

Introduction to the *Country Reports on Human Rights Practices* for 2015

This year marks the 40th anniversary of the annual *Country Reports on Human Rights Practices*.

One of the fundamental guarantees of the Universal Declaration of Human Rights is freedom of association – the freedom of people everywhere to form or join groups to protect their interests, advance their beliefs, and improve their communities.

Civil society encompasses almost all forms of organized social activity independent of government control: charitable groups that fight hunger and poverty; cultural organizations that promote the arts; professional organizations that set standards for their members; chambers of commerce that advocate for private business; labor unions that protect workers; environmental groups that champion clean water and air; neighborhood watch groups that prevent crime; and so on. Some civil society organizations provide services to people in a way that complements the work of governments, or fill a void where government is absent or negligent. Some provide advice to governments, suggesting programs and policies to make their countries more prosperous, just, and secure. Others help to hold governments accountable to their citizens by exposing problems like corruption and human rights abuses, and urging corrective action.

Over the last several decades, civil society has grown stronger in every part of the world. This has given ordinary citizens more power and responsibility. But it has also threatened governments that wish to monopolize power and evade responsibility. Such governments have been pushing back against citizen-led activism with increasing vigor and viciousness. In 2015, this global crackdown by authoritarian states on civil society deepened, silencing independent voices, impoverishing political discourse, and closing avenues for peaceful change.

Authoritarian governments stifle civil society because they fear public scrutiny, and feel threatened by people coming together in ways they cannot control. Since it would be embarrassing to admit this, they sometimes offer other, more reasonable sounding excuses for repressing or suppressing funding for non-governmental organizations. Here are some of the most common ones made in the last year, with a rejoinder to each:

“No one elected civil society – it is not representative or accountable.” We expect governments to be elected and to answer to the people as a whole because

governments have the power to coerce people to obey their decisions. Civil society organizations do not have that power – all they can do is to propose policies and ideas, something that people should have a right to come together to do, whether they represent a large or small segment of their societies. If governments – or the majority of people in a country – do not like what a civil society group is saying, they can ignore it. There is no need to prevent such a group from operating.

“Foreign funded NGOs threaten national sovereignty.” It is true that some civil society organizations, especially in countries that do not yet have a tradition of private philanthropy, seek funding from outside their countries. But such organizations do not gain influence unless they also have strong roots in their communities. Where they are allowed to exist and raise funding for their work, such grass roots NGOs give their local constituencies a far bigger voice than they would otherwise have. Ironically, many of the governments that complain about foreign donations to their civil society accept large amounts of foreign assistance themselves, without conceding any loss of independence.

“The United States also regulates foreign funding of its civil society.” This argument is generally made in reference to the U.S. Foreign Agent Registration Act, or FARA. But FARA only applies to people or organizations working under the direction or control of a foreign government or political party to represent that government’s or party’s interests in the United States. It does not apply to foreign funding of NGOs that provide services to the public or merely because such NGOs engage in advocacy inside the United States. The European Union, for example, funds civil society groups that, on their own initiative, lobby for various causes in the United States, such as the abolition of the death penalty and U.S. membership in the International Criminal Court. No U.S. law restricts such funding or imposes any special burdens on those receiving it.

“Regulating civil society is necessary to prevent financing of terrorism.” It is true that fake charities have sometimes been used to channel funds to violent extremist groups. But most countries already have laws against terrorist financing. What is needed to enforce those laws is good intelligence and effective policing targeted against terrorists, not the imposition of stifling requirements on peaceful groups engaged in legitimate social service and activism.

In fact, a free and active civil society is often our strongest bulwark *against* the spread of violent extremism. Where there is injustice or suffering, civil society gives people peaceful means to organize against it, diminishing the appeal of the

terrorists' argument that violence is the only viable way. Where violent extremist groups do seek to gain influence, local grass-roots civil society organizations can sometimes stand up against them more effectively than any government security agency. It is no surprise that one of the first things the terrorist organization Da'esh did when it took over the Syrian city of Raqqa was to kill or drive away civil society activists working to defend human rights and provide community services there. In fact, failed governance combined with repression of local civic activism helped Da'esh to take territory in **Syria** and **Iraq** and continued to provide an enabling environment for Da'esh and its affiliates, notably in the Sinai, **Libya**, and **Yemen**.

On the other hand, when governments take the criticism of civil society seriously, they can make progress against violent extremist groups. In **Nigeria**, **Cameroon**, **Chad**, and **Niger**, deadly attacks and abductions by Boko Haram continued to terrorize thousands of civilians. Nigerian security forces' heavy-handed tactics and abuses of civilians, including extrajudicial killings, contributed to the mutation of Boko Haram into an insurgency. Recognizing that it would not defeat Boko Haram as long as civilians felt threatened by security forces, the Nigerian government intensified its efforts to institute military reforms to better protect human rights and builds trust with civilian populations.

