



# Rights Eroded

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A Briefing on the Effects  
of Closing Space on Women  
Human Rights Defenders

December 2017

**BerkeleyLaw**  
UNIVERSITY OF CALIFORNIA

International Human  
Rights Law Clinic

**URGENT ACTION FUND**  
FOR WOMEN'S HUMAN RIGHTS

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## International Human Rights Law Clinic University of California, Berkeley, School of Law

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## Urgent Action Fund

The Urgent Action Funds support the security and activism of women human rights defenders (WHRDs) and LGBTQI+ human rights defenders globally as they create cultures of justice, equality, and peace. This network of support includes Urgent Action Fund (UAF), Urgent Action Fund-Africa (UAF-A), Fondo de Acción Urgente (UAF-Latin America and the Caribbean), and, to be launched in late 2017, Urgent Action Fund-Asia Pacific (UAF-AP). The Urgent Action Funds use the tools of rapid response grant making, convening, advocacy, and communications to invest in the resilience of individual defenders and feminist human rights movements. In total, the Funds have responded to over 2,800 cases of women or transgender human rights defenders facing security threats or seizing an opportunity to advance human rights advocacy in over 110 countries worldwide.

For more information, please visit:

Urgent Action Fund Africa: <http://urgentactionfund-africa.or.ke/en/>

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# Glossary

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## **Civil society organization (CSO)**

CSOs function independently from state and commercial actors, span diverse subject areas, and typically operate at a grassroots level. They exist to further collective interests in a range of social, cultural, legal, political, and economic contexts. CSOs include formal and informal groups such as community-based organizations, foundations, non-governmental organizations, think tanks, and various other entities.<sup>1</sup>

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## **Closing space**

A term to refer to the recent trend of governments around the world enacting or enforcing restrictive legislation aimed at curtailing civil society activities and their funding, often in combination with other measures to restrict the freedoms of expression, peaceful assembly, association and movement of civil society actors.

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## **Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders)**

A Resolution adopted by the United Nations General Assembly in 1998

articulating the rights of Human Rights Defenders (HRDs) and state obligations to HRDs.<sup>2</sup> While the Declaration does not create new rights, it contextualizes existing rights so that they are more readily applied to HRDs.<sup>3</sup>

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## **Feminism**

Feminism is generally understood as a collection of theories and schemas aiming to eliminate political, economic, and social discrimination against women. Feminism is an inclusive endeavor, which aims to respect differences among women such as race, ethnicity, religion, and socioeconomic status.<sup>4</sup>

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## **Financial Action Task Force (FATF)**

An intergovernmental organization created in 1989 to combat international financial crimes such as money laundering and terrorist financing. The FATF issues legal and public policy recommendations.<sup>5</sup>

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## **Global North/South**

Somewhat of a misnomer, the Global South/North divide refers to the general geographical divide between economically developed countries in the North and the developing countries in the South.<sup>6</sup> Countries in the Global South often share legacies of colonialism,

imperialism, and economic barriers to development.<sup>7</sup>

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## **Heteronormativity/heterosexism**

Heteronormativity is the belief or assumption that heterosexuality is the human default or “normal” state of being. Heterosexism believes heterosexuality to be the only acceptable sexual orientation and thus subordinates those who display non-heterosexual behaviors or identities.<sup>8</sup>

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## **International Covenant on Civil and Political Rights (ICCPR)**

One of the two core human rights treaties adopted by the UN General Assembly in 1966.<sup>9</sup> It enumerates civil and political rights such as the freedom of speech, assembly, and the right to life.<sup>10</sup> The ICCPR is legally binding on state parties with enforcement monitored by the United Nations Human Rights Committee.<sup>11</sup>

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## **Intersectionality**

A term coined by American legal scholar and critical theorist Kimberlé Williams Crenshaw to describe how different forms of discrimination can interact and overlap as forms of oppression.<sup>12</sup> Scholars and activists have broadened the concept to offer “the critical insight that race, class, gender, sexuality, ethnicity, nation, ability,

and age,” among other identities, “operate not as unitary, mutually exclusive entities, but as reciprocally constructing phenomena that in turn shape complex social inequalities.”<sup>13</sup> As an analytical tool, the concept “helps to understand and respond to the ways in which multiple aspects of each person’s social identity and status intersect to create unique experiences of oppression and privilege” and moves the analysis “beyond overly simplified conceptions of identity . . . to examine complexities of multiple sources of privilege and subordination.”<sup>14</sup>

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## **Lesbian, gay, bisexual, transgender, queer, intersex (LGBTQI+)**

A non-exhaustive list used to describe non-heterosexual and/or non-cisgender identities.<sup>15</sup>

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## **Lesbian, gay, bisexual, transgender, queer, intersex human rights defenders (LGBTQI+ HRDs)**

Human right defenders who identify as LGBTQI+ or allies who work on issues affecting those communities. These defenders often experience particularized or exacerbated threats as compared to other HRDs because of their identities and associations.<sup>16</sup>

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### **Marginalization**

The process of relegating specific groups of people to the outside of the social mainstream. Marginalized people are excluded from fully participating in society because of characteristics deemed unfavorable.<sup>17</sup>

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### **Neo-colonialism**

Refers to the use of non-military means such as economic and political pressures to indirectly control developing countries—often those which had been previously colonized.<sup>18</sup>

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### **Non-governmental organization (NGO)**

NGOs are a type of CSO. They are private organizations guided primarily by humanitarian rather than commercial objectives.<sup>19</sup> NGOs vary significantly but can be service-oriented, policy-focused, or interest-oriented organizations.<sup>20</sup>

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### **Non-state actors**

Private parties that operate in and exert influence on local, national, and international spheres without being affiliated with the formal structure of a given State. They can be NGOs, multinational corporations, militant groups, or other organizations of individuals.<sup>21</sup>

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### **Patriarchy**

A form of social organization

that prioritizes men over women.<sup>22</sup> A patriarchal system institutionalizes the primacy of male physical, social, or economic power over women.<sup>23</sup>

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### **Sex worker**

A person who works in the sex industry.<sup>24</sup> Sex workers may not consider sex work their occupation, but they voluntarily receive goods or money from sexual services.

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### **Sexual orientation, gender identity, and expression (SOGIE)**

Is a collection of interrelated, but distinct ideas used to describe an individual's beliefs about and expressions of their sexual and gender identities.<sup>25</sup> Sexual orientation refers to an individual's attraction to others based on their gender(s). Gender identity is an individual's experience of gender, which may or may not align with their sex assigned at birth. Gender expression is how an individual communicates their gender to others through physical expressions and mannerisms, name, appearance, and bodily characteristics.

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### **Social norm**

Informal and socially-imposed rules or mores that govern behavior. Individuals tend to conform to these norms because of the reactions conforming or straying from these actions are expected to elicit.<sup>26</sup>

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### **State**

The political organization of a body of people occupying a territory.

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### **Stigmatization**

The negative treatment of an individual or group because of a given attribute, behavior, or reputation that is in some way discredited or devalued by mainstream society.<sup>27</sup>

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### **Transgender**

According to the National Center for Transgender Equality, the term describes “people whose gender identity, expression or behavior is different from those typically associated with their assigned sex at birth. Transgender is a broad term and is [appropriate] for non-transgender people to use [to describe people fitting these characteristics]. ‘Trans’ is shorthand for ‘transgender.’”

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### **United Nations Special Rapporteur (SR)**

Special rapporteurs are part of the special procedures of the United Nations Human Rights Council tasked with thematic or country-specific mandates. They are independent experts supported by the Office of the United Nations High Commissioner of Human Rights (OHCHR).<sup>28</sup> The special rapporteurs most relevant to this report are the rapporteurs on the Situation of Human Rights Defenders, on the Rights to Freedom of Peaceful Assembly and

of Association, and on the Promotion and Protection of the Right to Freedom of Opinion and Expression.

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### **Universal Declaration of Human Rights (UDHR)**

Often called the Universal Bill of Rights, the UDHR is the foundational human rights document adopted by the United Nations General Assembly in 1948.<sup>29</sup> Although a non-legally binding, normative document, many of its provisions have been codified in the two 1966 treaties, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic Social and Cultural Rights (ICESCR), or have otherwise become customary international law.<sup>30</sup>

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### **Women human rights defenders (WHRDs)**

Includes both female defenders as well as human rights defenders working on women's rights and/or gender issues.<sup>31</sup>

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### **Women's funds**

Grant-makers dedicated to empowering women by funding women-led or women-focused organizations and projects.<sup>32</sup> Funds are often charities or foundations that supply financial and other types of support.

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# Executive Summary

Human rights defenders around the world find themselves operating in an increasingly hostile climate. Governments are restricting the ability of activists to voice unpopular views and challenge repressive laws and policies. They create constraints through harassment, intimidation, and by imposing new legal restrictions on the ability of civil society actors to form associations and receive funding. This phenomenon is known as “closing space.”<sup>33</sup> It erodes rights, threatens social justice movements, and undermines participatory democracy and human rights promotion.

Adopting a human rights perspective, this briefing report highlights how women human rights defenders (WHRDs) are experiencing closing space. It throws into stark relief the degree to which States are falling short of their obligations under international law to these activists. It offers recommendations to States, the United Nations, and funders on how to address the impacts of closing space on human rights defenders.

## Focus on WHRDs

To gain a better understanding of the current challenges and resistance strategies for WHRDs, the Urgent Action Sister Funds partnered with the International Human Rights Law Clinic at the University of California, Berkeley, School of Law, to document and analyze the experiences of WHRDs as they navigate the increasing threats to human rights activism.

The discourse on closing space for civil society has lacked a strong gender lens and analysis.<sup>34</sup> The WHRDs and lesbian, gay, bisexual, transgender and intersex human rights defenders (LGBTQI+ HRDs)<sup>35</sup> interviewed for this report noted a range of ways in which they were targeted because of their activism and how these acts exploited their gender or sexual orientation: feminist activists threatened with rape; queer activists warned they would be “outed” to parents; women activists told they would be imprisoned with (or without) their children.

Activists working on feminist human rights and gender justice issues are often targeted in the implementation of new restrictions or government crackdowns on demonstrations and other forms of public assembly. Historically excluded from policy-making decisions in their local contexts, feminist groups have become accustomed to responding to these and similar challenges with creativity and innovation, and, in most cases, despite limited resources. Activists in this report spoke about crowd sourcing, income generation, and other new ways they are sustaining their work.

Defenders supported by the Sister Funds are all women or transgender individuals and the majority represent additionally marginalized identities including: indigenous women; LGBTQI+ people; racial, ethnic, and religious minorities; women with disabilities; and young women. These activists are critical to movements that intersect across multiple issues including land and natural resources, sexual rights, reproductive freedom, women’s political participation, racial justice, immigrant and indigenous peoples’ rights, corruption, and militarism. The Urgent Action Sister Funds recognize that these defenders are also at risk because of the work they do, and because they work in societies, including our own, that too often suppress the voices and power of people based on their perceived gender, gender identity, or sexual orientation.

## Goals and Scope

Using a human rights framework and gender analysis, this briefing report sheds light on the common challenges of closing space that frontline WHRDs face—as well as on their strategies for resistance. It is based on interviews with representatives of two women’s funds, and twenty-four representatives of women’s and LGBTQI+ civil society networks, coalitions, and organizations across five global regions. The Sister Funds identified the countries and interviewees based on their analyses of trends in the impacts of closing space on WHRDs. The interviews are complemented by a review of the domestic laws restricting civil society space in sixteen countries in which

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Urgent Action Sister Funds support activists—Bahrain, Bangladesh, China, Ecuador, Egypt, El Salvador, Honduras, India, Indonesia, Kenya, Kyrgyzstan, Mexico, Nicaragua, Russia, Turkey, and Zimbabwe. Researchers were able to interview activists from all countries except Honduras and Zimbabwe.

Among international institutions, the United Nations human rights mechanisms have taken the lead in responding to the recent trend of closing space through documenting its manifestations and promoting interpretations of international obligations that address the closing space phenomenon. This briefing does not draw legal conclusions about the experiences of these defenders or the domestic laws they confront. By placing the findings within an international human rights legal context, the briefing highlights the rights-based dimensions of the experiences of women and LGBTQI+ human rights defenders and how the erosion of their rights, while unique, also fits into the larger patterns of closing space.

## Findings

### **Closing space is implemented through laws and practices that affect widespread human rights restrictions.**

Consistent with the investigations and findings of UN human rights mechanisms regarding closing space, across the countries studied here a number of laws and practices were identified that jeopardize funding for women and LGBTQI+ HRDs and foster a climate hostile to their work. These barriers fall into four broad categories: burdensome registration requirements; restrictions on funding; limitations on civil and political rights, including through misapplication of anti-terrorism laws and criminalization of activism; and targeted harassment, threats, and intimidation committed against WHRDs or the communities they serve.

### **WHRDs operate in a hostile social and political environment, which compounds the effects of closing space.**

The work of WHRDs must be understood in its context. Not only do these defenders work in contexts of high levels of government corruption and bureaucratic lethargy, they face economic and structural discrimination, which constitute additional barriers. In particular, patriarchal attitudes generate hostility to defenders of the rights of women, sex workers, and members of LGBTQI+ communities. The rise or resurgence of religious fundamentalism also has contributed to social stigma attached to the work of WHRDs. Activists working with sex workers or LGBTQI+ communities find that governments effectively criminalize their advocacy work. Across the spectrum of human rights work, activists reported abuse, threats, and intimidation

by State and non-State actors including surveillance, infiltration of their organizations, physical attacks, and threats of rape or other gender-based intimidation tactics.

### **Closing space funding restrictions and lack of core support impede WHRDs.**

Increased registration and funding regulations mean WHRDs face new hurdles to obtain financial support. Arbitrary denials of approval to receive foreign funding are a problem to which anti-terrorism financing laws contribute. In addition, trends toward short-term, project-based funding, a preference for partners from the global North and large international organizations, and emergent human rights crises in other parts of the world, like the refugee crisis in Europe, create substantial pressure on WHRDs whose activism typically is focuses on politically unpopular constituencies. Unable to secure funds, some activists reported that they cannot maintain their staffing levels, must reduce the number of participants in their activities, have altered the types of programming they offer, or have had to fundamentally change their working models.

### **Self-censorship is the most common, tangible consequence of closing space on WHRDs.**

To adapt to closing space restrictions, WHRDs are curtailing activities they would otherwise engage in for fear that doing so would result in attacks, reprisals, or other negative consequences. The political climate in many grantee countries is dynamic and trending toward increased political pressure on human rights defenders. In response, advocates employ a variety of methods to avoid further reprisals or to adapt to the difficulties of operating in an environment of heightened risk. Tactics identified include reducing participation in social media and public protests, refraining from or toning down criticism of the government, and reducing participation in regional and international forums.

### **WHRDs are adopting creative strategies for resisting closing space.**

Despite the challenges of operating in closing space, activists identified a number of strategies they had developed to increase the resilience of their groups and to continue their human rights advocacy work. Their strategies include building networks with other groups working in the same space and forging alliances across social justice organizations domestically, regionally, and internationally. WHRDs find there is safety in numbers. They are also opportunistically leveraging media attention to build popular support. Finally, WHRDs are adopting new funding models to increase their independence from external donors, diversify funding sources, and build sustainable financing for their work.

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## Conclusions and Recommendations

Based on the interviews and legal analysis, we offer the following conclusions and recommendations:

### To States:

- **Comply with both negative and positive international legal obligations by ensuring that domestic legislation and administrative regulations enable WHRDs and LGBTQI+ HRDs to exercise the full spectrum of rights to which they are entitled. End the closing space phenomenon by:**
  - adopting voluntary and simple registration schemes that allow nonregistered groups to operate. Eliminate laws that require civil society organizations (CSOs) that receive foreign funding to register as foreign agents. States should facilitate CSOs ability to receive financial support by replacing regulations requiring extensive government scrutiny with a notification procedure;
  - eliminating legal restrictions that interfere with the ability of CSOs to exercise their civil and political rights. In particular, laws that criminalize homosexuality, sex work, and abortion violate the human rights of impacted communities and are also used by authorities as pretexts for targeting civil society actors that advocate on behalf of these constituencies;
  - ending harassment, intimidation, and attacks on activists defending women and LGBTQI+ communities which are often gendered and include, “outing” activists to family members, rape, sexual violence, or other forms of gender-targeting;
  - countering social stigma of women and LGBTQI+ civil society actors by recognizing the vital contributions these defenders make to promoting human rights, social inclusion, and participatory democracy.

### To the United Nations Human Rights Council, General Assembly, and Security Council:

- **Adopt resolutions that unequivocally reaffirm previous international legal commitments to ensure an enabling environment for WHRDs and LGBTQI+ HRDs, recognize their indispensable contributions to human rights, development, and peace and security, and acknowledge the disproportionate ways in which they are impacted by laws restricting civic space, including counterterrorism measures. United Nations institutions develop and promote norms that reflect universal values and commitments. As such, they have a unique opportunity and responsibility to respond to closing space by:**
  - further developing human rights protections in the context of closing space. For example, the normative standards articulated in human rights treaties and instruments like the UN Declaration on Human Rights Defenders should be tailored to the manifestations of closing space;
  - incorporating within their respective mandates a focus on closing space and its impacts on women and LGBTQI+ HRDs with an eye toward strengthening measures to ensure State compliance with relevant legal obligations.



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## To the United Nations Special Procedures of the Human Rights Council:

- **Systematically and regularly engage in proactive and meaningful consultations with diverse groups of WHRDs and LGBTQI+ HRDs across all relevant mandates and integrate their experiences, challenges, strategies, and recommendations into thematic reports and statements. Consultations should aim to:**
  - identify the unique obstacles these defenders confront to their full enjoyment of rights as a result of multiple and intersecting social identities and oppressions;
  - solicit feedback and strategies from effected defenders to devise and promote strategies and good practices to address closing space.

## To United Nations Human Rights Treaty Bodies:

- **Ensure that monitoring and reporting on treaty obligations evaluates and addresses State compliance with special emphasis on the laws, policies, and practices that restrict civic space, especially for WHRDs and LGBTQI+ HRDs. In particular, such an approach should scrutinize:**
  - treaty provisions that protect against gendered harassment, threats, and violence against these defenders;
  - overly burdensome registration and monitoring requirements and restrictions on funding, including cumbersome procedural requirements that limit defenders access to financial resources;
  - limitations on freedom of speech and assembly; and the criminalization of the legitimate activities of defenders on national security, counter-terrorism, and other grounds.

## To Donors:

- **Support and invest in the long-term sustainability** of women and trans-led groups/organizations. Transformative change that is led by the communities most impacted is most effective in securing structural change—for example in social norms, policies and laws.
- **Support cross-regional collective strategizing and network building**, including South-South and South-North initiatives, among diverse WHRDs and LGBTQI+ HRDs to resist closing space in its various manifestations and strengthen their security at all levels.
- **Fund flexibly.** In the context of closing space, it is critical for funders to be adaptable to the changing context. This includes supporting groups/organization to set their own agendas and priorities for how they will do their work and understanding that this may shift depending on the political climate. It also means being flexible with reporting and application requirements, for example the need for receipts or deadlines.
- **Fund core costs**, for example staffing or operations, so that organizations can continue to remain open—rather than supporting only project specific costs. This also provides opportunities for organizations to build capacity and sustainability.
- **Fund individuals and non-registered groups.** The nature of social movements is that often times individual activists or groups evolve in response to major social change. These individuals and loose networks are also the transformative leaders in social change, under a significant threat with little to no support, and are particularly vulnerable in a closing space environment.
- **Work collaboratively with other donors**, to identify strategies to continue supporting groups, and to work around funding restrictions.

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## Part 1:

# Introduction

Human rights defenders around the world find themselves operating in an increasingly hostile climate. Governments are restricting the ability of activists to voice unpopular views and challenge repressive laws and policies. They create restrictions through harassment, threats, and intimidation, and by imposing new legal restrictions on the ability of civil society actors to form associations and to receive funding. Civil society actors are the targets of this scrutiny, which impacts not just formal civil society organizations (CSOs), but also informal networks, coalitions, individual activists, and other groups that constitute civil society actors. This phenomenon is known as “closing space.”<sup>36</sup> It threatens social justice movements and the goal of participatory democracy and human rights. It is often associated with authoritarian regimes, but a recent report found that civic space is curtailed to varying degrees in 169 countries.<sup>37</sup>

The discourse on closing space for civil society has lacked a strong gender lens and analysis.<sup>38</sup> Activists working on feminist human rights and gender justice issues are often targeted in the implementation of new restrictions or government crackdowns on demonstrations and other forms of public assembly. Historically excluded from policy-making decisions in their local contexts, feminist groups have become accustomed to responding to these and similar challenges with creativity and innovation, and, in most cases, despite limited resources. Understanding this current reality for women human rights defenders (WHRDs), the UAF Sister Funds partnered with the International Human Rights Law Clinic (IHRLC) at the University of California, Berkeley, School of Law, to document and analyze the experiences of WHRDs as they navigate increasing threats to human rights activism.

The Urgent Action Fund Sister Funds support the security and activism of women human rights defenders (WHRDs) globally. Currently, the UAF Sister Funds include Urgent Action Fund for Human Rights, Urgent Action Fund-Africa, and Fondo de Acción Urgente (UAF-Latin America and the Caribbean). (Urgent Action Fund-Asia Pacific will be launched in the fall of 2017). The Urgent Action Fund Sister Funds each use the tools of rapid response grant making, convening, advocacy, and communications to invest in the resilience of individual defenders and feminist human rights movements. In total, the Sister Funds have responded to over 2,800 cases of women and LGBTQI+ HRDs facing security threats or seizing an opportunity to advance

human rights advocacy. IHRLC brings to this study a long history of partnering with domestic human rights activists to defend and expand protections for survivors of severe human rights violations before local, national, regional, and international judicial and policy making forums.

Trends analyses conducted by each of the three Sister Funds that make up the Urgent Action Fund for Women’s Human Rights indicate increasing restrictions on activism for human rights in a majority of countries as well as significant threats to the underlying architecture of international human rights mechanisms and norms. Tightening government restrictions on civil society and increased authoritarianism now exist, in different degrees, in influential countries (Brazil, China, Egypt, India, Kenya, Mexico, Philippines, Russia, Turkey, the United States) as well as other nations. In these contexts, people—particularly those disadvantaged by race, gender, class and caste discrimination—find it increasingly difficult to organize as civil society actors, to conduct advocacy, or to seek and receive foreign funding.

Closing space affects WHRDs disproportionately, and the conditions under which these defenders work deserve attention and require targeted interventions to ensure their human rights. In addition, the human rights movement may benefit from studying the treatment of these defenders since the restrictions on women and LGBTQI+ HRDs may be harbingers of challenges to be faced by a broader range of human rights organizations.<sup>39</sup> Further, the strategies

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women and LGBTQI+ HRDs employ to address closing space reveal opportunities for coordinated and collective action that may be used across civil society to resist the trend.

## A. Origins and Causes of “Closing Space”

This is not the first-time civil society has been under attack. In this report, however, we focus on the most recent manifestations of closing space, specifically those encompassing legalized restrictions that limit funding and activities of civil society actors.

There is a long and controversial history of Western funding to promote democracy and human rights in foreign countries. Local civil society actors have often criticized Western financial support as a form of neo-colonialism or in other ways serving to distort bottom-up efforts to effect social change.<sup>40</sup> The closing space phenomenon has taken shape against this backdrop. States justify restrictions on foreign funding and non-governmental (NGO) registration as necessary to protect against “foreign influence” and ensure accountability.

Scholars attribute the origins of the recent trend that has been termed “closing space” to Russian President Vladimir Putin, who, in the aftermath of the US invasion of Iraq, criticized certain Western aid programs for illegitimately attempting to influence domestic politics, and urged neighboring States to scrutinize similar aid programs.<sup>41</sup> The opposition movements in the subsequent “Colored Revolutions” in States of the former Soviet Union received Western aid, which further stoked the ruling regimes’ opposition to local, pro-Western groups that received foreign support. Authorities in the region viewed Western funding of pro-democracy work as “synonymous with ‘Western-imposed regime change’” and used this reasoning to justify State-imposed restrictions on foreign funding,<sup>42</sup> and States outside the region have followed suit, calling foreign funding “a new form of imperialism or neo-colonialism.”<sup>43</sup> The introduction of “foreign agent” laws in Russia, which require domestic groups that receive foreign funding to register as foreign agents, is perhaps the most politically draconian of these tactics because of the degree to which it stigmatizes and delegitimizes domestic opposition voices.<sup>44</sup> Yet researchers and experts have identified several additional factors as contributing to the rollbacks.

