

## Editorial

This is the third issue of the *Global Campus Human Rights Journal*. It consists of five articles of a general nature, covering a diversity of geographic and thematic concerns, and five reviews of recent regional developments in human rights and democracy, covering 2017.

The articles in the first part of this issue deal with global concerns, in the process placing the spotlight on countries in three regions in particular: Europe, Latin America and Africa. One of the articles, by Vancutsem, is a complement to the special focus on securitisation in the immediately preceding issue (2017 No 2) of the *Global Campus Human Rights Journal*. This contribution analyses three proposals impacting on freedom of religion following terrorist attacks in Flanders, which is one of the federal units making up Belgium. In his article, Orago examines the role of legal and policy frameworks in more effectively addressing one of the most pervasive global challenges: food insecurity. Two articles deal with Latin America. Taking an expansive view, Mazzei situates his contribution against the background of increasing populism and new democratic leadership models in the region. Gómez Isa focuses on a particular issue (the forced displacement of indigenous peoples) in a specific country in the region (Colombia). Naluwairo traces developments in the Ugandan military justice system, posing the question of to what extent the right to a fair trial has been and continues to be compromised within the setting of military trials.

As in earlier issues, the second part of the issue reviews and analyses regional developments related to human rights and democracy during the previous year (2017). This issue covers developments in the Arab world, Europe, sub-Saharan Africa, the Asia Pacific and the countries making up the Eastern Partnership (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine).

In all five regions, rising populism, fundamentalism and extremism challenged the tenets of democracy. In Europe (The Netherlands, France and Germany), right-wing, nationalist and Eurosceptic parties rode the wave of populism to increase their political influence as a result of elections. In Zimbabwe, a dangerous precedent was set when the removal through military intervention of the incumbent, President Mugabe, was met with little international condemnation.

Some of the most dire places on earth to live in during 2017, characterised by war and conflict, and repeated instances of terrorism, kidnappings and the use of prohibited chemical weapons, were in the Middle East and North Africa (Libya, Iraq and Syria). Refugees, most of whom were fleeing war and conflict, persecution and protracted emergencies in countries such as Iraq, Libya, Sudan, Syria and Yemen, upon their arrival in Europe were exposed to large-scale human rights infringements, seemingly due to a combination of insufficient resources

allocated to the European refugee response combined with an unforgiving implementation of policies regulating movement into and across Europe.

On the basis of existing methods of measuring the state of democracy, in particular Cutright's 'Index of Political Development' and Vanhanen's 'Index of Democracy', Aleksanyan develops an 'Aggregate Democracy Index'. The application of this method to the states comprising the Eastern Partnership revealed the democracy deficits of Azerbaijan and Belarus, in particular. Despite Azerbaijan being characterised by clamp-downs on dissent by imprisoning political opponents and restrictions on the media, international criticism has been muted due to the importance of the country's energy sources and its cooperation on security issues.

Democratisation the Arab world remains incomplete, leaving the promise of the 'Arab Spring' elusive and mostly unfulfilled. Nation-wide protests and strikes in Morocco, sparked by the death of a fish vendor, Mouhcine Fikri, were met with arrests and violent repression by the Moroccan regime.

The picture of human rights violations in 2017 is as bleak as it has been at any time during this century. It emerges that human rights are under threat in all five regions that are covered, and that elected governments all too often are not upholding the rights of those under their jurisdiction. General trends include the failure to protect minorities, such as religious and ethnic minorities, sexual minorities, women, children and refugees; the curtailing of freedom of expression through internet shutdowns and the criminalisation of free expression; the targeting of human rights defenders and journalists; and impunity for human rights violations.

Among the most notorious instances of human rights violations during 2017 are the spectacular failure of the government of Myanmar in its obligation to protect people in its territory in the context of the attacks, rape and killing of Rohingya Muslim villagers; and the excesses of the Duterte government in the Philippines committed as part of the political panic created through the 'War on Drugs'. In Tunisia, legislative advances were offset by the adoption of an amnesty law providing for amnesty to civil servants accused of corruption under the previous regime. Following the global trend to curb civic space, the Egyptian government in 2017 passed NGO Law 70 to restrict NGO activities to development and charity work, thereby excluding their involvement in any 'politically-related' activities.

With international institutions aimed at advancing human rights being undermined and weakened during 2017, the very notion of multilateralism is increasingly being placed under pressure. Following the 2016 referendum in the United Kingdom, the process of formalising the first-ever departure of a member state from the European Union continued. The great expectations about fledgling institutions often remained unfulfilled. By refraining from dealing with complaints, the ASEAN Intergovernmental Commission on Human Rights, for example, has not yet engaged in human rights protection.

The limitations emanating from the diplomatic and consensual nature of the Universal Periodic Review (UPR) became increasingly apparent from the widespread rejection of UPR recommendations by states. The Philippines, for example, rejected all UPR recommendations related to

extra-judicial killings, the abolition of the death penalty, and the treatment of human rights defenders and journalists – all issues of crucial concern in that country. Now in its second cycle, the UPR still needs to establish itself as an effective mechanism to improve the actual enjoyment of human rights around the world. Current trends show little promise of the UPR becoming more than a formulaic process through which states largely legitimise sovereignty-based arguments to justify the denial of rights.

Despite these setbacks, there are a number of positive developments from which some solace may be drawn.

Contradicting the trend towards greater support for right-wing parties elsewhere in Europe, the 2017 elections solidified the two-party character of democratic politics in the United Kingdom. In some African states (Angola and Liberia, in particular), elections concluded with a peaceful transfer of power, with new leadership being installed.

While the International Criminal Court contended with various challenges, at least the foreboding of a massive withdrawal from the ICC by African states did not come to fruition.

Although formal acceptance (usually in the form of ratification) in itself does not guarantee an improvement in the observance or realisation of human rights, it is nonetheless reassuring that states – particularly in the Asia Pacific – during 2017 continued to become state parties to important human rights treaties.

Human rights standard-setting continued during 2017. At the domestic level, Tunisia adopted legislation criminalising violence against women, including marital rape; revoked the prohibition on marriage between Muslims and non-Muslims; and relaxed mandatory minimum sentences for minor drug-related offences. Lebanon repealed ‘rape-marriage laws’, which had enabled rapists to escape prosecution upon marrying the victim. At the regional level, new soft law standards related to the prohibition of child marriage and gender-based violence were put in place with the African regional human rights system.

In a number of important instances, the judiciary emerged as a counterweight to legislative and executive neglect or excesses. Notable examples are the Supreme Court of India, which continued its progressive interpretation, giving a wide and potentially far-reaching construction to the right to privacy, and declaring unconstitutional the triple *talaq*. Although not an apex court, a court of first instance in China handed down a potentially trend-setting decision extending benefits to same-sex partners. The ECOWAS Court of Justice, functioning within the West African region under the auspices of a regional economic community, delivered a significant judgment holding Nigeria accountable for gender-based violence.

The first visit by a United Nations special procedure to North Korea gave some indication of the continued relevance of international human rights systems in processes of the opening up of closed societies.

We thank the reviewers who have sacrificed their time to assist in ensuring the quality of this *Journal*.

**Editors**