The strategies and tactics used to restrict civil society throughout the year varied.

Many governments continued to use direct and overt means to repress civil society within their countries.

Historically authoritarian regimes like the **Democratic People's Republic of Korea (DPRK)**, **Cuba**, **China**, **Iran**, **Sudan**, and **Uzbekistan** continued to control political activity and ban or limit political opposition.

In **Cuba**, the constitution recognizes the Communist Party as the only legal party and "the superior leading force of society and of the state." State-orchestrated "acts of repudiation" prevented independent civil society groups and individuals from participating in meetings or events. State security continued its practice of arbitrary, short-term detentions to impede the exercise of freedoms of expression and peaceful assembly. The government also re-arrested several political prisoners it had released in January 2015 who had continued their activism during the year.

Members of **Sudan's** human rights community and civil society highlighted concerns including harassment, intimidation, detention, government restrictions on their ability to operate, and severe violations of religious freedom.

In **China**, repression and coercion markedly increased during the year against organizations and individuals involved in civil and political rights advocacy. The crackdown on the legal community was particularly severe. The All-China Federation of Trade Unions also undermined freedom of association by maintaining a variety of mechanisms to influence the selection of trade union representatives and undertaking activities to disrupt labor rights advocacy.

In **Laos**, the government continued to restrict individuals' rights to freedom of association. Political groups other than mass organizations approved by the Lao People's Revolutionary Party remained prohibited. The government occasionally tried to influence board membership of civil society organizations and forced some organizations to change their names to remove words it deemed sensitive, such as "rights."

Russia instituted a range of measures to suppress dissent. The government passed new repressive laws and selectively employed existing ones systematically to harass, discredit, prosecute, imprison, detain, fine, and suppress individuals and organizations engaged in activities critical of the government, including NGOs, independent media outlets, bloggers, the political opposition, and activists. Individuals and organizations that professed support for the government of **Ukraine** or opposed the Russian government's aggressive actions in Ukraine were especially targeted.

In Ukraine's region of **Crimea**, Russian occupation authorities deprived members of certain groups, in particular Ukrainians and Crimean Tatars, of the ability to speak out in support of their nationality and ethnicity and of opposition to the occupation, and subjected them to systematic harassment and discrimination. Occupation authorities subjected persons who refused Russian citizenship to discrimination in accessing education, health, and employment. Independent NGOs and media organizations have almost all been forced to flee the peninsula or go underground.

The political space in **Rwanda** and the overall human rights environment continued to shrink. There were reports of targeted killings, and an increasing number of reports of disappearances and harassment of civil society groups and opposition parties.

Public criticism of **Democratic Republic of Congo** government officials and government conduct or decisions regarding matters such as public affairs management, democracy, and corruption sometimes resulted in harsh responses, often from the National Intelligence Agency, and, less frequently, from provincial authorities and influential personalities.

In **Venezuela**, the law made insulting the president punishable by six to 30 months in prison, with those charged being held without bail pending trials, with lesser penalties for insulting lower-ranking officials. Venezuelan law provided that inaccurate reporting that disturbs the public peace was punishable by prison terms of two to five years. The requirement that the media disseminate only “true” information was undefined and open to politically motivated interpretation. Dozens of dissenting individuals have been detained and remain political prisoners, many awaiting due process.

Following weeks of protests throughout the Oromia Region in **Ethiopia** that began in late November, there have been reports of violent clashes between protesters and security forces resulting in deaths, injuries, the destruction of private property, and arbitrary detentions. There were reports of security forces arbitrarily detaining students on university campuses in connection with the protests.

The operating space for activists and NGOs in **Azerbaijan** remained severely constrained. Multiple sources reported a continuing crackdown on civil society, including intimidation, arrest, and conviction on charges widely considered politically motivated; criminal investigations into NGO activities; restrictive laws; and the freezing of bank accounts, which rendered many groups unable to function.

Another common strategy is to use overly broad counterterrorism or national security laws – or interpretation of those laws -- to stifle civil society activity.

In **Malaysia**, the government selectively enforced laws, particularly the Sedition Act, which the Prime Minister had promised to repeal, reportedly in an effort to intimidate critics. These efforts led to dozens of investigations, detentions, arrests, and charges against opposition politicians, civil society, journalists, and others.

The Government of **Tajikistan** took steps to eliminate political opposition in 2015. The Islamic Revival Party of Tajikistan (IRPT) lost its two parliamentary seats through elections that observers characterized as not administered in a fair manner. Following unrest in the capital in September, the Supreme Court officially banned

the IRPT, forcing the closure of the IRPT's official newspaper, and prohibiting the distribution of any video, audio, or printed materials related to the party's activities.

