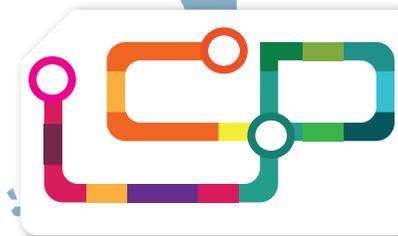


Supporting
Democracy

A Citizen
Organisations
Programme



INNOVATIVE **CITIZEN** PARTICIPATION

Advancing Democratic Accountability
in Challenging Environments:

A STUDY ON INNOVATIVE APPROACHES TO DEMOCRATIC PARTICIPATION IN RESTRICTIVE ENVIRONMENTS

July 2019



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DEMOCRACY
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LIST OF ACRONYMS

ADDR	Arab Digital Rights Datasets	LADE	Lebanese Association for Democratic Elections
AJI	Independent Journalists Alliance (Indonesia)	Mafindo	Anti-Slander Society of Indonesia
ANFREL	Asian Network for Free Elections	MENA	Middle East and North Africa
BERSIH	The Coalition for Clean and Fair Elections (Malaysia)	MPs	Members of Parliament
CCEDU	Citizens' Coalition for Electoral Democracy in Uganda	MTAN	Myanmar Tech Accountability Network
CYN	Cambodian Youth Network	NAMFREL	National Citizens' Movement for Free Elections (Philippines)
CSI	The Civic Space Initiative	NED	National Endowment for Democracy (USA)
CSOs	Civil Society Organisations	NDI	National Democratic Institute for International Affairs
EIDHR	European Instrument for Democracy and Human Rights	NGOs	Non-Governmental Organisations
EMB	Election Management Body	OAS	Organisation of American States
EMDS	Election Monitoring and Democracy Studies Centre (Azerbaijan)	ODIHR	Office for Democratic Institutions and Human Rights
EOM	Election Observation Mission	OSCE	Organisation for Security and Cooperation in Europe
EU	European Union	PHCs	Primary Healthcare Centres
GNDEM	Global Network of Domestic Election Monitors	PLCN	Prey Lang Community Network (Cambodia)
GONGO	Governmentally organised NGO	PVT	Parallel Vote Tabulation
iCON	International Consortium on Closing Civic Space (iCon)	SD	Supporting Democracy Technical Assistance Project
ICNL	International Center for Not-for-profit Law	SMEX	Social Media Exchange
ICT	Information and Communication Technology	UAE	United Arab Emirates
IFCN	International Fact Checking Network	UPR	Universal Periodic Review
IFEX	International Freedom of Expression Exchange network		
iLAW	Internet Dialogue on Law Reform (Thailand)		
ISFED	International Society for Fair Elections and Democracy (Georgia)		

1. INTRODUCTION

To promote and strengthen the democratic participation of citizens, civil society organisations have been increasingly involved in election observation and advocacy for democratic reform over the past three decades. More recently, citizens have also harnessed new tools made available by the digital revolution, with a flurry of innovations reaching far beyond elections, towards enhanced civic mobilisation and engagement in politics. At the same time, democracy activists have also been facing growing constraints on their activities. In many countries, the role of civil society as a key component of public debate is being challenged by governments, and the space for citizen engagement has shrunk significantly.

Background and objectives of the study

'The shrinking space problem is on the way to being mainstreamed at the heart of EU foreign policy.'

The EU has recently rolled out new strategies to address the 'shrinking space' challenge. In particular, it has been focusing on how to 'systematically identify and support new kinds of civil society actors'² who are considered less vulnerable to restrictive measures than long-standing NGOs. Among the new policy mechanisms and instruments used to act against the shrinking space phenomenon are the 'EU roadmaps for engagement with CSOs'³, introduced in 2012 by the EU Communication 'Roots of Democracy'⁴. Since that milestone communication, the EU has intended to develop a more strategic engagement and structured dialogue with civil society organisations in its partner countries.⁵ Another important initiative has been the Human Rights Defenders Protection Mechanism, which was established in 2010⁶ and is now known as ProtectDefenders.eu.⁷ It is a quick reaction instrument funded by the European Instrument for Democracy and Human Rights (EIDHR), which was conceived specifically as a response to the most blatant manifestations of shrinking space for rights activists. The five-year EU Action Plan on Human Rights and Democracy, which was announced in 2015, has affirmed and deepened the EU's commitment to address threats to civil society's enabling environment.⁸

1• Youngs, Richard and Echagüe, Ana. Shrinking space for civil society: the EU response, European Parliament / Directorate General for External Policies. April 2017, page 5. [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/578039/EXPO_STU\(2017\)578039_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/578039/EXPO_STU(2017)578039_EN.pdf)

2• Ibid. page 33.

3• https://ec.europa.eu/europeaid/eu-country-roadmaps-engagement-civil-society_en

4• European Commission, The Roots of Democracy and Sustainable Development: Europe's engagement with Civil Society in external relations. Brussels, 12 September 2012, page 9. <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM%3A2012%3A0492%3AFIN%3AEN%3APDF>

5• Concord. EU Country Roadmaps for engagement with Civil Society – Briefing paper 2018, 14 May 2018. <https://concordeurope.org/blog/2018/05/14/eud-engagement-paper-2018/>.

6• https://ec.europa.eu/europeaid/sectors/human-rights-and-governance/democracy-and-human-rights/human-rights-defenders_en

7• <https://protectdefenders.eu/en/index.html>

8• https://eeas.europa.eu/sites/eeas/files/eu_action_plan_on_human_rights_and_democracy_en_2.pdf

Democracy scholars Richard Youngs and Ana Echagüe have assessed that 'most of [the EU's] focus is on the defensive function of protecting civil society activists, and that it should also be proactive to protect and expand existing civic space initiatives.'⁹ Further measures are needed for the EU to address the challenges faced by democracy activists in third countries. Funding is one of them, since the EU's existing financial support mechanisms do not always match the needs of new forms of citizen advocacy and mobilisation that have emerged at the intersection of shrinking space and newly available digital technology, where many civil society groups are now active.

Methodology of the study

'Supporting Democracy' (SD) is an EIDHR initiative that aims to foster EU support to civil society.¹⁰ Its project Innovative Approaches to Democratic Participation and Citizen Election Observation in Restrictive Environments aims to make a concrete and useful contribution to this discussion through this study, which documents and illustrates how civil society around the world has been responding to the challenges of shrinking space. This study builds on previous Supporting Democracy activities, in particular its September 2016 Brussels Citizen Observer Forum, its 2017 East and Southern Africa regional conference on advancing accountability in shrinking space¹¹, and its 2018 CivicTech4Democracy global campaign¹², which all focused on innovative approaches and network building among civil society initiatives.

To draft this study, SD engaged a team of three experts in the field of democratic participation, citizen election observation, and digital democracy, who studied the relevant literature and interviewed approximately 40 activists and specialists from around the world. The team also partnered with the Asian Network for Free Elections (ANFREL)¹³ to implement this project. Finally, the study was presented in Kuala Lumpur, Malaysia (25-27 June 2019), where democracy activists and innovators from South Asia, Southeast Asia and beyond discussed it and fine-tuned its findings and conclusions.

Many more cases have been researched for this study than are presented here. This document, however, is a reflection of all of the exchanges that the research team has had with civil society activists, representatives of international organisations, and thematic experts who kindly contributed their time and knowledge for this study, and to whom the authors express their gratitude.

9• Youngs and Echagüe, page 8.

10• 'Supporting Democracy – A Citizen Organisations Programme' (SD) is an ongoing technical assistance project designed to help EU Delegations and CSOs requesting external expertise in democracy support. SD started in April 2015 and is run by a consortium led by SOFRECO, together with Democracy Reporting International (DRI) and the National Democratic Institute (NDI).

11• Supporting Democracy, 2018. Advancing Democratic Accountability in Challenging Environments: A Study on Space for Civic Engagement in Seven Countries in East and Southern Africa.

12• <https://civictch4democracy.eu/>

13• <https://anfrel.org/>

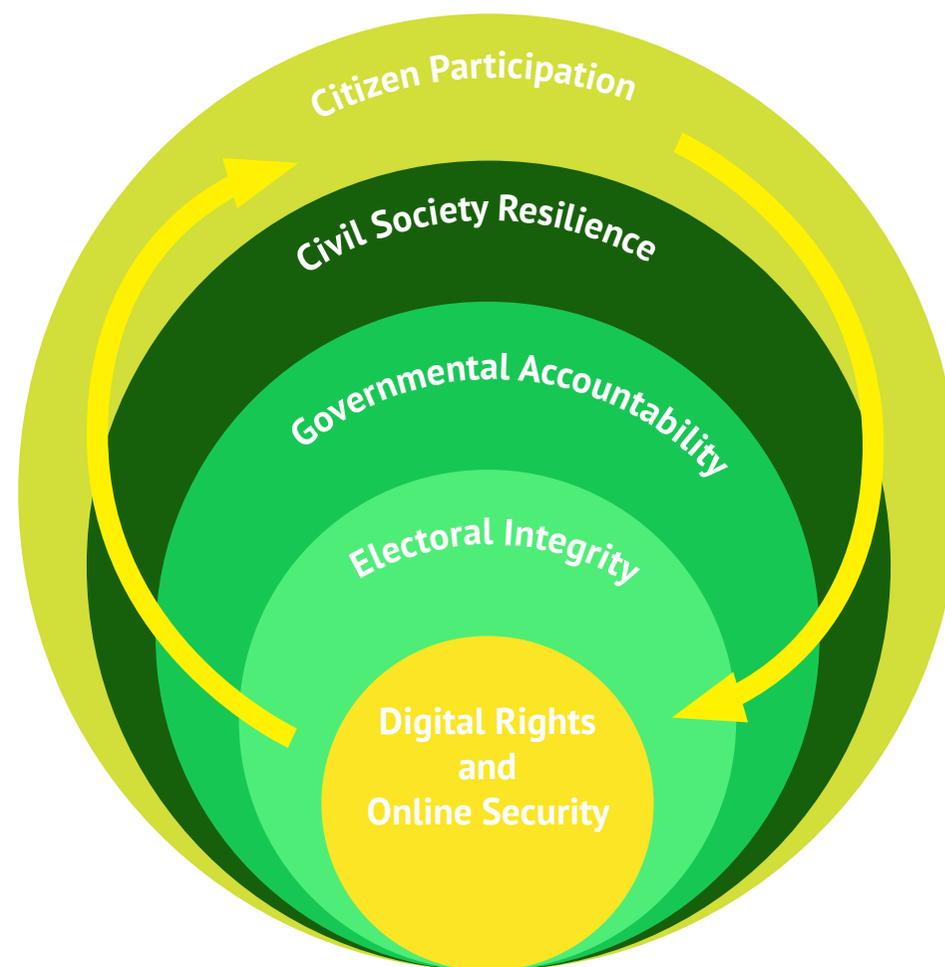
A visual model of the “democratic cycle”

To do justice to the multiple entry points through which activists can support or defend democracy, this study uses the ‘democratic cycle’ as a general organising principle. The idea of the democratic cycle is based on the assumption that, in a well-functioning democracy, citizen engagement and oversight is often structured by elections, but should also extend far beyond the electoral process.¹ The democratic cycle approach² has been described by the EU as enhancing ‘participatory and representative democracy, including parliamentary democracy, and the processes of democratisation, mainly through civil society organisations at the local, national and international level.’³

In this study, the authors also focus on an aspect which hardly existed just a decade ago: the emergence of an online civic space, which has enabled new forms of activism, but which is threatened by government restrictions, both at national level and on a global scale. Taking into account this new form of citizen engagement, the study presents a visualisation of the democratic cycle that begins with the defence of political rights in the digital sphere and expands all the way to broader citizen participation. Civil society actions for democracy can therefore be mapped as a continuum of complementary actions which are represented in five circles: i) safeguarding digital rights and online civic space, ii) assessing electoral integrity, iii) fostering governmental accountability, iv) developing strategies for civil society resilience, and v) promoting broader citizen participation.

A Dynamic model of the democratic cycle

Each innovative response to shrinking space presented in this study relates to one or more of these five categories. This model provides an open framework for coherently linking together the innovations identified by the authors. The examples presented here, and the model used to classify them aim to give inspiration and guidance to citizen activists across the world, as well as to EU Delegations and multilateral organisations that support them.



1• EU Regulation no. 235/2014 of the European Parliament and of the Council establishing a financing instrument for democracy and human rights worldwide (the European Instrument for Democracy and Human Rights – EIDHR). 11 March 2014. <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32014R0235>.

2• Not to be confused with the ‘electoral cycle approach’.

3• EU Regulation no. 235/2014.

2. SHRINKING SPACE: A TYPOLOGY OF CURRENT CHALLENGES FOR DEMOCRACY ACTIVISTS

In its 'Roots of Democracy' Communication of 2012, the EU outlined that 'the ability [of civil society] to participate in different domains of public life depends on a set of pre-conditions commonly referred to as the 'CSO enabling environment', for which different actors carry responsibility. In order to operate, CSOs need a functioning democratic legal and judicial system – giving them the de jure and de facto right to associate and secure funding, coupled with freedom of expression, access to information and participation in public life. The primary responsibility to ensure these basic conditions lies with the state.¹ Another important concept is that of 'civic space', which is commonly defined as the respect in policy and practice for the freedoms of association, peaceful assembly and expression.²

Shrinking space describes limitations to the exercise by civil society of its political rights. The term 'shrinking space' describes a broad and diverse range of restrictions that do not take the same form in all countries, nor are grounded in the same motivations. Restrictions range from unreasonable bureaucratic hurdles to restrictive or repressive laws, and finally, to direct threats on the personal security of civil society activists. These measures are characteristic of a global wave of authoritarian- or populist-inspired restrictions on civic activism. From the perspective of democracy supporters, having to operate within restrictive environments is not new. However, in many countries, freedoms that had long been enjoyed are now taken away rapidly and simultaneously. Every time political space and/or rights are lost, they are difficult to regain.

