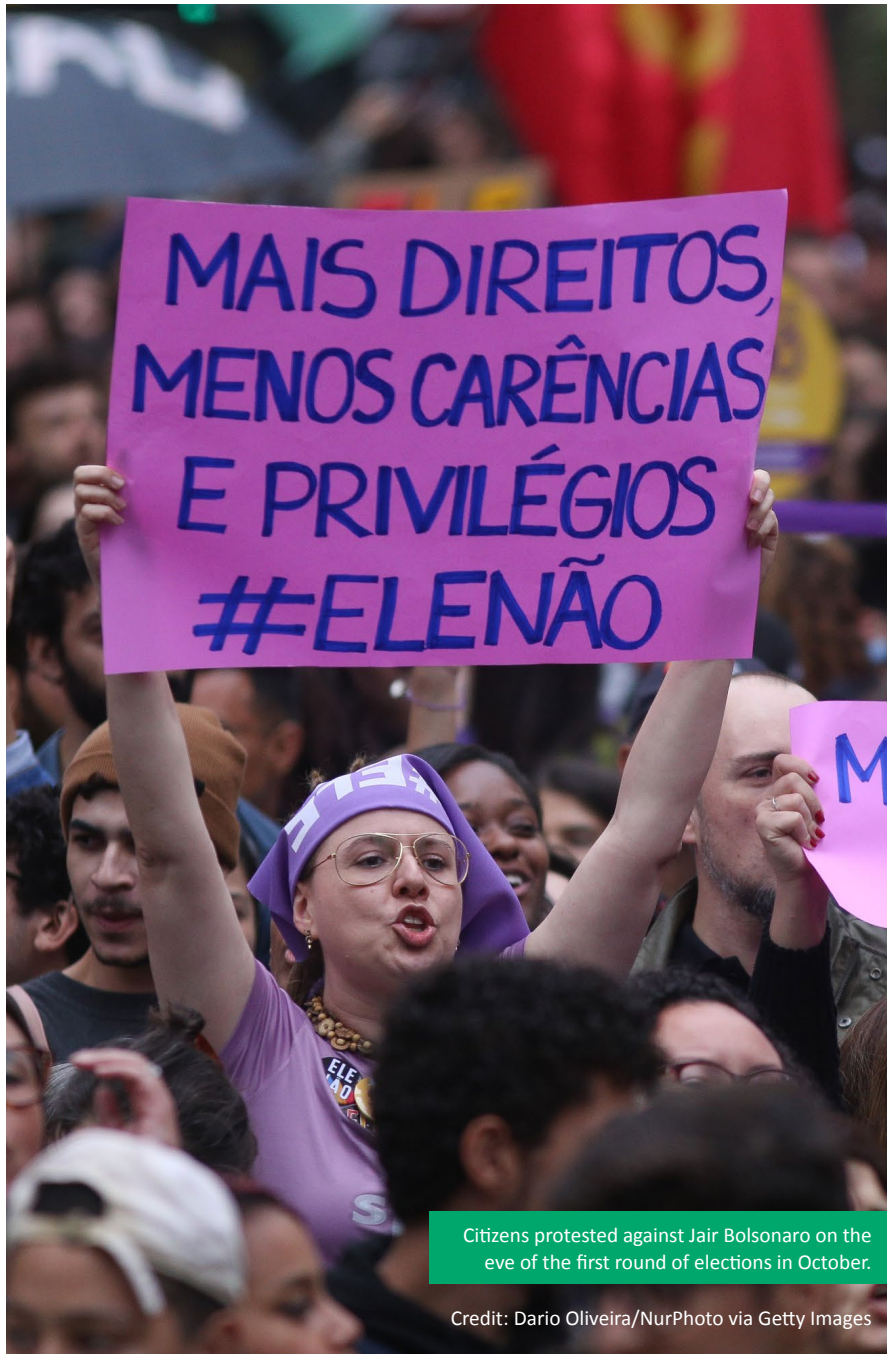
Intriguingly, as 2018 turned to 2019 and the **UK's** politics remained polarised, distracted and deadlocked from the fallout of 2016's referendum vote to leave the EU, people started to suggest that the adoption of Ireland's citizens' assembly model might offer one way out of the impasse. This indicated that good models are out there, and can be adapted elsewhere. But only when the space for civil society is open can genuine debate be held and democratic dissent expressed in a respectful way that enables bridges to be built after the votes have been counted. Civil society participation enabled by open civic space is the essential ingredient if referendums are to be vehicles of enhanced, deliberative democracy.

RIGHT-WING POPULISTS: ON THE MARCH

BRAZIL: BACKLASH TURNS TOXIC

In a runoff election held in late October, **Brazil** elected as president former military officer and far-right populist **Jair Bolsonaro**. He stood on an anti-rights platform that was particularly aggressive towards women, LGBTQI and indigenous peoples, and promised to withdraw from major international agreements on **climate change** and **migration** (*see Part 4*).

Brazil had long been immersed in a political, economic and social crisis fuelled by the exposure of a massive corruption scandal that destroyed trust in the government, political institutions and established parties. Under successive Workers' Party (PT) administrations, Brazil



Citizens protested against Jair Bolsonaro on the eve of the first round of elections in October.

Credit: Dario Oliveira/NurPhoto via Getty Images

had achieved some economic and social progress, but at the same time there was anger at the cost of living, inequality and corruption that triggered large-scale protests in **2013** and **2014**. It became clear that the entire political and economic system was structured around corruption, with state-owned oil corporation Petrobras and construction giant Odebrecht at the centre of what became known as the **Lava Jato** ('carwash') operation. Revelations exposed an elaborate architecture of corruption designed to fund parties and campaigns across the political spectrum, but the political **fall-out** fell largely on the PT and its leaders: in 2016 then-President Dilma Rousseff was impeached and removed from office, and in April former PT president Luis Inácio 'Lula' da Silva, who was polling as the frontrunner for the October election, was jailed on a 12-year sentence, having been found guilty of money laundering and corruption; the sentence forced him **out** of the campaign.

Both Dilma Rousseff's impeachment and Lula's trial were seen by many in civil society as politically motivated, given that many of their accusers were also implicated in corruption but escaped the same punishments. Suspicions of political bias only mounted when the lead Lava Jato prosecutor, Judge Sergio Moro, was **appointed** by president-elect Bolsonaro as his Minister of Justice.

Each event was greeted with protests and counter-protests, including protests against corruption in **2015**; against Dilma Rousseff's impeachment and **replacement** by right-of-centre Vice President Michel Temer, denounced by many as a coup; and in **2017**, against the austerity policies imposed by President Temer's administration and his party's involvement in corruption, with protests meeting with **increasing** repression by the authorities.

The climate was therefore one of disaffection and polarisation. In this context, the election of Jair Bolsonaro, who launched his campaign as a mostly unknown candidate from a **small party**, could be seen as an anti-establishment reaction to corruption.

The Bolsonaro campaign was said to have been the cheapest in history, not least because it relied heavily on social media, rather than expensive advertising through conventional media. It used **WhatsApp**, which reaches around two-thirds of Brazilian voters, delivering campaign messages directly into millions of hands. Phone numbers were reportedly **illegally obtained** from Facebook accounts and then used for mass WhatsApp messaging. The platform, which transmits encrypted messages that are not subject to any fact-checking or filter for hate speech, enabled the uncontrolled **spread** of intentionally misleading and bigoted misinformation.

According to Agência Lupa, a **fact-checking service**, only 50 of the most shared pictures in 347 WhatsApp groups were factually correct. During the weekend of 6 to 7 October, when the first electoral round was held, 12 items of misinformation were shared 1.2 million times. The Bolsonaro campaign made similar use of Facebook, but was limited by the company's policies, which led to the shutdown of hundreds of fake accounts and pages spreading misinformation, including depictions of PT candidate Fernando Haddad as a communist and claims that he would distribute 'gay kits' to 'convert' schoolchildren. Fact-checking services were in turn the focus of **attacks** and accusations of political bias from right-wing groups.

Paula Raccanello Storto of the Catholic University of São Paulo's Centre for Advanced Third-Sector Studies outlines the role disinformation played in President Bolsonaro's campaign:

Bolsonaro was elected on the basis of a superficial government programme. He did not participate in any debate with the other candidates and his public statements to friendly TV networks and on Twitter conveyed a developmentalist discourse that was liberal regarding the economy and conservative regarding the advancement of rights, and which resonated with contemporary Brazilian society. His supporters massively spread fake news

through social media to attack agendas considered to be progressive, and particularly those related to environmental protection and the rights of minorities.

Jair Bolsonaro has a long track record of making deeply unsavoury anti-rights statements. Hate speech, on social media and in campaign appearances, was particularly targeted against women, LGBTQI people and other excluded groups. Backed by Brazil's powerful evangelical caucus and pursuing voters from conservative faith groups, Jair Bolsonaro promised to defeat so-called '**gender ideology**' – a terminology increasingly **used** around the world to demonise attempts to advance women's and LGBTQI rights – and restore **Christian values**. He campaigned against **abortion** rights, **vowing** to restrict funding for civil society groups that promote abortion, and lashed out against **same-sex marriage**.

The election campaign was also marked by **hostility** towards independent media that criticised Jair Bolsonaro. Meanwhile, in response to urban violence and insecurity, Bolsonaro adopted strongly a **pro-gun** position and **promised** to make it easier for police to shoot and kill criminals at will. In the **deadliest country** in the world for environmental activism, his election raised concern among **environment defenders**, particularly those fighting powerful interests responsible for deforestation. Predictably, hate speech fuelled violence, as Paula indicates:

The violence that permeated the latest electoral campaign was striking. A survey revealed that over just 10 days of the campaign there were at least 50 attacks, most of them perpetrated by Bolsonaro supporters against opponents. This legitimisation of violence is a particularly worrying fact in a country like Brazil, which has a violent society and a record-breaking number of femicides and murders of environmental leaders and LGBTQI people, and is marked by police violence and precarious conditions of imprisonment, with a system that incarcerates mostly black and poor people.

Jair Bolsonaro's victory further emboldened anti-rights groups and far-right supporters in Brazil. Growing attacks on the freedom of expression were reported, particularly on social media. More than 20 universities were **subjected** to invasions by military police, which confiscated teaching materials on ideological grounds. Paula describes other early impacts on CSOs:

We already knew what Bolsonaro thought of CSOs. During the campaign he said that if he became president there would be no public money for CSOs and that "those good-for-nothings will have to work." In the same speech he also said that "there will not be a single centimetre of demarcated land for indigenous reservations or quilombola communities" – settlements founded by people of African origin, most of them runaway slaves. All these statements were clearly contrary to the historical agenda of organised Brazilian civil society, which feels threatened not only by the potential actions of the government, but also by possible opponents emerging from within society, which have viewed the president's statements as an encouragement to use physical or symbolic violence against organisations defending those causes. The new government has come to establish a regressive, anti-rights agenda.

So the decisions that Bolsonaro made in those first weeks were predictable, although at times we have had difficulty believing our eyes.

*After he was elected, Bolsonaro appointed a Minister of Foreign Affairs who has stated that he does not believe in climate change and considers it a Marxist plot. At the head of a so-called Ministry for Women, Family and Human Rights he placed an evangelical preacher who is publicly opposed to abortion for religious reasons. The task of demarcating indigenous lands was moved from the Indian Support Foundation to the Ministry of Agriculture, an agency with interests completely opposed to land demarcation. After backtracking on his previously announced decision to merge the Ministry of the Environment with the Ministry of Agriculture – which caused much controversy and many negative reactions – he **celebrated** the fact that environmental organisations criticised his appointee to the Ministry of the Environment, a representative of agro-industrial interests who has **declared** global warming "a secondary issue" and **dismissed** environmental fines as forms of "ideological persecution."*

*One of the first measures of the new Minister of the Environment was directed against environmental organisations. He issued a resolution that **suspended** agreements and partnerships with CSOs for 90 days. But sustainable development is a priority of the global*

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THE NEW
GOVERNMENT
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agenda and is enshrined in the Brazilian Federal Constitution and in domestic legislation, and therefore it is not up to any particular administration to decide whether its chosen model of national development is to preserve the environment and take care of its population.

Moreover, since 2014 Brazil has had a law that defines the legal relationship between the state and civil society, which was unanimously passed by the National Congress when Jair Bolsonaro was a national representative. This law does not provide for the possibility of a suspension in the way that was done. The decision by the Minister of the Environment violated the principles of legal certainty and administrative efficiency.

*One of the first **measures** of the Bolsonaro government, Provisional Measure (PM) 870/2019, which dealt with the structure of the new Federal Administration, entrusted the Secretariat of the Presidency with the new role of “supervising, coordinating, monitoring and following the activities and actions of international organisations and non-governmental organisations within the national territory.”*

Under the democratic rule of law it is assumed that individuals are free to meet and associate, and they may perform any lawful activity free from state monitoring. The text of PM 870 reveals a clear disregard for the constitutional principles of the rights to the freedom of association and free enterprise. In addition, the idea of creating government structures with broad powers over CSOs is a risk because it may lead to the establishment of an undue architecture of state control of private activities. In this regard, PM 870 is unconstitutional and should be modified by the National Congress.

The tide was however not all one way, and progressive civil society voices fought back wherever they could. In response to the attacks

on universities, scholars all over the world **signed a letter** supporting Brazilian universities and their staff. Ahead of the election – although clearly their efforts were ultimately unsuccessful – Brazilian women **mobilised** in massive numbers, both online and offline, under the **#EleNão** (NotHim) banner. Shortly after it was launched, the women’s movement against Jair Bolsonaro had reached 2.5 million members on Facebook. In September, the #EleNão movement held **massive protests** all over Brazil and in many cities around the world. As a grassroots movement, the #EleNão campaign demonstrated how progressive voices could build a supportive community, even in the face of **hacks** and **misinformation** meant to diminish or discredit it.

The situation is clearly volatile, and the same electoral process that brought Jair Bolsonaro to the presidency resulted in the first-ever election of an indigenous woman to the Brazilian Congress. Joênia Wapichana, a defender of land and indigenous peoples’ rights, stands up for the environment against powerful agribusiness interests. Additionally, the state of Bahia, with a population that is around 83 per cent Afro-Brazilian, for the first time elected a black woman, Olivia Santana, as its state representative. In São Paulo, for the first time a trans woman, Érica Malunguinho, was chosen as state representative. And while no progress has been made in the investigation of the March assassination of human rights defender, feminist and Rio de Janeiro councilwoman **Marielle Franco**, three of Marielle’s colleagues – Monica Francisco, Dani Monteiro and Renata Souza – were elected as state representatives in Rio de Janeiro, and a fourth, Talíria Petrone, was elected to the National Congress.

President Bolsonaro’s administration can only be expected to continue to pursue a vast regression of fundamental human rights. The scale of the result feels devastating for many in Brazil’s civil society. But now civil society must pick itself up and fight the key battles that await through 2019 and beyond – including to protect women’s, LGBTQI and indigenous peoples’ rights, defend the Amazon from the increased commercial exploitation

that President Bolsonaro has promised and uphold the rights of civil society and independent media. Jair Bolsonaro's election win is part of the broader rise of strong-arm leaders who position themselves as mavericks, as demonstrated by his cultivation of links to prototype hardmen such as Hungary's Viktor Orbán and Israel's Benjamin Netanyahu. In turn, Brazil's progressive civil society can learn from the resistance strategies followed elsewhere, and model responses that others can adopt. Paula concludes by setting out what Brazilian civil society is doing to respond, and the international connections it can pursue:

Civil society is alert, closely following all the decisions made by the new government and organising to seek the reversal of measures that are contrary to human and environmental rights.

Soon after the publication of the resolution by the Ministry of the Environment on partnerships, in view of its very negative repercussions and the mobilisation of civil society, the Minister backtracked and issued a new order stating that the implementation of contracts already underway would continue and only new ones would have to keep waiting for approval.

Civil society mobilised against the decision to establish a system of state monitoring of CSOs set out in PM 870, and a diverse and representative collection of Brazilian organisations signed an open letter requesting the rectification of PM 870 in line with the Constitution.

Increased coordination of Brazilian organisations with international public and private mechanisms, including those within the justice system, will help ensure the monitoring and visibility of the Brazilian situation, as well as access to international courts, if necessary.

Right now, it is essential to expand our exchanges with international civil society to understand and seek answers to face

the expansion of the forces of this conservative right that simply denies on social media the worth of multilateral mechanisms, the need to reverse climate change and the rights of minorities. What is happening in Brazil should be kept in context, as it is part of the same global movement that is causing setbacks to the rights agenda elsewhere, through a repressive collection of practices and liberal economic policies that fail to take into account the limits to the development process set by human rights and environmental protections.

