



## **Commission des Affaires étrangères et européennes, de la Coopération, de l'Immigration et de l'Asile**

### **Procès-verbal de la réunion du 1<sup>er</sup> avril 2019**

#### Ordre du jour :

1. Echange de vues avec les représentants du Cercle des ONG de développement
2. Dossiers européens : Adoption de la liste des documents transmis par les institutions européennes du 23 au 29 mars 2019
3. Divers

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Présents : M. Marc Angel, M. Eugène Berger, Mme Djuna Bernard, M. Mars Di Bartolomeo, Mme Stéphanie Empain, M. Paul Galles, M. Fernand Kartheiser, M. Laurent Mosar, Mme Lydie Polfer, M. Marc Spautz, M. David Wagner, M. Claude Wiseler

M. Sven Clement, observateur délégué

M. Armand Drews, Président, Mme Véronique Faber, Secrétaire générale, Mme Rebecca Felten, Cercle de Coopération des ONG de développement  
Mme Antoniya Argirova, M. Jean Feyder, Mme Julie Smith, M. Raymond Wagner, ASTM

Mme Magali Paulus, Frère des Hommes

Mme Marine Lefebvre, M. Raymond Weber, SOS Faim

Mme Rita Brors, M. Tom Philipps, de l'Administration parlementaire

Excusés : Mme Tess Burton, M. Gusty Graas, Mme Viviane Reding

M. Georges Bach, Mme Mady Delvaux-Stehres, M. Frank Engel, M. Charles Goerens, M. Christophe Hansen, Mme Tilly Metz, membres du Parlement européen

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Présidence : M. Claude Wiseler, Vice-Président de la Commission  
M. Marc Angel, Président de la Commission

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1. Echange de vues avec les représentants du Cercle des ONG de développement

Dans son discours, le Président du Cercle de Coopération des ONG de développement évoque notamment la cohérence des politiques et les droits humains. Le Cercle de Coopération des ONG de développement a un rôle d'information, de sensibilisation et d'alerte. La situation des droits humains dans le monde se dégrade constamment. 321 défenseurs des droits humains membres de l'organisation « Frontline Defenders » ont été tués au cours de l'année passée. 12% d'entre eux étaient des femmes. 77% étaient tués dans le contexte des droits de terre, de l'environnement et de l'hygiène. Dû au changement climatique, de plus en plus de catastrophes naturelles ont lieu. M. Drews se félicite du fait que la Direction de la Coopération et de l'Aide humanitaire a rapidement réagi à la récente catastrophe au Mozambique. De plus en plus d'organisations membres du Cercle sont concernés directement ou indirectement par la dégradation de la situation des droits humains. La politique de coopération au développement et les droits humains sont indivisibles. Par ailleurs, le Cercle se félicite du fait que le Luxembourg a posé sa candidature pour un siège auprès du Conseil des droits humains des Nations Unies, a élaboré un plan national pour la protection des droits de l'homme et un plan d'action portant mise en œuvre de la résolution 1325 des Nations Unies. Conformément à la Déclaration des Nations Unies, le Luxembourg soutient les droits des paysans.

Les représentants de trois ONG présentent ensuite quelques exemples concrets de violations de droits humains. Mme Magali Paulus expose la situation des défenseurs des droits humains au Nicaragua. L'ONU a créé le cadre pour la protection des défenseurs des droits humains il y a 20 ans, en déclarant que chaque personne a le droit de promouvoir, en association avec d'autres personnes, la protection et le développement des droits humains et des libertés fondamentales au niveau national et international. Devenir défenseur des droits humains n'est souvent pas un choix de la carrière professionnelle, mais se déduit par l'engagement contre des discriminations ou d'autres violations des droits humains. Les ONG sont confrontées par le rétrécissement des droits humains en subissant des barrières administratives (contrôles, restriction de l'accès au financement), la délégitimation de l'organisation, la criminalisation en tant qu'association terroriste entraînant le retrait du statut légal avec toutes ses conséquences, ou encore des attaques directes sur la vie des défenseurs des droits humains. La protection des défenseurs des droits humains s'impose non seulement dans les autres pays du monde, mais aussi au Luxembourg. Lors d'une récente conférence tenue au Luxembourg, le rapporteur spécial de l'ONU Michel Forst a informé sur le programme « shelter cities » facilitant l'accueil de défenseurs de droits humains. L'oratrice fait remarquer que, dans un processus participatif et inclusif avec les ONG, le gouvernement et la Chambre des Députés pourraient prendre une initiative dans ce sens et élaborer un plan d'action. Fin 2018, la demande des ONG d'observer une minute de silence pour les défenseurs des droits humains n'a pas été retenue. Une condamnation publique des menaces contre les défenseurs des droits humains figure pourtant au plan d'action 2018 adopté au Sommet des défenseurs des droits humains.

Mme Marine Lefebvre (SOS Faim) présente ensuite la situation des coopérants au Niger. Travaillant étroitement avec l'Union européenne sur la sécurisation de ses frontières en tant que partenaire de la migration, le Niger accueille l'agence Frontex. Depuis 2015, des lois pénalisant le transit, le transport ou l'accueil de migrants au Niger ont été adoptés, les peines pouvant atteindre jusqu'à trente ans de prison. Or, le Niger est une région de transit pour les migrations subsahariennes depuis des siècles. De manière traditionnelle, le Niger est aussi un pays de départ pour environ 10% de la population. 60% des ménages se trouvent en situation d'insécurité alimentaire trois mois après une bonne récolte. Les populations ont besoin de se déplacer selon les saisons à la recherche de ressources économiques complémentaires pour subvenir à leurs besoins. Depuis 2016, l'association Alternative Espace Citoyen est le partenaire

de SOS Faim. Une enquête menée par cette association en 2017 vient à la conclusion que l'insécurité alimentaire constitue l'enjeu principal des mouvements migratoires observés dans l'ensemble du pays. Ce constat est partagé par l'OIM (Organisation internationale des migrations). Le transfert monétaire des migrants constitue un moyen important de résilience face à la vulnérabilité de la population du Niger. Les restrictions sur la mobilité des personnes ont pour effet une paupérisation des plus pauvres et anéantissent le moyen de résilience que constitue la migration. L'abandon du secteur de l'agriculture et de l'élevage par l'Etat est à la base de l'insécurité alimentaire. Les associations de défense de droits humains se posent la question de savoir, dans ces circonstances, pourquoi l'Union européenne dépense autant d'argent pour la sécurisation des frontières du Niger. Selon SOS Faim, le Niger et ses partenaires devraient s'abstenir à entraver la mobilité des personnes et utiliser les moyens financiers pour promouvoir l'agriculture familiale. L'association Alternative Espace Citoyen et d'autres associations ont entamé en 2018 une campagne contre la loi des finances prévoyant d'importantes exonérations fiscales pour les sociétés multinationales tout en instituant de nouvelles taxes sur les biens et services. Des manifestations ont mené à l'arrestation d'étudiants et de représentants de la société civile, dont trois membres de l'association Alternative Espace Citoyen et notamment son Secrétaire général, pendant plusieurs mois sans jugement. Suite à un procès en juillet 2018, ils ont été libérés. Bien que la loi des finances ait été amendée suite à ces mouvements, l'intimidation par le pouvoir est un facteur important. Les associations de défenseurs de droits humains font par ailleurs le lien entre le financement par l'Union européenne des mesures anti-migratoires et l'attitude antidémocratique du gouvernement du Niger. Les violations des droits humains au nom de la protection des frontières de l'Union européenne se produisent quasi quotidiennement.

Mme Antoniya Argirova (ASTM) souligne que les défenseurs des droits humains ne subissent pas seulement des répressions de la part de gouvernements, mais aussi de la part de représentants du secteur privé. Les impacts négatifs des activités menés par les entreprises (secteur agricole, barrages, mines) sont dénoncés par les défenseurs de droits humains. Selon une convention des Nations Unies de 2011, les entreprises ont le devoir de respecter les droits humains. Or, les ONG constatent que l'engagement volontaire des entreprises est insuffisant pour faire respecter les droits humains. Il faudrait rendre ce devoir contraignant, d'où l'initiative pour un devoir de diligence créé il y a un an. Cette initiative regroupant 16 organisations demande à ce qu'une loi soit adoptée pour obliger les entreprises établies au Luxembourg de garantir le respect des droits humains et de l'environnement tout au long de leur chaîne de valeur. L'initiative propose de mettre en place une procédure en trois étapes :

- L'entreprise doit faire une évaluation des risques en matière de droits humains et de l'environnement tout au long de sa chaîne de valeur ;
- Dans le cas d'identification de risques, des mesures y remédiant doivent être mises en place ;
- L'entreprise doit rendre compte publiquement des mesures mises en place.

Par ailleurs, l'initiative propose d'instaurer un organe de contrôle indépendant pour veiller à la mise en œuvre de ces dispositions et pouvant sanctionner les entreprises en cas de non-respect. Des mécanismes pour garantir l'accès à la justice aux victimes seraient également de mise. Une telle loi aurait un effet préventif, l'évaluation des risques permettant de prévenir les violations des droits humains et des dommages environnementaux. Elle aurait aussi un effet positif sur la réputation des entreprises et le risque d'être saisi en justice. La France a adopté une telle loi, en Suisse et en Allemagne, des lois similaires sont en préparation.

Mme Argirova présente ensuite l'exemple d'une entreprise ayant son siège au

Luxembourg et étant active dans l'agro-industrie au Sierra Léone. En guise de conclusion, elle souligne qu'une loi sur le devoir de diligence des entreprises serait de mise. Par ailleurs, le plan d'action du gouvernement sur la mise en œuvre des principes directeurs des Nations Unies sur les entreprises et les droits humains devrait comporter des normes contraignantes au lieu de se limiter à la sensibilisation et des actions volontaires des entreprises.

## **Débat**

Les représentants des ONG-D répondent aux questions posées par les députés. Les éléments suivants peuvent en être retenus.

L'Union européenne finance des mesures de sécurisation des frontières nigériennes pour empêcher que les migrants aillent vers le Nord. Or, traditionnellement, les populations de la région se déplacent pour subvenir à leurs besoins économiques. Les conditions de travail au Niger sont très précaires et, contrairement à l'Europe, l'agriculture n'est pas subventionnée. Le travail des ONG améliore un peu la situation, mais n'est pas suffisant pour transformer la situation au Niger. En limitant les droits des migrants en Afrique, l'Union européenne essaye de résoudre ses propres problèmes, mais crée des situations d'autoritarisme dans les pays africains.

La loi sur le devoir de diligence des entreprises pourrait prévoir des sanctions administratives pour les entreprises qui ne respecteraient pas la procédure de diligence raisonnable. De l'autre côté, il y aurait une responsabilité civile. Dans le cas de non-respect des procédures, l'entreprise devrait dédommager les victimes des abus qui en seraient la conséquence. D'ici la fin de l'année, ASTM publiera des propositions concrètes pour une loi sur le devoir de diligence des entreprises au Luxembourg.

L'accaparement des terres par les entreprises multinationales se fait par le biais de procédures administratives au détriment de la population résidente. Dans le cas de conflits d'intérêt, la Police ou l'Armée utilisent la violence pour chasser les gens de leurs terres. Il faut donc responsabiliser les entreprises pour leurs actions dans les pays du Sud.

En juillet 2018, les Ministres des Affaires étrangères et de la Coopération au développement ont fait une déclaration sur la violation des droits de l'homme au Nicaragua et des fonds de l'aide publique au développement ont été gelés. Des mécanismes régionaux pour la défense des droits humains continuent à être financés. Cet exemple démontre l'importance de la collaboration avec la société civile. Par ailleurs, il est important de définir les objectifs de l'aide au développement. Les projets des partenaires des ONG luxembourgeoises au Nicaragua n'ont pas été mis en question par les mesures citées. Or, il importe de pouvoir protéger les partenaires qui sont menacés de violences.

Le Cercle des ONG-D est présent, en tant qu'observateur, dans plusieurs groupes de travail du gouvernement. D'une part, il est demandeur pour institutionnaliser cette présence. De l'autre part, le Cercle des ONG-D nécessiterait plus de moyens pour assumer cette charge administrative.

Le Cercle des ONG-D compte 86 associations membres. La charge de travail est grande. Des demandes de fournir des informations proviennent par ailleurs aussi de la plateforme européenne CONCORD à laquelle le Cercle des ONG-D est affilié. Les 7 personnes engagées au Cercle des ONG-D ont tous des contrats à temps partiel et se partagent 4,2 postes en temps complet.

Les causes de la migration ne se limitent pas à la situation économique des gens, et la migration ne peut pas être endiguée par les seuls effets de l'aide au développement. Parmi les éléments qui entraînent la migration, il faut aussi citer les violences et la corruption. L'investissement dans les pays du Sud est nécessaire, mais le grand danger réside dans le fait que les investisseurs privés s'attendent à un retour de leurs investissements. De ce fait, les investissements se font que dans des secteurs bénéficiaires avec des marges suffisantes. Les petits agriculteurs et les plus pauvres n'en profitent pas. La microfinance est plus apte à ce but, mais se fait principalement à court terme alors que des mesures à moyen terme s'imposent.

**2. Dossiers européens : Adoption de la liste des documents transmis par les institutions européennes du 23 au 29 mars 2019**

La liste des documents est adoptée.

**3. Divers**

Ce point de l'ordre du jour ne suscite aucune remarque.

Luxembourg, le 1<sup>er</sup> avril 2019

La Secrétaire-administrateur,  
Rita Brors

Le Président de la Commission des Affaires étrangères  
et européennes, de la Coopération, de l'Immigration et  
de l'Asile,  
Marc Angel



Alternative  
Espaces Citoyens

# Le droit à l'alimentation à l'épreuve des politiques anti-migratoires

*Rapport de la mission d'enquête de l'observatoire  
du droit à l'alimentation au Niger*

sous la direction de:  
A.T. Moussa Tchangari  
Ibrahim Diari

*Migrations et sécurité alimentaire au Niger*



## ***Migrations et sécurité alimentaire au Niger Le droit à l'alimentation à l'épreuve des politiques anti-migratoires***

***Rapport de la mission d'enquête de l'observatoire du droit  
à l'alimentation au Niger***

A.T. Moussa Tchangari  
Ibrahim Diori

Octobre 2017

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### ***Qu'est-ce qu'une approche fondée sur les droits de l'homme?***

“ Une approche fondée sur les droits de l'Homme est un cadre conceptuel de développement humain dont la base normative est constituée par les règles internationales définies dans ce domaine, et qui vise concrètement à promouvoir et à protéger ces mêmes droits. Elle s'emploie à analyser les inégalités au cœur des problèmes de développement et à corriger les pratiques discriminatoires et les répartitions injustes de pouvoir qui entravent le processus de développement.

La simple charité est une vertu loin d'être suffisante du point de vue de la concrétisation des droits de l'Homme. Dans le cadre d'une approche fondée sur les droits de l'homme, les plans, les politiques et les mécanismes de développement sont ancrés dans un système de droits et d'obligations correspondantes établis par le droit international. Cet état de chose contribue à promouvoir la durabilité des initiatives de développement, à rendre les gens plus autonomes- en particulier les plus marginalisés- de façon à ce qu'ils participent à la formulation des politiques et tiennent pour responsables ceux dont le devoir est d'agir.

Bien qu'il n'y ait pas de recette universelle en matière d'approche fondée sur les droits de l'homme, les institutions des Nations Unies sont parvenues à un accord sur ses caractéristiques essentielles :

- la concrétisation des droits de l'homme doit être l'objectif essentiel au stade de la formulation des politiques et des programmes de développement;
- une approche fondée sur les droits de l'homme identifie les détenteurs de droits, les droits en question et les débiteurs d'obligations correspondants; elle s'emploie à renforcer les capacités des détenteurs de droits de faire valoir leurs revendications et de faire en sorte que les débiteurs d'obligations s'acquittent de leurs devoirs;
- les principes et normes tirés des traités internationaux relatifs aux droits de l'homme doivent inspirer toutes les activités de coopération et de programmation pour le développement dans tous les secteurs et à toutes les étapes du processus de programmation.

”  
(Extrait Questions fréquentes au sujet d'une approche de la coopération pour le développement fondée sur les droits de l'homme, Haut Commissariat des Nations Unies aux Droits de l'Homme).

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## Introduction générale

Depuis sept (7) ans, le Niger est devenu l'un des plus importants pivots de la politique européenne de lutte contre la migration dite irrégulière et d'externalisation des frontières. Entre 2010 et 2017, le pays s'est doté d'un dispositif impressionnant de répression, composé d'une ordonnance relative à la traite des personnes et d'une loi relative au trafic illicite de migrants ; et ce, dans l'unique espoir de bénéficier des subsides de l'Union Européenne et de ses pays membres échaudés par l'afflux massif de migrants et réfugiés sur leurs côtes.

Au Niger, l'engagement total des autorités dans la lutte contre la migration dite irrégulière ne manque pas de surprendre, voire de choquer de nombreux acteurs de la société civile ; en effet, le Niger n'est pas seulement un pays de transit, comme tente de l'accréditer un certain discours officiel, il est aussi un pays de départ. Les données du dernier recensement général de la population et de l'habitat (RGPH 2012) indiquent qu'au moins 10,86% des Nigériens font recours à la migration, soit comme stratégie de survie, soit comme stratégie économique.

En effet, il convient de noter que les enquêtes nationales de vulnérabilité à l'insécurité alimentaire des ménages font régulièrement ressortir que les transferts moné-

zone n'est pas l'Europe, alors que les mesures prises par les autorités visent surtout à décourager la migration vers l'Europe. Enfin, parce que la migration dans cette zone concerne largement les femmes et les enfants, qui constituent les couches les plus vulnérables de la population.

L'objectif de la mission était, sur la base des témoignages collectés auprès des populations et des acteurs locaux, non seulement de comprendre les causes profondes de la migration à Kantché, mais aussi et surtout de recueillir des éléments permettant de mesurer l'impact des mesures anti-migratoires sur le droit à l'alimentation des populations. Les informations contenues dans ce rapport concernent principalement le département de Kantché ; mais, elles peuvent aussi être extrapolées à d'autres régions du Niger.

Le présent rapport montre clairement que les mesures prises par les autorités nigériennes dans le cadre de leur lutte contre la migration irrégulière ont une incidence évidente sur la réalisation du droit à l'alimentation consacré par l'article 12 de la Constitution du 25 novembre 2010. Il montre également que les expulsions massives des migrant(e)s opérées par les autorités algériennes, avec la bienveillance de celles du Niger, ont durement affecté les moyens d'existence des populations du département de Kantché.

taires des migrants constituent « un mécanisme important de résilience pour faire face à leur vulnérabilité chronique et aux crises alimentaires récurrentes ». Les résultats de ces enquêtes réalisées au cours des quatre (4) dernières années soulignent une nette régression du revenu des ménages, consécutive à la dégradation de la situation sécuritaire et aux mesures de restriction de la mobilité des personnes prises dans le cadre de la lutte contre la migration dite irrégulière.

A travers le présent rapport, qui rend compte des résultats d'une enquête de terrain menée dans le département de Kantché par une équipe de l'Observatoire du droit à l'alimentation, sous l'égide de l'association Alternative Espaces Citoyens, nous avons voulu apporter des éléments permettant de mesurer l'incidence négative des politiques anti-migratoires sur le droit à l'alimentation des populations. La mission a été effectuée du 22 au 28 Février 2017, avec l'appui de SWISSAID et de SOS FAIM Luxembourg.

Le département de Kantché, situé dans la région de Zinder, a été choisi pour trois (3) raisons fondamentales. D'abord, parce qu'il est une zone de départ de migrants, emblématique des difficultés liées à la saturation foncière, dans un contexte de faible soutien de l'État à la production agricole ; ensuite, parce que la destination principale des migrants originaires de cette

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Les témoignages recueillis sur le terrain auprès des populations et rapportés ici sont formels : la situation socioéconomique des populations, en particulier celle des femmes et des enfants, s'est significativement dégradée depuis que le Niger est devenu le gendarme de l'Union Européenne contre la migration dite irrégulière. Le maintien des entraves à la mobilité des personnes ne fera certainement qu'aggraver la situation sociale des paysan(nes).

L'enseignement principal à tirer de ce rapport est que seul un financement public conséquent dans les secteurs de l'agriculture et de l'élevage peut inverser la tendance à l'exode massif des paysans observée à Kantché. S'il est vrai que les autorités nigériennes ont montré leur volonté de s'attaquer à l'insécurité alimentaire, à travers notamment l'adoption de l'Initiative « Les Nigériens Nourrissent les Nigériens », il reste que le financement public en faveur de ces secteurs n'est pas encore à la hauteur de l'ambition affichée à travers cette initiative.

**A.T. Moussa Tchangari**  
Secrétaire général, Alternative Espaces Citoyens

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## La mobilité, un droit humain fondamental

Depuis 1948, « le droit de quitter tout pays, y compris le sien, et de revenir dans son pays », est reconnu comme un droit humain fondamental. La reconnaissance de ce droit découle de la Déclaration Universelle des droits de l'Homme, qui est un cadre consensuel de référence en matière des droits humains. En 1966, ce droit a été réaffirmé, avec force, à travers l'article 12 du Pacte International relatif aux droits civils et politiques ; et il en découle clairement que toute personne est en droit d'attendre de la part de son État d'origine, tout comme des autres États, à ce que toutes mesures appropriées soient prises pour rendre possible et agréable l'exercice de ce droit naturel, en toute liberté, sécurité et quiétude.

Soixante neuf (69) ans après la déclaration universelle des droits de l'Homme, les faits montrent que le droit à la mobilité, en particulier pour les personnes les moins nanties originaires des pays du Tiers monde, continue de faire l'objet d'entraves en tout genre. Ce ne sont pas curieusement des États totalitaires qui occupent les premiers rangs en matière de restriction de la liberté de circulation des personnes. Les champions en la matière, ce sont malheureusement des États démocratiques, parmi lesquels on peut citer les pays membres de l'Union Européenne et les États-Unis.

aux migrants dont les effectifs<sup>1</sup> représentaient à l'époque plus de 3% de la population mondiale.

## La mobilité, nouveau marqueur des inégalités sociales

Aujourd'hui, l'espoir suscité par l'adoption de cette convention semble s'estomper et la jouissance du droit à la mobilité est devenue l'un des indicateurs les plus éloquentes des inégalités à travers le monde. Elle est désormais une ligne de fracture entre d'un côté les riches et les plus riches, qui peuvent circuler et s'établir librement partout dans le monde, et de l'autre les pauvres et les plus pauvres, qui doivent se résoudre à rester chez eux même s'ils n'y trouvent aucune perspective de vie paisible et décente. La mobilité est aujourd'hui devenue, très paradoxalement, un privilège exclusivement réservé aux personnes<sup>2</sup> auxquelles ne s'applique pas la convention internationale sur les travailleurs migrants et les membres de leur famille.

Depuis la tenue en 2003 de conférence de Palerme, le sort de cette convention internationale semble même avoir été scellé au plan international. La communauté internationale a décidé de s'orienter, sous l'égide des Nations unies, vers une lutte implacable contre ce que son Secrétaire général de l'époque, M. Koffi Anan, a désigné sous le vocable de « société

A ce jour, la plupart de ces « pays démocratiques » ne sont pas parties à la convention internationale sur les droits de tous les travailleurs migrants et les membres de leurs familles. Cette convention internationale, qui est entrée en vigueur en 2003, soit treize (13) ans après son adoption par les Nations unies, avec sa ratification par seulement 51 États, souffre aujourd'hui d'un déficit d'adhésion. La particularité de cette convention est qu'elle « s'applique à tout le processus de migration » des travailleurs migrants et des membres de leur famille, « qui comprend les préparatifs de la migration, le départ, le transit et toute la durée du séjour, l'activité rémunérée dans l'Etat d'emploi, ainsi que le retour dans l'Etat d'origine ou dans l'Etat de résidence habituelle ».