A worsening trend

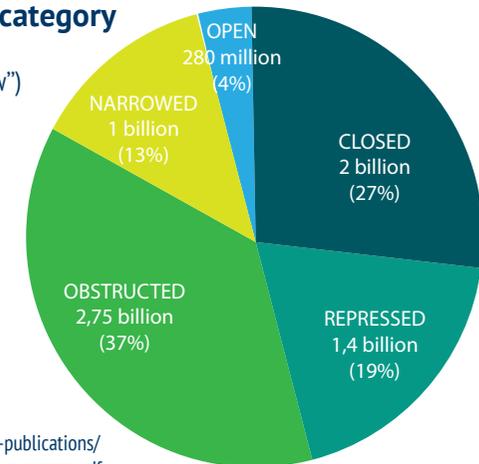
'The shrinking space phenomenon is getting worse. The global clampdown on civil society has deepened and accelerated in recent years. Over a hundred governments have introduced restrictive laws limiting the operations of civil society organisations (CSOs). Many regimes also deploy a range of other – formal and informal – tactics to disadvantage CSOs.³ Restrictions can be found in a variety of laws, chiefly those pertaining to the media, non-governmental organisations, telecommunications, the Internet, or to public security and national emergencies. However, they can also be based on historical, even

colonial laws, the restrictive elements of which are used anew. Shrinking space does not only concern authoritarian regimes, nor is it confined to particular forms of government. It has also been observed in established democracies in the wake of anti-terrorist legislation.⁴

The term 'shrinking' points to successive stages ranging from 'narrowed space', i.e. minor bureaucratic restrictions, to, at its other extreme, 'closed space', i.e. an environment in which civil society activism is made impossible by government measures. In fact, only four per cent of the world's population live in countries where the fundamental freedoms of association, peaceful assembly and expression are fully respected. In its 2019 State of Civil Society Report, the global NGO CIVICUS finds that civic space is under attack in 111 countries⁵ and that there are serious restrictions on civic space on every continent.⁶

Number of people per ratings category

(Pie chart based on CIVICUS
"State of civil society report 2019 – Overview")



Source: https://www.civicus.org/documents/reports-and-publications/SOCS/2019/state-of-civil-society-report-2019_executive-summary.pdf

4• Examples from Europe include Hungary and Poland. See Carnegie Europe, Shrinking Spaces in Hungary and Poland. 31 October 2017. <https://carnegieeurope.eu/strategieurope/74581>

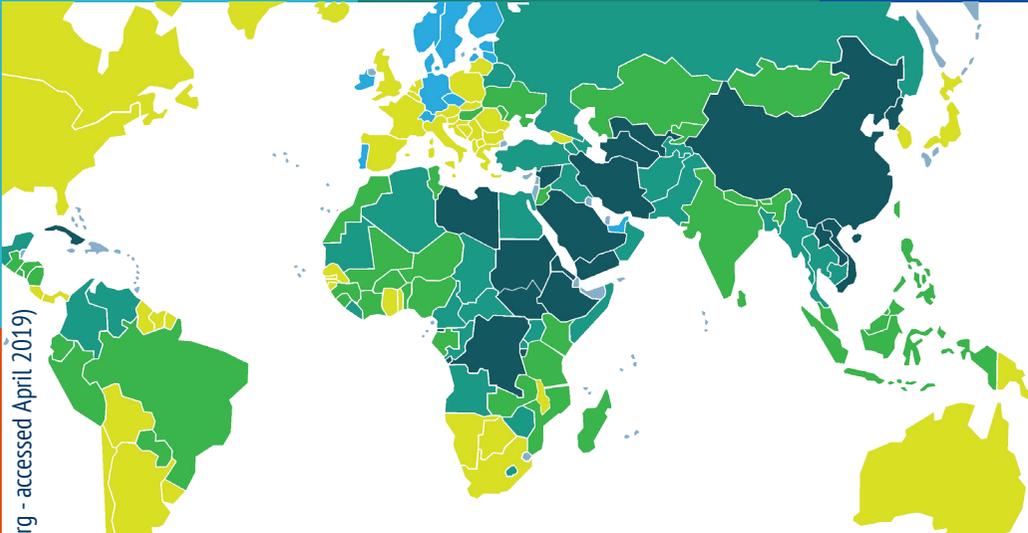
5• This figure has risen by 15 from 96 since the 2014 Annual Report.

6• CIVICUS is a global alliance of civil society organisations and activists dedicated to strengthening citizen action and civil society throughout the world. The CIVICUS Monitor uses the following categories to describe civic space: closed, repressed, obstructed, narrowed, and open. To categorise a country, it draws on a mix of data sources (CIVICUS Monitor Methodology Paper, May 2018). A complementary ranking of 'freedoms' can be found in the Freedom House Report: Democracy in Retreat. Freedom in the World 2019. 2019. <https://freedomhouse.org/report/freedom-world/freedom-world-2019/democracy-in-retreat>

1• European Commission, 2012. The Roots of Democracy and Sustainable Development: Europe's engagement with Civil Society in external relations, page 4. <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM%3A2012%3A0492%3A-FIN%3AEN%3APDF>

2• CIVICUS Monitor Methodology Paper, May 2018; page 3. <https://www.civicus.org/documents/civicus-monitor-methodology-paper.pdf>

3• Youngs and Echagüe, page 5.



In some restrictive environments, the entirety of civil society life is curtailed severely while in other contexts only specific groups or activists are targeted, for instance political opposition groups, indigenous people, religious communities and other minorities. Research has also shown that shrinking space for civil society is a gendered phenomenon, with women becoming more likely victims of suppression than men. Civil society activities have been restricted in ways that are related to the activists' gender and/or because of the gender-focused nature of their work. Lastly, the conditions for civic space can also vary significantly from region to region within the countries concerned.¹

A variety of organisations and coalitions focus specifically on monitoring and combatting shrinking space. These include the International Consortium on Closing Civic Space (iCon) and the Civic Space Initiative (CSI) whose members are the International Center for Not-for-Profit Law (ICNL), CIVICUS, Article 19 and World Movement for Democracy, as well as ACT Alliance and Freedom House who also appear in many collaborations.²

Categories of shrinking space

Infringements to Fundamental Rights and Freedoms*	Infringements to Personal/physical Security
Infringements to Funding (in particular Foreign Funding)	Infringements to Online Space and Security

* Freedoms of Expression, Assembly, Association and Movement

1• In several countries of South and Southeast Asia, cooperation with China's 'Belt and Road Initiative' was often accompanied by increased restrictions on civil society's work by the host governments (Innovative Citizen Participation (ICP) Seminar, Panel 1 'Challenges to civil society's role in Asia', Kuala Lumpur, 25 June 2019).

2• An overview can be found here: Baldus, Jana/Poppe, Annika Elena/Wolff, Jonas: An Overview of Global Initiatives on Countering Closing Space for Civil Society. A report of the CSOS Human Rights Initiative. September 2017. <https://www.csis.org/analysis/overview-global-initiatives-countering-closing-space-civil-society>

The figure above summarises the types of restrictions that civil society activists are commonly exposed to. Shrinking space is often manifested through infringements to fundamental rights and freedoms, including the freedoms of expression, freedom of assembly and association, and freedom of movement. This results in laws restricting the activities of non-governmental organisations (NGOs), restrictions on journalists' and activists' freedom of speech, as well as restrictions on public gatherings.³ In some cases, governments deliberately re-interpret specific human rights protection principles such as freedom of religion to clamp down on civil society activists and shield government-friendly religious authorities from prosecution.⁴ Human rights organisations also report infringements on personal security.⁵ Infringements on funding – in particular foreign funding – are another major way of restricting the space for civic activists.⁶ Deliberate disinformation by governments about the impartiality of CSOs has also been used to divide, polarise, discredit, and sometimes ban them altogether.⁷

Infringements on online space and security are a newer, less documented phenomenon. However, 'digital rights are human rights', and they are a medium for the exercise of fundamental freedoms.⁸ Repressive actors increasingly restrict online content, which has a direct impact on civic activism. Some have adopted repressive legislation, exercise online censorship, disrupt Internet access, and employ advanced surveillance tools to restrict individual rights and curtail civic space online.⁹ Not only governments, but also tech companies are playing an increasing role in restricting online freedoms.

However, the study has shown that threats to the security of civil society activists, be they legal, physical, funding-related or online, are often inter-linked and multi-dimensional, and have to be tackled together. Shrinking space is a hybrid phenomenon that bundles in traditional and innovative methods in its challenge against civil society. The responses and counter-measures, which human rights and democracy advocates have been exploring, likewise include a mix of old and new approaches to face these challenges. Examples of these online and offline innovative approaches are presented in the next chapter.

3• For examples see Carothers, Thomas and Brechenmacher, Saskia. Closing Space: Democracy and Human Rights Support under Fire, Carnegie Endowment for International Peace. 2014 (https://carnegieendowment.org/files/closing_space.pdf); CIVICUS, 'People Power Under Attack: a Global Analysis of Threats to Fundamental Freedoms', December 2018 (<https://www.civicus.org/documents/PeoplePowerUnderAttack.Report.27November.pdf>); and Forum Asia: Instruments of Repression – A Regional Report on the Status of Freedoms of Expression, Peaceful Assembly, and Association in Asia. February 2019. (<https://www.forum-asia.org/?p=28225>).

4• Innovative Citizen Participation (ICP) Seminar, Panel 1 'Challenges to civil society's role in Asia', Kuala Lumpur, 25 June 2019.

5• Responded to by programmes such as the above mentioned ProtectDefenders.eu. The Organisation for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) also has a programme for human rights defenders. See also Asian Human Rights Defenders (AHRD). International Network of Civil Liberties Organizations (INCLO): Gaining Ground. A Framework for Developing Strategies and Tactics in Response to Governmental Attacks on NGOs. 2017.

6• Carothers, Thomas. The Closing Space Challenge. How are Funders Responding?, Carnegie Endowment for International Peace, 2015. https://carnegieendowment.org/files/CP_258_Carothers_Closing_Space_Final.pdf

7• Innovative Citizen Participation (ICP) Seminar, Panel 1 'Challenges to civil society's role in Asia', Kuala Lumpur, 25 June 2019.

8• Innovative Citizen Participation (ICP) Seminar, Panel 7 'Digital security and digital rights', Kuala Lumpur, 27 June 2019.

9• <https://freedomhouse.org/report/freedom-net/freedom-net-2018>

3. INNOVATIVE CIVIL SOCIETY RESPONSES TO SHRINKING SPACE IN RESTRICTIVE ENVIRONMENTS

Many contemporary civil society innovations to overcome political restrictions – or to just continue operating – were born out of the digital revolution. At the same time, innovative responses to shrinking space do not necessarily imply the use of technology. Some approaches might be well established and validated in some countries, but are yet unheard of and offer untapped potential in others. They are innovative in that they represent novel ways for civil society to strive under hardship. In their adapting to tightening conditions, CSOs sometimes transform not only their modus operandi and techniques, but their organisational structure.

Not all of the innovations documented here have emerged in restrictive environments – however, they may serve as a source of inspiration for civil society operating under the conditions of shrinking space. This chapter is organised in five thematic clusters that match the phases of the democratic cycle model described in the introduction: i) safeguarding digital rights and online civic space, ii) assessing electoral integrity, iii) fostering governmental accountability, iv) developing strategies of civil society resilience, and v) promoting broader citizen participation.

3.1. Safeguarding digital rights and online civic space

Digital rights, including freedom of expression, are compromised in societies where civic space is being restricted. Over the past few years, governments and corporations have threatened online freedom of expression, the right to privacy online, and the right to access information, amongst others. As activists use online space to inform themselves, connect with other active citizens, and wage advocacy campaigns online, they risk exposing considerable amounts of data about themselves, while this information can become subject to surveillance, collection, and profiling by states and corporate interests. For instance, during Hong Kong's June 2019 unrest, the authorities were reported to have entered social media (Telegram) groups to investigate members of the protests.¹ The increase of these threats to online privacy has contributed to the shrinking of digital space and made the costs of digital participation higher for active citizens. In some cases, digital private companies and governments have been

accused of conspiring to spy on citizens, in their own country or abroad.² Activists have singled out some countries as major exporters of surveillance technologies, often using advanced facial recognition systems.³ In Brazil, even local governments have recently purchased surveillance technologies like drones, cameras and facial recognition software.⁴

While certain governments have passed laws to safeguard human rights online, such as the European Union's General Data Protection Regulation (GDPR),⁵ other governments across the world use laws and related technology to restrict freedom of expression online or to violate user privacy.⁶ In 2019 alone, a number of countries passed laws restricting online civic space. For example, Russia passed an 'Internet isolation' law with which the Russian communications authority will be able to block websites, messages on Telegram, or access to VPNs.⁷ Singapore's parliament recently passed the Online Falsehoods and Manipulation Bill, which punishes the spreading of fake news. Yet the law claims 'a statement is false if it is false or misleading, whether wholly or in part, and whether on its own or in the context in which it appears,' which is unclear and could enable politicians to use the law to crack down on legitimate speech.⁸ In Myanmar, legislation on online defamation, in particular Section 66(d) of the Telecommunications Law, has been used by the government to arrest, charge and imprison journalists and civil society activists.⁹ As a response, a working group of 20 CSOs joined forces with lawyers to review the sections pertaining to hate speech in the laws and advocate to remove Section 66(d).¹⁰

2• 'WhatsApp's security breach: Made in Israel, implemented worldwide' from Deutsche Welle online.

<https://www.dw.com/en/whatsapp-security-breach-made-in-israel-implemented-worldwide/a-48740524>

3• Mozur, Paul, Kessel, Jonah M., and Chan, Melissa. 'Made in China, Exported to the World: The Surveillance State' New York Times, 24 April 2019.

<https://www.nytimes.com/2019/04/24/technology/ecuador-surveillance-cameras-police-government.html>

4• Innovative Citizen Participation (ICP) Seminar, Panel 7 'Digital security and digital rights', Kuala Lumpur, 27 June 2019.

5• https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2016.119.01.0001.01.ENG&toc=OJ.L.:2016:119:TOC. More explanation about GDPR can be found in <https://gdprexplained.eu/>

6• <https://www.apc.org/en/pubs/rights-freedom-peaceful-assembly-and-association-digital-age-apc-submission-united-nations>

7• 'Putin signs law to isolate Russian Internet', Financial Times, 1 May 2019. <https://www.ft.com/content/9ba46770-6c36-11e9-80c7-60ee53e6681d>

8• Funk, Allie. 'Citing 'Fake News', Singapore Could Be Next to Quash Free Expression'. Just Security (blog), 8 April 2019. <https://www.justsecurity.org/63522/citing-fake-news-singapore-could-be-next-to-quash-free-expression/>.