An important contributing factor to closing space has been international guidelines aimed at curbing money laundering and financing of terrorists, which have had the unintended effect of restricting foreign funding to human rights actors. The Financial Action Task Force (FATF),<sup>45</sup> an intergovernmental body charged with promoting anti-

terrorism financing regulations, issued guidelines which noted that NGOs were “particularly vulnerable” to being used to finance terrorist organizations. FATF called on States to review their laws to ensure appropriate controls and monitoring of these groups.<sup>46</sup> Despite the lack of empirical evidence to support the claim that human rights organizations have been used to funnel funds to terrorist organizations, States have relied on the vague language of the FATF standards to restrict the right to freedom of association for non-profit groups in the name of counterterrorism.<sup>47</sup>

At the same time, scholars have documented a measurable, and more general trend of cracking down on civil society. With the rise of new communications technologies, entrenched rulers are increasingly threatened by organized opposition voices.<sup>48</sup> One study found vulnerability to regime change to be a strong predictor of civil society restrictions among nondemocratic States.<sup>49</sup> Tactics vary among regime types. Authoritarian regimes openly repress dissent, which can include the use of overt harassment and intimidation. By contrast, democratizing regimes may permit freedom of speech and association, but use other, less visible, restrictions to control CSOs, such as funding restrictions and registration requirements.<sup>50</sup> In his study of closing space, Thomas Carothers points out that countries which he categorizes as “relatively democratic”—including several we studied such as, Bangladesh, Ecuador, Honduras, India, Indonesia, Kenya, and Nicaragua—also invoked the danger of “foreign meddling” to justify legislative restrictions on CSO receipt of foreign funding.<sup>51</sup>

## B. Closing Space Threatens Participatory Democracy and Social Movements

Closing space poses not only an immediate threat to human rights defenders, but it also undermines the global human rights movement and participatory democracy. Civil society actors, independent from the State and driven by social concerns rather than a profit motive, play a unique role in societies. In particular, human rights defenders promote universal values of human dignity and fundamental freedoms, including by calling for authorities to act consistent with the principles of State transparency and accountability. Adherence to these norms lies at the core of good governance.<sup>52</sup> In advancing these principles, human rights defenders enliven the right to political participation enshrined in the International Covenant on Civil and Political Rights, which guarantees individuals the right to governance based on the will of the people.<sup>53</sup> So understood, democracy is not only the result of an open and free election, but also requires open, engaged, bottom-up participation that is broadly inclusive in that it incorporates the participation of marginalized segments of society.

Only through the ability of human rights defenders to exercise their universal right to organize freely as associations can they meaningfully exercise the right to political participation.<sup>54</sup> The United Nations recognizes the vital role that human rights defenders play in safeguarding democracy.<sup>55</sup> The UN Human Rights Council and General Assembly have issued numerous resolutions<sup>56</sup> and UN independent human rights experts (referred to as Special Rapporteurs) have issued multiple reports<sup>57</sup> all of which have decried closing space and called on States to respect their obligations to protect HRDs in order to reverse this worrisome trend.

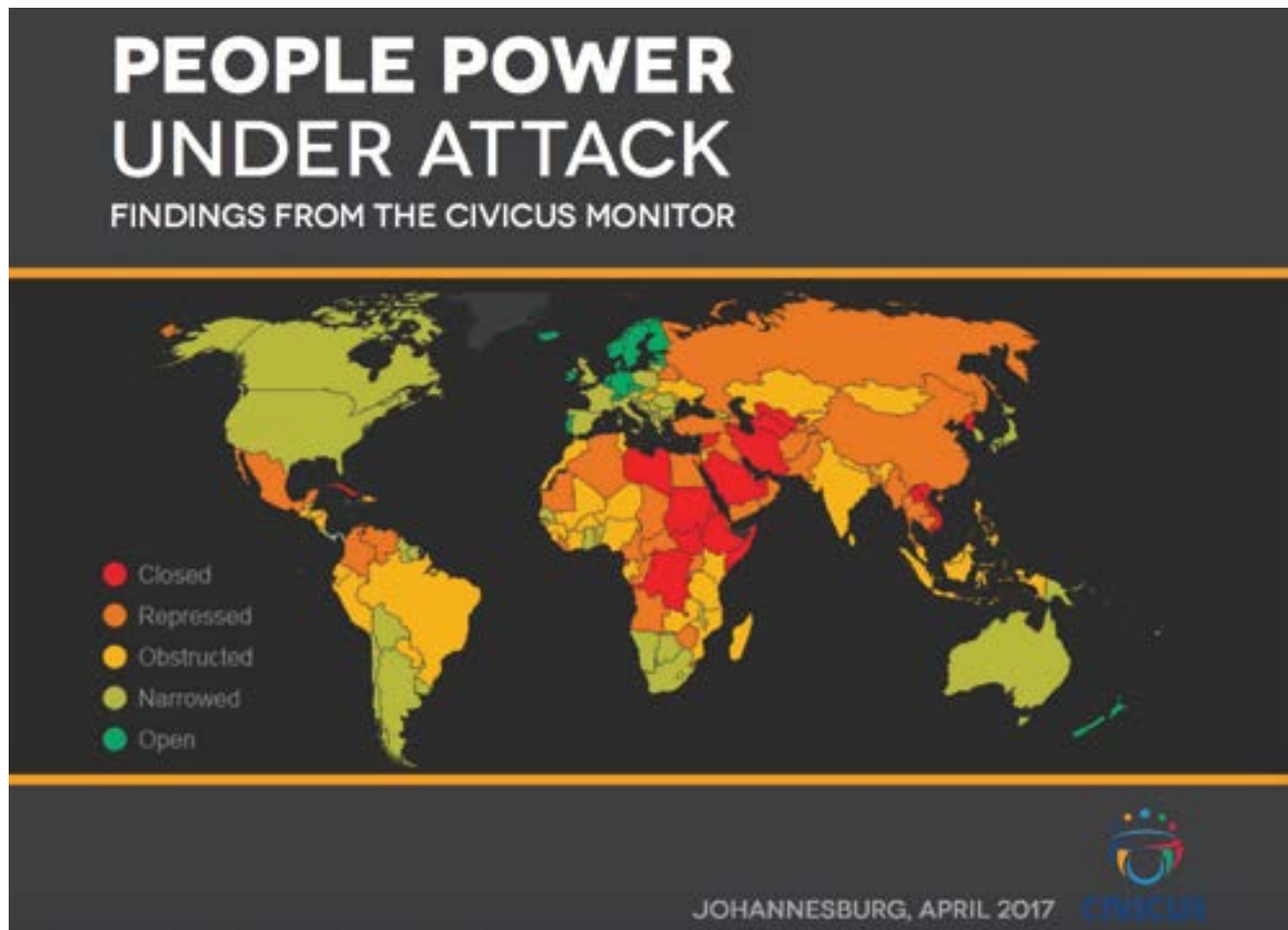
Despite international efforts to address the issue, closing space has become a global phenomenon.<sup>58</sup> Restrictions are becoming more common. A 2013 study by Christensen and Weinstein found that more than half of the ninety-eight countries they studied had adopted rules to restrict foreign funding and twenty had enacted new regulations since 2002.<sup>59</sup> The NGO watchdog, CIVICUS, reported in April 2017 that of the 198 member countries of the United Nations, civil society space is compromised in 106, meaning that almost six billion people are impacted.<sup>60</sup>

### C. Scope of Closing Space and Its Impacts on WHRDs

Funding restrictions are devastatingly effective. Christensen and Weinstein found that after a new law on foreign funding took effect, aid to civil society groups from foreign States dropped on average from \$50 million to less than \$25 million a year.<sup>61</sup> Women and LGBTQI+ HRDs are already under-resourced among actors within the human rights movement and funding restrictions make it more difficult for these groups to access support.<sup>62</sup>

Compounding these financial constraints is the risk of physical and emotional injury to WHRDs as a result of their work. Human rights defenders are subjected to abuse, arbitrary detention, and even have been murdered for their work. Women and LGBTQI+ HRDs are frequent victims of these tactics. One source reports 281 human rights defenders were murdered in 2016, an increase from the 156 killed in the previous year.<sup>63</sup> Of the individual communications regarding human rights violations committed against human rights defenders, the UN reports that between 2004 and 2014, 33.7 percent referred to cases of violations against women defenders.<sup>64</sup>

Figure 1

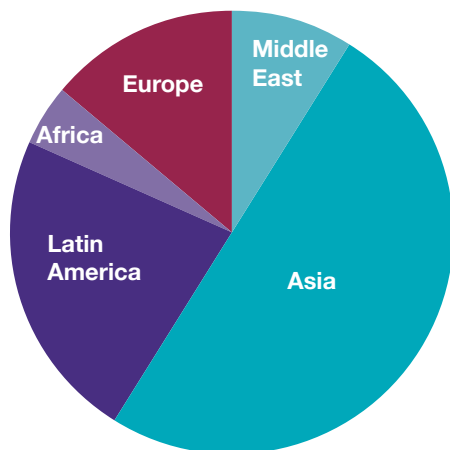


The risks of harm to women and LGBTQI+ human rights defenders are related to closing space and the resurgence of nationalism, which often accompanies repressive or authoritarian regimes.<sup>65</sup> LGBTQI+ activists and feminist human rights groups challenge traditional family roles and gender norms. These defenders may, therefore, find themselves in the crosshairs of nationalist governments and emboldened religious fundamentalists seeking to retrench social conventions. For example, the UN Special Rapporteur on Freedom of Association, Maina Kiai, found that the Russian adoption of homophobic legislation encouraged attacks on members of the LGBTI communities.<sup>66</sup> An NGO reported that the targeting of those communities “presaged more sweeping crackdowns on civil society” in that country.<sup>67</sup> Similarly, UN independent human rights experts have recognized that WHRDs are especially vulnerable to stigmatization and persecution by repressive regimes and fundamentalists that see feminism as challenging conservative social conventions.<sup>68</sup>

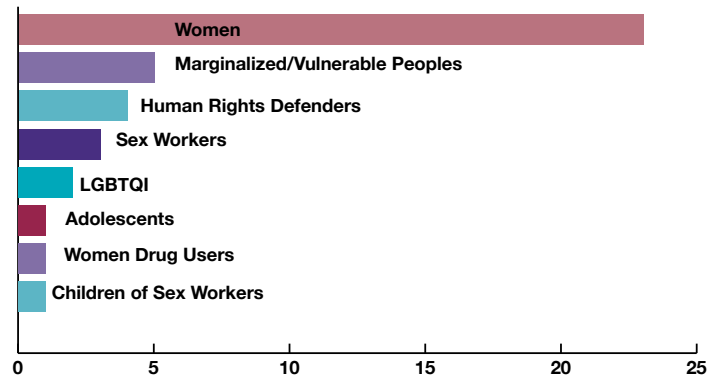
## D. Research Methods

This briefing report is based on interviews and examination of relevant international standards and domestic laws regarding closing space. Based on their analyses of trends in the impacts of closing space on WHRDs, UAF Sister Funds identified sixteen countries across five regions in which closing space is impacting WHRDs to be studied: Bahrain, Bangladesh, China, Ecuador, Egypt, El Salvador, Honduras, India, Indonesia, Kenya, Kyrgyzstan, Mexico, Nicaragua, Russia, Turkey, and Zimbabwe. UAF selected WHRDs working in those countries to be interviewed. IHRLC interviewed twenty-three WHRDs from twenty-four organizations or networks<sup>69</sup> and was able to interview defenders working in every country studied except Honduras and Zimbabwe. In addition, IHRLC interviewed two representatives of women funds. Interviews were conducted between March 2014 and September 2016. (Figure 2).

**Figure 2: Interviewees by Region**



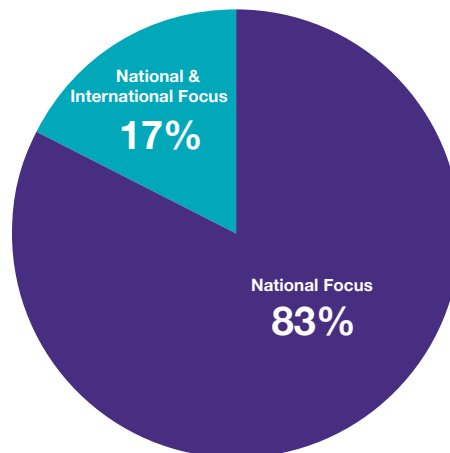
**Figure 3: Constituencies Served by Interviewees**



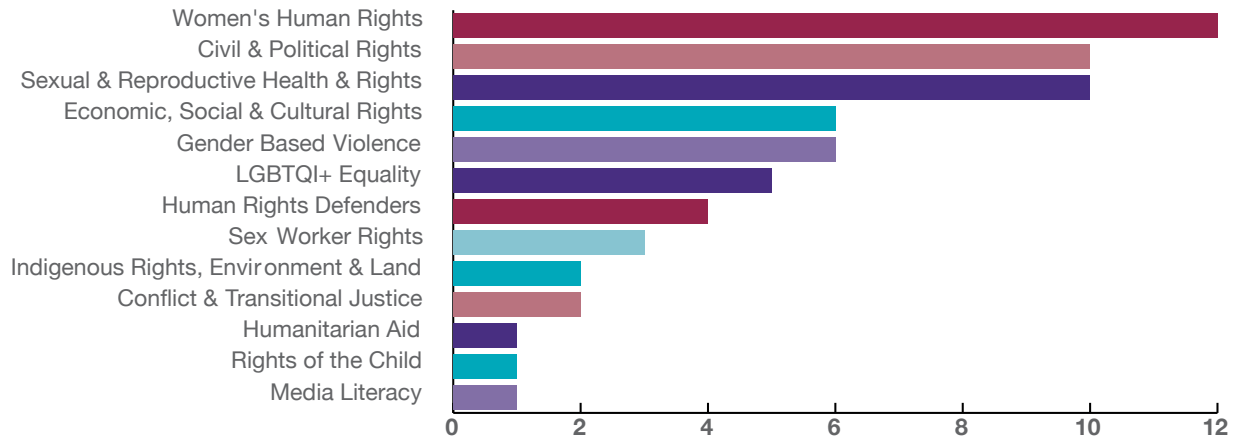
*\*Note: Interviewees could list more than one category.*

Activists interviewed for this project self-identified in a variety of ways ranging from legally recognized NGOs, to informal collectives not recognized by or operating under the radar of governmental authorities, to NGO membership networks. (Figure 3). The majority of interviewees identified their group's work as falling in the issue area of women's rights or feminist activism (including sexual and reproductive rights and gender-based violence) and human rights generally. (Figure 5). A number indicated that they focused on sex worker and LGBTQI+ rights, and one organization worked in each of the areas of accountability, humanitarian assistance, indigenous rights, and peace and conflict resolution. The scope of work of the groups included those that work at the purely local level as well as those that work at the local, national, regional and international levels. (Figure 4). The methods of their work are diverse. Some groups focused on impact or strategic litigation, legal aid, and direct client services, while others pursued legal reform and policy advocacy, documentation and reporting of human rights violations, research and publications, network and movement-building, training, education and capacity-building, and micro-enterprise initiatives, among others. Figure 6 illustrates the methods employed by the interviewees' organizations or collectives as well as the issue areas in which these methods are used.

**Figure 4: Interviewee Mandates**



**Figure 5: Priority Issue Areas for Interviewees**



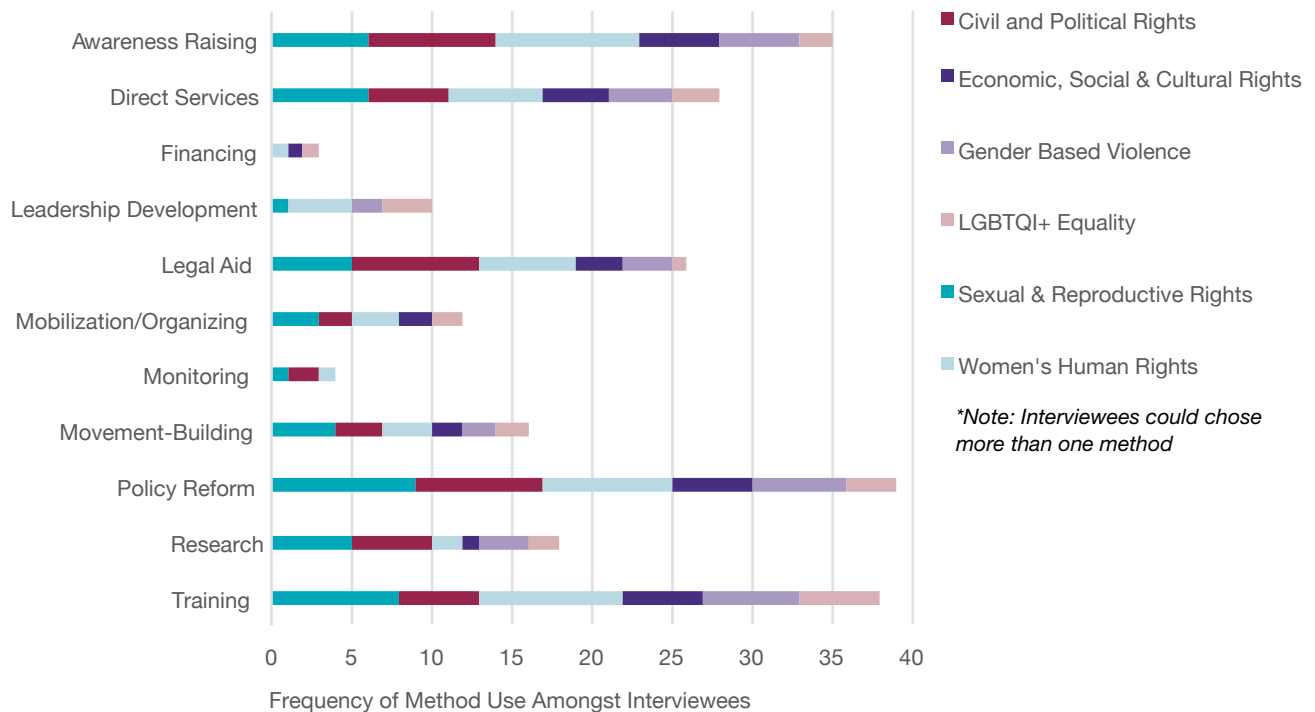
*\*Note: Interviewees could select more than one issue area*

IHRLC researchers conducted interviews either in person or over Skype, using a semi-structured questionnaire. Most interviews were conducted with individuals, but researchers also conducted one focus group interview followed by individual interviews with several of the focus group participants. IHRLC researchers asked activists about the challenges and obstacles they confronted, the strategies they adopted to address these impediments, as well as their perspectives on the way(s) in which dominant attitudes toward women and/or the particular constituencies with which the activists work contribute to the challenges their group confronts. Interviews were conducted in English, or when the individual did not speak English, in the native language of the interviewee. To protect the interviewees and

their organizations, individuals who spoke with researchers are not identified by name or affiliation in this report.

Researchers examined the interviews and identified commonalities in the types of challenges, resistance strategies, and perspectives on the intersection of gender and their experience of closing space. To contextualize the interviews, IHRLC analyzed relevant international human rights standards and domestic laws. To do so, researchers consulted primary and secondary sources including international treaties, reports of UN human rights experts and bodies, publications by scholars, human rights reports, and domestic laws regulating civil society in the sixteen countries examined.

**Figure 6: Methods Employed by Interviewees per Issue Area**



*\*Note: Interviewees could chose more than one method*

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## Part 2:

# Legal Background

States affect closing space through law (or its abuse), most notably through the regulation of NGOs. The United Nations has responded to the crisis precipitated by closing space by promoting human rights norms to protect the rights of human rights defenders. In particular, the international community has recognized the need to extend special protections to WHRDs, and political bodies of the United Nations as well as Special Rapporteurs have repeatedly urged States to support and facilitate the work of these defenders.<sup>70</sup> The most pertinent international norms are outlined below. The subsequent section provides an overview of the domestic laws that affect closing space in the sixteen States examined. Together, these provide the legal background against which the experiences of activists should be understood.

## A. International Human Rights Norms Regarding Closing Space

The UN special procedures—mechanisms headed by UN-appointed independent experts—have been actively engaging with closing space by documenting trends and State practices, making legal findings, and promoting interpretations of how existing international obligations apply to State domestic laws and practices in this area. States are using NGO registration laws as well as restrictions on funding to restrict civil society actors. As a result, UN Special Rapporteurs have focused on the right to freedom of association and the related right to receive foreign funding as international norms most pertinent to closing space.