ITALY: POPULISTS IN POWER

Italy, a founding member of the EU, demonstrated how far the right-wing populist surge has gained ground in the heart of Europe: the Eurosceptic and populist Five Star Movement won the most seats in a March general election marked by political fragmentation, disaffection, increasingly intense anti-migrant rhetoric (see Part 2), the rejection of established parties and pronounced splits in voting behaviour between different demographic groups and the country's wealthier north and poorer south. The former ruling centre-left coalition was pushed to a distant third. Following two months of negotiations, a new coalition government was formed between Five Star and the right-wing populist Lega party, which was founded to campaign for the independence of the country's north. These two parties are united more by what they stand against than for: migration, the EU, civil society and media freedoms. All have been targets since the new government took power.

We asked Silvia Stilli of AOI, Italy's largest civil society platform, to consider what might lie behind Italy's populist turn. She points to a gradual detachment from the progressive and pluralistic values that motivate the bulk of Italy's civil society:

The reasons for the current situation do not lie just in the last year, but in the last 10 years. Relations between political parties and civil society have been getting looser and looser, so opportunities



People protested against the Italian government's social and migration policies in a demonstration in Rome in December.

Credit: Stefano Montesi/Corbis via Getty Images

for engagement have declined. There has been a distancing between political parties and civil society.

While civil society took a joined-up approach to poverty and the economic crisis, political parties, including progressive parties, treated these as purely economic issues requiring domestic responses. Citizens found themselves caught between these two completely different views of how to deal with the situation.

Another element is the huge mobilisation that has happened around the Five Star Movement, which brought together many people around the need for change. This was an entirely new movement that attracted a lot of interest and support. People mobilised without necessarily looking at the depth of their political views, their orientation and programmes. Let's see if they will actually bring some change.

The reverse side of growing support for populism and anti-migrant sentiment, Silvia continues, is some loss of public support for CSOs, which impacts on their ability to work:

The current confusion of citizens has happened because of the language that has been used, not just by the current government but by previous governments of both right and left. They started to use language revolving around security against migrants, border control and safety. They attack CSOs working on these issues, seeking to detach citizens from the so-called 'do-gooders' of civil society. The fact that the centre-left also spoke this language confused many citizens, including the more progressive part of the citizenry who might naturally embrace tolerance and sensitivity towards social issues. The consequence is that some citizens have become disconnected from traditional values of democracy.

As well as concerns about migration, Italian citizens experienced concern about security – both personal security, because there have been terrorist attacks, and livelihood security, given the difficulty of finding jobs. These sort of uncertainties and perceptions of insecurity have created the idea among some citizens that the work traditionally pursued by CSOs, even if done with the best of intentions, is not taking into account their fears and insecurities. This anxiety has somewhat detached citizens from groups working on social issues.

Over the last two years, donations from citizens, be it voluntary contributions or allocations from tax deductions, have been decreasing. This was an alarming issue even before the election. However, overall, there has been no decline in citizen engagement, as seen for example

in volunteering. This has been stable or even slightly increased, particularly among young people, who if anything are more inclined to engage through civil society than join a political party.

But at the same time that citizens are giving less – including to the many groups that are active in providing support and services in Italy to communities and vulnerable groups, some of which have had services outsourced to them by municipalities, including those run by the Lega – there are more demands on civil society. So we see on the one hand some financial decline, and on the other hand increasing need.

Coalition partners were quick to attack civil society and the media. A particular flashpoint was provided by the **investigation** of Five Star Rome Mayor Virginia Raggi for alleged cronyism and abuse of power, a charge that stood at odds with the Movement's claim that it would stamp out corruption; she was cleared in November, and this provided the stimulus for leading Five Star politicians, including the Deputy Premier, to launch an **attack** on the media for its reporting of the case, in which he called journalists "jackals" and "whores." Journalists responded to this attack on media freedom by holding flashmob **protests** in several cities, and Italy's communications authority condemned attacks on the media. The government was also **criticised** in October by the UN Special Rapporteur on violence against women its causes and consequences, Dubravka Šimonovic, and the Working Group on the issue of discrimination against women in law and in practice, for evicting a number of CSOs that provide safe spaces for women from a building they had occupied for over 30 years. Silvia describes other ways in which civil society is being constrained under the new government:

Civil society's role is under discussion. The new message seems to be that civil society can only operate to implement policies established by the government. This is opening up a crisis because it was not the case until now.

What is underway, to some extent continuing some measures of the previous government, is the promotion of an unequal society. They are talking about reduced rights and privileges for whoever is different, especially foreigners and migrants, and not only those coming now by sea, but also those who are already in Italy.

More broadly, a number of rights that have been expanded in recent years – on same-sex civil unions, abortion, living wills, access to services for a number of minority groups – are all now being undermined. Every day new ministers of this government are making declarations that undermine these and the victories civil society helped achieve in the past. The language used by the government and mainstream parties is more and more attacking minority groups, and the civil society that works with them.

Recently a Five Star member of parliament posted a Facebook message saying that CSOs that are mobilising for migrants need to be got rid of, in effect calling for a 'fumigation' of Italian civil society. This is the kind of language that parts of the new government are using against civil society.

There is also the 'Soros effect' in Italy. The Minister of the Interior now wants to check the budgets of CSOs to see if they are getting money from George Soros and Open Society Foundations (OSF). The same minister wants to create a racial profiling of the Roma community, who in most cases are citizens of Italy and not foreigners. This profiling on the basis of race is something that previously wouldn't have been possible in Italy.

Within this new coalition government, the party that most extremely speaks the language of security is the Lega, from which the Minister of the Interior comes. It joined the new government as the minority partner, but the latest polls show that its leader, who is being assertive about security, is gaining support.

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These changes have opened up a big crisis of cultural values and challenges, both for the Catholic and secular parts of civil society, which have both played a key role in promoting equality and access to rights. This new approach is disorientating a broad part of established civil society.

In response, Silvia sets out some actions that civil society could take to win back support for pluralism and progressive values:

We need to work with new generations, including in schools and informal spaces, to find channels to engage them in ways that interest them, and invest in their understanding of today's dynamics so they can be the drivers of change in the future. We need to promote more volunteering abroad and the hosting of volunteers in Italy, and exchanges among students and young people who have come from areas of crisis.

We need to work more with parliament, since there has been a major turnover of those who sit in parliament. There are new people who may not be much aware of the issues and so endorse populist narratives. We need to talk with them and influence them.

We need to work more strategically with the media, to push for a better narrative and try to work through the media to shape opinion.

Finally, it's important to highlight critical issues about civil society as well as positive ones. The fact that the credibility of civil society has been undermined, creating a decrease in donations and contributions, has prompted civil society to work more on our self-evaluation tools, to be critical, honest, self-assess how we have been doing things, and move towards more transparency and giving more feedback to citizens, including through participatory budgets and more transparent reports. Not only is it necessary for citizens to know where their money goes, but it is also the right way to respond to attacks.

HUNGARY: HARD-LINER CONSOLIDATES HIS POWER

Hungary's hardline right-wing populist Prime Minister Viktor Orbán increased his support to preserve his Fidesz party's **super-majority** in the country's April parliamentary election. By holding over two thirds of the seats, he will be free to make further changes to the country's constitution, as he has done to his advantage in the past. The result cements Prime Minister Orbán's position as the spiritual leader and inspiration of Europe's right-wing populist movements.

Fidesz ran on a stridently nationalist, anti-migration, anti-EU platform. Demonisation of the Hungarian philanthropist George Soros, backer and founder of OSF, was another key tactic increasingly used by Prime Minister Orbán and much imitated elsewhere, including Italy and the **USA**. In a **tactic** that often carries implicit anti-Semitic undertones, George Soros was frequently accused of funding CSOs as part of a 'globalist', pro-migration destabilisation project, and CSOs with which the government disagrees were smeared as Soros-funded foreign agents. A few days before the election, a pro-government newspaper **published** a list of 200 people who it claimed were mercenaries funded by George Soros who were a threat to the nation, an action that was clearly meant to intimidate. The list included CSO workers, academics and journalists. It was also **reported** that Israeli private intelligence firm Black Cube had been hired to run a campaign to discredit CSOs in the run-up to the election.

This meant the election took place in a highly charged atmosphere. The OSCE **observed** that the election was characterised by "intimidating and xenophobic bias, media bias and opaque campaign financing," with public TV clearly favouring the ruling party and a "pervasive overlap between state and ruling party resources." As the election showed, ruling party control of media is a growing problem in Hungary, and the situation worsened in August when Hir TV, Hungary's last domestically owned independent TV company, was **sold** to an ally of Prime Minister Orbán.

Veronika Móra of Ökotárs – Hungarian Environmental Partnership Foundation describes the latest wave of anti-civil society tactics deployed by Prime Minister Orbán around the election:

The government's anti-CSO campaign went still further in early 2018 when plans to develop a legal package supposedly to curb illegal immigration, dubbed 'Stop Soros', were announced. Philanthropist George Soros has for a long time been a target of propaganda. However, the campaign focusing on his person

and alleged 'plans' to import millions of migrants to 'Islamise' Europe became especially intensive in the run-up to the election. The official communication – using the huge conglomerate composed of public and pro-government media outlets – did not refrain from fake news, distortions and lies to drive the message home, in order to create a fear of migrants and drive up hate, xenophobia and conspiracy theories. The tactics worked. The result has again shown the deep division within Hungarian society, which is polarised along political party lines, with neither side really willing to enter into dialogue with the other.

Immediately after the victory, the government made clear that it would use its power first against Soros and 'his network', and would keep up the anti-migration hype, which many had thought was merely a campaign stunt.

Following the election, OSF **announced** that it would move its offices from the capital, Budapest to Berlin, Germany, while Magyar Nemzet, one of the few remaining independent and critical daily newspapers, announced it would close.

In the aftermath of the election, civil society's fears that its funding would be further targeted were not immediately realised, but the hostile spotlight continued to shine on migrants, and the civil society working with them. Writing as new legislation was being debated, Veronika describes the situation following the election:

The new version of the Stop Soros law, submitted to parliament at the end of May, turned out to be markedly different from earlier drafts. Measures intended to restrict CSO operation and funding directly were dropped, and the new draft didn't even mention CSOs directly.

Instead the bill seemingly aimed at criminalising the provision of assistance to asylum seekers, including legal aid and the provision

of information, by threatening people giving such support with prison time. The probably intentionally opaque wording of the draft left much space for arbitrary interpretation, and of course the measures go against international law on several counts, including the right to a fair trial, to equal treatment and to seeking asylum.

CSOs must rethink their strategy towards this legislation – but we can be sure they won't remain silent and will continue their struggle for democracy in Hungary.

The so-called anti-Soros law was **passed** in June, leaving CSO workers facing the **risk** of a jail sentence if they are determined to have aided illegal migration or **portrayed** migration in a positive light. Helping asylum seekers to acquire refugee status could result in up to a year in jail if the people involved are judged not to be in immediate danger, or to have entered Hungary illegally. As this report's section on civil society's work with migrants and refugees shows, this was just one of many measures introduced across multiple countries in 2018 that aim to mobilise sentiment against migrants and criminalise the civil society that supports them.

Civil society called the law "**deceitful**," stating that its real aim was to silence CSOs that are critical of the government rather than control migration. In a further indication of how laws are being used to target CSOs, the new law also imposed a 25 per cent "special tax" on the revenues of organisations that "support immigration." The law is vague, causing CSOs to fear that it will be used as a political weapon against them. In an example of the new law's potential to limit civil society activity, on the day it came into effect, the Budapest-based and Soros-backed Central European University suspended its well-respected free education programme for registered refugees and asylum seekers, and the administration of an EU-funded grant on migration policy in Central and Southern Europe. Leading the opposition to the measure, Amnesty

International, the Hungarian Helsinki Committee and Migration Aid **announced** they would not pay the tax. The Hungarian Helsinki Committee also filed a complaint with the European Court of Human Rights.

In October, a further **new law** was passed restricting public assemblies. The law, strongly criticised by civil society, gave the police wide discretion to ban protests, including on grounds of public order and security, protecting the rights and freedoms of others and protecting international political leaders, and criminalises protest organisers if they hold a protest without permission. The new law was quickly applied that same month to ban a planned protest against visiting **Turkish** President Recep Tayyip Erdoğan, a fellow strong-arm ally of Prime Minister Orbán; a pro-Erdoğan demonstration was allowed to take place.

Civil society is not taking these setbacks without a fight. In a victory for civil society, the Hungarian Helsinki Committee **won** an apology and damages after suing the government for false claims made in a government publication distributed to all households during the government's failed 2017 referendum on migration. The Hungarian Civil Liberties Union also won a court case to reverse a ban on holding a protest outside parliament during the election campaign. The EU has also begun to take action against Hungary (**see Part 4**).

Veronika outlines another key response, of civil society reaching out to citizens and trying to convince them of the value of civil society. A civil society Coalition, Civilisation, was formed to stand up for civil society rights and lead this work:

Just like in practically every other area, a large gap between the civil society of Budapest and the rest of the country may be observed. Rural CSOs operate in difficult environments, often in relative isolation, where the day-to-day struggle for survival and dependence are the dominant factors, as state institutions and local governments are often the main employers. As the future is

very uncertain, many don't see the merits of making any efforts towards professional development or learning new approaches. This is the case particularly at the local level, where citizens rarely stand up for their rights or join forces for the public good and those who do may suffer repercussions. The generally low level of trust is a major obstacle against citizen mobilisation and activism, but the tools and means are often missing as well. Due to the lack of a real democratic culture and traditions, people are simply not equipped to work together and participate. Instead, many just wait and hope that 'someone will do something'. The vast majority of smaller and especially rural CSOs remained more or less silent during the attacks on their Budapest-based counterparts.

In order to change this, helplessness and apathy must be overcome first. To this end, Civilisation members organised a series of 'Civil Evenings' in major rural towns. At these open events, representatives of local CSOs and the general public could meet with and learn about the work of the major human rights, civil education, community development and environmental organisations, and hold forum discussions on key local topics and issues. This effort to broaden the network of the Civilisation campaign, and reach out to and involve more of the smaller groups operating in smaller towns, remains a key and ongoing strategic direction for the future.

AUSTRIA: LIVING WITH THE IMPACTS OF A POPULIST GOVERNMENT

Next door in **Austria**, civil society is experiencing the impacts of a recent political shift. The coalition government that formed in December 2017 brought the right-wing populist and nationalist Freedom Party of Austria (FPÖ) into government alongside the centre-right Austrian People's Party.



Hungarian citizens protested against their government's anti-rights and anti-migrant policies in September.

Credit: Laszlo Balogh/Getty Images

The changed political reality since then has, as in Italy, been reflected in a **rise** during 2018 in intimidation of and attacks against journalists by FPÖ politicians, including by the FPÖ Vice-Chancellor of Austria, who smeared journalists on social media. These attacks from on high have given licence to others to vilify journalists on social media. The Chancellor and Vice-Chancellor also **announced** that they would end the long-established practice of holding direct meetings with the media. Of further concern to civil society is the cyber security law **passed** in April; many criticised it for enabling excessive surveillance and the invasion of privacy.

Austria's national public broadcaster, the ORF, has been a particular target of attack. In April an FPÖ member who is also an ORF board member publicly **threatened** to sack a third of the ORF's foreign correspondents, accusing them of biased reporting, particularly and significantly over their coverage of Hungary's election. In June, showing signs of yielding to pressure, the ORF **proposed** new guidelines to prevent its journalists expressing any political opinion on their personal social media accounts.

Civil society is responding. In June, a broad range of civil society formed a new coalition, **We, for the ORF**, to defend the national broadcaster's independence. But civil society is of course being affected by the changed political climate. As the year went on, CSOs reported that it was harder to meet and dialogue with government. For example, amendments were introduced by the environment minister imposing significant limitations on future consultations with environmental CSOs. CSOs also found themselves publicly **smeared**; for example, Chancellor Sebastian Kurz **accused** Médecins Sans Frontières of cooperating with people smugglers, echoing the attacks on civil society working with migrants and refugees seen in other European countries. And the material impacts could be seen in some evident cuts in state **funding** that became apparent during 2018, notably for CSOs working on women's and migrants' rights issues.

CZECHIA: POLARISATION AND PROTESTS

Just a little further north, January saw the re-election of Miloš Zeman as President of **Czechia**. The nationalist, populist leader, who has **compared himself** to Donald Trump, won a second term after narrowly defeating a pro-EU candidate. The campaign was marked by political smears of his opponent, Jiří Drahoš, and strong anti-migration and anti-Islamic rhetoric, while there were **allegations** of covert **Russian** support for the Zeman campaign. President Zeman is well known for his attacks on the media, and his inaugural speech stayed true to form, **describing** the media as an "economic mafia" and **accusing** it of attempting to manipulate the public. There were also **reports** of journalists being assaulted during re-election celebrations in January.

The narrow margin of President Zeman's victory pointed to political polarisation and a sense that, in common with several other countries covered in this report, a battle of political values is underway in Czechia. The political climate remained febrile through the first half of 2018 as negotiations to form a new government following the October 2017 parliamentary election dragged on. The ANO 2011 party of oligarch and populist Andrej Babiš came first in the election and initially ran a minority government, which collapsed after losing a confidence vote. Most parties were reluctant to go into coalition with Prime Minister Babiš, whose past is littered with **allegations** of fraud, bullying and conflicts of interest. A government was finally formed in July in coalition with the Czech Social Democratic Party and with the support of the Communist Party.