9• Innovative Citizen Participation (ICP) Seminar, Parallel Working Group no. 1: 'Reclaiming fundamental rights', Kuala Lumpur, 26 June 2019.

10• <https://burmacampaign.org.uk/take-action/free-political-prisoners/section-66-d-of-the-telecommunications-law/>

1• Innovative Citizen Participation (ICP) Seminar, Panel 7 'Digital security and digital rights', Kuala Lumpur, 27 June 2019.

Over the past decade, governments have also used network disruptions, or Internet shutdowns, to limit free expression. Governments use network disruptions for 'national security' reasons, quelling protests, and thus infringing on the freedoms of expression and association. In Algeria, the state ordered the disruption of the Internet during the massive 2019 protests in an attempt to suppress the spread of information about the protests.¹ Similarly, in Sudan, a slew of social media applications were blocked and the power supply was cut down during demonstrations where people called for the president's removal from office.² In June 2019, the Myanmar government shut down the Internet in northern Rakhine State.³

While Internet shutdowns affect wide groups of people, some governments adopt more targeted measures to restrict human rights online. In some cases, governments have used surveillance technology to spy on activists, journalists and members of the political opposition, demonstrating the need for improved digital security practices. In response, a number of organisations and individuals have worked to create tools that raise awareness about these restrictions and help protect people online. This section highlights four tools used to fight back against the shrinking of civic space online. The first case study below shows how understanding the legal framework around digital rights helps to identify how governments might use or abuse the law to shrink online civic space.

○ Case Study: CYRILLA (cyrilla.org) – Cataloguing digital rights law ○

CYRILLA (cyrilla.org), which was founded in 2018, is an online, collaborative database cataloguing laws, cases and analyses of laws related to digital rights. In addition to the database, the Cyrilla Collaborative is working to create a standardised taxonomy on issues related to digital rights and to expand the interoperability of existing platforms. The platform currently allows users to view and download full texts of laws and cases, track the articles most commonly used to restrict digital rights, and analyse the relationships between laws and case law. It will be expanded to include visualisations.

This innovative project is a collaboration between the Association for Progressive Communications (APC), the Center for Intellectual Property and Information Technology Law (CIPIT) at Strathmore University, Columbia University's Global Freedom of Expression, Derechos Digitales, HURIDOCS, a Geneva-based NGO that uses information technology to document human rights violations, and Social Media Exchange (SMEX). The project is looking for partners to expand the use of CYRILLA.

Sometimes governments might circumvent the law to restrict online space. For that reason, civil society must not only document the laws, but also other tactics used to shrink online space. Documenting these tactics globally allows civil society to find patterns and develop tools to resist the further restriction of online civic space.

1• Dahir, Abdi Latif. 'Algeria Shuts Internet amid Anti-Bouteflika Election Protests.' Quartz Africa (blog), 2 March 2019. <https://qz.com/africa/1563958/algeria-shuts-internet-amid-anti-bouteflika-election-protests/>.

2• 'Social Media Disrupted in Sudan as Protests Converge in Khartoum.' NetBlocks (blog), 7 April 2019. <https://netblocks.org/reports/social-media-disrupted-in-sudan-as-protests-converge-in-khartoum-peBONpAZ>.

3• <https://www.irrawaddy.com/news/burma/no-internet-western-myanmar-security-situation-eases-mpt-official.html>

Case Study: NetBlocks – Documenting network disruptions

NetBlocks¹, founded in 2017, documents network disruptions across the world and works with local civil society organisations to spread the word about the impact of these disruptions. NetBlocks sprung off from Turkey Blocks, its sister organisation, which continues to track Internet censorship and network disruptions in Turkey.

NetBlocks measures and publicises network disruptions through two tools: COST, which breaks down the economic cost of Internet disruptions, and the Internet Shutdown Observatory, which uses unique network measurement tools to monitor disruptions of online activity, online censorship, and cyber-attacks in different countries. During protests in southern Iraq, NetBlocks' COST tool estimated that government-ordered network disruptions were costing \$40 million per day. Similarly, NetBlocks used the COST tool to estimate that a three-day Internet shutdown in Zimbabwe, which the government ordered in response to protests over fuel prices, cost the country over \$17 million during that period.² The organisation has also used the Internet Shutdown Observatory tool to monitor censorship before or during a number of elections, including in Algeria, Bangladesh, Egypt and Pakistan.

Civil society can continue to take measures to push back against the restriction of online civic space, but these threats will never disappear entirely. Therefore, journalists, activists, and members of civil society need to build their digital security literacy and capacity, so that they can detect when governments, private companies or other actors are targeting them. Several existing initiatives respond to these challenges. For example, Tactical Tech provides practical solutions for digital security, privacy and the ethics of data, and the Electronic Frontier Foundation teaches people how to communicate more securely through its Surveillance Self-Defence project. The European Commission's Directorate-General for International Cooperation and Development (DEVCO) has recently included a hands-on digital security workshop for international participants in its International NGO Forum, and locally, several EU Delegations have been delivering similar training to CSOs. However, while these are important resources, civil society must also develop localised solutions.

1• <https://netblocks.org/>

2• Taye, Berhan. 'Zimbabwe Orders a Three-Day, Country-Wide Internet Shutdown'. Access Now (blog), 15 January 2019. <https://www.accessnow.org/zimbabwe-orders-a-three-day-country-wide-internet-shutdown/>

Case Study Latin America: Derechos Digitales – Micro Digital Security Cards¹

Derechos Digitales², the Santiago de Chile-based NGO committed to protecting human rights in a digital environment, developed Tarjetas Micro SD, a deck of 37 cards designed to help journalists adopt secure practices, minimise danger, and protect the integrity of the information they manage, their sources, and themselves. Examples of tools addressed by the cards are setting a strong password, how to use the Tails Operating System, the importance of security backups, and what people can learn about their own sensitive data by googling themselves.

Derechos Digitales is developing a digital version of the cards as a way to expand the reach of the tool. Their platform aims to connect a network of digital security experts and trainers with journalists and human rights activists to develop safer practices in the digital ecosystem. As part of the International Freedom of Expression Exchange (IFEX) network, the organisation asked Latin American journalists about their practices and needs, and started working from there. The development of a digital platform has provided Derechos Digitales with an opportunity to continue testing the tool through a series of workshops. Although the project originated in Latin America, the cards could be easily translated and adapted to address the needs of other communities, in other country contexts.

While governments are often responsible for repressing digital rights, global actors such as multi-national corporations and particularly large social media platforms play a role as well. With massive user bases and the power to decide what content online users can see, these platforms exercise an enormous amount of control over how people communicate. Major social media platforms have the power to censor online speech, but can also incite violence and place people in imminent danger by not regulating online speech.³ Many of these companies outsource content moderation in a bid to distance themselves from issues that may arise.⁴

1• <https://derechosdigitales.org/periodismoseguro>

2• Derechos Digitales was one of the winners of the Civil Rights Defenders' Innovation Challenge 2018. See 'These are the 2018 Innovation Challenge Winners' Civil Rights Defenders (blog), 14 September 2018. <https://crd.org/2018/09/14/these-are-the-2018-innovation-challenge-winners/>.

3• Human Rights Council, Report of the independent international fact-finding mission on Myanmar (Advance Edited Version), 12 September 2018. https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFM-Myanmar/A_HRC_39_64.pdf?fbclid=IwAR13GrjV-DyExgDO2h5XBFyLLWv_jx4FKojRjQQdYW6AbeQHGUmrPNupng

4• Read, Max. 'Who Pays for Silicon Valley's Hidden Costs?' New York Magazine, 28 February 2019, sec. Life in Pixels. <http://nymag.com/intelligencer/2019/02/the-shadow-workforce-of-face-books-content-moderation.html>

○ Case Study Myanmar: #DearMark – The dark side of technology ○

Facebook has an outsized influence in Myanmar and many users identify the social media platform with 'The Internet'.¹ Nationalist groups, religious figures and government officials have abused it to spread hate speech and fake news and directly incite violence. In 2014, a false accusation spread on Facebook resulted in ethnic violence and riots leaving two men dead and around 20 people injured.² In the ensuing years, military personnel used Facebook to engage in a 'systematic campaign' against the Rohingya minority, which led to 'murders, rapes and the [...] largest forced human migration in recent history'.³

The Myanmar Tech Accountability Network (MTAN) was launched in 2018 in order to hold Facebook and other tech companies accountable for their activities. MTAN is a consortium of Myanmar civil society organisations coordinating efforts to mitigate the risk of social media inducing violence and instability. This resulted in an open letter to Facebook, which urged the group to invest more into moderation, to be more proactive in engaging local groups in finding solutions, and to be more transparent about the process, progress and performance of the interventions.⁴

Following Myanmar's #DearMark letter, this initiative has since expanded to over 20 countries including India, Sri Lanka and Vietnam. CSOs formed a network to hold Facebook and other tech companies accountable in their respective countries, particularly with respect to communities facing marginalisation, discrimination, or systemic violence. The coalition was formed on the sidelines of RightsCon 2018 and is a response to a lack of adequate representation from the Global South – and especially from the most vulnerable minorities – in the critical discussion about Facebook's power and responsibilities. Many groups from other countries have since written #DearMark letters to Mark Zuckerberg, expressing their dismay at how social media is being used to shrink democracies across the world.

Representatives of the coalition met with Facebook at the global RightsCon 2018 Summit in Toronto calling for specific action on three concrete steps to begin addressing urgent needs:

1. A public re-commitment to parity of service and enforcement of standards across all countries Facebook operates in.
2. Independent third-party human rights audits to be carried out in each country in which Facebook operates examining its processes across all of its products.
3. Sustained transparency around specific processes and performance benchmarks disaggregated by country and context.⁵

1• UN Human Rights Council, Report of the independent international fact-finding mission on Myanmar, 12 September 2018: p. 14.

2• 'How Facebook's Rise Fuelled Chaos and Confusion in Myanmar', from Wired <https://www.wired.com/story/how-facebooks-rise-fueled-chaos-and-confusion-in-myanmar/>.

3• Mozur, Paul. 'A Genocide Incited on Facebook, with Posts from Myanmar's Military' The New York Times, 4 March 2019, sec. Technology. <https://www.nytimes.com/2018/10/15/technology/myanmar-facebook-genocide.html>

4• 'NGOs Complain They're Doing Facebook's Work For Them' from BuzzFeedNews <https://www.buzzfeednews.com/article/meghara/zuckerberg-open-letter-hate-speech-myanmar>.

5• 'Global South coalition tells Facebook: Be fair, accountable' from Rappler <https://www.rappler.com/world/global-affairs/202943-global-south-demands-facebook-parity-transparency-accountability>.

As this section has shown, not all threats to online civic space require technological innovations as a response. Raising awareness about issues like disinformation might require a hybrid approach using both online and offline tools to ensure that these campaigns reach a wide audience. Additionally, technological innovations carry an inherent risk; organisations cannot create online tools hastily and must consider users' privacy and security as they develop them. Using both types of tools is critical in fighting back the shrinking of online civic space.

The initiatives mentioned in this section tackle issues related to access to information, online freedom of expression, and digital security in different contexts. They represent only a small sample of the organisations and individuals working to protect civic space online. For these initiatives to grow, donors and governments need to develop a better understanding of the threats to online civic space and set their agendas accordingly.

3.2. Assessing electoral integrity

Over the last three decades, election observation by citizens¹ has been one of the most recognised and universal features of people's oversight of democratic institutions. It has gained in importance as a measure to safeguard electoral integrity – more often than not in restrictive environments and under conditions of shrinking space.²

In restrictive environments, citizen election observers often use sample-based methods for election day to provide a statistically-accurate, representative assessment of qualitative aspects of election day processes and to project what accurate results should be. In some closed environments where a genuine electoral process is not possible at all, citizen election observers might also refrain from monitoring the elections altogether, like in Cambodia in 2018.³

Citizen observer undertakings have thus changed over time, including a wide array of technological

1• Using the term 'citizen' in this context underlines the agency of national election observers and their conscious, non-partisan contributions to democratic oversight. Therefore, preference is given to the term 'citizen' over the terms 'national' and 'domestic', which partly carry negative connotations or are outdated.

2• For example, Bjornlund, Eric. *Beyond Free and Fair: Monitoring Elections and Building Democracy*, Woodrow Wilson Center Press with Johns Hopkins University Press, 2004; Grömping, Max. 'Domestic Monitors' in Norris and Nai (eds), *Election Watchdogs: Transparency, Accountability, and Integrity*, Oxford University Press 2017, pages 167-190; Lidauer, Michael, Rabitsch, Armin, and O'Rourke, Iris (2017). 'Mapping Legislation for Citizen and International Election Observation in Europe: A Comparative Analysis on the Basis of OSCE/ODIHR Reports', *Nordic Journal of Human Rights*, 35:4, 360-374; Nagore, Leandro and Tuccinardi, Domenico. 'Citizen Electoral Observation' (2015) ACE Focus On Series (<https://aceproject.org/ace-en/focus/citizen-electoral-observation/onePage>), accessed 7 May 2017; O'Grady, Paul, Lopez-Pintor, Rafael, and Stevens, Mark (eds), *The work of domestic observer groups around the world* (ERIS, Elanders Graphic Systems AB 2000 2005; and Tuccinardi, Domenico and Balme, Franck. 'Citizen Election Observation Towards a New Era' (2013) 1 *Election Law Journal: Rules, Politics, and Policy* 12, 94-99.

3• On the occasion of local elections in 2016, over 40 CSOs established a situation room and joined forces for election monitoring. Following the elections, the Ministry of Interior threatened legal action and blacklisted the leading citizen observer groups, COMFREL and NICFEC, creating obstacles to continue their work.

innovations and activities. Where electoral data are available, they can be analysed and their shortcomings exposed.⁴ By demanding access to and analysing the vast amounts of polling station-level results data compiled by a given electoral management body (EMB), citizen observer groups can assess whether the results can be trusted or whether potential manipulation occurred.