### 1. Freedom of Association

Freedom of association is a core civil and political right enshrined in article 20 of the Universal Declaration of Human Rights<sup>71</sup> and codified in article 22 of the International Covenant on Civil and Political Rights (ICCPR).<sup>72</sup> The UN Commentary to the Declaration on Human Rights Defenders clarifies that this right is to be interpreted broadly and specifically protects the right of “organizations that criticize policies, publicize human rights violations perpetrated by authorities, or question the existing legal and constitutional framework” to form associations.<sup>73</sup>

Pursuant to article 22 of the ICCPR, legislation that restricts freedom of association must be justified in the “interests of national security or public order or for the protection of the rights and freedoms of others,” and further, must

be “prescribed by law” and “necessary in a democratic society.”<sup>74</sup> Special Rapporteur on Freedom of Association Maina Kiai has cautioned that requiring associations to legally register can “disproportionate[ly] effect” vulnerable groups, restricting their ability to form associations.<sup>75</sup> In fact, Kiai has stated that States have an affirmative obligation to eliminate barriers to forming associations that vulnerable groups, including women, confront.<sup>76</sup> Accordingly, United Nations human rights experts consistently recommend that States take an approach to registration that is accessible, non-discriminatory, and low-cost. The Special Rapporteur on Freedom of Association and the UN High Commissioner for Human Rights recommend a voluntary and simple registration scheme that allows nonregistered groups to operate.<sup>77</sup>

Once groups form associations, States may not impose unjustifiable limitations on the type of activities that these CSOs undertake.<sup>78</sup> Keeping in mind the special role that human rights defenders play in supporting “social cohesion” by enabling those at the “margins of society to have their voices heard,”<sup>79</sup> international law presumes that the activities of CSOs are lawful.<sup>80</sup> Thus, UN special rapporteurs have expressed concern at State restrictions that target or curtail human rights and political rights advocacy,<sup>81</sup> advocacy to promote human rights of LGBTI individuals,<sup>82</sup> or stigmatize women human rights defenders working on reproductive rights.<sup>83</sup>

UN special rapporteurs also have expressed concern over States invoking the defense of State sovereignty publicly to stigmatize human rights defenders as agents of ‘foreign’ influence. As noted by the Special Rapporteur on Freedom of Association: “This tendency has a serious impact on

the work of civil society actors, not to mention their ability to access funding as it deters them from seeking foreign funding.”<sup>84</sup>

## 2. Right to Receive Foreign Funding

The Commentary to the Declaration on Human Rights Defenders states that unjustified government interference with funding access violates the right of CSOs to freedom of association.<sup>85</sup> Several UN instruments have interpreted international law to require States to permit human rights defenders to “seek, receive, and utilize funding.”<sup>86</sup> Through their activities, human rights defender organizations support the enjoyment of human rights by others, and thus restrictions on funding “undermine civil, cultural, economic and social rights as a whole.”<sup>87</sup> Thus, the Declaration on Human Rights Defenders protects the right of defenders to pursue fundraising activities, regardless of whether the source of funds is domestic, foreign, or international.<sup>88</sup> To meet this obligation, the Commentary provides that States must enact legislative, administrative, or other measures “to facilitate, or as a minimum not to hinder, the effective exercise of the right to access funding.”<sup>89</sup>

Accordingly, international human rights officials have expressed their concern at the trend among States to restrict CSO funding. The Special Rapporteur on Freedom of Association found that many types of regulations violate

international human rights law, including State regulations that:

- (1) impose a complete prohibition on CSOs accessing foreign funding,
- (2) require prior governmental approval to receive funding,
- (3) require funds to be transferred to a State-controlled central fund, or
- (4) impose criminal penalties on CSOs for failure to comply with funding regulations.<sup>90</sup>

Further, the UN independent expert found that States violate their human rights obligations by initiating “audits” or “inspection campaigns” in order to harass CSOs,<sup>91</sup> or by stigmatizing or criminalizing defenders based on the source of their funding.<sup>92</sup>

In addition, restrictions on access to foreign funding raise particular concerns of discrimination when States stigmatize foreign funding of CSOs as undermining national security, require CSOs that receive foreign funding to register as “foreign agents,” or criminalize their work based on its funding source.<sup>93</sup> States justify such restrictions as necessary to combat illegal activity such as terrorism and money laundering. However, the Special Rapporteur on Freedom of Association repeatedly has emphasized that the States’ legitimate goals to protect public safety “should

**Figure 7: Domestic Legal Restrictions on HRDs**

	Burdensome Registration Requirements	Restricted Activities	Funding in General	Foreign Funding	Harassment, Threats & Intimidation
Bahrain	X	X	X		X
Bangladesh	X	X		X	X
China	X	X	X	X	X
Ecuador	X	X	X		X
Egypt	X	X	X	X	X
El Salvador	X	X			X
Honduras	X	X			X
India		X		X	X
Indonesia	X	X	X	X	X
Kenya	X	X			X
Kyrgyzstan	P*	X		P*	X
Mexico		X	X		X
Nicaragua	X	X		X	X
Russia	X	X	X	X	X
Turkey		X		X	X
Zimbabwe	X	X		X	X

**Key:** X = existing law in place; P\* = draft or proposed law recently considered



never be used” to undermine the “credibility” of CSOs or to “impede [their] legitimate work.”<sup>94</sup> States have the burden of showing that restrictions on defenders in this area “do not harm the principles of ‘pluralism, tolerance and broadmindedness.’”<sup>95</sup> In this light, the Special Rapporteur on Freedom of Association recommends that the proper balance between CSO accountability to authorities and State regulation is that associations should be subject to a notification procedure according to which CSOs report on their accounts and activities.<sup>96</sup>

### 3. Impact of Funding Restrictions on WHRDs

UN officials note that funding restrictions may have a disproportionate impact on human rights organizations that advance the rights of marginalized groups.<sup>97</sup> Women human rights defenders are often “perceived as challenging accepted sociocultural norms, traditions, perceptions and stereotypes about femininity, sexual orientation, and the role and status of women in society” as noted by the Special Rapporteur on Human Rights Defenders.<sup>98</sup> Maina Kiai, the Special Rapporteur on Freedom of Association, found that most countries with foreign funding restrictions also place limits on domestic funding, which results in discriminatory treatment of defenders based on the areas in which they work.<sup>99</sup> Thus, Kiai noted, structural challenges of “patriarchy, sexism and authoritarianism” can impede access to funding for CSOs.<sup>100</sup> For example, when States criminalize human rights activities such as combatting discrimination and the promotion of gender equality, WHRDs and other groups working on these issues find it virtually impossible to raise funds.<sup>101</sup>

## B. Domestic Legal Framework

Based on international standards, we examined the domestic laws of the countries included in this report to identify the extent to which States impose burdensome registration requirements, place restrictions on freedom of association, including the right to receive funding, and contribute to a climate of fear through attacks against and intimidation of human rights defenders. While legal conclusions about the validity under international law of each of these laws are not reached here, this summary analysis confirms the widespread use of legal restrictions and abuses that close space for activists.

These legal barriers fall into four broad categories:

- (1) burdensome registration requirements;
- (2) restrictions on funding;
- (3) limitations on civil and political rights; and
- (4) harassment, threats, and intimidation of human rights defenders or the communities they serve.<sup>102</sup> (Figure 7)

In describing these laws, we highlight the ways in which these restrictions affect women and LGBTQI+ human rights defenders. While these identified restrictions do not specifically target activists or organizations based on gender, they often impact women or LGBTQI+ very differently. In the experience of the Urgent Action Sister Funds, organizations led by women or LGBTQI+ people are historically underfunded, and often unregistered. They work on the frontlines of transformative movement work that pushes gender norms in their countries. As a result, any kind of restrictions on accessing funding or tightening of registration requirements may further marginalize the work of these activists and create a hostile environment.

### 1. Burdensome Registration Requirements

In the vast majority of countries studied, CSOs face burdensome registration regimes. In all but four of the countries, governments require that CSOs register in order to operate legally within the country.<sup>103</sup> In the majority of countries, registration requirements typically target associations engaged in human rights work by specifying the types of organizations that must register or those that are prohibited from registration—ineligible organizations are thus forced to operate illegally in the country or are unable to access public funds to support their work.<sup>104</sup> For example, in Indonesia, registration is restricted to CSOs which work to “preserve the values of religion, culture, morale, ethics and norms of decency” and “maintain social order.”<sup>105</sup>

In numerous instances, registration laws establish cumbersome, expensive, or discriminatory registration processes. These processes include costly audits, requirements for notarized documentation, and prohibitions on registration for organizations engaged in “political” work.<sup>106</sup> They also afford broad discretion to officials who may deny initial registration<sup>107</sup> or revoke registration once granted,<sup>108</sup> establish whether and under what circumstances CSOs have the right to appeal registration and revocation decisions,<sup>109</sup> and stipulate an intrusive oversight regime that CSOs will be subject to once registered.<sup>110</sup> Additionally, in several of the countries included in this report, domestic lawmakers have recently considered or have under consideration legislation that would impose new restrictions on the registration process for CSOs.<sup>111</sup> Such pending restrictions contribute to a climate of uncertainty and fear among women and LGBTQI+ HRDs that further restrictions are on the horizon.

### 2. Restrictions on Funding and Foreign Agent Laws

Widespread restrictions on foreign and domestic funding apply among the countries studied, including “foreign agent” laws.<sup>112</sup> These restrictions include rules requiring prior approval or registration in order to receive funds or fundraise,<sup>113</sup> prohibitions on particular types of

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fundraising,<sup>114</sup> stipulations that CSOs report the funds they raise to the government,<sup>115</sup> and the obligation that CSOs inform the government of how they intend to use funds raised from domestic and foreign sources.<sup>116</sup> In China and Russia, domestic law subjects foreign-based organizations or organizations receiving foreign funds to additional registration requirements, heightened scrutiny, and oversight as a “foreign agent” or “foreign NGO.”<sup>117</sup> Similarly, Kyrgyzstan’s legislature recently attempted to pass a law analogous to Russia’s.<sup>118</sup>

Restrictions on funding create a maze of bureaucratic obstacles that CSOs must navigate in order to access necessary resources and subject NGOs and donors alike to an unprecedented level of governmental scrutiny that undermines donor willingness to fund the work of women and LGBTQI+ HRDs.

### 3. Limitations on Civil and Political Rights Including Misapplication of Anti-Terrorism Laws and Criminalization of Human Rights Activism

Our research revealed government restrictions on civil and political rights in every country included in this report. These restrictions take a variety of forms. Countries across several regions place limitations on political activities.<sup>119</sup> For example, laws in Bahrain and Indonesia prohibit all or some CSOs from engaging in “politics,” Ecuador prohibits CSOs from interfering in “public policy,” legislators in Kyrgyzstan have attempted to pass a law that would prohibit foreign funding of peaceful assemblies, and Bangladesh passed a vaguely worded statute that criminalizes any act which “is or is likely to be prejudicial to the interests of the security of Bangladesh or public interest.”<sup>120</sup> Countries in Africa, Asia, and Latin America place prohibitions or restrictions on freedom of assembly<sup>121</sup> and constraints on internet communication by CSOs.<sup>122</sup>

A number of countries have laws that lend themselves to stifling dissent and limiting freedom of expression, such as overbroad or vague defamation and sedition statutes.<sup>123</sup> Additionally, many countries have laws in place

that purport to prohibit the operation of organizations that fund, support, or are otherwise implicated in terrorism, and punish individuals for the same transgressions.<sup>124</sup> However, the language of these laws can be vague, overbroad, and in conflict with fundamental human rights, leading experts and observers to express concern.<sup>125</sup>

Activists working with LGBTQI+ and sex worker communities complain that governments use a range of legal provisions to criminalize their advocacy efforts. Recent examples of such laws include draft legislation in Kyrgyzstan aimed at silencing LGBTQI+ rights activists and journalists<sup>126</sup> and steps taken in Kenya to fingerprint and identify sex workers who seek reproductive healthcare through government programs.<sup>127</sup>

### 4. Abuses of Human Rights Defenders by State and Non-State Actors

Independent experts and observers also note the widespread use of judicial and extra-judicial harassment, threats, persecution, and intimidation by State and non-State actors against human rights defenders—a trend borne out in all of the countries researched for this report.<sup>128</sup> Reports also highlight the heightened risk and gendered nature of the threats and violence faced by WHRDs in particular, including rape and sexual violence, targeting of children and family members, and gender-targeted criminalization of WHRD’s activities.<sup>129</sup> In Mexico, where a national mechanism tasked with protecting human rights defenders is in place, a recent study found that in thirty-eight percent of the mechanism’s cases “government authorities [were] the presumed aggressors” while non-State actors accounted for thirty-one percent and the aggressors in the remaining thirty-one percent of cases were unidentified.<sup>130</sup> This example highlights that abuses against human rights defenders are often perpetrated not only by the State, but by emboldened non-State actors, and suggests that ending these practices requires approaches that address both of these groups.

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## Part 3:

# Interview Findings: WHRDs Experience of Closing Space

Interviews with women and LGBTQI+ activists offer an important perspective from a diverse group of activists impacted by closing space. The particular challenges they face due to new restrictions occur within a context in which human rights defenders already deal with ongoing hostility to their feminist advocacy and work to support LGBTQI+ communities. Their experiences illuminate the intersectionality of gender, sexual orientation and identity, and closing space.

This briefing draws four findings in this regard:

- (1) women and LGBTQI+ human rights defenders operate in a hostile social and political environment which compounds the effects of closing space;
- (2) closing space funding restrictions and lack of core support impede women and LGBTQI+ HRDs;
- (3) self-censorship is the most common, tangible consequence of closing space on women and LGBTQI+ HRDs; and
- (4) women and LGBTQI+ HRDs are adopting creative strategies for resisting closing space.

## A. Gendered Aspects of Closing Space

The women and LGBTQI+ human rights defenders interviewed spoke about challenges of operating in an environment of social hostility to their work, a condition that preceded the more recent registration and funding restrictions. Worldwide, women assume a disproportionate burden in progressive social movements as their “participation in political and public life is commonly constrained by structural and societal discrimination in the family, in caregiving responsibilities and in violence against women, and by marginalization by political parties and other non-State public institutions.”<sup>131</sup> UN experts recognize that defenders active on lesbian, gay, bisexual, and transgender rights—issue areas that challenge traditional notions of gender and sexuality—

also are frequently the target of attacks and violence.<sup>132</sup> The interviews point to ways in which these dynamics contribute to gendered and heteronormative impacts of closing space. These impacts include being targeted for their pursuit of feminist and progressive social work, subjected to gendered forms of targeting and harassment, and facing criminalization of advocacy for rights of sex workers and LGBTQI+ individuals.

### 1. Structural and Social Discrimination

Patriarchal, discriminatory attitudes intrude into the space of women defenders. Representatives of two different women’s groups in Ecuador spoke about how societal attitudes toward women are generally sexist, and gender inequality is largely normalized, including violence against women. One interviewee reported that government officials regularly call feminists “feminazis.” And those working on women’s issues or reproductive rights are routinely labelled “crazy” and sometimes persecuted for their work. This anti-feminist sentiment is shared in other Latin American countries such as Nicaragua, Guatemala, and Honduras, according to one interviewee.

Similarly, Chinese WHRDs stated that societal perceptions of gender in that country are typically based on assumptions of heterosexuality and traditional notions of masculinity and femininity. In Chechnya, one activist noted with concern that the State encourages the treatment of women as second-class citizens through a combination of policies and a failure to enforce legal protections.<sup>133</sup> This interviewee reported that State-sanctioned sermons at Friday prayer often instruct men to “control their women,”

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for example, by withholding cell phones and computer access in order to discourage “women’s debauchery.”

In some instances, government corruption and patriarchal attitudes intersect and target WHRDs. An activist in a Mexican women’s rights organization was assisting a woman to leave her abusive husband, who was involved in organized crime. The husband attacked the activist and made threats against her family for her efforts to assist the survivor. Although the activist filed complaints with the police, officials dismissed the complaint because the husband’s relative was a legislator with the dominant political party in the country.

Activists across regions point to the rise of religious fundamentalism—Christian, Hindu, and Islamic—as contributing to a challenging, if not hostile, social and political environment. Often interviewees reported an interrelationship between religious fundamentalism, State action, and socially conservative norms regarding women and sexual identity. In Indonesia, one interviewee noted authorities have introduced Sharia law in some areas, which has significantly impaired how CSOs engage and communicate with women. Additionally, this defender attributed the passage of local laws regulating “morality” that target women and LGBTQI+ groups to the rise in religious fundamentalism.<sup>134</sup> In India, a WHRD reported that Hindu fundamentalists attacked their offices because the group works with sex workers to combat HIV/AIDS. Further, defenders from Kyrgyzstan and Turkey reported that homophobia fueled the targeting of the LGBTQI+ community. For example, in Turkey a religious fundamentalist organization intended to incite violence against LGBTQI+ individuals by posting flyers printed with the words: “Kill the faggots.” According to the interviewee, the group’s legal complaint about the flyers was dismissed by the judge on flimsy grounds. The defender also suspected judicial bias played a role in the judge’s decision.

In Nicaragua, one of the biggest challenges identified by an interviewee is the influence of fundamentalists on national law. For example, in November 2006, shortly after the presidential elections, a new law was enacted that severely penalized abortion in all circumstances, which constrained their work.<sup>135</sup> Furthermore, according to the WHRD, authorities have applied the law to permit the prosecution of activists who publicly advocate for the right to abortion in any circumstances through allegations of “abortion by omission,” i.e. the failure to prevent the procedure.

## 2. State Targeting of WHRD Activities and Gendered Forms of Harassment

Several defenders spoke about State interference in their activities. Representatives from women and LGBTQI+ HRD associations in China, Egypt, and Nicaragua reported that their governments had planted agents in or recruited infiltrators to attend their meetings or organized protests.

An activist from Nicaragua stated that the government had planted agents in public protests in order to identify and intimidate participants. As a result, the group has reduced the number of demonstrations it conducts. In Turkey, a representative of a sex worker and transgender advocacy NGO reported that the government relied on the restrictions allowed under the state of emergency to ban the group from marching.

Chinese defenders noted that State officials had closed the social media accounts of women and LGBTQI+ HRDs, sometimes repeatedly. An Egyptian interviewee reported that one newspaper, known to have ties to the security police,<sup>136</sup> published a story claiming that the activist’s organization received international contributions, published reports abroad criticizing the government, and essentially accused staff of being foreign spies by taking “money from America, Israel, Turkey, [or] Qatar.” The story appeared along with a picture of the activist and another staff member, placing their lives and the lives of their loved ones in danger. As the interviewee noted, news articles like this one have “invited the people from the streets to attack [us].”

Gendered and heteronormative forms of harassment are common. In China, activists explained that authorities use WHRDs’ families as a means to pressure them. For example, one activist recalled the police threatening to have her husband fired if she did not cease her activities. In other instances, police may threaten a child’s admission to university or to “out” an LGBTQI+ activist to her parents, in an effort to convince the family to pressure her to cease her activism. In Egypt, a WHRD shared that the government has publicly attacked the reputations of female activists who directly or indirectly criticize the regime, including with accusations of sexual impropriety. Another stated that in a country in the Middle East, officials threaten WHRDs with imprisonment away from or alongside their young children. A women’s human rights funder discussed how Central American security forces have targeted women defenders with sexual and gender-based violence, including killings.<sup>137</sup>

## 3. Criminalization of Human Rights Work Related to Sex Work and LGBTQI+ Rights

Interviewees from several regions discussed how social stigma, criminalization of sex work, and homophobic laws or policies effectively criminalize their human rights activities and make them targets for abuse. For example, prostitution is a criminal offense in Kenya.<sup>138</sup> A representative of an organization that works with sex workers in that country explained that the general public disapproves of sex workers and their advocates. The public does not differentiate between “advocating for rights” of sex workers versus “advocating for sex work” as an occupation. The expectation is that groups active in this area should focus on “rehabilitation” and the group does not enjoy public support for its work to empower sex workers.

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In Turkey, sex work currently is legal, but according to one sex worker advocate, the government is discussing potential amendments to the criminal code to make sex work a criminal offense. Given the repressive political climate, this defender fears that the government might also criminalize the encouragement of sex work, which would criminalize activists who advocate for sex workers' rights.

In Bangladesh, homosexuality is criminalized,<sup>139</sup> but the government officially recognizes transgender individuals, referred to as "Hijra."<sup>140</sup> Nevertheless, a Bangladeshi activist opined that more progress is needed and attributed the lack of civil society dialogue about advocacy for individuals with non-conforming sexual identities, in part, to the general social taboo of the topic. Taken together, criminal laws and State policies and practices aimed at criminalizing, threatening, and harassing sex workers and LGBTQI+ persons regulate the boundaries within which human rights activists can operate and create conditions that make defenders and their constituents vulnerable to attacks.

## B. Closing Space and Funding for WHRDs

Activists describe operating in a climate in which funding for their work is scarce, poorly suited to their needs, under threat, and often a source of stigma and discrimination. Women and LGBTQI+ HRDs attribute this state of affairs, in part, to: more general trends toward short-term, project-based funding; a preference for partners from the global North and large international organizations; and emergent human rights situations, like the European refugee crisis, in other parts of the world. But increased legal restrictions on funding also play a distinct role. Representatives of two NGOs, one in China and one in Egypt, reported that their groups face immediate financial shortfalls directly caused by the newly restrictive funding environment. The Egyptian interviewee's organization had only two more months of funding to pay its twenty-one-person staff.

### 1. Government Interference with Funding

Interviewees describe government officials effectuating closing space by enforcing regulations that interfere with the ability of women and LGBTQI+ HRDs to secure and utilize funds. They also report several ways in which State actors stigmatize their activism and undermine support from funders and from the societies in which they operate.

#### a. Prior approval and arbitrary cancellation of funding

Many defenders reported that funding laws and bureaucratic practices interfere with their ability to access and make use of the funds they have raised. The vast majority of interviewees reported that their organization was required to register with the government.

One measure described by activists involves government delay or denial of approval for project plans or donor funds. For example, an Egyptian WHRD explained that, although the funding law permits her organization to receive contributions, the group must seek approval to carry out the funded activities. The interviewee reported that the government routinely uses its authority to discriminatorily restrict funding to an organization. In her case, her organization waited over a year for a decision on a particular project. Authorities eventually denied approval but did not provide the WHRD organization with the basis for the decision or an opportunity to challenge it. Moreover, she noted that authorities often base approval (or denial) on the reputation of the organization and its relationship with the government.

State agents also use their power over funding in an attempt to control human rights defenders' activities, even when an organization is operating within the law. Although there are no laws requiring governmental approval of their activities, an activist in Mexico described how the State agent overseeing funds for work in her organization's sector used his position to try to control the types of activities and programming the group implemented. When her organization argued that their plans were within the government's guidelines and refused to change them, the activists reported that the official blocked State funding to her organization for the next three years.

Additionally, an activist from China reported that even though they had received prior approval for the organization's activities, the government canceled their permission to receive funds without notice or further explanation. The activist speculated that the denial may have been made for something as simple as reports that foreigners had participated in one of their events. Similarly, an Indian activist opined that a substantial delay in approval for a project using foreign funds likely resulted from her having criticized the country's funding laws in a public forum.

Women and LGBTQI+ HRDs highlighted the unavailability or ineffectiveness of appeals procedures to counter government abuses. In both examples from the Middle East and Mexico, the interviewees reported that they believed appeals were futile. For example, an organization in the Middle East was able to win two appeals, but the decisions were never enforced. Other activists shared similar sentiments, noting that, even where there is an appeals process, decisions are not rendered within a timeframe that would allow the organization to be able to access the funds from the donor.

#### b. The chilling effect of money laundering and anti-terrorism laws

In the absence of, or in conjunction with, laws requiring prior approval for CSO activities or funding, women and LGBTQI+ HRDs report that governments are relying on

money laundering, anti-terrorism, and national security justifications to hinder their ability to receive and utilize funds. For example, an interviewee working in Bangladesh described how the government recently relaxed laws requiring prior approval for funding, but enacted new legislation that she described as creating a “minefield” for human rights groups. This new legislation requires compliance with money laundering and anti-terrorism laws that are very broad in scope and provide little guidance to organizations on the types of project activities that might be considered “terrorism” or funding sources that might be deemed “terrorist financing.” Similarly, an advocate in Nicaragua described how the government uses laws on “triangulation of funds” (akin to money laundering) to limit funding by foreign donors by accusing international NGOs of passing funds to unregistered human rights groups through a domestic, registered intermediary. Likewise, an interviewee working on HIV/AIDS education in India noted that her government’s conflation of terrorism “with everything” was the driving force behind the closing of civil society space.

### China: Fear of new funding law

Chinese activists—who in some cases have been able to carry out their activities without registration and, consequently, enjoyed flexibility in how they raise funds—under recently passed laws will no longer be able to fundraise in these ways without complying with the government’s registration, prior approval, and monitoring schemes.<sup>109</sup> At the time of the interviews, the new law had not yet taken effect. However, several Chinese activists described how the anticipated changes in the new law may force them to take their work even “further underground” in order to be able to engage on issues such as women’s and LGBTQI+ rights. These changes may also prevent the use of methods such as networks and impact litigation, that the government finds threatening.

## 2. State-Sponsored and Social Stigma Impacts on WHRDs Access to Funding

Those interviewed for this report identified stigma as a factor affecting their financial sustainability. They report stigma generated from a variety of sources, including the communities that they are working with, the issues they are working on, and their acceptance of foreign donor funds.

For example, a sex worker activist in Turkey explained that due to negative social attitudes, sex worker organizations are unable to raise funds from domestic sources and rely heavily on foreign contributions. But foreign donors,

including State donors, are also reluctant to fund sex-worker groups. Moreover, even if they are more receptive to work on transgender issues, they fail to see the connection between transgender HRDs rights and sex worker rights—that transgender individuals may turn to sex work when they are unable to obtain other employment. Similarly, a Kenyan interviewee emphasized the stigma attached to sex worker rights advocacy. This interviewee described that the government often views the organization’s work and donors as “promoting sex work” and disempowering women, which has resulted in increasing restrictions on the funding available to the group.

Women defenders in Ecuador, El Salvador, and Nicaragua who work on reproductive rights and access to abortion also reported that funders were reluctant to support what they consider a controversial issue area. An activist working in Russia noted that the government creates stigma against human rights groups that accept Western funding and gave the example of authorities discrediting LGBTQI+ groups by portraying their advocacy efforts against the anti-homosexuality law as falsely generating “drama” to create sympathy in the West and generate funding.

The consequences of this stigma are widespread. It affects the ability of women and LGBTQI+ HRDs to successfully raise funds, impacts their ability to combat discrimination by generating public support, and prevents them from working effectively within their local contexts. For example, a Kenyan activist involved in sex worker rights reported not speaking publicly about the organization’s work—efforts that would raise its public profile and engender hostility—for fear of making donors reluctant to be associated with the issue.

## C. Self-Censorship

When asked about the impacts of the closing space phenomenon on their advocacy, women and LGBTQI+ HRDs described self-censorship as the most common, tangible consequence. Self-censorship refers to decisions by associations to curtail activities they would otherwise engage in for fear that doing so would result in attacks, reprisals, or other negative consequences. Advocates from the majority of countries reviewed identified ways in which their associations adapted or changed their work to avoid confrontation and abuse from State actors.