S'il est vrai qu'elle ne crée pas véritablement de droits nouveaux pour les travailleurs migrants et les membres de leur famille, cette convention a le mérite de fixer des normes et des principes contraignants pour ce qui est de leur traitement. Elle vient rappeler clairement que les travailleurs migrants et les membres de leurs familles, qu'ils soient en situation régulière ou irrégulière, ont des droits fondamentaux qu'il est impératif de respecter, protéger et réaliser. C'est d'ailleurs pour cette raison que les défenseurs des droits humains ont salué l'adoption de cet instrument juridique comme l'expression d'une volonté de la communauté internationale d'assurer une meilleure protection

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incivile<sup>3</sup> », une sorte de nébuleuse regroupant entre autres « les terroristes, les criminels, les trafiquants de drogues, les trafiquants d'êtres humains ». La conférence de Palerme a ouvert la voie à l'adoption de plusieurs instruments juridiques, dont le plus significatif est la convention internationale contre la criminalité transnationale organisée, adoptée en 2000 et entrée en vigueur le 29 septembre 2003.

<sup>1</sup> Dossier d'information de l'UNESCO, publié en 2005, et traitant de la convention des nations unies sur les droits de tous les travailleurs migrants et les membres de leurs familles.

<sup>2</sup> Ces privilégiés sont répertoriés par l'article 3 de la convention de 1990 déterminant les personnes auxquelles, elle ne s'applique pas ; il s'agit des : a) personnes envoyées ou employées par des organisations et des organismes internationaux ni aux personnes envoyées ou employées par un Etat en dehors de son territoire pour exercer des fonctions officielles, dont l'admission et le statut sont régis par le droit international général ou par des accords internationaux ou des conventions internationales spécifiques ; b) personnes envoyées ou employées par un Etat ou pour le compte de cet Etat en dehors de son territoire qui participent à des programmes de développement et à d'autres programmes de coopération, dont l'admission et le statut sont régis par un accord spécifique conclu avec l'Etat d'emploi et qui, conformément à cet accord, ne sont pas considérées comme des travailleurs migrants ; c) personnes qui deviennent résidentes d'un Etat autre que leur Etat d'origine en qualité d'investisseurs ; d) Aux réfugiés et aux apatrides, sauf disposition contraire de la législation nationale pertinente de l'Etat partie intéressé ou des instruments internationaux en vigueur pour cet Etat ; e) Aux étudiants et aux stagiaires ; f) Aux gens de mer et travailleurs des installations en mer qui n'ont pas été autorisés à résider ou à exercer une activité rémunérée dans l'Etat d'emploi.

<sup>3</sup> Cette définition figure dans l'avant-propos du recueil des projets de conventions nations unies contre la criminalité transnationale organisée et protocoles s'y rapportant. Cet avant propos est élaboré au titre d'un pressant plaidoyer invitant urgence les Etats à ratifier et mettre en œuvre lesdits instruments. Il est conclu en ces termes : « je conjure tous les États de ratifier la Convention et les protocoles s'y rapportant le plus tôt possible, et de leur donner effet de toute urgence. »

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Après l'adoption de cette convention, deux protocoles additionnels sont venus compléter le dispositif répressif international initié par les Nations unies : (i) le protocole visant à prévenir, réprimer et punir la traite des personnes, en particulier des femmes et des enfants, entré en vigueur le 25 décembre 2003 ; et (ii) le protocole contre le trafic illicite de migrants par terre, air et mer, adopté par la résolution 55/25 de l'Assemblée générale, et entré en vigueur le 28 janvier 2004. Ces différents textes ont été ratifiés par plus de 188 pays, parmi lesquels les États-Unis d'Amérique, l'Union Européenne et ses pays ; alors que la convention sur les droits de tous les travailleurs migrants et les membres de leurs familles, n'a recueilli jusqu'ici, comme déjà mentionné plus haut, que 51 ratifications.

Quatorze (14) ans après l'entrée en vigueur de cette convention, il est frappant de constater que la défiance des pays du Nord à l'égard de cet instrument juridique important fait à présent des émules au Sud parmi les États parties. C'est le cas notamment du Niger qui, après avoir ratifié cette convention en 2009, est devenu un pays pivot de la politique européenne d'externalisation des frontières et de lutte contre la migration dite irrégulière en direction de l'Europe. Sous la pression de l'Union Européenne, le Niger s'est doté, entre 2010 et 2016, d'un dispositif répressif assez impressionnant combinant instruments juridiques internes,

Selon l'article 10 de l'ordonnance, « l'exploitation comprend, au minimum, l'esclave ou les pratiques analogues à l'esclavage, la servitude ou le prélèvement d'organe, l'exploitation de la prostitution d'autrui ou d'autres formes d'exploitation sexuelle, l'exploitation de la mendicité d'autrui, l'exploitation du travail ou des services forcés ». Cet article précise également que « le recrutement, le transport, le transfert, l'hébergement ou l'accueil d'un mineur de moins de 18 ans aux fins d'exploitation sont considérés comme une atteinte des personnes même s'ils ne font appel à aucun des moyens énoncés au premier alinéa ». L'ordonnance prévoit pour cette infraction une peine d'emprisonnement de cinq (5) à dix (10) ans et une amende de 500 000 à 5 000 000 de francs CFA.

En 2015, profitant de la vague d'indignation suscitée par la tragédie du 13 septembre 2013, le gouvernement a fait adopter la loi N°2015-36 relative au trafic illicite de migrants. Cette loi définit le trafic illicite des migrants comme « le fait d'assurer afin d'en tirer, directement ou indirectement, un avantage financier ou un autre avantage matériel, l'entrée illégale dans un Etat Partie d'une personne qui n'est ni un ressortissant ni un résident permanent de cet Etat ». Contrairement à celle de 2010 relative à la traite des personnes, qui semble cibler tout particulièrement les migrants

institutions publiques spécialisées et mesures administratives et diplomatiques très liberticides. L'une des principales particularités de l'engagement du Niger dans ce domaine est que les mesures prises par les autorités s'attaquent de front aussi bien aux citoyens nationaux (nigériens) qu'aux ressortissants<sup>4</sup> des pays membres de la CEDEAO.

## L'arsenal répressif nigérien contre les migrants

Au Niger, l'adoption de la première loi répressive en matière de migration remonte à 2010 ; il s'agit de l'ordonnance N°2010-86 du 16 décembre 2010 relative à la lutte contre la traite des personnes. L'article 2 de cette loi définit la traite des personnes comme « toute opération ou action qui vise à recruter, transporter, transférer, héberger ou accueillir des personnes, par la menace de recours ou le recours à la force ou à d'autres formes de contraintes, par enlèvement, fraude, tromperie, abus d'autorité ou d'une situation de vulnérabilité ou par l'offre ou l'acceptation de paiement d'avantages pour obtenir le consentement d'une personne ayant une autorité sur une autre aux fins d'exploitation ».

<sup>4</sup> Le droit communautaire de la CEDEAO consacre la citoyenneté communautaire. Tous les citoyens des pays membres sont considérés comme des citoyens à l'échelle de l'espace communautaire. Ils ont de ce fait le droit de circuler librement sans entrave dès lors qu'ils disposent d'un document de voyage et de carte de vaccination.

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nationaux, et dans une certaine mesure des migrants de passage, cette nouvelle loi vise plus spécifiquement les personnes exerçant des activités liées à la migration.

## La criminalisation des activités liées à la migration

En effet, il convient de noter que l'objectif visé à travers cette loi est clairement d'entraver le déplacement sur le territoire national des personnes susceptibles de traverser les frontières pour se rendre en Europe. C'est en tout cas ce que laisse penser la criminalisation des activités liées à la migration, qu'il s'agisse du transport ou de l'accueil des migrants, qui constitue le cœur même de cette loi. L'examen des dispositions de cette loi fait ressortir qu'elle a été prise dans le but de dissuader deux principales catégories d'acteurs de la filière migratoire, à savoir les transporteurs et les tenants des lieux d'hébergement pour migrants.

Dans cette optique, la loi relative au trafic illicite des migrants prévoit toute une série de sanctions pénales, y compris des peines privatives de liberté, à l'encontre de tout transporteur pris en flagrant délit de transport de migrants dits « irréguliers ». C'est le lieu d'ailleurs de souligner que les sanctions pénales prévues par cette loi sont de loin plus sévères que celles prévues par l'ordonnance relative à « la traite des personnes ». Les sanctions prévues pour

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une infraction ayant trait à la traite des personnes varient de cinq (5) à dix (10) ans d'emprisonnement et d'une amende de 500.000 à 5.000 FCFA », tandis que celles prévues pour des infractions liées au trafic illicite des migrants peuvent atteindre jusqu'à trente (30) ans d'emprisonnement et une amende de 20.000.000 à 30.000.000 de francs CFA ».

Par ailleurs, il faut noter que l'article 35 de la loi prévoit que « les juridictions de jugement peuvent prononcer la saisie et la confiscation : (i) du produit provenant d'infractions visées par la présente loi ou de biens dont la valeur correspond à celle de ce produit ; (ii) des biens, des matériels et autres instruments utilisés ou destinés à être utilisés pour la commission des infractions visées par la présente ordonnance ». Cet article ajoute également que « si le produit du crime a été transformé ou converti, en partie ou en totalité, en d'autres biens, ces derniers peuvent faire l'objet des mesures visées au présent article en lieu et place dudit produit ».

Enfin, il faut noter que la loi relative au trafic illicite des migrants oblige également les transporteurs à exercer, désormais, une fonction jadis réservée à la police, à savoir le contrôle des « documents d'identité et/ou de voyage » des migrants, sous peine d'encourir une amende allant de 1.000.000 à 3.000.000 de francs CFA ». Les transporteurs visés par cette

panoplie de mesures répressives prévues par la loi relative au trafic illicite des migrants sont naturellement ceux exerçant dans la région d'Agadez, principal point de passage des migrants venant des pays d'Afrique de l'Ouest, mais aussi de certaines contrées du Niger ; car, à ce jour, aucun transporteur exerçant dans une autre région n'a été frappé par ces dispositions légales.

### **Kantché, « une zone de départ » dans « un pays de transit »**

Situé au centre-est du Niger, Kantché est l'un des dix (10) départements que compte la région de Zinder, qui est l'une des plus affectées au Niger par la pauvreté et l'insécurité alimentaire. Couvrant une superficie de 155 778 km<sup>2</sup>, soit environ 13 % du territoire nigérien, la région de Zinder compte 3 683 224 habitants (INS2014), soit environ 20% de la population du pays. La particularité de la région de Zinder tient à deux faits majeurs : d'abord, la densité de sa population, qui est estimée à 22,7 habitants/km<sup>2</sup>; ensuite, la proportion particulièrement élevée des jeunes au sein de cette population (53,7% de ses habitants ont moins de 15 ans contre 49,3% au plan national).

Avec une superficie de 2 381 km<sup>2</sup>, le département de Kantché, qui ne représente que 1,52% de la superficie de la région de Zinder, totalise à lui seul une population estimée à

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482 321<sup>5</sup> habitants, soit environ 13,09% de la population totale de ladite région. La densité de la population est de l'ordre de 202,50 habitants au km<sup>2</sup>, soit près de 9 fois la densité moyenne d'habitants au km<sup>2</sup> de la région. La densité de la population peut atteindre, dans certaines communes comme celle de Kourni, le niveau record de 213 habitants par km<sup>2</sup>. Cette forte pression démographique se traduit par une situation de saturation foncière particulièrement aigue. La saturation foncière entraîne à son tour une insécurité alimentaire chronique, cause principale de la migration de masse observée dans cette zone depuis quelques années.

A Kantché, comme dans d'autres contrées de la région, la migration n'est pas, en tant que telle, un phénomène nouveau ; il s'agit bien d'une tradition ancienne qui, il est vrai, a pris de l'ampleur au cours des dix (10) dernières années. La République fédérale du Nigéria était, jusqu'à une date récente, la principale destination de l'écrasante majorité des migrants de cette zone, plus connus sous l'appellation d'« exodants ». Les principales villes de destination des exodants de Kantché étaient Lagos, Abuja, Kano, Kastina, Zaria et Kaduna où ils exerçaient des petits métiers (petit commerce, menuiserie, maçonnerie, docker, taxi moto, gardiennage, etc.). Les anciens expliquent que « l'exode était saisonnier et concernait essentiellement les

hommes, les bras valides, en particulier ceux de la tranche d'âge variant entre 15 et 40 ans ». Les bras valides commençaient à partir, le plus souvent juste à la fin des récoltes, vers le mois d'Octobre, et revenaient avant le début des activités champêtres, vers Avril et Mai.

Selon les anciens, le départ en exode des jeunes n'était pas seulement un facteur d'adaptation et de réponse à la période de soudure dans la mesure où cette période n'était aussi longue qu'elle l'est aujourd'hui et les paysans n'étaient pas aussi pauvres qu'ils le sont actuellement. Le départ en exode était aussi pour les jeunes le moyen de s'occuper à autre chose pendant la période creuse de l'année (les travaux champêtres durent seulement 3 mois), de faire d'autres expériences et de découvrir d'autres contrées. Les anciens estiment que, désormais, dans le contexte actuel de dégradation des conditions de vie des populations, l'exode est devenu, avant tout, un moyen de « joindre les deux bouts » pour des paysans qui ne peuvent plus vivre seulement de leurs récoltes. « Les revenus tirés de l'exode permettent l'accès à la nourriture pendant la période de soudure, d'acheter des habits, quelques têtes de bétails et faire face à d'autres dépenses courantes, bref c'est une importante source de revenu monétaire pour les ménages », affirment-ils. Un observatoire privilégié des politiques migratoires.

<sup>5</sup> 13% de la population régionale de Zinder.

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Aujourd'hui, beaucoup de choses ont totalement changé, affirment les anciens ; et d'abord, l'ampleur même du phénomène de migration qui ne concerne plus seulement les jeunes hommes. L'exode des femmes et des filles, qui était jadis très rare, s'est considérablement accru ; au point où il semble même s'imposer comme l'un des indicateurs les plus frappants de ce processus migratoire. Le second changement majeur concerne l'émergence de l'Algérie comme principale destination des migrants au détriment du Nigeria. Ces deux changements sont le résultat, l'un de la survenance d'une succession de crises alimentaires et nutritionnelles de plus en plus rapprochées entre 2001 et 2017, et l'autre de l'éclatement de l'insurrection armée de Boko Haram au Nigeria dans un contexte de récession économique marquée.

Jusqu'à ce que survienne la tragédie du 13 septembre 2013, avec la découverte à quelques kilomètres de la frontière algérienne des corps de 92 migrants, dont des femmes et des enfants, morts de soif dans le désert, l'exode des paysan(ne)s de Kantché, en particulier des femmes et des enfants, ne faisait pratiquement l'objet d'aucune entrave de la part des pouvoirs publics nigériens. Cette tragédie a mis en lumière l'ampleur de cet exode, dont la singularité est surtout le nombre important des femmes et des enfants ; elle a servi aussi de prétexte au gouvernement pour prendre des

mesures restrictives de la liberté de circulation s'inscrivant dans la droite ligne de l'engagement souhaité par l'Union Européenne et ses pays membres. L'intérêt porté sur l'analyse du cas de Kantché découle donc du souci de mettre en lumière les effets néfastes du dispositif répressif de la migration mis en place par le gouvernement nigérien, en particulier son incidence sur le droit à l'alimentation des populations.

En effet, il importe de noter que le cas de Kantché fait ressortir que la question de la sécurité alimentaire constitue l'enjeu principal des mouvements migratoires observés dans l'ensemble de la région de Zinder et du pays. La plupart des études consacrées à ce sujet, y compris celles émanant de l'Organisation internationale des migrations (OIM), font ressortir que l'insécurité alimentaire est la principale cause du départ massif des paysans de ce département vers d'autres contrées. Traitant de la migration des femmes et des enfants de Kantché vers l'Algérie, un rapport d'étude socio-anthropologique publié par l'OIM en 2016 note que Kantché se caractérise par un contexte socioéconomique répulsif. Le rapport relève d'une part qu'en dehors de l'agriculture pluviale, « les opportunités d'emploi sont très limitées et peu attrayantes » ; et d'autre part, que « l'émiettement des terres de cultures sur lesquelles les populations continuent d'appliquer des techniques culturelles dépassées contribuent au très faible rendement des terres ».

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Selon ce rapport de l'OIM, « les départs en migration apparaissent comme l'une des solutions saisies par les populations pour répondre à leurs besoins de survie ». Ce constat établi par les auteurs de ce rapport pour le département de Kantché est valable pour l'ensemble de la région de Zinder. Comme d'autres régions du pays, celle de Zinder reste marquée par un niveau élevé de la pauvreté au sein de la population, même si la proportion des pauvres dans la région (53,7%) est inférieure à la moyenne nationale estimée à 59,5%. Comme dans d'autres régions du pays, l'insécurité alimentaire demeure à Zinder aussi l'un des marqueurs les plus éloquents de la pauvreté et de l'indigence dans lesquelles vit la population. Entre 2005 et 2017, la région a enregistré une succession de crises alimentaires et nutritionnelles, pratiquement une année sur deux, avec comme conséquences l'érosion des moyens de subsistance des populations.

### **Le paradoxe de Kantché : bilan cérééalier excédentaire, population en insécurité alimentaire**

Selon le profil humanitaire établi en juillet 2016 par le bureau de coordination humanitaire des Nations unies (OCHA), la région de Zinder figure au premier rang des régions les plus affectées par la malnutrition aigue globale (MAG), avec un taux de 18% en 2015.

L'évaluation nationale de la situation nutritionnelle par la méthodologie SMART, réalisée en novembre 2016, fait ressortir également que « la prévalence de la forme sévère de l'insuffisance pondérale est apparue particulièrement élevée dans les régions de Maradi (15,9%) et Zinder (15,1%) où plus d'un enfant sur deux (2) souffraient d'un déficit pondéral par rapport à l'âge ». Cette enquête fait ressortir également que « la prévalence de la malnutrition aigüe sévère était particulièrement élevée dans la région de Zinder (3%) ».

A Kantché, la situation alimentaire et nutritionnelle est tout aussi préoccupante que dans le reste de la région de Zinder ; et ce, même si les statistiques officielles ne classent pas ce département parmi ceux qui enregistrent constamment un déficit cérééalier. Comme dans d'autres contrées nigériennes, l'insécurité alimentaire est d'abord le résultat de l'abandon par l'État des secteurs de l'agriculture et de l'élevage, qui constituent les deux principales branches d'activités économiques de la population. Ces deux secteurs subissent aujourd'hui de plein fouet les effets conjugués de la croissance démographique et du désengagement de l'État consécutif à la mise en œuvre des plans d'ajustement structurel depuis le début des années 1980. C'est le lieu de rappeler que le département de Kantché faisait jadis partie des zones agricoles les plus prospères de la région de Zinder et même du Niger.

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Aujourd'hui encore, compte tenu de la relative importance de la pluviométrie<sup>6</sup>, le niveau de la production agricole reste plus important à Kantché que dans d'autres zones de la région. Les principales cultures pratiquées par les paysans du département sont le mil, le sorgho, niébé, le sésame et l'arachide. Les paysans pratiquent également l'agriculture irriguée dans le sud et le sud-est du département, en particulier dans les communes de Doungou, Dan

Barto, Yaouri, Kourni, Tsaouni et le sud-Est de la commune de Matameye. Les principales cultures sont notamment le poivron, la canne à sucre, la courge, le chou, l'oignon, la tomate, la pomme de terre, la laitue, le maïs, la patate douce, le jaxatou, le moringa. Les statistiques de la direction départementale de l'agriculture laissent croire que le département de Kantché enregistre constamment un bilan céréalier « équilibré, voire légèrement excédentaire »

Tableau N°1 : Résultats comparé des campagnes agricoles

Année	Cultures & paramètres	Mil	Sorgho	Niébé	Arachide	Sésame
2015	Superficie (ha)	147 747	87 855	123 153	41 797	711
	Rendement (kg/ha)	577	622	436	686	433
	Production (T)	85 250	54 470	53 695	28 673	308
2014	Superficie (ha)	190 021	178 470	125 321	107 323	2 602
	Rendement (kg/ha)	374	396	368	645	337
	Production (T)	71 068	70 674	46 118	69 223	877
2013	Superficie (ha)	171 622	157 211	153 210	137 023	2602
	Rendement (kg/ha)	299	165	82	48	225
	Production (T)	51 315	25 940	12 563	6 577	585
2012	Superficie (ha)	175 621	123 476	125 321	107 323	353
	Rendement (kg/ha)	495	364	100	449	88
	Production (T)	86 932	44 943	12 532	48 188	31
2011	Superficie (ha)	175 621	123 470	127 146	107 323	7 143
	Rendement (kg/ha)	419	276	349	440	756
	Production (T)	73 585	34 078	44 374	47 222	5 400

Source : DDA, Kantché

<sup>6</sup> La pluviométrie varie entre 400 mm/an au nord dans la zone sahélo-soudanaïenne et 600 mm/an dans la zone soudanaïenne au sud.

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Cependant, il faut noter que beaucoup d'acteurs sur le terrain contestent le bilan céréalier tel qu'il est établi par les services techniques pour au moins deux raisons fondamentales. D'abord, parce que la méthode employée occulte la persistance d'une insécurité alimentaire chronique chez nombre des paysans de ce département. Ensuite, parce qu'elle se base uniquement sur la norme de la consommation alimentaire, sans tenir compte des autres besoins fondamentaux des paysans. En 2016 par exemple, les services techniques ont considéré que le bilan céréalier de la campagne agri-

cole, estimé à environ « 118.767 tonnes de céréales », est excédentaire d'environ 7 834 tonnes ; et ce, sur la base uniquement de la norme de consommation de « 230 kg/personne/an ». Cette interprétation est trompeuse dans la mesure où elle ne tient pas compte de la fonction de génération de revenus de la production céréalière : outre l'autoconsommation, les paysans doivent vendre une partie de leur production pour satisfaire tous les autres besoins fondamentaux ( santé, éducation, habillement, etc.).

Tableau N°2 : bilan fourrager 2016-2017 de la région de Zinder :

Designation	Département	Disponible pâturages zone pastorale (TMS)	Disponible résidus agriculture (TMS)	Disponible Enclave (Tonne MS)		Total Disponible (TMS)	Effectif en UBT (Projection 2017)	Effectif UBT séjournant	Besoins UBT séjournant (TMS)	Ecart (TMS)
				herbacée	ligneux					
Zinder	Région	2 159 974	1 406 309	49 610	16914,00	3 632 807	3 990 222	3 561 662	6 054 825	-2 422 018
	Kantché		224 529	4 277	1 168	229 974	240 107	213 834	363 518	-133 544
National		6 122 167	5 906 945	164 501	204 320	13 387 266	18 165 779	15 072 439	25 623 147	-12 235 881

Source : Résultats provisoires campagne pastorale 2016-2017, MAG EL.

