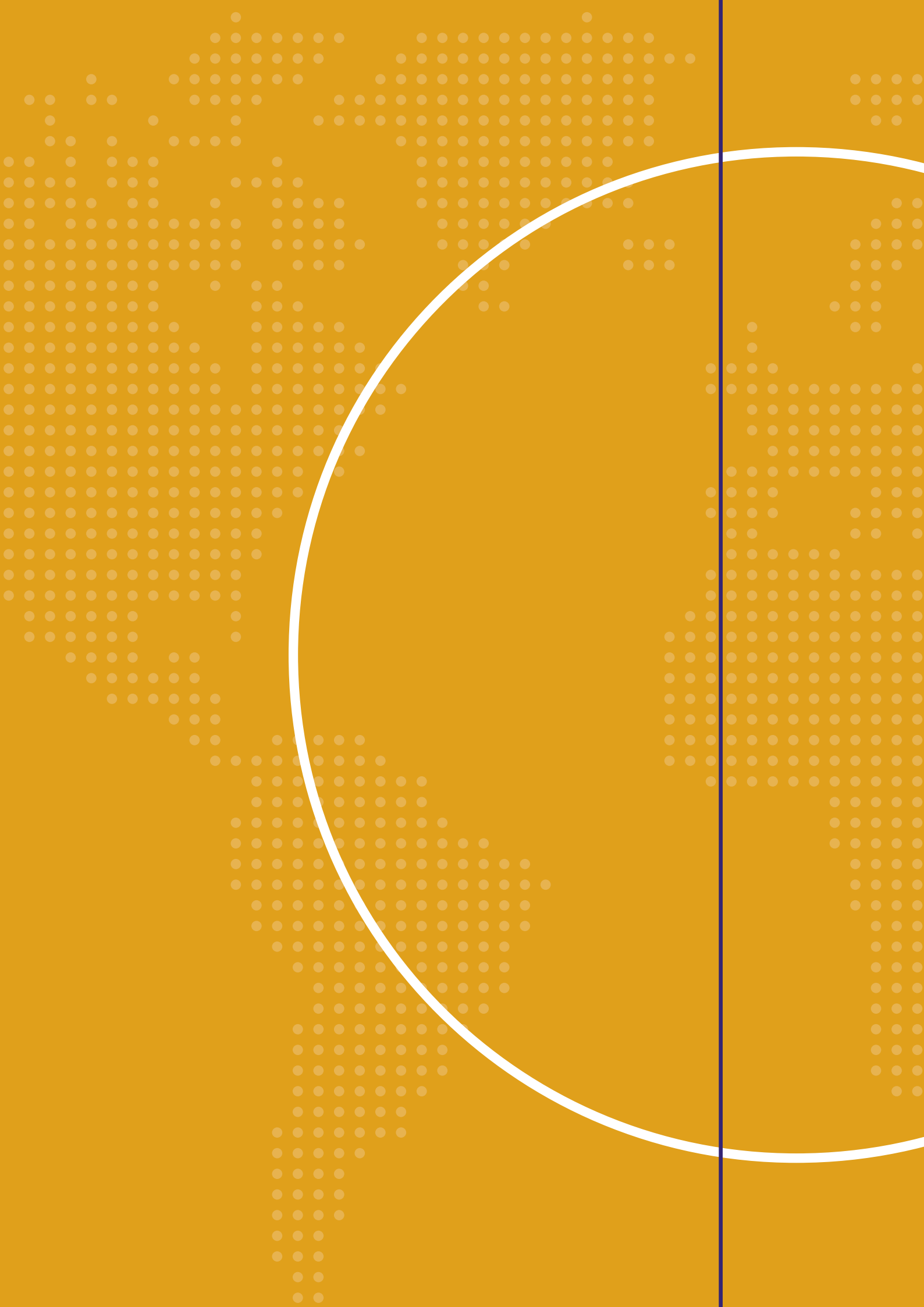


Shrinking civic space: freedom and safety under pressure

Advisory Report | 10 april 2025







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Advisory Council on International Affairs

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Executive summary

This advisory report by the Advisory Council on International Affairs addresses the need for an open and safe civic space that everyone can take part in, and where everyone can think and talk about laws, regulations, policies, and other issues that affect their daily lives and shape society. In this civic space, all sorts of things take place, from students in public debates speaking out against rising interest rates on student debt, to demonstrations by hospital staff for better working conditions, or fundraisers for victims of the war in Ukraine.

This advisory report has been written against the backdrop of a global increase in repressive measures that oppress people and threaten the civic space. This leads to, and is the consequence of, increasing violations of those human rights that civic space should protect—notably, everyone’s right to freedom of association, freedom of speech, and freedom of assembly. Around the world there is a downward spiral: violating these rights leads to a shrinking of this civic space, and that in turn leads to less protection of these rights, thus reducing this space further, and on and on.

For the first time in more than two decades, there are more autocracies than democracies around the world.¹ In 2023, 117 countries had serious restrictions on fundamental rights and freedoms such as freedom of expression, freedom of assembly, and freedom of association. Fifteen countries, including three in Europe (Greece, the United Kingdom, and Cyprus), were less free in 2023 than the year before.² The year 2023 was also the deadliest year for journalists since 1992. Furthermore, more than 300 human rights defenders were killed around the world in 2023. That is almost 100 more than the annual average over the previous two decades.³

Citizens’ movements that manage to oust autocratic leaders are a sign of hope. One example is the revolution that took place in Bangladesh in the summer of 2024, despite the large number of young civilian casualties it involved, and how the country will be governed in the long term is still uncertain.⁴ Autocratic tendencies and correspondingly repressive national legislation make it more and more unsafe for dissenting and minority voices to be heard in countries across all continents. This presents the Netherlands, the EU, and like-minded partners with some difficult choices. Supporting representatives of these voices—civil-society organizations—in other countries can take a toll on the relationship with the governments of those countries. The present advisory report outlines the state of civic space around the world. It also gives the AIV’s views on the importance of the Dutch commitment to counter the negative global trend whereby civic space is shrinking. Finally, it provides a framework for considering the issues it raises.

The need to protect civic space

Representative democracy is characterised by the separation of powers, a parliament, free elections and free media, a constitution that guarantees, among other things, the (political) equality of citizens. A democracy protects minorities through guarantees of the rule of law. Protecting democracy is a core value of Dutch society, and is enshrined in the Constitution. The Netherlands has traditionally had a thriving civil society. Supporting social movements and other civic actors has therefore long been a part of Dutch foreign policy. The Netherlands owes its international reputation as a champion of human rights partly to this. Civic space is a

precondition for protecting universal human rights and vice versa. Without the protection of human rights, civic initiatives, civil-society organisations, human rights defenders, trade unions, and journalists cannot operate freely and safely.

Active citizenship and pluralistic public debate are fundamental to a vital democratic society.⁵ The Netherlands has a long tradition of citizens making their political voices heard, whether in organised or ad-hoc fashion. In addition, it has generally well-entrenched legal and institutional safeguards in place to preserve civic space and, as part of that, freedom of the press.⁶ Yet the polarisation of public debate is creating an environment in which fewer people in the Netherlands feel safe speaking out publicly on issues they feel strongly about, or to engage in discussions about them.⁷ Moreover, civic space is not the same for everyone. Every effort must be made to ensure that there is always enough room for minority views of various kinds and orientations within the limits of the law. Recent attacks on journalists serve as indications that it is not only in other countries that problems are to be found.⁸

The AIV would note here the importance of having a civic space that is open and respectful to all—whether young or old, with a vocational or a university education, rich or poor, from the city or the country, religious or secular, progressive or conservative, and within the limits of what is permissible under international human rights: political and civil rights, as well as economic, social, and cultural rights. A high degree of biodiversity means a high-quality living environment. Similarly, exposure to and respect for a high degree of pluralism in civil society is conducive to the quality of democratic debate and society.

States that respect and promote human rights and protect civic space are less unequal and more stable, more resilient, and more prosperous. This is what the Netherlands states in its policy paper 'Human Rights – Democracy – the International Legal Order'.⁹ And conversely, the UN High Commissioner for Human Rights, among others, states that, where human rights are frequently violated, more violence and instability are often prevalent.¹⁰ The Netherlands benefits from a world that is stable, free, and safe. In the current era, marked as it is by changing power relations on the world stage, it is thus all the more important to protect civic space and to keep promoting human rights. Moreover, Dutch and European companies that want to (and, under EU law, must) do business in a socially responsible way benefit from a healthy civic space.

The shrinking of civic space the world over affects us all

The international order is becoming fragmented, and the period in which the existing order was relatively favourable to the Netherlands seems to be over.¹¹ The Netherlands needs international cooperation in order to continue protecting an open society, as well as democracy and the rule of law, as core values that are important to our country in this grimmer international context. The fact that national governments strategically deploy non-state actors to undermine these core values, both domestically and internationally, makes the position of countries such as the Netherlands vulnerable on the international stage. A commitment to the vitality of civic space in other countries is thus also in the geopolitical interest of the Netherlands, even if it is not without its risks. This is closely linked to the shrinking of transnational civic space, including online. The AIV thus takes the view that these developments call for extra attention.

This transnational civic space can be constrained by governments' efforts to prevent their citizens from participating in global civil society and in transnational organisations and networks. These networks are limited in their function by the efforts states make to cut their residents off from them. These networks include movements pushing for secure livelihoods (as in Kenya, against tax increases¹²), for the right to education, or for climate-related rights, or lesbian, gay, bisexual, trans, intersex, queer, and related (LGBTIQ+) rights. States that undermine democracy act in a coordinated manner.¹³ States that are committed to the preservation of civic space should therefore pursue these aims within the context of the EU, for instance, or through alliances with like-minded countries in the UN.

In addition, the AIV notes that the civic space available to diasporas is shrinking, whether these come from China, Turkey, Rwanda, Eritrea, or elsewhere. The intimidation of diaspora communities by country-of-origin governments takes place in many countries, including the Netherlands. According to Article 4 of the Dutch Constitution, the Dutch government must protect the fundamental rights of its residents, regardless of where they are from. This requires a more coordinated and more highly prioritised effort by the Dutch government.

Online civic space is closely bound up with transnational civic space. Governments are getting better and better at cutting off access to certain online communities. Autocrats who silence critical voices at home also do not tolerate dissent from other countries. They see a risk in the globalised dissemination of information, and operate far beyond their borders so as to curb this risk, whether violently or otherwise. These efforts also involve trying to influence elections in other countries, Russia's recent efforts in Romania being a case in point.¹⁴ Tech giants play a significant role here, among other things by cooperating in online censorship and by failing to act against the spread of disinformation.¹⁵

Internet freedom has been declining for 13 years in a row, a trend that is accelerating further with the rise of generative artificial intelligence (AI).¹⁶ AI technologies offer governments new tools with which to engage in targeted online censorship and surveillance. What starts as censorship of the domestic press turns at lightning speed, and partly through the use of social media, into transnational influence and interference. This also affects the Dutch media landscape.¹⁷ Protection of journalists and of the right to access information is also crucial in this context in the Netherlands. The AIV concludes that the global framework to protect online civic space is lagging behind rapid technological developments, and it urges the government to step up its efforts in this area. In an upcoming advisory letter, the AIV will further explore the relationship between AI on the one hand and, on the other, democracy and the rule of law, and will offer an approach according to which the Netherlands can take action at the international level.

Elsewhere, violations of the right to freedom of expression as well as the right to freedom of assembly and peaceful association make for increasingly insecure political societies in those countries. This can impact freedom and safety in civic space in the Netherlands, both directly and indirectly. In our globalised, digitised world, domestic civic space is part of transnational civic space. The Netherlands should therefore advocate at the national, European, and global levels, both publicly and behind the scenes, for the rights of civil-society actors (such as organisations, social movements, and other collectives) who are being hounded into a corner when it comes to participating in and protecting civic space. This is of national importance.

Guiding principles for making balanced choices

The AIV recognises and acknowledges the complex balancing of interests that the Netherlands often faces. But it would also recall that not harming others at the very least and preventing violations of fundamental rights and freedoms are in line with Dutch democratic values, the Dutch Constitution, commitments under international and European law, including human rights law, and the policy paper 'Human Rights – Democracy – the International Legal Order'. This means that the Dutch state and Dutch companies should not undertake activities that would harm civic space or violate related human rights, regardless of other interests that might be served.¹⁸ Sometimes the commitment to civic space around the world clashes with shorter-term Dutch interests, such as when it comes to cooperation on the security of commodity supplies and economic diplomacy.

In recent advisory reports, the AIV made the case that the Dutch business community should commit itself to addressing global challenges, and to achieving climate and development goals, for example.¹⁹ However, practice shows that foreign investment can also contribute to

the shrinking of civic space such as in the Amazon, where groups advocating for the rights of indigenous communities with regard to mining are often violently repressed by governments that welcome investment for economic reasons.²⁰ To minimise this kind of damage, it is important to let the context of the situation guide choices on what kind of engagement is most appropriate.

The AIV proposes a framework that, broadly speaking, puts countries into four categories of civic space, based on the realities of governance involved: 1) closed civic space—usually autocracies; 2) civic space that is contested because of conflict—usually fragile states; 3) civic space that is partially closed because of the weak rule of law—usually weak democracies; 4) predominantly protected, open civic space—usually democratic states that respect the rule of law. In these different types of countries, different types of civil-society actors may or may not perform different functions safely. The Netherlands must take this into account when deciding whether to support civil society and, if so, in what forms: preventive or proactive steps, or emergency assistance.

Three guiding principles were drawn up for consideration in relation to decisions on possible action: consistency, a long-term vision, and potential diplomatic risks. 1) Consistency: the West's double standards when it speaks out for human rights are eroding its credibility, and thus the persuasiveness of interventions that focus on those human rights.²¹ It is thus important to engage consistently at the multilateral and bilateral levels, for example, just as it is to uphold obligations under international law as a bedrock principle. 2) Long-term vision: the commitment to a free and safe civic space may have an initial cost, but in the long run the Netherlands will reap the benefits of a world in which civic space is as free and safe as it can be. 3) Diplomatic risks: if an intervention carries a heavy bilateral political or economic price tag for the Netherlands, the government may opt for coordinated intervention at the European or global level. Whatever course it decides on, the Netherlands should actively involve key stakeholders, groups, and individuals whose civic space is being restricted. That will bolster the effectiveness and the legitimacy of the Dutch effort.

Current geopolitical relations make speaking out about injustices in other countries, without also taking a critical look at ourselves, more and more ineffectual.²² We must be open about how we try to protect civic space in the Netherlands and Europe, and what our dilemmas are. That will be of crucial help in ensuring that democracy and the rule of law, and freedom and safety in the civic space, can continue to be a welcoming prospect the world over.



Recommendations

Most of the world's population lives in states where human rights are insufficiently respected, and in which pluralism and political dissent are suppressed. Supporting an 'enabling environment' for civil society worldwide is in line with the core Dutch values of democracy, the rule of law, and human rights. Moreover, the fact that the environment is becoming less and less favourable for all kinds of civil-society actors may have implications for the state of democracy the world over, including Dutch democracy, as well as for global freedom and stability. At the same time, the AIV recognises that, in today's fragmenting world order, being committed to civic space and human rights can sometimes be complicated, in view of economic and security interests, for instance. These are matters that are in turn necessary for the resilience of our society in the face of attacks by non-democratic actors or of other threats. Defending civic space thus requires a tailored approach and strategic engagement, in close cooperation with the European Union and other relevant international organisations. In the eight recommendations below, the AIV makes it clear how the government can proceed.