International groups have striven to support this type of innovation in citizen election observation. One addition to existing methodologies is the 'Open Election Data Initiative'⁵, a joint repository of tools and best practices implemented by NDI, Google and USAID, that aims to 'unleash the potential of election data to promote accountability'.⁶ In particular, it helps observers identify the data they may seek from the EMB or the administration for cross-verification at each stage of the electoral cycle, outlining 'key categories of election data starting with the pre-election period, progressing through election day and moving into the post-election period'.⁷

In Tunisia, Mourakiboun equipped itself with ICT skills and tools and mobilised its nationwide network of 5 000 trained observers to map polling centres (PCs). By comparing the official coordinates of all PCs as provided by the EMB with the actual list of PCs found on the ground, Mourakiboun was able to pinpoint some planning errors and help the EMB to fix them – without making assumptions on whether those were deliberate or not. This included ensuring that no 'ghost polling stations' would remain unreported as this would create a loophole for the possible fraudulent tabulation of non-existent votes.

This type of work is not always carried out with electoral data that has been willingly shared by the EMB. In other cases, data might be leaked and enable citizen observers to reveal fraudulent practices by the EMB or other actors as a consequence. Innovations by citizen election observers have been diverse and cannot all be accounted for in this study. They range from highly structured, systematic monitoring efforts involving thousands of observers; crowd-sourced data collection exercises⁸; specialised endeavours like traditional and online media monitoring; to ad hoc measures whereby 'everybody can become an observer'. The case of the Election Monitoring and Democracy Studies Centre (EMDS) in Azerbaijan illustrates how citizen observers have adapted their approach over time although hardly any civic space was left available.

4• Supporting Democracy has already produced practical handbooks for citizen election observation and its follow-up: *Supporting Democracy, Toolkit for Citizen Observers*. 2019 (consisting of Guides for Civil Society on i) Sustaining Peace through Elections, ii) Election Observation Reporting, iii) Observing Elections from a Gender Perspective, iv) Electoral Reform, v) Social Media Monitoring)

5• <https://www.openelectiondata.net>

6• Ibid.

7• Ibid.

8• Crowd-sourced exercises are different from structured citizen election observation efforts that involve trained, accredited observers. It can help gather additional information from a broader range of citizens, but it also has significant limitations, since the information gathered could be untrustworthy, misleading, anecdotal, or even manipulated.

Case Study Azerbaijan: EMDS – Citizen election observation in closed civic space

The Election Monitoring and Democracy Studies Centre (EMDS)¹ is a non-partisan and non-profit organisation working towards holding free and fair elections and promoting human rights and democracy in Azerbaijan. EMDS is one of the largest human rights organisations in the country, with a network of volunteers operating in almost all major cities. Since it started in 2001, EMDS has conducted monitoring missions on 15 elections in Azerbaijan. However, civic space is extremely limited. The 2015 parliamentary elections saw a new wave of pressure on independent media outlets and freelance journalists. Security risks and possible pressure from authorities discourage citizens from reporting on human rights violations, particularly in regions outside the capital of Baku.

On 27 October 2013, the Prosecutor General of the Republic of Azerbaijan filed a criminal case against EMDS, two weeks after the presidential election of that year. EMDS considered this case to be politically motivated, and related to its election observation activities. Chairman, Anar Mammadli, was sentenced to two years and three months and Executive Director, Bashir Suleymanli, was sentenced to ten months in prison. Although they have since been released, EMDS continues to face operating and movement restrictions, with limited opportunity to travel. The government has further restricted the legislation for NGOs, rendering it impossible to operate legally and to receive foreign funding as was previously the case. Despite the release of 52 political prisoners in 2019, 70 remain behind bars.

‘However, all these conditions motivate us to think about innovations and to find alternatives and new tactics’, said Anar Mammadli.² One of them is statistical or sample-based observation; instead of 1000 polling stations, EMDS analysed 250 polling stations to retrieve information about the quality of the electoral process. In 2018, they also analysed official elections data such as turnout rates and results in detail to expose unrealistic figures. They posted visuals of this on social media and received a lot of attention. In addition, they improved their communication techniques. In a situation where mobile phone use is restricted, EMDS switched to social media and other online tools, and even used password-protected chatbots to collect information online.³ The chatbots were configured for 40 questions on election day, and 167 out of 228 observers reported through them. Despite website shutdowns, the organisation also used Facebook messenger, a tool deemed more secure than SMS text messages, and a YouTube channel for limited amounts of time. Under these minimal conditions, the organisation had to constantly adapt and improve its approach.

1• <https://smdtaz.org/en/home/>

2• Online interview on 19 March 2019.

3• Innovative Citizen Participation (ICP) Seminar, Panel 2 ‘Citizen election observation: innovative approaches and methodologies’, Kuala Lumpur, 25 June 2019.

Social media monitoring

Over the past decade, the perception of social media's role in elections across the world has changed dramatically. Politicians and media entities are now able to communicate information to a far larger number of people in a much smaller amount of time. Moreover, to reach as many people as possible, politicians have also shifted their campaign strategies to include more 'viral' content. In addition to shifting the overall paradigm, the use of social media during elections has dangerous implications.

Originally hailed as democratising tools, Facebook, Twitter, WhatsApp, and other platforms have also been used by politicians and other parties to spread hate speech, disinformation, misinformation, and direct incitement to violence before, during, and after elections. In some cases, foreign governments have contributed to the spread of fake news by generating false news stories and/or propping up online bots to support these stories.¹ Yet, disinformation can spread within the country as well, from a candidate's outright lies to gossip that travels through private messaging groups. Among civil society, a few global and local organisations have made efforts to track the spread of such information, as the examples of Brazil, Georgia and Lebanon illustrate.

Case Study Brazil: Digital Democracy Room – Analysis on manipulation of the electorate

During the 2018 Brazilian presidential election, Digital Democracy Room – #observa2018, analysed social media posts to determine which candidates were perpetuating hate speech, spreading disinformation, and manipulating the electorate. Over 100 days, from July to November, the Room team provided open and accessible analyses on popular perception of the public policy agenda, as well as on disinformation practices in the political process, such as automated profiles (bots) and the spread of fake news. During that period, they analysed over 130 million tweets and over 163 million interactions with the 13 candidates' Facebook fan pages, as well as public data from Instagram and YouTube. The initiative published daily analyses, weekly summarised investigations, and monthly policy papers about these issues, with thorough evaluations and recommendations for public policy. The project aimed to address the effects of social networks on the election, in all their complexity, in conjunction with a group of high-profile partners, including the National Democratic Institute (NDI).

The project included a website in both Portuguese and English, a communication strategy with posts on Twitter, Facebook, and Instagram, and a web app with daily updated data and insights about major topics in the political debate. Media partners played a crucial role in communicating the results to other audiences and websites, with weekly articles in national and international news outlets such as El País, the BBC, and the Financial Times. The Room was also part of the Consulting Council of the Superior Electoral Court (TSE).

The Room team concluded that social networks had a large influence on the political debate, stressing that the detection of on-line disinformation practices as well as growing interactions with bots require well-prepared electoral authorities and journalists. The emergence of WhatsApp as a key-factor was also identified as a significant phenomenon that requires increased scrutiny.

While the approach used in Brazil is a strong, replicable model for organisations attempting to steadfastly track the spread of misinformation and other forms of dangerous speech, other approaches can take steps to further complement traditional election monitoring efforts. Such initiatives track posts that violate election laws, the financing of social media advertisements, and sponsored content from anonymous posters. In many cases, civil society organisations will have an easier time using finance violations to challenge the legality of candidates' actions than they will highlighting various forms of dangerous speech.

¹ • 'The Danger of Fake News in Inflaming or Suppressing Social Conflict' Center for Information Technology and Society – UC Santa Barbara (blog). Accessed 8 May 2019. <https://www.cits.ucsb.edu/fake-news/danger-social>.

Case Study Georgia: ISFED – A holistic approach to election monitoring

Ahead of the 2018 presidential elections in Georgia, the International Society for Fair Elections and Democracy (ISFED) developed a methodology to carry out social media monitoring in the context of elections to complement its traditional election observation efforts. While both election observation and traditional media monitoring have long existed with established methodologies, venturing into social media monitoring required experimenting and pioneering approaches.

Based on the local context and challenges related to the abuse of social media for electoral purposes in Georgia, ISFED identified issues such as illegal campaigning, the abuse of administrative resources, sponsored discrediting content by anonymous pages aimed at influencing the electoral choices of voters, and value-based divisive narratives as the main issues to be monitored. Given that Facebook had been the most popular social media platform in Georgia, the monitoring focused only on Facebook.

While other actors across the globe have also identified the role of social media in elections, no clear-cut and tested methodologies existed for ISFED to apply. ISFED worked with experts from the National Democratic Institute (NDI) to develop a methodological framework, which was then used to build a software solution for data collection and analysis in response to the needs of ISFED. With the help of a Georgian developer, NDI created the tool 'Fact-a-lyzer', which allowed ISFED to scrape, classify, and analyse publicly available content through the Facebook Application Programme Interface (API). After pulling this data, ISFED social media monitoring categorised Facebook activity into three different layers:

Clear violations of the election legislation (campaign misconduct by official pages of candidates and parties; abuse of administrative resources by pages of budgetary institutions; campaigning by civil servants in favour of or against a candidate during office hours, etc.)

Likely violations: Illegal campaign contributions and deliberate attempts to influence voter choices by discrediting campaigns through anonymous officially unaffiliated pages using sponsored content

Spread of divisive value-based narratives and disinformation through Facebook pages, which are not illegal but contribute to extreme polarisation of opinion around electoral and political processes.

ISFED issued several reports, blog posts and visualisations based on its social media monitoring. Following this pilot project, ISFED has joined the collective effort to develop a global methodology for social media monitoring that has been managed by Supporting Democracy since 2018, with DRI as its main contributing organisation.¹ It has also been promoting the importance of social media monitoring in the context of elections through regional election observer organisation networks.

Under the conditions of shrinking space, civil society needs to adapt flexible social media monitoring methods to the given context. Organisations like Georgia's ISFED analysed social media data from previous elections to pioneer new social media monitoring methodologies. In other contexts, the level of Internet penetration and social media use is drastically different and civil society has no comparable data. Therefore, civil society organisations may have to take a narrower approach to social media monitoring, as the case of SMEX and LADE in Lebanon illustrates.

¹ Supporting Democracy's working group on social media monitoring has produced a "Guide for Civil Society on Social Media Monitoring", one of the five guides in SD's "Toolkit for Citizen Observers" (2019).

Case Study Lebanon: LADE and SMEX – Starting from scratch

Ahead of Lebanon's 2018 parliamentary elections, the Lebanese Association for Democratic Elections (LADE) and Social Media Exchange (SMEX) analysed how candidates used 'negative speech' online. This social media monitoring effort was financed and supervised by Supporting Democracy upon a request from the EU Delegation in Lebanon. The elections were the first in the country since 2009 and in the interim period, Internet penetration had increased from 20 to 76 %. Therefore, there was no precedent for the use of social media during the 2018 elections. Moreover, Chapter 6 of Electoral Law No. 44 only defines media as 'any media means, official or private, visible or audible, printed or electronic, whatever its technology,' but does not include any provisions that specifically address election-related campaigning and speech on social media channels, leaving room for the manipulation of online space.

Thus, SMEX and LADE aimed to produce a report that would establish ethical guidelines for future elections and influence the development of policy. Using an Application Programme Interface (API) to pull a mix of English and Arabic language tweets from Twitter, the two organisations collected 36 000 tweets and Facebook posts from approximately 600 candidates' accounts across all parties and randomly sampled 8 % (about 3 000 posts) of them, coding them as positive, neutral, irrelevant, or negative. The methodology was inspired by International IDEA's 'Guidelines for the Development of a Social Media Code of Conduct for Elections'.¹ In some cases, two codes applied to one post. The organisations coded negative speech as:

- **Offensive:** Speech in which a list representative or candidate insults another individual or group of people for perceived political gain.
- **Bribery:** Speech that hints at, discusses, or offers the exchange of anything of monetary value in return for perceived political gain.
- **Suppressive:** Speech that discourages voting or that violates the secrecy of the ballot for perceived political gain.
- **Defamatory:** Speech in which a list representative or candidate baselessly accuses, verbally or in writing, another individual of illegal acts such as treason, fraud, or corruption to damage their reputation for perceived political gain.
- **Disinformation:** Speech that 1) intentionally spreads and/or amplifies false narratives, lies, or misrepresentations about individuals or groups of people, what they say or what they stand for, for perceived political gain, or 2) that does not accurately attribute statements or content or that plagiarises the statements or content of others for perceived political gain.
- **Discriminatory/dehumanising:** Speech that uses discriminatory or dehumanising rhetoric about race, origin, or ethnicity for perceived political gain.
- **Sexist:** Speech that subordinates or discriminates against women or others based exclusively on their gender or sexuality.
- **Sectarian:** Speech that invokes favour, disdain, or disrespect for specific religions, sects, or religious beliefs or the lack thereof for perceived political gain.
- **Dangerous:** Speech that increases the risk of violence through the use of incendiary language, language that threatens an individual or group with violence, or language that explicitly calls an individual or group to violence.

Using the developed methodology, SMEX found that only 1.5 % of the posts, or 41 of the 3 000 sampled posts, were considered negative. SMEX recommended that additional qualitative research on the topic, such as interviews with candidates or staff members who handle social media, could shed more light on the topic. The methodology is certainly replicable, but as in the case of ISFED, understanding local context is critical to ensuring a successful campaign.

¹ • <https://www.idea.int/publications/catalogue/guidelines-development-social-media-code-conduct-elections>

The looming challenge of private political messaging

Whilst social media monitoring is useful to ensure fair and free elections, new challenges are looming. Each of the initiatives presented here relied almost exclusively on publicly available data, often obtained through an API. But what happens when civil society is not able to access this data? Already, organisations have had an easier time accessing data on Twitter, due to its more public nature, but the further spread of election messaging through private channels would make this more difficult. In April 2019, Mark Zuckerberg, the founder and CEO of Facebook, stressed that he believes the future of Facebook is in encrypted and private messaging, signalling that Facebook and other major platforms may focus more resources on the development of private communications.¹

In 2018, private messaging played a major role in influencing the messaging around elections. For example, in Mexico, where a large portion of the population rely on WhatsApp to communicate, hashtags and information related to the election, and containing fake news, were often spread through that private messaging application.² Likewise, in Brazil, where 120 million out of 210 million people use WhatsApp, supporters of a lead candidate spread a disinformation campaign using this application. The campaign included altered images of candidates, altered video clips, and 'fake fact-checks'.³ Additionally, businessmen made 'donations' in the form of purchasing WhatsApp posts, phone contacts, and groups to spread falsehoods.⁴

Moreover, a number of countries, such as Zimbabwe, have also simply blocked the Internet or blocked major communication platforms ahead of elections, which makes social media monitoring even more difficult.⁵ Therefore, social media monitoring methodologies will need to evolve and adapt to future conditions where analysing these communications may become increasingly complex.