For example, Chinese women and LGBTQI+ HRDs spoke openly about moving operations “underground” and abandoning or moderating their use of social media and other tools previously used to attract new members, all in order to maintain a low public profile and avoid raising the ire of authorities. A representative of an Ecuadoran human rights organization stated that although there are no legal restrictions on the group’s ability to hold demonstrations or meetings, it avoids making public statements about

abortion for fear of government retaliation. Similarly, a defender explained that women's groups in Chechnya have learned to keep a low profile in order to avoid public scrutiny. For example, a Chechen women's rights NGO created skills-training programs to empower women to leave an abusive spouse. However, they publicly described the training as a program intended to teach women useful domestic skills like cooking and sewing in order to fall "under the radar."

In Egypt, feminist activists explained that representatives of their NGO do not travel to Turkey, Palestine, or Qatar for fear that the government will use those trips as a pretext for cracking down on their activities. For example, the interviewee refused an invitation to participate in an event in Gaza for fear that the government would send an agent or journalist to take pictures and publish damaging media accounts along the lines of "this group is receiving funding from Hamas" or "is taking money from Turkey." The group also declined to participate in a hearing at the United Nations in which the State's human rights record was reviewed. The organization deemed it "too risky" to appear in an international forum and criticize the government.

Advocates for sex workers and LGBTQI+ communities spoke about how fear of the State silences them. An activist explained that her sex worker organization in Kenya does not exercise its free speech rights to criticize the government. The organization fears that authorities will close the group, leaving its members, most of whom are former sex workers and economically vulnerable, without jobs. A similar fear of reprisal has led an LGBTQI+ advocacy group in Kyrgyzstan to refrain from participating in anti-government protests. Likewise, a Turkish NGO promoting sex worker and LGBTQI+ rights reported it has cut back its programming in several areas due to the climate of fear in the wake of the attempted coup. It has curtailed public and private criticism of the government, stopped organizing sex workers, and ceased on-site brothel monitoring.

### Threats from Religious Fundamentalists

Pressure from non-State actors also causes WHRDs to reduce or alter their activities. A Bangladeshi WHRD relayed that, in the aftermath of the 2016 terrorist attacks in Dhaka, religious fundamentalist groups were emboldened. One threatened the organization by posting a flyer on the eve of a soccer match for girls organized by the NGO. The flyer threatened consequences if the match proceeded and was signed, "ISIS Soldiers of Islam Dhaka." The group cancelled the match.

## D. Closing Space Resistance Strategies of WHRDs

Despite the challenges of operating in closing space, women and LGBTQI+ HRDs identified a number of strategies they had developed to increase the resilience of their associations and continue their human rights work despite new restrictions. The primary strategies include building alliances with other human rights activists, opportunistically leveraging media attention, and adopting new funding models.

### 1. Building Alliances

Many of those interviewed reported how the increased political and legal pressures propelled their associations to cultivate alliances. The benefits of collective action included increased access to information, technical support, and greater political protection that comes from coalition-based advocacy. For example, reproductive rights advocates in Latin America struggle to obtain basic health care statistics; regional networks help them to collect their own data on the negative impacts of prohibitions on abortion. A group in Nicaragua described how fundamentalist activity has limited its ability to work on sexual and reproductive rights within the country, leading the organization to redirect its efforts toward establishing alliances with other groups working on the same issues in the region and carrying out projects at the supranational level.

Activists are capitalizing on the fact that it is more difficult for the State to crackdown on multiple groups advocating on the same issue than it is to single out a particular organization. A WHRD in Bangladesh reported her NGO builds a coalition whenever it initiates sensitive human rights cases—those involving links between State and powerful private business interests. Similarly, a Turkish activist pointed to increased safety for work on LGBTQI+ issues by collaborating with a broad base of groups that includes women's groups and anti-discrimination organizations. The group can more safely and effectively promote LGBTQI+ rights through joint press releases or lobbying efforts than by taking a public position in its name only.

Additionally, advocates in Latin America and Asia talked about the value of building regional networks to support their work. For example, a Chinese WHRD reported that her group has formed partnerships with foreign grassroots organizations to put LGBTQI+ issues on the ASEAN agenda. Another WHRD discussed redirecting her organization's activities from the local and national level to the regional. The group was able to obtain funding for regional work and the shift in focus enabled the organization to continue its mandate until the funding and political climate in the country improved.

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However, one defender reported that due to racial marginalization and discrimination in India, her association did not receive support from other human rights defenders. She remarked that after more than a decade of work and risking her life, “you realize that in the end, you are alone.” Such sentiment points to the reality that shared commitments to human rights do not necessarily translate into mutual support among defender NGOs.

## 2. Media Attention

Activists have found ways to strategically use the media as a tool to draw positive public attention to their work. This has raised the public profile of activists and helped insulate them from harassment and abuse. For example, an Indian media outlet followed an activist’s organization for a month, and reported on its work. As a result, the organization was honored with an award in a nationally-televised ceremony. The activist believed that the media attention raised the profile of the group, providing a degree of protection for its members such that intelligence agencies were reluctant to threaten them. Similarly, Chinese activists stated that international media exposure about their work can help insulate them from authorities, although individual members maintain a low public profile and, generally, do not grant interviews.

In Chechnya, one defender noted that activists are targeted more often than other civilians with repressive measures but, when in custody, they benefit from media attention about their detention. This attention can spare activists from the kinds of treatment “ordinary” detainees are subjected to, such as torture or murder.<sup>142</sup>

## 3. Changing Funding Strategies

Across regions, women defenders describe efforts to support their work through innovative forms of fundraising including social entrepreneurship, crowdsourcing, social media campaigns, flexible professional arrangements, and publicity-generating events. In a conflict region in India, an activist explained that self-sustainability was a tool her group implemented to stay in operation. The interviewee stated that her NGO helps women learn skills to support themselves, which includes training in weaving and sewing.

These women in turn provide capital for the organization as well as income for themselves. The activist also solicits funds by approaching local businesses, especially those owned by women, as she finds businesswomen are more likely to find solidarity with the causes of other women.

Similarly, in Turkey, a defender singled out independent fundraising as a means of combatting donor, embassy, and governmental reluctance to finance the activities of sex worker groups. And Chinese LGBTQI+ activists are developing ways to sell merchandise and services to provide income for their organizations. These activists generate income by offering management and leadership training to non-activists as well as conducting promotional appearances and social media campaigns. In Mexico, activists are producing agricultural products for sale at markets.

Additionally, to cope with the decreases in global funding in Kenya, a defender reported that organizations have sought to limit their operation costs, increase their investments, and utilize resource mobilization training to combat constrained resources.<sup>143</sup>

Women’s funds are also exploring new models to deliver financial support to WHRDs. One technique is the use of pass-through grants whereby a registered CSO acts as the fiscal sponsor by receiving a grant from a foreign funder, which is then passed through to an unregistered association. Although fiscal sponsorships are reportedly an effective strategy, they are not without drawbacks. One interviewee reported that fiscal sponsorships can create tensions between the sponsor and recipient because the sponsoring organization often maintains control over the recipient organization’s activity or project. Another interviewee reported that her government targeted such arrangement under money-laundering-type laws. An alternative method is for funders to contract directly with individual advocates rather than associations. In contracts, one can avoid the distortions that may arise with fiscal sponsorships. However, individual grants are often broken up over a longer period of time, which can pose more of an administrative burden and hinder a group’s ability to maintain sustainable long-term activism.



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## Part 4:

# Discussion

The picture that emerges from the interviews and legal frameworks is deeply troubling but not hopeless. From these materials, we distill four primary dynamics impacting women and LGBTQI+ HRDs:

(1) registration and funding restrictions are layered onto more direct targeting and harassment of defenders, and together create a “rights-deprived” climate in which women and LGBTQI+ activists work;

(2) the funding restrictions of closing space additionally burden those groups already facing resource challenges;

(3) in order to reduce their exposure to attacks and reprisals by State and non-State actors, activists strategically adapt their work and self-censor, abandon, reduce, or otherwise modify their activities; and

(4) activists are adapting to closing space, but face social stigma that impacts their work more severely than it does main-stream human rights defenders.

### A. The Role of Law in Closing Space: Creating a “Rights-Deprived” Environment

International human rights law pays significant attention to the regulatory environment in which human rights defenders operate because of the power of domestic law to frame, encourage, and accelerate social and political forces that can cultivate or crush respect for human rights. The restrictive legal environments compound the challenges women and LGBTQI+ HRDs otherwise face in promoting their work due to homophobia and public hostility to feminism. Thus, State regulations serve to further undermine activists, making it difficult for these groups to maintain, let alone grow, their organizations. This increased legal vulnerability is created by State policy and sends the message to women and LGBTQI+ HRDs that their human rights are an unstable government benefit, not securely embedded in the social fabric of their country.

### B. Funding Dynamics: Government-Fostered Deprivation and Dependency for WHRDs

The uncertainty created by arbitrary State action restricting access to funds generates a climate of instability that

undermines the independence of women and LGBTQI+ HRDs and distorts their ability to advocate for the rights of their communities. Reduced funding compromises the ability of activists to maintain the kind of public presence that draws funding and support. Through a perverse cycle, this can heighten the perception among donors and the public that stigmatized organizations are not effective or active, further limiting their access to funding and marginalizing their work.

At the same time, the experience of most WHRDs who are supported by the UAF Sister Funds tells a story of resilience in spite of restrictive laws. They often find creative ways to continue their work or use local legal mechanisms to demand their rights to freedom of expression or speech. Additional flexible and responsive funding is needed if these groups and others like them are to continue to survive. WHRDs are on the frontline of many social movements: supporting their survival is critical.

### C. Self-Censorship: The Hidden Costs of Closing Space

Operating in an adverse climate is not new for women and LGBTQI+ HRDs. What is different now is the general heightened level of hostile scrutiny of the progressive social movements in which defenders of marginalized groups are embedded. If activists believe that a particular action will lead to unacceptable retribution, they abandon it. The effects are stark: *the public sees and hears less from the margins*. This in turn leads to a distorted view of these affected communities, weakens the role of these defenders to advocate for State transparency and accountability, and undermines participatory democracy.

At the same time, UAF Sister Funds support partners that are engaging in creative strategies to continue doing their work. For example, some groups are partnering with organizations that are perceived as less of a “threat” to the State (for example, women’s empowerment or health organizations) or registering as an NGO that does not focus on women’s rights or LGBTQI+ rights.

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## D. Resistance to Closing Space: Disproportionate Burdens

The ability of women and LGBTQI+ activists to operate in the constrained political and legal space are gendered and they face challenges that mainstream defenders do not. Negative popular attitudes toward feminism, sex work, and LGBTQI+ communities mean that defenders who work for the rights of these constituencies confront a background norm of social opposition. This raises the question of power imbalances among civil society

actors. Groups that enjoy the presumption of legality are seen as advancing widely-shared values, in particular in the area of political reform, and do not labor under the same conditions as do the associations studied here. If activists working at the social and political margins are to continue to prompt progressive change, they will require support and interventions to reverse these fundamental power imbalances. Even in the face of these considerable challenges, women and LGBTQI+ defenders are redoubling their efforts to protect and expand human rights. These activists deserve additional support.

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## Part 5:

# Conclusions and Recommendations

Based on the interviews and legal analysis, we offer the following conclusions and recommendations:

### To States:

- **Comply with both negative and positive international legal obligations by ensuring that domestic legislation and administrative regulations enable women and LGBTQI+ HRDs to exercise the full spectrum of rights to which they are entitled. To end the closing space phenomenon, States should:**
  - adopt voluntary and simple registration schemes that allow nonregistered groups to operate. Eliminate laws that require civil society organizations (CSOs) that receive foreign funding to register as foreign agents. States should facilitate CSOs ability to receive financial support by replacing regulations requiring extensive government scrutiny with a notification procedure;
  - eliminate legal restrictions that interfere with the ability of CSOs to exercise their civil and political rights. In particular, laws that criminalize homosexuality, sex work, and abortion violate the human rights of members of marginalized communities and are also used by authorities as pretexts for targeting civil society actors that advocate on behalf of these constituencies;
  - end harassment, intimidation, and attacks on activists defending women and LGBTQI+ communities, which are often gendered and include “outing” activists to family members, rape, sexual violence, or other forms of gender-targeting;
  - counter social stigma of women and LGBTQI+ civil society actors by recognizing the vital contributions these defenders make to promoting human rights, social inclusion, and participatory democracy.

### To the United Nations Human Rights Council, General Assembly, and Security Council:

- **Adopt resolutions that unequivocally reaffirm previous international legal commitments to ensure an enabling environment for women and LGBTQI+ HRDs; recognize their indispensable contributions to human rights, development, and peace and security; and acknowledge the disproportionate ways in which they are impacted by laws restricting civic space, including counterterrorism measures. United Nations institutions develop and promote norms that reflect universal values and commitments. As such, they have a unique opportunity and responsibility to respond to closing space, and should:**
  - further develop human rights protections in the context of closing space. For example, the interpretations and application of normative standards articulated in human rights treaties and instruments like the UN Declaration on Human Rights Defenders should be tailored to the manifestations of closing space;
  - incorporate within their respective mandates a focus on closing space and its impacts on women and LGBTQI+ HRDs with an eye toward strengthening measures to ensure State compliance with relevant legal obligations.

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## To the United Nations Special Procedures of the Human Rights Council:

- **Systematically and regularly engage in proactive and meaningful consultations with diverse groups of women and LGBTQI+ HRDs across all relevant mandates and integrate their experiences, challenges, strategies, and recommendations into thematic reports and statements. Consultations should aim to:**
  - identify the unique obstacles these defenders confront to their full enjoyment of rights as a result of multiple and intersecting social identities and oppressions;
  - solicit feedback and strategies from effected defenders to devise and promote strategies and good practices to address closing space.

## To United Nations Human Rights Treaty Bodies:

- **Ensure that monitoring and reporting on treaty obligations evaluates and addresses State compliance with special emphasis on the laws, policies, and practices that restrict civic space, especially for women and LGBTQI+ HRDs. In particular, such an approach should scrutinize:**
  - treaty provisions that protect against gendered harassment, threats, and violence against these defenders;
  - overly burdensome registration and monitoring requirements and restrictions on funding, including cumbersome procedural requirements that limit defenders access to financial resources;
  - limitations on freedom of speech and assembly, and the criminalization of the legitimate activities of defenders on national security, counter-terrorism, and other grounds.

## To Donors:

- **Support and invest in the long-term sustainability** of women and trans-led groups and organizations. Transformative change that is led by the communities most impacted is most effective in securing structural change—for example in social norms, policies, and laws.
- **Support cross-regional collective strategizing and network building**, including South-South and South-North initiatives, among diverse women and LGBTQI+ HRDs to resist closing space in its various manifestations and strengthen their security at all levels.
- **Fund flexibly.** In the context of closing space, it is critical for funders to be adaptable to the changing context. This includes supporting groups and organizations to set their own agendas and priorities for how they will do their work and understanding that they may shift depending on the political climate. It also means being flexible with reporting and application requirements, for example deadlines or the need for receipts.
- **Fund core costs**, for example staffing or operations, so that organizations can continue to remain open—rather than supporting only project-specific costs. This also provides opportunities for organizations to build capacity and sustainability.
- **Fund individuals and non-registered groups.** The nature of social movements is that often individual activists or groups evolve in response to major social change. These individuals and loose networks also serve as the transformative leaders in social change, operate under significant threats with little to no support, and are particularly vulnerable in a closing space environment.
- **Work collaboratively with other donors** to identify strategies to continue supporting groups, and to work around funding restrictions.

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The following IHRLC interns contributed valuable research and analysis to the report: Jenna Al-Huneidi '17, Rebecca Chraim '17, Angela Donkor '18, Sarah Godwin '18, Sarah Hunter '18, and Sarah Mirza '18.

### Urgent Action Sister Funds

The following UAF Sister Fund staff members provided feedback, data, and contributions to text for this report: Kate Kroeger, Olivia Trabysh, Huong Nguyen, Caitlin Stanton, Masa Amir, Christina Papadopoulou, Tatiana Cordero, and Ndana Tawamba.

## Acknowledgments

The authors express their appreciation to Roxanna Altholz for her comments to the report and consultation on the project, to Eric Stover for his review of the report, to Olivia Layug Balbarin for her assistance preparing the manuscript, to Amy Utstein for her administrative leadership, and to the Berkeley Law Librarians for their unstinting research support.

We wish to thank the activists and organizations who shared their experiences with us. We are honored by their trust and our work is dedicated to their efforts to defend and promote human rights for women and LGBTQI+ people around the world.

Finally, we are grateful to Interim Dean Melissa Murray and Dean Erwin Chemerinsky of Berkeley Law and the individual donors to the International Human Rights Law Clinic and Urgent Action Sister Funds without whom this work would not have been possible.

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- 21 NAT'L INTELLIGENCE COUNCIL, NONSTATE ACTORS: IMPACT ON INTERNATIONAL RELATIONS AND IMPLICATIONS FOR THE UNITED STATES 2 (2007), [https://www.dni.gov/files/documents/nonstate\\_actors\\_2007.pdf](https://www.dni.gov/files/documents/nonstate_actors_2007.pdf).
- 22 HAZEL REEVES & SALLY BADEN, GENDER AND DEVELOPMENT: CONCEPTS AND DEFINITIONS 28 (2000).
- 23 *Id.*
- 24 CHERYL OVERS, SEX WORKERS ARE PART OF THE SOLUTION 2 (2002), [http://www.who.int/hiv/topics/vct/sw\\_toolkit/115solution.pdf](http://www.who.int/hiv/topics/vct/sw_toolkit/115solution.pdf).
- 25 ARC INT'L, INT'L BAR ASS'N & INT'L LESBIAN, GAY, BISEXUAL, TRANS & INTERSEX ASS'N (ILGA), SEXUAL ORIENTATION, GENDER

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IDENTITY AND EXPRESSION, AND SEX CHARACTERISTICS AT THE UNIVERSAL PERIODIC REVIEW 14–15 (2016).

26 GERRY MACKIE, FRANCESCA MONETI, HOLLY SHAKYA & ELAINE DENNY, *WHAT ARE SOCIAL NORMS? HOW ARE THEY MEASURED?* 10 (2015), [http://www.unicef.org/protection/les/4\\_09\\_30\\_Whole\\_What\\_are\\_Social\\_Norms.pdf](http://www.unicef.org/protection/les/4_09_30_Whole_What_are_Social_Norms.pdf).

27 Bruce G. Link & Jo C. Phelan, *Conceptualizing Stigma*, 27 ANN. REV. SOC. 363, 364–365 (2001).

28 *Special Procedures of the Human Rights Council*, OHCHR, <http://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx> (last visited July 25, 2017).

29 M. GLEN JOHNSON & JANUSZ SYMONIDES, *THE UNIVERSAL DECLARATION OF HUMAN RIGHTS: A HISTORY OF ITS CREATION AND IMPLEMENTATION 1948–1998*, 19 (1998).

30 Hurst Hannum, *The Status of the Universal Declaration of Human Rights in National and International Law*, 25 GA. J. INT'L COMP. L. 287, 289 (1996).

31 In this report, a range of terms will be used to talk about key constituents, including women human rights defenders (WHRDs) and LGBTQI+ human rights defenders. The term WHRD is always inclusive of all women-identified people, cisgender and trans. Though the terminology used in this report may not always reflect that which defenders would use to self-identify, when referring to information provided directly from a source, whether paraphrased or in quotation, the report replicates the terminology used by the source. This creates some variation in the terminology used, but best reflects the intended meaning of the source. The report aims as much as possible to make visible all people, especially those who experience some of the most severe forms of gender oppression.

32 FOUND. CTR., *HIGHLIGHTS OF ACCELERATING CHANGE FOR WOMEN AND GIRLS: THE ROLE OF WOMEN'S FUNDS 1* (2009), [http://foundationcenter.org/gainknowledge/research/pdf/womensfunds2009\\_highlights.pdf](http://foundationcenter.org/gainknowledge/research/pdf/womensfunds2009_highlights.pdf); *What Are Women's Funds?*, OAK FOUND., <http://oakfnd.org/content/10108> (last visited July 27, 2017).

33 CIVICUS, *PEOPLE POWER UNDER ATTACK: FINDINGS FROM THE CIVICUS MONITOR* (2017); Michel Forst (Special Rapporteur on Situation of Human Rights Defenders), *Report of the Special Rapporteur on the Situation of Human Rights Defenders on Best Practices for Protecting Human Rights Defenders*, ¶ 28, U.N. Doc. A/HRC/31/55 (Feb. 1, 2016) [hereinafter *SR Report on Human Rights Defenders Feb. 2016*] (noting “with apprehension . . . the recent trend of restrictive legislation aimed at curtailing civil society activities and their funding in more than 90 States, and the measures taken to restrict significantly the freedoms of expression, peaceful assembly, association and movement in more than 96 States.”). See also Elizabeth A. Wilson, *Restrictive National Laws Affecting Human Rights Civil Society Organizations: A Legal Analysis*, 8 J. HUM. RTS. PRAC. 329, 330 (2016); ARIADNE, INT'L HUMAN RIGHTS

FUNDERS GRP. & THE EUROPEAN FOUND. CTR., *CHALLENGING THE CLOSING SPACE FOR CIVIL SOCIETY: A PRACTICAL STARTING POINT FOR FUNDERS 5* (2016) [hereinafter *CHALLENGING THE CLOSING SPACE FOR CIVIL SOCIETY*].

34 Other recent reports have examined the impact of closing space on either WHRDs or LGBTQI+ human rights defenders, but none has examined both from a human rights perspective. See GPP, *supra* note 16; MAMA CASH FUND FOR WOMEN & URGENT ACTION FUND FOR WOMEN'S HUMAN RIGHTS, *STANDING FIRM: WOMEN- AND TRANS-LED ORGANIZATIONS RESPOND TO CLOSING SPACE FOR CIVIL SOCIETY* (2017) [hereinafter *STANDING FIRM*]. A recent human rights report focused on one aspect of closing space on women's groups: the impact of counter-terrorism laws on women's organization. DUKE LAW INT'L HUMAN RIGHTS CLINIC & WOMEN PEACEMAKERS PROGRAM, *TIGHTENING THE PURSE STRINGS: WHAT COUNTERING TERRORISM FINANCING COSTS GENDER EQUALITY AND SECURITY* (2017) [hereinafter *TIGHTENING THE PURSE STRINGS*].

35 See *supra* note 31 and accompanying text.

36 CIVICUS, *supra* note 33; *SR Report on Human Rights Defenders Feb. 2016*, *supra* note 33, ¶ 28 (noting “with apprehension . . . the recent trend of restrictive legislation aimed at curtailing civil society activities and their funding in more than 90 States, and the measures taken to restrict significantly the freedoms of expression, peaceful assembly, association and movement in more than 96 States.”). See also Wilson, *supra* note 33, at 330; *CHALLENGING THE CLOSING SPACE FOR CIVIL SOCIETY*, *supra* note 33, at 5.

37 CIVICUS, *supra* note 33, at 2 (noting “Of the 195 countries rated . . . civic space is closed in 20 countries, repressed in 35, obstructed in 51, narrowed in 63 and open in just 26.”).

38 Other recent reports have examined the impact of closing space on either WHRDs or LGBTQI+ human rights defenders, but none has examined both from a human rights perspective. See GPP, *supra* note 16; *STANDING FIRM*, *supra* note 34. A recent human rights report focused on one aspect of closing space on women's groups: the impact of counter-terrorism laws on women's organization. *TIGHTENING THE PURSE STRINGS*, *supra* note 34.