1

Be consistent in implementing the Policy Note 'Human Rights – Democracy – the International Legal Order'. Continually and consistently convey a compelling message about the importance of a free and safe, pluralistic civic space to a vital, peaceful political society in which people feel heard and in which they can take part. Do this at home and abroad, with vigour, urgency, and boldness. That applies especially to the Prime Minister and the Minister of Foreign Affairs. And stress the importance of human rights on this score.

In a democracy, minorities and human rights defenders are protected by guarantees under the rule of law. Protecting democracy and the rule of law, as well as fundamental rights and freedoms, is a core value of Dutch society, and is enshrined in the Constitution. This value does not stop at the border: The Netherlands has traditionally shown solidarity with citizens in other countries who are oppressed by their governments as they seek to participate safely and actively in their society. It does this, for example, by supporting human rights defenders and organisations abroad. Explain that the Netherlands respects the fact that there are different forms of democracy, and that, far from being meddlesome, it is simply going on the assumption that states have a shared responsibility to hold each other to the rule of law and to their most fundamental obligations under human rights treaties. Make it clear in this connection that the shrinking of civic space is a doubly urgent problem. It affects core values, such as the protection of democracy, the rule of law, and human rights, and it entails significant political risks, both transnationally and geopolitically, primarily to a state's own democracy and its respect for the rule of law, as well as to its own security. Such risks are also posed by increasing migration, political instability, environmental and climate damage, and an unstable business environment.

2

When making foreign-policy choices, use the *do-no harm* principle. Nothing the Netherlands does should harm others. It should also play no part in human rights violations here or elsewhere, and should actively protect civic space wherever possible. Always take into account, therefore, the prevailing context when prioritising and weighing up policy choices to support civic space in countries with which the Netherlands has relations. In addition, apply three guiding principles in implementing the policy, so as to take into account other interests pursued by the Netherlands: (1) consistency; (2) a long-term vision and (3) consideration of diplomatic risks.

The commitment to civic space must be adapted to the local situation, including as regards the degree of openness in the country in question and the pressures that cause the shrinkage. One-size-fits-all messages can be counterproductive. The AIV proposes a typology of countries (see Chapter 1) and an overview of what types of actions and messages are most likely to succeed where (see Chapters 3 and 4). For each of the four types of countries, develop an innovative and dynamic strategy to support the making of political choices in favour of activities that can bolster the civic space in other countries.

Keep a keen eye on economic, social, and cultural rights that also affect access to, and the ability to participate in, civic space. In implementing policies, apply the three guidelines below.

1. *Consistency*: watch out for double standards when invoking human rights in foreign policy and do not apply such double standards. Consistently invoke international law to counter any accusations of inconsistency, and especially the Universal Declaration of Human Rights and treaties to which countries have committed themselves.
2. *Long-term view*: a commitment to civic space may initially entail costs. But the country in question, as well as the Netherlands, will eventually reap the benefits of a world with a civic space as free and safe as it can be. If the Netherlands and Europe are to remain resilient in the face of negative influences within civic space, a long-term strategy will be required. This strategy will need to be accompanied by financing, specifically for new initiatives by youth movements, for example, that do not fit into the traditional funding structure.
3. *Diplomatic risks*: if an intervention carries a heavy bilateral political or economic price tag for the Netherlands, the government may opt for coordinated intervention at the European or global level. There should be a response at one level at least (European, UN, or bilateral) in the event of a decline in civic space, first and foremost for the people concerned and for the society in question, but also because consistent policies yield diplomatic benefits.

3

Commit in particular to the protection of press freedom and to civil and political rights and freedoms in general, as preconditions for an open civic space. Provide funding that can support policy choices appropriate to the scale of the problems of increasing autocracy and human rights violations the world over.

Give embassies more-flexible funding that can be put to use quickly and without too many constraints, so that they can provide short-term support to civil-society actors in times of crisis and opportunity. In particular, give local civil-society organisations and new grassroots initiatives more scope to devote financial resources to practical support. In addition, and where possible, give them long-term financial security. Support programmes that protect press freedom and safety for journalists, including photojournalists, which are a necessary condition for democracy, the rule of law, and for the protection of rights and civic space. Continue to fund activities that promote the safety of people and communities, as well as peacebuilding, conflict mediation, and the Human Rights Fund. Give embassies more scope to use these funds to support local human rights and environmental defenders.

Do not leave the commitment to civic space to traditional non-governmental organisations (NGOs), but work, too, with catalytic initiatives by other organisations, such as local professional associations, youth organisations, companies, universities, and research institutes. Diplomats play an important role in identifying relevant partners. Help to maintain and, where possible, to strengthen their capacities in this area.

4

At the global level, play a driving role in initiatives that are aimed at protecting and expanding civic space. Prioritise initiatives that protect and enhance online civic space.

In collaboration with global and regional multilateral organisations and human rights watchdogs, develop an international response to strategic attacks on human rights and civic space from autocratic actors around the world. Intensify support for the leading role of the UN Office of the High Commissioner for Human Rights and the work done under UN human rights mechanisms, including behind the scenes. Pay extra attention to, and support the work of, international organisations that work to strengthen civic space. Examples include UN organisations that have an operational focus, and regional organisations such as the African Union (AU) and the Organization for Security and Cooperation in Europe (OSCE), which continually supports the independent monitoring of elections through short- and long-term observer missions. Work in partnership with civil-society organisations to reform the UN and make it more democratic. Encourage countries that do not yet do so to include youth and civil-society organisations in delegations to UN summits. Take a leading role in prioritising digital developments and the strengthening of online civic space. One way to do this would be to broaden the role and the remit of the Ambassador at Large for Cyber and Security Affairs by explicitly adding human rights to their mandate and activities.

5

Work to make the commitment to free and safe civic space part of the European Union's geopolitical agenda. And keep working to protect and strengthen civic space, including online, within the EU. Intensify cooperation with regard to civic space.

Ensure the implementation and enforcement in the Netherlands both of the EU rules to combat strategic lawsuits against public participation and of the Digital Services Act. Advocate for, and cooperate in the establishment of, a monitoring system for EU legislation and any unintended impact it may have on civic space. Support an 'enabling environment' for civil society, for example by helping develop a European Civil Society Strategy. Keep a particular focus on the roles that technology companies play in creating (and potentially restricting) an enabling environment for civil-society organisations.

Place additional emphasis within the Committee of Ministers of the Council of Europe (CoE) on compliance with declarations on human rights defenders, civil society organisations, and civic space. Make use of the CoE's Expert Council on NGO Law reports when it comes to the monitoring of civic space. Support the work of the Commissioner for Human Rights of the CoE on this issue, as well as the same body's platform for protecting journalists.

Implement the recent relaxation of visa requirements for human rights defenders in the EU Visa Code Handbook, while keeping an eye out for potential fraud. The appropriate training of consular staff, for instance, in these new rules will thus be important. Make use of the EU Guidelines on Human Rights Defenders when providing practical support to these individuals in the EU. Work to prevent any unintended negative effects of legislation by ensuring that new Dutch and European legislation is explicitly tested beforehand for any negative impact it may have on civic space and related human rights.

6

Implement the Dutch guidelines for embassies (Strengthening and Protecting Civic Space and its Defenders) across the board. In addition, continue to be one of the leading bilateral donors to local civil-society organisations—but innovate. Make sure that Dutch engagement with a given country is consistent with multilateral resolutions that have been adopted with respect to that country.

Provide worldwide diplomatic assistance to human rights defenders and other protectors of civic space who make urgent requests for help. Do not cut back on embassy staff, because they are crucial to the creation and protection of the civic space in which citizens can actively engage with the policies that shape their lives. Invest in knowledge: train employees on the guidelines contained in Strengthening and Protecting Civic Space and its Defenders and in how to apply these, and teach them about the underlying political importance to the Netherlands of civic space around the world. Have embassies include in their annual plans and reports how they implement existing Dutch guidelines for embassies and how they promote the relevant multilateral resolutions.

7

Lead by example in respecting and protecting civic space in the Netherlands and Europe. Put extra effort into diplomatic dialogue and pressure for the protection of diasporas and against foreign interference, such as in the Dutch media landscape.

Work actively to guarantee and protect civic space in the Netherlands and the European Union. This can be done by guaranteeing such protection in legislation and policies, with a particular focus on threats within online space. Ensure an integrated response by the Dutch government to transnational influence that states such as China, Rwanda, and Eritrea exert on their diasporic communities, and maintain diplomatic dialogue on them in and with the relevant countries. Ensure that the civic space for diasporic groups, and specifically for human rights defenders that belong to them, is safeguarded more effectively in the Netherlands than it is now, such as by investing in resilience against interference.

8

Invest additional resources in implementing the new Corporate Sustainability Due Diligence Directive, and use it to call attention to the issue of civic space in economic diplomacy and instruments.

The new European Duty of Care Directive has the potential to expand civic space in countries within and outside Europe. It can at least help foster respect for the do-no-harm principle. Partly for this reason, prioritise the implementation of the new European duty-of-care directive 'Corporate Sustainability Due Diligence Directive' (CS3D). Interdepartmental cooperation will be needed in order for this to happen. Involve various ministries in implementing the Directive, led by Foreign Affairs (National Contact Point, policy on international corporate social responsibility, foreign policy, foreign trade, and embassies), together with Finance (Atradius, export-credit insurance), Economic Affairs (the Netherlands Enterprise Agency and the Authority for Consumers & Markets (ACM), which is expected to be the regulator of the CS3D), and the Ministry of Climate Policy and Green Growth. Use the Directive to promote cooperation between diplomats working on economic dossiers and those tasked with promoting human rights. In addition, see to it that the human rights situation be more carefully considered when choosing countries for export-credit insurance or trade missions. Ensure that no harm is done to human rights. Use the guiding principles suggested by the AIV for this purpose. Finally, empower business to comply with the directive and hold companies accountable under existing directives.



A protester in Hong Kong raises his umbrella as riot police use tear gas to disperse protesters (28 September 2014). This shot illustrates how peaceful protest is crushed and the space for social resistance is restricted by repressive legislation, police brutality, and the persecution of activists. This not only restricts citizens' freedom, but also undermines social debate and the possibility of peaceful change.

The importance and the function of civic space

1.1 Introduction

It is the stated policy of the Dutch government to protect and promote human rights, democracy, and the international legal order. For instance, in its most recent policy note on the subject, it stresses the need for the Netherlands to work against fundamental rights violations, wherever possible in cooperation with other countries.²³ Article 90 of the Dutch Constitution commits the Netherlands to actively promote the international legal order. In this connection, 'the Netherlands needs to focus more on the interests and position of other parties and invest in a broad relationship with countries of the Global South, i.e. a relationship that encompasses more than simply a human rights dialogue. This requires a willingness to engage in self-reflection and to recognise the shortcomings of the Netherlands and the EU, for example by paying attention to criticism of double standards expressed by the Global South.'²⁴

The government rightly states that this includes the protection and encouragement of **civil society**: Together with their international partners, the Netherlands and the EU must work to ensure the largest possible support base for human rights, democracy and the international legal order. More than ever, we must work to support and protect people, organisations and structures that are committed to the same goals. The Netherlands therefore aims to do even more to support the work of human rights defenders, journalists and civil society organisations.'²⁵

Democracy, the rule of law, human rights and the protection of minorities have traditionally been pillars of Dutch (foreign) policy.²⁶ The Netherlands owes its international reputation as a champion of human rights partly to this. Civic space is a precondition for protecting universal human rights and vice versa. Civil society is crucial to the protection and upholding of human rights.

Historically, citizens' movements in the civic space have played an important role in standing up for these values, which are important to the Netherlands. The United States (US) civil rights movement (in the 1950s and 1960s), the overthrow of Chilean dictator Augusto Pinochet (in the 1980s), the more-recent Arab Spring (2010–2012), the Sudanese Revolution (2018), and the ousting of Bengali Prime Minister Sheikh Hasina (in 2024): all had their roots in collective action by citizens.²⁷ This is not always a guarantee of success: the democratic promise of the Arab Spring has not materialised, and in some cases a countermovement seems to be underway, such as in Tunisia, where President Saied rapidly reversed democratisation after taking power in 2021. Thus, he marginalised the Tunisian parliament, the judiciary, the free press, and other democratic institutions, and stigmatised and largely controlled civil-society organisations.²⁸ Yet research shows that non-violent movements since 1900 have resulted in a more-democratic system within five years in over 50% of cases.²⁹ Autocracy can gain ground through democratic means, as it

did in Tunisia. Many autocratic leaders base their legitimacy on election results. Even if they are not always completely fair, elections are still, then, an important means of countering the rise of autocracy—especially if they are accompanied by large-scale non-violent movements.³⁰

Offering support to actors in civic space who directly or indirectly contribute to space for citizens' movements and free elections fits in well with Dutch foreign policy, and that practice is long-standing. This is even more important now that, according to the *V-Dem Liberal Democracy Index*, autocracies outnumber democracies worldwide for the first time in more than two decades. Censorship of media is on the rise in 47 countries, while active repression of civil-society organisations is growing in 37 countries. These trends, which can be seen in countries on all continents,³¹ may raise questions about the usefulness of long-standing Dutch policy regarding these issues. To refine the policy and make it more effective, the government asked the AIV in July 2023 for an analysis of the specific circumstances and factors that bring about restrictions on civic space.³²

Many experts were consulted for this advisory report. These include minority groups and/or their representatives, human rights defenders, NGOs, and other critical civil-society actors who are facing repression, including in the Philippines, Uganda, Kyrgyzstan, and Venezuela. These probing conversations made the AIV even more aware of the profound social and personal implications of the abstract concept of shrinking civic space. Impersonal statistics and indicators may be un-

settling, but they do not give us a full sense of the physical and psychological suffering of activists and their families in their struggle for freedom and justice, for the ability to participate and engage in dissent. 'Shrinking civic space' is about the oppression of people. All those human rights activists, journalists, trade union leaders, religious

The President does not allow criticism: he will arrest opponents and critics. When I made a comment on that, I was arrested for it

— Human rights defender from The Gambia

leaders, artists, youth and indigenous leaders deserve continued support: together with other citizens, they put their lives on the line for a political society that respects fundamental rights, democracy, and the rule of law. The urgency of the support that is required will show through at various points in this advisory report, through the presentation of statements that were made in the context of these interviews.

Chapter 1 of this Report paints a picture of what civic space is, of its functions in civil society, and of how important an open and safe civic space is for the Netherlands. Chapters 2 and 3 consist of an analysis of the broader political and geopolitical context that civil-society actors currently have to respond to. It also lists the specific factors that exert pressure on people who are active within civic space or would like to be. Chapter 4 presents the guiding principles the AIV has developed for an effective and realistic Dutch commitment to keep supporting civil society, which is an essential element of democratic development and respect for human rights in the face of oppression.