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## L'exode, un levier important de la sécurité alimentaire des paysans

Quoi qu'il en soit, notwithstanding le caractère controversé de la méthodologie d'évaluation du bilan céréalier employée par les services techniques nigériens, il est bien établi que la production céréalière est généralement insuffisante pour couvrir les besoins alimentaires de la plupart des ménages au-delà de 9 mois. Les paysans et les services techniques s'accordent d'ailleurs à reconnaître que près de 60% des ménages se retrouvent en situation d'insécurité alimentaire après trois (3) mois seulement d'une « bonne récolte ». Les informations recueillies sur le terrain font ressortir que la situation alimentaire et nutritionnelle dans le département de Kantché est rythmée depuis quelques années par une succession de trois périodes : une d'environ deux à trois mois, allant d'octobre à décembre, dénommée « lokacin wadata » ou période d'abondance, au cours de laquelle les paysans peuvent s'offrir trois (3) repas par jour ; une autre d'environ trois mois également, allant de janvier à mars, dénommée « Hankali yafa tachi » ou période de « stress alimentaire », au cours de laquelle le nombre de repas journalier est réduit à deux ; et enfin, une période d'environ six mois, entre avril et octobre, dénommée « takatchamé » ou période de « soudure », au cours de laquelle les habitudes alimentaires sont complètement bouleversées. Au cours de cette période de soudure, qui est la plus longue du cycle de la situation alimentaire telle que décrite par les personnes rencontrées sur le terrain, la plupart des ménages sont généralement en insécurité sévère et n'ont pas d'autres

choix que de réduire le nombre de repas journaliers, en particulier ceux des adultes qui ne peuvent manger qu'au gré des circonstances. C'est au cours de cette période que l'on voit généralement apparaître le recours à des stratégies de détresse et d'adaptation telles que la consommation des feuilles sauvages, l'endettement et la décapitalisation (vente de champs, d'animaux et autres biens essentiels). C'est aussi au cours de cette période qu'apparaît la migration de masse des paysan(ne)s confrontés à l'insécurité alimentaire.

A Kantché, l'insécurité alimentaire s'est doublée ces dernières années d'une situation pastorale jugée préoccupante par la plupart des acteurs rencontrés sur le terrain. Le bilan fourrager du département a été constamment déficitaire depuis 2007. Le déficit est évalué à 133 544 tonnes de matière sèche pour l'année 2017 ; et le bilan établi par le ministère de l'agriculture et de l'élevage indique que le disponible fourrager est essentiellement constitué de « résidus de culture ». C'est le cas dans la plupart des communes du département, à savoir Dan Barto, Yaouri, Kourni, Tsaouni et Matameye. La production fourragère est pratiquement nulle tout au long de la bande considérée comme proche de la sécheresse ; il s'agit notamment de la bande traversant l'ouest de la commune de Kantché, le nord ouest de la commune de Daouché et le nord est de Ichirnawa. Cette situation se traduit par une nette diminution de l'effectif du cheptel du département de Kantché estimé en 2017, à 240 108 têtes, dont 159 609 bovins, 25 673 ovins, 48 064 caprins, 1432 camélins, 2 517 équins et 2 813 asins.

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## La saturation foncière, une des causes de l'insécurité alimentaire

Selon le directeur départemental du service de l'agriculture, Kantché ne dispose aujourd'hui d'aucune réserve de terre cultivable. « Sur une superficie cultivable estimée à 195.000 ha, en 2016, environ 190.000,05 hectares sont effectivement cultivés, soit 97% des superficies cultivables », affirme-t-il. La saturation foncière à Kantché est telle que « un paysan, chef d'un ménage de sept personnes, ne dispose, en moyenne, que de 0,5 hectare seulement », affirme le représentant de la commission foncière départementale (COFODEP), lors d'une séance de travail avec l'équipe de l'Observatoire du droit à l'alimentation. Le directeur départemental de l'agriculture affirme que cette saturation foncière a créé une situation d'inégalités insoutenable : « certains paysans sont devenus des simples ouvriers agricoles, alors que certains chefs coutumiers et commerçants peuvent disposer d'un capital foncier pouvant aller jusqu'à plus d'une dizaine d'hectares ».

Tableau N°1 : Données physiques du département de Kantché :

Nombre de villages	Superficie totale (KM2)	Superficie cultivable (ha)	Superficie cultivée (ha)	%	Population
293	2 381	195 000	190 021	97 %	460 009

Source : DDA, Kantché

Dans certaines communes comme celle de Kourni, la situation foncière est encore plus alarmante du fait d'une densité démographique atteignant la barre de 213 habitants par Km2. L'expression « turbans » utilisée par les paysans de ces zones pour qualifier leurs champs, dont les superficies ne font que s'amenuiser au fil des répartitions successorales, illustre fort tristement l'ampleur de ce qu'il convient de considérer comme une crise foncière. Les paysans sont conscients que tout succès dans la lutte contre l'insécurité alimentaire dans ces zones sera fonction de leur capacité à améliorer le rendement à l'hectare ; mais, en l'absence d'un soutien conséquent de l'État, ils sont conscients également qu'il est impossible pour beaucoup d'entre eux d'avoir accès aux intrants et autres facteurs indispensables à l'amélioration des rendements.

A Kantché, la crise foncière touche également le secteur de l'élevage, selon le directeur départemental de l'élevage. Elle se traduit par une absence presque totale des enclaves pastorales et des couloirs de passage. Le directeur départemental affirme que « Kantché ne dispose pratiquement pas d'aires de pâturage aujourd'hui, alors qu'en 2003 il comptait 19 enclaves pastorales et 21 couloirs de passages estimés, à l'époque, à environ 16.957 ha » précise le directeur. Le couloir international de passage, qui traversait le département sur une largeur de 200 à 400 mètres, par endroit, n'existe plus que de nom.

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C'est sur ce couloir de passage qu'une bonne partie de la ville de Kantché s'est construite; et les quelques espaces non encore habités, sont pratiquement envahis par des mauvaises herbes, impropres à l'alimentation animale.

Paysan pauvre, habitant du village de Roumji, Nassirou Moussa donne la mesure des difficultés auxquelles des milliers des paysans comme lui sont confrontés en raison de cette situation de saturation foncière. « Cette année, j'ai récolté une seule botte de mil, correspondant à environ 15kg. J'ai fini de cultiver mon champ en 4 jours de travail. L'année passée, j'ai eu 7 bottes. Et j'ai 6 personnes à charge », affirme-t-il. Agé d'une trentaine d'années, Chapiou Halilou, habitant de village de Eldawa, rapatrié d'Algérie il y a seulement 7 mois, ajoute : « Après le décès de mon papa, j'ai hérité d'un champ qui ne vaut pas une parcelle, alors que j'ai trois enfants. Cette année, je n'ai rien pu produire, et j'ai honte, à l'idée que mes sœurs ont vendu leurs animaux et cotisé pour financer mon départ sur l'Algérie dans l'espoir de trouver un peu d'argent pour acheter un champs et quelques animaux ».

Dans le contexte de Kantché, on comprend dès lors que beaucoup de paysans n'ont pas d'autres choix que de partir, comme Chapiou, chercher leur pitance ailleurs ; fut-il au risque de leur vie, comme ces dizaines de personnes que la mort a emportées sur les

routes de la migration, quelque part dans le désert, entre le Niger et l'Algérie. Confrontés à l'épineux problème de l'exiguïté des terres agricoles, ainsi qu'à d'énormes difficultés d'accès aux intrants et autres facteurs indispensables à l'amélioration des rendements, de nombreux paysans n'ont d'autre choix que de partir. Le recours à la migration saisonnière, notamment en direction de l'Algérie, s'est imposé comme l'unique filet de sécurité alimentaire pour eux ; car, depuis l'éclatement de l'insurrection armée de Boko Haram au Nord du Nigeria voisin et l'effondrement de la Lybie à la suite des attaques de l'OTAN, l'Algérie est devenue la principale destination des migrants saisonniers de Kantché.

### L'Algérie, une destination prisée par les femmes et les enfants

Sur la base des informations recueillies sur le terrain, on peut affirmer que les femmes et les enfants constituent une proportion importante du contingent de migrants à destination de l'Algérie. Les chiffres exacts ne sont pas encore connus, mais les femmes et les enfants se comptent par milliers parmi les migrants. Les données tirées d'un récent rapport de mission du conseil municipal de Kourni, une des neuf (9) communes du département de Kantché, indiquent d'ailleurs que les femmes et les enfants constituent la majorité des personnes concernées par le départ en migration. Ce rapport municipal mentionne que,

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« sur un échantillon de 7 villages visités, il est dénombré 1.119 personnes concernées par le départ en migration parmi lesquelles 847 enfants, 201 femmes et 71 hommes ».

Selon ce rapport, « les causes de ce départ sont multiples, mais toutes ont comme résultante, la recherche d'un complément alimentaire ». Les témoignages recueillis auprès des acteurs du terrain indiquent que « la mendicité » est la principale activité de l'écrasante majorité des migrants de Kantché en Algérie, en particulier les femmes et les enfants. « La mendicité s'est imposée comme l'unique activité parce que nous n'avons pas de qualification, ni de papiers nous permettant d'obtenir un travail en Algérie », affirme Rafiou Mallam Mamani, migrant refoulé, âgé d'une soixantaine d'années. Célibataire âgé de moins de 20 ans, Moutari Badamassi, qui a pu aller en Algérie, avec le soutien financier de sa mère, précise : « En Algérie, la mendicité est beaucoup plus lucrative. Ce n'est pas à comparer avec les petits travaux à notre portée. C'est pourquoi tout le monde mendie là-bas, hommes, femmes et enfants. Je gagne en moyenne 50.000FCfa par semaine. A mon retour, j'ai investi près de 300.000 fcfa pour construire une maison en banco, couverte de tôle. J'ai acheté quelques petits ruminants (moutons et chèvres), puis j'ai construit un hangar où je suis en train de vendre à manger pour gagner ma vie ».

Dans les différentes localités de Kantché, les récits comme ceux de Moutari Badamassi sont très nombreux et relayés de bouche à oreille comme des véritables « success stories ». Ces récits ont visiblement plus de succès et d'impacts au sein de la population, en particulier chez les femmes et les jeunes, que les tragédies largement relayées par les médias.

C'est en tout cas ce que laisse penser la ruée vers l'Algérie observée au cours des cinq (5) dernières années ; une ruée qui implique des milliers de personnes, hommes, femmes et enfants qui bravent les difficultés périlleuses du désert, dans l'espoir de se mettre à l'abri de la faim et la malnutrition, devenues endémiques dans leurs villages d'origine. La plupart des personnes rencontrées reconnaissent pourtant que la mendicité est dégradante au regard de leur propre culture, mais elles disent préférer l'indignité sociale associée à la mendicité à celle liée à l'indigence dans laquelle elles seraient condamnées à vivre dans leur propre pays.

### Les migrantes, déterminées malgré la stigmatisation

A Kantché, les anciens migrant(e)s de retour sont conscient(e)s de la stigmatisation à laquelle les expose le fait de s'adonner à la mendicité dans un pays étranger. Ils s'en accom-

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modent néanmoins et préfèrent ne pas attacher de l'importance au discours tendant à les accuser de dégrader l'image du pays à l'extérieur, y compris lorsqu'ils sont le fait d'autorités étatiques censées les protéger. La stigmatisation, ce sont d'abord les femmes migrantes de Kantché qui en subissent les conséquences, elles qui sont accusées, en plus de la mendicité, de s'adonner à la prostitution en terre algérienne. Cette accusation grave, qui les désigne à la vindicte et au lynchage de la population, toutes les femmes rencontrées la réfutent ; elles estiment qu'elle est sans fondement et qu'elle traduit plutôt la réticence des hommes de voir des femmes s'autonomiser et se soustraire à leur tutelle grâce aux revenus qu'elles gagnent par le biais de la migration.

Selon Mme Rahila, une migrante retournée d'Algérie, « nous, les femmes, nous gagnons, avec nos enfants, beaucoup plus que les hommes. Les gens en Algérie sont plus sensibles à notre situation. C'est pourqu'oi vous constatez que nous sommes, de plus en plus, nombreuses à aller en Algérie. Cela nous a permis de devenir les principaux leviers de subsistance de la communauté ». Lors d'une réunion publique organisée à Makoussa avec un groupe de femmes, beaucoup ont expliqué qu'elles sont obligées de partir en Algérie parce qu'elles ne possèdent pas de terres. « Ce sont les hommes qui cultivent, la plupart d'entre eux, ce sont des champs hérités, quelques-uns en achètent. Les récoltes sont mai-

gres et insuffisantes, en moins de trois mois tout est fini », ont-elles affirmé. Elles déclarent en chœur : « Nous voulons aller à Alger. C'est l'argent pour le transport qui nous manque. Dès qu'on trouve un peu d'argent même si c'est du prêt on va retourner au risque de rester mourir à la maison ».

A Makoussa, beaucoup de femmes ont fait l'expérience de la migration vers l'Algérie ; elles en connaissent les difficultés et les risques. Néanmoins, elles sont prêtes à renouveler l'expérience, avec leurs enfants. « Avant nous partions au Nigéria, maintenant avec la baisse de la Naira, nous avons choisi d'aller à Alger où on gagne facilement. Certes, la route est très difficile et il y'a beaucoup de risques, certaines meurent de soif et de faim, mais la difficulté n'est rien si tu arrives à destination », affirment-elles. Les témoignages des femmes indiquent qu'il est important pour une migrante en Algérie d'avoir avec elle des enfants. « Nous transportons 2 à 3 enfants avec nous, car, plus tu as des enfants plus tu gagnes. L'argent que gagnons, nous l'envoyons chez nous pour nourrir le reste de nos enfants. Nous prêtons de l'argent pour avoir le transport. Nous gagnons beaucoup dans la mendicité selon la chance de la personne, parfois jusqu'à 100 000 FCFA par jour ». Interrogées sur les risques auxquels elles exposent les enfants, elles affirment : « Ce sont nos enfants, personne ne les aime plus que nous, nous faisons tout ça pour eux ».

## Quand l'Algérie expulse en masse les migrant(e)s

Depuis au moins quatre (4) ans, l'État algérien, qui est partie à la convention relative aux droits de tous les travailleurs migrants et les membres de leur famille, a durci sa politique migratoire à l'égard des ressortissants subsahariens. Chaque année, des centaines, voire des milliers, de migrant(e)s sont refoulés vers le Niger. Les statistiques disponibles indiquent que, entre 2013 et 2014, ce sont au total 12 540 personnes, ressortissantes de la région de Zinder, qui ont été expulsées d'Algérie vers le Niger. Les hommes représentent 52,2% des personnes expulsées ; tandis que les femmes et les enfants de moins de 17 ans en représentent 47,8%. Près de 34% des personnes expulsées ont moins de 17 ans, dont 18,2% sont des enfants de moins de 5 ans, et 15% ont un âge compris entre 6 et 17 ans. Les filles constituent plus de la moitié (51,3%) des enfants de moins de 17 ans refoulés d'Algérie, le plus souvent dans des conditions particulièrement difficiles.

Tableau N°4 : situation des migrants retournés d'Algérie entre 2013 et 2014

Région	Ménages	Plus de 18 ans		De 0 à 5ans		De 6 à 17ans		total
		Femmes	Hommes	Filles	Garçons	Filles	Garçons	
Zinder	8219	1735	6555	1187	1098	993	972	12540
Total	8219	8290, soit 66,1%		2285, soit 18,2%		1965, soit 15,7%		

Source direction départemental d'état civil de Kantché, situation établie, le 23 Février 2017, citant la DRP/PF/PE

Selon les autorités départementales, « 98% de ces migrants rapatriés d'Algérie sont originaires du département de Kantché ». Les vagues d'expulsions massives des migrants opérées par l'Algérie, avec parfois l'aval tacite des autorités nigériennes, ont inauguré un nouveau chapitre dans la vie socioéconomique des populations de Kantché. Ces expulsions massives, qui constituent une violation flagrante des dispositions de la convention relative aux droits de tous les travailleurs migrants et des membres de leur famille, ont accentué la vulnérabilité de milliers de ménages, désormais privés de l'une de leurs principales stratégies face à l'insécurité alimentaire. Les personnes expulsées, tout comme celles restées sur place, sont aujourd'hui condamnées à se replier sur les rares économies disponibles ; et cela se ressent déjà à travers la dégringolade perceptible de l'effectif du cheptel, qui est passé de 615 865 têtes de bétail en 2014 à 240 108 têtes seulement en 2017, soit une chute d'environ 39% en trois (3) ans.

Dans toutes les localités de Kantché visitées dans le cadre de la mission d'enquête de l'Observatoire du droit à l'alimentation, les personnes rapatriées d'Algérie et les candidats au départ ne cachent pas leur ressentiment à l'égard des autorités nigériennes qu'elles accusent d'être à l'origine de leur expulsion. Les sentiments de frustration, voire d'impasse, sont palpables chez les personnes rencontrées : « A quoi servent vos multiples missions ? Juste pour nous poser des



questions et disparaître. Beaucoup d'autres avant vous étaient là. Mais rien n'arrive. Seulement des questions et des questions. D'aucuns sont même rentrés dans nos chambres pour prendre des photos, soi-disant pour capturer notre misère. Ils ont promis de revenir pour nous aider, nous n'avons rien vu », ont lancé certains à l'endroit de la mission de l'Observatoire du droit à l'alimentation. Les plaintes des retournés, comme on les appelle communément, portent notamment sur l'absence d'une assistance conséquente de l'État et de ses partenaires.

Selon la plupart des personnes rencontrées, les interventions humanitaires, qui étaient en cours au passage de la mission de l'observatoire du droit à l'alimentation, sont insignifiantes. Provenant surtout de l'Unicef, de la Haute Autorité à la Consolidation de la Paix (HACP) et de l'Organisation Internationale pour les migrations (OIM), elles consistent à soutenir les femmes retournées à pratiquer le petit élevage ou ce que l'on désigne couramment sous le vocable d'AGR (activités génératrices de revenus).

Ces appuis sont naturellement très insuffisants pour maintenir sur place des femmes qui ont

l'habitude de gagner beaucoup plus en Algérie. « Là bas, nous mangeons très bien, beaucoup mieux que les bourgeois d'ici », martèle une jeune dame, sous les applaudissements de ses camarades et le sourire approbateur de quelques

anciens présents. « Ce qui nous fait mal, c'est qu'aujourd'hui, les obstacles se sont multipliés, il est difficile de retourner en Algérie », poursuit la jeune dame.

En effet, il est désormais très difficile pour les candidats à l'exode vers l'Algérie de prendre la route ; car, les contrôles sont de plus en plus stricts, en particulier pour les femmes, à partir déjà de la région de Zinder. Le dispositif mis en place par les autorités nigériennes, avec l'appui de l'Union européenne et de ses pays membres, entrave sérieusement la mobilité des personnes en direction du Nord. Le durcissement des mesures de contrôle se traduit par un renchérissement des prix de transport et l'augmentation des risques ; et à Kantché, les candidats à la migration, qui disent souffrir moins des expulsions fréquentes de l'Algérie que de la multiplication des obstacles créés par les pouvoirs publics nigériens, ont le sentiment de vivre dans une sorte d'internement. C'est ce qu'a expliqué Hadiza Gambo, habitante du village de Eldawa, migrante retournée d'Algérie, âgée d'une soixantaine d'années : « Du fait de ces multiples interdictions de départ et des vagues de rapatriement, nous avons, aujourd'hui, le sentiment d'être victimes d'un coup d'état suivi d'un emprisonnement ferme ».

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### Conclusion : Le droit à l'alimentation des populations menacé

Sur la foi des informations recueillies sur le terrain à Kantché, on peut affirmer avec force que les mesures prises par le gouvernement nigérien dans le cadre de la lutte contre la migration dite irrégulière, à l'instigation ou avec la bienveillance de ses partenaires extérieurs, en particulier l'Union Européenne, ont une incidence négative certaine sur l'effectivité du droit à l'alimentation des populations du département. Ces informations indiquent tout d'abord que la migration constitue un des leviers importants de la protection de ces populations face à divers chocs exogènes, en particulier l'insécurité alimentaire, qui tend à devenir chronique dans l'ensemble du pays. La sécurité alimentaire de nombreux ménages dépend dans le département de Kantché, tout comme d'ailleurs dans la plupart des départements du pays, des revenus envoyés par les travailleurs migrants. Les témoignages recueillis sur le terrain soulignent l'importance de ces revenus, qui dépassent largement ce que la communauté pourrait espérer comme aide de l'État ou de ses partenaires extérieurs. Le témoignage de Dogo Dan India, commerçant spécialisé dans la collecte et la redistribution des fonds envoyés par les migrants via les institutions de transfert d'argent (BNIF AFUWA et AL IZA), est édifiant à ce propos : « Avant les opérations de refoulement, j'étais

chargé d'aller à Zinder pour collecter les fonds envoyés par les frères d'Algérie en vue de leur répartition dans les familles respectives. Je partais au moins deux (2) fois par semaine à Zinder faire des retraits auprès des institutions d'envoi ; et à chaque fois, je revenais avec au moins 12 à 13 millions FCFA. Il m'arrivait de revenir parfois avec 26 millions ».

Selon ce commerçant, qui affirme qu'il n'y a « rien qui rapporte autant de ressources dans ce département comme les transferts des migrants ces dernières années », les mesures de restriction de la mobilité des personnes vont contribuer à créer un désastre social pour la communauté. C'est aussi le point des acteurs locaux de la société civile, qui considèrent ces mesures comme une menace à la sécurité alimentaire des populations. Les expulsions massives des migrants et le maintien de ces mesures, sans aucun appui conséquent de l'État permettant aux retournés et aux membres de leur famille de satisfaire leurs besoins alimentaires et vivre dignement, constituent des atteintes graves, aussi bien de la part de l'État du Niger que de ses partenaires, au droit à l'alimentation des populations. C'est le lieu de rappeler que ce droit est explicitement consacré à travers l'article 12 de la Constitution nigérienne du 25 Novembre 2010. Comme l'a défini l'ancien Rapporteur des Nations unies pour le droit à l'alimentation, ce droit se définit comme « le droit d'avoir un accès régulier, permanent et libre, soit directement, soit au moyen d'achats monétaires, à une nourriture

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quantitativement et qualitativement adéquate et suffisante, correspondant aux traditions culturelles du peuple dont est issu le consommateur, et qui assure une vie psychique, individuelle et collective, libre d'angoisse, satisfaisante et digne».

Selon l'Observation générale N°12 du Comité des Nations unies sur les droits économiques, sociaux et culturels, la reconnaissance du droit à l'alimentation impose aux États parties trois (3) principales obligations, à savoir celles de (i) respecter, (ii) protéger et (iii) donner effet. L'obligation de respecter consiste pour chaque État signataire du Pacte international relatif aux droits économiques, sociaux et culturels à s'abstenir de prendre des mesures qui ont pour effet de priver quiconque de l'accès à la nourriture, ou aux moyens de se la procurer. L'obligation de protéger s'entend quant à elle de celle faite à tout État partie de «veiller à ce que des entreprises ou des particuliers ne privent pas des individus de l'accès à une nourriture suffisante» ; tandis que l'obligation de donner effet ou de faciliter l'exercice signifie que les États parties doivent «prendre le devant de manière à renforcer l'accès de la population aux ressources et aux moyens d'assurer sa subsistance, y compris la sécurité alimentaire, ainsi que l'utilisation desdits ressources et moyens». Cette dernière obligation signifie également que les États parties sont tenus de distribuer des vivres lorsque surviennent des catastrophes ou «chaque fois qu'un individu ou un groupe se trouve, pour des raisons indépendantes de sa

volonté, dans l'impossibilité d'exercer son droit à une nourriture suffisante par les moyens dont il dispose».