39 The U.N. Special Rapporteur on the Situation of Human Rights Defenders repeatedly has noted that defenders working in the areas of sexual orientation, gender identity, and women defenders are among the most vulnerable human rights defenders. *SR Report on Human Rights Defenders Feb. 2016*, *supra* note 33, ¶ 27 (highlighting some defenders “face greater and more specific risks than others,” and that especially those “who challenge social and cultural norms, do not fit stereotypes and prescribed roles, or who challenge power structures in society – such as defenders of sexual orientation[,] gender identity rights, [and] women defenders . . . – are often stigmatized and subjected to threats and attacks from members of society because of who they are or what they do”); Michel Forst (Special Rapporteur on the Situation

of Human Rights Defenders), *Second Report of the Special Rapporteur on the Situation of Human Rights Defenders*, ¶¶ 56, 61-67, U.N. Doc. A/70/217 (July 30, 2015) [hereinafter *SR Report on Human Rights Defenders 2015*] (presenting the findings from the Special Rapporteur's regional consultation process and detailing the threats faced by the "most at-risk groups of defenders," identified to include "women, lesbian, gay, bisexual, transgender or intersex persons"); Margaret Sekaggya (Special Rapporteur on the Situation of Human Rights Defenders), *Third Report of the Special Rapporteur on the Situation of Human Rights Defenders*, ¶¶ 27, 37, U.N. Doc. A/HRC/16/44 (Dec. 20, 2010) [hereinafter *SR Report on Human Rights Defenders Dec. 2010*] (reiterating "the greater risks faced by women defenders, particularly those working in the area of women's rights" and expanding this analysis to include the heightened risk encountered by defenders working on "gender issues," "including lesbian, gay, bisexual and transsexual issues").

40 See generally HUMAN RIGHTS NGOs IN EAST AFRICA: POLITICAL AND NORMATIVE TENSIONS (Makau Mutua ed., 2009).

41 Thomas Carothers, *Closing Space for International Democracy and Human Rights Support*, 8 J. HUM. RTS. PRAC. 358, 359 (2016).

42 *Id.* at 358, 365.

43 Maina Kiai (Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association), *Second Thematic Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association*, ¶¶ 27-28, U.N. Doc. A/HRC/23/39 (Apr. 24, 2013) [hereinafter *SR Report on Assembly and Association Apr. 2013*].

44 See Maina Kiai (Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association), *Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association on Rights to Freedom of Peaceful Assembly and Association*, ¶¶ 68-70, U.N. Doc. A/69/365 (Sept. 1, 2014) [hereinafter *SR Report on Assembly and Association Sept. 2014*] (detailing how two NGOs were charged under Russian foreign agent laws after making submissions to the Committee against Torture and the "chilling effect" reprisals have on civil society actors); Maina Kiai (Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association), *Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association*, ¶ 57, U.N. Doc. A/HRC/26/29 (Apr. 14, 2014) [hereinafter *SR Report on Assembly and Association Apr. 2014*] (describing how "an organization working on "political activities" and receiving foreign funding must register itself as a "foreign agent," which in Russian is synonymous with "foreign spy." The law broadly defines political activities as attempts to influence official decision-making or to shape public opinion to exert a similar influence, and thus can include work in areas such as human rights, governance and accountability issues."); Maina Kiai (Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association),

*First Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association*, U.N. Doc. A/68/299, ¶ 48 (Aug. 7, 2013) [hereinafter *SR Report on Assembly and Association Aug. 2013*] (describing audits and inspection campaigns against civic organizations who did not register under Russian foreign agent laws); *SR Report on Assembly and Association Apr. 2013*, *supra* note 43, ¶ 28 (detailing the adoption and purported purpose of Russian foreign agent laws).

45 The Financial Action Task Force (FATF) was created in 1989 at that year's G7 Summit "to examine and develop measures to combat money laundering." *What We Do*, FIN. ACTION TASK FORCE, <http://www.fatf-gafi.org/about/whatwedo/> (last visited May 19, 2017). It has since grown into an intergovernmental body setting standards used by over 180 countries. While not an international organization, it wields tremendous power, evidenced by the fact that the United Nations has encouraged Member States to follow its recommendations. See GLOB. WITNESS, *HOW FATF CAN MEASURE AND PROMOTE AN EFFECTIVE ANTI-MONEY LAUNDERING SYSTEM 1* (2012), <https://www.globalwitness.org/sites/default/files/library/How%20FATF%20can%20measure%20and%20promote%20an%20effective%20anti-money%20laundering%20system.pdf> (last visited July 28, 2017) (noting FATF "has become . . . powerful . . . not through formal legal or treaty powers, but by using peer pressure and the threat of blacklisting" such that 180 jurisdictions have signed on to the standards); S.C. Res. 1617, ¶ 7 (July 29, 2005) ("strongly urg[ing] all Member States to implement" the FATF anti-money laundering (AML) and countering the financing of terrorism (CFT) standards).

46 FIN. ACTION TASK FORCE (FATF), *INTERNATIONAL STANDARDS ON COMBATING MONEY LAUNDERING AND THE FINANCING OF TERRORISM & PROLIFERATION 13*, Recommendation 8 (2012), [http://www.financianalytickyurad.cz/download/FileUploadComponent-1854547477/1481700549\\_cs\\_1-metodika\\_2012-02\\_fau-ctyricet-doporuceni-fatf.pdf](http://www.financianalytickyurad.cz/download/FileUploadComponent-1854547477/1481700549_cs_1-metodika_2012-02_fau-ctyricet-doporuceni-fatf.pdf) (last visited May 19, 2017); *id.* at 56 (calling upon States to monitor non-profit organization (NPO) compliance by charging "appropriate authorities" with the duty to "apply effective, proportionate and dissuasive sanctions for violations [by NPOs]" and create "[e]ffective information gathering and investigation" mechanisms to achieve these aims). Only after sustained CSO advocacy did FATF, in October 2016, amend the interpretive guidelines to soften the language. FIN. ACTION TASK FORCE, *INTERNATIONAL STANDARDS ON COMBATING MONEY LAUNDERING AND THE FINANCING OF TERRORISM & PROLIFERATION 56-59* (2012, *updated* June 2017), <http://www.fatf-gafi.org/media/fatf/documents/recommendations/pdfs/FATF%20Recommendations%202012.pdf> (emphasizing "[a] onesize-fits-all" approach would be inconsistent with the proper implementation of a risk-based approach as stipulated under Recommendation 1 of the FATF Standards."); see also Wilson, *supra* note 33, at 329, 339; Carothers, *supra* note 41, at 358, 366.

47 See HUMAN RIGHTS WATCH, *IN THE NAME OF SECURITY*:



11, 11 (2012) (asserting that over 140 countries have counterterrorism laws on the books, many of “which violate or undermine fundamental liberties such as freedoms of expression, association, and religion, or deprive suspects of due process or the right to a fair trial”); see also TIGHTENING THE PURSE STRINGS, *supra* note 34, at 42–43.

48 Carothers, *supra* note 41, at 363–66; Darin Christensen & Jeremy M. Weinstein, *Defunding Dissent: Restrictions on Aid to NGOs*, 24 J. DEMOCRACY 77, 87–88 (2013).

49 Christensen & Weinstein, *supra* note 48, at 83, 87–88 (arguing their findings “discredit” theories that restrictions are driven by anti-Western sentiment or motivated by government desires to have international assistance come to the State directly rather than distributed to non-State actors).

50 *Id.* at 80.

51 Carothers, *supra* note 41, 361.

52 G.A. Res. 70/161, ¶¶ 7, 10 (Dec. 17, 2015) (urging States to respect the work of HRDs and WHRDs so as to “respect and promote the human rights and fundamental freedoms of all persons” and to adopt legislation that does not unduly restrict CSOs”); *SR Report on Human Rights Defenders Feb. 2016*, *supra* note 33, ¶¶ 91–92 (detailing how national and local legislation protecting human rights defenders helps further their ability to promote human rights); Margaret Sekaggya (Special Rapporteur on the Situation of Human Rights Defenders), *Annual Report of the Special Rapporteur on the Situation of Human Rights Defenders*, ¶¶ 60, 101, 121, U.N. Doc. A/HRC/25/55 (Dec. 23, 2013) [hereinafter *SR Report on Human Rights Defenders Dec. 2013*] (asserting the need to protect human rights defenders, specifically WHRDs, as “[d]efenders can play a key role in safeguarding democracy and ensuring that it remains open, pluralistic and participatory and in line with the principles of rule of law and good governance.”).

53 ICCPR, *supra* note 10, at art. 25(b) (“Every citizen shall have the right and the opportunity . . . [t]o vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.”).

54 According to the Human Rights Committee, freedom of association, including right to form and join associations concerned with public affairs is an “essential adjunct” to the right to political participation in article 25 (¶ 26), which in turn “lies at the core of democratic government based on the consent of the people and in conformity with the principles of the Covenant,” Human Rights Comm., *CCPR General Comment No. 25: Article 25 (Participation in Public Affairs and the Right to Vote) The Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service*, ¶¶ 1, 26, U.N. Doc. CCPR/C/21/Rev.1/Add.7 (July 12, 1996); see Wilson, *supra* note 33, at 334.

55 U.N. Declaration on Human Rights Defenders, *supra* note 2, at art. 18.

56 G. A. Res. 70/161, *supra* note 52; G.A. Res. 68/181 (Dec. 18, 2013) [hereinafter *G.A. Resolution on Women Human Rights Defenders*]; G.A. Res. 66/164 (Dec. 19, 2011); G.A. Res. 65/281 (June 17, 2011); U.N. Declaration on Human Rights Defenders, *supra* note 2; Human Rights Council Res. 2017/34, U.N. Doc. A/HRC/34/L.5 (Mar. 17, 2017); Human Rights Council Res. 2016/32, *Civil Society Space*, U.N. Doc. A/HRC/32/L.29 (June 27, 2016) [hereinafter *UN HRC Civil Society Space*]; Human Rights Council Res. 31/32, U.N. Doc. A/HRC/RES/31/32 (Mar. 24, 2016); Human Rights Council Res. 27/31, U.N. Doc. A/HRC/RES/27/31 (Sept. 26, 2014); Human Rights Council Res. 25/28, U.N. Doc. A/HRC/RES/25/28 (Mar. 28, 2014); Human Rights Council Res. 24, U.N. Doc. A/HRC/RES/24/24 (Oct. 9, 2013); Human Rights Council Res. 24/5, U.N. Doc. A/HRC/RES/24/5 (Sept. 26, 2013); Human Rights Council Res. 22/6, U.N. Doc. A/HRC/RES/22/6 (Mar. 21, 2013); Human Rights Council Res. 21/16, U.N. Doc. A/HRC/RES/21/16 (Sept. 27, 2012); Human Rights Council Res. 16/5, U.N. Doc. A/HRC/RES/16/5 (Mar. 24, 2011); Human Rights Council Res. 13/13, U.N. Doc. A/HRC/RES/13/13 (Mar. 25, 2010); Human Rights Council Res. 7/8, U.N. Doc. A/HRC/RES/7/8 (Mar. 27, 2008).

57 In recent years, several special rapporteurs have devoted attention to closing space and its effects including:

(1) the Special Rapporteur on the Situation of Human Rights Defenders: Michel Forst (Special Rapporteur on the Situation of Human Rights Defenders), *Report of the Special Rapporteur on the Situation of Human Rights Defenders*, U.N. Doc. A/HRC/34/52 (Jan. 23, 2017); Michel Forst (Special Rapporteur on the Situation of Human Rights Defenders), *Report of the Special Rapporteur on the Situation of Human Rights Defenders*, U.N. Doc. A/71/281 (Aug. 3, 2016); *SR Report on Human Rights Defenders 2015*, *supra* note 39; *SR Report on Human Rights Defenders Feb. 2016*, *supra* note 33; Michel Forst (Special Rapporteur on the Situation of Human Rights Defenders), *Report of the Special Rapporteur on the Situation of Human Rights Defenders*, U.N. Doc. A/HRC/28/63 (Dec. 29, 2014); Michel Forst (Special Rapporteur on the Situation of Human Rights Defenders), *Report of the Special Rapporteur on the Situation of Human Rights Defenders*, U.N. Doc. A/69/259 (Aug. 5, 2014); Margaret Sekaggya (Special Rapporteur on the Situation of Human Rights Defenders), *Report of the Special Rapporteur on the Situation of Human Rights Defenders*, U.N. Doc. A/HRC/25/55/Add.3 (Feb. 28, 2014); *SR Report on Human Rights Defenders Dec. 2013*, *supra* note 52; Margaret Sekaggya (Special Rapporteur on the Situation of Human Rights Defenders), *Report of the Special Rapporteur on the Situation of Human Rights Defenders*, U.N. Doc. A/68/262 (Aug. 5, 2013); Margaret Sekaggya (Special Rapporteur on the Situation of Human Rights Defenders), *Report of the Special Rapporteur on the Situation of Human Rights Defenders*, U.N. Doc. A/67/292 (Aug. 10, 2012); Margaret Sekaggya (Special Rapporteur on the Situation of Human Rights Defenders), *Report of*

*the Special Rapporteur on the Situation of Human Rights Defenders*, U.N. Doc. A/HRC/19/55 (Dec. 21, 2011); Margaret Sekaggya (Special Rapporteur on the Situation of Human Rights Defenders), *Report of the Special Rapporteur on the Situation of Human Rights Defenders*, U.N. Doc. A/66/203 (July 28, 2011); Margaret Sekaggya (Special Rapporteur on the Situation of Human Rights Defenders), *Report of the Special Rapporteur on the Situation of Human Rights Defenders*, U.N. Doc. A/HRC/16/66/Add.1 (Feb. 28, 2011); Margaret Sekaggya (Special Rapporteur on the Situation of Human Rights Defenders), *Report of the Special Rapporteur on the Situation of Human Rights Defenders*, U.N. Doc. A/HRC/16/66/Add.3 (Feb. 28, 2011); *SR Report on Human Rights Defenders Dec. 2010*, *supra* note 39; Margaret Sekaggya (Special Rapporteur on the Situation of Human Rights Defenders), *Report of the Special Rapporteur on the Situation of Human Rights Defenders*, U.N. Doc. A/65/223 (Aug. 4, 2010); Margaret Sekaggya (Special Rapporteur on the Situation of Human Rights Defenders), *Report of the Special Rapporteur on the Situation of Human Rights Defenders*, U.N. Doc. A/HRC/13/22/Add.4 (Feb. 26, 2010); Margaret Sekaggya (Special Rapporteur on the Situation of Human Rights Defenders), *Report of the Special Rapporteur on the Situation of Human Rights Defenders*, U.N. Doc. A/HRC/13/22 (Dec. 30, 2009); Margaret Sekaggya (Special Rapporteur on the Situation of Human Rights Defenders), *Report of the Special Rapporteur on the Situation of Human Rights Defenders*, U.N. Doc. A/64/226 (Aug. 4, 2009); Margaret Sekaggya (Special Rapporteur on the Situation of Human Rights Defenders), *Report of the Special Rapporteur on the Situation of Human Rights Defenders*, U.N. Doc. A/HRC/10/12 (Feb. 12, 2009);

(2) the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression: David Kaye (Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Speech), *Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression*, U.N. Doc. A/71/373 (Sept. 6, 2016);

(3) the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Speech: Frank La Rue (Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Speech), *Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Speech*, U.N. Doc. A/HRC/23/40 (Apr. 17, 2013); Frank La Rue (Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Speech), *Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Speech*, U.N. Doc. A/HRC/17/27 (May 16, 2011); and

(4) the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association: *SR Report on Assembly and Association Sept. 2014*, *supra* note 44; *SR Report on Assembly and Association Apr. 2014*, *supra* note 44; *SR Report on Assembly and Association Aug. 2013*, *supra* note 44; *SR Report on Assembly and Association Apr. 2013*, *supra* note 43; Maina Kiai (Special Rapporteur on the Rights to

Freedom of Peaceful Assembly and of Association), *Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association*, U.N. Doc. A/HRC/20/27 (May 21, 2012) [hereinafter *SR Report on Assembly and Association May 2012*].

58 Since 2010, the United Nations General Assembly has adopted four resolutions on human rights defenders in part to address this issue of closing space, *see, e.g.*, G.A. Res. 70/161, *supra* note 52; G.A. Resolution on Women Human Rights Defenders, *supra* note 56; G.A. Res. 66/164, *supra* note 56; G.A. Res. 65/281, *supra* note 56.

59 Christensen & Weinstein, *supra* note 48, at 80. Another study found that 50 countries instituted new CSO restrictions between 2004 and 2010. INT'L CTR. FOR NOT-FOR-PROFIT LAW (ICNL), A MAPPING OF EXISTING INITIATIVES TO ADDRESS LEGAL CONSTRAINTS ON FOREIGN FUNDING OF CIVIL SOCIETY 1 (2014), <http://www.icnl.org/research/resources/foreignfund/A%20Mapping%20of%20Existing%20Initiatives%20to%20Address%20Legal%20Constraints%20on%20Foreign%20Funding%20of%20Civil%20Society,%20July%202014.pdf>.

60 CIVICUS, *supra* note 33, at 2 (finding of the 195 countries rated, civil space is CLOSED in 20, repressed in 35, obstructed in 51, narrowed in 63 and open in just 26).

61 Christensen & Weinstein, *supra* note 48, at 87. At the same time, foreign aid levels are higher among States without funding restrictions and the aid level to these countries increases over time. *Id.* Private funders tend to be more resilient; for instance, the US-based National Endowment for Democracy (NED) funds grantees in restricted environments but had not reduced its funding substantially and instead found creative ways to continue providing support. *Id.*

62 See TIGHTENING THE PURSE STRINGS, *supra* note 34, at 44–45 (describing the restriction of resources experienced by women's rights organizers and organizations); GLOB. ACTION FOR TRANS EQUALITY (GATE) & OPEN SOC'Y FOUNDS., ADVANCING TRANS\* MOVEMENTS WORLDWIDE: LESSONS FROM A DIALOGUE BETWEEN FUNDERS AND ACTIVISTS WORKING ON GENDER DIVERSITY 5 (2014), <http://transactivists.org/wp-content/uploads/2014/09/advancing-trans-movements-worldwide-2014.pdf> (highlighting that even if the funding levels identified through research were doubled, work in the area of trans\* and intersex issues are “are grossly under-resourced”).

63 FRONT LINE DEFES., ANNUAL REPORT ON HUMAN RIGHTS DEFENDERS AT RISK IN 2016, 6 (2017), <https://www.frontlinedefenders.org/en/resource-publication/annual-report-human-rights-defenders-risk-2016>; FRONT LINE DEFES., ANNUAL REPORT 2016: STOPPING THE KILLING OF HUMAN RIGHTS DEFENDERS 7 (2016), <https://www.frontlinedefenders.org/en/resource-publication/2016-annual-report>.

64 OHCHR, INFORMATION SERIES ON SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS: WOMEN HUMAN RIGHTS DEFENDERS 2 (2015), [http://www.ohchr.org/Documents/Issues/Women/WRGS/SexualHealth/INFO\\_WHRD\\_WEB.pdf](http://www.ohchr.org/Documents/Issues/Women/WRGS/SexualHealth/INFO_WHRD_WEB.pdf) (reporting that of the

3,328 communications received by the Special Rapporteur for Human Rights Defenders from 2004 to 2014, 1,120 referred to individual cases of WHRDs, or 33.7%). Additionally, of 31 human right defenders reported murdered for their activism in 2015 to the Association for Women's Rights in Development, a feminist membership organization, 14 were WHRDs, 6 were LGBTQI+ human rights defenders, and 2 were sex-worker activists. *Infographic: Women Human Rights Defenders Killed in 2015*, ASS'N FOR WOMEN'S RTS. IN DEV. (Nov. 30, 2015).

65 *SR Report on Assembly and Association Apr. 2014*, *supra* note 44, ¶¶ 7–10, 27, 30–31.

66 *Id.* ¶ 30 (discussing Russian legislation aimed to criminalize homosexual relations that “encouraged the stigmatization and discrimination of LGBTI children and the targeting and persecution of the LGBTI community”); GPP, *supra* note 16, at 7.

67 GPP, *supra* note 16, at 7–8.

68 Vitit Muntarbhorn (Independent Expert on Protection against Violence and Discrimination Based on Sexual Orientation and Gender Identity), *Report of the Independent Expert on Protection against Violence and Discrimination Based on Sexual Orientation and Gender Identity*, ¶ 36, U.N. Doc. A/HRC/35/36 (Apr. 19, 2017) (noting that “[v]iolence is fuelled by the imbalance in the power dynamics of gender and by prejudice and discrimination against persons perceived to depart from conventional gender and sexuality norms and identities.”); Human Rights Council, *Report of the Working Group on the Issue of Discrimination against Women in Law and in Practice*, ¶ 47, U.N. Doc. A/HRC/23/50 (Apr. 19, 2013) (noting that lesbian, bisexual, and transgender women face particular persecution “where there is a climate of intolerance arising from their perceived challenge to established norms of gender identity, gender roles and sexuality.”); *SR Report on Human Rights Defenders Dec. 2010*, *supra* note 39, ¶ 23 (acknowledging that violence against women “is often due to the fact that women defenders are perceived as challenging accepted sociocultural norms, traditions, perceptions and stereotypes about femininity, sexual orientation, and the role and status of women in society. This can, in certain contexts, lead to hostility or lack of support from the general population, as well as the authorities.”).

69 Three representative identified as members of a loose affiliation of grassroots activists with a long history of joint activism conducted informally and outside the confines of a formal organization or structure.

70 G.A. Res. 70/161, *supra* note 52, ¶ 4 (urging “States to acknowledge through public statements, policies or laws the important and legitimate role of individuals, groups and organs of society, including human rights defenders, in the promotion of human rights, democracy and the rule of law, as essential components of ensuring their recognition and protection, including by condemning publicly all cases of violence and discrimination against human rights defenders, including women human rights defenders, underlining that

such practices can never be justified”); G.A. *Resolution on Women Human Rights Defenders*, *supra* note 56, at preamble ¶ 16 (calling upon States to implement several prior Security Council resolutions on women and peace and security, including on the barriers that women human rights defenders face in gaining access to justice in armed conflict and post-conflict situations); *SR Report on Human Rights Defenders Dec. 2013*, *supra* note 52, ¶ 129 (noting that “[S]tates have the primary responsibility to ensure that defenders work in a safe and enabling environment. Such an environment should include a conducive legal, institutional and administrative framework; access to justice and an end to impunity for violations against defenders; a strong and independent national human rights institution; [and] policies and programmes with specific attention to women defenders”); *SR Report on Human Rights Defenders Dec. 2010*, *supra* note 39, ¶ 109 (recommending that States acknowledge the role of women human rights defenders, protect women defenders from violations by State and non-State actors, ensure violations are investigated, and promote projects to improve documentation of violations against women); H.R.C Res. 13/13, *supra* note 56, ¶ 5 (encouraging “States to create and strengthen mechanisms for consultation and dialogue with human rights defenders, including through establishing a focal point for human rights defenders within the public administration where it does not exist, with the aim of, inter alia, identifying specific needs for protection, including those of women human rights defenders, and ensuring the participation of human rights defenders in the development and implementation of targeted protection measures”).

71 G.A. Res. 217 (III) A, Universal Declaration of Human Rights, at art. 20(1) (Dec. 10, 1948) (stipulating “Everyone has the right to freedom of peaceful assembly and association.”).

72 ICCPR, *supra* note 10, at art. 22(1) (“Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.”).

73 SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS DEFENDERS (MARGARET SEKAGGYA), COMMENTARY TO THE DECLARATION ON THE RIGHT AND RESPONSIBILITY OF INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS 35 (2011) [hereinafter COMMENTARY TO THE DECLARATION ON HUMAN RIGHTS DEFENDERS]. Although the Declaration on Human Rights Defenders is a non-binding instrument, it reflects international consensus about “how the rights included in major human rights instruments apply to human rights defenders and their work.” *Id.* at 6 n.1. See also, *SR Report on Human Rights Defenders Dec. 2013*, *supra* note 52, ¶¶ 129–31 (stating that States must “refrain from criminalizing defenders’ peaceful and legitimate activities, abolish all administrative and legislative provisions that restrict the rights of [human rights] defenders and ensure that domestic legislation respects basic principles relating to international human rights law and standards.”).

74 ICCPR, *supra* note 10, at art. 22(2).

75 *SR Report on Assembly and Association Apr. 2014*, *supra* note 44, ¶ 53.