1.2 Defining civic space

The Office of the United Nations High Commissioner for Human Rights (OHCHR)³³ defines civic space as follows:

'Civic space is the environment that enables people and groups—"civil-society organisations"—to participate meaningfully in the political, economic, social and cultural life of their societies. States shape the legal and policy space within which people express views, assemble, associate, and engage in dialogue with one another and with authorities about

issues that affect their lives, from the quality of basic services to better institutions and respect for fundamental freedoms.’³⁴

And:

‘In particular, civic space allows individuals and groups to contribute to policy-making that affects their lives, including by:

- accessing information,
- engaging in dialogue,
- expressing dissent or disagreement, and
- joining together to express their views.’³⁵

If they wish, citizens can try to influence policy by participating in public debate, making art and culture, taking collective action, holding demonstrations, and engaging in political and other forms of dialogue. Different types of actors can participate socially and politically in this way, from individuals—such as human rights defenders, environmentalists, artists and journalists, including citizen journalists—to civil-society organisations³⁶ such as NGOs, universities, and trade unions—as well as social movements such as farmers’ movements, and collectives. This calls for an environment that fosters pluralism.³⁷ Freedom and safety are crucial here, so that it is possible not only to guarantee this pluralism, but also to publicly oppose power, to engage in dialogue with each other and with the authorities on policy measures, whether existing or yet to be taken, and to organise gatherings for groups to that end, without fear of repercussions. In this advisory report, we also use the broad term ‘civil-society actors’ to refer to the various aforementioned participants in civic space in all their diversity.³⁸ Collectively, these actors are often referred to as ‘civil society’.

These actors need civic space to come together and speak out on issues affecting politics and governance and thus the daily lives of individuals. This is the space for civil society (civic space). In this civic space, civil-society actors can express their views on such issues as the quality of government services (education and healthcare) and good governance (transparency and the right to information). They can also demand that the government respect fundamental rights, and can critically discuss the actions of companies, or of other social actors whose actions affect people’s lives.

1.3 Human rights and civic space

Respect for human rights is a precondition for the existence and protection of civic space for critical civil-society actors. Without engagement on the part of critical civil-society actors within civic spaces, the realisation, preservation, and protection of human rights are impossible.³⁹ The

International rights are rights, no matter if it is about an EU, American or African citizen. These rights count for every person. At the end of the day, it is us citizens who want our rights.

— Human rights defender from Uganda

entities on each side are interdependent and mutually reinforcing. Dutch human rights policy and policy in support of civil-society organisations have been based on this idea for decades.⁴⁰ The most recent letter to the Dutch parliament, ‘Future Cooperation with Civil-Society Organisations on Development Assistance’, by the Minister for Foreign Trade and

Development Assistance (11 November 2024) also states that ‘respecting human rights, which are universal,’ is still the starting point when it comes to supporting civil society.⁴¹ Moreover, all UN member states are committed to respecting human rights, and thus to protecting civil

society for everyone, without exception. They did so through the Universal Declaration of Human Rights (1948) and subsequent covenants: the 1966 International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR 1966).

Prosperous, economically stable, and more-egalitarian states generally have stronger human rights guarantees regarding civic space than do less-prosperous and less-egalitarian states. Research shows that, in states where the right to freedom of association, for instance, is respected, governments are more open and less corrupt, and there is greater economic and social prosperity.⁴² It benefits citizens and the private sector when civil-society actors can or do devote themselves to upholding the rule of law, to respecting labour and socio-economic rights, to corporate sustainability, to combatting corruption, and to sound fiscal and macroeconomic policies.

Civil and political rights (known as enabling rights) cannot, then, be separated from economic, social, and cultural rights. Realising the right to education, health, and housing, for example, is also a prerequisite for the effective exercise of participation rights. And it is precisely when people are socio-economically disadvantaged that it becomes more difficult, but also more important, to be able to use rights to express oneself and organise. The protection of the right to life, and of liberty, security, bodily integrity, and the private life of individuals is of fundamental importance. It prevents the arbitrary and unlawful infringement of those rights by states and other actors. Moreover, such protection is the basis for creating an environment in which other rights—civil and political as well as economic, social, and cultural—can also be exercised and guaranteed. An integrated approach that considers the coherence of all human rights and the context of rights holders should therefore always be paramount, as the AIV has previously advised.⁴³

UN-based international mechanisms include the Human Rights Council, special rapporteurs, and committees established under human rights treaties. All of these rely on input from civil-society organisations, human rights defenders, and citizens whose rights are violated. They support victims of human rights violations in bringing complaints. They also provide factual information on compliance (or the lack thereof) with international standards at the national level.⁴⁴ The UN High Commissioner for Human Rights has indicated that the active participation of civil society in the UN human rights system is indispensable, and not just because it helps flag gaps in that system (holding power to account), but also by advocating for new standards, reporting on crises and applying guidelines, rulings, and advisory reports by global human rights institutions to national contexts and realities (communication).⁴⁵

Civil-society organisations play a similar role in regional human rights protection systems, such as the *Inter-American Court of Human Rights* and the *African Court on Human and Peoples' Rights*.⁴⁶ All 46 member states of the CoE [the original should give only the abbreviation too] are obliged under the European Convention on Human Rights (ECHR) to promoting civic space from the perspective of human rights. Ratification of the ECHR has been a condition for membership of the CoE since 1998, and membership of the CoE is a condition for membership of the EU. The jurisprudence of the Court of Justice of the European Union has also confirmed that civil-society organisations should be able to operate in the EU without unjustified infringements on their rights by member states.⁴⁷ And the European Court of Human Rights (ECtHR) has ruled that human rights defenders must be protected from arbitrary prosecution and arrest.⁴⁸ Without a free civic space in which to do this work, the international system and the regional systems for the protection of human rights will continue to be less effective.

However, the importance of the space within which civil society can operate goes beyond the promotion of human rights.

1.4 Civic space and democracy

In democratic societies, groups and individual citizens who are active in civic space help create social and political awareness. They also act as watchdogs of democracy.⁴⁹ This could readily be seen in the case of Bangladesh, to take one example, where what seemed at first to be an insignificant protest over quotas for government jobs led to the large-scale mobilisation of citizens and eventually forced Prime Minister Sheikh Hasina to relinquish power.⁵⁰

The AIV distinguishes five different political functions of civil-society actors:

1. opposing those in power and holding them to account;
 2. demanding the protection of fundamental rights against the activities of third parties such as individuals, companies, organisations, and armed groups, when the state falls short on that score;
 3. encouraging and supporting democratic participation;
 4. community-building; and
 5. expert and reliable communication addressed to politicians on topical societal issues.⁵¹
- These political functions of civil society are connected to democracy and the rule of law.

Opposition to those in power, and the protection of fundamental rights

Civil-society actors help hold the government, administrative bodies, and parliament accountable. Space for dissent is crucial to identifying threats to the rule of law, to democracy, and to the holding of free and fair elections.⁵² Civil-society actors can also raise political awareness in undemocratic societies. Yet a link can be seen between the decline of civic space and the rise of autocratic tendencies the world over. Democratic institutions reinforce each other. Wherever electoral systems are stronger, civil society and the free press do a better job of informing voters, who are then more likely to put pressure on elected officials to deliver results (holding power to account).⁵³ Protecting these institutions—independent media, trade unions, and so on—is thus vital to democracy.⁵⁴ Civil-society organisations, human rights defenders, and local activists, including those who focus on the environment, can also call attention to states' obligations under international law, such as in regard to human rights or environmental law. In addition, they can stand up for the rule of law or for democracy itself.⁵⁵ A free and robust civil society can also help counter the erosion of the democracy and the rule of law by autocratic tendencies. Standing up for an independent judiciary, documenting human rights violations, and supporting international justice systems, regional and otherwise, by monitoring human rights standards on the ground—these are all ways in which rights can be protected.⁵⁶

The ability of civil-society actors to engage in dissent and to remind the government of its obligations to respect and comply with human rights is specifically relevant in relation to the business community at both the national and international levels. An emphasis on private-sector development has proven to be a successful recipe in some countries, such as China and Viet Nam, where economic development has taken place without the protection of individual civil and political rights. In these countries, the most marginalised groups are likely to be excluded from such a rise in prosperity.⁵⁷ In addition, there are countless instances of situations where, to take a few examples, farmers, workers, or indigenous peoples lose out when governments, together with large companies, often multinationals, make policy choices that are economically beneficial in the short term but that, at the same time, harm people and the environment. This happens primarily when scarce natural resources such as oil, gas, and minerals are involved, and when international power relations influence decisions. A recent example of this is EU support for the lithium mine in Serbia's Jadar Valley, despite fierce protests by Serbian residents.⁵⁸ Civil-society actors often play a role in invoking the protection of rights by such citizen groups.

Decisions such as this limit the space that civil society has in which to stand up for fundamental rights. They often serve not only short-term economic but also political or geopolitical

interests. In the long run, however, societies where civic space is restricted or closed are less able to withstand undemocratic tendencies and economic stagnation.⁵⁹ In addition, economic development may be less sustainable when democratic institutions are weak.⁶⁰

Participation and community-building

The OSCE stresses the importance of civic space to the promotion and protection of human rights, and to participation in the development of legislation.⁶¹ The OHCHR definition of civic space refers to 'meaningful participation in the political, economic, social, and cultural life of societies.' Participation in civic space is thus important not only for political and economic purposes, but also for social and cultural development. It can take very different forms in different cultural contexts. In the Netherlands, examples include playing sports in clubs, attending sports competitions or music festivals, being active in the local carnival association, or volunteering in the neighbourhood library. In other countries, participation may be less formalised or more closely intertwined with cultural traditions, for instance.

The Netherlands has a long tradition of promoting arts and culture, based on the assumption that it plays a unifying role in society.⁶² Access to cultural experiences and the ability to appreciate art can help bridge differences between populations by challenging existing perceptions (the community-building function).⁶³ In many countries, art and culture are used in this way, even (or especially) when the space for this purpose is quite limited. In Afghanistan, for example, there was a secret literary society for women who wrote and shared lines of poetry about their position in Afghan society.⁶⁴ It is not clear how these women have fared since the fall of Kabul in 2021. For years, music has been used by artists to convey a political message. From protest music in the 60s and 70s, such as the classic 'The Times They Are A-Changin'', to the anti-Putin performance of Russian punk band Pussy Riot, punk rock in Kyiv's Maidan Square, or Burna Boy's music, which is about exploitation, colonialism, and corruption in Nigeria.⁶⁵

It is thus no coincidence that, in countries where the space for civil society is restricted, it is precisely those with independent creative professions who are at risk. Artists, as well as journalists, including photo-journalists, can do the work they do thanks to the visibility of their output in the public domain. These artists and journalists are thus on the front line within a shrinking civic space. Curtailing freedom of expression directly affects their ability to do their jobs. UNESCO reported that, in 2021, 1,200 artists around the world were subjected to threats, and that 39 died.⁶⁶ A very famous example is Chinese artist Ai Weiwei. He was arrested in 2011 in China without charge or trial, detained for 81 days, and tortured. After his release, he was granted asylum in Germany. However, escaping like that is not possible for most writers, artists, dramatists, and filmmakers, including those who are unknown. They risk their lives to exercise their freedom of expression through their art.

Being active in society in non-political ways, including in the cultural sphere, makes it easier for people to organise if and when they do want to take political action. Civil society can thus support and encourage citizens to participate in the democratic processes that affect their lives. Citizen participation is associated with better governance. That said, participatory processes are often not inclusive, and it is precisely marginalised groups that need to be more fully involved for the sake of better governance.⁶⁷ The promotion by civil-society actors of universal access to social and cultural life can then contribute to an enabling environment that fosters openness, pluralism, and inclusive participation.

Communication

Independent public communication involves providing and knowledge and information and making it accessible, thus fostering public debate. This is a core function of civil society (which also includes the media and universities). It emphasises the importance of a free public space, independent of state and market, where citizens can form opinions, engage in debate, and influence democratic decision-making.⁶⁸ That in turn assumes that citizens trust scientists

and journalists, and have a certain savviness, including as regards the media, that they use to critically assess sources and content. When civic space is open and inclusive, civil-society actors have a role in both legitimising and refuting positions that are taken in the public debate.⁶⁹ This means that journalists and others who contribute to public debate must be able to do their work without fear and without being subjected to government interference. Journalists also play the role of public watchdogs (the 'fourth estate'), holding governments and others in power accountable by monitoring their actions and exposing wrongdoings.

Guaranteeing a safe environment that is also conducive to participation in public debate, online or otherwise, is a key prerequisite for the reliability, diversity, and independence of information.⁷⁰ Influence over public debate and freedom of speech, and the freedom to take cognisance of and share information and ideas play a key role in the shrinking of civic space, because those in power can abuse the influence they have by, for example, spreading disinformation. When governments or other, non-state, actors persecute, threaten, or intimidate journalists, they may feel compelled to engage in self-censorship. Such a chilling effect, which in itself represents a shrinking of civic space, leads in turn to a further shrinking of the space within which citizens, experts, and civil society in general can participate in public debate. The work of independent journalists is essential for democracy.

With the rise of the internet and social media, the media system has also changed. These days it is local, regional, national, and transnational all at once. And thanks to these technologies, individuals and organisations alike can influence public opinion the world over and in real time by acting as opinion makers themselves. On the one hand, the internet has led to the expansion of public debate and civic space, and made it possible to diversify both.⁷¹ On the other hand, journalistic standards on the internet are not always guaranteed. And is virtually impossible online to enforce those duties and responsibilities that are associated with exercising the right to freedom of expression. The growth in the number of voices in the public debate is thus no guarantee of the reliability of online information.

The function of communication in civil society is also relevant to the growing focus on the responsibility of internationally operating companies to respect people and the environment in their supply chains. Under the new CS3D, large companies must do human rights due diligence (HRDD). That is, they must identify potential human rights and environmental risks throughout their supply chain. Companies operating in markets in autocratic or fragile states, or in weak democracies, make extensive use of information from media, NGOs, trade unions, and local communities in their HRDD, because this is the way to identify real risks to people and the environment, but also because involving such stakeholders and rights holders is a mandatory part of the duty-of-care directive.⁷² It is essential that reliable information from stakeholders such as Global Witness, PAX, and Free Press Unlimited—international civil-society organisations that work closely with local parties—be guaranteed. This requires a free and independent press, journalists working freely and safely, and an enabling environment for civil-society organisations. Monitoring what businesses do is impossible if the risks cannot be properly identified in the first place, simply because the civic space is too restricted.