Prime Minister Babiš remains under EU **investigation** for allegations of fraudulently accessing investment funds; in an unprecedented move, in December he was formally **censured** by the European Parliament. Unsurprisingly, given the role of media in opposing his alleged wrongdoings, Prime Minister Babiš also has a track record in closing down media freedom; part of his approach, as the country's **second-richest** man, has been to **take over** previously independent media,

although he was forced to place his holdings in trust on becoming prime minister.

Given the context of narrow and contested wins for a populist president and prime minister, protests were guaranteed. In March, thousands of high-school students **walked out** of school to protest against the recent political developments and in support of free media. That same month, thousands **protested** in several cities following the election of a communist-era riot squad officer, Zdeněk Ondráček, to head the standing parliamentary commission overseeing the General Inspectorate of Security Corp (GIBS). Zdeněk Ondráček is notorious for having participated in the beating up of pro-democracy protesters in 1989, which sat at odds with the role of GIBS in investigating police abuses. The protest pressure proved powerful, forcing him to step aside, although advocacy continues for reform of the body. Protests demonstrated how real remain the questions of the country's communist-era legacy and the involvement of elite members in it, particularly in the context of suspicion about Russian interference in the present day.

Thousands more came to the streets of the capital, Prague, in November, to **protest** when Prime Minister Babiš **survived** a no-confidence vote sparked by **claims** that, bizarrely, he had arranged for his son to be abducted to prevent him giving evidence in the EU fraud investigation. Another protest earlier that month had **gathered** around 20,000 people in central Prague on the anniversary of the 1989 Velvet Revolution.

As in Austria, these political shifts seem likely to have a material impact on civil society: the new government quickly moved forward a **proposal** to cut 20 per cent (approx. US\$135 million) from its annual funding to CSOs, with the ruling ANO supporting the cuts and its Social Democrats partner against. This came in a political climate where President Zeman had called CSOs “leeches on the state budget.” The government stated that it would not cut support for people with disabilities, older people and socially disadvantaged people, and for sport, making it very likely that any cuts would focus on CSOs engaged in activities deemed to be political, such as advocacy for causes with which the government disagrees and the defence of fundamental human rights. Given the anti-migrant rhetoric that characterised both the presidential and parliamentary elections, the fear must be that CSOs working with migrants would particularly be affected.

Such a decision would hardly be consistent with any notion of bringing together a politically divided society, but it would seem to align with the interests of the incredibly wealthy men who have positioned themselves as anti-elitists and encouraged the division of society into opposing groups in order to win power.

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CROATIA: ANTI-RIGHTS GROUPS GROW IN CONFIDENCE

In nearby **Croatia**, far-right nationalist groups are on the rise, toxifying the country's political discourse. As in Austria, the Czech Republic and Italy, this is often experienced in the form of smears and threats against journalists, including those who work in media associated with Croatia's Serbian minority. In April, magazine *Novosti Weekly*, which publishes in Serbian and reports on contested issues such as corruption, LGBTQI rights and relations with Serbia, **complained** about the continuous harassment, including death threats, its journalists receive from far-right groups. In May, the Croatian Journalists Association controversially presented its annual award to Ivana Petrovic, a journalist widely criticised for providing biased coverage of the trial of Slobodan Praljak, a Bosnian Croat general who was found guilty of war crimes in the 1990s Yugoslav Wars. Her coverage was accused of failing to speak to any victims of the war crimes. In response, two former winners of the prize **returned** their awards. The controversy showed how contested remains the narrative about Croatia's role in the Yugoslav Wars and its relations with other former Yugoslavian states.

In another sign of the renewed confidence of anti-rights forces in Croatia, thousands **protested** in the capital, Zagreb, in March against the country's plans to ratify the **Istanbul Convention** – the Council of Europe Convention on preventing and combating violence against women and domestic violence. Several conservative civil society groups stood against the Convention, **claiming** its provisions undermine Croatian identity by promoting 'gender ideology' and expressing suspicion that it would make same-sex marriage more likely; similar sentiments were expressed in protests against the Convention in **Latvia** (*see Part 2*). Protesters demanded a referendum to give Croatian citizens an opportunity to reject the Convention, citing the **UK's** divisive Brexit referendum as a precedent for the overturning of international agreements. However, Croatia's parliament **voted** to ratify the Convention the following month.

In miniature, the argument showed how rearguard actions can be formed and fuelled by misinformation against international agreements that advance rights.

SLOVENIA: EUROPE'S CROSSROADS

Another Central European state that appears finely poised between pluralist and populist values is Croatia's neighbour **Slovenia**, where a parliamentary election was held in June. The right-wing populist Slovenian Democratic Party (SDS) won the most votes, but with other major parties unwilling to join it in government, a new centre-left minority government eventually resulted after two months of negotiations. In doing so, Slovenia could be said to have resisted the tide of its neighbouring countries, by keeping right-wing populist forces out of government, but the result points to political fragmentation. We asked **Albin Keuc** of **Slovenian Global Action** to discuss what the results might mean for civil society:

The elections were fairly unspectacular from the point of view of the results, but quite striking in comparison with election results in neighbouring countries, such as Austria, Croatia, Hungary and Italy. In those countries, elections have led to the instigation of more or less right and centre-right governments, in accordance with the authoritarian and populist political atmosphere in Central and Eastern Europe in particular.

Although several parties approached the electorate with messages similar to those propagated by Viktor Orbán, mimicking these with a 'Slovenia First' approach, they were not rewarded: smaller parties stayed below the four-per-cent threshold needed to obtain a seat in parliament. However, the right-wing populist Slovene National Party returned to parliament after a decade. SDS and New Slovenia, a centre-right party, gained better results than in previous elections, but no party came close to having a parliamentary majority.

As Albin adds, the election results pointed to a fragmented and divided society:

There are several existing fractures in Slovenian society that are behind the fragmented political reality. Culture wars arising from an unsuccessful national reconciliation process overshadow almost all public discussions and are hindering the ability of public debate to act as a democratic tool, causing political fatigue among the public. A growing fracture can also be found in intensified intergenerational conflict arising from the demographic situation and limited employment opportunities for young people, instilling additional social uncertainties throughout Slovene society.

The current situation, with nine parties represented in parliament, indicates a further fragmentation of support for political parties and increased political rivalry that will affect the government's capacity for decision-making. We can expect a rocky governing period, as a minority government will have to negotiate every step in parliament while also having to govern. This will be the first minority government in the 27 years since Slovenia became independent from Yugoslavia.

The new government made a number of positive moves towards civil society. Before the election, parliament had **passed** an NGO Law that was broadly welcomed by civil society. The law recognised the state's duty to create an enabling environment for civil society through dialogue and funding and proposed the creation of a new public fund. Following the formation of the new government, the positive dialogue continued. In October the government **invited** 17 CSOs for a discussion on various social issues, stating that this was the beginning of a dialogue, and pointing to the important role of CSOs in responding to the migration crisis. This was a reversal of the previous government's policy of demonising CSOs that help migrants, as happened in many other European countries in 2018. The government also appeared to open up to environmental CSOs, towards which it was previously hostile.

However, in a fragmented political reality, Slovenian civil society also works in a climate of misinformation and abuse. Underlining how right-wing populists in different countries share their tactics, media outlets **linked** to Viktor Orbán were active in backing the SDS during the election and continued to smear CSOs afterwards, including those working on issues of migration. Following the election there were several **attacks**, including physical attacks, on journalists, and on online speech, as well as increasing **attacks** on artists, from nationalists and far-right groups. The SDS vilified civil society as part of its election strategy, promising to end state funding to CSOs and, as in Hungary and Italy, playing the 'Soros card'. CSOs were, for example, **accused** by the SDS's leader of trying to destroy the family, nation and private property. Albin describes some of the challenges:

There are signs of illiberal practices and discourse being used by governmental officials, some media and organised interests. CSOs have been criticised by nationalist and anti-communist parties from an ideological point of view and accused of being supportive of a post-communist elite. CSOs have been criticised and threatened when exercising their watchdog role.

In recent years, and especially during the time of the controversy over refugees and migrants in 2015 and 2016, we faced an explosion of hate speech throughout social networks. The lowest point of the campaign for civil society was a public call by a candidate of the SDS to cut off all public financial support to CSOs. This brought a united reaction by CSOs and the media, forcing the candidate and party to make clarifications.

Civil society responded by promoting progressive values. Ahead of the election, CSOs published a joint manifesto setting out civil society perspectives on major social issues and emphasising the key values that all candidates should respect in the election. Albin describes what else civil society could do to respond to the right-wing populist challenge:

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AT THE EUROPEAN
CROSSROADS
BETWEEN EU AND
RUSSIAN SPHERES
OF INFLUENCE.

”

There has been an unprecedented change in communication and information exchange in the last decade, which has made a huge impact on our decision-making and our choices in everyday life. It has also had an impact on traditional civil society operations, leaving us with the key questions of how to respond to the politics of fear that create frightened citizens, how to adapt to the changed media reality, how to reach people that fall vulnerable to whatever ‘fake news’ is being provided to them, and so on.

History teaches us that in times of social despair and fear people turn inwards to their social networks and communities, locally or nationally, with the consequences of narrow group loyalty and the exclusion of others. This is why the neo-conservative agenda entails practices of going after the credibility of CSOs (‘who pays you?’) and our legitimacy (‘who do you represent?’). This makes us think about the value of our personal credibility and legitimacy, and their importance for us and the communities we serve.

From the CSO point of view, strategic rethinking, cooperation and prioritisation is needed on the national and local levels to strengthen support for a liberal society based on respecting human rights, affirmative actions, tolerance, the rule of law and transparent and accountable government.

Slovenia could be described as standing on a knife edge between European social democracy and right-wing populism, and at the European crossroads between EU and Russian spheres of influence. As the way in which Orbán-connected media tried to influence the election shows, outside influences have an interest in trying to tilt Slovenia one way or the other. In a fragmented context, a fragile government seems to be trying to reach out to civil society; perhaps it realises that it needs to build an alliance in order to defend and strengthen support for shared values.

POLAND: POLARISATION AND DIVISION

Poland is another country where conservative and anti-rights groups have been on the march in recent years, closely aligned to ruling party members, fuelling an increasingly divisive political polarisation, including in the civil society arena. The assassination of Gdansk Mayor **Paweł Adamowicz** in January 2019 gave rise to soul-searching about polarisation and its impacts.

Polarisation is something that concerns **Martyna Bogaczyk** of the **Education for Democracy Foundation**:

We are currently divided into two 'clans', each with its own history, historical memory, values, assessments and political positions. This is the biggest democratic challenge for us, because we have reached a situation in which we find it difficult to talk to each other. As a result, a civilised and meaningful political conversation cannot take place. Families cannot talk normally around the Christmas table anymore. People who are on either side of this cultural and political divide are not talking to each other.

Civil society includes a number of organisations that are waging a cultural war and deepening the divide. They are occupying spaces meant for civil society and even grabbing human rights language for their own purposes, using it against the advancement of rights. We are increasingly seeing the dark side of civil society, in the form of an anti-rights discourse that is anti-Semitic, anti-migrants, anti-refugees. This discourse is becoming normalised to the point that to a growing sector of the population, it is perfectly acceptable.

Rights have become something that can be traded. Rather than being recognised as universal, they can be denied to 'them' if that means more benefits can be distributed among 'us'. So many Polish citizens are voting for right-wing parties that promise them social benefits that won't be 'snatched' by foreigners, because they are going to keep them out.

Recent years have seen a growing ugly tradition of far-right and ultra-nationalist marches in the capital, Warsaw, on 11 November, the anniversary of Poland regaining its independence following the First World War. Past years have seen counter-protests and **violence** as the march has attracted far-right supporters from across Europe. The 2018 march was particularly significant, since it marked the centenary of the return of independence. The march planned by far-right groups

was **banned** in November by the Mayor of Warsaw, citing the risk of violence and stating that the country had suffered enough "aggressive nationalism."

In a further indication of Poland's polarisation, two different marches were then held. After a court **overturned** the mayor's ban, President Andrzej Duda and Prime Minister Mateusz Morawiecki **held** an official march on the same route as that planned by the nationalist march, while Donald Tusk, President of the European Council and a former Polish politician who has often been at odds with the ruling party, held a separate event. Thankfully, nationalist symbols and slogans were far less present than on previous occasions, although there were **reports** of some fascist banners being displayed and illegal flares being fired.

Also controversial in 2018 was the law known as the **Holocaust Law**, passed in February. As in Czechia and Slovenia, narratives about the past had become more important in a contested present. A clause in the law made it a criminal offence to accuse the Polish state of complicity in Nazi crimes during the Second World War. The government experienced a domestic and international backlash over the clause's implications for the freedom of expression, and in June it changed the law, **downgrading** the offence from a criminal to a civil one. While welcoming the climbdown, many in civil society continued to express concern about the law and pushed for further concessions.

LATVIA: A NEW AGE OF UNCERTAINTY

Latvia's October parliamentary election ushered in a new chapter of political uncertainty. The social democratic 'Harmony' party, generally seen as a pro-Russian party with which other parties refuse to work, gained the most seats, while the new populist, **personality-led** 'Who owns the state?' party, which **positions** itself as an anti-establishment force, came second with 14 per cent of the vote, entering parliament for the first time. Another new party, the Eurosceptic New Conservative Party, came third, also gaining 14 per cent. The results marked a broad rejection of

established parties, and followed a series of financial scandals, including the **collapse** of the ABLV bank after the US government accused it of money laundering, and corruption **charges** being brought against the **governor** of the central bank.

The run-up to the election saw Latvia's civic space **decline**. CSOs reported increased difficulties in dialoguing with the government and growing political attacks on CSOs by right-wing parties, including the now-familiar smear that civil society was Soros-funded. Latvian civil society began to wonder if the restrictive measures being taken elsewhere in Europe were finding their way to their country.

The Latvian Civic Alliance was **attacked** in February as being a Soros front, and the following month, the right-wing National Alliance, which won 11 per cent of the vote in the subsequent election, **urged** the government not to work with the PROVIDUS think tank on the grounds that it promotes "immigration propaganda." In September, the Latvian chapter of PEN International **expressed** concern about political groups making complaints to security authorities about the investigative work of journalists during the election campaign, and the chilling effect of those complaints. In October, 11 members of parliament wrote to the prime minister asking for an **investigation** of CSOs that work on advocacy, focusing particularly on Papardes Zieds, a CSO that promotes sexual and reproductive health and rights, which receives funding from the state and OSF. Papardes Zieds was critical of 'morality amendments' to the Education Law that made it harder to discuss reproductive health issues in schools. But when it was smeared as a foreign-funded CSO, other MPs raised counter concerns about this Russian-style rhetoric, and voted not to take any action.

At the time of writing, a new centre-right coalition government had been **formed** after almost four months of negotiations, bringing into a five-party coalition the Who owns the state?, New Conservative and National Alliance parties. Civil society will face the challenge of trying

to build more constructive relations with what may be a fragmented government, and will hope at least that the rhetoric will be toned down.

SWEDEN: A RETREAT FROM SOCIAL DEMOCRATIC VALUES?

Values and national identity are also under the spotlight in **Sweden**. The September election saw the Social Democratic Party, the dominant party in Sweden's modern history, receive its lowest level of support since 1911, while the main opposition Moderate Party also lost support. The big gains were made by the right-wing, anti-migration Sweden Democrats party, which took 18 per cent of the vote. In a country that generally stands near the top of any ranking of freedoms and quality of life, this level of support offered a shock to the established, social-democratic order. After four months of negotiations, an **agreement** was struck in January 2019 to form a centre-left minority government; all parties refused to bring the Sweden Democrats into government.

We asked **Anna-Carin Hall** from Swedish CSO **Kvinna till Kvinna** (Woman to Woman) to describe what motivates anti-migration sentiment in her country:

Part of the explanation is, as always, fear of globalisation, as traditional jobs move out of Sweden and a large influx of migrants over a short time span, particularly in 2015, create a heavy pressure on the Swedish welfare system, including education and health services, as well as housing shortages.

Before the election there was public discussion about the gap between urban and rural areas in Sweden, and around health services shutting down in remote areas. Support for the Sweden Democrats is more common in regions with low education, low income and high unemployment.

Nevertheless, the Swedish economy is still very strong, and Swedes are in no way suffering economically because of heavy

migration. But large migration centres set up in the countryside have altered the makeup of the population very quickly, causing tension in these places. Additionally, long-term studies in Sweden have shown that for many decades public opinion has been less pro-migrant than the policies of the dominant parties, and the Sweden Democrats are now being able to capitalise on this.

Apart from the economy, insecurity issues have also been used to stir anti-migrant sentiment. A rising level of **spectacular shootings** among criminal gangs in some migrant-dominated suburbs has attracted the attention of both Swedish and international media – one of those events was even **mentioned** by US President Donald Trump, who incorrectly implied that it had been a terrorist attack – and alt-right websites have used these politically a lot.