76 *Id.* ¶ 56 (noting that “where a registration regime exists, requirements should be framed such that no one is disadvantaged in the formation of her or his association, either by burdensome procedural requirements or unjustifiable limitations to substantive activities of associations. The State has an obligation to take positive measures to overcome specific challenges that confront marginalized groups, such as indigenous peoples, minorities, persons with disabilities, women and youth, in their efforts to form associations.”).

77 *Id.* ¶ 55; U.N. High Comm’r for Human Rights, *Practical Recommendations for the Creation and Maintenance of a Safe and Enabling Environment for Civil Society, Based on Good Practices and Lessons Learned*, ¶ 16, U.N. Doc. A/ HRC/32/20 (Apr. 11, 2016) [hereinafter *UNHCHR Practical Recommendations 2016*] (“Minimal legal and administrative provisions, favouring simple notification to a neutral body and available to all at little or no cost, with no compulsory registration requirement for basic operations, that best encourage a diverse and independent civil society.”); *SR Report on Assembly and Association Apr. 2013*, *supra* note 43, ¶ 17 (noting that the formation of associations “should not be subject to prior authorization procedure, but rather regulated by a system of notification that is simple, easily accessible, non-discriminatory and non-onerous or free of charge.”).

78 *SR Report on Assembly and Association Apr. 2014*, *supra* note 44, ¶ 58 (“The Special Rapporteur emphasizes that associations are entitled to operational autonomy, which includes the freedom to choose which activities they engage in to achieve organizational goals.”).

79 *UNHCHR Practical Recommendations 2016*, *supra* note 77, ¶ 6.

80 *SR Report on Assembly and Association Apr. 2013*, *supra* note 43, ¶ 18 (noting that “one of the key principles of freedom of association is the presumption that the activities of associations are lawful.”).

81 *SR Report on Human Rights Defenders Dec. 2013*, *supra* note 52, ¶ 67 (worried about funding developments, “she has also seen the introduction of restrictions on the types of activities that associations engage in, such as political rights advocacy.”); *SR Report on Assembly and Association Apr. 2013*, *supra* note 43, ¶ 20 (specifying that banning or restricting foreign-funded CSOs from engaging in human rights or advocacy activities violates article 22 of the ICCPR).

82 *SR Report on Assembly and Association Apr. 2014*, *supra* note 44, ¶ 64 (noting that “some legislation also specifically prohibits the formation, running, participation in or support of organizations that advocate for the protection of the human rights of LGBTI people.”).

83 *SR Report on Human Rights Defenders Dec. 2013*,

*supra* note 52, ¶ 65 (expressing concern at the trend of the “stigmatization of women human rights defenders, including . . . defenders working on sexual and reproductive rights in relation to legislation on public morals in relation to legislation on public morals.”); *G.A. Resolution on Women Human Rights Defenders*, *supra* note 56, ¶ 10 (calling upon States to ensure that laws and policies affecting WHRD “including those aimed at preserving public morals” comport with international human rights law).

84 *SR Report on Assembly and Association Apr. 2013*, *supra* note 43, ¶ 27.

85 Commentary to the Declaration on Human Rights Defenders, *supra* note 73, at 95.

86 U.N. Declaration on Human Rights Defenders, *supra* note 2, at art. 16; COMMENTARY TO THE DECLARATION ON HUMAN RIGHTS DEFENDERS, *supra* note 73, at 9; *UN HRC Civil Society Space*, *supra* note 56, ¶ 8; *see also*, G.A. Res. 36/55, Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, at art. 6(f) (Nov. 25, 1981).

87 *SR Report on Assembly and Association Apr. 2013*, *supra* note 43, ¶ 9.

88 U.N. Declaration on Human Rights Defenders, *supra* note 2, at art. 13; COMMENTARY TO THE DECLARATION ON HUMAN RIGHTS DEFENDERS, *supra* note 73, at 96; *UN HRC Civil Society Space*, *supra* note 56, ¶ 16, (noting that “funding restrictions that impede the ability of associations to pursue their statutory activities constitute an interference with [ICCPR] article 22”); *SR Report on Human Rights Defenders Dec. 2013*, *supra* note 52, ¶ 71 (observing that freedom of association extends to the ability to seek funding without regard to its geographic origin); *SR Report on Assembly and Association Apr. 2013*, *supra* note 43, ¶ 8 (interpreting the right to freedom of association to include “the ability to seek, receive and use resources – human, material and financial – from domestic, foreign and international sources.”).

89 Commentary to the Declaration on Human Rights Defenders, *supra* note 73, at 96 (specifying that any restrictions on CSO access to funding should be “prescribed by law, necessary in a democratic society and proportionate to the interest to be protected and applied on a case-by-case basis.”).

90 *SR Report on Assembly and Association Apr. 2013*, *supra* note 43, ¶ 20 (noting that “[t]he ability of CSOs to access funding and other resources from domestic, foreign and international sources is an integral part of the right to freedom of association, and these constraints violate article 22 of the [ICCPR] and other human rights instruments, including the [ICESCR].”).

91 *Id.* ¶ 20.

92 *Id.* ¶¶ 29–34.

93 *Id.* ¶ 30 (stating that “[a]ffirming that national security is threatened when an association receives funding from [a] foreign source is not only spurious and distorted, but also in contradiction with international human rights law.”).

94 *SR Report on Assembly and Association May 2012*, *supra* note 57, ¶ 70.

95 *SR Report on Assembly and Association Apr. 2013*, *supra* note 43, ¶ 32 (The special rapporteur noted that the term “democratic society” in a provision of article 22 of the ICCPR establishes the test for legitimate State restrictions on the right to freedom of association and “places the burden on States imposing restrictions to demonstrate that the limitations do not harm the principles of ‘pluralism, tolerance and broadmindedness’” (quoting *Handyside v. United Kingdom*, App. No. 5493/72, Eur. Ct. H.R., ¶ 49 (1976)).

96 *SR Report on Assembly and Association Apr. 2013*, *supra* note 43, ¶¶ 37–38 (noting that “associations should be accountable to their donors, and at most, subject to a mere notification procedure” to authorities regarding receipt of funds; that government controls need to be fair, nondiscriminatory, and not used to silence critics; that if there is a State supervisory body then it needs to be independent from executive power; and that if CSOs are not in compliance, “minor” violations should not lead to closure or criminal prosecution of its representative, but associations should be requested to comply as “[o]nly this approach corresponds to the spirit and the letter of freedom of association.”).

97 *SR Report on Human Rights Defenders Dec. 2013*, *supra* note 52, ¶ 57 (specifying that “[f]unding restrictions, including restrictions on foreign funding, may disproportionately affect associations that promote issues that do not enjoy popularity or the support of the State or the majority of the population, including those that relate to the advancement of the rights of marginalized groups.”); *SR Report on Assembly and Association May 2012*, *supra* note 57, ¶ 69 (describing the devastating impact of funding restrictions on NGOs).

98 *SR Report on Human Rights Defenders Dec. 2013*, *supra* note 52, ¶ 99; *SR Report on Human Rights Defenders Dec. 2010*, *supra* note 39, ¶¶ 22–23 (noting that when WHRDs work challenges traditional notions of family, this may “lead to hostility or lack of support from the general population as well as the authorities”).

99 *SR Report on Assembly and Association Apr. 2013*, *supra* note 43, ¶¶ 30, 34 (The SR also noted that some governments restrict CSO receipt of foreign funding yet directly receive foreign funding and “recall[ed] again that ‘governments must allow access by NGOs to foreign funding as part of international cooperation to which civil society is entitled, to the same extent as Governments.’”).

100 *Id.* ¶ 21.

101 *Id.*

102 This analysis reflects domestic laws in force as of March 2017.

103 India, Kyrgyzstan, Mexico, and Turkey are the four countries where the government does not require CSOs to register, though non-registration may prove disadvantageous in some circumstances. See e.g., Law No. 42 of 2010 (The Foreign Contribution (Regulation) Act) (2010, as amended 2015) art. 11, GAZETTE OF INDIA, Sept. 27, 2010 (India) [hereinafter FCRA-India] (limiting the receipt of foreign funds to CSOs that are registered under the act or have sought and obtained the prior permission of the Indian government to do so); [Federal Law for the Promotion of Activities Undertaken by Civil Society Organizations] (2012) art. 3, DIARIO OFICIAL, Feb. 9, 2004 (Mex.) (stipulating that in order to receive government funds in support of their work, Mexican CSOs must apply to and be listed in the Registry of Civil Society Organizations (CLUNI)). The countries that do require such registration include Bahrain, Bangladesh, China, Ecuador, Egypt, El Salvador, Honduras, India, Indonesia, Kenya, Kyrgyzstan, Mexico, Nicaragua, Russia, and Zimbabwe. [Legislative Decree No. 21 of the Year 1989 with Respect to Promulgating the Law of Social and Cultural Societies and Clubs, Associations Carrying on Youth and Sports Activities and Private Organizations] (1989) art. 8 (Bahr.), translated at <http://www.social.gov.bh/sites/default/files/img/files/21%281%29.pdf> (last visited June 11, 2017) [hereinafter Bahrain Registration Law]; [Foreign Donations (Voluntary Activities) Regulation Ordinance] (1978) art. 3(1), BANGLADESH GAZETTE EXTRAORDINARY, Nov. 20, 1978 (Bangl.) [hereinafter Bangladesh Registration Law]; [The Charity Law of the People’s Republic of China] (2016) art. 10 (China), translated at <http://chinadevelopmentbrief.cn/wp-content/uploads/2016/04/Charity-Law-CDB-Translation.pdf> (last visited May 21, 2017) [hereinafter China Charity Law]; [Law of the People’s Republic of China on the Management of Activities of Overseas Nongovernmental Organizations within Mainland China] (2016) art. 9 (China), translated at <http://chinadevelopmentbrief.cn/wp-content/uploads/2016/05/Law-on-Management-of-Activities-of-Overseas-NGOs-CDB-Translation-.pdf> (last visited May 21, 2017) [hereinafter China Foreign NGO Law]; [Executive Decree 355 that Reforms the Regulation of the Unique Registry of Social Organizations within Decree 16] (2014) arts. 17, 31 (Ecuador), <http://www.derechoecuador.com/productos/producto/catalogo/registros-oficiales/2013/junio/code/20952/registro-oficial-no-19---jueves-20-de-junio-de-2013-suplemento#16> (last visited May 22, 2017) [hereinafter Ecuador Registration Law]; [Law No. 84 of 2002 (Non-governmental Organizations and Associations)] (2002) arts. 1, 2, 5 (Egypt), translated at <https://www.bu.edu/bucflp/files/2012/01/Law-on-Nongovernmental-Organizations-Law-No.-84-of-2002.pdf> (last visited May 21, 2017) [hereinafter Egypt Registration Law]; [Decree No. 894 (Law for Not-For-Profit Associations and Foundations)] (1996, as amended 1997) arts. 26, 44, DIARIO OFICIAL, Dec. 17, 1996 (El Sal.) [hereinafter El Salvador Registration Law]; [Constitution of the Republic of El Salvador] (1983, as amended 2003) art. 240(5) (El Sal.), translated at <http://confinder.richmond.edu/admin/docs/EISalvador1983English.pdf> (last visited Aug. 9,

2017) (granting municipalities the authority to approve the formation of community associations); [Legislative Decree No. 32-2011 (Special Law for Non-governmental Development Organizations)] (2011) arts. 7, 27, LA GACETA, DIARIO OFICIAL DE LA REPÚBLICA DE HONDURAS, June 27, 2011 (Hond.) [hereinafter Honduras Registration Law]; [Executive Agreement No. 65-2013 (Regulation of the Special Law for Non-governmental Development Organizations)] (2013) art. 4, LA GACETA, DIARIO OFICIAL DE LA REPÚBLICA DE HONDURAS, June 4, 2013 (Hond.); [Law of the Republic of Indonesia Number 17 of 2013 on Civil Society Organisations] (2013) arts. 15-16, LEMBARAN NEGARA REPUBLIK INDONESIA, 2013 (Indon.), *translated at* <https://ingo.kemlu.go.id/uu/UU%20No%2017%20Tahun%202013-eng.pdf> (last visited May 21, 2017) [hereinafter Indonesia Registration Law]; Act. No. 19 of 1990 (Non-governmental Organizations Co-ordination Act) (1990, *as amended* 2007) cap. 134, § 10(1), LAWS OF KENYA REVISED EDITION, 2012 (Kenya) [hereinafter Kenya Registration Law] (stipulating “Every Non-governmental Organization shall be registered in the manner specified under this Part.”); [Law No. 147 (General Law on Non-profit Legal Persons)] (1992) art. 6, LA GACETA, DIARIO OFICIAL, May 29, 1992 (Nicar.), *translated at* <http://www.icnl.org/research/library/files/Nicaragua/persons.pdf> (last visited May 21, 2017) [hereinafter Nicaragua Registration Law]; [Federal Law No. 7-FZ on Non-profit Organisations of the Russian Federation] (1996, *as amended* 2013) art. 3(1) (Russ.) [hereinafter Russia Registration Law], *translated at* [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2013\)037-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2013)037-e) (last visited May 21, 2017); Private Voluntary Organizations Act (1996, *as amended* 2002) art. 6(1)(a)-(b) (Zim.), [http://www.iccsl.org/pubs/Zimbabwe\\_Private\\_Voluntary\\_Organisations\\_Act\\_2002.pdf](http://www.iccsl.org/pubs/Zimbabwe_Private_Voluntary_Organisations_Act_2002.pdf) (last visited May 21, 2017) [hereinafter Zimbabwe Registration Law].

104 Across the countries researched, examples of registration requirements based of the type of work carried out by the CSO was common and demonstrates how these laws are targeted to organizations working on human rights or social justice issues. See, e.g., El Salvador Registration Law, *supra* note 103, at arts. 7-8 (directing registration requirements to public interest (“utilidad pública”), non-profit CSOs); Honduras Registration Law, *supra* note 103, at arts. 2-3 (requiring non-governmental “development” organizations to register and defining these as “all entities of a private character, apolitical in the party-supporter sense, not-for-profit and without objectives predominantly trade-union, labor, or religious; with other objectives that contribute to the humanitarian and fundamental development of the population and other aims”); Zimbabwe Registration Law, *supra* note 103, at arts. 2, 6 (requiring “private voluntary organizations” to register with the government and defining these to include those that have as their object “provision [for] material, mental, physical, or social needs of persons or families,” “the rendering of charity,” assistance to uplift the standard of living of persons or families, and the “provision of funds for legal aid,” among others). Sometimes the criteria for requiring registration is vague, such as “any such activity as the Government may, from time to time, specify to be voluntary activity.” Bangladesh Registration Law, *supra* note 103, at

arts. 3(1), 2(d). Other provisions set criteria that will exclude some CSOs from registering and benefitting from “official” status. E.g., Egypt Registration Law, *supra* note 103, at art. 11(2) (effectively excluding Egyptian CSOs from registration that the government deems “threaten national unity, violat[e] public order or morals...”); Russia Registration Law, *supra* note 103, at art. 23 (stipulating that NGOs may be rejected for bearing a name that offends national or religious sentiment and excluding those foreign organizations from registration that “pose a threat to the sovereignty, political independence, territorial integrity and national interests of the Russian Federation.”). In other countries, registration requirements also determine a CSOs ability to receive public (State) funds to support their work. See, e.g., Ecuador Registration Law, *supra* note 103, at arts. 6, 31, 33, 46 (requiring all foreign NGOs that seek to carry out activities in Ecuador to apply for permission to do so from the Secretariat of International Technical Cooperation and sign a formal cooperation agreement with the government as well as obligating domestic “social organizations and foundations,” to register with the Unique Registry of Social Organizations in order to receive government funding).

105 Indonesia Registration Law, *supra* note 103, at art. 21(c)-(d).

106 See, e.g., Bahrain Registration Law, *supra* note 103, at art. 18 (stipulating that a “society [CSO] shall not engage in politics”); China Foreign NGO Law, *supra* note 103, at art. 5 (prohibiting foreign NGOs from participating in “political” activities); Egypt Registration Law, *supra* note 103, at art. 11 (disallowing CSOs from “exercis[ing] any political activity outside of the established political parties”); El Salvador Registration Law, *supra* note 103, at art. 69 (establishing a registration fee of approximately US\$35, requiring an auditor to certify a bank balance of US\$4,000 at the time of incorporation and a notarized version of the CSO’s constitution); Honduras Registration Law, *supra* note 103, at art. 7 (requiring CSOs to prepare and submit official bylaws); Nicaragua Registration Law, *supra* note 103, at art. 13 (stipulating an approximately US\$50 registration fee for CSOs and the submission of certified copies of bylaws); Zimbabwe Registration Law, *supra* note 103, at art. 9(3) (requiring the submission of a constitution for the organization and the publication of its notice to incorporate in local media).

107 See, e.g., [Ordinance No. XLVI (The Voluntary Social Welfare Agencies (Registration and Control) Ordinance)] (1961) art. 4(2), BANGLADESH GAZETTE EXTRAORDINARY, Dec. 2, 1961 (Bangl.) [hereinafter Bangladesh Social Welfare Ordinance] (providing “the Registration Authority may, on receipt of the application, make such enquiries as it considers necessary, and either grant the application, or, for reasons to be recorded in writing, reject it”); China Foreign NGO Law, *supra* note 103, at art. 12; *Civic Freedom Monitor: China*, INT’L CTR. FOR NOT-FOR-PROFIT L., <http://www.icnl.org/research/monitor/china.html> (last visited May 21, 2017) [hereinafter *Civic Freedom Monitor: China*] (describing the “extensive discretion” afforded the government to deny registration to foreign NGOs wishing to

operate in China).

108 See, e.g., Bahrain Registration Law, *supra* note 103, at arts. 3, 50 (authorizing government officials to dissolve a CSO “if it is established in a way that contradicts the public order or morals or for an illegitimate aim such as undermining the well-being of the state or the government or its social order” and if found “non-compliant”); Egypt Registration Law, *supra* note 103, at arts. 41-42 (allowing the government to request a CSOs dissolution if it transmits funds from within Egypt to another country without permission).

109 In the majority of the countries studied, including Bahrain, China, Ecuador, Honduras, India, Indonesia, Kyrgyzstan, Mexico, Russia, and Turkey, the law provides no right to appeal these decisions. In the remaining countries, the law does provide a right to appeal registration and revocation decisions. Egypt Registration Law, *supra* note 103, at art. 42; El Salvador Registration Law, *supra* note 103, at art. 51; Kenya Registration Law, *supra* note 103, at art. 19; Zimbabwe Registration Law, *supra* note 103, at art. 14.

110 Bahrain Registration Law, *supra* note 103, at arts. 15, 22 (permitting government officials to monitor compliance with the law and attend CSO board meetings); Bangladesh Social Welfare Ordinance, *supra* note 107, at arts. 7, 9 (requiring CSOs to submit annual audits to the government and public, use government approved banks, submit itself to audits and information requests at the government’s discretion, and receive approval before amending its constitution); China Foreign NGO Law, *supra* note 103, at art. 31 (stipulating that NGOs subject to the law must provide regular detailed reports on their activities); Russia Registration Law, *supra* note 103, at arts. 28-29 (granting government officials authority to send representatives to monitor CSO events and requiring CSOs to provide regular reports on their activities).

111 See, e.g., HUMAN RIGHTS WATCH, INTERFERE, RESTRICT, CONTROL: RESTRAINTS ON FREEDOM OF ASSOCIATION IN BAHRAIN 4 (2013) (discussing lawmakers plans to tighten requirements for registration in Bahrain, such as requiring a greater number of founding members for an organization to qualify); [Draft Amendments to Law 84 of 2002 (Draft Law of Civil Associations and Foundations)] (2016) arts. 1, 3-4, 7, 18, 48 (Egypt), *translated and summarized at* <http://www.icnl.org/research/library/files/Egypt/egyptdraft.pdf> (last visited June 2, 2017) (creating strict control over the funds and activities of CSOs by the National Security Services, including the establishment of a Coordination Committee to oversee foreign NGOs and their financial support of local CSOs; requiring CSOs to detail the geographic scope, purpose, activity, nature, and goals of their work and financial details in their articles of incorporation; outlining means of prolonging registration decisions; allowing for increased monitoring of CSOs; and requiring a minimum amount of startup capital); Human Rights Comm., *Concluding Observations on the Second Periodic Report of Kyrgyzstan*, ¶ 25, U.N. Doc. CCPR/C/KGZ/CO/2 (Apr. 23, 2014) (expressing concern regarding articles 2, 22, and 26 of the draft bill on Fighting

against Legalization (Laundering) of Criminal Revenue and Financing Terrorist or Extremist Activity which the Committee believes create excessive reporting burdens for CSOs and threaten freedom of association in Kyrgyzstan).

112 Of those studied, Russia is the only country to have a law on the books that creates a foreign agent designation. [Federal Law No. 121-FZ on Amendments to Legislative Acts of the Russian Federation regarding the Regulation of the Activities of Non-profit Organisations Performing the Functions of a Foreign Agent] (2012) art. 1 (Russ.), *translated at* <http://www.citwatch.org/upload/wysiwyg/files/ICNL%20Unofficial%20Translation%20Russian%20Enacted%20Law.pdf> (last visited May 25, 2017) [hereinafter Russia Foreign Agent Law] (requiring CSOs receiving foreign funds or “engaged in political activities” to register as “foreign agents”). Though not employing the term “foreign agent,” Chinese Law requires foreign CSOs to register with an office in China and generally disfavors the use of foreign funds. [Decree No. 63 (Notice of the State Administration of Foreign Exchange on Relevant Issues Concerning Foreign Exchange Administration of Donations to or by Domestic Institutions)] (2009) arts. 9, 22 (China), *translated at* [http://www.iccsl.org/pubs/Notice\\_of\\_the\\_State\\_Administration\\_of\\_Foreign\\_Exchange\\_20100226.pdf](http://www.iccsl.org/pubs/Notice_of_the_State_Administration_of_Foreign_Exchange_20100226.pdf) (last visited May 25, 2017) (requiring domestic NGOs to comply with complex rules for the receipt and use of foreign funds).

113 Such permission is required in some domestic settings. See, e.g., Bahrain Registration Law, *supra* note 103, at art. 81 (requiring permission for the receipt of funds domestically). It is required even more often when the source of funds is foreign. See, e.g., Bangladesh Registration Law, *supra* note 103, at art. 3(2); China Foreign NGO Law, *supra* note 103, at art. 22; Egypt Registration Law, *supra* note 103, at art. 3; FCRA-India, *supra* note 103, § 3(1)(b) (prohibiting media, journalistic, and “political” organizations from receiving such funding).

114 See, e.g., Egypt Registration Law, *supra* note 103, at art. 17 (prohibiting Egyptian CSOs from receiving money from abroad whether provided by an Egyptian or foreign national or a foreign entity); Indonesia Registration Law, *supra* note 103, at art. 52 (prohibiting CSOs from raising funds from the Indonesian public).

115 See, e.g., Bahrain Registration Law, *supra* note 103, at art. 85 (requiring CSOs to report all transactions over approximately US\$4,200 to government authorities); China Foreign NGO Law, *supra* note 103, at art. 17(4) (mandating that Chinese partner organizations report all of their funding sources to the government’s public security apparatus when they serve as the partner to an overseas NGO conducting temporary activities in China); FCRA-India, *supra* note 103, § 18(1) (stipulating the CSO must report details on the amount, the source, the manner received, and the purpose and manner in which a foreign contribution was utilized for every donation).

116 China Foreign NGO Law, *supra* note 103, at art. 19 (requiring Chinese NGOs to submit an activity plan detailing their planned use of funds for the upcoming year to the Ministry of Public Security); FCRA-India, *supra* note 103, § 13(b) (requiring NGOs to report the receipt of foreign funds and details regarding the planned use of the same); [Regulation No. 38 (Regarding Acceptance and Granting of Social/Charity Organization's Assistance from and to Foreign Party)] (2008) arts. 10-11 (Indon.), *translated at* <http://www.icnl.org/research/library/files/Indonesia/indonesia01.pdf> (stipulating that NGOs receiving direct assistance from third parties must provide the Minister of Home Affairs with a detailed accounting of the funds received and how the NGO intends to use them). See [Act. No. 43 (Foreign Donations (Voluntary Activities) Regulation Act)] (2016) art. 10(1), BANGLADESH GAZETTE EXTRAORDINARY, Oct. 13, 2016 (Bangl.) [hereinafter Bangladesh Regulation Act] (establishing that the government “shall, from time to time, make inspection, monitoring and review[ing] voluntary activities and the[] progress conducted by any individual or NGO under this Act” and shall “monitor and coordinate [the] voluntary activities conducted by the NGOs”). See also Bangladesh Registration Law, *supra* note 103, at art. 3(3) (requiring NGOs to report to the government the manner in which they have utilized foreign funds).