3.3. FOSTERING GOVERNMENTAL ACCOUNTABILITY

It is often said that 'public office is a public trust'.⁶ In every country that pledges to respect the rule of law, public office-holders must account for how they run the affairs of the state – be they elected or

1• Wagner, Kurt. 'Mark Zuckerberg Believes Facebook's Future Is Private Messaging.' Vox, 6 March 2019. <https://www.vox.com/2019/3/6/18253461/mark-zuckerberg-facebook-private-messaging-future-whatsapp-messenger>.

2• Pskowski, Martha. 'Mexico Struggles to Weed Out Fake News Ahead of Its Biggest Election Ever', The Verge, 27 June 2018. <https://www.theverge.com/2018/6/27/17503444/mexico-election-fake-news-facebook-twitter-whatsapp>.

3• Belli, Luca. 'WhatsApp Skewed Brazilian Election, Proving Social Media's Danger to Democracy', The Conversation. Accessed 8 May 2019. <http://theconversation.com/whatsapp-skewed-brazilian-election-proving-social-medias-danger-to-democracy-106476>

4• Campos Mello, Patrícia. 'Empresários bancam campanha contra o PT pelo WhatsApp', A Folha de São Paulo, 18 October 2018. <https://www1.folha.uol.com.br/poder/2018/10/empresarios-bancam-campanha-contra-o-pt-pelo-whatsapp.shtml>

5• 'Zimbabwe Blocks WhatsApp amid Crackdown', 18 January 2019, from BBC News, sec. Africa. <https://www.bbc.com/news/world-africa-46917259>

6• See for instance the Accountability Roundtable: <https://www.accountabilityrt.org/public-office-as-is-a-public-trust-david-solomon/>.

under the responsibility, as is the case of administration officials, of an elected government, national or local. That the elections which confer them their mandates are fair and credible brings no guarantee that those officials will carry out their mission with integrity. A fundamental feature of civil society's role under the democratic cycle approach is indeed that it should not focus on just one moment or one aspect of their country's compliance with the rule of law. For active citizens, independently observing a given electoral cycle is but a fraction of their larger duty of assessing accountability at every level of public life. The digital revolution has also multiplied the available opportunities and tools for active citizens to play a fuller role in their country's architecture of checks and balances. Watchdog organisations old and new re-invented themselves as they opened a new, digitally-enabled chapter in the history of accountability oversight by citizens. They have since been joined by a multitude of civic innovators in an informal movement that has given itself a variety of names, such as 'civic tech, open gov, democracy 2.0, open data, e-democracy, e-participation, e-governance, government 2.0'⁷, etc.

Parliamentary monitoring and advocacy for reform

Citizen observer organisations often travel along the democratic cycle continuum and extend their reach into activities not directly linked with election observation. They have typically become involved in parliamentary monitoring, an activity that very directly follows that of monitoring elections. They must however walk the tightrope of not siding with opposition parties and of maintaining a reputation for impartiality.

Parliamentary monitoring offers an opportunity to gather information that some state authorities may otherwise want to keep restricted. Parliament questions have been identified as an invaluable source of data as the executive power must answer demands on specific topics made by MPs.⁸ Pakistan provides what is perhaps the most integrated example of a citizen observer organisation that has extended its activities into a fully-fledged parliament watch online platform, which also serves as an educational tool.

7• Peixoto, Tiago. 'Open Government, Feedback Loops, and Semantic Extravaganza', Democracy Spot. 17 June 2013.

8• Innovative Citizen Participation (ICP) Seminar, Panel 5 'Citizen innovations in assessing the accountability of public authorities', Kuala Lumpur, 26 June 2019.

Case Study Pakistan: Integrating democratic education and accountability

The Trust for Democratic Education and Accountability – Free and Fair Election Network (TDEA-FAFEN) has been implementing its unique parliamentary observation since 2008, bridging an informational gap between the elected houses and citizens to inculcate an informed public and political discourse on various aspects of otherwise weak legislative governance in Pakistan. The observation tools and methodology, which were piloted in the National Assembly in 2008, were scaled up to cover the Senate in 2011 and Provincial Assemblies of all provinces in 2012.

TDEA-FAFEN's direct observation of the on-floor proceedings of the elected houses assesses their performance on the parameters of participation, output, representation, responsiveness, transparency, accessibility, and order and institutionalisation. Based on the respective rules of business and procedures of each elected house, the observation checklists are robust and enable the generation of quantitative information, such as the level of participation (both in terms of time and quality) of legislators, and quantifies information such as the content and relevance of subjects being taken up in the form of motions, resolutions and other interjections.

The systematic observation allows the generation of daily, sessional, annual and thematic reports as well as the performance scorecards of 1 174 legislators on TDEA's Open Parliament web portal (www.openparliament.pk). The repository includes the profiles and performance details of 104 Senators, 342 Members of National Assembly (MNAs) and 728 Members of four Provincial Assemblies (MPAs) along with their nomination papers and Statements of Assets and Liabilities submitted to the Election Commission of Pakistan (ECP). The observation information, available on the Open Parliament web portal, enables citizens, media, civil society and other relevant stakeholders to access and appraise the performance of elected bodies and their representatives.

Initially funded by multiple donors, TDEA-FAFEN has been implementing the parliamentary observation at full scale through its own resources, largely due to the cost-effective and indigenous nature of the methodology that requires the presence of one observer in each assembly sitting. This unique observation and reporting method not only contributed to strengthening Pakistani legislatures by prompting increased transparency and accessibility to citizens, it also considerably enhanced citizens' understanding of the roles and functions of legislatures and elected representatives.

Transparency for accountability through open government

Parliament monitoring is one of the most visible sides of civic tech, with the advantage of not being technologically complex. Its success rests on the offline advocacy and educational efforts of the CSOs that carry it out. However, technologically more challenging innovations have flourished since the early 2010s. With the increasing affordability of advanced ICT tools able to 'mine' previously unfathomable amounts of data, some civil society activists have seen the usefulness of demanding that administrations open their data so that they could analyse their contents and monitor such areas as budget allocation, public procurement, etc. Among the tech-enabled activists who have launched this movement for 'open government' (or simply 'open gov'), the credo has been that they could change 'how government works [...] by using network technology to connect the public to government [...] informed by open data.'¹

Although the focus is often placed on private company use of customers' personal data, public administration in developed countries took a digital turn around the same period. They did so not only by launching online user platforms, but also by digitalising their user archives in ever larger amounts, in areas such as health services, public transportation, tax services, etc. This turn was officialised in 2011 with the Open Government Partnership, a multilateral initiative that aims to secure concrete commitments from national and subnational governments² to 'increase the availability of information about governmental activities, support civic participation, implement the highest standards of professional integrity throughout their administrations, [and] increase access to new technologies for openness and accountability'.³

According to a specialist in right-to-know advocacy, 'open data shifted the relationship between state and citizen from a monitorial to a collaborative one, centred around using information to solve problems together'.⁴ This principle lies at the heart of the Open Government Partnership's approach, which is based on the co-creation and joint execution of two-year action plans by governments and civil society organisations. This is also the reason why the open gov community includes a large public advocacy component. Governments and administrations are now not only expected to grant access to vast repositories of digital data, but also to make them usable, i.e. in user-friendly formats and in ways that do not preclude the cross-examination of discrete data sets. The success of open gov therefore depends largely on how much governments decide to embrace it and how they 'open new channels for participation and new approaches to collaboration'⁵

1• Noveck, Beth. 'What's in a Name? Open Gov and Good Gov.' Huffington Post, 7 April 2011.

2• The Open Government Partnership (OGP), an organisation launched in 2011 by 8 founding governments. As of July 2019, the OGP has 79 OGP participating countries and 20 subnational governments that have made over 3 100 commitments to make their governments more open and accountable. <https://www.opengovpartnership.org/our-members/>.

3• <https://www.opengovpartnership.org/about/approach/>

4• Yu, Harlan and Robinson, David G. 'The New Ambiguity of Open Government', UCLA Law Review Disc. 59 (2012): 178-230.

5• 'Special Issue of Information Polity on Open Government', Information Polity 17, no. 2, (2012).

Ensuring citizen buy-in and participation

The claim that technology can take citizens closer to their policy-makers has until now mainly held true in highly digitally literate and technologically advanced parts of the world. World Bank research has shown that however open and publicised, open gov advocacy relies on a narrow user base.⁶ In countries with low digital literacy levels, the most widely adopted accountability tools are those that clearly address the needs of citizens. The example below describes a successful open data initiative that was carefully tailored to a specific issue (land rights) and a specific environment (Khmer-speaking inhabitants with limited digital skills). Additionally, wherever state institutions sever ties with pro-active citizens by making their advocacy work illegal – as is the case in Cambodia – focusing on less sensitive areas of public accountability is an avenue worth exploring.

6• Peixoto, Tiago. '(Un)Civic Tech?'. Communication at the TICTeC Conference, Florence, Italy, 25 April 2017. Video available at: <https://tictec.mysociety.org/2017/presentation/uncivic-tech>

Case Study Cambodia: Defending the land rights of vulnerable city dwellers

In Cambodia, the iTenure project supported by Czech NGO People in Need (PIN)¹ has been supporting the poorer inhabitants of Phnom Penh facing the threat of land grabs by property developers. It has done so through tailor-made software which conducts a legal analysis and an evaluation of household-specific land claims. The project offers an information package tailored to each resident, containing a map showing their house, a report and legal advice on how to strengthen their land claim. To address illiterate beneficiaries, iTenure gives them the opportunity to obtain the same information delivered through a voice message formulated in a colloquial language that is easy to understand, which can be simply requested by SMS. The project works towards finding win-win re-development solutions among residents, local authorities and developers.² Perhaps most importantly, iTenure's continued success in the face of a near total shutdown of pro-democracy activities in the country since 2018, offers crucial lessons to be learned in other closed environments.

iTenure was one of the winners of the EU's CivicTech4Democracy.eu competition of technologies 'by the people, for the people', which Supporting Democracy designed and organised in Brussels in 2018.³

Where political accountability work is banned, as is the case in Cambodia, accountability and participation for public service delivery is a viable and credible option. One may even be tempted to say that projects that bring the lens of public oversight to topics that matter most to the population have shown better results than those attempting to bring elusive state institutions closer to their citizens. Mourakiboun's focus on health care has been one such creative and successful foray out of the usual spectrum of governance activities that could be replicated in much more restrictive environments than Tunisia's.

1• <https://www.clovekvtisni.cz/en/what-we-do/humanitarian-aid-and-development/cambodia>

2• <https://civictech4democracy.eu/>

3• Ibid.

Case Study Tunisia – Mourakiboun’s monitoring of primary healthcare centres

In Tunisia, following the 2014 elections, the continuing economic crisis and the apparent lack of impact of democratically elected governments to improve the population’s living conditions caused an increase in voter fatigue and disenchantment towards election observation. In this context, the citizen election observer group, Mourakiboun, sought to diversify its activities towards those that would more closely match Tunisian citizens’ immediate needs.

In 2018, it identified public health care as a relevant area of national scrutiny and adapted its sample-based election observation techniques to monitor the country’s extensive network of primary healthcare centres (PHCs). For some months, Mourakiboun thus departed from its macro-political activities of observing elections, running parallel vote tabulation (PVT), and lobbying the National Assembly for legal reform. Instead, it used its PVT expertise and tools to produce the first detailed GPS map of public health infrastructures throughout the country, and thereafter pinpoint cases of poor planning, violations of hygiene rules, and possibly corruption. Mourakiboun’s reports, complete with user-friendly data visualisations, gave citizens and authorities a concrete product, which directly addressed the needs of citizens. Information collected by Mourakiboun in this way held the Ministry of Health accountable and pressured the government for action. This example shows how effectively a well-organised and resilient CSO can adapt to adverse conditions, travel through various phases of the democratic cycle, and adjust its methodologies to serve new forms of citizen engagement beyond observing elections.¹

Participatory democracy between collaboration and confrontation

Another important new field that civic technologies have pioneered lies in the digitally enabled participation of citizens in the affairs of their community, their city, and in some cases, their country. This approach was advocated by Argentinian activist, Pia Mancini, in 2015 in a TED Talk that has been viewed nearly 100 000 times.² One of the most well-known instances of this type of citizen participation was the crowd-sourcing of the new Icelandic Constitution – although the so-called ‘citizen constitution’ has eventually not passed. Two other well-known examples are the online platforms for citizen participation used in Madrid and Barcelona, known as CONSUL³ and Decidim⁴ respectively. In South Africa, a CSO called Grassroot established an original approach using low-tech mobile phone communication (as opposed to smartphone applications) to enable disenfranchised citizens and community organisers to create groups, plan meetings, vote on matters of local interest and elect leadership, or collect and distribute information at no cost. The platform was launched in 2016 and has attracted over 170 000 users to date. Grassroot was one of the winners of the EU’s CivicTech4Democracy.eu competition of technologies ‘by the people, for the people’, which Supporting Democracy designed and organised in Brussels in 2018.⁵

However, it remains unclear how much this movement has been able to achieve in restrictive environments and under the conditions of shrinking space. The participatory, open gov philosophy has always been one of co-creation – between the government and tech-savvy citizens – of innovative public service solutions. The success of this approach therefore hinges on governments’ – national and local – willingness to open their data in usable formats. In this regard, one may argue that there are ‘fair weather’ (i.e. for open environments) as well as ‘foul weather’ (i.e. for restrictive environments) uses of data for civic purposes. In the latter case, data is not provided by governments, but rather by civil society itself, which compiles data the government tries to conceal and makes it available to the public.⁶ The case of Taiwan’s Sunflower Movement in 2014 is an example of this approach, which has deeply inspired the first generation of civic tech activists worldwide.

1• Innovative Citizen Participation (ICP) Seminar, Panel 6 ‘Building resilience as a response to restrictive environments’, Kuala Lumpur, 26 June 2019.