There is a discussion in Swedish media right now regarding whether support for the Sweden Democrats is driven mainly by xenophobia and racism. Some opinion-makers claim this is the case, but there are surveys pointing towards the fact that Swedes think the problem is failed integration, rather than migration itself. Swedish society hasn't been able to provide migrant groups with proper education in Swedish, guidance about the Swedish community, decent jobs and so on.

While many had feared the Sweden Democrats' support would be even higher, the fact that a right-wing populist party is now the third largest in Sweden is a cause of concern for the country's civil society, not least because other parties are responding by making concessions on issues such as migration, effectively allowing the Sweden Democrats to define the territory and terms of political debate. This then leads to the question of how best to engage with the concerns they represent. Anna-Carin outlines the debate:

Some analysts say that the Sweden Democrats have become popular because the other parties in parliament have tried to



Young Afghani refugees protested in Stockholm, Sweden following the denial of their applications for asylum.

Credit: Atila Altuntas/Anadolu Agency/Getty Images

shut them out. As a result, the Sweden Democrats and their supporters have been able to play the role of victims and claim that the political elite does not care for the views of the common people. Some therefore argue that the Sweden Democrats should be included in the government, and refer to the case of *Finland*, where Sannfinnlandarna, a nationalist party, reached the government and showed themselves unfit to govern, as a result of which their support rapidly dropped. This is suggested as one potentially easy way to get the Sweden Democrats off the agenda.

Mainstream parties have responded by moving towards a more moderate migration policy and placing higher demands on migrants – for instance, by introducing new requirements they must meet in order to receive social aid and subsidies. Rights-oriented civil society groups are still trying to raise their voices in favour of a generous migration policy based on humanitarian values, but they aren't getting much attention these days.

The change in the political climate manifests itself in more outspoken discussion of the costs of migration and its impact on the Swedish welfare system. We can also see a more vivid discussion around cultural or traditional behaviour, such as honour crimes, with some claiming that for too long Sweden has not taken a strong stand against this and avoided several conflictive issues around migration and integration that were considered culturally sensitive.

The normalisation of the Sweden Democrats, a party that originated in the neo-Nazi movement of the 1970s and 1980s, has also led to a louder alt-right neo-Nazi movement in Sweden, which although still low in numbers, gets a lot of media attention. Several alt-right media outlets are spreading fake news about crime rates among migrants. Alt-right groups are also making

threats, spreading hatred and running smear campaigns in social media. This climate may very well lead to self-censorship among pro-migration, feminist and LGBTQI groups.

In response, Anna-Carin concludes, civil society needs to rally support for values long cherished by most Swedish citizens:

Open racism and xenophobia are in no way tolerated by the vast majority of Swedes, and several local rallies have been staged against racism and the neo-Nazi movement both before and after the elections. Rights-oriented civil society has prepared for a long time to counter these trends, but still needs the support of large groups of people to have an impact on official discourse and the public conversation.

Swedes take great pride in their open society and will likely defend the free press, the freedom of speech and gender equality, among other values. Threats and hatred against migrants, journalists, feminists and LGBTQI activists get much attention in the media and several political actions have been organised to prevent them happening. So if a right-wing government forms with silent or open parliamentary support from the Sweden Democrats, we will likely see a lot of strong reactions from the political and cultural establishment as well as from civil society.

In the long run, Swedish civil society needs to work to defend democracy at the grassroots level on a daily basis, and maybe it also needs to go to the barricades to build opinion and change what could turn out to be a dangerous course of history.

RESPONSES ELSEWHERE: FIGHTING BACK AGAINST THE FAR RIGHT

The above cases have shown how, whenever confronted by far-right anger, hatred and disinformation, civil society has responded, standing up for rights, defending excluded groups and asserting progressive

values. These were not the only countries that saw such a response. Whenever the far right marched, they could be sure they would be met by counter-protests that were often larger, more vocal and certainly more diverse.

In **Bulgaria**, counter-protesters **mobilised** in opposition to a pro-Nazi march in February, under the slogans 'No to Nazis on our streets' and 'No to a Fortress Europe'. An international petition against the pro-Nazi march gathered over 178,000 signatures.

In the city of Turku in **Finland** in August, when the neo-Nazi Nordic Resistance Movement held a march of several hundred people on the anniversary of a terrorist attack carried out by a Moroccan citizen, hundreds other **mounted** a lively counter-protest. In September, an appeal court **upheld** a ban on the Nordic Resistance Movement demonstrating and distributing propaganda.

Mobilisations in **Japan** in October served as a reminder that the challenge of the far right and the need for civil society responses are not limited to Europe. In response to a series of far-right marches by a new party, Japan First, anti-racist groups staged mass **demonstrations** in cities across Japan. The racist protests were sparked by the government's intention to make it easier for foreign workers to receive long-term work visas, in response to Japan's ageing population.

FLAWED DEMOCRACY: A YEAR OF CONSTRAINED DEMOCRATIC FREEDOMS

VENEZUELA: FLAWED ELECTION FUELS FURTHER CRISIS

President Nicolás Maduro won a second term in **Venezuela's** May election, but the result risked being a footnote amidst a vast and still unfolding political, economic and social crisis, that in 2018 became a humanitarian crisis ([see Part 2](#)).

The dismal turnout of around 26 per cent, the lowest in history, signalled widespread disaffection at the denial of a real choice in the vote. Many opposition candidates were barred from running while others had been jailed or left the country to flee persecution. In a context where the presidency repeatedly overrides other institutions of governance and **impunity** for human rights abuses is widespread, the election was plagued by irregularities in timeline and process,



Protests against the Venezuelan election in May were widespread, with criticisms that the vote was rigged.

Credit: Joe Raedle/Getty Images

including vote-buying and the partisan use of state resources. Most opposition parties boycotted the process for not being free or fair, while key international institutions – including the EU, G7 and the Lima Group, a group of 14 states of the American continent that seeks a peaceful end to the Venezuelan crisis – rejected the results. Such was the scale of the crisis that in September, the UN Human Rights Council adopted its first ever **resolution** focusing on Venezuela, expressing concerns about human rights violations and urging the government to cooperate with human rights mechanisms.

Ahead of the election, then-UN High Commissioner for Human Rights, Zeid Ra'ad al-Hussein, **stated** that the context did not “fulfil minimal conditions for free and credible elections.” Civic space restrictions increased in the run-up to the elections; on election day alone, CSO Espacio Público **documented** 28 separate cases of violations of the freedom of expression, the most common being the denial of access by journalists to voting centres.

Beatriz Borges of the **Justice and Peace Centre** (Cepaz) offers her analysis of the election and the difficult context in which it was held:

The situation is very complex and uncertainty prevails. The complex humanitarian emergency is causing Venezuelans to suffer and costing some their lives, while the breakdown of democratic institutions and the disappearance of any vestige of the rule of law and independent institutions have left us in a state of utmost defencelessness, without any guarantee for the exercise of our rights. But despite the adverse context we have an active civil society and a democratic leadership that is very weak but continues to struggle for the restoration of democracy in Venezuela.

*In June Cepaz published a **report** summarising the findings of an analysis of the process that started on 23 January, with the announcement of the presidential election – initially scheduled for 22 April and subsequently rescheduled for 22 May – in terms*

of its impact on Venezuelan citizens' ability to exercise their political rights. Our report concluded that the electoral process did not offer the minimum guarantees and conditions necessary to be considered fair, equitable, transparent and respectful of human rights.

*Cepaz **reported** to the Inter-American Commission on Human Rights (IACHR) that the political rights of Venezuelans have been restricted and we can no longer count on the usual citizen's tool, the right to vote, to achieve political change. In May, shortly before the elections, we participated in a joint hearing, alongside other organisations, in which we requested that attention be paid in case there were reprisals or obstructions to the work of human rights defenders and national election observers, and we asked the Commission to urge the state to respect the work of journalists and the media during the electoral process.*

*In December, we took part in another **hearing** in which we again warned of the deterioration of political rights and citizen participation in Venezuela, with an emphasis on a process underway that was deliberately aimed at weakening opposition political parties and driving them to extinction, with the disappearance of 90 per cent of political parties over the past eight years; the lack of independence and impartiality of the National Electoral Council; and the establishment of a regime of repression and persecution that has been turned into state policy, including arbitrary detentions, torture, forced disappearances, extrajudicial executions, deaths in custody and repeated violations of due process, the right to defence and access to justice.*

What we are seeing today is the accumulated result of many years of deterioration, the undermining of democracy and the criminalisation of the exercise of rights. CSOs have been deeply affected, not only through the enforcement of restrictive laws

that limit their operation, but also and above all through the creation of a high-risk environment, in which threats and attacks against human rights defenders and CSOs have become a daily occurrence. The hyperinflation process that we are going through also greatly affects the functioning and stability of CSOs, as does the ongoing exodus, given that many members of organisations and activists have left Venezuela, impacting on the composition of their teams.

What makes me hopeful, however, is that many continue to work from outside Venezuela, and within the country as well, the organisations that remain active have stayed committed to working towards the recovery of democracy and the defence of human rights. While we have been very affected, even in such an adverse context we have found ways and mechanisms that allowed us to continue working and support victims, including by forming and taking part in networks, working collaboratively, gaining awareness of the need to protect ourselves and setting up security protocols.

The spiralling political and **economic crisis** fuelled a vast increase in protests: as **reported** by the Venezuelan Observatory of Social Conflict (OVCS), in January protests were 199 per cent up compared to January 2017, while looting was up 642 per cent, signalling the extent of the economic crisis and people's increasingly desperate reactions to poverty and scarcity. The same source **reported** 2,414 protests during the first four months of the year, 85 per cent of which were motivated by insufficient **food** and basic services. Similarly, according to analysis **published** by opposition party Voluntad Popular, the most common demands put forward by the 400-plus protests that took place in the first two months of 2018 related to food, health services, political change and labour rights. Protests continued over the following months: for example, **2,163 protests** were documented in July.

Protests were met with systematic repression and the criminalisation of protesters. Even when protests made no political demands, hundreds of protesters were **arbitrarily arrested**; those accused of instigation under the new **Anti-Hate Law for Peaceful Coexistence and Tolerance** faced up to 20 years in prison. According to PROVEA, a CSO, at least seven protesters were **killed** in early January, while the OVCS **documented** the killing of 10 protesters during the first three months of 2018 and **five more** in the next three months.

Activists – including protesters, CSO leaders, trade union campaigners, indigenous peoples' rights defenders and opposition politicians – continued to face restrictions, including arrests on unfounded

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THE MOST COMMON DEMANDS PUT FORWARD BY THE 400-PLUS PROTESTS THAT TOOK PLACE IN THE FIRST TWO MONTHS OF 2018 RELATED TO FOOD, HEALTH SERVICES, POLITICAL CHANGE AND LABOUR RIGHTS.

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accusations, defamation campaigns – such as one **orchestrated** against Francisco Valencia, president of the civil society health rights coalition CODEVIDA – and house raids, as experienced by rights activist **Marvinia Jimenez** in January. In March, **two student leaders** were arrested after appearing on TV to call for a peaceful protest over the crisis, and subsequently charged with incitement to hatred, illicit possession of a firearm and resisting authority; In January, two activists from a CSO providing education and training to disadvantaged people were **detained** on flimsy conspiracy and public incitement charges and held for months despite a **court order** for their release.

In July, PROVEA reported that 85 people had been **kidnapped** by the state – held in custody without charges or a court order – for political reasons during the first half of 2018. In 51 of these cases, no further information about the detainees' whereabouts had been provided. On average, people remained disappeared by the state for 11 days before being taken before a court. Civil society expressed **concern** over the **deteriorating health** of many political prisoners who were denied medical attention. It was for this reason that the IACHR issued **precautionary measures** for Juan Carlos Caguaripano, a former police officer held on rebellion charges. Ill-treatment and torture of detainees came under the spotlight in October, when the body of a councillor, **Fernando Albán**, was found outside the Bolivarian Intelligence Service headquarters. The government claimed he had committed suicide, a verdict rejected by many in civil society, who called for an independent investigation into his death. Fernando had been **detained**, accused of participating in an attack against President Maduro, five days earlier as he returned from New York where he attended meetings around the UN General Assembly.

Journalists covering protests, reporting on sensitive issues, or reflecting views associated with the opposition were stigmatised, threatened, intimidated, attacked and censored. During a protest in the capital, Caracas, in January, police officers **forced** a journalist to delete footage showing state security forces **intimidating protesters**. The National

Guard also **prevented** journalists from filming scenes at the border with **Colombia**, where people were fleeing Venezuela. In March, seven journalists were **detained** when trying to report on the situation outside the house of opposition leader Leopoldo Lopez as security officers illegally broke in. In July, military officers **threatened** a group of journalists covering a protest by patients outside a hospital in Lara state, and stopped them filming. The following month, journalist Ana Rodriguez was threatened with physical violence and arrest and prevented from **covering a protest** by employees of the state-owned oil company PDVSA. Later that month, a judge **ordered** the imprisonment of prominent independent journalist Jesús Medina, **detained** on charges of promoting hatred and money laundering. People sharing information that the state sought to suppress were also criminalised, as seen in the case of a PDVSA worker who **reported** on the oil production crisis and had family members **arrested** without a warrant in retaliation.

Critical radio stations such as **Visionaria 104.7** and **Radio Mundial 860 AM** were repeatedly attacked, sometimes violently, had their equipment destroyed and their leaders **detained**. A university radio station, **ULA FM**, received a warning from the communications regulatory body, CONATEL, to stop broadcasting messages causing fear amongst the population, after it aired a broadcast by a university professor who expressed concern over the poor living conditions of many Venezuelans.

Economic crisis also affected the **media**. The Press and Society Institute **reported** that during the first four months of 2018, 11 media outlets cancelled their print editions due to lack of resources and supplies. In late August, three newspapers were forced to **close operations** permanently after new economic measures were announced. El Nacional, the only independent newspaper able to maintain a print edition, was subjected to **judicial harassment**.

The loss of print media made the internet even more important, but the websites of several online media outlets were **blocked** and their servers

hacked, as were the **social media accounts** of the National Assembly, Venezuela's legislature, which is led by the opposition and was rendered virtually powerless in 2017 by President Maduro, who created a loyal parallel structure, the National Constituent Assembly. Three websites reported denial of service attacks in August. An **investigation** identified a pattern of online censorship based on intermittent blocks experienced by news sites. Broadcast media were also censored: in August, Deutsche Welle's Spanish-language TV station was made temporarily **unavailable** in Venezuela while it was airing a documentary on the Venezuelan crisis.

The crisis moved to another level in January 2019, when Juan Guaidó, leader of the National Assembly, declared himself acting president, citing provisions in the Venezuelan Constitution, after President Maduro went ahead with his second-term inauguration. More protests followed, met by state **violence** that saw scores of people killed and hundreds detained. Venezuela's international allies and enemies lined up to support either the president or his new challenger, with many calling for fresh – and this time free and fair – elections, while the new UN High Commissioner for Human Rights, Michelle Bachelet, urged an investigation into the violence. What seemed clear was that the crisis could not be allowed to go on untrammelled – but a solution must be found that enables the change Venezuela needs to come not from outside, but from the Venezuelan people themselves.

DEMOCRATIC REPUBLIC OF THE CONGO: A LONG-DELAYED VOTE

After great delays – they were **originally** due to be held towards the end of President Joseph Kabila's term in November 2016 – elections were finally held in the **Democratic Republic of the Congo** (DRC) in December. The two-year wait, during which President Kabila stayed in power, had fostered speculation that he would find a way of defying the constitution to stand again. In a positive development, in August it was **announced** that President Kabila would respect the constitution's two-term limit.

The fear lingered that he would remain as the power behind his chosen successor, particularly when some major opposition figures were **prevented** from standing. But when elections went ahead – for National Assembly and Provincial Council seats as well as the presidency – it was opposition candidate Félix Tshisekedi who placed first. This marked the first peaceful change of power in the country's post-independence history – but the election, taking place in conditions of closed civic space – was marred by credible allegations of voting irregularities, leading to disputed outcomes.

Shortly after the election we asked **Pascal Mupenda** of **Partnership for Integrated Protection** (PPI) to describe the situation:

The post-election situation has been marked by four major elements. First, there was the assessment of appeals that some presidential candidates submitted to the Constitutional Court. The electoral law allows dissatisfied candidates to submit appeals following national presidential and legislative elections. The final results are only proclaimed once the Constitutional Court has issued a ruling. Ever since the Constitutional Court was established in 2006, the Congolese people in general, and human rights defenders in particular, have decried its composition, given that several of its members have very close ties to the government. The rulings on appeals lodged with the Constitutional Court after the 2006 and 2011 elections did not satisfy the applicants and were at the root of the violent post-election conflicts between President Kabila and the candidates who claimed to be his legitimately elected successor.

After the elections held on 30 December, the Independent National Electoral Commission (CENI) provisionally proclaimed the victory of Félix Tshisekedi, the candidate of the Cap pour le Changement coalition. In response, supporters of Martin Fayulu, the Lamuka coalition candidate, began protesting and faced

bloody police repression. In the meantime, Martin Fayulu filed an appeal with the Constitutional Court to contest CENI's provisional results and request a vote recount at all polling stations. Several election observation missions supported this approach, claiming that they hold evidence.