Au regard de ces dispositions, il importe donc que l'État du Niger accorde une grande attention aux conséquences sur la sécurité alimentaire des populations des mesures qu'il prend dans le cadre de sa lutte contre la migration dite irrégulière. L'exemple de Kantché montre clairement que les autorités nigériennes ne font pas preuve d'une telle attention ; et c'est aussi le cas de ses partenaires, en particulier l'Union Européenne et ses pays membres, qui l'ont incité à prendre des mesures restreignant les flux migratoires. L'État du Niger et ses partenaires sont réputés savoir que la migration représente un levier important de sécurité alimentaire des populations ; tout comme ils sont censés savoir que la persistance de l'insécurité alimentaire, consécutive à la diminution par les États de leur financement en faveur de l'agriculture et de l'élevage, constitue l'une des causes profondes de l'exode massif des paysans vers d'autres contrées.

C'est pourquoi, nous recommandons fortement à ce que l'État du Niger et ses partenaires renoncent à toute politique visant à entraver la mobilité des personnes et s'engagent résolument sur la voie de l'accroissement du financement public en faveur de l'agriculture et de l'élevage, ainsi que le préconise la Constitution nigérienne du 25 novembre 2010.

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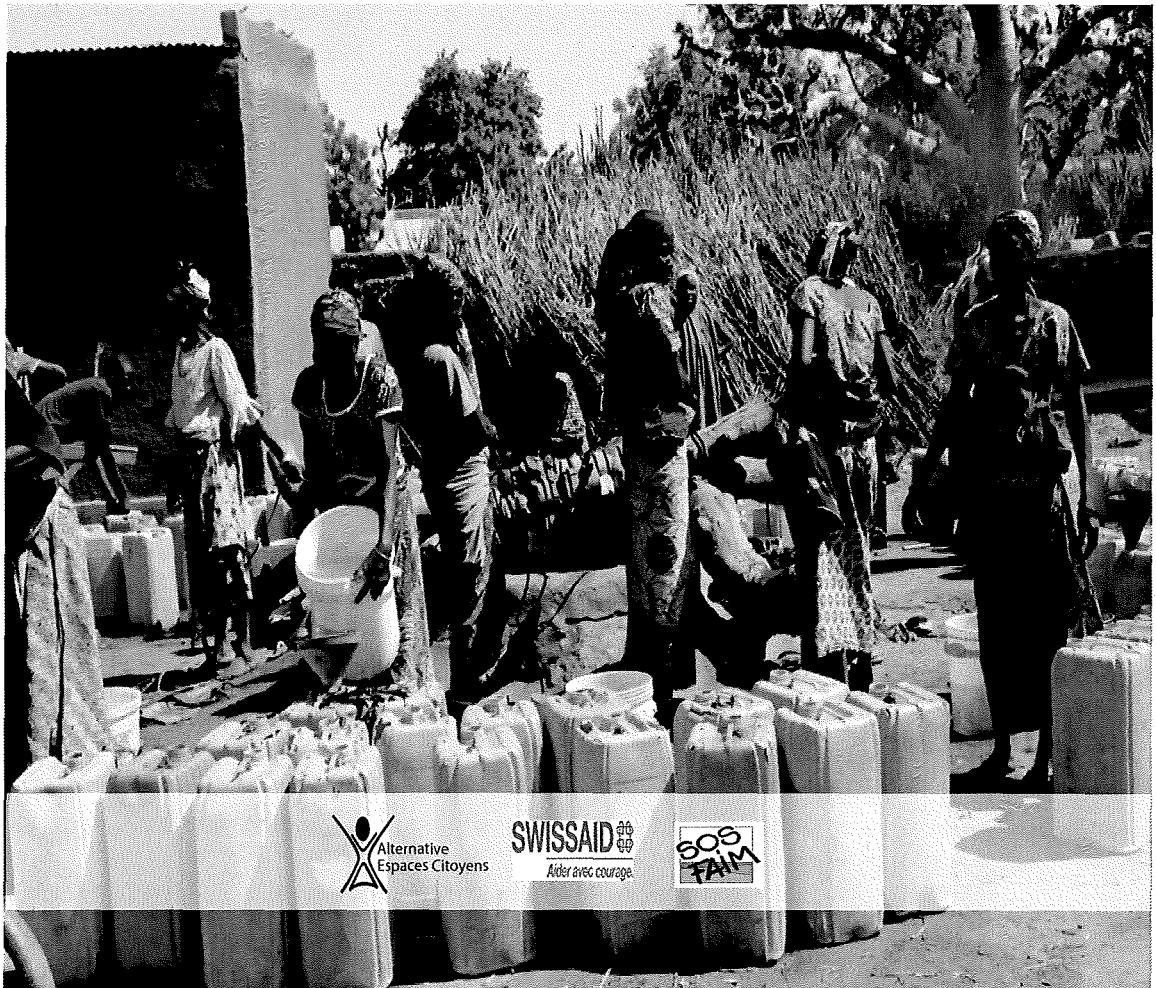
### Le cri de cœur des acteurs locaux de Kantché

Conscients de la gravité de la situation qui se profile à l'horizon, nombre d'acteurs locaux rencontrés sur le terrain recommandent au Gouvernement et à ses partenaires de prendre des mesures concrètes et immédiates pour voler au secours des populations de Kantché. Ces mesures peuvent, dans l'immédiat, prendre la forme d'assistance humanitaire dont les modalités sont à définir, de façon participative, avec les concernés. Elles peuvent également consister en un allègement du dispositif anti-migratoire ; car, ils estiment que l'énergie et les ressources que dépense le gouvernement dans la répression peuvent être réorientées pour faciliter le déplace-

ment des paisibles citoyens avec beaucoup moins des difficultés.

Dans une perspective d'une réponse durable au problème structurel d'insécurité alimentaire, les agents des services techniques et les acteurs du développement rural sur le terrain appellent à un accroissement des investissements publics pour soutenir l'agriculture irriguée. Le département de Kantché, affirment-ils, dispose d'importantes potentialités dans ce sens. Ils sont convaincus qu'avec «une bonne politique publique de maîtrise d'eau et d'accompagnement adéquat des paysans, le département de Kantché peut bel et bien être autosuffisant en alimentation ». L'insécurité alimentaire dans le département de Kantché n'est pas une fatalité.

26 Migrations et sécurité alimentaire au Niger



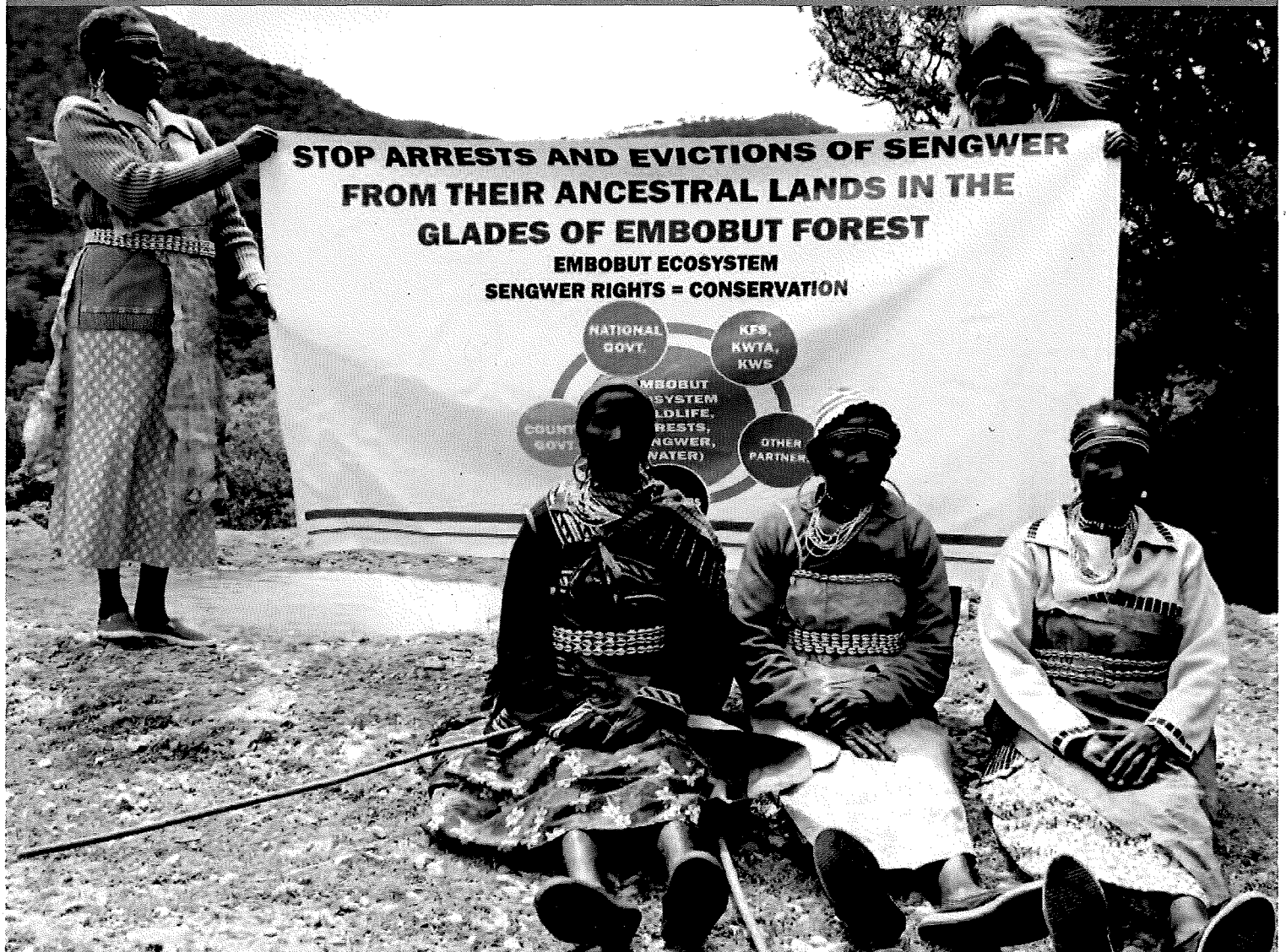
 Alternative  
Espaces Citoyens

**SWISSAID**   
Aider avec courage.

**808**  
**FAM**



# FRONT LINE DEFENDERS GLOBAL ANALYSIS 2018



**On the cover:** Sited Kimoi Cherongis (Kokipchumba), Talaa Cheserut, and Rebecca (all seated) and Esther Chepkiyeng (standing, left) and Kirop Sikitom (standing, right) from the Sengwer community in the Embobut forest in Kenya protest evictions by the Kenya Forest Service (see p. 14)  
photo credit: Elias Kimaiyo

Published by:  
Front Line, the International Foundation for the Protection of Human Rights Defenders  
Grattan House  
Temple Road  
Blackrock, A94 FA39  
County Dublin  
Ireland

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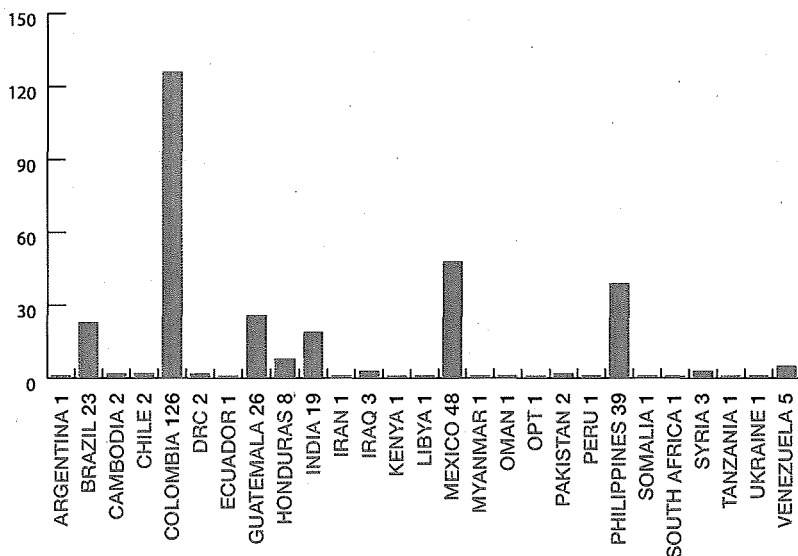
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**FRONT LINE  
DEFENDERS  
GLOBAL  
ANALYSIS  
2018**

**THESE ARE THE NAMES OF THE 321 HUMAN RIGHTS DEFENDERS WHO WERE KILLED IN 2018, AS REPORTED TO FRONT LINE DEFENDERS. WE REMEMBER THEM AND TO THEM WE DEDICATE OUR WORK.<sup>1</sup>**



**AT LEAST 49% OF THOSE KILLED HAD PREVIOUSLY RECEIVED A SPECIFIC DIRECT THREAT**

**IN AN ADDITIONAL 43% OF KILLINGS, THERE HAD BEEN GENERAL THREATS MADE TO HRDS IN THE AREA**

**12% OF THOSE REPORTED KILLED WERE WOMEN**

**77% OF THOSE KILLED WORKING ON LAND, INDIGENOUS PEOPLES AND ENVIRONMENTAL RIGHTS**

**KILLINGS IN GUATEMALA INCREASED 136% COMPARED TO 2017**

**ARGENTINA**  
Rodolfo Orellana

**BRAZIL<sup>2</sup>**  
Valdemir Alves Resplandes dos Santos  
Marcondes Namblá  
Marcio Matos  
Marielle Franco  
Nazildo dos Santos Brito  
Paulo Sérgio Almeida Nascimento  
George de Andrade Lima Rodrigues  
Carlos Antônio dos Santos  
Leandro Altenir Ribeiro Ribas  
Evaldo Florentino  
Katison de Souza  
Joacir Fran Alves da Mota  
Edemar Rodrigues da Silva  
Lucas de Lima Batista  
Ismauro Fatimo dos Santos  
Juvenil Martins Rodrigues  
Haroldo Betcel  
Aluísio Sampaio dos Santos  
Raphaella Souza  
Gabriel Batista de Souza  
Carol Machado  
José Bernardo da Silva  
Rodrigo Celestino

**CHILE**  
Alejandro Castro  
Camilo Catrillanca

**COLOMBIA**  
Victor Manuel Morato  
Plinio Puigarin  
María Yolanda Maturana  
Temistocles Machado  
María Magdalena Cruz Rojas

Efren Zúñiga Dorado  
Carlos Jimmy Prado Gallardo  
Orlando Nicolás Negrete  
Julio Cesar Montalvo  
Delmayro Reyes  
Nixon Mutis Sossa  
Alirio Sanchez  
Diana Luz Romero Mogajes  
Jorge Jimmy Celis  
Luis Díaz López  
Miller Díaz López  
Beryer Victor Velásquez  
Harley Johanny Mogollón Becerra  
José Olmedo Obando  
Miguel Eduardo Parra Rondón  
Eleázar Tequia Bitucay  
Nicomedes Payán Segura  
Antonio María Vargas Madrid  
Diana Patricia Mejía Fonseca  
Carlos Eduardo Melo Ramirez  
Sandra Yaneth Luna  
David Alexis Narváez  
Jesús Orlando Grueso Obregón  
Jhonatan Cundumí  
Deiver Quintero  
Elkin Fabián Toro  
Cristian Camilo Toro Rodas  
Flower Sapuyes Gaviria  
Juan Emilio Habran Solano  
Cristián Emilio Jaimes Triana  
Julio Cesar Urango Sánchez  
Hermisul aka Iver Larraonda Rendón  
Éider Arley Campo Hurtado  
Luis Arturo Royet Franco  
Victor Hugo Martínez Barragán  
Mary Florelia Canas Meza  
Tomás Barreto Moreno  
Juan Mena

José Anibal Herrera  
Victor Alfonso Zabala Oviedo  
Jorge Miguel Polanco Ávila  
Israel Fajardo  
Héctor Janer Latín  
Belisario Benavidez Ordóñez  
Álvaro Bayona Pérez  
Wilson Arnulfo Quetama Hurtado  
Claudio Chávez  
James Luis Jiménez Estrada  
María del Carmen Moreno Páez  
Hugo Albeiro George Pérez  
Luis Ovier González Guazorna  
Luis Alberto Torres Montoya  
Harold Lerma Palacio  
Gilberto Espinosa Victoria  
Ramón Ascue  
Felix Castañeda  
Harry Alexander Ortiz Parra  
Miguel Daniel Bautista  
Cristian Andrés Lozano  
Luis Eduardo Domínguez Blandón  
Gabriel Muñoz Muñoz  
Amilcar Yagarí Siagama  
Juvenal Silva Manchola  
Francisco José Guerra  
Yesison Ramirez  
Holman Mamian  
Arnulfo Catimay Blanca  
Luis Carlos Cabrera  
Cristian Andrey Rodríguez Sánchez  
Héctor Santiago Anteliz  
José Abraham García  
Jamer Albeiro Idrobo Navia  
Julio César Sucerquia  
Luis Erardo Fernandez Velasco  
Iván Lázaro  
Marta Carolina Cañas Yagarí

Leidy Correa  
Otto Valenzuela  
Leonedis Aleiser Sierra Ortiz  
David Sierra Prieto  
Luis Cuarto Barrios Machado  
Margarita Estupiñán Uscátegui  
Felicinda Santamaría Mosquera  
Ancizar Cifuentes Vargas  
Luis Erardo Fernandez Velásco  
José Fernando Jaramillo Oquendo  
Alejandro Castellano Triana  
Luis Eduardo Dagua Conda  
Ibes Trujillo Contreras  
Horacio Triana Parra  
Libardo Moreno  
Fabián Rosales Niño  
Raúl Buitrago Perdomo  
Hernán Darío Chavarría  
José Uriel Rodríguez  
Alejandro Jacanamejoy  
Emiliano Tróchez Yonda  
Holmes Alberto Niscue  
Huver Hoyos Rengifo  
Fabiola Fajardo Ayala  
José Pineda  
James Escobar Montenegro  
Óliver Herrera Camacho  
Amparo Fabiola Rodríguez Muchavisoy  
Alirio Antonio Arenas Gómez  
Hover Alexander Orrego  
Edixon Panché Niscué  
Alipio Salazar Áviles  
Victor Chechegamo Tocobio's  
Fredy Julian Conda Dagua  
Dioselí Noriega  
Jose Domingo Ulcue Collazos  
Javier Ancizar Fernández Rivera  
Edilberto Niño Crisancho

María Caicedo Muñoz  
Héctor Ramiro García  
Braulio Arturo García  
Aldemar Trochez  
Edwin Dagua Ipia  
Alba Edilma Cuevas  
José Antonio Navas

**ECUADOR**  
Gavis Moreno

**GUATEMALA**  
Ronal David Barillas Díaz  
Domingo Esteban Pedro  
Mateo Chamán Paau  
José Can Xol  
Luis Arturo Marroquín  
Florencio Nájera Pérez  
Alejandro Hernández García  
Ramón Choc Sacrab  
Antonio Cruz Jiménez  
Laurent Ángel Castillo Cifuentes  
Luis Alfredo de León Miranda  
Crisanto García Ohaca  
Luis Armando Maldonado Marín  
Francisco Munguía  
Juana Raimundo  
Juana Ramírez Santiago  
Daniel Ichich Chon  
Alfredo Norberto Mazariesgos  
Nelson Abel Ramos Cordón  
Domingo Nach Hernández  
Juan Carlos Chavarría Cruz  
David Figueroa García  
Jacinto David Mendoza Toma  
Ana Greisy López  
Elisandro Pérez  
Nery Esteban Pedro

**HONDURAS**  
Wilmer Paredes  
Ramón Fiallos  
Geovanny Díaz Cárcamo  
Luis Fernando Ayala  
Carlos Hernández  
Samuel Eduardo Martínez Lopez  
Mario Henríquez Suarez Gomez  
Gerson Daniel Medina

**MEXICO**  
Alejandro Antonio Díaz Cruz  
Ignacio Basilio Ventura Martínez  
Luis Angel Martínez  
Luis Carlos Gutiérrez Castillo  
Calixto Pedro Guillermo  
Abraham Hernández González  
Rubén Pat Caiuch  
Javier Salinas García

Roberto Vega  
Carlos Uriel López  
Rubén Estrada  
Adrián Tihuilit  
Arturo Pérez Martínez  
Rolando Crispín López  
Romualdo Merino Ixpango  
Leslie Ann Pamela Montenegro del Real  
Feliciano Ascencio Sierra  
Cresenciano Everardo Lorenzo  
Alexis Santos Castillo  
Mario Vallejo García  
Quintín Salgado Salgado  
Santiago Israel Aguirre Arzate  
Carlos Domínguez Rodríguez  
Aarón Varela Martínez  
Roberto Bernal Campos  
Leobardo Vázquez Atzin  
Janeth González López  
Gustavo Sánchez López  
Manuel Gaspar Rodríguez  
Jesús Álvarez Chávez  
Margarito Díaz Gonzalez  
Noel Castillo Aguilar  
Julian Carrillo Martínez  
Azuaní Díaz García  
María Luisa Ortiz Arenas  
Carlos Humberto Mendoza de los Santos  
Ramón Hernández Nevárez  
Anselmo Hernández Andujo  
Francisco Chaparro Carrillo  
Luis Pérez García  
Mario Leonel Gómez Sánchez  
Jesús Javier Ramos Arreola  
José Nava Lorenzo  
Miguel Santos Trinidad  
Joaquín Díaz Morales  
Jesus Alvarez Chavez  
Carlos Mayorga Guerrero  
Baltazar Andretti Menezes

**PERU**  
Olivia Arévalo Lomas

**VENEZUELA**  
Reyes Orlando Parra  
Pedro Vielma  
Ramón Rosario  
Jesús León  
Guillermo Toledo

**DRC**  
Luc Nkulula  
Masumbuko Birindwa

**KENYA**  
Evans Njoroge

**TANZANIA**  
Godfrey Luena

**SOMALIA**  
Abdiweli Ahmed Mohamed

**SOUTH AFRICA**  
Sandile Biyela

**CAMBODIA**  
Teurn Soknai  
Thul Khna

**INDIA**  
Sandeep Sharma  
Poipynhun Majaw  
Nanjibhai Sondarva  
Shujaat Bukhari  
Valmiki Yadav  
Ashish Dahiya  
Suresh Oraon  
Jayant Kumar  
Ajit Maneshwar Naik  
Kedar Singh Jindan  
Snowlin Vinista  
P. Tamilarasan  
N. Jayaraman  
Gladston  
Maniraj  
B Sailu  
Rajendra Prasad Singh  
Manoj Tripathi  
Amit Topno

**MYANMAR**  
Saw O Moo

**PAKISTAN**  
Charanjeet Singh  
Safeer Hussain

**PHILIPPINES**  
Ronald Manlanat  
Marcelina Dumaquit  
Emelda Sangquina Allarcus  
Yandong Menyo  
Aniceto Lopez Jr  
Linus Cubol  
Esteban Empong Sr  
Rommel Romon  
Ricardo Pugong Mayumi  
Mariam Uy Acob  
Ricky Baguio Olado  
Agudo Quillio  
Mark Ventura  
Beverly Geronimo  
Jose Unahan  
Lando Péricos

James Flores  
Ariel Maquiran  
Garito Malibato  
Nestor Sacote  
Jerry Turga  
Julius Barellano  
Arnel Penaso  
Carlito Sawad  
Rolly Panebio  
Gilbert Labial  
Jean Labial  
Jaime Delos Santos  
Cesar Carreon  
Victor Villafranca  
Rene Laurencio  
Morena Mendoza  
Angelife Arsenal  
Eglicerio Villegas  
Paterno Baron  
Rannel Bantigue  
Dannyboy Bautista  
Benjamin Ramos  
Annaliza Dinopol Gallardo Capinpin

**IRAN**  
Kavous Seyed Emami

**IRAQ**  
Suad al-Ali  
Iqbal Muradi  
Jabbar Mohammed Al-Karm

**LIBYA**  
Musa Abdul Kareem

**OCC. PALESTINIAN TERRITORY**  
Razan Al-Najjar

**OMAN**  
Hassan al-Basham

**SYRIA**  
Niraz Saied  
Raed Fares  
Hamoud al-Juneid

**UKRAINE**  
Mykola Bychko



# Global Overview

2018 MARKED THE 20TH ANNIVERSARY OF THE UNITED NATIONS DECLARATION ON HUMAN RIGHTS DEFENDERS<sup>3</sup>, an important milestone in recognising the legitimacy of individuals and groups who work non-violently to defend the rights of their communities. Human rights defenders (HRDs) have long struggled to achieve inclusive, equitable and sustainable societies and have made significant progress in that time. Yet, as outlined below, many of the gains made by the human rights movement over the past two decades are increasingly under attack as the trend towards populist politics predicated on exclusionary nationalism and neo-liberal or protectionist policies continues to take hold. Elections which took place during the course of the year often gave platforms to xenophobic, racist and misogynist voices and visions for the future of their countries, while in some regions they were used as excuses for full-on crackdowns against HRDs who were systematically silenced.