1.5 Civic space in practice

Human rights should first and foremost protect citizens from arbitrariness and abuse of power by the state. However, the state also has an affirmative obligation to protect citizens from threats and abuses by third parties such as private individuals, companies, armed groups, and other entities that undermine fundamental rights and freedoms.⁷³ The state must guarantee the space for civil society. It must also, through legislation, policy, and practice, create the conditions for—that is, contribute to—a safe and enabling environment for participation in civil society and for an open civic space.⁷⁴

States must also comply with these affirmative obligations, so that citizens can use civic space to influence society, politics, legislation, policy, and its implementation. Civil-society actors can then safely perform the five aforementioned political functions. A diverse civil society promotes pluralism both within civic space and thus when it comes to carrying out these political functions. The extent to which states are actually committed to creating and protecting an enabling environment is related to three intertwined dimensions that can positively or negatively affect civic space, both individually and collectively. These dimensions are:

1. Formal institutions, laws, and legal procedures.
2. Public debate (especially discourse about civil-society actors and how they function), including freedom of the press and the freedom to take cognisance of information and ideas.
3. The character of civil-society organisations and their ability to maintain existing space and create new space.⁷⁵

First, institutions and legal frameworks provide the normative basis and procedures for challenging the actions or omissions of governments and others, thus making it possible to enjoy rights and protect them against violations by the government or third parties. Second, discourse on civic space is essential because it has to do with how civil society is discussed and how its actions are perceived. For example, social struggles can be viewed positively as promoting human rights, or negatively as subversive dissident activity, extremism, or even terrorism. Finally, the character of organisations and groups affects their ability to create new space. Different civil-society actors use different tactics to attract attention, and not every method or objective can be used, or used effectively, in every context. An online group that organises a public demonstration at a physical location needs a context that differs from that required by an organisation that shifts to the international level, say at the UN, to challenge national restrictions. This is related to the type of organisation that works best in a given society or for a given purpose (formal or informal, mainly online or primarily in person/on site, and so on). These dimensions can influence each other, are highly dependent on the politics involved, and also exert political influence. These three dimensions reflect civic space, which is never static or unambiguous, even within the same country, where it may also be different for different groups.⁷⁶

Differences between these three dimensions mean countries fall into four categories, each with a different civic space:

1. Countries with material and legal restrictions on critical civil-society actors as a direct consequence of authoritarian rule. Usually, these countries are **autocratic or semi-autocratic**. The last decade has seen a trend of democratic backsliding, including as regards civic space, in states that were previously democratic either in part or largely. The law here has become an instrument of power rather than an instrument to protect citizens from state power, as in a constitutional state.
2. Countries with material and legal constraints caused by weak and contested state power, where the state has either lost, or never had, the capacity to defend these rights. These are typically **fragile states**.
3. Countries with material and legal constraints caused by the apathetic or indifferent exercise of state authority in this connection, where the state is not prepared to consistently respect and protect civil and political rights. These states are mostly young or **weak democracies** where the rule of law is less well developed.
4. Countries where the rule of law and democratic institutions are such that civic space is predominantly open and protected from unlawful restrictions by the state and third parties, and where the government also proactively ensures this. These are **democratic states that respect the rule of law**.

It can happen that a government *is capable of* protecting civic space but does not *want* to do so (type 1, hereinafter also referred to as autocratic or semi-autocratic states). It can also be that the state *wants* to protect civic space but *cannot* (type 2, hereinafter also referred to as fragile states). Thirdly, we also recognise a hybrid between 1 and 2, where the restrictions result both from the fact that the state does not want to protect civic space and from the fact that it does not have sufficient knowledge and skills at its disposal (type 3, hereinafter also referred to as weak democracies).⁷⁷ To paint a complete picture, the fourth category has been added: 4) states where democracy and the rule of law are such that the government can and will protect them, and where it fosters a safe environment that is favourable to civil-society organisations, even as it must always remain alert to potential undermining and obstruction (hereinafter also referred to as democratic states that respect the rule of law).

Gradations are possible within each of these four situations. Sometimes part of a country is contested, while elsewhere the state has authority and also allows certain groups and some civil-society organisations to do their work. One example is the Philippines during the Mindanao conflict, where restrictions centred on the island of Mindanao and the other islands were affected comparatively little. Some 'type 1' countries are not autocracies, but have authoritarian leaders who deliberately bet on democratic decline (such as Hungary under Orbán). And human rights violations are also carried out in democratic constitutions, such as against groups that have been systematically disadvantaged by institutional racism, or when, with a view to protecting public order and safety, demonstrations are restricted in such a way that is at odds with freedom of expression, for example.⁷⁸ Such situations are also not without their ambiguities: The Netherlands and Italy both fall into 'type 4', but according to the European Commission's Rule of Law Monitor, protection for journalists, for example, is substandard in Italy, while it is not in the Netherlands.⁷⁹ Yet the Netherlands also has vulnerabilities, for instance because of foreign interference in the Dutch media landscape. Recent research by the China Knowledge Network shows, among other things, that editors in the Netherlands are not well equipped to address such interference and threats from authoritarian countries such as China when it comes to the social and psychological safety of journalists. This influence in the Netherlands is aimed at 'exhausting critical voices about China (the chilling effect) so that they become less active, get drowned out, or give up altogether'.⁸⁰

The four types of political societies described above are strongly related to a country's democratic institutions, and thus the extent to which the state is willing to protect civic space. Table 1 shows how the above typology relates to the aforementioned dimensions, which define civic space.

Table 1 Functions of civil society in different types of societies⁸¹

	Formal institutions, laws, and legal procedures	Public debate, including freedom of the press and the freedom to take cognisance of information and ideas	Character of civil-society organisations
Type 4 (democratic states that respect the rule of law)	In constitutional states, civil and political rights are protected, and civil-society organisations can safely express dissent and hold power to account. And if these rights are violated, an independent court process is freely available.	Press freedom is such that anyone in public debate can safely speak out in favour of all five functions of civil society. If journalists are threatened, the threats come from third parties. The state steps in to counter these threats. Journalistic values, on the basis of which citizens acquire information and ideas, are protected.	All types of organisations and movements can contribute (within the boundaries of the rule of law) to the protection of civic space through the exercise of all five functions.
Type 3 (weak democracy)	The constitutional state is such that civil and political rights are protected in theory, but institutions are not developed fully enough to adequately implement protections, enforce respect for the law, or both. Existing laws can be misused to restrict certain groups. Organisations that advocate for minorities, for example, are opposed as a matter of practice. Dissent is limited. Non-activist groups are allowed to work on participation, community-building, and communication.	The environment for public debate is not safe enough to allow the exercise of the five aforementioned political functions. The state can use civil-society organisations for communication. Criticising the authorities carries risks. Media may be partly state-owned, as in Hungary. Framing and lawsuits against journalists are particularly risky for those journalists who speak out against government objectives. Basic journalistic principles are not always upheld.	Organisations, including citizens' movements, that are aligned with the state and that champion the functions of participation, community-building, and communication can operate openly. Critical citizens' movements can operate underground and organise online, for example, but online civic space can also be monitored by the government. The spectrum is broad.
Type 2 (fragile state)	Civil society is highly politicised and is dis-trusted. There is no functioning constitutional state to counter arbitrariness and suspicions about this civil society. It is impossible to engage in dissent or to stand up for the protection of rights because there is no clear state power.	Press freedom is protected either hardly or not at all, and framing is a risk for everyone: neutrality can hardly exist in conflict situations. Where there is no functioning constitutional state, the risk of lawsuits against journalists is higher.	Organisations and movements that operate visibly face frequent violence. There is no functioning government that can protect people properly. Civil society is politicised in all five functions, including community-building and communication.
Type 1 (autocratic and semi-autocratic states)	NGOs are banned or entirely subsumed by government agencies. Anyone who stands up for any of the five positions is automatically at risk. Civil and political rights are not protected. States invoke the importance of economic, social, and cultural rights, at the expense of respect for civil and political rights.	There is no freedom of the press as an operative matter: media are used for government communications and propaganda.	Non-institutionalised groups and movements are the only actors that can exert any countervailing power, and even then only if they have the critical mass required to reject the regime. They cannot operate visibly until they do.

This overview is a simplification of reality. According to the UN definition of civic space, states determine the legal and other frameworks for it, and are bound by international law in doing so. In the politics and policies of almost all countries, then, a distinction is still made between internal domestic and external civic space. However, the domestic and external spaces are not separate. Therefore, it is not only in the context of states that the three dimensions are relevant. Increasingly, citizens the world over are also feeling connected to each other when it comes to global issues (inequality, war, violence, climate change, LGBTQ+ rights, and so on) or great injustices that take place in other countries.⁸² This in itself is not new: the anti-slavery movement in the 19th century already had a transnational character.⁸³ Global citizens' movements that spread online can have a major tangible impact at the national level. Examples include the #MeToo movement, which resulted in lawsuits in many countries against perpetrators of gender-based violence; or the Black Lives Matter movement. And these civic movements can also make their voices heard at international organisations.

Formal institutions, laws, and legal frameworks are often even less well equipped to protect online and transnational civic space. The question is what this means for how states such as the Netherlands are committed to protecting that space. In their efforts to bolster that space at the national and international levels, states influence those formal institutions, laws and legal frameworks. Chapters 3 (on factors that cause shrinkage) and 4 (on the prospects for action) develop this point further.



EU observers monitor elections in Timor-Leste, 7 July 2012. Free and fair elections are the backbone of a democracy, but they are vulnerable to influence and the abuse of power. Observing elections helps uncover fraud and manipulation, and helps build trust in the democratic process. The Netherlands, the EU, and the OSCE are committed to the observation of elections, so that citizens the world over can express their political preferences without fear or hindrance.

Context of global contraction: a fragmenting world order

We are in a fragmenting world order, according to the Netherlands Scientific Council for Government Policy.⁸⁴ This would imply that ‘divergent forces’ are pulling apart the international order. For the Netherlands, that order has worked out relatively well since the end of the Cold War. The WRR calls on the Dutch government to prepare for a more turbulent and grimmer international context, in which the ideational dominance of ‘the worldview in which globalisation and a global convergence around institutions in the liberal-western mould were seen as the main forces’ is over. Other worldviews are gaining popularity, including ideas promoted by populist and authoritarian-democratic movements. This also applies to worldviews in which ‘traditionalism and civilisation are central’, and that, based on this conviction, which may originate in religious

Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.

— Martin Luther King Jr, Letter from Birmingham Jail

movements, hold that that values such as human rights and democracy are not universal. This can serve as a basis for justifying repression. Criticism of this viewpoint is often dismissed as western imperialism. Another idea is that of anti-colonialism and anti-imperialism, in which ‘the economic, cultural, and humanitarian consequences of centuries of Western supremacy are

critically considered.’ Western countries should take this anti-Western, anti-imperialist worldview seriously, because they risk damaging relations with countries in the Global South, and thus playing into the hands of Russia, China, and India, all major powers. This can make it difficult to stand up for the universal rights enshrined in international conventions and the values that the Netherlands also considers important.⁸⁵

Autocrats have gained ground in recent decades, whereas democracy has been under pressure since the beginning of this century.⁸⁶ After years of growth in the number of people living in a democracy, there has been global democratic decline since the mid-2000s. The international promotion of democracy has been cast in a bad light. Partly because of US action in Iraq, democracy has increasingly been seen as synonymous with ‘Western-imposed regime change’, and as part of a militaristic, interventionist geopolitical strategy.⁸⁷ The West is slowly becoming isolated within the international community on certain crucial issues. This is evident at the UN General Assembly, for example, where, because of the war of aggression in Ukraine and attitudes in the Israeli-Palestinian conflict, there is much less support for resolutions against Russia than the EU and the US had expected. Many states in the Global South are critical of the EU and the US.

They accuse European states of double standards when it comes to human rights violations in various conflicts. For several countries in the Global South, the war in Ukraine is just one of many conflicts at the moment. Moreover, countries in the Global South have not forgotten the lack of solidarity in the response by EU member states during the COVID-19 pandemic.⁸⁸ Allegations of double standards undermine the position of the Netherlands and the EU as champions of human rights.⁸⁹

Moreover, large parts of the electorate in many democracies are disappointed by the failure to deliver on democratic promises, some of which are impossible to keep. This is what the AIV noted as far back as 2017 in its advisory report 'De wil van het volk? Erosie van de democratische rechtsstaat in Europa' ('The Will of the People? The Erosion of the Democratic Constitutional State in Europe'). A growing number of citizens in Europe feel that they are slowly losing their grip on their environment and being abandoned by their governments, which is supposed to protect its citizens. In response, people seek shelter behind national borders, and some are even ready to challenge the democratic rights and freedoms of those who engage in dissent.⁹⁰ Democracy is thus also threatened in countries where institutional safeguards have been put in place to protect it. Harvard professors Levitsky and Ziblatt note that this is because too little attention has been paid to informal norms that perpetuate democracy. The decline of mutual tolerance, whereby politicians see their political opponents as legitimate, worthy adversaries, plays an important role in the tension between democracy and populism. By claiming to speak on behalf of 'the people', some politicians imply that others do not represent anyone. In addition, Levitsky and Ziblatt point out that those in power show less and less institutional restraint, for instance by abusing power in the form of measures that are legally permissible but not in the spirit of democracy.⁹¹ Both of these tendencies undermine democracy.⁹²

Disappointment in and distrust of democracy, and fear on the part of younger generations that they will be less well off than their forebears—these are among the key explanations for the rise of populism worldwide, according to Samantha Power, who writes that 'among the biggest errors many democracies have made since the Cold War is to view individual dignity primarily through the prism of political freedom without being sufficiently attentive to the indignity of corruption, inequality, and a lack of economic opportunity.'⁹³

Carothers and Hartnett point out that, while the inability of democracy to deliver on all its promises does indeed play a role in voter dissatisfaction, that explanation is not sufficient. Indeed, democratic decline can also be seen in countries where inequality and poverty rose less than in adjacent countries over the five preceding years, or where there was economic growth, such as in India and Poland. Voters rarely consciously choose anti-democratic leaders because candidates usually do not present themselves that way: rather, they cast themselves as positive reformers of a failing system. Any undemocratic intentions become apparent to many

only later.⁹⁴ In some cases, a backlash has followed when this has become apparent, such as after the Polish elections in 2023. Economic malaise does lead to electoral discontent and an aversion to those in power. But Carothers and Hartnett show that other factors play an important role in declining trust in democracy.

One of the reasons civil society can't function, is that those who want to stay in power, don't want to be questioned.

— Human rights defender from Uganda

They point to anger over corruption and high crime rates, a general need for change for the sake of change, and influence on voters by means of fake news and framing through online media. Democratic decline comes not only from voters, but also from undemocratic leaders and flawed democratic institutions.⁹⁵ This view is in line with Anne Applebaum's analysis that autocrats are very consciously betting on a new world order in which they, and not democratic states, call the shots. Corrupt states and corporations collude the world over. They do this to

stay in power and achieve their international goal of undermining international systems founded on democratic values and human rights.⁹⁶

Election-related violence endangers democratic processes. Human rights defenders from Uganda and Venezuela say that every election leads to new outbreaks of violence. The resulting shrinkage of civic space has a negative impact on pluralism on the political landscape and in the media, with some civil-society actors being silenced by autocrats through restrictive legislation, persecution, framing, or violence. Other civil-society actors, by contrast, get support from the government.⁹⁷ One manifestation of this is the rise of various religio-nationalist movements. These are political movements, such as Hindu nationalism in India, that identify with certain religions and exclude others. The ECtHR has also held that pluralism is indispensable to democracy.⁹⁸

Digital developments

In the past, the oppression of people in autocratic regimes relied mainly on violence or threats of violence. Today, authoritarian leaders are helped by digital technologies that allow them to mislead citizens and gradually restrict civil and political rights, largely unnoticed.⁹⁹ It is thus easy, thanks to the rise of digital media, for autocratic powers to influence elections in other countries to a certain extent, as was recently seen in Romania, for instance.¹⁰⁰

Digital platforms that have great influence on public discourse are owned by private actors, and despite the lack of journalistic and other quality safeguards, they have become essential forums for quasi-public informational and communicative purposes for many people. These big-tech companies often agree to censorship policies imposed by autocratic or repressive governments so that they can gain access to lucrative markets for their platforms.¹⁰¹ Some leading tech companies, such as Google, Meta, Amazon, Apple, Microsoft, X (formerly Twitter), have a major impact on freedom of speech the world over.¹⁰² With millions, and in some cases billions, of users, the impact of their decisions on whether or not to block or promote content is huge. CEOs in these companies reign supreme and can therefore have great influence on the lives of the millions of users of their platforms. After taking over Twitter/X, Elon Musk not only decided on mass layoffs at the company, but also adjusted the rules for moderating harmful content such as hate posts.¹⁰³ The enormous influence these companies have on our politics and society makes their owners and directors primary power holders on the world stage.