2• Pia Mancini, How to Upgrade Democracy for the Internet Era, TED Talk, 8 October 2014. <https://www.youtube.com/watch?v=NXfYNdapq3Q>

3• <http://consulproject.org/en/>

4• <https://decidim.org>

5• <https://civictch4democracy.eu/>

6• Innovative Citizen Participation (ICP) Seminar, Panel 5 ‘Citizen innovations in assessing the accountability of public authorities’, Kuala Lumpur, 26 June 2019.

Case Study – Taiwan: Challenging the government by creating an online alternative

'Tech for accountability' can fall between a cooperative and a confrontational approach. In 2014, the Taiwanese government negotiated a trade deal with China. In response to what they saw as a threat to Taiwanese sovereignty, a youth-driven coalition known as the 'Sunflower Movement' launched an 'Occupy Parliament'. Rather than just protesting for weeks against the trade deal, the movement's digital activists – coalesced under a group known as 'g0v' (pronounced 'gov zero') – also produced a crowd-sourced webpage to clarify the complexity of the trade deal, an initiative that proved decisive in making the government back down to popular discontent.

Using open data, they produced interactive tools with which every small company owner could log in their company's official registration code, then receive a personalised and fully detailed accounting report of how their annual balance sheet would be affected by the trade deal. They thus 'created alternative, crowd sourced g0v versions of government websites where they released data in formats that helped people more easily understand'¹ the expected consequences of the trade deal. The website became massively popular among Taiwanese people, swayed public opinion against the deal, and forced the government to stand down.

g0v thus laid the foundations of a method known as 'forking' that the entire civic tech community has since borrowed. 'Forking' is a tech term that means 'making a copy of a [computer code] repository to freely experiment with changes without affecting the original project. Most commonly, forks are used to propose changes to someone else's project.'² In civic activism, it is used to mean 'creating another version of the service the government should have offered.'³ In the words of one of its leaders, 'instead of telling the government "you're not doing it", we did it, which also served to show citizens what a transparent government would have done.'⁴ In this case, g0v gave every Taiwanese citizen a clear understanding of the consequences of the trade deal to their businesses and daily livelihoods.

Rather than simply confronting the government by occupying the parliament, the Sunflower Movement's digital activists enticed the government 'to do better and give its citizens the full picture of the trade deal's consequence'⁵ This successful approach of combining collaboration and confrontation has made g0v immensely popular and influential in the global civic tech community. Similarly, with her recent appointment as 'Digital Minister' in Taiwan's government, Audrey Tang, one of g0v's important early contributors, has been dubbed 'the most influential digital activist in the world.'⁶

1• MobLab, 'Blooming digital democracy in Taiwan's Sunflower movement', posted by Nithin Coca, 25 January 2016.

2• Fork a Repo – Github Help, <https://help.github.com/en/articles/fork-a-repo>.

3• Jacomet, Noé. 'How the g0v movement is forking the Taiwanese government', an interview with Wu Min Hsuan aka 'TTcat' and Chia-liang Kao aka 'CL', Medium, 13 April 2017. <https://medium.com/open-source-politics/how-the-g0v-movement-is-forking-the-taiwanese-government-74b7cce0e92b>.

4• Interview of the author with Wu Min Hsuan aka 'TTcat', RightsCon 2019, 12 June 2019, Tunis.

5• 'How to fix democracy – Inside Taiwan's new digital democracy' from The Economist <https://www.economist.com/open-future/2019/03/12/inside-taiwans-new-digital-democracy>.

6• 'World's 100 Most Influential People in Digital Government' from Apolitical <https://apolitical.co/lists/digital-government-world100/>

Another approach has been to engage on the local level, rather than with the government itself. In a closed space like Cambodia, the example set by the Cambodian Youth Network is an inspiring one.

Case Study Cambodia: Cambodian Youth Network

Internet and social media users have rapidly increased in Cambodia over the last years. There was a rapid increase of Internet and social media users in Cambodia from about 320 000 users in 2010 to up to 3.8 million users prior to the 2013 national elections. The most popular social media platform in Cambodia is Facebook.¹ While most of the traditional media are dominated by the ruling party, and in the context of recent crackdowns on independent media outlets, social media (specifically Facebook) have become very popular and provide a means for civil society groups such as environmental and human rights defenders to express their voices, promote their cause and advocate for social change.

CYN started campaigning against a restrictive draft cybercrime law, and called on the government to abolish the bill. CYN cooperated with a group of partner organisations, independent legal specialists, lawyers, informal youth groups, etc. to organise public campaigns in both the capital and at community level. Although the draft law was not adopted, the existing criminal code has still been used to imprison several Internet users, namely youth activists and opposition political activists.

CYN has also been working in the Prey Lang forest where approximately 200 000 indigenous people depend on non-timber forest products and farming. CYN cooperated with the Prey Lang Community Network (PLCN) in promoting community participation in campaigns to stop illegal logging. PLCN and local youths have been trained on digital and media literacy to use social media to monitor and report illegal exploitation. The Facebook page 'Prey Lang - It's Our Forest Too'² promotes the activities and campaigns of PLCN. It is now one of the main sources for local and national media to cover news related to illegal logging and its reports are often quoted and disseminated by others. Through these advocacy efforts, CYN has made significant contributions to drop the restrictive cybercrime law and get wildlife sanctuary status for the Prey Lang Forest.

1• <http://geeksincambodia.com/social-media/>

2• <https://web.facebook.com/PreyLang/>

Beyond the monitorial approach – the rise of “adversarial journalism”

In severe shrinking space environments, the monitorial approach, one that ‘carries a hard political edge’¹, is the only one available. Investigating and sometimes ‘leaking’ government misdeeds become key activities of civil society activists promoting the ‘right to know’. This type of investigation forces transparency where governments and companies seek the reprieve of opacity. Activists may acquire information stealthily through a combination of online hacks and leaks by whistle-blowers. This is reminiscent of the 1950s fight for freedom of information in the United States, which culminated in the release of the ‘Vietnam Papers’ and the Watergate revelations, two events which had considerable consequences on the country’s political life.

With recent progress in artificial intelligence, it has become possible to exploit massive amounts of raw data acquired through these leaks and to bring them to the public as advocacy material. The civil society activists engaged in these activities are trained in ‘investigative data journalism’, a set of competences that is increasingly popular in countries affected by shrinking space. An example of this type of operation under restrictive conditions has been Plaza Publica’s work on tax return data in Guatemala, which uncovered the leniency of public authorities towards tax-evading oligarchs and export companies.²

Such activist data journalism is not confined to the countries usually classified as authoritarian. A recent and well-known example of its potential was the ‘Panama Papers’ leak in April 2016. Only with the help of powerful ICT tools was it possible for journalists to analyse 11.5 million documents and tax evasion schemes covering over 200 000 offshore entities.³ Data journalism’s ability to reveal government or corporate secrets and to promote the right to know has also led it to document threats to digital rights and online freedoms. The online media, The Intercept, is perhaps the most well-known such endeavour. Its founders have coined the phrase ‘adversarial journalism’. Among the co-founders are journalist, Glenn Greenwald, and documentary film-maker, Laura Poitras, who have both helped to publicise Edward Snowden’s revelations about CIA mass digital surveillance. When it comes to digital rights and online freedoms, shrinking space is not just caused by authoritarian governments, but also by major corporate actors with a global political reach. Thanks to the recent growth of adversarial journalism platforms combined with their willingness to join forces with civil society, activists have been able to make their findings public and expand the reach of their advocacy efforts.⁴

1• Yu, Harlan and Robinson, David G. ‘The New Ambiguity of Open Government’, *UCLA Law Review Disc.* 59 (2012): 178-230.

2• Co-winner of the European Commission’s 2018 CivicTech4Democracy competition.

3• <https://www.investopedia.com/terms/p/panama-papers.asp>

4• Innovative Citizen Participation (ICP) Seminar, Panel 5 ‘Citizen innovations in assessing the accountability of public authorities’, Kuala Lumpur, 26 June 2019.

3.4. Developing strategies for civil society resilience

This chapter discusses strategies and innovative approaches in building the resilience of civil society in restrictive environments. Strategies of resilience are strategies that enable civil society to continue operating even if conditions are adverse and civic space is shrinking or closed.⁵ Increased resilience in civil society strengthens its capacity both to persevere in the face of backlash and threats, and to leverage new opportunities. However, it is important to recognise that there are no one-size-fits-all solutions. The effectiveness of responses may depend on national and local political contexts, the types of restrictions encountered, and the characteristics and functions of particular CSOs.

In conjunction with civil society and shrinking space, ‘resilience’ is used in a variety of contexts, with slight differences in meaning. This study adopts and modifies the United Nations harmonised definition of resilience as ‘the ability of individuals, communities, organisations, systems and societies to prevent, resist, absorb, adapt, respond, and recover positively, efficiently, and effectively in a shrinking space environment, while maintaining an acceptable level of functioning and without compromising long-term objectives in a timely and efficient manner’.⁶ Building resilience is about making people, communities, and systems better prepared to withstand dramatic events – both natural and man-made – or longer periods of distress and suppression, and more able to bounce back quickly and stronger.⁷

Building the legitimacy and accountability of CSOs

A common tactic used against CSOs is to call into question their legitimacy with arguments that they do not represent the interests of their constituents.⁸ Civil society is often seen as more accountable to foreign donors than their constituencies, and to foreign rather than local agendas. Tight regulations of CSOs are enforced under the pretext of transparency and accountability. However, declining trust in CSOs is not merely the result of shrinking space. Many CSOs, especially those that are based in urban areas, lack a connection with local communities. Where does civil society derive its legitimacy from? For what and to whom do CSOs need to be accountable? Unlike for elected representatives, the legitimacy of civil society does not result from elections. Therefore, civil society must produce and reproduce its own legitimacy everyday through the work it does.

5• Funders’ Initiative for Civil Society, ‘What is Closing Space Grant-Making?’, http://global-dialogue.eu/wp-content/uploads/2017/09/FICS-6-pager_FINAL_A4-280218-LOWRES.pdf.

6• United Nations, ‘Adopting an analytical framework on risk and resilience: a proposal for more proactive, coordinated and effective United Nations action’, *CEB/ 2017/6*, <https://www.unsceb.org/CEBPublicFiles/RnR.pdf>.

7• Rockefeller Foundation, *100 Resilient Cities*, <https://www.rockefellerfoundation.org/our-work/initiatives/100-resilientcities/>.

8• Brechenmacher, Saskia and Carothers, Thomas. ‘The Legitimacy Landscape’, in *Examining Civil Society Legitimacy*, ed. Brechenmacher and Carothers (Washington DC: Carnegie Endowment for International Peace, 2018), https://carnegieendowment.org/files/Civil-Society-Legitimacy_FINAL.pdf.

CSO accountability lies beyond fund management and compliance to donors and governments. To be able to thrive or survive under conditions of shrinking or closed space, CSOs must ensure that they are recognised as legitimate actors by the wider public and have strong connections with other citizens. To this end, CSOs need to develop a strong engagement with their constituents, and their communication with various stakeholders should not be one-way. Information about CSO policies, programmes, and operations must come from and reach the people. It is important to communicate that shrinking space does not only affect CSOs, but also everyone's ability to express their views and attain their rights. The ability of CSOs to rally support, mobilise their constituents, and ensure civic engagement to back their campaigns is crucial, as they need the weight of citizen participation to substantiate and legitimise their claims and to gain leverage in their dealings with state authorities.¹

Case Study Malaysia: The Coalition for Clean and Fair Elections (BERSIH 2.0)

The Coalition for Clean and Fair Elections² (BERSIH, 'clean' in Malay) was officially launched on 23 November 2006 by CSOs and political opposition parties in Malaysia. Its objective was to push for a thorough reform of the national electoral processes. In April 2010, after the opposition had won five state governments, it was decided that politicians should exit the organisation, and BERSIH was re-launched as BERSIH 2.0, a fully non-partisan movement led by CSOs.

Since November 2007, BERSIH has organised five rallies, each with different objectives, numbers of participants and outcomes. The success of BERSIH's rallies lay beyond just numbers, resting on providing visible public support and building constituency among citizens who otherwise would not have engaged. The Malaysian government introduced several laws to regulate NGOs and shrink civic space. In the days leading up to the second rally in April 2011, the police released a list of 91 individuals, including the rally organiser, prohibiting them from entering Kuala Lumpur. Despite the lockdown, 50 000 people attempted to make their way to Stadium Merdeka, but were blocked by the police, forcing protesters to march through the surrounding streets. Police used force and arrested more than 1 600 people, including BERSIH's leaders and opposition politicians.

The government formed a parliamentary committee for electoral reforms in October 2011, but most of BERSIH's recommendations were not adopted. Beyond organising rallies, BERSIH 2.0 kept issuing statements, publishing reports, raising public awareness, and challenging the Election Commission in court. One of their innovations was the Delineation Action Research Team (DART), which informed citizens about gerrymandering and trained them to file objections to unfair constituency re-delineation proposals by the Election Commission. They produced a catalogue of digitised electoral boundaries, as well as a training module, which they presented through a nationwide road show.

BERSIH 2.0 shows the value of combining advocacy at different levels – national, regional and global – and of being pragmatic and open to collaboration with a wide variety of actors, including networks of people affiliated to opposition parties. Its supporters came from every segment of Malaysia's mosaic of ethnic, language and religious groups. The strong support of opposition parties and the general public was instrumental to BERSIH's success. BERSIH managed to make electoral reform a mainstream item in Malaysian politics. It is generally admitted that its advocacy played a role in the country's first change of political majority at the May 2018 general elections.

1• Claessen, Anique and de Lange, Piet. 'Lessons for Supporting Policy Influencing in Restrictive Environments', *Development in Practice* 26, no. 5 (2016): 549.

2• <http://www.beralih.org/#>

Several global initiatives share tools, best practices, and standards on CSO legitimacy, transparency and accountability. The Global Standard for CSO Accountability¹ is a self-regulatory tool that allows CSOs to measure and demonstrate the level of effectiveness of their stakeholder participation and commitments to accountability. Resilient Roots is an initiative coordinated by CIVICUS, together with Accountable Now and Keystone Accountability, which seeks to assess whether organisations that are more accountable and responsive to their constituents are more resilient in the context of increasing challenges and threats to civic space.²

Ensuring CSO preparedness for shrinking space

Shrinking space can take the forms of direct digital or physical threats, ranging from threatening text messages to more extreme cases of physical assaults, arbitrary arrests, disappearances, torture and killing. Online platforms can be a popular tool for dissidents and the political opposition. However, in shrinking or closed space, governments can further suppress civil society by using draconian cyber laws. Civil society must prepare itself with various tools and strategies against restrictive environments.