The international architecture of human rights institutions was also challenged in each of the regions. In June, the United States withdrew from the United Nations (UN) Human Rights Council. In September, Guatemalan President Jimmy Morales took the extraordinary and extralegal step of denying UN-mandated commissioner Iván Velásquez re-entry to the country. Mr Velásquez is the Commissioner of the UN-backed International Commission against Impunity in Guatemala (CICIG), set up in late 2006 to investigate corruption and impunity in the country. This followed the announcement by President Morales on 31 August that he would not renew the mandate of the Commission, despite specific campaign pledges in support of the Commission and its work. In October, the Minister of Foreign Affairs refused to renew the visas of 11 of CICIG's members. On 18 December, the government issued an order for those 11 members to leave the country. In March, the government of the Philippines named Victoria Tauli Corpuz, the UN Special Rapporteur on the rights of indigenous peoples, on a so-called 'terrorist-list' after she spoke out about the repression of farmers, indigenous peoples and HRDs. Reprisals for cooperating with UN mechanisms continued in the MENA region where an Egyptian TV host allied with President El-Sisi called for the killing of HRD Bahey el-Din Hassan on his television broadcast following a memo sent by seven Egyptian independent human rights groups, including Hassan's, to the UN Secretary-General regarding the presidential elections in the country. Russia, meanwhile, signalled its intention to withdraw from the Council of Europe, whose *raison d'être* is the promotion of human rights, following the suspension of its voting rights in the Parliamentary Assembly after its annexation of Crimea.

These attacks on the global human rights infrastructure were buffeted by campaigns against individual HRDs and organisations at the national level by state and non-state actors. There is a well-evidenced link between defamatory attacks online and in pro-government media and an escalation to physical attacks on individuals and their families. Such smear campaigns have an added impact on women human rights defenders (WHRDs) and LGBTI+ defenders - affecting their ability to live and work safely in their communities - and on the lives of their families. In Tanzania, LGBTI+ defenders were subjected to intimidation and attacks on their homes and offices following an appalling high-level campaign demonising them. This included the Regional Commissioner of Dar es Salam calling on the public to 'report the name' of anyone they suspected of being gay.

The risk of physical attack was especially high for defenders of land, environmental and indigenous peoples' rights. According to data collected by Front Line Defenders in 2018, these HRDs were nearly three times more likely to be assaulted than defenders working in other sectors. WHRDs, especially those in rural and indigenous communities, are routinely at the forefront of these movements yet they often lack the resources, contacts and power to mitigate attacks, which frequently go unreported. Attacks are often preceded by sustained campaigns at national levels referring to defenders as 'anti-development', 'anti-state', 'traitors', 'terrorists' or 'criminals'.

As HRDs exposed corruption, documented and reported injustice and investigated corporate misconduct, they were met with well-coordinated responses by states, sometimes in collusion with corporate interests. States continued to be the most commonly reported violator of the rights of HRDs. This is evident from the frequency with which defenders are criminalised for their peaceful work; in 2018 criminalisation was once again the most reported violation, accounting for 63% of cases taken up by Front Line Defenders.<sup>4</sup> Criminalisation is often preceded or followed by labelling and defamation campaigns online and via state controlled media. The fear that state authorities have of organised, rights-based mobilisation was highlighted by the fact that the most common charges faced by HRDs involved those around public order and illegal public assembly or gatherings. Governments continued to portray defenders as representing a fundamental threat to the security of their countries and HRDs continued to face national security or terrorism-related charges. These charges tend to carry extremely harsh punishments, as seen in the case of Burundian HRD Germain Rukuki who received a 32-year prison sentence in April for his work promoting rule of law and the abolition of the death penalty.

## TEN MORE LAWS LIMITING HUMAN RIGHTS DEFENCE

Despite using a battery of laws already at their disposal, states persisted in introducing new legislation to further limit the ability of HRDs and civil society to act as a check on power. Such laws passed or amended in 2018 included:

- A 'Stop Soros Package' in **Hungary**, a collection of legislative and constitutional amendments, which criminalises humanitarian assistance to migrants.
- A Digital Security Act in **Bangladesh** carrying a ten-year sentence for online posts which 'ruin communal harmony or create instability'; and a 14-year sentence for using digital media to 'intimidate people and/or cause damage to the state'.
- A Cyber Law in **Vietnam** which grants sweeping authority to the state to persecute any online discourse or posted information deemed to be offensive, defamatory, or threatening to the state and to require the localised storage of all data used by companies providing online services to Vietnamese citizens.
- Retrospective legislation in Xinjiang province in **China** legalising the use of 're-education' camps for the minority Uyghur population, including those who attempt to engage in any type of human rights work.
- An amendment to the Regulation on Association in **Turkey**, requiring all associations to register the personal details of their members, including name, national identification number, sex, education and occupation, with the Ministry of Interior Affairs.
- Anti-terror legislation introduced in **Nicaragua** in July, widening the definition of terrorism to include those accused of damaging property; the vague wording of the legislation has already seen dozens of protesters arrested and facing terrorism charges and carries a penalty of up to 20 years in prison. The law also penalises the "financing of terrorism", charges which were used to shut down a number of vital human rights NGOs in December.
- The Electronic and Postal Communications (Online Content) Regulations in **Tanzania**, restricting freedom of expression and including vague and overly broad provisions, which allow for a minimum term of 12 months in prison.
- Bill 10431/2018 in **Brazil**, which is in the process of approval, providing for the freezing of assets of individuals, organisations or companies accused of terrorism, its financing or correlated acts. The broad definition of 'terrorist acts', as well as the possibility of freezing of assets before a final judicial decision is made, opens the door for use against social movements; NGOs have previously been investigated under a law on criminal organisations.
- A Media Regulation Law in **Egypt** placing anyone with a social media account with more than 5,000 followers under government regulation and supervision; the Regulatory Council can block these accounts if it decides that they publish or broadcast false news or incite a violation of the law.
- Vaguely defined provisions in a new Penal Code in **Oman** which restrict freedom of association and expression, outlaw the establishment of, or membership in, an organisation "aimed at combating the political, economic, social or security principles of the State" and carry a penalty of up to ten years in prison; those who join a public assembly of more than ten people which causes "a breach of security or public order" also face imprisonment.

The global epidemic of murders of HRDs continued apace in 2018, with 321 killings reported to Front Line Defenders in 27 countries<sup>5</sup> - an increase of nine defenders killed from 2017. 77% of those killed were defenders working on land, indigenous peoples' and environmental rights, an increase from 67% in 2017. Colombia and Mexico alone accounted for 54% of the total killings. What makes the muted response to these deaths all the more worrying is the lack of recognition of the role these defenders are playing in the protection of the environment. Although the majority of killings documented are in the Americas, there are indications that the number of killings of defenders of land, indigenous peoples' and environmental rights in Africa and parts of Asia are seriously under-documented or reported.

Those who attempt to defend equitable and sustainable ways of living and rural communities who want to manage their own ecosystems, oppose the devastation and pollution of forests, lands and water on a macro scale. In many instances, local defenders, many of whom are women, face threats and reprisals from powerful vested interests, especially big corporations and state agents. In October, the Intergovernmental Panel on Climate Change released a landmark report warning of threats to the planet before 2040 if dramatic changes are not made to limit global warming to 1.5 degrees of the pre-industrial level.<sup>6</sup> The report stated that there are only 12 years in which to achieve this; otherwise hundreds of millions of people will be at increased risk of food shortages, drought, poverty and extreme temperatures. The impact of climate change disproportionately affects women, especially where gender intersects with poverty, ethnicity, race and location: e.g. the responsibility of women as primary caregiver in many communities puts them at greater risk when flooding and drought occur.

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Fundamental and rapid changes to the global economy are required to contain the damage already done by climate change, yet defenders of land, indigenous peoples and environmental rights are facing more risks than ever before. This includes indigenous peoples who have lived off the land in their own territories for generations without contributing to global warming; land rights defenders who farm small holdings and who resist attempts to be forced off their land in favour of industrialised farming; and environmental activists who object to extractive industries and invasive infrastructure projects in rainforests.<sup>7</sup> Heightening the risks is the lack of voice and visibility given to WHRDs in these struggles as they are crowded out of leadership positions and often do not have the right to legally own their land, meaning decisions of what to do with it are not taken by those most impacted by irresponsible development or use of it.

Defenders of land, environmental and indigenous people's rights should be central to global efforts to combat climate change, but for this to happen far greater attention needs to be paid to the threats and violence they face; they must be seen as key allies in this battle and afforded the protection of the state and the international community. Their right to say 'no' and to choose their own models of development must be respected by governments, companies and development finance institutions. The killings, intimidation, harassment and systemic exclusion they experience must no longer be met with a collective shrug and the biased narratives of those who seek to use their lands, forests and water sources for profit must no longer be met unchallenged. In this respect, the Escazu agreement (see below) is a welcome development and it is hoped that it is a framework which will be replicated around the world.

Each region of the world saw HRD-led protests around economic, social and cultural rights, as demonstrations spurred by economic hardship expressed popular dissatisfaction with rulers. In a pattern that was repeated in country after country, following large-scale and initially peaceful mobilisations of protesters, those who organised or led demonstrations were subjected to criminalisation, smear campaigns or physical attacks, while the protests sometimes turned violent after disproportionate use of force by governments. Nicaragua was the most tragic example of this where protests sparked initially by social security reforms transformed into one of the largest protest movements in the history of the country. Authorities repressed the demonstrators with brutal force resulting in at least 325 people – both protesters and security forces - killed, over 2,000 injured and more than 600 protesters, students, HRDs and activists detained. It is believed that around 40,000 Nicaraguans have fled to Costa Rica. Civil society was specifically targeted; at least nine of the most well-known human rights organisations and independent media outlets had their registrations cancelled and their premises raided and occupied by the police.

Legislative measures are commonly used to dissuade people from taking to the streets, while those who do protest face arrest. In light of this, the decision by the South African Constitutional Court in November to confirm an earlier ruling by the Cape Town High Court declaring part of the country's Gathering Act unconstitutional was particularly welcome.<sup>8</sup> A clause in the Act had made it illegal for 15 or more people to protest without giving prior notice to the authorities and allowed for criminal sanction in such cases. In its ruling in February, the High Court found criminal sanction to be disproportionate to the offence and stressed the importance of the right to freedom of assembly for vulnerable and marginalised communities and that it is a right that gives 'voice to the voiceless'.<sup>9</sup>

WHRDs continued to be questioned and rendered invisible in their roles as community leaders, decision-makers and key actors in the human rights movement, both from within and outside the movement. Nevertheless, the long-term marginalisation of women and the enduring patriarchal structures which perpetuate these trends were challenged by the #MeToo movement, which gained ground in 2018 most notably in Asia, where it started making an impact in China and India. In China, where WHRDs were detained as recently as 2015 for promoting an anti-sexual harassment campaign, the highest legislative body was forced to include anti sexual-harassment measures in a draft of a new civil code in response to 'social concerns' pushed forward by mostly women activists in the country.<sup>10</sup> A rush of allegations about sexual misconduct by prominent men in India in October pierced the protective bubble of celebrity and political worlds which had ensured that most accusations had previously remained unspoken or had been ignored, with the accusers often being attacked. Nonetheless, serious challenges concerning the treatment of WHRDs remain in both countries. In India regressive laws on criminal defamation are currently being used to silence and intimidate women campaigners who have spoken out on their own cases and on behalf of others. The level of social and political sanction afforded to powerful men has created an environment that is fundamentally hostile to women's voices.

WHRDs continue to be targeted for their activism in ways that men are not, or are much less likely to be. These included sexualised smear campaigns; the questioning of their roles as wives and mothers as well as their morals; sexual assault and rape, including in police stations; and the targeting of their children. In Saudi Arabia, women defenders were subjected to sexual harassment and torture after being detained for their activism on the right to drive campaign. There are additional societal risks faced by women when they step out of prescribed social roles which are often not captured in data relating to WHRDs. These risks are various and one example was the murder of Colombian defender Doris Valenzuela in April. Doris was part of an organisation working on social and environmental justice in a country where more than two women

are killed every day. As a result of her work, two of her sons had been killed by criminal gangs whose actions she had highlighted and she herself was forced to temporarily relocate six times. She had been provided with two bodyguards, a bulletproof vest and a bulletproof car by the Interior Ministry's National Protection Unit in an attempt to keep her safe, but she finally made the decision to move to the safety of Spain in late 2017, where she sought asylum on account of threats she continued to face in Colombia. In April, Doris was murdered in the town of Murcia by her husband.

Digital security attacks on HRDs were widespread and their impact had numerous knock-on effects relating to the security of HRDs and movements more broadly. Social media attacks, trolling and hacking or blocking of social media accounts occurred in all regions, but their frequency was especially noticeable in Brazil, Egypt, Guatemala, Honduras, Iraq, Mexico, Nicaragua and Venezuela. Phone and email surveillance was conducted in numerous countries, and frequently targeted higher risk groups, including LGBTI+ defenders, WHRDs and environmental activists. A report released by Citizen Lab in September uncovered the use of Pegasus, powerful spyware for mobile devices, in 45 countries.<sup>11</sup> The above threats were often paired with censorship and the blocking of websites for broadly defined reasons of national security. This occurred in Tanzania, Pakistan, Russia, Malaysia, Nicaragua, Turkey, and many countries in MENA. China continued to lead the way in its digital surveillance of citizens and in 2018 it expanded its surveillance capabilities; facial recognition software is now capable of identifying target individuals with high precision, aided by integration with the country's increasingly comprehensive database of information on Chinese citizens.

Attacks on and hate speech against LGBTI+ defenders were recorded in each of the world regions. Brazil's newly elected President, Jair Bolsonaro, singled out the LGBTI+ community during his campaign, leading to an increase in attacks and trepidation for what will follow in 2019. At the UN, the Trump Administration pushed to remove gender inclusive language from official human rights documents, replacing the word 'gender' with 'woman' in order to remove references to or implications of transgender people. Elsewhere, groups of far right activists continued to disrupt LGBTI+ pride marches and assault participants under the guise of 'defending traditional values'. In Kiev, a small transrights march was attacked in November with pepper spray and smoke bombs as police did little to stop or apprehend the attackers. In more positive news, in India the Supreme Court decriminalised homosexual sex after extensive campaigning by LGBTI+ defenders, while the Tokyo Metropolitan Government took the important step of outlawing discrimination against LGBTI+ people in advance of its hosting the 2020 Olympic Games.<sup>12</sup> There was a setback to LGBTI+ rights in Taiwan however, which last year had been hailed as the first country in Asia set to legalise gay marriage. Following a Constitutional Court ruling in 2017 that found the ban on same sex marriage incompatible with the constitution, voters in referendums rejected proposals to change the current definition of marriage as a union between a man and a woman.

Following a gathering of over 150 human rights defenders from around the world in October 2018 to mark the 20th anniversary of the UN Declaration of HRDs, the Paris Summit Action Plan was published, articulating a vision on how to move forward with the protection of HRDs over the coming years.<sup>13</sup> In stressing the importance of adopting an intersectional approach to HRD protection, the Action Plan emphasized the responsibility of states, businesses, financial institutions, donors and intergovernmental institutions in contributing to an enabling environment for human rights defence around the world. In order to halt the slide in human rights that has taken place in each region, each of these actors will be required to play their role and it is up to the human rights movement to hold them accountable.

## HRDS: AGENTS OF SOCIAL CHANGE

Despite the ever more challenging environment for human rights defence in 2018, HRDs around the world achieved significant successes, demonstrating their impact:

- Democracy was restored in the **Maldives** after a huge voter turnout swept aside an authoritarian leader who had silenced critics and locked up HRDs. While most HRDs and organizations remained independent and did not align with any political party before the elections, they played a crucial role advocating against abuses of power and process and highlighting violations including against opposition members. At least seven NGOs formed a civil society coalition to advance policy issues, make public statements and raise awareness regarding the conduct of state institutions and abuse of power by public officials.
- **Malaysia** announced in October that it would abolish the death penalty, after imposing a moratorium on executions in July. This has happened after a change in government in May and a long campaign by activists in the country.
- In **Armenia**, a peaceful “Velvet Revolution” in April brought to power a former journalist and MP Nikol Pashinyan, who introduced anti-corruption measures that are supported by local HRDs. Streets protests organised by HRDs created the opportunity to end the kleptocratic rule of Serzh Sargsyan .
- In **Ireland**, following years of recommendations by various UN bodies tasked with interpreting international law on the matter and intensive campaigning by Irish WHRDs, the public voted overwhelmingly to give reproductive rights to women.
- HRDs played a vital role in promoting The Escazu Agreement, signed by 24 states in **Latin America and the Caribbean**, which allows for a more participatory approach to environmental projects and the mitigation of conflicts. The treaty is particularly important for the protection of HRDs as it also requires signatory countries to adopt special measures to guarantee an environment free of threats and restrictions to the security of the people and organisations that promote and defend environmental rights (Article 9).
- In the **Democratic Republic of Congo (DRC)**, the Coalition of Women Leaders for the Environment and Sustainable Development succeeded in their efforts to have the provincial government of Equateur pass a province-wide decree protecting women’s land and forest rights. .
- In a landmark legal case brought before the African Court of Human and People’s Rights (ACtHPR), the Mau Ogiek Indigenous People of **Kenya** won an eight-year long battle that set a precedent not only for Kenya, but for Indigenous Peoples and HRDs throughout Africa. For the first time, the ACtPHR defined the term ‘Indigenous People’ and recognised the Mau Ogiek as such. Furthermore, the Court recognised the crucial role that Indigenous Peoples have to play as managers and stewards of local environments.
- In **South Africa**, the North Gauteng High Court ruled that the South African Department of Mineral Resources could not grant a mining license to the Australian mining company Mineral Commodities Ltd (MRC) without the full, prior and informed consent of the Xolobeni community on the Wild Coast, which had fought a 15-year battle against the mine, and which had suffered killings, attacks and threats because of its activism. The court ruled in favour of the community’s right to say no.
- As a culmination of long-standing joint campaigning and advocacy by Tunisian HRDs, including ethnic minorities defenders, the **Tunisian Parliament** adopted the Organic Law on the Elimination of All Forms of Racial Discrimination on 9 October, which is a ground-breaking law in the MENA region, where most legal jurisdictions do not provide for sufficient protection from racial discrimination.



## HOW HRDS ARE TARGETED AROUND THE WORLD

The statistics below are derived from Front Line Defenders case work from 1 January – 18 December 2018 and based on 623 reported violations. They are not exhaustive and only represent incidents of violations reported to Front Line Defenders where the HRD wanted the organisation to carry out public advocacy on their case. They do not include violations where the HRD requested that their case not be made public or where support other than public advocacy was provided to the defender. Furthermore, incidents of killings have been removed from the figures below. Please refer to page 4 for information on the killing of HRDs.

### Reported violations

Violations *excluding killings	Percentage
Detention/arrest . . . . .	36%
Legal action . . . . .	27%
Threats/smear campaign/verbal abuse . . . . .	13%
Physical attack . . . . .	10%
Questioning/interrogation . . . . .	3%
Raid/break in . . . . .	3%
Travel ban . . . . .	2%
Disappearance . . . . .	2%
Torture/ill-treatment . . . . .	2%
Sexual violence . . . . .	<1%

The table below shows the breakdown of violations by gender as reported to Front Line Defenders for public advocacy in 2018. They significantly under-represent cases of sexual violence.

### Reported violations breakdown by gender

Reported violations by gender *excluding killings	Women HRDs	Men HRDs
Detention/Arrest . . . . .	35%	35%
Legal Action . . . . .	22%	29%
Threats/smear campaign/verbal abuse . . . . .	15%	12%
Physical attack . . . . .	8%	10%
Raid/break in . . . . .	4%	3%
Travel ban . . . . .	3%	2%
Questioning/interrogation . . . . .	2%	3%
Disappearance . . . . .	4%	1%
Dismissal . . . . .	<1%	-
Sexual violence . . . . .	1%	-
Torture/ill-treatment . . . . .	<1%	3%
Surveillance . . . . .	2%	<1%
Other . . . . .	5%	3%

Of the 321 killings of HRDs reported to Front Line Defenders in 2018, 77% involved defenders working on land, environmental and indigenous peoples' rights; such defenders are nearly 3.5 times more likely to be killed than HRDs working in other sectors. They are also more likely to be targeted by physical attack and smear campaigns.

### Most at risk sector

Reported violations *excluding killings	Land, indigenous peoples and environmental rights defenders	All HRDs
Physical Attack	27%	10%
Arrest/Detention	27%	36%
Threats/Intimidation/Smear Campaign/Harassment	22%	13%
Legal Action	12%	27%
Disappearance	2%	2%
Abduction	8%	<1%
Travel Ban	2%	2%

### Most common reported violation; breakdown by region

Violation	Africa	Americas	Asia	MENA	ECA
Detention/arrest	38%	20%	39%	44%	33%
Legal action	29%	10%	35%	28%	26%
Threats/smear campaign/verbal abuse	11%	40%	5%	4%	2%
Physical attack	8%	15%	8%	5%	18%
Questioning/interrogation	4%	-	2%	3%	3%
Raid/break in	4%	6%	4%	<1%	-
Travel ban	<1%	-	-	11%	2%

To 18 December 2018, Front Line Defenders documented 228 criminal charges filed against 166 human rights defenders and 2 organisations. Overall, detention, arrest and/or legal action made up 63% of the violations against HRDs that Front Line Defenders reported from 1 January-18 December 2018.

For those cases where defenders were charged, the breakdown of those charges are below:

### The law as a weapon

Charges	Percentage
Public order / assembly / illegal gathering	27%
Defamation / Insulting state / damaging national unity	17%
Spreading fake news / rumours / propaganda	14%
National / state security / sedition	17%
Other criminal charges	11%
Terrorism / membership or support of terrorist org.	9%
Trespassing / vandalism	3%
Tax evasion / fraud / financial	2%
Cybercrimes	1%

# Africa

AS AGEING POLITICAL LEADERS AND ELITES ACROSS AFRICA ATTEMPT TO CLING TO POWER, younger HRDs are spearheading movements to call for accountability, democracy, students' rights, and educational rights; furthermore, they are taking up the mantles of older human rights movements and re-energising them with fresh ideas and approaches, facilitated by new technologies. These movements have not flourished unscathed; backlash against youth-led movements has been swift and strict in many countries including in the DRC, Chad, Congo-Brazzaville, South Africa, and Togo. In Togo, HRDs have found success in mobilising the electorate to call for constitutional reforms, including a widespread campaign for the reinstatement of a two-term limit for the presidency. At the same time, the leaders of these youth-led movements were arrested and detained arbitrarily. The emblematic case of Foly Satchivi, leader and spokesperson of the movement *En Aucun Cas* (Under No Circumstances) has been a rallying point for young HRDs in Togo; since the beginning of his short career working to better student conditions in universities, he has been a consistent target of arrests, beatings, and even an arson attack. Despite, or even because of, states' tendencies to harass youth leaders, HRDs are persevering in their work undeterred; the harassment that they and their colleagues face only serves to solidify their convictions that working to overturn antiquated governance structures and oust unresponsive elected officials will bring about the positive change they seek.