These companies are not parties to international or regional human rights treaties, so they do not have the same legal obligations as states. They do have responsibilities in line with the UN corporate-responsibility guidelines, as do other companies. However, these guidelines have not been developed specifically for them, and they are not legally enforceable. Legislation to curb the power of technology companies has been passed by the EU, but globally, with the Trump administration now in power in the US, there have been calls for deregulation.¹⁰⁴ However, a strategic approach by democratic governments to further protect human rights from the power of Big Tech is lacking, and that makes the threat that these technology companies pose to democracy and the rule of law all the more acute.¹⁰⁵ This is why the AIV will soon be issuing an advisory report on AI and human rights.

Focus on security

The importance of security increased with the terrorist attack of 11 September 2001 and the subsequent attacks in Madrid, London, Paris, Brussels, and outside Europe. Those in power regularly capitalise on this by portraying social actors they dislike as extremist groups or terrorists.¹⁰⁶ Freedom and security should not be mutually exclusive, but mutually reinforcing. Leaders who go by a model whereby security can be achieved only by restricting the freedom of at least some citizens are often out to restrict both freedom and security in society. Authoritarian leaders use words such as 'terrorist' and 'extremist' to instil fear, so that citizens will be more likely to find restrictive freedoms acceptable for the sake of security.¹⁰⁷ In addition, more and more states are adopting laws and regulations on how civil-society organisations are funded. They do

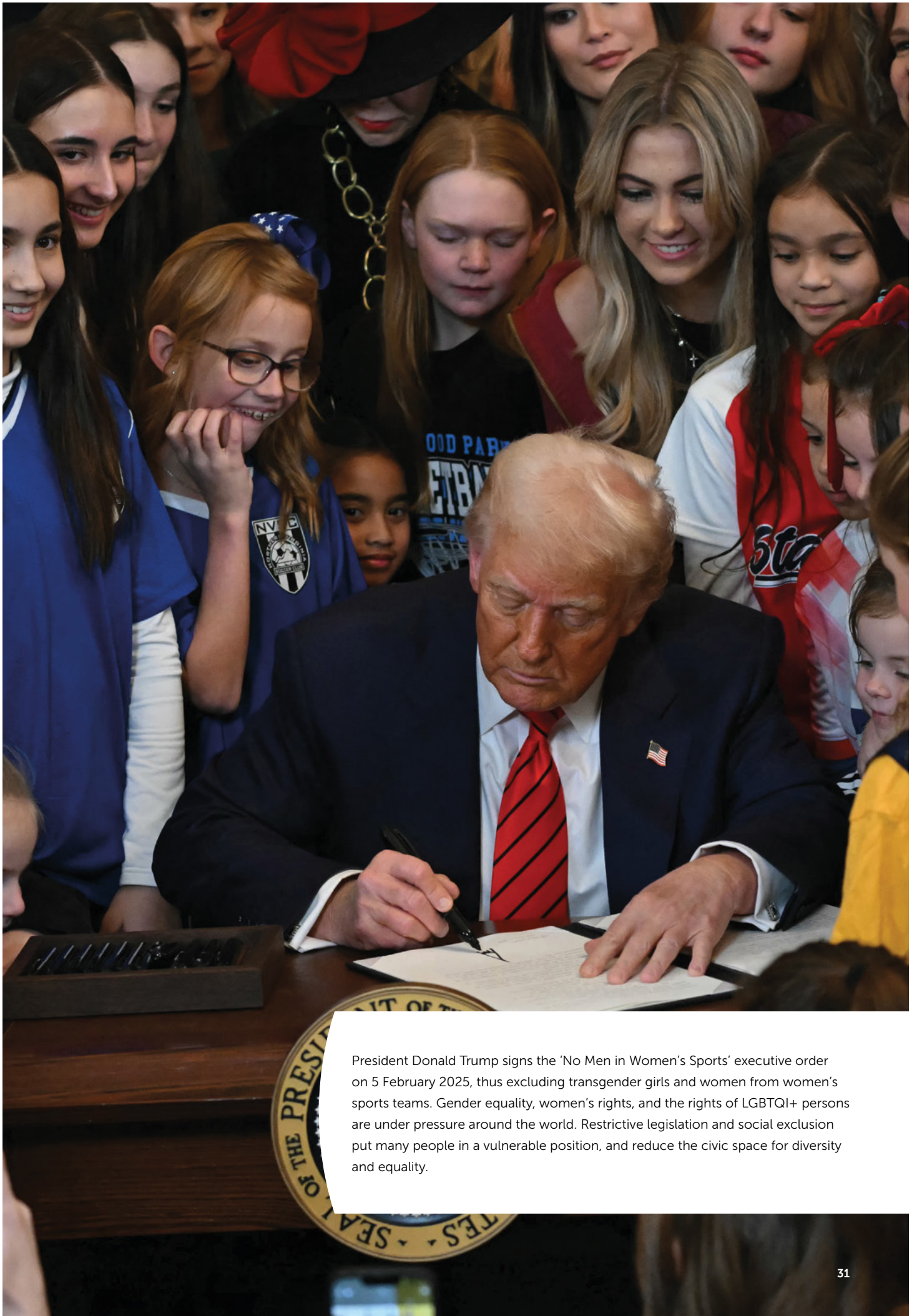
this in the fight against terrorism, disinformation, foreign influence and other threats, including those of a hybrid nature.¹⁰⁸ But other security-focused regulations, for example to combat money laundering, can also have as an unintended side effect that they restrict civic space, because organisations are no longer allowed to provide support in certain countries.¹⁰⁹ The COVID-19 pandemic (2020–2022) once again highlighted both governments' dependencies on states outside their region for necessary and strategic resources, and the enormous potential that disinformation has to disrupt societies.

Economic interests

States in the Global South that have not benefited from previous industrial revolutions are determined to play a significant role in the ongoing fourth industrial revolution, which is building on the digital revolution and is transforming every sector. As it turns out, the raw materials that are required for it are often available in the Global South. For example, about 60% of global exports of cobalt, which is essential for the production of car batteries and smartphones, come from the Democratic Republic of Congo.¹¹⁰ However, attempts to profit from this wealth and thus finance development are also accompanied by corruption and violations of rights. Among those whose rights are thus violated are indigenous peoples who, despite the requirement for free, prior and informed consent (or FPIC), have, as often as not, little say in the economic planning for their habitat.¹¹¹ Administrative and political elites usually benefit financially from agreements with international and other businesses. Meanwhile, indigenous communities often see little of the profits from the mining of raw materials, for instance, from their traditional environment. But they regularly feel the negative consequences. For example, Chile is facing extreme drought due to the mining of lithium, an essential raw material for the batteries of electric cars, among other things. One member of the original community observes in an interview with the Natural Resources Defense Council (NRDC): 'Nothing stays in Chile; it all goes to other places. We have no electric vehicles in Chile. We suffer from pollution, and green energy goes to the global north. But at whose expense?'¹¹² The Center for Business and Human Rights has created a database that shows that the space for human rights defenders and representatives of indigenous peoples to flag abuses that take place in the private sector is shrinking.¹¹³

Europe's strong position in the world is based on its strong economy,¹¹⁴ the single market, and on the community of values that makes life there so attractive. The EU is trying to encourage companies around the world to do a better job of protecting people and the environment in connection with its economic activities, for example with the CS3D. Implementation and compliance are not easy, and can be costly in the countries where large parts of the relevant value chains are located. One weak point in the European position regarding initiatives such as the CS3D is that countries in the Global South may flag double standards to the EU, for example when it comes to investment in polluting industries.¹¹⁵ However, the level playing field it seeks, with respect for people and the environment and based on equal partnerships, offers opportunities for European business and for economies in the Global South. In fact, it can reduce business risks and promote the realisation of sustainability goals.

Even within Europe, there is sometimes a greater willingness to tolerate human rights violations and natural degradation if this strengthens or preserves Europe's competitive position and strategic autonomy. For example, it is getting easier to get fast-track permits for mining projects in Europe, thus reducing the time and space that civil-society organisations have to flag and protest against the potentially negative impacts of these projects.¹¹⁶ The Netherlands National Contact Point (NCP) for OECD guidelines offers a way to report abuses. Six reports on Dutch companies are currently pending with it. All have been declared admissible, but investigations are still ongoing.¹¹⁷ The recent review of Dutch human rights policy shows that corporate interests often prevail when the choice has to be made between them and the rights of indigenous communities, for instance. When decisions are being made about export-credit insurance and trade missions, the human rights situation is often given short shrift or simply passed over.¹¹⁸ This is problematic, and it may violate the do-no-harm principle. It also undermines democracy and the rule of law.



President Donald Trump signs the 'No Men in Women's Sports' executive order on 5 February 2025, thus excluding transgender girls and women from women's sports teams. Gender equality, women's rights, and the rights of LGBTQI+ persons are under pressure around the world. Restrictive legislation and social exclusion put many people in a vulnerable position, and reduce the civic space for diversity and equality.

Restrictions on civic space

The year 2023 was the 18th in a row in which civil rights lost ground worldwide.¹¹⁹

In this chapter, we analyse the three dimensions that we introduced in Chapter 1 and that conduce to an environment that is safe and favourable to social actors: 1. Formal institutions, laws, and procedures; 2. Public debate (and in particular discourse about civil-society actors and how they operate), including as regards freedom of the press and the freedom to take cognisance of information and ideas; 3. The character of civil-society organisations and their ability to maintain existing space and create new space. Where possible, we try to distinguish between four types of countries: autocratic and semi-autocratic states, fragile states, weak democracies, and democratic states that respect the rule of law.

3.1 Formal institutions, laws, and legal procedures

Governments the world over are introducing laws that they then use, or can use, to restrict freedom of expression and freedom of assembly and association, in order to thwart the work of civil-society actors, either partly or completely.¹²⁰ In particular, this involves restricting the ability to engage in dissent and to hold those in power to account. Restrictive legislation is one of the main causes of shrinking civic space in countries in Asia and Oceania, Eastern Europe, and Central Asia, mostly weaker democracies or weaker constitutional states.¹²¹ In autocratic countries, such legislation has generally been on the books for some time. Some countries, such as Belarus, have actually tightened their foreign-agent legislation, as it is known, which focuses on countering foreign influence on civic space.¹²² Even in democratic states that respect the rule of law, laws are sometimes passed that (sometimes unintentionally, as in the case of Dutch anti-money laundering legislation¹²³) are detrimental to the transnational space for civil society.

This trend is twofold. On the one hand, governments pass new legislation; on the other, they misuse existing legislation, in each case with the same aim, the same consequence, or both: human rights violations are increasing, and the space within which to counter them is declining.

Foreign-agent legislation

Autocratic states deliberately choose vague and indefinite terms in restrictive legislation so that that legislation can cover as many situations as possible.¹²⁴ Governments inspire each other to do this. Repressive legislation from one country is regularly copied almost verbatim in other states. For example, large parts of the text of the Russian foreign-agent law, which has been in force since 2012, but which is continually being extended by the Putin government) can be found in the repressive legislation of other states around the world. This law labels organisations as 'foreign agents' (spies) if they receive funding from abroad and are, for instance, 'politically active', a deliberately broad term. Once this label is applied to them, they come under strict government control, have hardly any freedom of movement or expression and, in some cases, even have to disband.¹²⁵

This government control can take many forms. Organisations that receive funding from abroad, for instance, often cannot register as required. This stops them from operating either lawfully or at all by restricting funding to them. Examples of mandatory government approval in foreign financing can be found in such countries as Algeria, Jordan, Nepal, Sudan and Turkmenistan. Another form of restriction involves requiring that money flow through a particular state bank so that they can be monitored and assets can be frozen, as happens in Uzbekistan.¹²⁶ Moreover, some legislation allows national governments to strictly monitor civil-society organisations, such as by requiring that agendas be shared and that, in internal meetings of organisations, a government official be able to participate, such as in Kyrgyzstan.¹²⁷ Forms of softer repression include restricting the online accounts of certain organisations and limiting internet access.¹²⁸

In order to exert control, those in power also deploy more subtle means to shrink civic space, such as requiring civil-society organisations to become part of a government institution. This happens a lot in Russia, for instance, where NGOs are required to become part of the Council for the Development of Civil Society and Human Rights, a government agency that creates the impression for the outside world that human rights organisations are supported. However, the state has complete control over what these organisations do. In some cases, states establish their own non-independent civil-society organisations, known as government-organised non-governmental organisations. Activities by and for independent, rights-based groups are, by contrast, restricted by these same governments.¹²⁹

Use of existing legislation, and the insufficient protection of rights

Not every infringement of a right is also a violation of that right. Proportionate and temporary restrictions on freedom of expression, assembly, and association may also be justified and necessary in certain circumstances, such as when demonstrations lead to high ethnic tensions in an unstable, insecure context. In a functioning democratic constitutional state, there are safeguards to ensure that government action and/or restrictive legislation serves a legitimate purpose, and that restrictions meet certain legal conditions. Thus, the right to demonstrate can be temporarily, but not arbitrarily, restricted. A demonstration might be moved if the safety of protesters or of the public, or the physical integrity of property, cannot be guaranteed.

Increasingly, however, interventions are being made for other reasons. In 2022, police and military personnel used unlawful force against peaceful protesters in at least 86 countries, and security forces in 37 countries used lethal weapons against protesters.¹³⁰ In 2021, UN experts noted a steady increase in the use of excessive force against, and degrading treatment and arbitrary detention of, mostly peaceful protesters in all parts of the world. They called for an end to this global police brutality.¹³¹

Actual, manufactured, or fabricated crises or events can be used to deploy existing laws and regulations precisely so as to silence political opponents. This happens in autocratic or fragile states, where guarantees of the rule of law are absent or very poorly developed. Criminal law is then used, for example, to imprison human rights defenders and other civil-society actors. They are held in police remand cells for long periods. Some governments use this tactic to hold political opponents, human rights activists, and conservationists, among others, pretty much indefinitely, without any due process, but allegedly within the bounds of what is legally permitted.