The Catholic Episcopal Conference of Congo (CENCO), which had deployed the largest number of election observers – around 40,000 – said that its data did not confirm Félix Tshisekedi's electoral win. On this basis, Martin Fayulu consistently called for the intervention of the national and international community to ensure that votes are counted and the popular will is respected. On 17 January 2019, African Union heads of state requested the Constitutional Court to postpone its ruling, scheduled for 19 January, and offered to send a delegation that would arrive on 21 January, to try to solve the blossoming crisis. Their mission was cancelled as the Court went on to issue a ruling on 19 January.

As expected, the Constitutional Court confirmed and proclaimed Félix Tshisekedi as President of the DRC, after rejecting Martin Fayulu's request on the basis that it was unfounded. As soon as the decision was made public, Martin Fayulu held a press briefing saying that he rejected the ruling and considers himself the sole legitimate president, urging Congolese citizens to hold peaceful demonstrations to demand "the truth of the polls." But apart from some protests in a few places, overall a precarious calm persisted over the country. However, at the last minute the inauguration ceremony, initially scheduled for 22 January, was postponed, eventually taking place on 24 January.

Second, there is the fact that the results of provincial and national elections were also challenged in several provinces across the DRC. CENI proclaimed these results when most of the paper ballots remained in the various localities where votes had been



Security forces cracked down on protests against the repeated postponement of elections in the DRC.

Credit: Jc Wenga/Anadolu Agency/Getty Images

held and had not yet been compiled. Therefore, people wonder where CENI got those results from, given that the law does not allow for electronic voting, let alone electronic transmission of the results.

Protests around this issue took place almost daily in various parts of the DRC. The vast majority of Congolese citizens, who voted for change, find it inconceivable that, although President Kabila's nominated successor failed miserably in his bid for the presidency, his Common Front for Congo coalition (FCC) seems to have won an overwhelming majority of provincial elections and the majority of national legislative seats in 23 of DRC's 26 provinces.

Third, the context has been marked by the violation of the Congolese people's right to access information. For more than three weeks, the internet connection, signals from foreign media and text messaging were interrupted. To access the internet, listen to foreign radio, or watch foreign television, one had to resort to foreign internet providers. The shutdown of communications, along with the restrictions on the freedom of assembly following the elections, were aimed at creating an environment in which the civil and political rights of the Congolese citizens could more easily be violated.

Finally, threats against human rights defenders, which had been massive before the elections, have not relented. The South Kivu activist known as Cor Akim went missing and was found unconscious three days later. I was harassed and arrested during an observation mission and kept overnight in the Bukavu police headquarters. Several activists from the Lutte pour le changement (LUCHA) social movement were arbitrarily arrested.

The election took place within a very difficult environment for activism. Protests were often met with excessive and lethal force. The Lay Committee of Coordination, connected with the Catholic Church,

an important force within the DRC, organised protests following the celebration of mass in January and February 2018, but the response was deadly, as security forces fired live ammunition into protesting crowds. At least nine people were **reported** as having been killed in security force violence against the January and February protests. Teargas was used against protesters and the internet was cut off during the protests.

These were no isolated incidents. According to a March **report** by the UN's peacekeeping mission, the Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), at least 47 people were killed by security forces during protests between 1 January 2017 and 31 January 2018. MONUSCO also accused security forces of attempting to cover up the killings. In February, a Joint Commission of Inquiry was **set up** into human rights abuses committed during protests in December 2017 and January 2018, with civil society participation. But three CSOs **suspended** their engagement with the Commission in April over the non-implementation of the Commission's recommendations, **rejoining** when the government made concessions on providing medical care to the people who had been injured during protests.

Activists from the DRC's numerous pro-democracy social movements were **targeted**. In May, 27 LUCHA activists were **arrested** as they prepared for an event to celebrate six years of the movement's existence; LUCHA had earlier called for non-violent civil disobedience if elections were further delayed. Six LUCHA activists were **arrested** while carrying out pre-election awareness-raising activities in December. The month before, 17 young activists from the Vigilance Citoyenne movement were **arrested** and detained after conducting an awareness-raising campaign against vote-buying. Several pro-democracy activists from the Filimbi movement were held in **detention** following their involvement in a protest on 31 December 2017, before receiving one-year jail **sentences** in September. They were said to be among some 100 people held in secret detention, with credible reports of **torture** being used systematically against people in detention.

Opposition rallies were targeted for deadly repression in the run-up to the election. Protests in August were dispersed with live ammunition and teargas, **killing** at least two people and injuring several more. At least seven people were **reported** killed and over 50 wounded by security forces at opposition events across a five-day spell in December.

These were among many protests in the run-up to the elections that resulted in detentions or security force violence, with live ammunition frequently used. CENCO **reported** that in protests between April and October at least five people were killed, 91 were injured and 362 arrests were made. Protests included several held in September about the quality of the electoral roll and the introduction of new voting machines for the election. These remained key **concerns** for civil society, particularly after the government **refused** all international offers of logistical assistance, including from MONUSCO. Meanwhile a draft law on assemblies, approved by both houses of the legislature, which would have made it easier to hold protests, and therefore harder for security forces to repress them for not being authorised, remained **sidelined** by President Kabila.

The run-up to the elections also saw violent attacks on and intimidation of journalists: at least 30 journalists were **subjected** to attacks or threats between 3 November 2017 and 2 November 2018, and 54 journalists were detained or imprisoned, with the main threat coming from the government and security forces. As election day approached, there were several more arrests of journalists, and some pro-opposition media outlets were **closed down**.

This repression of fundamental freedoms came against a backdrop of insecurity and conflicts in various corners of the sprawling country. In one indication of the extent of violence, a team of international experts mandated by the UN Human Rights Council to investigate human rights abuses in the Kasai region **reported** in June that the violations committed by DRC security forces and local militia amounted to crimes

against humanity, with the killing of civilians, sexual violence and torture, including ethnically targeted violence. In parts of the country, levels of violence, and the **displacement** caused, were such that a **humanitarian crisis** was triggered, characterised by malnutrition, food insecurity and gender-based violence.

In this difficult context, and often at great risk, civil society did what it could. The Catholic Church, through CENCO, played a huge role in trying to bring opposing factions together and see that credible elections were held. It brokered the 2016 **New Year's Agreement** between political parties that was supposed to ensure elections were held by the end of 2017, and brought together a range of civil society groups to **develop** the Congolese Citizens' Manifesto to demand high standards of electoral conduct and constitutional rule. A number of CSOs and citizens' movements also established an election **monitoring** platform to assess whether 10 essential election principles were met; only two of this 10 were assessed to have been fulfilled.

Pascal describes other civil society efforts to raise the quality of the elections:

Civil society launched several campaigns calling for the renewal and rejuvenation of the political class. These included the 'We, the Youth Can' campaign carried out by PPI alongside other CSOs. Numerous young people ran as candidates.

Civil society also worked hard to raise awareness of the importance of elections. It contributed with awareness campaigns and programmes to encourage people not only to demand elections, but also to make a useful and responsible use of their vote to achieve the desired change. Thanks to the work done by CSOs, the population had a relatively good understanding of the voting method and how to use a voting machine, although it was not possible to guarantee total mastery of the voting machines by a population that is more than 80 per cent illiterate.

In addition, many CSOs denounced the human rights violations orchestrated during the election campaign. They also collaborated with CENI to make sure the electoral calendar was respected and everything was done in conformity with the constitution and electoral laws.

Civil society continued to play an important role during the examination of the candidates' appeals to both the Constitutional Court for the presidential race and the Courts of Appeals for the national and provincial legislative elections, providing evidence that the results from polling stations diverged from the provisional results that were proclaimed.

Pascal concludes by assessing how the 2018 experience fell short, and what is needed to improve the quality of Congolese democracy:

The elections were more significant in terms of voter aspirations than because of their results.

For Congolese people, the 2018 elections carried the hope of change, on hold since 2016. For the first time in history, our country could now have both an outgoing living president and a living incoming president.

Some candidates were excluded as a result of politically motivated prosecution. In addition, CENI greatly undermined the credibility of the elections, especially because of the way it compiled results. Today most elected officials are young, but at the same time many are also from the FCC, which means that voters' expectations of change will not necessarily be fulfilled.

An improvement of the state of democracy in the DRC is possible, but some preconditions are necessary for it to happen. First, there needs to be systemic and systematic change of government personnel. If CENI would proclaim the actual results yielded by the ballot it would help avoid a popular uprising. It would also be wise for the Constitutional Court and the provincial courts of appeals to manage properly the cases surrounding national and provincial legislative seats so that the door to violence does not open.

Second, local and municipal elections should be held, as provided for by the electoral law, in order to bridge the gap between rulers and ruled.

Third, the justice sector should be reformed, including by strengthening its technical and managerial capacities.

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Fourth, bilateral partnerships between the technical bodies of ministerial cabinets and CSOs should be formed so that joint approaches are adopted to face the challenges of democracy.

Finally, fundamental freedoms must be respected and tolerance encouraged, so that public space gradually opens up.

What is clear is that incoming President Tshisekedi faces a huge array of challenges, exacerbated by the fact that many are likely to continue to dispute the legitimacy of his rule. For many citizens who mobilised, the 2018 elections fell short of delivering their hopes for real change. The new president needs to show that he understands the desire to see change in the DRC has not yet been fulfilled, and act in a way that helps to deliver that change. He can only do so by working with civil society, and opening up civic space.

PAKISTAN: A CHANGE THAT MIGHT AMOUNT TO LITTLE

Pakistan's elections also resulted in a change of government. Imran Khan became Prime Minister in August after his Pakistan Tehreek-e-Insaf (PTI) party came first in July's general election. In doing so, it broke the established duopoly of the Pakistan People's Party (PPP) and the Pakistan Muslim League-Nawaz (PMLN), the outgoing ruling party whose leader – Nawaz Sharif, jailed on corruption charges and barred from holding office in 2018 – had clashed with Pakistan's military. Crucial to the PTI's success was its cultivation of support from Pakistan's powerful military forces; without military backing any government in Pakistan will struggle. The speculation was that the military had found a leader it could exert influence over, following some recent attempts to curb its power. The change at the top might amount to little change in practice.

The run-up to the election saw hundreds of arrests of PMLN members and reports that the military was harassing and threatening prominent PMLN and PPP members to try to make them switch their support to

the PTI. There were many attacks on and intimidation of journalists, fostering a climate of self-censorship, particularly relating to coverage of economic issues, land disputes, extremism, religious issues, the use of the counter-terrorism law, human rights abuses committed by security forces and militant groups, and the military's connections with the PTI. Independent TV station Geo TV was taken off-air in April and the circulation of Dawn, Pakistan's oldest English-language newspaper, was prevented in May. In June, the military declared that it was monitoring the social media profiles of prominent journalists. In July, Pakistan's independent Human Rights Commission warned of "blatant, aggressive and unabashed" attempts to manipulate the election results.

Aasim Saeed, a blogger who in 2017 was abducted, detained and tortured before being released following civil society protests, and who now lives in asylum in the UK, describes the many restrictions placed on the freedom of expression in the context of the 2018 election, and the manipulation of results that ensued:

The government uses harassment, threats, abduction, blackmailing through family members, torture and in some cases death to curb dissent. Restrictions on the freedom of expression have increased and a lot of media houses have resorted to self-censorship. Newspapers are being forced not to give coverage to dissenting voices.

The most threatening part is when Pakistan's intelligence agencies use electronic, print and social media to accuse activists of sedition. It gets life-threatening when religion is used as a tool and accusations of blasphemy are levelled against activists. The Penal Code makes the death penalty mandatory for those found guilty of blasphemy. Those accused hardly ever make it to court, because they are often lynched by street vigilantes.

Many people don't give up and still raise their voices, but it's increasingly dangerous to do so, because people are getting abducted for their Facebook posts or tweets against the powerful



A Pakistani woman shows she has voted in the July election.

Credit: Sabir Mazhar/Anadolu Agency/Getty Images

military junta or their 'selected' prime minister. They have started to react if you make online criticisms of the prime minister or any minister. Calling the prime minister a crook can land you in jail. They used to allow criticism of politicians but not anymore.

The situation worsened as the July election approached, as other parties were challenging the military-backed party that went on to win. Other parties weren't given much coverage on mainstream media and on election day their results were delayed. Serious allegations of large-scale vote rigging were raised as the electronic result transmission system was made to look like it had failed when it hadn't; the delay was caused intentionally so that ballot papers belonging to various opposition parties could be manually voided. In several districts the number of rejected votes was much larger than the margin of defeat. The number of rejected votes was higher than ever before. In some places a recount was done and the opposition gained a number of extra seats; however, no recount was allowed in key districts, where it was ensured that the military's puppets got elected.

As well as the restrictive government, a further threat to Pakistan's civil society came from violent **extremists**, with militant groups making their grim presence known during the campaign period. In July, at least 128 people were **killed** during a rally of the Balochistan Awami Party, including candidate Siraj Raisani; that same month, at least 20 people were **killed** in an attack on a meeting of the Awami National Party, including leader Haroon Bilour.

Against this backdrop, **Peter Jacob** of the **Centre for Social Justice in Pakistan** outlines the challenges CSOs faced in trying to engage around the elections.

A section of the government has been always sceptical of CSOs; therefore, action against both international and domestic CSOs started back in 2015, largely through registration laws that were

used to curtail their operations or their role in the social and public spheres. A smear campaign has also been going on, particularly against rights-oriented groups, which has pushed them to justify and maintain their own existence. CSOs also became victims of terrorism, and even though terrorist attacks have gradually decreased since 2015, a recovery from that situation has not come about. Therefore, the July elections did not do much to change the conditions for civil society for the better.

Owing to these threats, during the elections there were few organisations that could participate or even prepare to mobilise opinion around the elections.

Despite the many challenges, Peter finds some grounds for cautious optimism in the levels of participation by citizens in the vote:

The elections were held at a time when the previous government was facing trials on corruption and other charges, so there was a lot of speculation and allegations of gerrymandering. The government and the opposition have agreed to form a parliamentary commission to probe into these allegations. Whatever the outcome, one expects that it will help bring maturity and stability into the politics and governance of Pakistan.

Pakistan has faced enormous challenges such as terrorism and lawlessness, low economic performance and an expanding population. It is understandable that the government system is weak and recovery is expected to be incremental. Additionally, the electoral system is not strong enough to have full transparency of the electoral process.

Pakistan also faces an inherent challenge on account of having a constitution that provides for both a theocracy and a democracy, or a mix of religion and politics, posing specific risks to the rights of religious minorities.

Nevertheless, one can say that there was wide participation by citizens in the recent elections and therefore the continuation of the democratic process presents hopes for building a fuller democracy. The decision of the opposition to become part of parliament has at least ensured that there isn't a political crisis in the immediate post-election phase.

But if many were prepared to give Imran Khan's incoming government time to prove itself, any optimism was tested in December, when 18 international CSOs were **ordered** to leave Pakistan, with another 20 reportedly facing the risk of expulsion. The 18, including ActionAid, International Alert and Plan International, first had their re-registration rejected without explanation in November 2017. The decision will hurt the communities served by these CSOs; international CSOs in Pakistan provide an estimated 34 million people with development and humanitarian support, and the loss of this vital work can only impact on Pakistan's ability to make progress on the Sustainable Development Goals. The order came amidst already very restricted conditions for international CSOs working in Pakistan, which are prevented from campaigning and advocacy. It was made despite an **appeal** by many domestic CSOs to allow the international CSOs to continue working in Pakistan. Domestic CSOs surely know that when restrictions on international CSOs come, the repression of domestic civil society usually follows.

Another key test for Prime Minister Khan came in the Asia Bibi case, ongoing at the time of writing. Asia, a Catholic, served eight years awaiting a death sentence for blasphemy before being **acquitted** by the Supreme Court in October. But this was not the end of the story: the verdict provoked protests by Islamist groups, including the blocking of roads in the capital, Islamabad, with protesters insisting that the death sentence be carried out. Prime Minister Khan, having originally defended the decision, moved to quell the protests by placing Asia in protective custody and **banning** her from leaving Pakistan, pending the Supreme Court holding a review of its

verdict. Meanwhile there were **reports** that her family was being hunted by extremists, and Asia's lawyer had to flee Pakistan, believing that his life was in danger. While the government's action had the effect of bringing violent protests to a halt, the concern it raised among many was that the government was too easily placating extremism.

The Asia Bibi situation exposed the faultlines in Pakistani society around the issue of blasphemy, and the ways in which blasphemy accusations repress human rights. It became a test case of how committed the new government is to fundamental human rights. Civil society, both domestically and internationally, will be urging the new government to hold to high standards, and hoping that Imran Khan will demonstrate he is his own person and not a pawn of the military.