117 China Foreign NGO Law, *supra* note 103, at art. 9 (requiring overseas NGOs to register a representative office in China or file a record to carry out temporary activities); Russia Foreign Agent Law, *supra* note 112, at art. 1 (requiring the registration of any organization (a) receiving funding and other property from foreign states, organizations, or individuals, and (b) engaged in political activities); *id.* at art. 2 (requiring noncommercial organizations registered under the law to comply with annual audits and submit reports on their spending and activities every six months and stipulating that any materials distributed by the organization “shall be accompanied by a note that such materials are published and/or distributed by a noncommercial organization performing the functions of a foreign agent”).

118 *Resilience of Kyrgyzstan CSOs Pays Off as Parliament Throws out ‘Foreign Agents’ Bill*, CIVICUS (May 26, 2016), <http://www.civicus.org/index.php/media-resources/news/727-resilience-of-kyrgyzstan-csos-pays-off-as-parliament-throws-out-foreign-agents-bill>.

119 A number of these laws prohibit CSOs from engaging in “politics,” “political activities,” or similar work. Bahrain Registration Law, *supra* note 103, at art. 18; China Foreign NGO Law, *supra* note 103, at art. 5 (regulating the activities of foreign, but not domestic NGOs); Ecuador Registration Law, *supra* note 103, at art. 26 (providing for dissolution of CSOs that carry out activities reserved for political parties); Egypt Registration Law, *supra* note 103, at art. 11 (prohibiting CSOs from “[p]ractis[ing] any political or trade union activity exclusively restricted to political parties and trade unions”); El Salvador Registration Law, *supra* note 103, at art. 47 (prohibiting foreign CSOs from participating in “political

activities”); Indonesia Registration Law, *supra* note 103, at art. 52 (prohibiting foreign citizen-founded NGOs from engaging in activities that “disrupt the stability and integrity of the [State] or are “political” in nature); Kenya Registration Law, *supra* note 103, at art. 21 (stipulating CSOs “shall not become a branch of or affiliated to or connected with any Organization or group of a political nature established outside of Kenya”). In some cases, governments have employed other laws to deter CSOs from political engagement. *High Court Upholds Ban on Protests*, CIVICUS (Oct. 14, 2016), <https://monitor.civicus.org/newsfeed/2016/10/14/protest-ban-upheld-high-court-while-crackdown-journalists-and-social-media-continues/> (discussing the use of Zimbabwe’s Public Order and Security Act to enforce a month-long ban on protests in Harare in the lead up to elections there). See also Public Order and Security Act (2002, *as amended* 2005) § 24 (Zim.), <http://hrlibrary.umn.edu/research/zimbabwe-POSA.pdf> (last visited May 23, 2017) (requiring that CSOs provide at least four days’ notice to authorities before holding a public gathering).

120 Bahrain Registration Law, *supra* note 103, at art. 18 (stipulating that a “society [CSO] shall not engage in politics”); Indonesia Registration Law, *supra* note 103, at art. 52(d) (prohibiting foreign citizen-founded CSOs from “conducting political activities”); Ecuador Registration Law, *supra* note 103, at art. 26 (providing for dissolution of CSOs that carry out activities reserved for political parties and/or interfering in public policy in such a way that would “threaten the internal or external security of the State”); *Civic Freedom Monitor: Kyrgyz Republic*, INT’L J. NOT-FOR-PROFIT L., <http://www.icnl.org/research/monitor/kyrgyz.html> (last visited Aug. 1, 2017) [hereinafter *Civic Freedom Monitor: Kyrgyz Republic*]; Bangladesh Penal Code (1860, *as amended* 2004) §505A(b) (Bangl.), <http://www.wipo.int/edocs/lexdocs/laws/en/bd/bd020en.pdf> (last visited June 10, 2017) (criminalizing anyone who through words, signs or visible representation circulates information “which is, or which is likely to be prejudicial to the interests of the security of Bangladesh or public order, or to the maintenance of friendly relations of Bangladesh with foreign states or to the maintenance of supplies and services essential to the community.”).

121 [Order No. 20 (Law of the People’s Republic of China on Assemblies, Processions and Demonstrations)] (1989) arts. 7, 12, 29, 23, 24 (China), <http://policehumanrightsresources.org/wp-content/uploads/2016/07/Law-on-Processions-and-Demonstrations-China-1989.pdf> (last visited June 1, 2017) (requiring prior notice for assemblies, prohibiting assemblies that “oppose cardinal principles in the Constitution,” “directly endanger public security or seriously undermine public order,” or are spontaneous, and restricting the time, place, and manner of assemblies); [Law No. 107 of 2013 (For Organizing the Right to Peaceful Public Meetings, Processions, and Protests)] (2013) arts. 2, 10 (Egypt), *translated at* <http://www.refworld.org/docid/551a5f2a4.html> (last visited Aug. 9, 2017) (granting security officials discretion to ban protests when there is serious information or evidence that there will be a threat to peace and security, and providing the Interior Ministry the right to ban any meeting “of public



nature” consisting of more than 10 people in a public place, including meetings related to electoral campaigning); [Decree No. 413 (Electoral Code of El Salvador)] (2013) arts. 181-82, DIARIO OFICIAL DE EL SALVADOR, July 26, 2013 (El Sal.) (requiring organizations that organize demonstrations with “electoral propaganda purposes” to inform the government with at least one day’s advance notice); Public Order Act (1950, as amended 2014) cap. 56, § 5(2)-(3), LAWS OF KENYA REVISED EDITION, 2014 (Kenya) (requiring organizers to notify government authorities at least three days in advance before the proposed date of a public meeting or process, with the name and address of the organization wishing to hold a meeting, and the proposed date, site, and time of the meeting). Similarly, a draft law in Kyrgyzstan, the Draft Law of the Kyrgyz Republic on Making Changes to Some Legislative Acts of the Kyrgyz Republic (to the Law of the Kyrgyz Republic on Peaceful Assemblies, and the Code of the Kyrgyz Republic on Administrative Liability) (2015), would reportedly require organizers to disclose to the government the sources of funding for peaceful protests, prohibit foreign funding for the same, and impose administrative fines on organizers for non-violent activities such as the presence of masked participants at the event. *Civic Freedom Monitor: Kyrgyz Republic*, *supra* note 120.

122 [Act No. 39 (Information & Communication Technology Act)] (2006) cap. VIII, § 57(1)–(2), BANGLADESH GAZETTE EXTRAORDINARY, Oct. 8, 2006 (Bangl.) (criminalizing the deliberate publication on a website or transmission in electronic form material which “causes to deteriorate or creates possibility to deteriorate law and order, prejudice the image of the State or person or causes to hurt or may hurt religious belief or instigate against any person or organization” and establishing a sentence of up to 10 years and a fine for the offense); Law No. 21 of 2000 (Information Technology Act) (2000, as amended 2008) § 69A, GAZETTE OF INDIA, June 9, 2000 (authorizing the Indian government to censor online content in the “interest of the sovereignty and integrity of India, defense of India, Security of the state, friendly relations with foreign states or public order or for preventing incitement to the commission of any cognizable offence relating to above); [Law No. 11 Concerning Electronic Information and Transactions] (2008) art. 27 (Indon.), [http://www.flevin.com/id/lgso/translations/JICA%20Mirror/english/4846\\_UU\\_11\\_2008\\_e.html](http://www.flevin.com/id/lgso/translations/JICA%20Mirror/english/4846_UU_11_2008_e.html) (last visited June 14, 2017) (extending Indonesia’s libel laws and other restrictions to online media, and criminalizing the distribution or accessibility of information or documents that include contents “against propriety,” or of “gambling,” “affronts” and/or “defamation); Kenya Information and Communications Act (1998, as amended 2013) cap. 411A, § 29(a), LAWS OF KENYA REVISED EDITION, 2012 (Kenya) [hereinafter Kenya Communications Act] (establishing the offense of “improper use of a telecommunications system” in Kenya when a person, “by means of a licensed telecommunication system sends a message or other matter that is grossly offensive or of an indecent, obscene or menacing character”); [Law No. 5651 (Regulation of Publications on the Internet and Combating Crimes Committed by Means of Such Publication)] (2007, as

amended 2014) art. 8 (Turk.), *translated at* [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2016\)026-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2016)026-e) (last visited Aug. 9, 2017) (permitting the government to block access to internet publication for a wide variety of reasons, including obscenity and “offences against Atatürk”); Zimbabwe has a draft bill under consideration that threatens to limit freedom of online expression. Draft Computer Crime and Cyber Crime Bill (2013) §§ 23, 29 (Zim.), <http://www.techzim.co.zw/wp-content/uploads/2016/08/Zimbabwes-Draft-Computer-Crime-and-Cybercrime-Bill-Laymans-Draft-July-2013.pdf> (last visited June 10, 2017) (granting police the authority to monitor private communications and seize laptops and smart phones and criminalizing anyone who “initiates any electronic communication, with the intent to coerce, intimidate, harass, or cause substantial emotional distress to a person, using a computer system to support severe, repeated, and hostile behavior”). See also Michael Wines, *China Creates New Agency for Patrolling the Internet*, N.Y. TIMES, May 4, 2011, [http://www.nytimes.com/2011/05/05/world/asia/05china.html?\\_r=1&ref=world](http://www.nytimes.com/2011/05/05/world/asia/05china.html?_r=1&ref=world) (discussing China’s creation of the State Internet Information Office in 2011 with the purpose of “patrolling every corner of the nation’s vast internet community”); *Civic Freedom Monitor: Nicaragua*, INT’L CTR. FOR NOT-FOR-PROFIT L., <http://www.icnl.org/research/monitor/nicaragua.html> (last visited June 10, 2017) (detailing a proposed 2015 law in Nicaragua intended to expand government controls on the internet through the creation of a state company that will manage broadband services, have the right to decide who will deliver concessions to offer services, and be able to demand information about internet users). *But cf.* Abiud Ochieng, *Law on ‘Misuse of Telecommunication Device’ Unconstitutional, Court Rules*, DAILY NATION (Apr. 19, 2016), <http://www.nation.co.ke/news/Law-on-misuse-of-telecommunication-device-vague/1056-3166528-nbwoe2/index.html> (reporting on the High Court’s decision in the case of a Kenyan online user who was arrested for posting a message to his social media page criticizing a government official of exploiting others, in which the court ruled that section 29 of the Kenya Information and Communications Act is overbroad and in violation of article 24 of the Kenyan Constitution which sets limits on the government’s ability to limit freedom of expression).

123 Bangladesh Penal Code, *supra* note 120, §124A (stipulating “[w]hoever by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the Government established by law shall be punished with [imprisonment for life] or any shorter term, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.”); Bangladesh Regulation Act, *supra* note 116, at art. 14, (establishing that when an individual or NGO violates the act “[o]r pass[es] any malicious and indecent (derogatory and reproachful) comments regarding the constitution of Bangladesh or any constitutional institutions or engage it in any anti state activities . . . it shall be treated to be an offence under the law for the time being

in force”); Law No. 45 of 1860 (Penal Code of India) (1860, as amended 2013) § 124-A (India), <http://www.indiacode.nic.in/> (last visited Aug. 2, 2017) (search by short title “penal code”) (defining sedition as an act or attempt “to bring into hatred or contempt, or . . . excite disaffection towards the government” where “disaffection” is defined as “disloyalty and all feelings of enmity,” and punishment ranges from a fine to life imprisonment); National Assembly (Powers and Privileges) Act (1961, as amended 1998) cap. 6, § 23(h), LAWS OF KENYA REVISED EDITION, 2012 (Kenya) (penalizing the publication of false or scandalous libel on the Assembly or its proceedings); Kenya Communications Act, *supra* note 122, at cap. 411A § 29 (criminalizing the transmission of a message that is “grossly offensive or of an indecent, obscene, or mendacious character,” or that one knows to be false “for the purpose of causing annoyance, inconvenience, or needless anxiety to another person”); [Law No. 5237 (Criminal Code)] (2004, as amended 2011) arts. 125, 297-99, OFFICIAL GAZETTE, Oct. 12, 2004 (Turk.) (penalizing criminal defamation of individuals and governmental committees, the president, and the State, its symbols, and “Turkishness”); Criminal Law (Codification and Reform) Act (2004) cap. 9:23, §§ 33, 177, OFFICIAL GAZETTE, June 3, 2005 (Zim.) (criminalizing the act of undermining or insulting the office of the President or the President himself, and undermining police authority). *But see* Daniel Nemukuyu, *Concourt Outlaws Criminal Defamation*, HERALD (Feb. 4, 2016), <http://www.herald.co.zw/concourt-outlaws-criminal-defamation/> (reporting that Zimbabwe’s Constitutional Court struck down article 96 of its criminal code on criminal defamation on the basis of the Court’s earlier ruling that found the provision in violation of the people’s right to freedom of expression and that it had the effect of muzzling the media). *See also* AMNESTY INT’L, *CAUGHT BETWEEN FEAR AND REPRESSION: ATTACKS ON FREEDOM OF EXPRESSION IN BANGLADESH* (2017) (discussing the deterioration of freedom of speech for activists and the media in Bangladesh and the role that the country’s sedition, defamation and anti-terrorism laws play in this); HUMAN RIGHTS WATCH, *STIFLING DISSENT: THE CRIMINALIZATION OF PEACEFUL EXPRESSION IN INDIA* (2016) (detailing the use of sedition, criminal defamation, laws regulating the internet, and counterterrorism laws to stifle dissent and opposition in Indian society); *Nearly 2,000 Legal Cases Opened for Insulting Turkey’s Erdogan*, REUTERS (Mar. 2, 2016), <http://www.reuters.com/article/us-turkey-erdogan-lawsuit-idUSKCN0W42ES> (reporting the overwhelming increase in cases brought in Turkey under a law that criminalized defamation of the president and was previously rarely used).

124 *See, e.g.*, [Law No. 58 of 2006 (With Respect to Protection of the Community against Terrorist Acts)] (2006, as amended 2014)) arts. 1, 6, OFFICIAL GAZETTE, Aug. 16, 2006 (Bahr.) (defining acts of “terrorism” to include “obstructing the public authorities from doing their work” and “harming national unity” and terrorist groups as those who engage in these acts); *NGOs Express Concern that Bahrain Anti-Terrorism Amendment Permits Human Rights Violations*, BAHRAIN CTR. FOR HUM. RTS. (Dec. 19, 2014), <http://www.bahrainrights.org/en/node/7209> (discussing additional amendments to Bahrain’s anti-terrorism law permitting the

government to denaturalize citizens “who carry out terrorist crimes and their instigators,” extend pretrial detention, and impose lengthy prisons sentences on those found guilty); Bangladesh Regulation Act, *supra* note 116, at arts. 14, 15 (providing for the cancellation of the CSO’s registration and activities, criminal prosecution of its members under the country’s counterterrorism laws, and fines three times the funded amount for any NGO or individual that “finance[s], patronize[s] or support[s] militancy and terrorist activities”); [Act. No. 16 of 2009 (The Anti-Terrorism Act)] (2009, as amended 2012) art. 6, BANGLADESH GAZETTE EXTRAORDINARY, Feb. 24, 2009 (Bangl.) (providing for sentences for terrorist acts, including “financing terrorism,” “knowingly us[ing] or possess[ing] any terrorist property” or “abet[ting], instigat[ing], or conspir[ing] to do the same,” from four years imprisonment to death); [Law No. 33 of 2015 (Anti-Terrorism Law)] (2015) arts. 3, 5, 6, 13, AL-JARISA AL-RASMIYYA, Aug. 15, 2015 (Egypt) (establishing “funding terrorism” as a crime, defining it to include the “collection, receipt, possession, supply, transfer, or provision of funds, . . . equipment, data, information, materials or other, . . . in order to be used, in whole or in part, in the perpetration of any terrorist crime” or “to provide safe haven for one or more terrorists or for those who fund them[.]” criminalizing attempts or incitement to these acts; and setting penalties ranging from life imprisonment to death); [Law No. 128 of 2014 (Amending Article 78 of the Penal Code)] (2014) art. 38(bis)(a), AL-JARIDA AL-RASMIYYA, Sept. 21, 2014 (Egypt) (establishing sentences of life imprisonment and a minimum fine of E£500,000 for those who receive foreign or domestic funds with the intent to commit acts against the state’s interests, and increasing the sentence to execution if the individual is a public servant, holds a public representative status, or if the offense is committed during wartime or for the purpose of terrorism.); [Law No. 108 (Special Law against Acts of Terrorism)] (2006, as amended 2016) arts. 1, 5, DIARIO OFICIAL, Oct. 17, 2006 (El Sal.) (defining terrorism as an act carried out with “the intent to provoke states of alarm, fear or terror in the population,” such as “financing [terrorism] and related activities” and “destroy[ing] or damag[ing] the property” of public functionaries); [Law No. 241-2010 (Prohibiting the Financing of Terrorism) (2010) arts. 3(b), 56, 58, 60, LA GACETA, Dec. 11, 2010 (Hond.) (defining terrorist acts to include “any [ ] act that has the aim of causing death or serious bodily harm to a civilian or to any other person”, when the purpose of said act or event, owing to its nature or context, is “to intimidate the population or to oblige a Government or an international organization to carry out or to abstain from carrying out a given act[.]” requiring CSOs to register for government monitoring of their funding and report any donation of over US\$2,000; and permitting government authorities to dissolve a CSO which it finds has “knowingly encouraged, promoted, organized or committed terrorist acts or financed such acts”); Law No. 65 of 1980 (The National Security Act) (1980, as amended 1984) §§ 3(1)(a), 13, 14A (India), <http://www.indiacode.nic.in/> (search by short title “national security act”) (permitting government authorities to detain “any person that with a view to prevent[] him from acting in any manner prejudicial to the defence of India, the

relations of India with foreign powers, or the security of India” for up to 12 months with review and approval of State authorities after 3 months in regular areas and without an order for up to 6 months in “disturbed” areas); Law No. 37 of 1967 (Unlawful Activities (Prevention) Act) (1967, as amended 2008) § 15 (India), <http://www.indiacode.nic.in/> (search by short title “unlawful activities”) (establishing the scope of the law to include any act that is “likely to threaten the unity, integrity, security or sovereignty of India or with intent to strike terror or likely to strike terror in the people in India or in any foreign country” resulting in or likely to result in death or injury, damage to property or “the disruption of any supplies or services essential to the life of the community in India or in any foreign country”); Law No. 28 of 1958 (Armed Forces Special Powers Act) (1958, as amended 1986) §§ 4, 6, GAZETTE OF INDIA, Aug. 11, 1958 (India) (granting the armed forces the power to use force, including lethal force, against anyone “acting in contravention of law and order,” permitting arrest without warrant, and using force for anyone who has or is thought to have committed an offense); Law No. 21 of 1990 (The Armed Forces (Jammu and Kashmir) Special Powers Act) (1990) §§ 4, 6, GAZETTE OF INDIA, Sept. 11, 1990 (India) (establishing the same provisions as the original 1958 law, but for the Jammu and Kashmir areas of India); *Indonesia: Repeal New Intelligence Law-Overbroad Provisions Facilitate Repression*, HUM. RTS. WATCH (Oct. 26, 2011), <https://www.hrw.org/news/2011/10/26/indonesia-repeal-new-intelligence-law> (warning that Indonesia’s Law No. 17/2011 on State Intelligence “contains vague and overbroad language that could facilitate abuse,” particularly provisions authorizing the State Intelligence Agency “to prevent and/or to fight any effort, work, intelligence activity, and/or opponents that may be harmful to national interests and national security” (art. 6) and prescribing prison sentences for anyone who “leaks confidential information about intelligence activities” (arts. 44-45)); [Law No. 919 (Sovereign Security Law of the Republic of Nicaragua) (2015) arts. 5(3), 4(6), 6(6), 7(3), LA GACETA, DIARIO OFICIAL, Dec. 18, 2015 (Nicar.) (defining “sovereign security” as the “existence of permanent peace and unity” within the country; stating the government is responsible to protect against “any risk, threat, or conflict that puts itself against sovereign security[;” and] identifying “any other factor that creates danger to the security of the people, life, family, and community, as well as the supreme interests of the Nicaraguan nation,” as potential threats to the nation’s sovereign security); Tanya Lokshina, *Draconian Law Rammed Through Russian Parliament*, HUFFINGTON POST, [http://www.huffingtonpost.com/tanya-lokshina/draconian-law-rammed-thro\\_b\\_10634674.html](http://www.huffingtonpost.com/tanya-lokshina/draconian-law-rammed-thro_b_10634674.html) (last visited June 1, 2017) (outlining a number of concerns related to Russia’s “Yarovaya Law” which applies stiff penalties to individuals found guilty of terrorism and extremist crimes, and which the author notes refers to a “deeply problematic article of Russia’s criminal code often misused and abused by the authorities with the aim of stifling dissent,” and would undermine rights to privacy and freedom of conscience, and resurrect criminal liability for failing to report others who are “planning” crimes); [Law No. 3713 (on the Fight against Terrorism in Turkey)] (1991, as amended

2010) arts. 3, 4(a), OFFICIAL GAZETTE, Apr. 12, 1991 (defining terrorism as criminal action undertaken “with the aim of changing the attributes of the Republic as specified in the Constitution, [or] the political, legal, social, secular or economic system, . . . jeopardizing the existence of the Turkish State and the Republic[;] enfeebling, destroying or seizing the State authority; eliminating basic rights and freedoms; damaging the internal and external security of the State, the public order or general health[;”] and encompassing non-serious or vaguely worded criminal acts such as damage to property, interference with the operation of public institutions, intentional endangerment of public safety, and praising a criminal offense or offender as terrorist acts). Similarly, Zimbabwe’s legislature is considering a draft bill, the Computer Crime and Cyber Crime Bill (2013), that purports to address cyberterrorism, but observers note would curtail citizens’ access to information and would permit authorities to seize electronic devices without cause, monitor private communications, interrupt internet service, and imprison those who violate the law. *Civic Freedom Monitor: Zimbabwe*, INT’L CTR. FOR NOT-FOR-PROFIT L., <http://www.icnl.org/research/monitor/zimbabwe.html> (last visited June 1, 2017).

125 *E.g.*, Ben Emmerson (Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism), *Fifth Annual Report on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism*, ¶ 24, U.N. Doc. A/70/371 (Sept. 18, 2015) (noting that measures intended to counter terrorism “have in fact been misused by states that wish to curtail the existence of civil society for political reasons”); Shannon N. Green & Lana Baydas, *Counterterrorism Measures: Pretext for Closing the Space for Civil Society*, CTR. FOR STRATEGIC & INT’L STUD. (Mar. 24, 2017), <https://www.csis.org/analysis/counterterrorism-measures-pretext-closing-space-civil-society> (citing examples in China and Egypt, the authors assert that “[t]he lack of a shared definition of terrorism at the global level has led countries to use deliberately vague and broad constructs that are vulnerable to abuse” and “[c]ounterterrorism laws, as a result, have been used to stifle dissent and silence opposition voices, views, and opinions in the name of fulfilling countries’ international obligations to combat terrorism—and done so under the guise of the rule of law”); Lokshina, *supra* note 124 (outlining a number of concerns related to Russia’s “Yarovaya Law” which applies stiff penalties to individuals found guilty of terrorism and extremist crimes, which the author notes refers to a “deeply problematic article of Russia’s criminal code often misused and abused by the authorities with the aim of stifling dissent,” and would undermine rights to privacy and freedom of conscience, and resurrect criminal liability for failing to report on others who are “planning” crimes).