The tactics of arbitrary arrest and detention are not only reserved for leaders of youth-led movements, they are pervasive tools used across Africa to destabilise and disrupt the work of individual HRDs and broader human rights movements. In the DRC, as overdue elections took place at the end of December, HRDs were arbitrarily arrested and detained by the government throughout the country in an attempt to hinder increasingly powerful calls for democratic institutions, free and fair elections, and peace. However, in the DRC, the sheer volume of HRDs working on these issues, coupled with unparalleled energy from the electorate, means that the struggle for democracy has not slowed. This is true as well in Niger where HRDs were targeted for organising against the 2018 Finance Law that was passed in November. HRDs argue that the law will result in increased taxes on housing and electricity that will unjustly burden the poor; moreover, they argue that these taxes would augment revenues for the state and increase potential for corruption. For their work organising peaceful public demonstrations called 'Days of Citizen Action', at least 10 HRDs were arrested and detained in 2018. Several of the HRDs were detained and charged in relation to the protest and received three months' suspended sentence.

## CASE STUDY

### DEFENDERS OF SHACK DWELLERS RIGHTS UNDER ATTACK IN SOUTH AFRICA

Abahlali baseMjondolo is a movement of shack dwellers that is 55,000 members strong and is the biggest movement for the poor and disenfranchised in post-apartheid South Africa. According to the movement's founder, S'bu Zikode, the state has always been hostile as Abahlali baseMjondolo maintains its independence outside of state and party control. He is proud to say that Abahlali baseMjondolo marks "the first time we have organised the unorganised in South Africa". Women constitute a significant portion of the movement's base via its Women's League, as well as in the leadership. In the past year, attacks and smear campaigns against the movement have increased.

The growth of the movement has raised social and political challenges that are much broader than the issues they work on. For shack dwellers, land rights are paramount to their struggle; in South Africa, issues of land rights have a tendency to expose corruption, and Abahlali baseMjondolo's work has recently exposed high-ranking politicians for poor and illegal practices. Thus, with more members, more protests, and more visibility, the leaders of the movement have become targets of government officials, ruling party cadres and security forces alike. Since the end of 2017, three members of Abahlali baseMjondolo have been killed; in these three instances, no credible investigations have been launched to identify the perpetrators and hold the killers responsible.

In addition to the physical attacks and killings, the Mayor of Durban's rhetoric has contributed to a sense of insecurity amongst Abahlali baseMjondolo leadership. As the movement perseveres and expands, the Mayor has resorted to publicly denouncing it, including labelling it as a foreign-funded movement aiming to destabilise hard-won democracy in South Africa. An ANC Executive Committee councillor threatened S'bu Zikode individually saying, "we will deal with him," as she insisted that he was making the city of Durban "ungovernable". These attacks have increased in ferocity as the 2019 elections approach. Recognising the power of the electorate, and the number of citizens that have been mobilised by Abahlali baseMjondolo, elected officials have ratcheted up their efforts to discredit and harm the movement and its leadership in an effort to win votes.



In countries where restrictive anti-terrorism legislation has been implemented, HRDs faced judicial harassment and baseless charges. In Chad, the criminal justice system has often been used to stifle the work of HRDs. In January, a protest was organised by eight NGOs in response to the high cost of living and austerity measures which were put in place by the authorities following an economic crisis that has crippled the country since 2015. Following the protest, three leaders of local NGOs were arrested in an attempt to paralyse their organisations. The same tactics were evident in Cameroon where, since the 2014 anti-terrorism legislation came into effect, HRDs have been harassed with false charges, and drawn-out or delayed judicial procedures. These trends have worsened in the ongoing crisis in the Anglophone region of the country, which intensified following the 2018 presidential election.

HRDs working on diverse issues across the continent were targets of attempted killings and killings by security forces and unknown assailants. The murders of these HRDs were not isolated events, but were predicated by many violations of their human rights over many years, including judicial harassment, threats and physical attacks. When such violations occurred, the HRDs did not receive the necessary protection and support from state authorities. In the DRC, pro-democracy HRDs were killed in the lead-up to the December 2018 presidential election. Luc Nkulula, a 32-year-old leader of the organisation Struggle for Change (Lutte pour le Changement – LUCHA) died in suspicious circumstances when his wooden house was lit on fire in Goma, Eastern DRC, in what his colleagues believe was a deliberate arson attack. Rossy Tshimanga Mukendi, a leader of Collective Citizen Movement 2016 (Mouvement Collectif Citoyen 2016), an organisation that often worked with LUCHA, was shot and killed by police in Kinshasa when he was helping protestors enter the Saint-Benoît Catholic Church to take refuge from live ammunition that police fired into a pro-democracy protest. WHRDs in DRC also reported increasing rates of rape and violence against women. By July, in North Kivu alone, incidents of rape and violence had increased by more than 60%.<sup>14</sup>

### **FRONT LINE DEFENDERS REPORT FINDS CREEPING AUTHORITARIANISM IN ZAMBIA**

In a report launched in October 2018<sup>15</sup>, Front Line Defenders documented how a series of incremental attacks on HRDs – intimidation, surveillance, judicial harassment, threats (including death threats), physical assaults, restricting and closing media outlets – over the last two years amount to early warning signs of shrinking civil society space by political and economic elites to maintain power. Even though Zambia has long been hailed as a stable, democratic country in an otherwise troubled region, the last couple of years has witnessed unprecedented efforts against HRDs. The report, “Creeping Authoritarianism: Impacts on Human Rights Defenders and Civil Society in Zambia,” is based on a year of research and interviews from around the country working on a variety of rights issues. The state in Zambia has been virtually captured by two symbiotic forces – the ruling Patriotic Front (PF) party and corporate interests, mainly tied to the extractive sector and fuelled by Chinese investment – that have rendered the institutions of the state that typically worked for rule of law and democratic practices as either incapacitated or working at the service of these political and economic interests.

Despite these challenging circumstances on the ground, there continued to be advances with regard to the strengthening of legal frameworks for the protection of HRDs in West Africa. In January 2018, the President of the Republic of Mali enacted a national law for the protection of HRDs, following its adoption by parliament on 13 December 2017. In doing so, Mali became the third country to strengthen its legal system protecting HRDs, following Côte d'Ivoire in June 2014 and Burkina Faso in June 2017. At this time, the law in Mali is still in limbo as the government has yet to put in place an Enforcement Decree to implement the law, in addition to a protection mechanism for HRDs. Along with Niger and Sierra Leone, in September 2018, Guinea made its first steps towards the adoption of a national law for the protection of HRDs. During a two-day-workshop authorities and civil society discussed and finalised a draft law to be adopted within the council of ministers, which will then be submitted to the Parliament. In Cote d'Ivoire and Burkina Faso, HRDs have reported that the laws have strengthened their working conditions as they are legally recognised and protected. However, in Burkina Faso, the law lacks a specific provision for the protection of WHRDs, and in Côte d'Ivoire, HRDs report that they do not enjoy complete freedom of assembly. After years of repression, a political change in Ethiopia has signalled the promise of greater civil society participation in the governance of the country and more space in which HRDs can operate.

In Kenya, after facing initial setbacks, HRDs working on indigenous peoples' rights and environmental rights made significant progress in strengthening their legal protections of their land rights and solidifying their legal recognition as indigenous peoples. From December 2017, indigenous HRDs and community members of the Sengwer people were intensely targeted and attacked by Kenyan Forest Services (KFS) forces following a dispute over conservation practices and land ownership in the Embobut forest; during a forced eviction on 16 January 2018, Sengwer member Robert Kiprotich was shot and killed and community leader David Kipkosgei Kiptilkes was seriously injured by KFS agents. Following the violence, the

Sengwer people scored a victory when the European Union (EU) announced that it would suspend funding to the KFS for the WaTER project, a conservation project that was being implemented in Embobut Forest. The EU is working to find a way forward, with an approach that takes into consideration the human rights of the Sengwer; the project has been extended to September 2019.

HRDs in Tanzania have faced an alarming campaign to undermine human rights in the country in 2018, and these restrictions were particularly acute for LGBTI+ defenders. Homosexual acts are illegal in Tanzania, punishable by up to 30 years in prison under a colonial-era law. LGBTI+ HRDs regularly face retribution for their work, including arrests and violent attacks inside and outside of prison. In October 2018, the Dar es Salaam regional commissioner, Paul Makonda, announced the creation of a surveillance task force to identify and arrest members of the LGBTI+ community and sex workers. Despite the national government's disavowal of the commissioner's declaration, in the capital region, HRDs and their offices were targeted with increasing severity. Several attackers reportedly shouted "Makonda's people" - understood to mean gay people who deserved to be arrested - while physically assaulting victims. While police violence remains a critical risk for HRDs, along with ongoing arrests and sexual violence in detention, HRDs reported that the Commissioner's statements led to a clear increase in violent attacks from neighbours, communities, and unknown civilians with no apparent connection to the state. In Uganda in January, the offices of Human Rights Awareness and Promotion Forum were broken into by eight people who attacked two security guards with machetes, leaving them both hospitalised in a critical condition. The organisation promotes the rights of marginalised groups and works on sustainable access to justice in Uganda, specifically for sexual minorities, poor women and men, children living with HIV/AIDS and the elderly. This attack was the latest in a series of violent acts against the organisation and its staff members.

## **DANGERS OF LAND DEFENCE IN AFRICA**

HRDs working on land rights issues in Africa face threats, attacks, and judicial harassment as their work is often seen as oppositional to 'development', 'progress', or investment. With governments and private companies grabbing land for business or agriculture, HRDs defending indigenous peoples, forests, or local communities often find themselves targets of multi-pronged campaigns to discredit and attack them.

In 2018 Godfrey Luena was murdered by unidentified assailants outside his home in rural Tanzania. Godfrey had been targeted throughout his life with arrests, intimidation, and judicial harassment because of his work monitoring illegal land appropriations in his community. In Cameroon, Musa Usman Ndamba has faced an outrageous legal case that was adjourned for the 60th time in 2018; he was sentenced and fined for "defamation of character" against a wealthy landowner. This sentence was linked to Musa Usman Ndamba's work defending the indigenous Mbororo people's land rights. Broadly, these two cases represent the increasing infringement of indigenous peoples' and local communities land rights throughout Africa – from urban settings in South Africa's major cities to rural forests in Kenya.

Despite the efforts to undermine these HRDs, in 2018 there were gains for HRDs working on land rights - gains that have the potential to be scaled-up and used as models for other communities and countries across the continent. In the DRC, WHRDs won a hard-fought victory when the provincial government of Equateur adopted the first DRC provincial decree protecting women's land and forest rights. This was a victory for Congolese WHRDs who have been working to strengthen women's legal rights around land ownership and inheritance. With the advent of this decree, women will now be able to own land in Equateur province, and it will serve as a model for other provinces in the DRC. Furthermore, this provincial decree has the potential to validate and protect HRDs defending land rights in the DRC as they are often pitted against large companies and powerful elected officials in their efforts to protect local communities and indigenous peoples' rights to land and forests.

# Americas

A NUMBER OF IMPORTANT PRESIDENTIAL ELECTIONS TOOK PLACE IN THE AMERICAS IN 2018 - in Brazil, Colombia, Mexico and Venezuela - which signal changes in political direction that will likely have an impact for HRDs beyond the countries in which the elections took place. In 2019, elections will take place in El Salvador, Guatemala, Bolivia, Argentina and Uruguay.

The year was also marked by massive social mobilisations in response to institutional and rights crises in Nicaragua, Venezuela, Guatemala, Chile, Argentina and Brazil. Student movements were a powerful force in the region and as a result were particularly targeted in Chile, Colombia and Nicaragua. While most of the methods used to silence, discredit and intimidate HRDs are not new, they have become more mainstream in recent years and have expanded to more countries. Criticism and stigmatisation of defenders for their work has become acceptable and widespread in larger segments of society and attacks have extended to those who assist or support HRDs without actively participating in their activities. This has included reprisals against doctors who have treated protesters or teachers who support student mobilisations. In Nicaragua, over one hundred doctors and nurses were fired from the public sector for treating injured protesters.

States in the region continued to reject criticism from their citizens, and, in this setting, whoever stood up for human rights was more likely to be seen as an "enemy of the state" - with the human rights agenda increasingly being presented as in opposition to the rights of other segments of the population. One of the ways to deny and reject the agenda of these movements was through undermining the rights that are defended by them. This was particularly true for defenders of sexual and reproductive rights and LGBTI+ rights and one of the favoured methods was through the circulation of damaging false information - such as narratives linking feminism with paedophilia and/or with hatred of men. On 23 November, Nicaragua's Vice President Rosario Murillo gave a speech in which she portrayed feminist women as responsible for the crimes committed in Nicaragua during the deadly clashes. She demanded punishment for their actions of "selfishness, vanity, and self-serving blindness". Legislative initiatives, senior politicians' speeches and state-sponsored and private media were some of the platforms used to communicate messages of hate and intolerance towards dissenting voices. WhatsApp-groups have become an especially powerful tool to disseminate hate messages and spread false information. These diatribes contributed to the normalisation of attacks against HRDs and anyone who promotes rights, especially for minorities or marginalised groups.

The increased number of death threats and threats of incarceration have forced a number of defenders to flee their homes and communities, with Nicaragua, Colombia and Brazil being particularly representative of this trend. The killing of human rights defenders remained the most concerning trend in the region. Front Line Defenders received reports of killings in Argentina, Brazil, Chile, Colombia, Ecuador, Guatemala, Honduras, Mexico, Peru, and Venezuela. In many countries in the region, the number of killings not only continued to climb but a worrying pattern was also notable where several defenders from the same organisations were targeted, including in Colombia and Guatemala. In Guatemala 26 HRDs were killed in 2018, a 136% increase in the number killed in 2017. Between 9 May and 4 June, seven indigenous HRDs were killed, five of whom were members of CODECA, an organisation working on the rights of people in rural areas. A few days before the first murder, on 2 May, Guatemalan president Jimmy Morales had referred to CODECA as a criminal organisation during a public rally. Colombia has seen an increase in violence against HRDs since the signing of the Peace Agreement with the FARC-EP. Two years on, the State has failed to implement most of its obligations, such as establishing an integrated presence in the rural regions and implementing land restitution and crop substitution programs. This has led to a number of illegal armed groups fighting for control of the areas previously occupied by FARC-EP and the strengthening of illicit economies in the area. On 29 November, campesino leader Jose Antonio Navas was killed in Catatumbo. He was the fifth member of ASCAMCAT (Campesino Association of Catatumbo) to be killed in 2018 amidst a campaign labelling members as active guerrillas.

The conflict between the exploitation of natural resources, including the capture of long-held indigenous or Afro-descendant land for private profit, and the efforts of defenders of land, environmental or indigenous peoples' rights to protect the environment and their communities - and to guarantee that legally-mandated consultations are implemented - resulted in systematic attempts to silence HRDs by both government and business. HRDs working to defend the rights of their communities are already working in the most dangerous sector of human rights defence. Incidents of threats, attacks and intimidation were reported to Front Line Defenders in Bolivia, Brazil, Colombia, El Salvador, Ecuador, Guatemala, Mexico, Peru and Venezuela. The filing of baseless lawsuits is a particularly common tactic and proceedings can hang over HRDs and their supporters for years. In Peru, indigenous HRD Cesar Estrada has been facing an unfair judicial process for five years which has forced him into hiding on a number of occasions. This has impacted on his ability to receive public medical treatment (necessary as a result of previous physical attacks against him motivated by his human rights work), secure a permanent job or support and spend time with his wife and newborn child. It has also cost the defender, his family and supporters large sums of money spent on the judicial process. Particularly worrying is the increase in the number of cases

## FRONT LINE DEFENDERS

where defenders have been held incommunicado or in conditions below the minimum standards for the treatment of prisoners, such as the case of 24 year-old WHRD and lawyer Geraldine Chacon in Venezuela. She was held incommunicado for at least three months after the government accused her of links with groups organising violent protests.

The backsliding of the human rights agenda sparked protests and social mobilisations in the region, which were often met with excessive use of force by state security forces and frequently accompanied by the criminalisation of organisers. This had tragic consequences in Nicaragua, while in Chile, protests ranging from social security reforms to Mapuche peoples' rights were met with police violence. In Colombia, around 400 people from communities affected by Hidroituango hydroelectric plant were blocked by police from demonstrating against the negative impacts of the dam. Also in September, Costa Rican security forces entered the campus of the University of Costa Rica and assaulted students who had participated in a protest demanding tax reform; four students were arrested and one journalist was injured. Numerous student HRDs in the United States reported being threatened, intimidated and punished for exercising their freedom of expression, assembly and association during a National Student Walkout against gun violence on 14 March.

In the United States, the nexus between the easy access to weapons, inflammatory political rhetoric and rapidly spread lies via social media and media outlets committed to promoting opinion rather than factual reporting has led to a preponderance of mass shooting and other violence, including acts committed by those with racist or neo-fascist agendas. An attack on a synagogue in Pittsburgh was apparently carried out by an anti-immigrant gunman who was influenced by a social media-spread rumour, while white nationalists committed violence against anti-hate activists in numerous locations around the country.

While its expansion of the definition of terrorism will make it even easier for Nicaraguan authorities to target HRDs, the government in December cancelled the legal registration of nine NGOs; CINCO, CENIDH, HADEMOS, PoPol Nah, IEEPP, IPADE, CISAS, Fundacion del Rio and Instituto de Liderazgo Las Segovias. All of these were human rights groups that had been active for decades in the promotion of human rights of all Nicaraguans. Meanwhile, the Mexican Congress is in the process of approving a constitutional reform to extend the use of automatic preventative prison – an instrument that has been particularly abused in judicial cases against HRDs.

Brazil represents the region's clearest example of regression on human rights manifested by a security-focused public agenda and hate speech towards HRDs. Major achievements in all realms of human rights in the last twenty years risk being undone by a right-wing, conservative politician. Despite strong opposition by civil society, in February the federal government decreed military intervention in public security in the state of Rio de Janeiro. Less than a month later, WHRD

## **CASE STUDY**

### **CRIMINALISATION OF INDIGENOUS WHRD DOMINGA GONZALEZ IN MEXICO**

Dominga González Martínez is a 61-year-old indigenous WHRD who worked for many years for the right to water in her community, Tlanixco, before she was arbitrarily detained and incarcerated in 2007. After 10 years under preventative detention, on 27 November 2017 she was sentenced to 50 years in prison, along with five HRDs from her community: Rómulo Arias Mireles, Teófilo Pérez González, Pedro Sánchez Berriozaba, Lorenzo Sánchez Berriozabal and Marco Antonio Pérez González. As with many HRDs who remain in prison as a reprisal for their work defending land, water and indigenous peoples' rights, Dominga had to wait a decade for a local judge to make a ruling in her case. Dominga's case highlights the structural racism in the judicial system.

Organised in local committees<sup>16</sup>, the six defenders had campaigned against the privatisation of the water supply coming from a local river. Since 1980, when the authorities gave the concession for the river to the municipality of Villa Guerrero, there have been water shortages in the area due to the diversion of water by commercial flower growers. Dominga González and her five co-defendants were accused of the killing of a member of the neighbouring Villa Guerrero, an accusation they all vehemently deny. From the beginning, the investigation was riddled with inconsistencies. The trial was marred by a reliance on the evidence of "witnesses" who were not present at the time of the incident, and the acceptance of evidence that was both contradictory and implausible.

The criminalisation of HRDs and the subsequent violation of their right to due process has been a common strategy of the past Mexican governments to dissuade and punish HRDs working at the community level.<sup>17</sup> In many cases, they are accused of taking part in killings and kidnappings. The 2018 change in government offers Mexico an opportunity to tackle the systematic discrimination facing many defenders in the country and to set about releasing the scores of HRDs languishing behind bars for their peaceful activities as soon as possible.

and city council member Marielle Franco was murdered. A black woman councillor, a lesbian and a mother, Marielle Franco had tirelessly denounced police brutality affecting the black population of Brazil. She also strongly opposed the authorisation of military intervention in Rio. Her killing – the investigation into which has yet to yield a result – shocked civil society and provided the latest and most public example of the extent to which HRDs are silenced in the country.

The elections in Brazil highlighted the country's deep and dangerous polarisation and confirmed a conservative trend in the region that poses a threat to the human rights agenda and freedom of expression. The elections also showed the emerging influence that evangelicals have in national politics in the region, exerting increasing pressure on political debates around issues of education, family, gender and sexuality – amongst others. An open supporter of the past military dictatorship and with political rhetoric marked by misinformation and an authoritarian style, President-elect Jair Bolsonaro expressed his intention to lay waste to the human rights protections of minorities, while also threatening to "end activism in Brazil".<sup>18</sup> He promised to further legitimise aggressions that already affect indigenous people, *quilombolas* (Afro-Brazilians), women, rural workers, and the LGBTI+ community, among others. Backed by big land owners, Bolsonaro also stated his intention to increase deforestation of the Amazon, a vital resource in the struggle to mitigate climate change – all four proposals put forward by the IPCC report in October to limit climate increase to 1.5 degrees state that reforestation is essential. With further deforestation of the Amazon, there is a high risk of more violence against defenders of environmental, land and indigenous peoples' rights as they resist these attempts.

Unlike its neighbours in the United States and Brazil, Mexico presents a window of opportunity for the human rights agenda in the region, given the election of a president who has promised progress in transitional justice and gender equality policies. However, HRDs have also expressed concern regarding announcements made relating to the use of the military in public life. Despite the November 2018 Supreme Court ruling that repealed the Internal Security Law approving a policing role for the military, comments made by the newly elected government hint that military forces will remain engaged in public security functions, a strategy that has proved inefficient and prejudicial.

Despite the existence of protection programs or mechanisms in many countries in the region, they have not been successful in changing the environment in which HRDs operate, nor in protecting most at-risk HRDs. Impunity remains the rule not only in relation to killings, but also in regard to death threats and other attacks, which generally lack proper investigation. In the cases where investigations do take place, they tend to be focused only on who carried out the act, while masterminds of the attacks are rarely formally accused. On 30 November, the Honduran National Criminal Court convicted seven men of the murder of WHRD Berta Cáceres. The Court found that the men had been hired by executives within DESA, a company constructing a dam in indigenous territories, to carry out her killing on 3 March 2016. The criminal process against the defendants was marked by irregularities, including the Court's decision to oust Berta's family's lawyers from the case – leaving the representation of the victim and her family to the Public Prosecutor's Office, which had previously received complaints from the defender's family for overlooking their rights. Despite the Court's verdict, there are real concerns that not all of those involved in planning the murder will be held accountable.