CAMBODIA: A ONE-PARTY ELECTION

One election that was never going to lead to change came in **Cambodia**. The July election could do nothing more than renew the mandate of Prime Minister Hun Sen, the world's longest-serving prime minister, in office since 1985: the opposition Cambodian National Rescue Party (CNRP) was **banned** in November 2017, and many of its key people, including leader Kem Sokha, were detained or jailed, on charges including insurrection and treason.

We asked a Cambodian **civil society representative**, who asked to remain anonymous for security reasons, to describe the extent of the repression, which made it very difficult for civil society to act around the elections:

*This was an election without an opposition, because after the CNRP made unprecedented gains in the June 2017 local elections, it was **dissolved** by the Supreme Court on the grounds that it fostered dissent with the assistance of foreign powers. As was expected, the ruling Cambodian People's Party won nearly all the 125 seats that were at stake.*

The government had initially invited international CSOs to take part in election monitoring. However, most declined when they confirmed there were structural issues, including the dissolution of the opposition party and the lack of independence of the National Election Committee, that would make the elections unfair and non-inclusive.

*There was very little space for civil society to engage with the government. Due to the vague requirement of 'political neutrality' imposed by the 2015 Law on Associations and Non-Governmental Organisations (LANGO), CSOs are supposed to be politically neutral even when they take part in dialogue forums related to political processes. The political neutrality clause has been repeatedly used to shut down independent CSOs or deny them registration. On top of this, the informal election monitoring platform run by civil society was banned the government. The **government-approved** monitoring groups, which **endorsed** the results, had close ties to the ruling party.*

*A number of laws and regulations were used against civil society, including the LANGO, Anti-Corruption Law and Taxation Law. Anti-corruption charges against CSO activists, the shutdown of media channels and various forms of intimidation introduced additional restrictions on civil society operations. The government applied a regulation, **rescinded** in November, that required CSOs to notify the local government three days in advance of conducting any field activities. Seeing regulations being introduced and strictly enforced, civil society also resorted to self-censorship around the election.*

*A document produced by the Council of Ministers' Press and Quick Reaction Unit, the **White Paper on the Political Situation in Cambodia**, singled out several CSOs as being **linked** to an allegedly foreign-backed attempted 'Colour Revolution'. Pro-*

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government media also disseminated the idea that some CSO leaders had engagements with the Colour Revolution and the CNRP. On top of this, some CSO leaders moved from civil society into the political arena. All of these had a negative impact on the visibility of civil society to the public.

*Most independent media channels were shut down or suspended. As a result, civil society lacked the appropriate channels to voice its concerns. Alternative spaces on social media also declined, as cases proliferated of social media activists being **arrested** for their online posts or blogs. There was a **crackdown** on online freedoms before the elections, and internet censorship increased. Surveillance technology was used to monitor digital communications. Lots of conversation clips involving opposition party members, civil society activists and CSO leaders were released and used as proof to support accusations against civil society.*

In sum, the already-reduced space for civil society shrank even further around the elections, due to the existence of extremely limited opportunities for multi-stakeholder dialogue, the intensive use of a repressive legal framework, attacks against the image of civil society and a reduced public visibility, and lack of access to traditional media along with online restrictions and digital security issues.

Media **repression** made it virtually impossible to share anything other than the official narrative. In May, the government **announced** it would monitor and control online news that was intended to cause “instability” and mandated internet service providers to filter or block content deemed to violate the law. In June, the government issued a code of conduct to journalists, forbidding them from carrying out impromptu interviews at voting places and broadcasting news that leads to “confusion and loss of confidence.” And in early July the government **issued** a further directive on online ‘fake news’, giving it the power to jail people for up to two years and fine them US\$1,000, and forcing websites to register with the government’s information ministry. This latter provision demonstrated again how states have adopted and owned the ‘fake news’ terminology to suppress legitimate dissent. In May, the last independent daily newspaper, Phnom Penh Post, was **taken over**, in murky circumstances; 13 of its senior staff resigned and its editor-in-chief was dismissed. Some 32 Khmer language radio stations were also **closed**.

The election result meant that Cambodia was once again and by design a one-party state. But if the sham election was supposed to confer a rubber stamp of false legitimacy, there were signs

that Hun Sen might have gone too far. The EU and the governments of Japan and the USA refused to send election observers, taking care not to recognise the election as genuine. The UN Special Rapporteur on Cambodia **questioned** the genuineness of the elections. Following the election, the US Congress passed an act imposing sanctions on Hun Sen and his circle and the EU began a process that would suspend Cambodia's free trade deal unless progress is made in the next year. Ahead of the election, 45 governments had also **joined together** to call on the government to reinstate the CNRP. Domestic and international civil society **added** its voices of condemnation. But against this, local superpower **China** was predictably silent. Our interviewee sets out these different international pressures, and how the government of Cambodia is often able to walk the line between them:

*European countries, the USA and **Australia** showed concern about the lack of progress towards democracy, and the lack of guarantees for the electoral process. They made some key asks and put some pressure on the government to address their concerns. They have pressed the government by placing conditions on future collaboration, suspending Cambodia's **preferential trade benefits** under the EU Everything But Arms free trade scheme and withdrawing support on specific sectors.*

*At the same time, **China** and other countries maintained their full support of the government during the electoral process and, more recently, as the EU **initiated procedures** to suspend Cambodia's trade preferences temporarily. Overall, Cambodia is seen as standing between two powers and need not take either side.*

While it threatened to retaliate against the EU, there were also signs that the government might be making concessions in the face of this international attention. The month after the election, 14 opposition activists were **pardoned** and released from jail, while in September, Kem Sokha was released from detention. In December, **progress** was made

on an amendment to the law that might make it possible for banned opposition leaders to return to politics. It seemed the government might have realised it had overstepped the mark, and instead of gaining international legitimacy, had lost it. Now the job had been done, it could perhaps afford some largesse.

But old habits seemingly die hard, and in September former opposition party member **Ban Samphy** was jailed for a year for sharing a Facebook post criticising the king, in the first application of Cambodia's new lèse majesté law which, similar to **Thailand's** notorious law, criminalises criticism of the royal family and thereby enables the suppression of a broad range of dissent. That same month, five people associated with the Cambodian Human Rights and Development Association **received** a five-year sentence on what seemed to be arbitrary charges of bribery of a witness. The early months of 2019 saw **further** acts of repression of civil society freedoms.

Clearly there is still much more that would need to be done to reverse Cambodia's machinery of repression before the country could be considered a functioning democracy. Our interviewee concludes by setting out some of the steps that could be taken:

To become a democratic state with a plural regime, the government should, first of all, provide opportunities for the leaders of the former opposition party to resume their activities, even through new political parties. If votes could be cast for individuals rather than political parties, that could help.

Second, it needs to bring back the culture of dialogue between the ruling party and the former opposition party and see how best they can understand each other and ensure their activities cause minimal harm to each other and the nation.

Finally, the government should request support from the international community, and particularly from the signatory

*states of the 1991 **Paris Peace Agreement (PPA)** that put an end to the Cambodian-Vietnamese War. As well as providing for a ceasefire, the end of outside military assistance and the withdrawal of foreign forces, the PPA included provisions to ensure the exercise of the right of self-determination by the Cambodian people, through free and fair elections, and on national reconciliation. We need to bring back to life the spirit of the PPA.*

RUSSIA: PUTIN REMAINS UNCHALLENGED

Another country where the result was never in doubt was **Russia**. The government has repeatedly been accused of meddling in other countries' elections, but also had its own presidential elections to stage in 2018. Incumbent President Vladimir Putin duly claimed 77 per cent of the votes to secure a fourth presidential term in the March poll. President Putin undoubtedly enjoys a level of popular support – opinion polls always gave him a commanding lead – but it would seem it was important not merely to win but to command the biggest number of votes possible; as in the Burundi referendum, when the result is assured, the winner's priority becomes one of securing a high turnout. The reports were of large-scale electoral violations across the vast country, including **allegations** of ballot stuffing and inflated turnout figures that may have added as much as **10 per cent** to the turnout.

The OSCE's **verdict** was that the election was held in an “overly controlled legal and political environment marked by continued pressure on critical voices” with “a lack of genuine competition” and extensive and largely uncritical media coverage of President Putin. The European Platform for Democratic Elections (EPDE) **reported** that many election observers were known supporters of President Putin.

The candidate who would likeliest have presented the greatest threat to President Putin's incumbency, anti-corruption campaigner Alexei Navalny, was barred from standing in January on the basis of a prior

embezzlement conviction that many believe was fabricated. This led to protests in January, during which Alexei Navalny was **arrested**. He was one of an estimated 350 people arrested during protests against the decision to prevent him standing. And then just before the election in March, a group of young activists who appeared to be part of a previously unknown movement called ‘New Greatness’ were rounded up and **detained**, apparently accused of being an extremist group plotting to overthrow the government.

These arrests were only part of a **campaign** of renewed repression in the run-up to the election, which saw **reports** of torture and detention of activists in the early months of 2018. It was hard to escape the suspicion that anyone who might embarrass the government was being tidied away in advance of the vote. A few days before the election, two CSOs involved in election monitoring were deemed ‘**undesirable**’ under the 2015 Undesirable Organisations Law, which enables the government to ban organisations by labelling them as undesirable and penalise Russian partners who work with them. One of the organisations was EPDE, and as a result its Russian partner, Golos, had to cease cooperating with EPDE in election observation.

The Putin administration, newly confident following a successful election, set about further tightening its grip on dissent. In April, it **blocked** the encrypted Telegram messaging app, a popular platform in Russia, after the service refused to hand over its encryption keys to state security forces. Thousands protested, and 13 people were reported to have been detained. And in July, the state further **extended** its already repressive ‘foreign agent’ law, which requires CSOs and media outlets that receive international support to designate themselves as ‘foreign agents’, a term clearly intended to promote public mistrust; those designated as ‘foreign agents’ are also subject to intrusive regulation. Under the latest amendments passed by Russia's parliament, the Duma, individual journalists, including citizen journalists such as bloggers, can be designated as ‘foreign agents’, as can any individual who accepts

money from a Russian organisation that receives international funding. Changes were also made to laws to make it harder for foreign CSOs to open Russian offices, and easier for the authorities to suspend CSOs registered as foreign agents. This looked like a tightening of power following the election.

These changes to further tighten laws have international significance, because Russia's 'foreign agent' restrictions have been imitated, including in **Hungary** and **Israel**; everywhere right-wing and nationalist populism is on the rise, progressive civil society is smeared as foreign funded or the agents of foreign powers. Russia is a laboratory where strategies to suppress civil society are tested for export. Ironically in 2018 a 'foreign agent' law was **proposed** in **Ukraine**, with which Russia remains in bitter conflict, with the stated aim of curbing Russian influence in the run-up to Ukraine's 2019 elections.

Russia's many repressive laws did not prevent further protests, although these were often met with the now-**familiar** pattern of violence and detentions. Protests greeted President Putin's inauguration in May, leading to around 1,600 people being **detained**, including Alexei Navalny, who was **sentenced** to 30 days in jail. In September, massive **protests** also took place across Russia against plans to raise the retirement age, with the police using force to disperse protests and reportedly detaining over 800 people.

In August, parents of the young 'New Greatness' group arrested in March **protested** in the capital, Moscow, and other cities, at the continuing detention and reported ill-treatment of their children, who it was suggested were the victims of **entrapment** by members of the security forces; it appeared that security force officers had infiltrated social media, invented the movement and then detained those who seemed supportive. Following the protests, some of those detained were transferred to house arrest, but human rights activist Lev Ponomarev was **sentenced** to 25 days in jail in December for publishing a Facebook post calling for a protest to support the young people caught up in the affair.

President Putin can now be confident that he has another six years to further shape the country in his image, during which time he might either handpick his successor or convert his reign into a lifetime presidency. Protests will continue to demand a better Russia, but can be expected to face further repression from a regime buoyed by the election result.



Pussy Riot protesters invaded the pitch during the World Cup Final held in Moscow in July.

Credit: Ian MacNicol/Getty Images

CAMEROON: 36 YEARS AND COUNTING

There was also little prospect of an upset in **Cameroon's** October presidential election. President Paul Biya went into the vote having spent 36 years in power. He duly won a seventh term, claiming 71 per cent of the vote.

He was helped by a divided opposition, which failed to agree on a unity candidate. The election also came in a divided country: Cameroon's Anglophone minority regions are home to violent conflict between armed separatists and security forces, which **intensified** in 2018. The government's crackdown on what began as a peaceful independence movement saw numerous human rights **violations**, including the killing and detention of people suspected of being secession supporters and the burning of villages. The conflict **displaced** hundreds of thousands of people, with around 25,000 **fleeing** to neighbouring **Nigeria**. By the time of the election, it was **reported** that at least 400 civilians and 170 police and military officers had been killed in the Anglophone regions over the past year. Anglophone activists were not alone: the year also saw attacks on activists for indigenous, environmental and LGBTQI rights. Meanwhile Boko Haram terrorist forces spread violence in the north.

Against this backdrop, and with some polling stations set up in **military barracks**, it was not surprising that turnout in the Anglophone regions was very low, **reportedly** at only five per cent. This indicated both disaffection among Anglophone citizens and the power of threats from separatists against potential voters.

But even so, as in Cambodia, the ruling elite took few chances and worked to further skew the vote in its favour. Among the irregularities **alleged** by opposition groups were violence, voter intimidation and ballot stuffing, while several opposition presidential candidates **accused** the public broadcaster of biased coverage. An opposition protest scheduled for September to denounce the use of military barracks as polling stations was **banned** on public order grounds. And ahead of the results

being announced, protests and gatherings were banned and internet restrictions, including slowdowns and throttling, were **introduced**; the government of Cameroon has a habit of doing this, mostly notably in a three-month internet **shutdown** imposed on Anglophone regions in 2017.

The win sparked what appeared a fresh crackdown on the freedom of expression, with at least six journalists **detained** for their coverage of the political situation and the crisis in Anglophone regions. In October, the police **prevented** three CSOs from holding a press conference on the election results, surrounding the hotel in which the event was due to take place. That same month, an opposition march to protest against the result in Cameroon's largest city, Douala, was **banned**. Security forces were deployed in huge numbers at the beginning and end of the planned route, and outside the homes of two opposition leaders. Anti-riot police were also sent out to key locales to prevent potential protests in Douala and the capital, Yaoundé.

Amid the post-election repression came renewed bouts of violence: in November, at least 15 people were **reported** killed in clashes in the Anglophone regions. The violence and repression seem set to continue. President Biya's election win will make little difference for many of Cameroon's citizens.

BANGLADESH: YEAR OF REPRESSION SETS UP RULING PARTY LANDSLIDE

Another country where there was little prospect of change was **Bangladesh**. Ahead of its December election, an already precarious human rights situation **deteriorated** further as the ruling Awami League party systematically sought to deny space for dissent and opposition support.

In January, the government began arresting supporters of the opposition Bangladesh Nationalist Party (BNP), ahead of the verdict in a corruption

trial against BNP leader and former Prime Minister Khaleda Begum Zia; she was found guilty and received a five-year sentence, keeping her out of the election. Almost 5,000 people, opposition supporters and those merely suspected of being so, were arrested in the round-up. The BNP **accused** the government of conducting mass arrests and implicating people on false charges. Several opposition candidates were **attacked** or subjected to enforced disappearances and extrajudicial killings. In March, **Jakir Hossain Milon**, a BNP activist, died while in police custody; his family claimed his death resulted from torture.

The policy of mass arrests continued. In September, a BNP spokesperson stated that over 1,500 party leaders and activists had been arrested across Bangladesh during a two-week period. Uniformed and plainclothes police had, claimed the spokesperson, raided the homes of BNP leaders and harassed family members. That same month, plainclothes police officers **arrested** dozens of protesters outside the National Press Club while they were taking part in a peaceful protest to demand the release of Khaleda Zia. Also in September, the police **arrested** several BNP leaders and members ahead of a planned public meeting in the capital, Dhaka.

Numerous arbitrary arrests and detentions of opposition figures were followed by thousands of cases, under a variety of laws, being filed against leaders and supporters of opposition parties, particularly the BNP, with many of the charges apparently groundless; in November, it was **claimed** that 3,736 cases had been brought against 313,130 opposition leaders and supporters.

As the election neared, law enforcement agencies and ruling party activists **continued obstructing** opposition meetings and rallies. In November, an event organised by political party Islami Andolan Bangladesh to demand free and fair elections was halted by the police. That same month, a BNP meeting was attacked by government-aligned activists, leaving eight BNP members injured. Awami League members

and activists also attacked BNP members during an internal meeting at the house of a BNP leader.

The repression extended to civil society, hindering it as it tried to hold the ruling party to account and monitor the election. Human rights group **Odhikar** was targeted in a **smear campaign** by government-aligned media, which **accused** it of anti-state actions and called for its shutdown. For years Odhikar has been **deliberately** subjected to bureaucratic delays and had the renewal of its mandatory registration withheld by the NGO Affairs Bureau. Odhikar staff and activists have come under surveillance and been arbitrarily detained for their activities. In November, the Election Commission of Bangladesh abruptly **cancelled** Odhikar's registration as an election observer.