Assessing legal risks and paying attention to early warning signs

Strategies of organisations and activists worldwide range from assessing restrictive environments to building dialogue with government, parliamentarians, and other stakeholders. Several monitoring and assessment tools assist CSOs in this undertaking. The Defending Civil Society Toolkit³ provided by the World Movement for Democracy Secretariat at the National Endowment for Democracy (NED) and the International Center for Not-for-Profit Law (ICNL) provides strategies to advocate for legal reforms to support civil society.

Protecting safety and security

In shrinking or closed space, it is important for CSOs to develop personal, communal and/or organisational security plans, such as participating in and organising security training, hiring armed security guards for offices, installing security cameras and sirens to secure office premises, reserved budgets for cases of emergency, developing emergency hotlines, etc. Many CSOs have chosen to rebrand activities that might be perceived as politically sensitive, or scale back activities to avoid a government crackdown. Frontline Defenders⁴ provides various tools to protect the safety and security of human rights defenders, such as the 'Protection Manual for Human Rights Defenders'⁵ and the 'Workbook on Security: Practical Steps for Human Rights Defenders'⁶, which offers a systematic approach for asses-

sing a security situation and developing risk and vulnerability reduction strategies.

Safeguarding digital space and digital security

Given the emerging new technologies, the battle for civic space is increasingly moving to a digital arena. Protecting the digital environment is now key to protecting civic space. Civil society activists experience digital surveillance, Internet shutdown, the arrest and detention of bloggers, etc. Strategic disinformation, which is used to control and manipulate the political debate and is employed as a strategy to explicitly target civil society actors, is another challenge. Therefore, protecting the digital environment is the key to protecting civic space (see chapter 3.2 for further details).

Changing strategies by working indirectly

An alternative strategy to avoid repression is to transform work towards indirect programmes that are less directly political until the conditions of civic space improve. Sometimes it is relatively safe to express opposing opinions by using art, theatre, music, or graffiti. Some governments are more tolerant with artists who produce political cartoons or use theatre performances rather than outright political activists. In highly restrictive but youthful environments, organisations can also disseminate civic awareness content such as satirical cartoons anonymously while focusing on political agendas. The case study of Uganda's election related cartoons illustrates such a strategy.

1• <http://www.csostandard.org/>

2• CIVICUS: 'Resilient Roots: How constituent accountability helps organisations to counter closing civic spaces', <https://www.civicus.org/documents/resilient-roots-summary-jan18.pdf>.

3• <http://www.defendingcivilsociety.org>

4• <https://www.frontlinedefenders.org/>

5• <https://www.frontlinedefenders.org/en/resource-publication/protection-manual-human-rights-defenders-0>

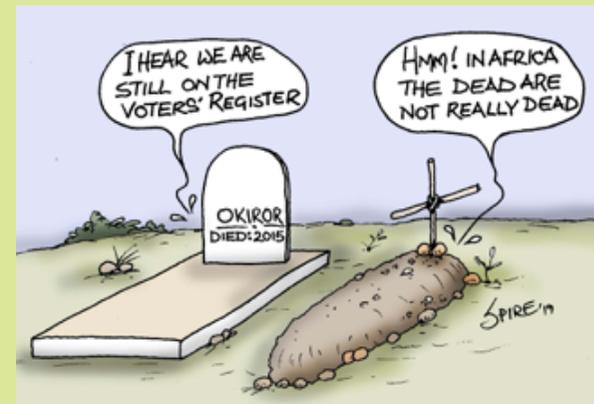
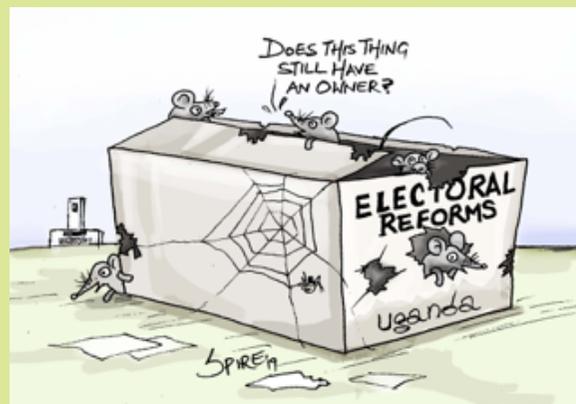
6• https://www.frontlinedefenders.org/sites/default/files/workbook_eng_master.pdf

Case Study Uganda: Advocacy through cartoons targeting electoral reforms

Since 2018, a local CSO in Uganda has invested in designing and disseminating anonymised civic awareness content in the form of episodic, captivating, satirical cartoons that relate to Uganda's prevailing shrinking civic context. The cartoons have been an innovative way of disseminating local election observation findings in the wake of a governmental ban on citizen election observation activities between 4 July 2018 and 21 February 2019. Similarly, the advocacy cartoons are a creative approach to voicing calls for democratic electoral reforms, exposing retrogressive actions of the state, as well as catalysing issue-based public debate on electoral matters, through satire.

The organisation has engaged a creative cartoonist for a one-year period from within its membership to draw at least two topical cartoons every month. The cartoons are designed either as peak-agenda setters or as conversation-starters around specific issues. The satirical and hard-hitting elements associated with each of the cartoons add to their strength. As soon as a cartoon is uploaded on an anonymous social media account (Facebook, Twitter, WhatsApp), the image goes viral and catalyses immediate debate, first on social media then in the mainstream media, within the public arena and, most importantly, occasionally also within key state organs like the parliament, cabinet or executive offices, and courts of law.

The pressure and momentum created by the cartoons have prompted the Speaker of Parliament to summon the executive arm of government to table electoral reform amendments in parliament before the end of May 2019; compelled government to lift the suspension and remove the restrictions on local election observation and reporting previously imposed on citizen election observer groups; and severely challenged government's restrictions on civil rights. The use of cartoons to promote civic engagement was predominantly driven by pressure to find alternative ways of doing advocacy in a highly restrictive but youthful environment, where activists and activism have been directly targeted by the state and its security apparatus.



Building stronger alliances and coalitions

Closing civic space has pushed and encouraged civil society to create platforms for collaboration and generating responsive, broad-based and authentic movements working in solidarity.¹

Strengthening cooperation and coalitions with other CSOs

The threats to civic space can be addressed more effectively with coalitions and alliances of various civil society actors. Alliances should be as broad and inclusive as possible – including formal and informal actors with various identities, faith-based organisations, trade unions, media, universities, community groups, online activists and others. Not all coalitions are successful; diversity and disagreement can be a hurdle to coalition-building efforts.² The case study of BERSIH 2.0 demonstrates that digital communication technology such as WhatsApp can be used to mobilise rallies and broaden a network effectively. In what was coined as a ‘WhatsApp Revolution’, the 2018 elections showed how a strong coalition and high voter participation can lead to democratic change. Another strategy is forging alliances internationally, with INGOs, regional organisations, and donors. The Global Network of Domestic Election Monitors (GNDEM) is a network of peers adhering to common standards, presenting a solidary front across borders every time governments or other actors try to undermine the credibility of citizen observers.³

Collaborating and making alliances with the private sector

It can also be useful for civil society to enhance cooperation and collaboration with the private sector under the conditions of shrinking space. The benefits of enhanced cooperation flow both ways; a strong civil society contributes significantly to a more conducive business environment. Civil society capacities to pressure for governmental accountability can make it a natural ally of businesses whose success depends on a stable and enabling environment. Tech companies are a proven example of useful alliances pushing back against restrictive online regulation. Emergency funding has also come from the corporate Internet community when digital CSOs have been under attack.

However, the interaction between CSOs and the private sector can be challenging. Sometimes CSOs refuse to deal with the private sector for ethical reasons; business communities, on the other hand, can be reluctant to work with NGOs due to the perceptions they might shed on their business. To build and sustain alliances, it is important to identify mutual interests and possible incompatibilities. A corporate social responsibility or accountability lens may also create enhanced leverage. Where legislation on social entrepreneurship allows for it, an NGO and a private company can mutually benefit from collaborating. In Ukraine for instance, OPORA has provided media outlets with exit polls as well as research

1• Vanduyck, Charles Kojo. ‘Enabling Citizens to Expand the Frontiers of Human Rights in Africa’, CSIS, 18 May 2017, <https://www.csis.org/blogs/international-consortium-closing-civic-space/enabling-citizens-expand-frontiers-human-rights>.

2• USAID: Maintaining Civic Space in Backsliding Regimes: https://www.usaid.gov/sites/default/files/documents/1866/Maintaining_Civic_Space_in_Backsliding_Regimes_-_Research_and_Innovation_Grants_Working_Papers_Series.pdf.

3• Global Network of Domestic Election Monitors.

and analysis under this legislation. According to this model, OPORA uses the funds it generates internally, on its NGO structure. On the other side, the media outlets that become clients of OPORA receive tax deductions on the amounts they have paid OPORA for its services.⁴ Similarly, in Taiwan, civic tech activists have been able to collaborate with private companies, organising hackathons and other innovative tech activities under those companies’ corporate social responsibility framework.⁵

Collaborating with the opposition

Under certain conditions, civil society may benefit from partnering with the political opposition. In the context of competitive authoritarianism, civil society can contribute to challenging the regime in the electoral arena by supporting opposition parties and advocating for reform policies.⁶ Despite different motivations and reasons, the opposition can also speak out in favour of civil society space. At the beginning of the BERSIH movement, Malaysian CSOs worked with Pakatan Rakyat, a coalition of three large opposition parties. BERSIH’s relationship with the political parties caused them to be accused of being pro-opposition and representing a political agenda to topple the government. CSOs must retain their independence and be cautious about a potential political co-optation by political forces. BERSIH re-launched itself as non-partisan and independent of political parties.

Devising alternative funding models

Over the past decades, most CSOs have operated under a traditional business model in which they have received resources from donors, governments, INGOs or contractors, multilateral organisations or funds, philanthropic foundations or individual donors, to implement projects, deliver services, or conduct research and analysis, etc. However, financial sustainability continues to be one of the main challenges for CSOs. As part of the global and localised shrinking space dynamics, there has been a retreat in multilateral commitments to support CSOs.⁷ Given their vulnerability to accusations of being foreign agents and other funding constraints, it is important for CSOs to find new and innovative ways of diversifying their funding models. In some countries where a culture of donations exists, CSOs can tap into the culture of individual giving.

4• Innovative Citizen Participation (ICP) Seminar, Parallel Working Group no. 3: ‘Innovative approaches to funding’, Kuala Lumpur, 26 June 2019.

5• Innovative Citizen Participation (ICP) Seminar, Parallel Working Group no. 3: ‘Innovative approaches to funding’, Kuala Lumpur, 26 June 2019.

6• Giersdorf, Stephan. ‘Civil Society and Competitive Authoritarianism in Malaysia’, *Journal of Civil Society*, https://www.researchgate.net/publication/233262882_Civil_Society_and_Competitive_Authoritarianism_in_Malaysia.

7• Keynote address of the United Nations Assistant Secretary General for Strategic Coordination, Fabrizio Hochschild at the Civil Society Summit in Belgrade, Serbia, on 8-11 April 2019. <https://action4sd.org/public-mobilisation/civil-society-summit-in-belgrade-unites-cso-leaders-reps-in-fight-for-civic-freedoms-and-democratic-participation/>

Case study Philippines: NAMFREL – a CSO working with private sector donations

The National Citizens' Movement for Free Elections (NAMFREL) in the Philippines is a pioneer in election monitoring (see section 3.1.). To date, NAMFREL has observed 21 elections in the Philippines. To fund its activities, NAMFREL relies solely on domestic funds and volunteerism. The organisation has never received grants from international donors or governmental subsidies.

The biggest contributors to NAMFREL are, firstly, the individual volunteers who provide their skills, time, and talent to the organisation. The second most important contributors, however, are private corporations who provide monetary and in-kind donations during election years (every three years). NAMFREL's finance committee solicits donations through letters and tries to meet with relevant decision-makers where possible. Previously, donations were mostly provided in cash, but as time has progressed, the ratio of cash vs. in-kind contributions has balanced out to become half-half. In-kind donations can take many forms and include the seconding of employees, airplane vouchers, TV spots, newspaper space, gasoline vouchers, office supplies, t-shirts, telephone installations, etc. Donors receive a post-election report indicating NAMFREL's accomplishments.

The third biggest source of funding is partnerships with other organisations, supported with a memorandum of agreement, e.g. with De La Salle University (use of a gymnasium for operations), the Systems Technology Institute (assigning of computers and students), the Philippine Institute of Certified Public Accountants (assigning members to observe manual audit), the Philippine Medical Association (assigning medical team during parallel vote count), etc. The self-imposed principle of not accepting foreign funds has helped NAMFREL sustain its brand and its almost quixotic principle of independence.

The organisation, however, is facing challenges in soliciting donations due to competing causes that have emerged in the past two decades. Strengthening democracy through citizen election monitoring is now competing for donations with causes such as animal welfare, violence against women, anti-poverty, education, human rights, etc. NAMFREL is thus developing other ways to raise funds such as crowd-sourcing, engaging in fund generating projects during non-election years, and so forth.

Some CSOs change their strategy for financial sustainability by integrating new business models into their operation, membership models of fundraising, monetising aspects of their expertise, or building capacity to seek resources from their local constituencies. Operationalising a business model approach can enable CSOs to become generators of financial resources and build their legitimacy.¹

Local philanthropy is not necessarily about generating wealthy philanthropic support – it is as much about small, local giving, through direct giving or crowd-funding campaigns. Crowd-funding refers to collective efforts by individuals who pool their funds, usually via online platforms, to invest in or support projects initiated by a given person, group, or organisation. Online crowd-funding – through platforms such as Kickstarter or GiveAsia, have been successful in generating revenue for some projects.

1 • Innovative Citizen Participation (ICP) Seminar, Parallel Working Group no. 3: 'Innovative approaches to funding', Kuala Lumpur, 26 June 2019.