State emergency legislation is also misused in this context, especially in weak democracies or authoritarian or semi-authoritarian countries. The key point about state emergency legislation is that regular legal provisions (including fundamental rights) can be temporarily set aside in the case of an emergency and with strict conditions.¹³² Aside from the requirement that they be necessary, emergency laws must also be proportionate and, above all, temporary in nature.¹³³ Moreover, in a democracy, such laws must provide for whatever form of parliamentary involvement is appropriate to the emergency, and they must be clearly formulated so that they are not easily misused.¹³⁴ When these conditions based on the rule of law are absent, such as in fragile states,

more opportunities for arbitrary misuse of the law will arise, for instance to restrict citizens' fundamental rights in ways that are unrelated to tackling the crisis in question, or for longer and to a greater extent than is strictly necessary. Security agencies and politicians are reluctant to give up additional powers they have acquired, as evidenced by China's use of ongoing digital surveillance technology since the COVID-19 pandemic.¹³⁵

Such laws may also be used to force activist organisations to engage in service activities. That can lead to self-censorship and thus also limit the ability of such organisations to disseminate knowledge and information on citizens' rights.¹³⁶

European civic space: not impervious to the global trend

In Europe, of course, there are also open standards in legislation and regulations. But this is less likely to shrink civic space in democratic states that respect the rule of law where there is freedom of the press and the right to access information, and where a plurality of opinions is guaranteed by an independent judiciary. Moreover, citizens have a say in the interpretation and application of the law and the interpretation of policies. Yet there are also several EU member states, including Hungary, Slovakia, and Italy, where civic space is restricted by legislation, such as through the regulation of media that restricts journalists' and thus citizens' access to information.¹³⁷

In Hungary, a Russian-style foreign-agent law was passed in 2023. And the government of Georgia passed a similar law in 2024 (despite large-scale demonstrations), thus immediately complicating the prospects for future EU membership. Also, in European states, emergency measures, such as those that were related to COVID-19, are sometimes misused¹³⁸, and restrictive crisis legislation is not always repealed or terminated after a crisis has been resolved.¹³⁹ Laws and regulations can thus pile up, gradually and increasingly limiting the space for citizens and civil-society organisations. At the same time, the EU is also working on its own legislation to counter unwanted foreign influence: the Defence of Democracy Package.¹⁴⁰

In addition, there is limited scope via the ECtHR for challenging systemic inequalities faced by certain social groups. And the civic space for organisations and movements that advocate for the rights of these groups is rarely perceived as safe and non-discriminatory. These groups include people of colour, Roma communities, migrants, sex workers, stateless people, LGBTQ+ communities, Muslims, people with disabilities, climate activists, and children. All of this is according to a survey of more than 100 organisations, groups, and collectives from 33 of the 46 countries that are members of the Council of Europe.¹⁴¹

Even in the Netherlands, which is a democratic constitutional state (type 4), there are also weaknesses in the environment in terms of its safety and its favourability to civil society, such as when it comes to journalists' safety, according to the Dutch Research and Data Centre.¹⁴² Thus, there are more developments that show the importance of being alert to weaknesses in civic space, even in democratic states that respect the rule of law, including weaknesses resulting from efforts by countries such as China, Turkey, and Iran to influence the Dutch media landscape, and efforts to influence diasporic communities in the Netherlands.¹⁴³

3.2 The public debate, at the national and other levels, on civil society

In recent years, the number of lawsuits against journalists and others who engage in public debate has been rising sharply the world over. These lawsuits—also called strategic lawsuits against public participation (SLAPPs), are brought by powerful actors from politics, governance, or business. They do this to intimidate and silence certain voices who are engaging in public debate. The purpose of these lawsuits is mostly to exhaust the defendants, both financially and emotionally, and to keep them from participating in public debate. Public watchdogs dealing with politically sensitive issues seem more likely to be targeted by SLAPPs. One example is the case

of Maltese journalist Daphne Caruana Galizia. She published about corruption and the abuse of power in Malta, and faced dozens of lawsuits aimed at silencing her, until she was murdered in 2016.¹⁴⁴ SLAPPs are often filed as part of a broader strategy to intimidate public watchdogs.¹⁴⁵ The European Commission pointed out in 2024 that legal protections against such lawsuits are insufficient in Hungary, Slovenia, Croatia, Bulgaria, Poland, Serbia, and Albania: these are all young democracies in which a broader democratic decline is also apparent.¹⁴⁶

In weak democracies, the work of critical civil-society actors who exercise their right to peaceful assembly is regularly thwarted and compromised, through delegitimation and deliberate stigmatisation, for instance.¹⁴⁷ Certain governments and politicians then deliberately question the integrity, independence, impartiality, and reliability of journalists, the media, and other social actors.¹⁴⁸ Human rights defenders and conservation activists the AIV spoke to for this report recounted being portrayed as ‘anti-government’, ‘anti-development’, and ‘communist’ by their governments. For example, the UN reports that the UN rapporteur for indigenous peoples’ rights in the Philippines has been branded a terrorist,¹⁴⁹ with all of the consequences that entails. In fragile states where state power is contested, suspicions are cast by two or more sides, because all social activities are politicised by the parties to the conflict. Especially in war zones, it is a major challenge for organisations, including international organisations, as well as other actors in the civic space, to operate neutrally and safely. They also find it difficult to get through to grassroots groups.¹⁵⁰ Sixty-one journalists were killed in Gaza in 2023, for example, as a result of the Israeli-Palestinian conflict.¹⁵¹

Another argument used by governments around the world to limit the space for civil society is that demonstrations, for example, have been hijacked either by violent (foreign) organisations seeking to create instability, or by the opposition in order to overthrow the government.¹⁵²

Disinformation is often used successfully to negatively frame social actors and undermine their trustworthiness and authority. The advent of the internet was seen as a hopeful turning point

(...) Democratic institutions and human rights protection systems face global erosion, amidst a broader political climate of backlash and attacks against human rights and pluralism. There is a global rise in propaganda and hostile narratives aimed at suppressing civil society, protests and social movements, often portraying them as “enemies” and “threats to security”, “undermining national sovereignty” or “threatening State traditions or values”.

— Former UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Clément Voule.

three decades ago. Citizens anywhere in the world would be able to make their voices heard directly via the internet, regardless of their country was governed. This was seen as a boost for transnational civic space and civic engagement. But internet freedom has been declining for 13 years in a row, a trend that is accelerating further with the rise of generative AI. AI technologies offer governments new tools with which to engage in targeted online censorship and surveillance. Journalists can be individually sent certain information via the internet and threatened (micro-targeting). At least 47 governments over

the past 13 years have used generative AI to exponentially increase and spread disinformation. AI is becoming increasingly accessible and is used to generate text, audio, and images that governments use to manipulate public debate to their advantage.¹⁵³

Online civic space is boundless. This is a worrying fact for those in power who do not tolerate dissent. They see a risk in the globalised dissemination of information, and operate far beyond their borders so as to curb this risk, whether violently or otherwise.¹⁵⁴ What starts as censorship of the domestic press turns at lightning speed, and partly through the use of social media, into transnational influence and interference. Tech giants play a role in this trend, for example

by cooperating in online censorship or spreading disinformation without correcting it.¹⁵⁵ Digital communication tools are used by governments that try to influence their diasporas (transnational repression), including diasporic communities in the Netherlands.¹⁵⁶ Technology provides opportunities, both illicit and otherwise, to surveil the confidential communications of social actors, including through the use of spyware. It also makes it possible to block their communication channels, such as their social-media accounts, and to hack their websites or disrupt them in some other way, for instance through distributed denial-of-service attacks. Countries such as Iran and Russia are known for trying to exert such influence. *Human Rights Watch* gives several examples from China, Ethiopia, Rwanda, and Saudi Arabia.¹⁵⁷

No democracy without pluralism

Online civic space is the ideal place for civil-society actors to carry out their community-building function. For example, people find like-minded people in global civil-society movements, with agendas ranging from climate change to anti-vaccination. However, the lack of pluralism in the online environment makes this space increasingly unsafe and uninformative.

The parameters of online public debate are set by private parties, especially social-media platforms. These 'new gatekeepers', as they are called, control access to information, data, and communication in today's online environment, for instance by applying their general terms of use and moderating their users' content. In those general terms of use (which users must agree to in order to access their services), they define what types of content can and cannot be distributed through their platforms. These 'rules of the game' are enforced by algorithms that rank content in mostly non-transparent ways. Content moderation includes not only allowing and blocking content, but also more-sophisticated techniques such as recommending certain types of content and making others less visible (*down-ranking*). In today's attention economy, content has to be more and more extreme to remain interesting to the user. Algorithms are set in such a way as to drive as much engagement as possible. Therefore, they display increasingly extreme content to the user, which can lead to so-called filter bubbles and 'echo chambers'. They do not show the user any opposing views.¹⁵⁸

With the decline of pluralism and exposure to that decline, social debate is becoming more and more polarised and ever coarser. This has a chilling effect: it is safe for fewer and fewer people to publicly engage in dissent.¹⁵⁹ The criminalisation and increased opportunities for framing civil society in online public discourse have a corrosive effect. This thwarts the ability of social actors to contribute to reliable communication about what is going on in society and in public debate.¹⁶⁰

An increasing number of states are drafting specific legislation, alongside multilateral initiatives such as the EU Digital Services Act, in order to counter the harmful effects of disinformation.¹⁶¹ Despite the positive intentions behind this trend, it is also not without risks to civic space. It is important that core concepts be clearly and rigorously defined in anti-disinformation laws, and that those laws provide sufficient procedural safeguards against arbitrary or biased enforcement. Otherwise, they are prone to abuse in practice and may actually pose an additional risk to the supply of a range of reliable information. It is thus important to consult civil society when such legislation is being drafted.

3.3 Civil society's ability to preserve space and create new space

Are organisations, social movements, collectives and citizens—whether individual or organised—powerful enough to maintain their existence and expand the space they have? To what extent are the rights that guarantee that space enshrined in law and respected by governments? The ability of civil society to create, maintain, and/or expand space also depends on the characteristics of the civil-society organisation or movement in question. In some autocratic or semi-autocratic states, for instance, NGOs that have a specific purpose that is generally not rights-related can

exist. This also applies to NGOs working solely for socio-economic rights, as long as they do not go against the socio-economic interests of the state. Citizens' movements that should be able to exercise their right to freedom of peaceful assembly can hardly exist in autocratic or semi-autocratic societies. In countries where democracy is under severe pressure, all kinds of organisations and groups are often allowed to keep up the appearance of an open society for the international community. But there is limited space for effective work. Grassroots activism in particular is risky in these countries.¹⁶²

Civil-society actors such as NGOs, human rights activists and conservationists in autocratic, semi-autocratic, or fragile states or in weak democracies also face violence in contexts other than in demonstrations. Violence against civil-society organisations and engaged individuals takes place on every continent.¹⁶³ Movements that stand up for the rights of marginalised groups, and environmental movements, are particularly at risk. In 2023, 196 environmental defenders were killed, according to the UN.¹⁶⁴ Research among 458 women and LGBTIQ+ activists from 67 countries shows that three quarters of respondents were threatened or harassed for standing up for their rights and freedoms, and that, in the majority of cases, the threat came from their own government. Of this group, 25% received death threats, and a growing number of these threats have been made against family members, including children.¹⁶⁵ The failure to press criminal charges against those who carry out violence against human rights defenders directly restricts civic space. It also has a chilling effect on their ability to function as a group. The failure to prosecute and convict perpetrators creates a climate of impunity. This is anything but an enabling environment for civil-society actors. It thus becomes impossible for citizens to exercise their civil rights without fear. This is particularly common in disputed areas.

Representatives of indigenous and other communities who flag abuses caused by companies in their habitats are often the object of physical intimidation. And they face threats and legal processes.¹⁶⁶ Trade unions are of particular importance when businesses restrict civic space. Unions are the appropriate actors in a healthy civic space to hold those in power, not only governments but also companies, to account, and to help workers safeguard their rights. In states where the right to trade union freedom is firmly entrenched as a legal matter, unions can thus have considerable influence on government policies regarding economic and social rights, such as salary and fringe benefits.¹⁶⁷

In societies where organised groups and formal movements cannot operate in the open, people often seek refuge in other, seemingly more innocent forms of expression—hence the value of civic space for music, arts, and culture, which we discuss in Subsection 2.4—and hence, too, the importance of these forms of expression to the quality of civic space. It is not for nothing that these forms of expression and these activities are also restricted and/or are considered subversive in fully autocratic states.

The different modes of restriction are, as we have seen, interlinked, and they overlap and influence each other. For example, introducing legislation that makes it practically impossible to fund civil-society organisations, and for these organisations to register, prevents them from developing, from participating in public debate, and from gaining the capacity to protect civic space. It is striking that several EU member states also show characteristics of marked democratic decline: an unwillingness on the part of those in power to protect safeguards for civil society even though, on paper, institutions are equipped to do so. The shrinking of civil society manifests itself differently in different contexts. This fact calls for a tailored approach in which Dutch foreign policy takes into account characteristics of the particular political society with which the Netherlands is cooperating on a given occasion. Chapter 4 elaborates further on this point.



Colleagues mourn Samer Abu Daqqa, a Palestinian cameraman for Al Jazeera, who was killed in fighting in the Gaza Strip on 16 December 2023. Journalists around the world face censorship, threats, and violence, all of which jeopardise a free press. State control and repression make independent reporting more and more difficult, and undermine public debate. This not only hampers press freedom but also weakens the role of media as a watchdog of democracy.

The Dutch commitment to a free and safe civic space

It is the stated policy of the Dutch government to promote human rights, democracy, and the international legal order. The AIV would stress the importance of this policy line, which has only increased because of a fragmenting world order, to polarisation that is itself being driven by a decline in pluralism, and to an increase in autocracy. Historical research shows that it is precisely citizens' movements that originate within civic space that play an important role in bringing about democratisation and regime change.¹⁶⁸ Direct support for democratisation movements proved difficult in the past, because they are often not formally organised and operate underground in many cases because they have to. In addition, support for opposition groups in another country is usually not appreciated by the incumbent government. Research shows that direct support is rarely critical to the success of citizens' movements. However, indirect support in the form of contributions to the enabling environment for citizens' movements can be effective, such as through long-term investment in the development of the rule of law, and through technical and financial support for youth movements, universities, independent media, and trade unions. Diplomatic pressure on repressive governments, possibly combined with economic sanctions, and training for human rights defenders can also contribute to the favourable environment for civil-society organisations and movements, including grassroots movements.¹⁶⁹

Indirect support for civic space is therefore the basis of the Guidelines for Strengthening and Protecting Civic Space and Its Defenders, which the Dutch Ministry of Foreign Affairs published in 2023, and which provides diplomats with tools to strengthen and protect local civil-society actors. Not all stakeholders know the Guidelines well enough yet. The Netherlands would be well advised to support them with a political message on the importance of a vital civil society and a healthy civic space for democracy and the rule of law, in Europe and around the world, and to make this a major focus of Dutch foreign policy.

In this chapter, the AIV discusses the four policy levels at which the Netherlands can work to protect and, where necessary, strengthen the environment for civil-society actors so that it is more favourable to, and more secure for, them: global (multilateral), European, bilateral, and within the Netherlands. First, section 4.1 discusses general guidelines for such engagement.

4.1 A balanced and realistic commitment to civic space

Carothers and Brechenmacher argue that it is inevitable that 'Western governments reacting to proposed NGO restrictions in other countries balance their interest in preserving democracy and rights support with competing economic and security interests'.¹⁷⁰ This balancing act makes the Dutch commitment to civic space around the world quite complex. The underlying basic principle when it comes to seeking the right balance should be that actions are in line with

Dutch democratic values, the Dutch constitution, and agreements under international law, and that, in any case, no harm is done to others. This means that the Dutch state and Dutch companies should not undertake activities that would damage civic space and related human rights, regardless of other interests that might be served.¹⁷¹

What is or is not damaging to civic space varies from one situation to another. The specifics of each context should therefore be the deciding factors when it comes to making political and other decisions on the commitment to human rights and civic space. The Policy and Operations Evaluation Department in the Dutch Ministry of Foreign Affairs writes in its recent evaluation that the Netherlands should apply these factors more than it does now.¹⁷² The message on civic space needs to be tailored to the situation in the country in question, and to the characteristics of the shrinkage involved. One-size-fits-all messages can be counterproductive. In a weak democracy, supporting formal organisations that work to create an enabling environment for citizens' movements, for example, can work, whereas this could actually endanger human rights defenders and thus be counterproductive in a country that is either entirely or almost entirely authoritarian. It may help to identify what functions civil society can still perform, and to use these as entry points, for example by focusing on supporting economic, social, and cultural rights in certain weak democracies.