Media outlets faced restriction if they covered stories that reflected badly on the government. In June, the Bangladesh Telecommunication Regulatory Commission (BTRC) briefly blocked two Bangladeshi news websites. In July, in one of several instances in which pro-government student groups were **mobilised** to suppress dissent, members of the Bangladesh Chhatra League, the Awami League's student wing, **attacked** and **injured** Mahmudur Rahman, former editor of a newspaper closed down by the government in 2013. He had been appearing in court to seek bail in a criminal defamation action brought against him for alleged derogatory remarks made against senior political figures. According to a June **report** from Odhikar, there were at least 16 cases of enforced disappearances and 40 attacks against journalists in the first six months of the year alone.

Restrictions were increased by the Digital Security Act, **passed** in September, which replaced some sections of the Information and Communication Technology (ICT) Act. The ICT Act's **Section 57** had since 2013 offered a key tool for the repression of critics, activists and other dissenting voices; it was **described** as a de facto blasphemy law, criminalising anyone who "causes to hurt or may hurt religious belief."

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Not only did the new law incorporate Section 57, it also went further by adding other broadly and vaguely defined offences and imposing disproportionate punishments. It gave the state power to block or remove any information on digital media deemed to hamper harmony or public order, or to create communal hatred. The Act includes harsh penalties for defamation, hurting religious sentiments, or deliberately publishing or broadcasting something that could spread hatred and create enmity. It criminalises the dissemination of negative propaganda against the national anthem, national flag, Bangladesh's 1971 Liberation War and Sheikh Mujibur Rahman, independence leader and father of current Prime Minister Sheikh Hasina. The narrative around the independence war remains controversial because of conflicting claims about the roles played by the fathers of the main party leaders, and because the children of freedom fighters continue to enjoy a privileged position, with a quota system giving them special access to civil service jobs; activists for the reform of the quota system were among those **targeted**.

The Digital Security Act was passed in the face of strong **opposition** from journalists and human rights campaigners, **including** the Bangladesh Editors' Council. In October, Council members formed a **human chain** to demand changes to the Act, expressing their fears that it would be used to gag journalists. Later that month, the police used their new powers to arrest Moinul Hosein, a prominent critic of the government and a key organiser of a coalition between the BNP and other parties, on defamation charges. In October, **Zafrullah Chowdhury**, a prominent health rights activist, was **charged with treason** for allegedly making false statements against the head of the army. Other charges were subsequently **filed** against him, including charges related to land grabbing and extortion. Many believed that the charges were motivated by his role in bringing together the opposition coalition.

Shahidul Alam, a well-known photojournalist and activist, was **arrested** and detained in August after giving an interview about student **protests**, including in relation to the quota system, that were violently **repressed** by security forces. He was charged under Section 57 for making “false” and “provocative” **statements**. UN human rights experts **condemned** his detention and demanded his release, and in October, around 60 photographers attended a **protest** to demand his immediate release. Shahidul was **released on bail** in November, after spending 107 days in jail.

To complement this repression, the authorities undertook intensive and intrusive **surveillance** and social media monitoring. The police registered hundreds of complaints, including against authors of social media posts and journalists criticising the BNP and its leaders. In October the

government announced the formation of a nine-member group to “detect rumours” on social media, including Facebook – a key tool for expressing dissent and organising protests in Bangladesh – and report them to the BTRC for filtering or blocking. Close to the election in early December, the BTRC **blocked** 54 news websites with the stated aim of preventing the spread of rumours. An elite police unit arrested the editor of the Daily71 news website and placed him in pre-trial detention under the Digital Security Act for allegedly “posting seditious, false and baseless news” on social networks.

Censorship was also exerted in academic circles, where Professor Morshed Hasan Khan was **suspended** from Dhaka University for writing a column critical of Sheikh Mujibur Rahman, which prompted protests from the Awami League’s student wing. Another prominent academic and writer, Zafar Iqbal, was **attacked** with a knife by an assailant who accused him of being an “enemy of Islam.” This was a serious accusation, as since 2013, religious **extremists** have **killed** more than a dozen secular, atheist or non-Muslim writers, bloggers and activists, apparently legitimised by the repressive legal climate.

During Bangladesh’s Universal Periodic Review (UPR) assessment at the UN Human Rights Council in May, the government responded with **silence and denial** to questions about extrajudicial killings, enforced disappearances and attacks against human rights defenders. Despite these many serious failings, in October Bangladesh was one of several rights-repressing states **elected** to the Human Rights Council for the 2019-2021 term, calling into question the effectiveness of the institution in holding states to account (*see Part 4*).

At the year’s end, the campaign of repression paid off for the BNP and Prime Minister Hasina, as the ruling party and its coalition partners took a **staggering** 96 per cent of the vote, claiming all but 10 parliamentary seats. Polling day saw at least 17 deaths of party workers and police, widespread reports of ballot irregularities and limited access for

independent electoral observers. There seems little room for the opposition to hold the incumbent government to account; independent, rights-oriented civil society seems sure to face a continuing struggle for space.

EGYPT: LOW TURNOUT SIGNALS DISAFFECTION

Similarly, **Egypt’s** presidential election, held in March, only ever had the purpose of keeping the incumbent, former military leader President Abdel Fattah el-Sisi, in power. President Sisi has ruthlessly **cracked down** on civil society since he came to power in 2014, and many civil society and opposition activists are locked up, while some key CSOs have been **smeared** by leading politicians, accused of being arms of foreign intelligence forces. Just to make sure, Sami Hafez Anan, who announced his intention to stand against President Sisi in January, was almost immediately **arrested** and detained on the grounds of violating Egypt’s military code. Another potential candidate, Ahmed Shafiq, also **withdrew** his potential candidacy in January after being arrested at his home in the **United Arab Emirates** and deported to Egypt.

This meant that President Sisi stood against only a token candidate, drawn from among the ranks of his supporters, and the election performed its function of returning the incumbent, albeit on a **low turnout** of only 41 per cent and with an unusually high number of spoilt ballot papers than usual: over a million voters were **reported** to have crossed out both names on the ballot paper and written in the name of Egyptian footballer Mohamed Salah, to the extent that he unofficially came second, receiving more support than the token opposition candidate. When only the ceremony of democracy remains and its substance has been erased, people will seize on any means that presents itself to communicate their frustration.

ZIMBABWE: NO DECISIVE BREAK WITH THE PAST

The election in **Zimbabwe** maintained the incumbent party in power, falling short of delivering the decisive break with the past that many had hoped for. The election, to choose the president and members of parliament, was the first since former President Robert Mugabe, who had ruled the country since 1980, was forced to **step down** by the military in an argument over who would be his successor in November 2017. But the election, held in late July with the results announced in August, maintained the power of ZANU-PF, Zimbabwe's ruling party since independence. Emmerson Mnangagwa, the former Vice-President who replaced Robert Mugabe, was returned as the winner, narrowly scraping over half of the vote and thereby avoiding a runoff against the second-placed candidate. ZANU-PF also maintained its control of both houses of parliament, albeit with losses to the main opposition group, the Movement for Democratic Change (MDC) Alliance.

Given the tightness of the result, opposition supporters immediately **questioned** the credibility of the election. There were reports of **irregularities** in voter registration, **coercion** and **intimidation**, including the refusal of food aid to opposition supporters in some rural areas. While the election was mostly peaceful, the same could not be said of its aftermath, when post-election **protests** brought a disproportionate security force response. In the worst instance, at least six people were **killed** when police opened fire on a protest outside the Zimbabwe Electoral Commission on 1 August. The police also beat people and used teargas and water cannon. Many opposition members went into hiding after security forces and unidentified others **searched** for opposition officials and **attacked** and harassed them. On 2 August, police **raided** MDC headquarters, accusing the opposition of fomenting violence, sealing off the offices and taking 22 people away for questioning. The following day, riot police **stormed** and attempted to break up an MDC press conference. There were also several **attacks** on journalists, both

ahead of the election and amidst the post-election violence.

Subsequent events showed that the harsh response to protests that questioned the electoral results was not a one-off event: January 2019 fuel-price **protests** were met with **lethal force**, **detentions** and an internet **shutdown**.

At the moment, the new Zimbabwe looks much like the old one. Zimbabwe's elections have demonstrated that, as in Egypt and Pakistan, the **military** continues to be the dominant force in the country's politics. As in so many other countries, Zimbabwe's experience has **shown** that a mere rotation of elites, rooted in political power games rather than any real desire to see change, is not enough to bring true democracy.

RWANDA: BUSINESS AS USUAL

It was mostly business as usual in **Rwanda's** September parliamentary election as well. While two opposition parties entered parliament for the first time, the ruling Rwanda Patriotic Front coalition remained by far the biggest party. As the election took place, one person who was unable to speak out was former presidential hopeful **Diane Rwigara**, who remained in detention on tax and insurrection charges, with her trial **postponed** and her family assets **auctioned** off by the government. She was finally **acquitted** in December.

As in Cambodia, the Rwandan government appeared to celebrate its victory with a display of largesse, once the business of maintaining parliamentary power had been safely concluded: shortly after the election, 2,140 political prisoners were **released** from jail, including opposition leader Victorie Ingabire and musician Kizito Mihingo. But President Paul Kagame, in office since 2000, reminded those fortunate enough to have been released who was in charge, warning them to be "humble" and "careful," or they would be returned to jail.

Rwanda has long been able to use its status as a post-conflict development success story to downplay its lack of democratic freedoms. But the example

of Ethiopia to the north (*discussed above*) has exposed the limitations of the state-led development model Rwanda has pursued. Civil society will now be urging Rwanda to follow Ethiopia down the path of reform.

AZERBAIJAN: ANOTHER PREDICTABLE RESULT

Azerbaijan's President Ilham Aliyev, in power since 2003, *called* a snap presidential election for April, six months early. His claim was that the security situation in the disputed Nagorno-Karabakh territory necessitated the early vote, but many saw its real purpose as perpetuating the president's power before any opposition could organise. No election won by President Aliyev has ever been deemed free or fair by international observers, and the 2018 edition would be no different. It came in a context of closed civic space where many dissenting voices are behind bars and independent media is tightly restricted.

Complaining about insufficient time to organise and restrictive conditions, the main opposition parties boycotted the election. Despite the constrained circumstances, around 1,000 people *protested* at the end of March to demand free and fair elections and call for a boycott of the April vote. Other protests were held, and while these were tolerated, protesters were *warned* not to use particular slogans.

President Aliyev won the election at a canter; as in Egypt, several of those who stood against him were said to have been handpicked to offer only token opposition. Once again, observers decreed the election not to have been free or fair. The OSCE *concluded* that the vote had taken place in a restrictive environment where fundamental freedoms were denied. Its report outlined ballot box stuffing and a lack of media pluralism. In response, supporters of the president invaded the OSCE's press conference and forced it to a halt.

Following his election win, President Aliyev's government moved to consolidate its power by *blocking* a range of news websites, *smearing*

CSOs and, in November, *detaining* several activists who held a protest to commemorate National Revival Day, which marks the anniversary of the first mass uprising against Soviet power. Another revival of people's power seems long overdue in Azerbaijan.

HONDURAS: CRACKDOWN FOLLOWS STOLEN ELECTION

In *Honduras* in January, President Juan Orlando Hernández was sworn in as president for a second term despite his victory in the November 2017 election having been widely condemned as *fraudulent*. The result sparked mass protests, which in turn were met with state repression. A report from the UN Office of the High Commissioner for Human Rights (OHCHR) *concluded* that excessive and lethal force had been used against post-election protests, with at least seven people killed in what could amount to extrajudicial executions. The report also expressed concern at the lack of judicial proceedings brought against security force members accused of violence. The challenges identified by the report could be seen again in June, when the country's prosecution office dismissed the case against three police officers accused of torturing a group of human rights defenders the previous year; in response, OHCHR issued a statement pointing to persisting impunity.

As 2018 went on, it was the citizens of Honduras who paid the price of the president's victory, as they lived with a deteriorating human rights climate while the government dug in, repeatedly refusing to make concessions. Attacks against human rights defenders, protesters, journalists and opposition supporters, including killings, continued as the *post-election crisis* rolled into 2018.

The opposition called a week-long strike in January; the police deployed many roadblocks to try to deter protesters from joining the action, and when a protest went ahead in the Colon district, police officers opened fire, killing Anselmo Villarreal, a passer-by. Teargas was used to *disperse* student protests in February.



Protests greeted the inauguration of Honduran President Juan Orlando Hernández in January after an election widely seen as fraudulent.

Credit: Valerian Mazataud/Anadolu Agency/Getty Images

That same month, a **UN delegation** arrived with the aim of talking with different groups, assessing the situation and convening a national dialogue. The delegation's recommendations included the creation of an independent commission of inquiry into the post-electoral environment, including human rights violations. But in an indication of how difficult it had become to express legitimate dissent, a protest held outside the UN's Honduras offices while the delegation was meeting opposition leaders was repressed. Teargas was also used in clashes between students and police.

The IACHR also held a **hearing** with CSO representatives in February, which heard evidence of 38 killings, the torture of 76 people, threats against 73 activists, 1,257 arrests, the detention of 24 political prisoners, injuries to 393 people during protests, the displacement of 105 people due to political violence and 192 instances of protest repression. The evidence clearly pointed to systematic and organised repression.

The government however refused to support an opposition proposal to create an independent commission to investigate 23 deaths during the post-electoral crisis. Rather than acknowledge the problems or act on the recommendations, the government went on the attack. In February, a government official **accused** CSOs of destabilising the country and causing a large part of the country's problems. The official appeared to be targeting two CSOs that campaign against a mining project in the Azacualpa region in which several politicians are said to have a financial interest.

In March, an anti-government protest in the city of Choluteca was suppressed with rubber bullets, and two more anti-government protests were repressed in April. That same month, human rights lawyer **Carlos Hernández** was murdered in the city of Tela. The early months of 2018 also threw up **several instances** of the restriction of workers' protests and environmental activism. In May, a Labour Day protest was repressed by the police, and a protest against rising electricity prices was suppressed with the use of water cannon and teargas.

Anyone standing in the way of state power, whether they were questioning the election result or working on some other issue, could be a target: in May, activists occupying the site of a planned hydroelectric development were forcibly **evicted** by police and the military, using teargas. In July, a five-day nationwide transportation **strike** against tolls and fuel prices was held, but protests were met with arrests and the customary use of teargas. There were also several cases of attacks against journalists who reported on police actions. Students who protested against transport costs were **threatened** with expulsion from their institutions, and teachers who allowed protest actions put at risk of dismissal. In August, a video appeared to show two student protesters, Mario Suárez and Gerson Meza, being **kidnapped** by security agents. They were found dead the following day.

It can be little wonder, then, that when UN Special Rapporteur on the situation of human rights defenders, **Michel Forst**, visited Honduras in April and May, he determined that the vast majority of Honduran human rights defenders do not work in a safe and enabling environment, drawing particular attention to conflicts around land rights and natural resources. Similarly, the **report** of an IACHR delegation that visited Honduras in July and August outlined conditions of extreme risk for human rights defenders and increasing criminalisation of human rights activities. The report concluded that post-election protests had been repressed with indiscriminate and disproportionate force.

Honduras, unfortunately, continues to offer a test case of how flawed elections, while they allow elites to retain power, end up needing to be propped up with continuing repression and the denial of rights.

MALI: A SMALL PIECE OF ELECTORAL HISTORY

A small piece of electoral history was made in **Mali** in August, when for the first time, the presidential election went to a runoff vote, before the incumbent eventually won. Voting took place in a tense atmosphere, with **increased** internet **restrictions**, **including** the slowing of connections and blocking of some social media sites. Radio station Renouveau FM was **closed down** in August by the governor of the capital, Bamako, after one of its programmes aired claims of electoral fraud by an opposition activist; when it was **allowed** to reopen, it was without the controversial programme. Three French TV journalists were also **detained** and interrogated when they arrived to cover the election.

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Ahead of the election, an opposition protest was **dispersed** with teargas and batons, with several journalists physically attacked; the protest had been banned by the governor of Bamako. Following the vote, opposition claims of electoral fraud provoked protests, including an August **protest** of several thousand people in Bamako, which was initially banned before being allowed to proceed. A further opposition protest on the eve of inauguration in September was also **banned**; when it went ahead in defiance, there were violent clashes and the use of teargas. A further opposition protest was **banned** and dispersed in November, and a December protest banned. The unrest seems set to continue.

SENEGAL: CONCERNS AHEAD OF 2019 ELECTIONS

With a presidential election held in **Senegal** in February 2019, 2018 saw several protests in defence of democratic freedoms, including opposition-organised protests; relations between the ruling and opposition parties have been tense following reported **irregularities** in the 2017 legislative elections, which saw people complaining of being barred from voting for not being issued biometric identity cards. Other major issues of contention included the **exclusion** of some key opposition leaders from standing in the 2019 election, on account of corruption convictions which many **questioned** for being politically motivated, changes to the electoral code that increased the number of signatures of support a presidential candidate must gather and the fact that the Ministry of the Interior, rather than an independent body, organises elections.