In **Turkey**, the government has used anti-terror laws as well as a law against insulting the president to stifle legitimate political discourse and investigative journalism – prosecuting journalists and ordinary citizens and driving opposition media outlets out of business or bringing them under state control. Wide leeway granted to prosecutors and judges contributed to politically motivated investigations and court verdicts that were not consistent with the law or with rulings in similar cases.

Some governments deployed burdensome administrative and bureaucratic procedures as a means to restrict freedom of association and stifle civil society.

This year in central Asia, **Tajikistan**, **Uzbekistan**, and **Kazakhstan** passed or enacted new NGO legislation or related amendments that could restrict operating space for civil society organizations. Meanwhile, **Turkmenistan** already had and enforced a restrictive NGO law. In **Hungary**, international organizations and human rights NGOs continued to voice criticism of the systematic erosion of the rule of law, checks and balances, democratic institutions, transparency, and intimidation of independent civil society voices. There was also concern over the government's handling of large numbers of migrants and asylum seekers, sometimes marked by xenophobic rhetoric and a lack of humanitarian aid.

In **Iran**, the government restricted the operations of and did not cooperate with local or international human rights NGOs investigating alleged violations of human rights. By law NGOs must register with the Interior Ministry and apply for permission to receive foreign grants. Independent human rights groups and other NGOs faced continued harassment because of their activism as well as the threat of closure by government officials following prolonged and often arbitrary delays in obtaining official registration.

Authorities in **Egypt** used restrictive registration laws to investigate leading human rights organizations. The Ministry of Social Solidarity dissolved approximately 500 NGOs in 2015, largely linked to the Muslim Brotherhood. Remaining NGOs operate under tight scrutiny, with many reporting harassment by Egyptian authorities. The government also initiated investigations into the receipt of foreign funding by several human rights organizations. Human rights organizations

claimed that these actions would force them to curtail their activities. In 2015, the Egyptian government sometimes imposed travel bans on human rights defenders and political activists.

A government board in **Kenya** canceled the licenses and froze the bank accounts of two NGOs for alleged links to terrorism. Critics accused the government of targeting the NGOs for their outspoken criticism of the government's human rights record. A later court decision ordered the government to unfreeze the NGOs' bank accounts.

In **Cambodia**, a Ministry of Interior directive prohibits publishers and editors from disseminating stories that insult or defame not just the king, but also government leaders and institutions. The government regularly cited national security concerns to justify restricting individuals' ability to criticize government policies and officials. In particular, the government routinely threatened to prosecute and arrest anyone who questioned the government's demarcation of the country's eastern border or suggested the government had ceded national territory to another country.

On November 26, the parliament of **Uganda** passed an NGO Act that aims "to provide a conducive and enabling environment" for NGOs and to "register, regulate, coordinate, and monitor" NGO activities. Parliament worked closely with civil society leaders on the bill and adopted most civil society recommendations in a parliamentary committee report. While most of this report was incorporated in the final bill, Parliament left intact a clause on "special obligations" that requires NGOs to receive approval from the local NGO monitoring committee and local governments before initiating activities and prohibits NGOs from engaging in acts "prejudicial to the interests of Uganda and the dignity of the people of Uganda."

In **Nicaragua**, domestic NGOs under government investigation reported problems accessing the justice system and delays in filing petitions, as well as pressure from state authorities. Many NGOs believed comptroller and tax authorities audited their accounts as a means of intimidation. While legally permitted, spot audits were a common form of harassment and often used selectively, according to NGOs.

In **Bolivia**, the president, vice president, and government ministers repeatedly criticized the work of NGOs and social organizations not allied with the

government. Some NGOs alleged that government registration mechanisms were purposefully stringent in order to limit independent organizations in the country.

Vietnam's legal and regulatory framework established mechanisms for restricting the ability of NGOs to act and organize. The government used complex and politicized registration systems for NGOs and religious organizations to suppress unwelcome political and religious participation. Independent labor activists seeking to form unions separate from the Vietnam General Confederation of Labor or to inform workers of their labor rights also continued to face government harassment.

Pakistan's new policies governing the registration and activities of international NGOs included bans on their participation in “political activities” and “antistate activities,” but neither defined these terms nor indicated what body would be responsible for arbitrating claims against international NGOs. Many international NGOs expressed concern that authorities would use these prohibitions to curtail work on projects related to governance or human rights advocacy.

In **Ecuador**, the government continued to restrict independent media and civil society by using copyright laws to force takedown of web content.

The 2015 *Country Reports on Human Rights Practices* document these cases and hundreds more.