## WOMEN LEAD THE FIGHT BACK IN THE AMERICAS

From the defence of the territory in Ecuador to the promotion of sexual and reproductive rights in El Salvador, throughout the region women are not only leading important processes in defence of human rights, but have proved to be a powerful force in mobilising populations to articulate political and social demands. While there has been a general regression in the human rights agenda and a consolidation of attacks and hate speech coming from the highest levels of government and society, the women's movement has grown in power and in effectiveness across the continent. WHRDs are at the forefront of protests in Nicaragua and calling for political changes in the country. Female students in Chile are driving forward a new wave of feminism, kickstarted after allegations surfaced of sexual misconduct and abuse by academics towards students. In a matter of weeks, faculties from 15 universities were paralysed or taken over by female students who demanded a non-sexist education.

In Argentina, the green scarves of the National Campaign for the Right to Legal, Safe and Free Abortion became a symbol of change when the movement pushed sexual and reproductive rights of women onto the national agenda. In Brazil, #EleNao (#NotHim) protests during the election period were one of the largest mobilisations of women in the history of the country, and managed to bring together most of the groups that were against the anti-rights agenda represented by Bolsonaro.

These and other women have been an example and inspiration for the region, as well as representing an important focus of resistance in such a growing restrictive environment. They have made it clear that protecting women defenders is imperative for the protection of human rights in the region.



# Asia

AHEAD OF NATIONAL ELECTIONS THAT TOOK PLACE IN 2018, many governments in the region carried out or intensified crackdowns to silence and intimidate HRDs critical of government policies and wrongdoings. While this was part of a strategy to win elections, it is becoming apparent that rulers in the region are no longer satisfied to simply win a majority of the vote, but are increasingly seeking unchecked power, allowing for limited, if any, opposition either within or outside the parliament, and are targeting civil society.

Elections were held in Cambodia, Malaysia, South Korea, Mongolia, Maldives, Pakistan and Bangladesh and in 2019 will take place in India, Thailand, Indonesia and the Philippines. In Thailand, the military government continued to postpone the election date throughout 2018 and prosecuted scores of HRDs for demanding that an election be held.

In Cambodia, before the July 2018 general election, an unprecedented crackdown on dissent took place that dramatically diminished the space for HRDs; defenders Pa Nguon Teang, Venerable But Buntenh and Moeun Tola were slapped with fabricated charges while Mother Nature Cambodia activists Hun Vannak and Doem Kundy, and former Radio Free Asia (RFA) journalists Yeang Sothearin and Uon Chhin were all arrested. These incidents all occurred in the first half of 2018 with the specific aim of intimidating government critics. After ensuring a landslide win, the government took a softer approach in an attempt to lessen international criticism, releasing well-known WHRD Tep Vanny in August and dropping the charges against Moeun Tola in July, confirming that the actions taken against them were politically motivated.

Pre-election crackdowns also took place in Bangladesh and Maldives. In the latter, HRDs played a vital role in highlighting human rights violations of the then-government and in doing so, contributed to the return of democratic rule in the country. For their efforts, HRDs faced threats, surveillance and violent reprisals, the effects of which continued to be felt after the election. Thus far, there has been no accountability for past crimes, including killings and enforced disappearances of HRDs, nor the curtailment of powers of the Ministry of Islamic Affairs, which has used its authority to suppress defenders, especially WHRDs.

In Sri Lanka, the actions of President Sirisena in dismissing the sitting prime minister, appointing former President Rajapaksa in his stead, and attempting to dissolve parliament resulted in political instability. Although the crisis appears to have ended with the reinstatement of Prime Minister Wickremesinghe following three key decisions of the country's highest court, the uncertainty of the two month political crisis took a serious toll on HRDs in the country. Increased military presence, blatant attempts to block military accountability in emblematic cases, defamatory campaigns against NGOs, lawyers and human rights defenders as anti-state and western agents and clear racially polarizing rhetoric spread for political reasons left many activists, especially in the former war-affected areas in the northern and eastern provinces, fearing further restrictions and a return to an era of increased surveillance, impunity and dangerous nationalist propaganda. Arrests under the regressive Prevention of Terrorism Act resumed during the 50-day period of uncertainty and surveillance and disruptions to public meetings organised by human rights groups began to take place less than a month into the crisis. Women, both in the north and east, have continued to push for truth and reconciliation for ex-combatants, forced disappearances and survivors of torture and sexual violence, though the Sri Lankan government has shown no sign of progress. WHRDs have also been at the forefront of campaigns on economic justice and movements for equality, including through constitutional reform and amendments to personal laws.

Judicial harassment and arbitrary arrests of HRDs continued to be the most frequently used tactics to silence HRDs in the region. In the Philippines, between October and November, scores of HRDs were arrested after the military released a list of institutions supposedly linked to a plot to oust President Duterte in early October, in what were clearly trumped-up charges. The environment has been especially challenging for women defenders in the country. President Duterte has been openly misogynistic and sexist, inciting violence against women. In a speech to former rebels, Duterte, talking about women activists, said: "We will not kill you... We will just shoot you in the vagina."<sup>19</sup> In Myanmar, human rights journalists Wa Lone and Kyaw Soe Oo were arrested in December 2017 while they were investigating the 2 September 2017 massacre of 10 Rohingya men in Rakhine. Their report was published by Reuters in February 2018 and the journalists were subsequently given a seven-year prison sentence for breaching the Official Secrets Act in September 2018.

Chinese authorities continued to subject HRDs to extreme violations of judicial procedure. Human rights reporters Huang Qi, Liu Feiyue, and Qin Yongmin; prisoner rights advocates Li Xiaoling and Zhen "Guests" Jianghua, and others remain in various stages of prolonged detention. All of them have had their access to legal counsel severely restricted and face opaque and delayed judicial proceedings. Huang Qi and Li Xiaoling reported abuse and mistreatment in detention. Both China and Vietnam continue to hand down extremely lengthy prison sentences for peaceful activism, especially for those

promoting democratic change; in July 2018 Qin Yongmin was sentenced to 13 years' imprisonment for "subversion of state power" in China; in the same month, Le Dinh Luong received a 20-year sentence in Vietnam for "carrying out activities aimed at overthrowing the people's administration".

## **CASE STUDY**

### **POLICE IN INDIA BRAND HRDS AS 'URBAN NAXALS' TO JUSTIFY THEIR ARRESTS**

In June and August 2018, Indian police arrested 10 prominent HRDs under the regressive Unlawful Activities Prevention Act (UAPA) in a series of coordinated raids and arrests across the country. Several other activists had their offices and homes raided and documents, computers and equipment confiscated in simultaneous raids. On 6 June, police arrested HRDs Sudhir Dhawale, Rona Wilson, Mahesh Raut, Prof. Shoma Sen, and advocate Surendra Gadling, all of whom remained in jail at year end. On 28 August, police carried out raids during which they arrested five more defenders: lawyers Sudha Bhardwaj and Arun Ferreira, academic and writer Vernon Gonsalves, poet Varavara Rao and journalist Gautam Navlakha. Apart from Gautam Navlakha, whose arrest order was quashed by the Delhi High Court, all others continue to be detained under police interrogation.

The police have branded the HRDs as 'urban Naxals' and falsely claim that those arrested were involved in inciting the violence that broke out on 1 January during the commemoration of the 200th anniversary of the battle of Bhima Koregan. Authorities have sought to draw a false connection between the HRDs' work, especially on the rights of the Dalit and Adivasi communities, and Maoist rebels. The police, through their media statements and false documents, have also attempted to implicate other Dalit and Adivasi rights defenders and human rights lawyers in working with the Maoists or inciting violence.

The raids and arrests were widely condemned as unlawful, baseless and as a clear attempt to silence the HRDs. In a system where the process is also punishment, the arbitrary detention and judicial persecution of HRDs without bail is a clear violation of their rights and a deliberate attempt to suppress their peaceful activism. Bail applications have stalled before courts due to the police failure to file a charge sheet within the stipulated time. The conduct of the police has created an environment that is hostile to the work of HRDs, especially those implicated in this case, and has severely compromised their security and safety in India.

The targeting of high-profile HRDs was a noticeable pattern in the region – a tactic intended to intimidate others from engaging in human rights activism. This was particularly true in the Philippines where, in addition to the smearing of the UN Special Rapporteur on the rights of indigenous peoples as a terrorist, scores of other HRDs were similarly smeared as members of the Communist Party and the New People's Army (NPA), both of which the government considers as terrorist organisations. This type of labelling is especially dangerous in the Philippines where the killing of activists alleged to be involved with the NPA has increased under President Duterte and is generally met with impunity. In Bangladesh, human rights organisation Odhikar was hit with a sustained fake news campaign after the Election Commission of Bangladesh abruptly cancelled its registration as an election observer for the 2018 elections.

The routine and almost casual use of physical violence against defenders to punish them for their work was a pattern in China and Vietnam. It was carried out by uniformed police officials, plain-clothes officers and hired thugs. In May, Chinese human rights lawyer Xie Yanyi was physically assaulted by police while entering the premises of the Beijing Lawyers' Association to attend a review on whether his legal license would be revoked for his human rights work. On exiting the building after the review, he was detained for a number of hours. In August, WHRD Pham Doan Trang was badly beaten during interrogation at a Vietnamese police station for her work promoting citizen participation. After a medical examiner confirmed the need for her to be hospitalised, she was beaten again by police officers on her way to hospital.

Restrictive legislation continued to be one of the major concerns for HRDs in Asia. Along with currently existing restrictive laws on assembly and association, new laws were introduced or amended to further limit freedom of expression online. Cambodia's Criminal Code was amended to add a new offence, entitled "Insulting the King" (*lèse-majesté*) in February. As highlighted in the opening pages of this report, Bangladesh and Vietnam also passed legislation in relation to online content which raises serious concerns for HRDs. Similarly in Thailand, a new Cyber Security Bill is in the process of enactment which would allow for the seizure of computers and hard drives on grounds of "reasonable suspicion" and "emergency", without first requiring a court order. In Malaysia, where the Sedition Act is widely used to criminalise defenders, the Federal Court quashed a 2016 Court of Appeals ruling in relation to the Act, reaffirming that it only needs to be proven that the accused has made a seditious statement, without the need to prove intention for the individual to be charged under the Act. In May however, a new government was brought to power which has promised sweeping reforms, and since then, several HRDs who had faced prosecution under the Sedition Act and the Peaceful Assembly Act for expressing themselves

or participating in peaceful protests were acquitted by the courts or have had their charges dropped. Although the new government declared a moratorium on use of the Act in October, it announced that the moratorium was being lifted in early December. The government has also promised to abolish the death penalty and stop all pending executions, ratify international human rights treaties and repeal or revise a raft of legislation that had been used by the previous government to restrict the work of HRDs.

Online harassment and cyber-bullying of WHRDs and LGBTI+ defenders is widespread in nearly every country in the region. LGBTI+ HRDs were routinely persecuted in Indonesia, Malaysia, Pakistan and Bangladesh. A number of incidents of violence against LGBTI+ defenders took place in Indonesia, including an episode in Aceh in January where police conducted a raid on beauty salons and detained 12 transgender HRDs and forced them to take their tops off and have their hair cut in public. This, coupled with political rhetoric inciting intolerance ahead of the 2019 general elections, created significant fear in the LGBTI+ community in the country. In Pakistan, despite the passing of the Transgender Persons (Protection of Rights) Act, which allows individuals to self-identify their own gender, transgender rights defenders continued to suffer a series of attacks by organised criminal gangs. In January, trans rights defender Shama was raped by nine men, while in the same month, fellow trans rights defender Sonia was shot and injured in Peshawar. Both had been under pressure to stop their activism. In November a trans rights activist in the same region was raped by 10 men linked to organised crime. Her ordeal was videoed and shared online. Another trans rights activist who gave her refuge, was also raped and videos of the attack were again shared. A third defender who supported the victims received death threats. Despite prompt police action to arrest several of those responsible, HRDs live in fear of further attacks and reprisals.

Defenders of the rights of ethnic minorities and marginalised populations faced challenges across the region, but nowhere more severely than in Xinjiang province in China where the scale of the government's expansive persecution campaign of the Uyghur population was revealed. Reports in late 2018 by reliable organisations and media outlets estimated that over one million Uyghurs are currently detained in re-education centres across the province, where "residents" are held against their will with no access to family or legal services. While the use of these centres has been quietly growing for years, in October 2018 a new provincial law was issued institutionalising the use of "vocational training centres" to "educate and transform" persons "influenced by extremism".<sup>20</sup> Due to the degree of government surveillance and control in the region, there is almost no room for any local advocacy on behalf of Uyghur victims of such policies.

## **DEFENDERS FIGHTING THE BATTLE FOR LAND AND HEALTH IN ASIA**

Defenders working on land and environmental issues across Asia continued to be one of the most at-risk groups of HRDs and targeted by multiple actors, including states, companies, local vested interest groups and paid thugs. These HRDs have been killed, evicted, hit with trumped-up charges and intimidated and harassed in different ways. Although there were fewer HRDs killed in 2018 compared with the previous year in the Philippines, the country remains an extremely dangerous working environment for defenders of land, indigenous peoples and environmental rights. Most of these killings were linked to struggles against mining and other extractive industries. Impunity reigns in the majority of cases of attacks and they are frequently justified by retrospective branding of the HRDs as drug addicts or terrorists. While President Duterte speaks about environmental protection and claims to have a strong stance in opposition to open pit mining, his economic agenda aims to attract an increased number of local and foreign investors. Of the 27 mining sites that were ordered to close in 2016 for violating the country's environmental laws, 23 were cleared by the Department of Environment and Natural Resources to reopen in August, exemplifying the government's softening attitude towards mining and extractive industries.

In Cambodia, although Tep Vanny and three other land rights HRDs were released in October in acts of post-election clemency, environmental HRDs protesting illegal eviction and corruption in the context of development projects continue to be at high risk. Staff members of the environmental rights organisation Mother Nature, Hun Vannak and Dem Kundy, who filmed suspected illegal sand export activity, were each sentenced to one-year imprisonment for 'violation of privacy and incitement to commit a felony' in January after the organisation was dissolved at the end of 2017.

The establishment of Special Economic Zones (SEZs) in the region aiming to attract foreign investment and protected by special laws is contributing to the difficulties faced by land and environmental rights defenders. In most cases, communities living on lands where SEZs are established are being forcibly evicted without due consultation and without fair compensation. In Vietnam, large protests took place in June against a draft law on SEZs, which would allow foreign investors to lease land for 99 years, while the maximum period under the current Land Law is 70 years. Following the protests, the enactment of the law was postponed, but scores of activists were arrested for organising and promoting the protests. In Cambodia and Bangladesh, HRDs criticising SEZs also face harassment, intimidation and claims that they are acting against the financial interests of the country.



# Europe and Central Asia

CORE VALUES RELATING TO HUMAN RIGHTS NORMS AND THE ROLE OF CIVIL SOCIETY as a legitimate and valuable social actor continued to be challenged by several states in Europe and Central Asia. In addition to Russia threatening to withdraw from the Council of Europe, Turkey attempted to disrupt proceedings at the largest regional human rights event, the OSCE's Human Dimension Implementation Meeting, by insisting that certain NGOs not be invited. The demands were not met and Turkey did not attend. In November, 16 OSCE countries invoked the so-called Moscow mechanism, establishing a mission of experts to investigate allegations of human rights abuses committed in Chechnya, after Russia failed to provide a substantive response to a request for information submitted under an OSCE mechanism. In Poland, following the entry into effect of a constitutional reform in July which jeopardises the independence of the Polish judiciary, the European Commission opened an infringement procedure against Poland, the main tool to force EU states to abide by EU law. Depending on the Polish government's response, the European Commission may decide to refer the case to the European Court of Justice. In September, in an unprecedented vote against a member state, the European Parliament voted to pursue disciplinary action against Hungary after its government was accused of attacks on minority rights, freedom of expression and the rule of law. The ultimate sanction, the suspension of voting rights, is nevertheless unlikely, as Poland has already stated that it would veto such a decision.

The systematic and relentless push to equate NGOs with 'foreign interference' continued to gain traction in public discourse, led by pro-government media and backed by online trolls. HRDs were routinely presented as "grant eaters" and anti-foreign funding legislation, already in place in a number of states, was introduced in other countries. Following the adoption of a package of legislative and constitutional amendments in Hungary, labelled the 'Stop Soros' law in reference to the Hungarian-born philanthropist George Soros, a pro-government magazine published a list of "200 Soros mercenaries", which included the entire staff of several local NGOs. The European Commission launched an infringement procedure against Hungary following the introduction of this legislation. In May, the Soros-founded Open Society Foundation moved from Hungary to Germany after it was accused of being behind the wave of refugee arrivals in Europe. Central European University, funded by Soros and located in Budapest since its founding in 1991, also announced its intention to move to Vienna in 2019. In Ukraine a draft law aimed at restricting access of local NGOs to foreign funding and presented by its author as "anti-Soros legislation" is currently pending. During a hearing at the Italian Senate in June 2018, Matteo Salvini, Minister of Interior, made references alleging George Soros was financing civil society in order to "disrupt the Italian national interest" and aid illegal immigration. The Minister also pointed to future legislation to "increase transparency" around foreign funding. In November, Open Society Foundation – Turkey was forced to close "due to intensified false allegations and disproportionate speculation in the media".<sup>21</sup>

Physical attacks on HRDs were commonplace and were documented in Armenia, Azerbaijan, France, Greece, Italy, Russia, Kazakhstan, Kyrgyzstan, Turkmenistan, Turkey, Ukraine and Uzbekistan. In Ukraine, over 50 physical attacks on HRDs and civil society activists were recorded. Many of these attacks were carried out by radical right-wing groups promoting hatred and discrimination. Hiding behind a veneer of patriotism and what they describe as "traditional values", members of these groups have been vocal about their contempt for, and intent to harm, women's rights activists, ethnic minorities, LGBTI+ people, and others who hold views that differ from their own. The lack of effective investigations into these incidents and of prosecutions of those responsible heightened the risk to HRDs and sent a message that the authorities would tolerate such assaults.

Defamation campaigns against NGOs and individual defenders were carried out both by state-owned media and trolls on social media in Azerbaijan, Belarus, Hungary, Italy, Kazakhstan, Kyrgyzstan, Poland, Russia, Tajikistan, Turkey and Ukraine. In Belarus, fake social media accounts were created in February under the name of Pavel Levinov, a board member of the Belarusian Helsinki Committee, to discredit his work. His personal address and other personal data were revealed in an extensive smear campaign on social media which is believed to have been initiated by the Belarusian authorities. There has also been a rise of vigilante groups and individuals in Kazakhstan and Kyrgyzstan posting videos of lesbian and trans women online inciting hatred against them.

In April the Russian Department of the Federal Service for the Supervision of Communications, Information Technology and Mass Communications (Roskomnadzor) began attempting to censor the messenger app Telegram for Russian users. The app is popular amongst HRDs and political dissidents and its makers had refused to provide the Russian government with decryption keys. Roskomnadzor censored up to 20 million IP addresses as part of its efforts but failed to block Telegram completely. Throughout the year, Roskomnadzor continued to test improved censorship methods on a regional level. In December, a member of the Russian parliament suggested new online censorship legislation which, if passed,

would require all internet service providers and mobile operators to use deep packet inspection technology to implement better censorship.

In Turkey, the crackdown on HRDs and civil society organisations continued, although the state of emergency was officially lifted in July. Since the violent coup attempt in 2016, the Turkish government has issued over 30 executive decrees that bypassed parliamentary and judicial control. The independence and impartiality of Turkish courts has been significantly undermined, and the dismissal of hundreds of judges under state of emergency decrees further enhanced those concerns. More than 100,000 people face criminal investigation and over 50,000 remain in pre-trial detention, including human rights defenders, academics, journalists, lawyers, politicians and former public officials who are accused of supporting the attempted coup. Public discourse remains hostile towards human rights defenders, in particular towards those who are promoting and defending the rights of the Kurdish community.

As in other regions, lawyers who raised concerns over the treatment of their clients or their fellow lawyers were themselves targeted. In Azerbaijan, Irada Javadova was one of number of lawyers to be disbarred in such a fashion. In occupied Crimea, Emil Kurbedinov, winner of the 2017 Front Line Defenders Award, was sentenced to administrative detention in December in retaliation for his defence of political prisoners. In the Russian Federation, Irina Biryukova received threats following her publication of information regarding reports of torture in a prison colony in Yaroslavl. Many lawyers and activists providing legal defence to those arrested during mass actions were themselves subsequently arrested or physically attacked all over Russia. Women lawyers and other WHRDs providing vital legal support to survivors of domestic and sexual violence were targeted by both the state and the public. Given the growing culture of impunity regarding violence against women

## **CASE STUDY**

### **MULTIFACETED ATTACK ON MEMORIAL IN RUSSIA**

In Russia, one of the most prominent human rights groups, International Historical and Human Rights Society (IHRS) "Memorial" and its member Human Rights Center (HRC) "Memorial", were targeted in well orchestrated campaigns throughout the year. These campaigns used a number of different methods to target the organisation, including defamation, criminalisation and physical attacks. The head of the Chechen office of HRC "Memorial", Oyub Titiev, was arrested on fabricated charges of "drug possession" in an attempt to destroy his reputation and to paralyse the work of the organisation in Chechnya. In a report in December under the Moscow Mechanism on human rights violations in Chechnya, the OSCE's rapporteur stated that "it appears very likely that evidence has been fabricated in order to stop [Titiev] from monitoring disappearances and torture in the country...and also to give a signal to other human rights defenders what could happen to them".<sup>22</sup>

In December 2017, two weeks before Titiev's arrest, and just after Instagram had blocked the account of the Head of the Chechen Republic, Magomed Daudov (Chechen ruler Ramzan Kadyrov's closest associate and the speaker of Chechnya's Parliament) publicly stated that the Instagram blocking was due to complaints by HRDs. Daudov described HRDs as "enemies" who must be "separated from the normal society." Titiev's arrest was a message to all defenders, as Kadyrov himself stated shortly after the arrest: "they [human rights defenders] must know: they will not work in our region." Since then, Kadyrov has repeatedly called Titiev a "drug addict" and a "traitor", both in television broadcasts and on social media.

Immediately after Titiev's arrest, the office of HRC "Memorial" in neighbouring Ingushetia was set on fire. Sirazhutdin Datsiyev, head of the Dagestan office was physically attacked and a car that the organisation's lawyer was using to travel to Chechnya, was also set on fire.

In June, police evacuated the premises of a theatre in Moscow where they believed that a play on Oyub Titiev was being performed. When it quickly became clear that the play was not being produced at that location, they went on to evacuate the office of Memorial in Moscow, where it was being produced, on the pretext that the building was mined.

In April, the Petrozavodsk city court acquitted a 62-year old historian and head of IHRS "Memorial" in Karelia, Yuri Dmitriev, on child pornography charges, but in June this judgement was overruled by the regional Supreme Court. This case was seized upon by state-owned media to lead an all-encompassing smear campaign against the human rights group. Finally, the Saint Petersburg branch of the organisation lost its office after twenty years' successful rent from the city council and will have to find another location for its huge collection of archives. Despite these coordinated attacks, it is a tribute to the courage and persistence of Memorial staff and volunteers that they continue to engage in their crucially important human rights work at this time when it is needed most.

and girls in Russia, WHRDs working on gender-based violence have faced more and more challenges. A lack of financial resources, socio-cultural perceptions of domestic violence as a 'family matter' and a general backlash against civil society all contributed towards an extremely difficult working environment.