Over a thousand people **protested** in the capital, Dakar, in February, complaining about the issuing of identity cards. An further opposition **protest** in Dakar in April was banned. When people protested regardless, a heavy security force presence was deployed, teargas was used and a number of protesters were detained, including opposition leaders and members of the Y'en a marre social movement, which played a **prominent role** in encouraging people to defeat then-President Abdoulaye Wade

when he stood for a third term in defiance of the constitution in 2012. Protests also took place in July, August and September, when several opposition leaders were **arrested** and teargas was used.

Security forces have a history of using violence to repress protests in Senegal: a student protest in May was met with live ammunition and student **Mouhamadou Fallou Sène** was killed. Teargas was used against a student **protest** in January, and another student protest in February ended in violent clashes. The year also saw **attacks** against journalists giving coverage to opposition politicians. CSOs were targeted: in November, the government **withdrew** the licence to operate of Lead Afrique Francophone, a CSO that, among other activities, provided funding to the Y'en a marre movement. Several CSOs **condemned** the move.

At the time of writing, incumbent Macky Sall had been **announced** as having won a second term. He will now face expectations from civil society to counter polarisation and respect the fundamental rights that have suffered in the run-up to his victory.

USA: CIVIL SOCIETY TAKING ON VOTER SUPPRESSION

Ostensibly democratic states are not immune from stopping people playing their proper part in elections. Around the **USA's** November midterm elections, the issue of voter suppression rose up the agenda, as various state and local governments, mostly in the hands of Republican politicians, acted in ways that stopped eligible voters exercising their right to vote.

Contemporary voter suppression tactics are the modern equivalent of the **poll taxes** and **literacy tests** once used in Southern states during the infamous Jim Crow era, and they are targeted against the same excluded populations. Their modern-era introduction signals a degradation of democratic practices, with elections increasingly seen as less a contest for citizens' votes than a dispute around who has the right to vote and therefore who is or is not regarded as a citizen. Voting rules are clearly

being written with **partisan intent**, as seen in Texas, where gun licences are considered acceptable voter IDs but college identifications are not. Several states place unusual hurdles on out-of-state university students to cast their ballots, and several criminalise common get-out-the-vote practices; in Arizona, for example, it is now a crime to collect absentee ballots for transport to a voting site.

Other limitations, such as the introduction of restrictions on the casting of early or absentee votes, tended to affect lower-income citizens, who typically may not have flexible working hours nor be able to take time off to vote on a weekday, given that US elections are always held on Tuesdays. Research suggests that black voters vote early in much higher proportions than white voters. Restrictions on early voting also lead to longer wait times on election day, again disproportionately affecting those who cannot afford to lose pay while standing for hours in line.

In a country that imprisons more people than any other, laws that disenfranchise convicted felons are a powerful tool to suppress voting rights; low-income and African-American people are disproportionately imprisoned. Millions of citizens are denied the right to vote on this basis and face cumbersome procedures to recover their voting rights.

Initiatives to purge electoral rolls of supposedly duplicate names also mushroomed in states controlled by Republicans. Not surprisingly, common surnames of black and Hispanic people were most removed, denying citizens their right to vote. Purges of voters with mismatched personal identification information also most affected predominantly black and Hispanic districts.

The impact of all voter-suppression tactics was to reduce support for more progressive voices. **Karena Cronin and Ryan Spain** of **The Andrew Goodman Foundation** describe recent experiences and tactics of voter suppression:

Voter suppression is hardly a new phenomenon in American politics. What is new, however, is the recent resurgence of these

efforts to discourage or prevent certain groups from exercising their right to vote.

There has been a slew of restrictive voting laws coming out of state legislatures all over the country. These laws have consistently, negatively and disproportionately affected three main groups of people: young people, racial minorities and people who come from poorer socio-economic backgrounds. People who fall into all three of these categories feel the effects most acutely. Whether it be by making onerous voter ID requirements, complicating absentee ballot policies, enacting burdensome proof of residency requirements, or even shutting down entire voting sites, there has been a clear, consistent effort on behalf of partisan state legislatures to accomplish one task: depress the vote of citizens who do not belong to the same party as them. These actions range from the easier-to-see aforementioned voting requirements, to the more systemic exercises of power such as gerrymandering.

Regardless of the form these policies and tactics take, the result is the same: the voices and votes of certain groups – specifically, young people, racial minorities and people from lower socio-economic backgrounds – are not fully counted in American democracy, leaving the goal of political equity unrealised.

*The 2016 presidential elections also laid bare the vulnerability of American elections to voter suppression from external actors. Various reports have documented how **Russian campaigns** took advantage of racial faultlines in the USA and employed racialised tactics aimed at discouraging the black vote.*

Voter suppression measures are part of a strategy to perpetuate incumbent political power, and as such they threaten the genuine competition and potential for a change in power that should be hallmarks of genuine democracy. When such measures are introduced, they are typically presented as remedies against voter fraud, even



though **research** reveals that little voter fraud **exists**. While **research** suggests that these tactics tend to have a small effect, pushing turnout down by just a few percentage points, in close races and with high stakes for victory, these margins could be pivotal.

The picture was mixed in the November elections. A candidate who, while in charge of Georgia's election supervision office carried out **massive voter purges** targeted at **black voters**, went on to win the governorship of Georgia, narrowly defeating a contender who, had she won, would have been the USA's first black female governor. As a result of the closure of hundreds of polling stations and the requirements imposed by an 'exact match' ID law, election day in Georgia was marked by **technical errors and long lines**, which forced polling stations to stay open late into the night. With the winner having only a three-point lead, voter suppression tactics may have made all the difference.

In Kansas, however, the incumbent was defeated despite the introduction of measures that led to the state being ranked as one of the worse for voters' rights. According to the American Civil Liberties Union, Kansas lost more than 100 polling places over the past few years, and complaints abounded of voter suppression targeted at Hispanic people in the November election. In **Wyandotte County**, for example, a polling site in a neighbourhood with a large Hispanic population was placed in the same building as a police station, which would likely have made some potential voters uncomfortable, while in Hispanic-majority Dodge City, the only polling place was moved to a remote spot outside the city limits and away from bus routes. As elsewhere, civil society groups **mobilised** to overcome restrictions, in this case by renting vans, lining up volunteers to drive people to the polls and setting up a hotline to ask for rides.

In North Dakota, where the incumbent Democratic senator had been elected with strong Native American support, Republican authorities established a new ID rule to require voters to provide proof of a current

residential address, effectively trying to suppress the vote of **thousands of Native Americans** living in reservations. Native American voting rights groups and advocates mobilised to generate street addresses so that thousands of reservation residents could vote. While the Republican challenger won the vote by a wide margin, meaning that voter suppression could not have made the difference, it still mattered to the people who were denied their rights.

As these examples suggest, civil society worked to expose the often murky tactics and make voter suppression an urgent issue of debate, while organising on the ground to get voters out as best as they could. Karena and Ryan outline the civil society response:

Although these facts taken together paint a grim picture for the prospects of having a well-functioning democracy, civil society is mobilising in powerful and innovative ways to reclaim voting rights and have a more representative government. This movement is being led by veteran civil rights organisations as well as dynamic, new organisations founded within the last few years in response to heightened voter suppression. While the focus and methodology of these organisations range from litigation to youth peer-to-peer activation to policy advocacy, all these actors are committed to ushering in a more inclusive democracy where Americans are empowered and enabled to vote. And there are promising signs that these efforts, and those of concerned and engaged citizens across the country, are paying off.

*During last year's midterm election, Florida voters approved a ballot initiative that restored voting rights to 1.4 million Floridians with prior felony convictions. Desmond Meade, architect of the successful movement, **advocated** for felon rights restoration back in 2010, when few organisations, including progressive ones, thought this change was possible. In January 2019, the State of New York passed historic voting reforms including early*

*voting, primary consolidation and pre-registration for 16 and 17-year olds, which propelled New York's antiquated voting system into the 21st century. These gains come after years of advocacy by a multitude of civic society actors, and more recent leadership by the **Let NY Vote Coalition**, a non-partisan, state-wide coalition of groups and citizens fighting to make voting more accessible and equitable for every eligible New Yorker.*

*In 2018, the Andrew Goodman Foundation was a co-plaintiff along with the **League of Women Voters of Florida** in a **lawsuit** that proscribed the Florida Secretary of State from prohibiting college campuses and universities from being used as early voting sites. Thanks to the efforts of many civil rights and student voter engagement groups, the victory led to the placement of **12 early voting polling sites** on college and university campuses across Florida, facilitating access to the ballot box for 60,000 Floridians.*

While there is much more work still to be done to ensure that no one's vote is suppressed, it is clear that there is a renewed commitment throughout civil society at the local, state and national levels to counter voter suppression and empower every eligible American to vote.

THAILAND: MUCH-DELAYED ELECTION LIKELY TO BE NEITHER FREE NOR FAIR

In **Thailand**, civil society has been urging for an election to be held, and for it to be free and fair. In September, regulations on the holding of elections were finally passed, after four years of **military rule**. The election, which Thailand's military junta had originally promised for November, was scheduled for February 2019; in January 2019, it was **postponed** again until March 2019. But the attitudes of the junta hardly suggested it was ready to move towards an open democracy. In May, three politicians were **charged** with sedition after holding a press conference in which they criticised the junta. That same month, a pro-

democracy protest was **repressed**. Shortly after the protest, we asked one of those involved, **Rangsiman Rome** of the **Democracy Restoration Group**, to relate his experience:

*On 22 May, the fourth anniversary of the military coup, hundreds of **protesters** took to the streets to call for elections. Sixty-two of them, including myself, were charged with violating the junta's orders. Forty-one of us have been charged with offences carrying maximum sentences of three years in prison. But the 21 remaining people, including myself, have also been charged under Article 116 of the Criminal Code, on sedition, and face six charges under the Public Assembly Act. For all these charges, seven years' imprisonment is the maximum sentence the courts can impose.*

For my involvement in the pro-democracy movement I have been detained in a military camp and sent to prison. I am currently being prosecuted by both military and civil courts.

Eight of those arrested, including Rangsiman, were **indicted** for sedition in November. As Rangsiman continues, his experiences are sadly typical of what many involved in Thailand's pro-democracy movement encounter at the hands of the military:

The 2014 coup put an end to democracy in Thailand. During these years of military rule, violations of human rights and civil freedoms have been widespread and systematic. The freedoms of expression and assembly are severely repressed, and exercising them has resulted in arbitrary arrest, prosecution and punishment. Many pro-democracy activists have been charged in multiple criminal cases for their protest actions and expressions of dissent.

*According to a **report** issued in May by Thai Lawyers for Human Rights, the military summoned 1,138 people to coerce them into changing their attitude towards the military government. At least 264 events organised by citizens were cancelled by the military*

and 2,408 civilians were prosecuted in military courts. At least 18 people were tortured by military personnel while under arrest.

*The situation for civil society is terrible. Violations of human rights and fundamental freedoms continue to occur on a daily basis. For example, the authorities **prosecuted** the 'We Walk' march leaders for arranging a political protest; harassed student activists by sending police and military officers to follow them to their universities and homes; and detained activists who were holding an anti-corruption event targeted at the deputy prime minister, General Prawit Wongsuwan.*

Members of the People Who Want Elections movement, who have stood against the junta's attempts to prolong its power and postpone elections, have been harassed repeatedly by government officials. Many have been prosecuted as a result of orders issued by junta. One of the main legal provisions used against protesters has been Article 12 of order No. 3/2015, which criminalises political gatherings of five or more people, an offence punishable with up to six months' imprisonment, and Article 116 of the Criminal Code on sedition. So far, 136 people have been prosecuted under these laws.

While Thai citizens are punished for criticising the state, the junta-led government is freely promoting a set of openly pro-authoritarian, anti-democratic values known as 'the 12 Thai Values', targeted at schoolchildren and applied in the formal education system. Under these conditions, democracy now seems more unattainable than ever.

While the junta claimed to have **relaxed** its ban on political activities, **repression** of pro-democracy activists continued throughout 2018. In August, pro-election activist **Ekachai Hongkangwan** was attacked and beaten. That same month, three anti-coup activists **received** suspended four-month jail sentences for their protest of tearing up ballot papers

during the 2016 referendum on the new constitution introduced by the military junta. In September, six pro-election activists who had been part of a protest to call for an early election were **charged** with sedition. Also in September, Thanathorn Juangroongruangkit, founder of a new political party, was **charged** with spreading false information after posting a speech on Facebook accusing the junta of recruiting support to pro-military parties. The junta looked increasingly paranoid when it **charged** four people with sedition for printing t-shirts alleged to support republicanism in September, and when it announced it was **investigating** the Rap Against Dictatorship group for posting a song criticising the junta in October. In such conditions, no election could possibly be free or fair.

Notwithstanding this difficult climate for activism, Rangsiman believes that civil society pressure has had some impact, and without it, the junta would have backed away from its promise to hold any kind of election. Beyond this, Rangsiman sets out the work his organisation is doing to try to counter the junta's brainwashing and build democratic values from the ground up, and the support needed from outside Thailand:

Democracy Restoration Group is an activist group that seeks to restore faith in democracy in Thailand through cultural normalisation, so that Thai people perceive democracy as part of Thai culture and identity. In order to bring democracy back to Thailand we seek to instil the value of representation in Thai people, and to raise a young generation that believes in democracy, which is fundamental for a democratic society to function. We want to build a civil political organisation operating in parallel with the parliamentary system and filling the gaps in representative democracy.

Many countries are trying to keep good relations with the military government. For example, they were invited by the British, French and US governments to visit their countries to discuss trade deals. This does nothing but strengthen the military government. The military government used this opportunity to disseminate propaganda and obtain further support from the international community. Democracy-oriented governments and international CSOs should undertake solidarity actions to isolate the Thai military government. They need to put pressure on any government wanting to develop a relation with the military government, because their support for our authoritarian government is not helping us improve our situation.

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ROUND-UP: OTHER ELECTIONS IN 2018

As the above examples indicated, in many countries, civic space was constrained and restrictions increased around elections. These were not the only instances. Two days before **Côte d'Ivoire's** March senate election, an opposition protest in the economic capital, Abidjan, demanded reform of the country's Independent Electoral Commission. Protesters were **dispersed** with teargas and 18 people were detained, including the spokesperson of the opposition coalition that organised the protests, who was arrested as he was speaking to journalists. During the protest, journalist Landry Beugré was arrested while conducting an interview and blogger Coulibaly Daoud was assaulted and arrested, while other journalists were dispersed with teargas and prevented from doing their work. The following month, those detained were **sentenced** to 12 days in prison and each fined CFA Francs 50,000 (approx. US\$100). They also lost their right to vote for five years. With opposition parties **boycotting** the election, the ruling party took the bulk of the seats.

Djibouti was another country that saw an opposition boycott of the vote. In its February parliamentary election, the ruling Union for the Presidential Majority coalition **won** 90 per cent of the seats. The election was boycotted by the opposition, which claimed that the political system is strongly biased in favour of the incumbent rulers and the election could not be free or fair. The lack of an independent electoral commission was a particular concern. CSOs made **similar** criticisms of the electoral process in advance of the election. President Ismaïl Omar Guelleh is now one of Africa's longest-running leaders, having been in power since 1999. Djibouti's strategic location on the Horn of Africa means that it faces few international pressures to democratise.

Even to act in the aftermath of an election can provoke restriction. In **Kenya** in January, opposition leader Raila Odinga, who continues to dispute the management of the **2017 elections**, was sworn in by his supporters as 'people's president' in a mock inauguration ceremony. The government's response was one of fury. The same day, Raila

Odinga's National Resistance Movement was **designated** as a criminal organisation. This enabled a further crackdown, including against the media that covered the ceremony: three TV stations and several local radio stations were taken **off air** during the event. The TV stations were only allowed to broadcast again the following month. At least two opposition members who had attended the ceremony were arrested, with one **deported** to Canada, where he holds dual citizenship. Another opposition member **reported** that people had opened fire at his home. Several others had their passports confiscated.

Cuba entered the post-Castro era in April after Miguel Díaz-Canel was chosen as the new president, but the National Assembly elections the month before were preceded by a **crackdown**. In February and March, around 70 members of the Unión Patriótica de Cuba were arrested, with reports of rough treatment in detention. Electoral observers from the Cuba Decides group were also arrested, detained and prevented from doing their work; and six activists were prevented from attending an electoral workshop in Argentina, in one of several **travel bans imposed** by the state in 2018.

In **El Salvador**, over 25 attacks against the freedom of expression were **documented** in the context of March legislative and municipal elections, the most common being the prevention of journalists from attending vote counts.

Fiji's November election maintained the ruling party's power but saw troubling developments in advance. In April, two opposition politicians were **jailed** for at least 18 months for sedition, having been found guilty of spray-painting anti-government slogans on walls, a charge they continued to deny, while a broad online safety law was passed giving the state great discretion to police online speech, a concern in a country where the **media freedoms** are already highly constrained. The run-up to the election also saw several politicians making **racially motivated** comments. In Fiji, as in all countries covered in this report, civil society will continue to push for democratic freedoms.