126 Sappho M. Bonheur, *LGBT in Kyrgyzstan: From Anti-Gay Propaganda Bill to Hate Crime?* 2, 5 (Norwegian Inst. of Int’l Aff., Central Asia Policy Briefs #35, 2016) (describing the anti-gay propaganda bill that was proposed in parliament which “established criminal and administrative liability for promoting ‘non-traditional’ forms of sexual relations” and warning of

the increased persecution of the lesbian, gay, bisexual and transgender population that is likely to occur should the law be passed; and mandating jail terms for gay rights activists and journalists “who create ‘a positive attitude toward non-traditional sexual relations.’”); see also David Trilling, *With Decisive Vote, Kyrgyzstan Moves to Adopt Russia-Style Anti-Gay Law*, EURASIANET.ORG (Oct. 15, 2014), <http://www.eurasianet.org/node/>.

127 An interviewee from Kenya reported that the government had instituted a fingerprinting program that has generated fear among sex workers that biometric and identifying information, once obtained by the government, might be used to target sex workers for harassment and arrest.

128 *Bahrain: UN Experts Demand End to Campaign of Persecution against Human Rights Defenders*, OHCHR (Aug. 23, 2012), <http://newsarchive.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12456&LangID=E> (communicating the urgent public request of three United Nations special rapporteurs to Bahrain to release a prominent human rights defender, Nabeel Rajab, “amidst serious concerns about the ongoing campaign of persecution of human rights defenders in Bahrain”); *UN Expert Calls on Bahrain to Release Woman Rights Defender and Stop Persecuting Defenders*, OHCHR (Mar. 18, 2016), <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=18471> (communicating the Special Rapporteur on the situation of human rights defenders’ call to the government of Bahrain to release Ms. Zainab Al-Khawaja, criticizing the use of criminal defamation provisions to the silence dissent, and asserting that “[t]he ongoing harassment and criminalization of activists in Bahrain should stop”); FRONT LINE DEFS., VICTIM BLAMING: BANGLADESH’S FAILURE TO PROTECT HUMAN RIGHTS DEFENDERS (2016) (describing means used by state and non-state actors to threaten, harass, intimidate, and even kill human rights defenders, and highlighting the State’s failure to protect these activists); *Freedom in the World 2016: Bangladesh*, FREEDOM HOUSE, <http://freedomhouse.org/report/freedom-world/2016/bangladesh> (last visited April 9, 2017) (reporting the continued escalation of harassment against civil society groups by the government and Islamist militant groups and citing the example of prominent human rights group Odhikar, which “continued to experience significant harassment in 2015, including judicial action, blocks on funding, surveillance, and interference in public activities”); *UN Experts Urge China to Investigate Disappearance of Human Rights Lawyer Jiang Tianyong*, OHCHR (Dec. 6, 2016), <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20987> (appealing for the immediate investigation of the disappearance of a human rights lawyer and referencing “reports of hundreds of human rights defenders in China that have been harassed, arrested, criminally charged, detained, or gone missing since the ‘709 crackdown’ in July 2015”); *Civic Freedom Monitor: China*, *supra* note 107 (noting “[o]ver the years, a number of organizations have been harassed and even closed down, and many civil society activists (including lawyers, journalists, academics, bloggers) have been detained, tried and

imprisoned for their peaceful activities”); *UN Experts Condemn String of Ecuador Clampdowns on Human Rights Organizations*, OHCHR (Dec. 30, 2016), <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21065&LangID=E> (criticizing the government of Ecuador “for stifling civil society” through their targeting and dissolution of a series of organizations because they “challenge government orthodoxy”); HUMAN RIGHTS WATCH, WORLD REPORT 2014, 247 (2014) (asserting that Ecuador’s government “has routinely sought to discredit human rights defenders by accusing them of seeking to destabilize the government” and has used “sweeping executive decrees to control nongovernmental organizations”); *UN Experts Condemn Egypt as Clampdown “Tightens the Noose” on Women’s Rights Movement*, OHCHR (Dec. 15, 2016), <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21039&LangID=E> (condemning the Egyptian government’s arrest of human rights lawyer Azza Soliman and highlighting the “[h]undreds of other human rights defenders [who] are living under the threat of persecution and imprisonment.”); HUMAN RIGHTS WATCH, WORLD REPORT 2017, 235-236 (2017) [hereinafter HRW WORLD REPORT 2017] (reporting that Egyptian authorities’ harassment of CSOs “threaten[] their very existence” and citing the cases of local NGO workers who have been banned from travelling and had their assets frozen while they are subjected to criminal investigations for the purported violation of funding laws); CIVICUS, THREATS TO CIVIC SPACE IN LATIN AMERICA AND THE CARRIBEAN 11, 17-20 (2016) (detailing death threats, targeted assassinations, blocked email accounts, and internet access by state and non-state actors against civil society activists, and describing activists lack of trust in the government to offer protection in El Salvador and Honduras); Front Line Defs., *El Salvador: Intimidation, Threats and Judicial Harassment Against Human Rights Lawyers Bertha de Leon and Teresa Naves*, AWID (Dec. 1, 2015) [hereinafter *El Salvador: Threats*], <https://www.awid.org/get-involved/el-salvador-intimidation-threats-and-judicial-harassment-against-human-rights-lawyers> (detailing the stalking, surveillance, threats, and judicial harassment experienced by two female human rights lawyers in El Salvador); Margaret Sekaggya (Special Rapporteur on the Situation of Human Rights Defenders), *Report on Mission to Honduras*, ¶¶ 64-66, 87-88, 113, UN Doc. A/HRC/22/47/Add.1 (Dec. 13, 2012) (reporting that HRDs, especially WHRDs and those working in the LGBTI communities “continue to be vulnerable to extrajudicial executions, enforced disappearance, torture and ill-treatment, arbitrary arrest and detention, death threats, attacks, surveillance, harassment, stigmatization, displacement and enforced exile” that are perpetrated by state and non-state actors who sometimes work in collusion and with impunity, and highlighting the state’s use of public media to stigmatize HRDs); Margaret Sekaggya (Special Rapporteur on the Situation of Human Rights Defenders), *Report on Mission to India (10-21 January 2011)*, ¶¶ 29, 72, 84, 90, UN Doc. A/HRC/19/55/Add.1 (Feb. 6, 2012) (describing how HRDs are singled out for stigmatization, arrest, beatings, detention, and killing often through the government’s use of repressive laws

such as the Armed Forces Special Powers Act, the National Security Act, and the Unlawful Activities (Prevention) Act); *Freedom in the World 2017: India*, FREEDOM HOUSE, <https://freedomhouse.org/report/freedom-world/2017/india> (last visited June 7, 2017) (finding “human rights organizations operate freely, but they continue to face threats, legal harassment, excessive police force, and occasionally lethal violence” and that laws governing CSOs are used to “target political opponents”); *Freedom in the World 2016: Indonesia*, FREEDOM HOUSE, <https://freedomhouse.org/report/freedom-world/2016/indonesia> (last visited June 7, 2017) (noting that, in spite of hosting a strong and active array of CSOs, “some human rights groups are subject to government monitoring and interference”); *Complaint Against Human Rights Defender Haris Azhar Put on Hold*, FRONT LINE DEFENDERS (Aug. 10, 2016), <https://www.frontlinedefenders.org/en/case/complaint-against-human-rights-defender-haris-azhar-put-on-hold> (detailing the criminal defamation case brought against an Indonesian HRD under the country’s Electronic Information and Transactions Law); “High Time to End Impunity” – UN Experts Raise Alarm at Ongoing Pattern of Extrajudicial Killings in Kenya, OHCHR (July 28, 2016), <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20316&LangID=E> (expressing three Special Rapporteurs’ “deep concern about the on-going pattern of extrajudicial executions in Kenya” by police of human rights defenders, including the recent slaying of human rights lawyer Willie Kimani, his client, and his driver); HRW WORLD REPORT 2017, *supra* note 128, at 381 (highlighting the “hostile rhetoric from public officials, including draconian administrative measures” faced by CSOs in Kenya); *Kyrgyzstan: “Don’t Condemn LGBT People to Silence” – UN Rights Experts Urge Parliament to Withdraw Anti-gay Bill*, OHCHR (Nov. 26, 2014), <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15349&LangID=E> (warning “the draft law not only discriminates against a specific subset of the population, but would also chill the legitimate work of human rights defenders advocating for the human rights of the LGBT community”); *Freedom in the World 2016: Kyrgyzstan*, FREEDOM HOUSE, <https://freedomhouse.org/report/freedom-world/2016/kyrgyzstan> (last visited June 7, 2017) (reporting HRDs “who support Uzbek abuse victims face threats, harassment, and physical attacks[,]” and foreign and domestic NGOs that were “perceived to be favored by Western actors” were targeted for harassment by ultranationalists influenced by anti-western sentiment from Russian state media and far-right groups); *End of Mission Statement by the United Nations Special Rapporteur on the Situation of Human Rights Defenders, Michel Forst on His Visit to Mexico from 16 to 24 January 2017*, OHCHR (Jan. 24, 2017) [hereinafter *Forst End of Mission Statement*], <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21111&LangID=E> (detailing the risks HRDs in Mexico face including, torture, intimidation, enforced disappearances, extrajudicial killings, and smear campaigns and criminalization, arbitrary arrest, judicial harassment, indirect retaliation against family members perpetrated by both state (police, military, and security forces) and non-state actors, particularly organized

criminals, and highlighting the heightened risks faced by WHRDs); *Freedom in the World 2017: Mexico*, FREEDOM HOUSE, <https://freedomhouse.org/report/freedom-world/2017/mexico> (last visited June 7, 2017) (stating that HRDs working in Mexico have “face[d] violent resistance” and been the subject of verbal attacks by the government accusing them of being members of a “mafia” group); *Threat of Violent Repression Looms over Civil Society*, FRONT LINE DEFENDERS (Nov. 30, 2016), <https://www.frontlinedefenders.org/en/case/threat-violent-repression-looms-over-civil-society> (describing harassment, arbitrary detention, destruction of property, and violent attacks faced by HRDs and those working with them in the lead up to the 5th National Peaceful Protest against the Construction of the Inter-Oceanic Canal in Nicaragua); HRW WORLD REPORT 2017, *supra* note 128, at 494, 497 (providing several illustrative examples of how the Russian government is using the foreign agents law to demonize and stigmatize human rights organizations and carry out judicial harassment against HRDs, and detailing a physical attack upon a Chechen HRD by local government proxies); AMNESTY INT’L, AMNESTY INTERNATIONAL REPORT 2016/17: THE STATE OF THE WORLD’S HUMAN RIGHTS 306-307 (2017) (recounting the Russian government’s use of “foreign agent” laws to harass and stigmatize human rights organizations and discussing the case of Lyudmila Kuzmina of the Golos organization who was pursued by tax authorities over trumped up fraud charges); *Freedom in the World 2017: Turkey*, FREEDOM HOUSE, <https://freedomhouse.org/report/freedom-world/2017/turkey> (last visited June 7, 2017) (reporting increased monitoring and harassment of CSOs and two consecutive waves of government shut downs that have closed and seized the assets of over 1,600 foundations and associations following the coup in Turkey, many on the basis of the government’s claim they are affiliated with the Gulen movement); *Turkey: Rights Defenders, Journalists Jailed – New Crackdown Targets Activists for “Terrorism,”* HUM. RTS. WATCH (June 20, 2016), <https://www.hrw.org/news/2016/06/20/turkey-rights-defenders-journalists-jailed> (reporting the arrest of Ahmet Nesin, Şebnem Korur Fincancı, and Erol Önderoğlu, HRDs who have helped document the deterioration of the human rights situation in Turkey, on “spurious charges of spreading terrorist propaganda”); Working Group on the Universal Periodic Review, *Report on the Universal Periodic Review of Zimbabwe*, at 18, 26, U.N. Doc. A/HRC/34/8 (2016) (recommending Zimbabwe not tolerate violence directed against HRDs; investigate threats, attacks, and intimidations against them; and hold the perpetrators responsible); *Freedom in the World 2017: Zimbabwe*, FREEDOM HOUSE, <https://freedomhouse.org/report/freedom-world/2017/zimbabwe> (last visited June 7, 2017) (reporting governmental violent dispersal of political protests, arrests, and judicial harassment, and threats against NGOs helping organize protests).

129 SR Report on Human Rights Defenders Dec. 2010, *supra* note 39, ¶¶ 55-88 (discussing widespread targeting of women human rights defenders by state and non-state actors and the risks and challenges they face, including threats, death threats, killings, arrests, online and telephonic harassment, detention, criminalization, stigmatization, and sexual violence

and rape); *Forst End of Mission Statement*, *supra* note 128. See, e.g., *El Salvador: Threats*, *supra* note 128. See also *Joint Statement by UN Human Rights Experts\**, the *Rapporteur on the Rights of Women of the Inter-American Commission on Human Rights and the Special Rapporteurs on the Rights of Women and Human Rights Defenders of the African Commission on Human and People's Rights*, OHCHR (Sept. 24, 2015), <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16490&LangID=E> (urging that “women human rights defenders should receive protection against gender-specific threats and violence they may face due to their work on sexual and reproductive health and rights and their challenging of deep-seated patriarchal structures and societal gender norms”).

130 WASHINGTON OFFICE ON LATIN AMERICA & PEACE BRIGADES INT’L, REPORT: MEXICO’S MECHANISM TO PROTECT HUMAN RIGHTS DEFENDERS AND JOURNALISTS 2 (2016).

131 *SR Report on Assembly and Association Apr. 2014*, *supra* note 44, ¶ 66.

132 See, e.g., *SR Report on Human Rights Defenders Dec. 2010*, *supra* note 39, ¶¶ 30, 43 (acknowledging the expansion of the SR’s previous analysis to “a broader scope [including] male human rights defenders working on women’s rights as well as on gender issues” and detailing the complaints of violations against HRDs working on LGBT issues).

133 See, e.g., Comm. against Torture, *Concluding Observations on the Fifth Periodic Report of the Russian Federation Adopted by the Committee at Its Forty-ninth Session (29 October-23 November 2012)*, ¶ 13, U.N. Doc. CAT/C/RUS/CO/5 (2012) (expressing “concern[] about persistent reports concerning acts of violence against women in the northern Caucasus, including killings and so-called ‘honour killings’ and bride-kidnapping”); EUROPEAN ASYLUM SUPPORT OFFICE, COUNTRY OF ORIGIN INFORMATION REPORT: CHECHNYA – WOMEN, MARRIAGE, DIVORCE AND CHILD CUSTODY 12 (2014) (describing the judicial and extra-judicial measures that government authorities in Chechnya have taken which discriminate against and marginalize the country’s women, including restrictive dress codes, efforts to control women’s behavior in the public and private sphere, honor killings, impunity for sexual and gender-based violence, and inequities in marriage, divorce, and child custody laws); HUMAN RIGHTS WATCH, YOU DRESS ACCORDING TO THEIR RULES: ENFORCEMENT OF AN ISLAMIC DRESS CODE FOR WOMEN IN CHECHNYA (2011) (discussing the “virtue campaign” led by Chechen president, Ramzan Kadyrov, seeking to circumscribe and control Chechen women’s freedom through and series of public statements and orders, and the related proliferation of and impunity for harassment, discrimination, threats, and violence committed by state and non-state actors against Chechen women who are perceived to act outside of this moral code).

134 See, e.g., *Indonesian District Bans Unwed Couples from Motorcycle Sharing*, BBC NEWS (May 5, 2015), <http://www.bbc.com/news/world-asia-32598761> (discussing local

Sharia-inspired laws passed in 2015 that ban unwed couples from sharing motorcycles and require separate schooling for boys and girls, and a 2013 law that prohibits women from straddling motorbikes); HUMAN RIGHTS WATCH, POLICING MORALITY: ABUSES IN THE APPLICATION OF SHARIA IN ACEH, INDONESIA 2-6 (2010) (discussing the law against *Khalwat*, or seclusion, which prohibits behavior including sitting with a non-spouse or non-relative in a “quiet” location, and Islamic dress requirements, which requires women to wear the Islamic headscarf and avoid revealing the shape of their bodies). See also U.S. DEP’T OF STATE, INTERNATIONAL RELIGIOUS FREEDOM REPORT: INDONESIA 6 (2015) (reporting the caning of four women in Aceh Province accused of violating local laws prohibiting close contact with men who were not their husbands); U.S. DEP’T OF STATE, INTERNATIONAL RELIGIOUS FREEDOM REPORT: INDONESIA 5 (2012) (citing a media report that over 150 Sharia-inspired laws exist throughout Indonesia and noting that “many Muslim scholars and human rights activists claim that these regulations create or increase discrimination against women”).

135 [Law No. 641 (Penal Code of the Republic of Nicaragua)] (1986, as amended 2007)) arts. 143-145, LA GACETA, DIARIO OFICIAL, May 6, 2008 (Nicar.) (establishing sanctions ranging from one to three years of imprisonment for medical providers who intentionally carry out abortions, women who have an abortion, and anyone who attempts to effectuate an abortion, and stipulating that medical professionals will also lose their license for a period of four to ten years, depending of the offense). See generally AMNESTY INT’L, THE TOTAL ABORTION BAN IN NICARAGUA: WOMEN’S LIVES AND HEALTH ENDANGERED, MEDICAL PROFESSIONALS CRIMINALIZED (2009) (discussing the political context leading to the total ban on abortion in Nicaragua and the consequences for women and healthcare providers, and analyzing the law in light of international human rights standards).

136 State control of the media in Egypt is well-documented. AMR HAMZAWY, LEGISLATING AUTHORITARIANISM: EGYPT’S NEW ERA OF REPRESSION 7 (2017) (referring to the use of “security-controlled public and private media institutions” to suppress democracy in Egypt). Experts and observers regularly report on the lack of freedom experienced by Egypt’s media outlets and journalists. See *2017 World Press Freedom Index: Egypt*, REPS. WITHOUT BORDERS, <https://rsf.org/en/egypt> (last visited June 9, 2017) (ranking Egypt 161 out of 180 countries on the basis of press freedom and reporting a “Sisification” of the media in which journalists and news outlets face “an increasingly draconian legislative arsenal,” including a recently passed law, that requires them to report facts and perspectives in line with the government’s views); U.S. DEP’T OF STATE, EGYPT 2016 HUMAN RIGHTS REPORT 20-21, <https://www.state.gov/documents/organization/265706.pdf> (last visited Aug. 4, 2017) (noting that “[t]he government regulated the licensing of newspapers and controlled the printing and distribution of a majority of newspapers, including private newspapers and those of opposition political parties” and that “more than 20 state-owned media outlets broadly supported official state policy”); *Freedom of the Press Report 2017: Egypt*, FREEDOM HOUSE, <https://freedomhouse.org/report/freedom-press/2017/>

egypt (last visited June 9, 2017) (reporting the efforts of the “government to quash dissent and shutter critical news sources have produced a media environment in which most public and private outlets are firmly supportive of the regime”); *Egypt: UN Experts Report Worsening Crackdown on Protest*, UN NEWS SERV. (May 9, 2016), <http://www.un.org/apps/news/story.asp?NewsID=53886#.WTXai8a1vcs> (expressing concern over Egypt’s use of “national security provisions and counterterrorism legislation to target individuals exercising their [rights to freedom of assembly and expression], in particular journalists and human rights activists”).

137 MESOAMERICAN INITIATIVE OF WOMEN HUMAN RIGHTS DEFS., *VIOLENCE AGAINST WOMEN HUMAN RIGHTS DEFENDERS IN MESOAMERICA: 2012: ASSESSMENT REPORT - SUMMARY FINDINGS 24-25* (2013) (identifying reported attacks against women human rights defenders ranging from defamation, smear campaigns and harassment to murder, attempted murder, and torture, and finding that 87% of these attacks were committed by state actors, including municipal authorities (26.8%), state, departmental or provincial authorities (23.7%), police (14.5%), military (14.3%), and federal authorities (7%)). See also INTER-AMERICAN COMM’N ON HUMAN RIGHTS, *SECOND REPORT ON THE SITUATION OF HUMAN RIGHTS DEFENDERS IN THE AMERICAS 19* (2011) (finding that many of the instances of attacks, threats, or harassment perpetrated in the hemisphere are carried out by “paramilitary, para-police groups, or from private security forces of sectors that oppose the defenders’ causes, or even from agents of the State itself.”); *id.* at 12-13 (observing that defenders of women’s rights in Mexico have been targeted for attacks on their life and that attacks on human rights defenders in the country are sometimes committed at the behest of State authorities).

138 Act No. 81 of 1948 (Penal Code) (1948, as amended 2012) cap. 63 §§ 153-157, *LAWS OF KENYA REVISED EDITION, 2014* (Kenya) (criminalizing men and women “living on earnings of,” soliciting, or aiding prostitution, as well as using premises for or keeping a brothel for prostitution, and “conspiracy to defile”).

139 Bangladesh Penal Code, *supra* note 120, §377 (penalizing “carnal intercourse against the order of nature with any man, woman or animal” and setting penalties ranging from fines to life imprisonment). Cf. U.K. HOME OFFICE, *COUNTRY POLICY AND INFORMATION NOTE, BANGLADESH: SEXUAL ORIENTATION AND GENDER IDENTITY 6, 9* (2016) (noting that although only two arrests under this provision have ever been recorded and, ultimately, both were later charged under other crimes, the provision is sometimes used in conjunction with other laws to “harass and intimidate LGBT persons”).

140 [Act. No. 1 of 2013 (Relating to the Recognition of the Hijra People of Bangladesh by Identifying the Transgender Sex (Hijra))] (2013) EXTRAORDINARY GAZETTE, Jan. 26, 2014 (Bangl.) (formalizing the Bangladeshi cabinet’s decision to recognize Hirja as a third gender in all government documents). *But see* GLOB. HUMAN RIGHTS DEF., *THE INVISIBLE MINORITY: THE SITUATION OF THE LGBT COMMUNITY IN BANGLADESH 12* (2015) (reporting

that implementing legislation for the recognition of the hijra has not been introduced in Bangladeshi parliament); *Hijras Third Gender Identity Virtually Remains Unrecognised*, INDEPENDENT (July 24, 2016), <http://www.theindependentbd.com/printversion/details/52545> (reporting that in spite of the government’s “policy decision” to recognize the hijra as a third gender in 2013, they have not been enrolled as voters or given a national identity card reflecting their “distinct sexual identity”).

141 China Charity Law, *supra* note 103, at arts. 10, 21, 22, 24, 26 (requiring previously unregistered NGOs to register as charitable organizations, mandating all registered charitable organizations to seek a certificate to permit them to carry out “society-at-large” fundraising only after a two-year waiting period, otherwise permitting fundraising only through cooperation with a certificate-holding charitable organization, and stipulating that NGOs that intend to fundraise must first submit a “fund-raising proposal” to the government’s Civil Affairs Department); China Foreign NGO Law, *supra* note 103, at art. 22 (establishing “Overseas NGOs and their representative offices in China shall not conduct fundraising activities within China”).

142 U.S. DEP’T OF STATE, *RUSSIA 2016 HUMAN RIGHTS REPORT 2*, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265466> (last visited June 7, 2017) (indicating that there are numerous abuses in the Northern Caucuses, including “killings, torture, physical abuse, politically motivated abductions” and noting that the Chechen government does not investigate or prosecute such cases).

143 The concept of resource mobilization “includes all activities undertaken by an organization to secure new and additional financial, human and material resources to advance its mission.” *Technical Note: Resource Mobilization in CSOs, Part I, CAPACITY BUILDING KNOWLEDGE EXCHANGE* (Sept./Oct. 2012), at 1, [http://www.thehealthcompass.org/sites/default/files/strengthening\\_tools/Resource%20Mobilization%20for%20CSOs%20-%20Technical%20Note%20I.pdf](http://www.thehealthcompass.org/sites/default/files/strengthening_tools/Resource%20Mobilization%20for%20CSOs%20-%20Technical%20Note%20I.pdf). See generally VENTURE FOR FUND RAISING, *RESOURCE MOBILIZATION: A PRACTICAL GUIDE FOR RESEARCH AND COMMUNITY-BASED ORGANIZATIONS* (2010) (discussing the change from the “fundraising” to “resource mobilization” framework and explaining the conceptual and practical aspects of resource mobilization in CSOs).

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