In fragile states and weak democracies, a message that emphasises the instrumental value of civil society is a potentially more effective way forward. This therefore involves emphasising the function that civil-society organisations can perform for other purposes, rather than arguing for the usefulness of critical social actors as such. It provides a practical agenda for local civil-society organisations (such as more support for service activities) beyond just the role they can play in terms of communication. This is less threatening than their holding those in power to account. Support for organisations working specifically to protect civilians in conflict situations and peace negotiations is also possible in this context.

When it comes to the implementation of any such actions, the AIV calls for special attention to the fact that the political values and principles that underpin human rights discourse often also find their way into language that is closer to the cultural, social, and political context. In its advisory report 'Human Rights: A Core Interest in the Current Geopolitical Context', the AIV argues that the Netherlands should listen to local communities and use language that resonates with local concepts. This does not mean that human rights can be dismissed by appealing to cultural relativism. That said, international concepts often need to be transposed to local realities, and vice versa. And it is right here that civil society has a role to play.

Decisions about the right level of diplomatic or other interventions should be context-specific, but also those about what kinds of actions should be taken. The Ministry of Foreign Affairs has identified three types of action that can be taken to bolster civic space: preventive action, proactive action, and emergency assistance.¹⁷³ **Preventive action** focuses on counteracting possible restrictions of civic space, and on direct and/or indirect support for such preventive measures. Examples include sharing knowledge about civic space, continually monitoring that space, and publicly speaking out in favour of its value, even when it is under little or no pressure. **Proactive action** refers to efforts conducive to a free and secure environment—the enabling environment—for civil society, for example by supporting, directly or indirectly, local civil-society actors, encouraging governments to adopt legislation in support of civil society, and reminding governments, bilaterally or in multilateral fora, of commitments they have made internationally, such as to the ICCPR. **Emergency assistance** refers to actions that provide immediate relief to organisations and individuals who are committed to civic space and who are therefore at risk. Here, too, it is crucial to attend to the political and cultural context and to what may be causing civic space to shrink. For example, a digital threat may require a response that is different from what a physical or legal threat calls for.

The openness of civic space should always be taken into account when considering what any Dutch efforts in this connection should look like. After all, it makes little sense to engage in **preventive action** when local activists are facing an emergency situation. And rather than focus on **emergency assistance** in a country that is open, it would be better to focus on preventive action, such as the exchange of information on new international standards.

Table 2 Different types of action in different contexts

	Preventive action by NL	Proactive action by NL	Emergency assistance from NL
Type 4 (democratic states that respect the rule of law)			
Type 3 (weak democracies)			
Type 2 (fragile states)			
Type 1 (autocratic and semi-autocratic states)			

If the Netherlands decides that it is indeed desirable to work on countering the shrinking of civic space, the guidelines below can help determine how to do this.

1. **Policy consistency**

The use of double standards by the West when it speaks out about human rights violations erodes its credibility, and thus its powers of persuasion when it comes to international cooperation. This has also been highlighted in other recent AIV advisory reports.¹⁷⁴ Leaders seeking to restrict civic space can play up such inconsistencies so as to undermine Western efforts, including those made by the Dutch. It is therefore important for the Dutch government to be as consistent as possible in its interventions in support of civic space, wherever that may be in the world, and to demonstrate this consistency. The AIV concurs with the findings of the Policy and Operations Evaluation Department in its most recent study on human rights policy, and notes that the Netherlands could do a better job of cross-linking the efforts it makes at various international levels.¹⁷⁵ One way to promote consistency, and to communicate about it, is to continually make the link in interventions to the obligations that apply to all as parties to treaties and as member states of international organisations. Having international law serve as an anchor can counter the appearance of arbitrariness.

2. **Long-term vision**

The Netherlands reaps long-term benefits from a world in which societies are open and stable, politically and otherwise, societies where power is distributed and constitutionally entrenched, and where the rule of law protects citizens from arbitrariness. Protecting fundamental rights is fundamental to maintaining this system. Recent analyses by the Netherlands Institute of International Relations—Clingendael show once again that leaders who want to curb civic space take a long-term view focused on power.¹⁷⁶ They seek to create strategic dependencies in crucial raw materials or migration from, say, Europe to their countries, so that European countries are less critical of human rights violations and restrictions on civil society. For instance, Rwanda offered to receive asylum seekers from the UK. This made it harder for the UK government, which responded to the offer, to criticise Rwanda’s human rights policy. The Netherlands and Europe should be aware of regimes that intentionally seek to create these European dependencies in order to develop means of pressure. If the European Union is to become the resilient geopolitical force that it seeks so earnestly to be and that can commit to the protection of civic space, it must at the very

least take a long-term view focused on peace and security, justice and sustainability, and democracy and the rule of law. The Netherlands should always consider what scenario will arise if this long-term perspective is not embraced, and if autocratic forces are thus allowed to strengthen and grow.

3. Diplomatic risks

Interventions aimed at increasing civic space can cause friction in relations with countries. Any negative impact on the bilateral relationship can be mitigated in several ways. Thus, instead of a bilateral response, a European measure may be opted for. Strategic interventions that take place behind the scenes can also be opted for rather than public interventions, and a narrative can be sought that focuses on shared challenges and on how increasing the space for civil society could create a win-win situation all around, for example for business.

Dutch diplomats are seen as approachable, and the Netherlands has a reputation for supporting human rights and civic space.¹⁷⁷ The AIV takes the view that it is vital for the Netherlands to keep investing in this reputation. If the Netherlands takes a combination of diplomatic, legal, and financial steps at multiple levels, it will thus be able to support the creation of an enabling environment—that is, of conditions that will allow citizens and civil-society organisations to flourish. We elaborate further below on what the Netherlands is already doing at various levels of governance, and on where the above evaluative framework and guidelines can be used to strengthen existing commitments, and we consider which diplomatic commitments are most appropriate, and when they should be pursued.

4.2 Dutch commitments in a global context

In the UN context, the Netherlands has been committed in recent years to ‘strengthened multilateralism for peace, security and justice, sustainable development, and equality’.¹⁷⁸ As we saw in Chapter 1, the functioning of UN institutions depends in part on input from civil society the world over. The UN High Commissioner for Human Rights also believes that the active participation of civil society in the UN human rights system is indispensable. And indeed, civil society can contribute to the system by flagging gaps (and thus holding power to account), pushing for new norms, and reporting on crises. However, it can also do this by translating the guidelines, rulings, and advisory reports of global human rights institutions into the national context and situation on the ground.¹⁷⁹ An inclusive and effective multilateral system is characterised by firmly entrenched rules-based multilateral institutions that enjoy broad legitimacy. This system provides a common framework for the many functions that civil society can fulfil. States renewed their commitment to the universality and indivisibility of human rights and to international law with the ‘Pact for the Future’, which was adopted at the UN in September 2024. The Pact for the Future thus stresses the importance of participation on the part of civil society, among others, in UN processes in order to help achieve UN objectives.¹⁸⁰ The AIV previously argued in its advisory report ‘Human Rights: A Core Interest in the Current Geopolitical Context’ that ‘universal rights’ does not mean ‘uniform rights’. Civil-society actors are needed if universal rights are to be translated into pluralistic practices.¹⁸¹

Social movements in states that have restrictions on civic space regularly invoke international law and human rights norms to oppose the government, or against industrial projects that harm nature and/or indigenous peoples.¹⁸² Partly for this reason, the Netherlands has an ‘assertive stance on initiatives aimed at reshaping multilateral cooperation’.¹⁸³ To maintain an inclusive and effective multilateral system, the Netherlands has long been committed to protecting and strengthening multilateral institutions, structures and instruments, and to defending the space given to NGOs within UN organisations such as the Human Rights Council. This will help combat the erosion of the basic principles of the international legal

order and the undermining of human rights, so that social movements can continue to effectively invoke these.

However, ongoing crises are exposing shortcomings at UN institutions.¹⁸⁴ This relates primarily to the UN Security Council, where decision-making is paralysed by the veto power the permanent members enjoy. But other UN organisations would also benefit from reform. Based on global online consultations with civil-society organisations, the UN platform Coalition of the UN We Need published an overview of ideas that could contribute to this in the run-up to the Pact for the Future. One example is the strengthening of the UN General Assembly so that it can act more effectively to protect people when the UN Security Council fails to do so. Another is the expansion of the ICJ's authority. In addition, the coalition proposes that the voice of young people be strengthened through the establishment of an intergenerational Town Hall.¹⁸⁵ As things stand, civil-society actors are hardly ever given a seat at the table in multilateral fora. The Netherlands can push for a more democratic UN, with civil society as a full partner, not only observing but also participating in important conversations within UN organisations. The Netherlands routinely includes youth representatives (and sometimes civil-society organisations) in its delegations to UN summits, but other states often do not. The Netherlands can join forces with like-minded countries—not just European countries, but especially countries from the Global South—to come up with a proposal together on what this could look like in practical terms.

The international mechanisms at the UN—from the Human Rights Council to the special rapporteurs and the committees established under human rights treaties—are important when it comes to supporting victims of human rights violations. Conversely, information on human rights violations helps improve these mechanisms. Civil-society organisations play a similar role in regional human rights protection systems in Latin America, Africa, Europe, and elsewhere. Without a free civic space in which to do this work, the international system and the regional systems for the protection of human rights will continue to be less effective. International and regional human rights institutions and civil society organisations are mutually reinforcing. Therefore, the Netherlands should support international institutions such as the OHCHR and the human rights arms of the OSCE and the AU, financially and diplomatically.

In 2011, the UN Guiding Principles on Business and Human Rights (UNGPs) were unanimously endorsed by the UN Human Rights Council. This international human rights standard was then incorporated into the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct. As such, it has become the standard for what governments expect from companies on corporate social responsibility and human rights. The Netherlands also pushed hard for its creation. Crucial to this standard is the responsibility companies have to respect human rights, in particular the rights of marginalised groups such as women and children, as well as of human rights defenders. This standard is not legally binding, but it can be used in diplomatic interactions with companies outside the EU that are legally obliged under the EU directive to adhere to standards of corporate social responsibility either not at all or only to a certain degree. Many companies have publicly affirmed these principles, and can be held accountable on this basis should human rights violations occur in their supply chains or as a result of their business operations.¹⁸⁶

Besides the UN, there are other global initiatives, such as the Open Government Partnership (OGP), that aim to promote transparent, participatory, inclusive, and accountable governance. Seventy-seven countries and 150 local authorities have now signed up.¹⁸⁷ There are also initiatives to work together on shaping online civic space, such as the Africa Digital Rights Hub and the Freedom Online Coalition (FOC), a coalition of 38 countries of which the Netherlands is a co-founder, and that is committed to digital human rights and fundamental freedoms.¹⁸⁸

The AIV is of the view that Netherlands must continue to support and facilitate such initiatives. In the online environment, the FOC expressly puts human rights first. One way to do this would be to broaden the role and the remit of the Ambassador at Large for Cyber and Security Affairs by making human rights an explicit part of their mandate and activities. Such initiatives can contribute in the long term to the aforementioned enabling environment, while carrying less bilateral diplomatic risk, thanks to their multilateral character.

4.3 Dutch engagement in a global context

In recent years, the Netherlands has regularly sent strong signals within the EU to member states where the space for civil society is shrinking and where democracy and the rule of law are being eroded.¹⁸⁹ The Netherlands has also pushed hard for the 'rule-of-law test' for EU subsidies, which, among other things, temporarily suspended subsidies to Hungary. In the context of the CoE, the Netherlands is committed to complying with ECtHR rulings, while in the context of the OSCE, it helps to fight discrimination against ethnic minorities, among others, and to restore or support institutions that are based on the rule of law, as well as the observation of elections. That said, further efforts can be made and would be helpful. Whereas in the mid-1990s the international observation of elections was all but standard practice in young democracies, resistance to it has also increased. Nevertheless, the OSCE conducts election-observation missions, which include Dutch observers, in 57 countries.¹⁹⁰ Particularly in weak democracies, this can legitimise election results and thus perpetuate democracy.

Council of Europe

In recent years, the government has been particularly committed to complying with ECtHR rulings on human rights defenders, civil-society organisations, and civic space. A May 2023 letter to the Dutch parliament reads in part as follows: 'The government attaches great importance to the European Convention on Human Rights (ECHR), the ECtHR, and the monitoring mechanism, which, taken together, are regarded as comprising the most effective human rights system in the world. Compliance with ECtHR rulings is crucial to its effectiveness. Inadequate compliance or non-compliance with ECtHR rulings undermines the effectiveness and credibility of the entire ECHR system.'¹⁹¹ The Netherlands should therefore continue to push, within the Committee of Ministers (CM), for compliance with rulings on human rights defenders, civil-society organisations, and civic space, in accordance with CM Recommendation 2018(11).¹⁹²

In this letter to parliament, the government noted an increase in the number of cases in which the implementation of ECtHR rulings by the states in question had been delayed. It also stated that the cabinet was pushing for an increase in the capacity of the Department for the Execution of Judgments within the CoE Secretariat, so as to ensure that rulings are actually implemented. The intention expressed at the time to increase capacity through both additional contributions from the Netherlands and a budget increase from central funds, is still pertinent. Also relevant here is the commitment 'to ensure adequate financial support for the ECtHR for the processing of cases and the prioritisation of those cases related to monitoring the erosion of democracy and the rule of law'.

The Netherlands should in this connection draw on the opinions of the CoE Conference of International NGOs, which founded the authoritative Expert Council on NGO Law. One example is the report on the stigmatisation of NGOs in Europe and Russia that was published in March 2024. In that report, the Expert Council notes that the CoE and the EU need to take more action against this widespread pattern whereby NGOs are stigmatised.¹⁹³ The Netherlands could play a more active role here, by disseminating to NGOs the reports produced by the Expert Council on this subject, by practically and financially supporting the work of the Human Rights Commissioner, and by supporting the CoE platform for the protection of journalists and *Journalists Matter*, the CoE's campaign for the safety of journalists.¹⁹⁴

In recent years, the CoE has published recommendations on the importance of pluralism in the European media landscape, on the safety of journalists and other media actors, and on the promotion of a favourable environment for journalism in the digital age.¹⁹⁵ These recommendations have put the focus on guarantees for a safe climate that favours participation in public debate. Here, too, the Netherlands could work even harder to encourage compliance with, and to raise awareness of, these recommendations, particularly because they cover a much wider area than the EU and are generally less well known than EU directives. In 2024, the CoE Committee of Ministers also issued a recommendation on dealing with SLAPPs in CoE members states.¹⁹⁶ The recommendation, which is in line with the EU's anti-SLAPP directive, calls for a series of measures, from the elaboration of legal frameworks to procedural safeguards and educational initiatives. The aim is to support member states in developing policies that combat effectively the threat of SLAPPs, while taking into account the diverse legal systems and political realities within Europe.