3.5. Promoting broader citizen participation

In its communication 'Roots of Democracy', the EU recognised in 2012 that 'new and more fluid forms of citizens and youth actions are on the rise: the "Arab Spring" and the "Occupy" movements highlight the potential of social and cultural movements as agents for change. The space and opportunities opened up by the Internet and the social media are also playing a substantial role in driving this change.'¹

The most recognisable forms of citizen participation are participating in elections, joining a political party, and becoming a member of a trade union. However, participation and active citizenship can be envisaged more broadly and go well beyond elections, in line with the 'democratic cycle'. According to the Council of Europe, they are about 'having the right, the means, the space and the opportunity, and where necessary, the support to participate in and influence decisions and engage in actions and activities so as to contribute to building a better society.'²

Digital strategies for broader citizen participation

Information and communication technologies (ICT) offer many new opportunities for expanding civic space and engaging citizens. Many forms of citizen participation have been made more accessible through digital mechanisms, and digital tools allow citizens to participate remotely and, in some cases, anonymously. The Internet can be used to voice citizens' opinions around specific concerns. There are several platforms dedicated to online petitioning, i.e. Change.org, Care2Petitions, MoveOn.org, etc. These platforms can empower ordinary citizens by leveraging support from the crowd to raise awareness for or against particular issues. It essentially allows a loosely coordinated public to demand change.

ICTs can also be used to extend state power and create more restrictions. There are many barriers to participation in different contexts, but the obstacles increase significantly in restrictive environments. Technology can be used to create opportunities for citizens to express their voices, but amplifying these voices politically is a harder challenge.³ This section focuses on innovative approaches or strategies of citizen participation in restrictive environments that go beyond election day, with both traditional and new types of participation.

The digital revolution is presenting new opportunities and channels for citizens to participate in public affairs. However, it is important to remain conscious of differences in citizens' access to information and

communication technologies, their level of digital literacy, and the personal barriers they may face (for persons with disability, due to a lack of access to the Internet, etc.). Equal access to emerging technologies cannot be taken for granted. Technology is insufficient to produce long-term and sustained change without complementary offline, real world organisation and campaigning.

The case study of Mafindo in Indonesia, on the issue of online disinformation campaigns, demonstrates how offline and online activism need to go hand-in-hand. Without offline educational activities to support digital literacy, online tools to counter disinformation would not have much reach.

1• European Commission, 2012. The Roots of Democracy and Sustainable Development: Europe's engagement with Civil Society in external relations, page 4. <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM%3A2012%3A0492%3A-FIN%3AEN%3APDF>

2• Council of Europe, 2005. Revised European Charter on the Participation of Young People in Local and Regional Life <https://rm.coe.int/168071b4d6>

3• National Democratic Institute (NDI), 2013. Citizen Participation and Technology <https://www.ndi.org/sites/default/files/Citizen-Participation-and-Technology-an-NDI-Study.pdf>.

○ Case study Indonesia: Mafindo – Offline and online citizen participation ○

Masyarakat Anti Fitnah Indonesia (known as Mafindo) is a community-based organisation that was launched in December 2016. The organisation was formed by individuals who had concerns about the massive use of disinformation (or 'hoax' in local usage) during the 2014 presidential election and its aftermath. Since then, Mafindo has gained the trust of Indonesian society as a frontline in the fight against 'hoax'. To meet these expectations, Mafindo has been working both online and offline, relying on two major components: volunteerism and a fact-checking programme.

Offline, Mafindo's volunteers teach communities about the harm that hoaxes can cause, and how to fact-check. Mafindo has more than 65 000 members and has recruited over 350 volunteers who have been conducting public classes for different societal groups, as well as through local TV and radio. Due to its voluntary character, most of Mafindo's public education activities are conducted with as little money as possible, provided by both the volunteers themselves and through small-scale fund-raising programmes. 14 out of 18 of Mafindo's chapter coordinators are women, which also plays an important role as women are considered more prone to believing hoaxes due to their lower digital literacy levels.

Online, Mafindo has been carrying out a fact-checking programme. It publishes debunk results on a dedicated forum and on turnbackhoax.id. Mafindo is one of 65 organisations around the world that has been verified by the International Fact Checking Network (IFCN)¹ and received the status of a certified fact-checking signatory of IFCN. Mafindo has also been granted the status of 'trusted flagger' by YouTube and is working together with Facebook as a third-party fact checker. In addition, Mafindo has worked with journalists from 22 independent Indonesian online media and AJI (Aliansi Jurnalis Independen/Independent Journalists Alliance) to build CekFakta.com and carry out fact-checking together, including live fact-checking during the presidential candidates' debate in the 2019 election process.

Mafindo also created an android-based application that enables users to check the veracity of information, called Hoax Buster Tools, and launched Kalimasada to fact-check information via WhatsApp. This service is considered one of Mafindo's breakthroughs, as WhatsApp has been one of the main platforms used for forwarding and circulating false news. Kalimasada enables people to forward a piece of information they receive on WhatsApp to Mafindo's telephone number. The Kalimasada machine then searches Mafindo's hoax database and replies back with the debunk. In this way, anyone can simply forward the debunk received from Kalimasada to the sender of the hoax. In short, Kalimasada arms people with verified information that can be used to help others tell right from wrong.

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¹ • <https://www.poynter.org/ifcn/>

One example of citizenship education activities that have emerged from the conditions of shrinking space – and explicitly seek to respond to it before and on election day – is Thailand’s Internet Dialogue on Law Reform (iLAW). Born out of the conditions of repressive military rule in Thailand, iLAW shows that one does not need to be a tech specialist to help create digital innovation.

○ Case Study Thailand: Internet dialogue on law reform (iLaw) ○

iLaw is a Thai human rights NGO that engages with civil society groups and the general public with the goal to achieve democracy, freedom of expression, civil and political rights, and a fairer and more accountable system of justice in Thailand. Most of iLaw’s activities are online, disseminating information through three websites, three Facebook pages, two Twitter accounts, one Instagram account and Line@.

Since a military coup in May 2014, iLaw has expanded the scope of its Freedom of Expression Documentation Centre to cover a large number of political detentions and trials taking place (cases concerning lèse majesté, sedition, computer crime, public assembly, and limitations of the freedom of expression). iLaw monitored the legislative process of the military caretaker government and sought to raise awareness among the Thai public on its effects for basic human rights. In some cases, iLaw also launched campaigns to stop new laws, for example the amendment of the Computer Crime Act in 2016 and the Public Assembly Act in 2015.

After the military government had postponed elections six times, an election date was set for 24 March 2019. The military caretaker regime passed new election laws and rules, established a new electoral system believed to be disadvantageous for existing political parties, nominated election commissioners and other nominally independent bodies, and formed a new party to run for elections. While large media companies have to work under the control of the military, social media became the most important public communication tool during the electoral period. iLaw took on the role of explaining the new election rules to the public and of explaining how the NCPO plans to use the election as a way to prolong its power. It produced cartoons and infographics to explain the new electoral system and the rights of voters to attract people’s attention on Facebook and Twitter. iLaw also produced an ‘election manual’ for voters to exercise their rights efficiently. iLaw’s personnel has no background in computer science; their websites have been created and managed by a private development company, Opendream. However, compared to other Thai NGOs, iLaw’s communication strategy is more creative and innovative than other techniques used to communicate on human rights issues.

As this section has shown, new or alternative forms of participation – especially those made available through the sudden emergence of digital tools – are characterised by informality, issue-based goals, horizontal organisation, and intermittent and micro-level engagement.¹ The ‘spaces’ in these new forms of participation are more likely to be informal, blurring the line between public and private spheres, and often claimed or created by citizens themselves. In addition, even though a lot of these spaces are spurred through ICTs and enhanced by them through online participation, they must also exist offline to reach their full potential. However, a question is now emerging regarding the possibility for a long-duration, large-scale movement to resist long-term online restrictions. As stated at the beginning of this study, digital rights and the integrity of online civic space may well be on their way to becoming existential pre-conditions to civic activism for democracy, on- and off-line.

1• Bacalso, Cristina. ‘How to give young people with fewer opportunities a voice?’, November 2016. https://www.researchgate.net/publication/328145363_LAB_1_HOW_TO_GIVE_YOUNG_PEOPLE_WITH_FEWER_OPPORTUNITIES_A_VOICE/download

4. FINDINGS AND CONCLUSIONS

This study and the June 2019 Kuala Lumpur seminar both confirmed and documented the continuing rise of shrinking space in many countries across Asia and beyond. In some countries, legal restrictions are appearing on an unprecedented scale, to the extent that there is hardly any space left for civil society where there once was a measure of civic freedom, like in Cambodia, or in countries where the space had never really opened, like Laos or Vietnam. One feature of closed spaces is that many donors and INGOs have left or have very limited opportunity to support civil society in political life, while the multilateral or bilateral economic engagement with the host country seems to take precedence. Another, newer phenomenon has been the emergence of donors who do not commit to universal human rights standards and might fund GONGOs, including for example fake election observers. In such situations, civil society organisations react with self-censorship, exercise little visibility, downsize their scope, work on less sensitive issues, and where possible advocate for the change of repressive laws, consult with the international community, and get together outside the country. Shrinking space threatens the security of civil society actors in their physical, digital and financial dimensions. The study and seminar have shown that threats often do not appear in isolation from one another, but are rather interlinked and multi-dimensional, thus multiplying the insecurities of civic activists.

Conditions for both civil society and repressive public actors have also been exacerbated with the digital revolution. Newly available digital space is as much curtailed as the offline domain, but the tools and mechanisms at play are still little known, given the magnitude and speed of technological developments, as well as its cross-border nature. Responses to digital threats and the application of ethical standards vary from context to context. In 2019, after the New Zealand shootings, Facebook said that 1.5 million videos were taken offline¹, but videos of the Sri Lankan bombings stayed online for a long time after the attacks. The ownership and use of personal data by the state and by private companies, however, is an issue in all countries. Most civil society organisations do not have the in-house expertise to defend themselves against digital threats, nor are they sufficiently trained in digital security. Digital literacy varies greatly, both among civil society and in the international community.

As shrinking space is enabled by diverse factors and its forms are context-dependent, innovative responses to shrinking space also have to be diverse and context-specific. What is considered a traditional CSO practice in one place might still be unheard of in others. Long-standing, professionalised election observers are often unaware of the tech communities' achievements in using open data. At the same time, the tech community is often not informed of the well-established and validated methodologies of civil society activists in their own countries, for reasons ranging from their different sociological

origins, their different sources of funding, and the largely distinct networks and communities of practice they identify with. However, one of the findings of the Kuala Lumpur seminar has been that sharing skills and best practices between these communities could very much increase their joint leverage for political reform.

The study and seminar showed that the fight for democracy is ongoing and keeps emerging in new places around the globe. Civil society needs to be resilient and inventive in order to contribute to these developments. However, a positive development is that, for all the contrary forces identified in this study, civil society is now more connected and united than ever before in its quest for solutions. Cross-sectorial and transnational south-to-south collaboration is key to facilitate the sharing of lessons learned between civil society actors who variously experience shrinking space, and to develop and disseminate innovative tools and practices to counter it.

As a result of the study and the seminar in Kuala Lumpur, a number of conclusions were drawn and discussed which mirror existing best practices for civil society activism, but also extend to new fields of action:

¹ <https://www.theverge.com/2019/3/17/18269453/facebook-new-zealand-attack-removed-1-5-million-videos-content-moderation>

Conclusions for civil society

- Continue sharing concerns and advocacy pledges with international donors, in alliance with INGOs and through national and international reporting mechanisms such as the Universal Periodic Review (UPR) of the United Nations Human Rights Council (UN HRC).
- Seek alliances with national power brokers. Winning champions for change from a country's elite or majority can create added advantages to make civic campaigns successful and enhance the protection of minority rights.
- Coordinate as much as possible with each other, inside and outside the country. Coordination is key to bundling forces under restrictive conditions, both within the country and in a transnational manner.
- Enhance exchanges and learning between existing civil society organisations and emerging tech communities, inside and outside the country.
- Digital literacy and security should be enhanced overall. Conducting risk assessments is the first step to identifying and addressing vulnerabilities. The most secure technology is that which people can implement easily.
- In advocating for advancing the ethical and technological standards for tech companies, conversations should be held with high level managers and decision makers as well as engineers and software developers rather than public relations officers.
- Notwithstanding the growing focus on digital developments, offline strategies remain indispensable and should be upheld to expand the reach of technological tools, in particular to ensure outreach to communities in rural areas.

Conclusions for EU Delegations and other donors

- Continue and enhance consultative processes with CSOs to inform human rights advocacy vis-à-vis the host governments. Ensure that CSOs can participate – with security guarantees in severely restrictive environments – and where feasible/otherwise not possible, facilitate such consultations outside the country.
- Support citizen election observers in identifying new activities when electoral observation is not possible, or when elections are not organised.
- Where possible, prioritise local CSOs over INGOs for funding – even in severely curtailed environments where supporting local branches of INGOs is the easiest and politically safest option.
- Continue to simplify bidding processes and the need for donor visibility (logos) under the conditions of shrinking space. Rules and procedures for reporting should be more flexible in restrictive environments than elsewhere. Where possible, long-term funding should be prioritised.
- Digitisation is becoming a priority for many EU Delegations and other international organisations. Therefore, budgets for digital security should be included in regular and new funding mechanisms.
- Where possible, support the exchange between the tech community and other civil society groups, inside the country and through regional hubs which could serve to centralise lessons learned, best practices, and access to networks of civic tech innovators and open source software.
- Regional and inter-regional support should be provided to foster south-south exchanges among civil society activists, including through support (financial and non-financial) to emerging communities of practice.
- Urge governments to open their data (i.e. make their data available in digital formats that can be used) and make it accessible in a transparent manner, according to the Open Government Partnership's best practices.
- Raise awareness for digital literacy at EU Delegations and include digital literacy in EU personnel training curricula.

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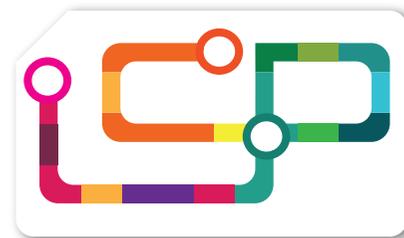
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