Independent trade unions came under attack in countries where economic conditions continued to deteriorate. In Kazakhstan, the Confederation of Independent Trade Unions of Kazakhstan was denied permission to register three times in the year. In November, Dmitry Senyavsky, head of the Karaganda branch of a trade union representing the rights of miners, was physically attacked in what is believed to have been an attempt to prevent him from attending a meeting with the International Trade Union Confederation (ITUC) and the representatives of the Arthur Svensson International Prize for Trade Union Rights. In Turkey trade unionists were labelled as provocateurs attempting to sabotage economic development. In November, prison sentences were handed down to 35 workers and trade unionists, including HRDs, from Birleşik Metal-İş for violating the Law on Assemblies and Demonstrations during a protest that took place back in 2016 in Renault's Turkish plant Oyak, in Bursa. In Belarus, the Chairman and Chief Accountant of the Belarusian Independent Trade Union of Radio and Electronic Industry Workers, were found guilty of tax evasion. They were accused of not declaring foreign funding which had been transferred to the Trade Union's SEB bank account in Vilnius, Lithuania, which was allegedly withdrawn and transported back to Belarus between 2011 and 2012. Legislation restricting the normal operation of civil society organisations remains in force in Belarus, forcing many organisations to register abroad, including maintaining bank accounts outside the country.

LGBTI+ rights defenders continued to be targeted in Armenia, Azerbaijan, Kyrgyzstan, Poland, Russia and Ukraine. In Ukraine, LGBTI+ activists were physically attacked throughout the year in different regions and their events routinely disturbed by nationalist groups. In March, more than 50 far-right agitators attacked a discussion on gender equality that was part of the program of the annual Ukrainian human rights festival, DocuDays, in Kiev. The attackers destroyed posters promoting tolerance and diversity, threatened to kill the participants and stated that they would use weapons during their next attack. As in other instances throughout the year, police failed to apprehend the attackers. Trans people also faced physical attacks and discrimination in Armenia, Turkey, Kyrgyzstan and Russia. In October, the opening ceremony of an LGBTI+ film festival, Side by Side, in Saint Petersburg was disrupted by a member of Parliament known for his stand on "traditional values". He phoned the police to claim that hostages had been taken inside the festival venue which led police to evacuate the premises.

## **DEFENDERS OF MIGRANT RIGHTS UNDER INCREASING PRESSURE IN EUROPE**

Defenders of immigrants and asylum seekers were targeted in many European countries. Actions of solidarity with migrants have led to arrests, judicial harassment, intimidation, threats and smear campaigns, creating a climate of hostility and hate towards NGOs and volunteers. In Hungary, as a part of the 'Stop Soros' legislation, the Criminal Code was amended to introduce "facilitating illegal immigration" as a crime with a maximum punishment of one year of imprisonment. The government also plans to introduce a 25% special tax on aid groups which allegedly support migration. Italy, Czech Republic, Slovakia and Romania maintained an official anti-immigrant stance at odds with EU policy.

The Italian Prime Minister openly accused civil society organisations saving lives in the Mediterranean Sea of being complicit with people smugglers. The stigmatisation of migrants rights defenders and smear campaigns against them also led directly to physical attacks. In October, Génération Identitaire, a right wing anti-immigration movement, attacked the headquarters of SOS Méditerranée in Marseille. Members blocked access to the premises, erected a banner with "SOS Mediterranean complicit in human trafficking" emblazoned on it and refused to allow staff to leave for several hours before police arrived to evacuate the premises. In December, the organisation, along with Doctors Without Borders, was forced stop its joint search and rescue operations of the ship *Aquarius* in the Mediterranean due to "dishonest smearing and obstructive campaigns".

HRDs assisting migrants were criminalised in France, Greece, Italy and Spain. In Greece, Sean Binder and Sarah Mardini, two foreign volunteers, and Greek national Nassos Karakitsos, were arrested and held in pre-trial detention for over three months on people smuggling charges. The three had taken part in the search and rescue missions of a Greek non-profit humanitarian organisation Emergency Response Centre International. In a respite from France in July, the French Constitutional Council confirmed 'fraternity' as a core constitutional principle, stating that "helping others, even illegitimately present on the national territory, is legitimate". This ruling arose in response to the criminal case against Cedric Herrou, a French farmer who had received a one-year suspended sentence for giving shelter to migrants who were crossing the mountainous border from Italy into France. He was charged with aiding "the unlawful entry, movement, or stay of a foreigner in France". It is hoped this ruling will be referenced in other jurisdictions where similar attempts to provide humanitarian assistance have been criminalised.

# Middle East and North Africa

HRDS IN MENA CONTINUED TO FACE SYSTEMATIC PERSECUTION, reprisals and threats as most governments in the region showed little tolerance for human rights activism and permitted little independent space for civil society. HRDs in the region remain under persistent assault, facing authoritarian regimes, unaccountable security apparatuses and draconian laws, as well as complex domestic and international conflicts in Libya, Syria, Iraq, Sudan, Yemen, Palestine and Western Sahara.

The increasing hostility towards the human rights agenda at a global level has encouraged authoritarian regimes in MENA to escalate their clampdown on HRDs. Meanwhile, Western governments remained keen to develop economic, military and security ties with governments responsible for the worst abuses against HRDs, including Saudi Arabia, Egypt, Bahrain and the United Arab Emirates. Egypt, despite its ever worsening climate for civil society, is the third largest recipient of global arms exports, after India and Saudi Arabia.<sup>23</sup> The European Commission is also considering releasing its budget support to Egypt under the revised Europe Neighbourhood Policy, which was put on hold following the military coup in 2013.

HRDs working in the many conflict zones throughout the region have faced severe threats to their lives and reprisals from formal military forces and non-state armed groups. Journalists, lawyers and other defenders, including women's rights activists, were killed in Libya, Iraq, Syria, Yemen and the Occupied Palestinian Territory (OPT). During protests in June by Palestinians in Gaza, Israeli snipers shot dead WHRD Razan Al-Najjar, a Palestinian volunteer medic affiliated with the Palestinian Medical Relief Society, as she was aiding another injured protester. Independent documentation of abuses in war zones was extremely difficult, and those who did attempt it were specifically targeted. In Yemen, field observers and leaders of the Mwatana Organisation for Human Rights were repeatedly detained, threatened and put under travel bans by Houthi authorities or the government of President Abdrabbuh Mansur Hadi. In Libya, Military Intelligence affiliated with the Libyan National Army (LNA) and armed militias in Misrata repeatedly threatened, detained and intimidated bloggers and WHRDs as a result of their attempts to monitor human rights violations.

## CASE STUDY

### TREATMENT OF HRDS IN SAUDI ARABIA SHOWS NO SIGNS OF IMPROVEMENT

The Saudi government's attitude toward human rights defence was exemplified by the detention and ill-treatment of a number of WHRDs during the year. Loujain al-Hathloul, Eman al-Nafjan and Aziza al-Yousef are among the detained and the three WHRDs had played an active role in the campaign demanding the right to drive before the ban was lifted in June. Following the detentions, state-owned media engaged in a smear campaign against the defenders, accusing them of 'treason', 'conspiracy against the Kingdom and the royal family' and 'collaboration with foreign actors'. While in detention, the defenders were subjected to ill-treatment, including sexual harassment, electric shocks, flogging and hanging.<sup>24</sup> The treatment was such that one of the WHRDs attempted suicide a number of times.<sup>25</sup> The detained women were at the forefront of the campaign to abolish the guardianship system (#IamMyOwnGuardian) and the right to drive. Loujain al-Hathloul had been previously arrested and detained for her activism after driving on her own in the UAE to the Saudi border.

The trial of HRD Essam Koshak is another example of the use of repressive laws and counter-terrorism courts to persecute HRDs in Saudi Arabia. Essam Koshak is a computer engineer and a prominent human rights defender working on civil and political rights. He is active on Twitter and has been particularly vocal in recent years on issues of corruption, freedom of expression and women's rights. He had been summoned in January 2017 by the Criminal Investigation Department in Mecca and interrogated, then kept in detention and transferred to trial before the Specialised Criminal Court in Riyadh in October 2017 on charges of 'inciting public opinion' and 'illegally supporting an end to the women's guardianship system'. He did not have access to his family or lawyer while awaiting his trial and in February 2018, the Court sentenced him to four years in prison followed by a four-year travel ban.

Many HRDs have been targeted in recent years in Saudi Arabia by the Specialised Criminal Court (SCC), which was established in January 2009 to examine cases involving terrorism and crimes related to state security. An analysis of the law establishing this court, as well as an investigation of its cases, shows that its procedures abuse the basic principles of the rights to fair trial and due process, as well as the right to be informed of charges and the right to legal council. Israa al-Ghomgham, who, along with her husband, was arrested in 2015 for her role in protests in Qatif province, was sentenced to death by beheading. According to the Gulf Center for Human Rights, she was absent from the third hearing of her case in front of the SCC in November. This has given rise to serious concerns for her well-being while in detention, especially in light of recent reports concerning torture.



Judicial harassment of HRDs was prevalent throughout the region. Defenders were slapped with charges directly linked to their human rights activism; many related to freedom of association, including receiving foreign funds or working without registration, peaceful protest and media expression, including online. The use of cybercrime laws to charge, interrogate and detain HRDs was observed in Lebanon, Algeria, Bahrain, Iran, UAE and Saudi Arabia. In May, award-winning defender Ahmed Mansour was sentenced to 10 years in prison in the UAE for social media posts criticising violations carried out by the Emirati government. His final appeal, without a lawyer of his own choosing, was heard on 24 December, a date specifically chosen to ensure reduced international attention of his case. The appeal was rejected. Governments in Egypt and Morocco also used unfounded politically motivated charges of violence or terrorism to punish HRDs for their work.

HRDs were subjected to prolonged detention in Egypt, Saudi Arabia and Sudan. Once detained, incommunicado detention was commonly and repeatedly used and in many cases, the whereabouts of detained HRDs remained unknown for weeks. During this time, ill-treatment and torture were common as enormous pressure was placed on defenders to confess and identify other HRDs active in their circles. Cases of enforced disappearance of HRDs were also witnessed in Egypt and Saudi Arabia. Saudi blogger Turki Abdul Aziz Al-Jasser, who administered the Twitter account '@Kashkool', which exposed human rights violations in the Kingdom, was forcibly disappeared after his arrest in March. Reports carried in some media outlets in November suggested that Al-Jasser had been tortured to death in prison.<sup>26</sup>

Israeli human rights organisations including the anti-occupation group Breaking the Silence, composed of former soldiers, and B'Tselem continued to face judicial harassment and stigmatisation. In July, the Knesset passed legislation granting the Ministry of Education the authority to ban organisations deemed to be acting against the Israel Defense Forces from entering schools. Moreover, Israeli authorities engaged in local and global campaigns accusing members and supporters of the Boycott, Divestment and Sanctions (BDS) movement of anti-Semitism. HRDs in the OPT continued to face violence, harassment, restrictions on freedom of movement, administrative detention and military trials from both the Israeli forces and the Palestinian Authority.

As the human rights situation across the region deteriorated, HRDs who were forced to flee their home countries also faced risks in their 'new' countries. Due to visa restrictions, at-risk defenders faced limited options on where they could go and were often forced to relocate to states whose governments have close security ties with their home countries. Sudanese activists in Egypt and Saudi Arabia were subjected to intimidation, detention and in some cases deportation to Sudan. Sudanese blogger Mohamed Hasan Alim was forcibly disappeared in Egypt in October 2018 and taken to Sudan, where he is being held incommunicado by the Sudanese National Intelligence and Security Service. Mohamed Hasan Alim exposed corruption and human rights violations via social media, and in 2017, applied for asylum with UNHCR in Egypt after fleeing Sudan for his own safety. He was detained by Egyptian police on 10 October and the following day his mother was informed that he had been rendered back to Sudan. The Sudanese State Security Prosecution pressed charges against the HRD that carry the death penalty. Government authorities intimidated and interrogated refugees and migrants rights defenders in Algeria and Lebanon. Also in Lebanon, many Syrian and Palestinian HRDs who work on the rights of refugees were summoned for questioning, while Lebanese authorities refused to renew some of their legal residences, leaving Syrians at risk of forced return to their war-torn home. In Algeria, journalist and member of the Algerian League for Human Rights, Said Boudour, was briefly detained, interrogated and threatened in June for his reporting on the arbitrary detention, ill-treatment and deportation of migrants and asylum seekers.

## **FRONT LINE DEFENDERS REPORT ON LABOUR RIGHTS DEFENDERS IN EGYPT**

In January 2019 Front Line Defenders launched a report on threats and attacks against labour rights defenders in Egypt. Drawing on interviews with defenders from four regions, the report documents that the regime of President Abdel Fattah el-Sisi has punished labour rights defenders with arrests, disappearances, beatings and torture in detention, intimidation by state security agents, mass firings, withholding of salaries and benefits, and trials in military courts.

The report finds that as the Ministry of Defence purchases more land, factories, hospitals, hotels, and public institutions, labour rights defenders occupy an extremely dangerous place in Egypt's increasingly militarised economy. Organising in any company or sector owned or operated by the military puts civilian HRDs at increased and direct risk of military prosecution. The report features an investigation into the ongoing military trial of 26 civilian workers and HRDs at Alexandria Shipyard, where majority French state-owned company Naval Group is engaged in contracts worth more than €3 billion with the Egyptian Ministry of Defence.

In Egypt, online activist and member of the Egyptian Commission for Rights and Freedoms, Amal Fathy, was given a two-year suspended sentence and a fine for posting a Facebook video highlighting the issue of sexual harassment. She was detained in May and although the Court suspended her sentence until the hearing of her appeal, her detention continued until December as a result of another case in which she is charged with 'collaboration with hostile groups including membership in the April 6 Youth Movement and the Muslim Brotherhood, alleged to undermine the latest Presidential elections and trigger social unrest'. Amal Fathy was released on bail on 27 December but her appeal in the case relating to her Facebook posts was rejected on 30 December and she is at risk of being arrested again at any time to serve the two-year sentence.

LGBTI+ rights defenders in Morocco, Lebanon and Tunisia were denied registration of their associations or had their public activities banned. Their leaders were intimidated and security forces failed to protect them from public physical assaults when their identities became known. Elsewhere in the region, the space for LGBTI+ defenders to work was simply non-existent.

### **REPRESSION OF SOCIAL AND ECONOMIC RIGHTS DEFENDERS IN MENA**

The increasing social impact of austerity measures, the spread of poverty and environmental problems as well as the lack of public services, especially in remote areas and among marginalised communities, have been a source of continuing unrest and spontaneous protests in MENA which is likely to continue growing in the years ahead. Governments in Morocco, Algeria, Tunisia, Sudan, Jordan, Egypt and Iran used a variety of tactics to repress or limit growing social and economic demands, including environmental activism. Leaders and members of these protest movements, especially youth, trade unionists, labour rights defenders and their supporters - including their lawyers - are among the HRDs most at risk of detention, physical violence, surveillance, fabricated charges and unfair trials. The use of restrictive assembly laws and trade union laws has been paramount in criminalising the work of those activists.

In June, Nasser Zefzafi, a leading figure of the popular protest movement in the Rif region in northern Morocco, which witnessed protests between October 2016 and June 2017 over social and economic marginalisation, was sentenced to 20 years in prison on charges of 'undermining public order' and 'threatening national unity'. Five other social and economic rights defenders were sentenced to between 15 and 20 years following trials in the marginalised city of Jerada for their leading role in a movement demanding social justice and economic opportunities for the inhabitants of the region. For years, Moroccan authorities tolerated illegal and dangerous mining activities and disregarded long-standing complaints from the population regarding marginalisation, poverty and lack of infrastructure and basic services. In Algeria, a rise in inflation, cuts in food and fuel subsidies and a rising unemployment rate prompted labour protests and strikes, which were violently repressed by security forces.

Sudanese authorities arrested and detained dozens of HRDs, including Salih Mahmoud Osman, vice president of the Darfur Bar Association, in the context of protests against the rise in the cost of food after the government made a decision to cut subsidies in January. On 10 April, Sudanese authorities released the detained HRDs following a Presidential pardon. In December, renewed protests over rising prices were met with a brutal police reaction, resulting in a number of deaths. Violence was also deployed in Iraq, where several protesters and HRDs were killed in Basra by security forces following the eruption of protests in the city. Long-held frustrations over corruption, poor infrastructure, contaminated water and a rise in unemployment led to the protests. WHRD Su'ad Al-Ali, who had helped organise the demonstrations, was shot dead in a targeted attack in September as she got into her car. In Iran, students from different universities in Tehran and Tabriz received harsh sentences in August based on charges stemming from their participation in protests against the privatisation of education and economic corruption affecting students.

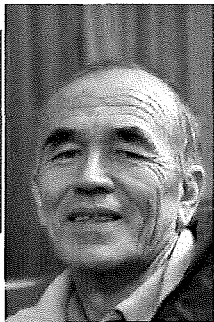


## Endnotes

1. Given under-reporting and the difficulties of data collection in certain areas, the total number of HRDs killed is certainly higher than the 321 named in this report. Front Line Defenders would like to thank of all of the organisations who shared their data, including members of the Memorial project: Karapatan, Aci-Participa, UDEFEGUA, Programa Somos Defensores, Comité Cerezo, Amnesty International, FIDH, OMCT, Forum Asia and Global Witness.
2. It was not possible at the time of print to obtain full statistics regarding the number of HRDs killed in Brazil; the figures used in this report are based on a partial data-set. That said, 2018 did see a reduction in the number of defenders killed compared with 2017, when there were 65 reported killings.
3. "Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms"
4. This figure is based on the number of violations reported to Front Line Defenders from 1 January to 18 December, excluding killings. For information on killings, please see chart on page 4. These statistics only relate to cases publicly taken up by Front Line Defenders. They do not include violations where the HRD did not want public advocacy on their case and as such, many violations, especially in relation to sexual violence, are under represented.
5. At the time of going to print, the number of killings which took place in Colombia (126), the deadliest country in the world for HRDs, were only complete to the end of November.
6. <https://www.ipcc.ch/sr15/>
7. According to the National Geographic, "Ninety-five percent of all deforestation is within 3.4 miles of a road or 0.6 miles of a navigable river." <https://www.nationalgeographic.com/climate-change/explore-amazonia/#/Map/AlteredLandscapes/?focus=Transport>
8. <https://www.concourt.org.za/index.php/judgement/291-mlungwana-and-others-v-s-and-another-equal-education-right2know-campaign-and-un-special-rapporteur-on-the-rights-to-freedom-of-peaceful-assembly-and-of-association-as-amici-curiae>
9. <https://www.groundup.org.za/article/landmark-court-ruling-protests-victory-citizens/>
10. [http://www.xinhuanet.com/english/2018-08/28/c\\_137423406.htm](http://www.xinhuanet.com/english/2018-08/28/c_137423406.htm)
11. <https://citizenlab.ca/2018/09/hidden-and-track-nso-groups-pegasus-spyware-to-operations-in-45-countries/>
12. <https://www.japantimes.co.jp/news/2018/10/05/national/tokyo-adopts-ordinance-banning-discrimination-lgbt-community/>
13. <https://hrdworldsummit.org/action-plan/>
14. <http://www.ipsnews.net/2018/07/peace-equal-political-participation-women-drc/>
15. <https://www.frontlinedefenders.org/en/statement-report/creeping-towards-authoritarianism>
16. "Comisariado Ejidal de San Pedro Tlanixco", "Comité de Agua Potable de San Pedro Tlanixco" and the "Comisión para la Defensa del Agua"
17. Front Line Defenders has reported on many such cases over the past number years in the states of Guerrero, Puebla, Oaxaca, Estado de Mexico and others. Damián Gallardo, Enrique Guerrero and Pablo López Alavéz - who remain in prison - as well as Librado Baños, Juan Carlos Flores Solís, Marco Antonio Suastegui, Nestora Salgado, Bettina Cruz are only a small number of examples.
18. <https://www.pri.org/stories/2018-10-26/will-fake-news-carry-brazils-favored-far-right-candidate-victory>
19. <https://www.theguardian.com/world/2018/feb/13/philippines-rodrigo-duterte-orders-soldiers-to-shoot-female-rebels-in-the-vagina>
20. [http://www.xinhuanet.com/english/2018-10/16/c\\_137535821.htm](http://www.xinhuanet.com/english/2018-10/16/c_137535821.htm)
21. <https://www.reuters.com/article/us-turkey-security-soros/soros-foundation-to-close-in-turkey-after-attack-by-erdogan-idUSKCN1NV1KL>
22. <https://www.osce.org/odhr/407402?download=true>
23. [https://www.sipri.org/sites/default/files/2018-03/fssipri\\_at2017\\_0.pdf](https://www.sipri.org/sites/default/files/2018-03/fssipri_at2017_0.pdf)
24. <https://www.amnesty.org/en/latest/news/2018/11/saudi-arabia-reports-of-torture-and-sexual-harassment-of-detained-activists/>
25. Ibid.
26. <https://www.dailymail.co.uk/news/article-6362321/Another-journalist-Saudi-Arabia-killed-torture-custody.html>

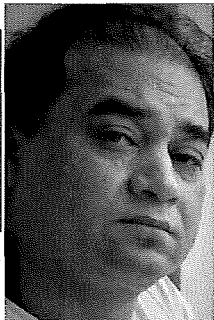
# SET THEM FREE

TO MARK THE 70TH ANNIVERSARY OF THE UNITED NATIONS DECLARATION ON HUMAN RIGHTS AND THE 20TH ANNIVERSARY OF THE UN DECLARATION ON HUMAN RIGHTS DEFENDERS, FRONT LINE DEFENDERS LAUNCHED A CAMPAIGN TO CALL FOR THE RELEASE OF NINE HRDS SERVING LENGTHY PRISON SENTENCES.



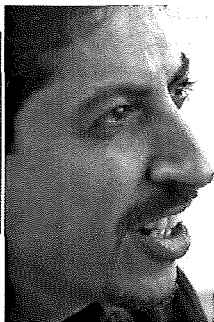
**AZIMJAN ASKAROV, KYRGYZSTAN**

Sentenced to life imprisonment after an unfair trial for documenting interethnic violence



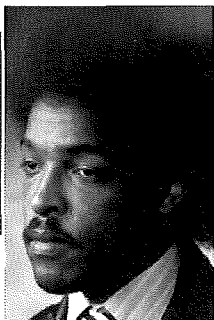
**ILHAM TOHTI, CHINA**

Sentenced to life imprisonment for defending the political and cultural rights of the Uyghur people



**ABDULHADI AL-KHAWAJA, BAHRAIN**

Sentenced to life imprisonment for demanding democracy and human rights in Bahrain



**DAWIT ISAAK, ERITREA**

Held for 16 years without charge in a secret prison for publishing open letters calling for reform



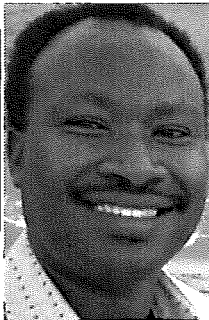
**NARGES MOHAMMADI, IRAN**

Sentenced to 17 years in prison for campaigning for peace, human rights and the abolition of the death penalty



**ATENA DAEMI, IRAN**

Sentenced to 14 years in prison (reduced to seven on appeal) after a trial lasting 15 minutes for campaigning against the death penalty and supporting the families of political prisoners



**GERMAIN RUKUKI, BURUNDI**

Sentenced to 32 years in prison for campaigning for an end to torture and the death penalty



**DOMINGA GONZÁLEZ MARTÍNEZ, MEXICO**

Sentenced to 50 years in prison for defending the right of her people to water



**TRAN THI NGA, VIETNAM**

Sentenced to 9 years in prison plus 5 years house arrest for defending the rights of migrant workers and women's rights

<https://www.frontlinedefenders.org/en/statement-report/set-them-free>

# FRONT LINE DEFENDERS GLOBAL ANALYSIS 2018

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