EU commitment to civic space around the world

The European Commission has launched a series of initiatives to promote a supportive environment for civil-society organisations and human rights defenders. One example is the EU System for an Enabling Environment for Civil Society (EU SEE), which brings together civil-society organisations from 86 countries to monitor conditions affecting civil society, and to promote timely action. In addition, the European Commission has released €1.5 billion through the Global Europe Civil Society Organisations programme to support such organisations around the world in the period from 2021 to 2027. Former EU High Representative Josep Borrell also stressed how indispensable civil society is: 'Civil society organisations play an essential role in protecting human rights, exposing their violations, and demanding action from governments to protect their citizens. Sadly, their work is under threat in many parts of the world. We are not just aware of the challenges they face: we are listening and we are taking action. This new programme is proof that we will support and stand by their courageous daily work.'¹⁹⁷

The European Commission also encourages political dialogue, known as Article-8 dialogue, with national authorities, but¹⁹⁸ also involving civil society. This sort of dialogue is a powerful diplomatic tool. The Netherlands should keep supporting these initiatives in the European context and push for better monitoring for undesirable outcomes in new legislation. This could include the impact of anti-terrorism legislation on civil-society organisations.¹⁹⁹ The Commission is also working with member states to develop Civil Society Roadmaps, which are useful for creating a context-specific approach to strengthening civic space outside the EU, and which the Netherlands could make more use of.²⁰⁰

From discussions the AIV had with human rights defenders and the European Fundamental Rights Agency (FRA), it emerged that short-term and multiple-entry visas at the European level are another practical way to support human rights defenders from outside the EU. Most do not want to leave their country, but some may have to flee temporarily if the threat to them becomes too great. At that point, they do not have time to wait for the visa-application process to be completed. Issuing short-term visas in advance to human rights defenders in very high-risk areas could thus be a solution, and could ultimately give them more space in which to do their work. With a multiple-entry visa, human rights defenders could also temporarily return to their country of origin as the situation allows. At the same time, it must be recognised that some activists cannot go back, and that they may need long-term visas. The July 2024 revision of the EU *Visa Code Handbook* contains elements of this kind that would make it easier for human rights defenders to apply for temporary EU visas. This can mean the difference between life and death for human rights defenders. The Netherlands should ensure that these new rules are followed, including in consular departments worldwide, such as by organising training on the changes. It is also important to remain alert to possible abuses of the new rules.²⁰¹

When the economic interests of the EU and/or the Netherlands are at stake, human rights run the risk of being cast aside more quickly. It is in part for this reason that the EU has developed the directive on international corporate responsibility, the CS3D. A strong civil society is crucial to the implementation of this directive as regards supply chains. It is now up to the Netherlands to help ensure that it is implemented adequately. In shaping implementation, the Netherlands should also cooperate with the civil-society actors that companies rely on for their *HRDD*.

Commitment to civic space in the EU

Even within the EU, civil society is diverse and not uniform. The space for this transnational civil society is guaranteed by the ECHR and by the Charter of Fundamental Rights of the European Union, in line with the Lisbon Treaty. And yet there has been a decline in the protection of civil and political rights: in September 2024, 415 civil-society organisations sounded the alarm about this in a public letter to the European institutions. Among other things, they recommended developing a European civil-society strategy as part of a broader democratic agenda that would make explicit the importance of civil society in protecting human rights and democracy.²⁰² It would be advisable for the Netherlands to support this appeal and to work within the EU to develop such a strategy, together with other member states that recognise the importance of the rule of law.

The European Media Freedom Act (EMFA) sets out common principles for all member states, so they can effectively address threats to free, independent, and vibrant journalism in Europe. These threats include political interference, declining media pluralism, and the unchecked power of social media and media platforms. The EMFA sets only the very lowest minimum standards in certain areas. The European Federation of Journalists (EFJ), to which the Netherlands Union of Journalists (NUJ) belongs, believes member states can and should go much farther in creating stronger safeguards to protect the freedom and pluralism of the media and the rights of journalists, in particular against the use of intrusive surveillance and spyware.²⁰³ The Netherlands could follow the EFJ's stricter standard rather than what is set out in the EMFA, and thus aim for a higher standard.

The EU has taken a first step towards regulating technology companies with the EU Digital Services Act (DSA) and the Digital Markets Act (DMA), both of which came into force in the EU in February 2024.²⁰⁴ They are both at the heart of the EU's digital strategy. This legislation is designed to create, in Europe, a safer and fairer online world in which human rights are protected. The DSA sets out rules for digital service providers that act as online intermediaries. Examples include hosting providers, online marketplaces, and social-media networks. The DSA also aims to better protect individuals who are targets of online harassment and bullying.

Under the DSA, users are given the right to report content on platforms that either is, or is suspected to be, illegal. There are also opportunities for researchers to access data that platforms hold. Very large platforms and search engines (that is, the very largest digital services that have an average of more than 45 million active monthly users in Europe) must comply with the strictest rules set out in the DSA. They must conduct annual assessments of their services to check for what are known as systemic risks posed by harmful online practices. As a member of the FOC, the Netherlands is in a strong position to contribute within the EU to the development of a strategy that looks beyond regulation and that strives for a secure alternative to the concentration of power in the hands of a small number of technology companies.²⁰⁵ Here too, civil society should be actively involved at an early stage, both in person and online.

These regulations provide an opportunity to make a difference in protecting human rights online. However, much depends on implementation. To prevent any unintended negative effects of legislation, new Dutch and European legislation should be specifically tested beforehand for the effects it might have on civic space and related human rights. Alongside that, it is important to develop a monitoring system for EU legislation on civic space, online and otherwise. In an upcoming report, the AIV will further explore the relationship between AI, on the one hand and, on the other, democracy and the rule of law, and will propose an approach according to which the Netherlands can take action at the international level.

4.4 Dutch commitment in a bilateral context

In interviews they gave for this advisory report, many human rights defenders cited examples of effective engagement by Dutch embassies. Ambassadors can often assess local situations well, and are therefore essential for shaping policy in the local context. What might seem like a small gesture can make a big impression, such as organising a human-rights film festival in

The partnering with the Dutch embassy has, in a way, legitimised us. We are not red-tagged as easily as before.

— Human rights defender from the Philippines.

collaboration with local civil society in the Philippines. When ambassadors speak to human rights defenders and convey their concerns to government leaders, that lends support to people who sometimes literally risk their lives. Practical arrangements can make a difference, such as providing a safe place to gather, providing protective

equipment (such as when housing human rights defenders), and offering technological protection (such as through VPNs). Embassy staff should be trained specifically on the Guidelines for Strengthening and Protecting Civic Space and its Defenders, which also set out these and other interventions. Moreover, the Minister would be well advised to ensure that efforts by embassies to strengthen civic space are in line with political commitments at the multilateral level.

The active expression of appreciation by the Dutch government and embassies for the work of human rights defenders is of great significance to them, especially if they are in prison or on trial. Even when Dutch diplomats simply attend court cases against these human rights defenders, it is seen as a major show of support. International interest in their fate could lead to the reduction of their sentences or their release. Embassies should adopt an open-door policy for civil society and welcome human rights defenders, even when civic space is restricted or repressed. Training for consular staff on the rights of human rights defenders further to the changes to the EU Visa Code is also important here.

The role of business

The new legal reality created by the introduction of the CS3D also requires a new commitment from Dutch embassies to support compliance. Providing adequate support and guidance to Dutch businesses is becoming even more crucial. Embassies can cooperate with the Netherlands Enterprise Agency in this regard, and proactively alert businesses to certain human rights-related and environmental risks in their countries. Cooperation between diplomats who deal with economic issues and those who handle human rights issues is key here. The Policy and Operations Evaluation Department in the Dutch Ministry of Foreign Affairs reports that this is already happening a lot at some embassies, but at others there is still some compartmentalisation. The government is not legally liable under the HRDD directive, but it should encourage businesses to fulfil their responsibilities in this regard, including when it comes to respecting civic space.²⁰⁶ The guiding principles proposed by the AIV for the Dutch commitment to civic space also apply to that commitment through business: in addition to being context-specific, they should (1) be consistent, (2) focus on the long term, and (3) take into account possible diplomatic or other costs.

Financing

The discussions the AIV had with civil-society organisations and human rights defenders from various continents underscored the vital importance of continuing the substantial funding structures that help to strengthen civil society. Experts say that the Human Rights Fund, which can be used by embassies in particular countries, has proved to be essential. This may be even truer of the Strengthening the Civil Society framework, the Voice policy framework that targeted the most marginalised groups, and the Accountability Fund, a tool whose implementation was delegated to the Dutch diplomatic missions. To reduce dependence on a single, institutional funding stream,

it is important to also encourage the private funding of Dutch international NGOs. This could also facilitate access to funding for more-informal groups.

International organisations do not always manage to provide effective support to social movements when it is most needed, for instance in mass protests that are essential for opening up civic space. The large-scale demonstrations in Kenya and Bangladesh in 2024, among others, highlighted this. Effecting such a change will require some innovation in the practicalities of how civil-society organisations are funded. Some civil-society organisations cannot get access to funding because they do not have the bureaucratic structures in place for that purpose—this in turn because they are informal and fast-changing. Here there is a need for dynamic support mechanisms that take into account the context and the lower administrative capacity of these organisations or movements. This might include small budgets that could be used directly by embassies for the physical protection of human rights supporters, for digital resources, or for the provision of space in order to facilitate meetings.²⁰⁷ The existing Human Rights Fund could be used to these ends. This fund can support the on- and offline safety of human rights defenders and journalists in particular.²⁰⁸ It is important that this fund be continued and that innovations be made within it, so that support for particular projects that help protect civic space can be continued. Consideration could also be given to an emergency fund that would allow human rights defenders and activists to pay for legal aid.

Especially in societies where civil society is organised informally and the space for work is small (fragile areas), such funding is essential for continued support to human rights defenders at crucial moments (such as in Afghanistan during the fall of Kabul).

4.5 The Dutch commitment in the Netherlands

It is crucial that the Netherlands also ensure a safe civic space at home, guaranteed by the rule of law and respect for fundamental rights, and that, at the same time, the Netherlands protect these rights.²⁰⁹ In a polarised society, the protection of pluralism is of great importance, as is thoughtful public debate. The Netherlands must pay special attention to freedom of expression and the right to demonstrate for diasporic communities from autocratic states. There are many examples in which governments such as those in Russia, Turkey, China, and Eritrea actively suppress the civic space of their current or former nationals in the Netherlands.²¹⁰ Embassies and representatives of these states do this by, among other things, surveilling their current or former compatriots, infiltrating their networks, and putting pressure on family members in the countries of origin. The Dutch policy response is fragmented, partly because several ministers are involved.²¹¹ The Ministry of Foreign Affairs should apply pressure on, and engage in dialogue with, governments that try to suppress the civic space of their diasporic communities in the Netherlands.

The Netherlands has a strong tradition of protecting and strengthening the space for civil society at home. However, in a report it published in 2024, the State Commission on the Rule of Law indicated that the government should listen better to civil society-organisations, for example, to ensure that the principles of democracy and the rule of law are also respected, protected, and propagated in the Netherlands. PersVeilig, a partnership between the Netherlands Union of Journalists, the Netherlands Society of Chief Editors, the police, and the Public Prosecution Service, is a good example of how the government and civil-society actors are working together to strengthen the position of journalists and thus civic space in the Netherlands.²¹² Support for such national initiatives, which are announced by the Ministry of Education, Culture and Science, sets a good example that can strengthen Dutch efforts internationally.²¹³

A final word: civic space can never be taken for granted, not even in the Netherlands. To set the best example, we should pursue the highest standards for civic space. We must be open about how we try to protect civic space in the Netherlands and Europe, and about the issues we face on that score. That will be of crucial help in ensuring that democracy and the rule of law, as well as freedom and security in civic space, can continue to be a welcoming prospect the world over.



Russian opposition leader Alexei Navalny makes a heart gesture during a court hearing in Moscow on 4 August 2023, where he was sentenced to 20 years in prison for 'extremism'. His trial symbolised the far-reaching repression of political opponents in authoritarian states. Critical voices are systematically silenced, and as a result the space for opposition and for independent social initiatives is steadily disappearing.

Endnotes

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- ²⁰ George K. Foster, *Foreign Investment and Indigenous Peoples: Options for Promoting Equilibrium between Economic Development and Indigenous Rights*, Mich. J. Int'l L. +31 (33) 2012 627
- ²¹ See also recent AIV advisory reports '[Oekraïne – standvastigheid, weerbaarheid en perspectief](#)' ('Ukraine: Steadfastness, Resilience, and Prospects') (2024) and '[Towards a New Course for the Netherlands in the Israeli-Palestinian Conflict](#)' (2024).
- ²² The AIV has been arguing for some time, for example in the advice '[Urgentie van een nieuwe Nederlandse Afrika-strategie](#)' ('High Time for a New Dutch Strategy for Africa') (2022), for a more egalitarian approach between the Netherlands, Europe, and other countries.

- ²³ Dutch Ministry of Foreign Affairs (2023), [Policy note: human rights, democracy and international legal order](#).
- ²⁴ *Ibid.*
- ²⁵ *Ibid.*
- ²⁶ See, for example, [‘Brief regering; Samenwerking met het maatschappelijk middenveld in een nieuwe context – hulp, handel en investeringen’](#) (‘Letter from the Government: Cooperation with Civil society in a New Context – Aid, Trade, and Investment’), the Minister for Foreign Trade and Development, 16/10/2013.
- ²⁷ See Ackerman, P., *The Checklist to End Tyranny: How Dissidents Will Win 21st Century Civil Resistance Campaigns* (Washington 2021), and Nepstad, S. E., ‘Ousting General Pinochet’ in: *Nonviolent Revolutions: Civil Resistance in the Late 20th Century* (Oxford 2011), pp. 75–92, and Hussain, A., [‘Bangladesh Picks up the Pieces after the Revolution’](#), Foreign Policy (23/09/2024).
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- ²⁹ Chenoweth, Erica and Stephan, Maria, *Why Civil Resistance Works: The Strategic Logic of Nonviolent Conflict* (New York 2011).
- ³⁰ Diamond, L., ‘How to End the Democratic Recession: The Fight against Autocracy Needs a New Playbook’, *Foreign Affairs* 103 (2024) 6, pp. 126–140.
- ³¹ V-Dem Institute (2023), [‘Democracy report 2023. Defiance in the face of autocratization’](#).
- ³² See [‘Adviesaanvraag Krimpde maatschappelijke ruimte’](#) (‘Request for an Advisory Report on the Shrinking of Civic Space’) (5 July 2023).
- ³³ Multilateral organisations and institutions the world over, such as the AU, the Inter-American Commission on Human Rights (IACHR), the CoE, and the European Union (EU), use similar definitions.
- ³⁴ United Nations (2020), [‘UN Guidance Note: Protection and Promotion of Civic Space’](#).
- ³⁵ OHCHR, [‘OHCHR and Protecting and Expanding Civic Space’](#), last accessed on 16 January 2025.
- ³⁶ Reference was traditionally made to NGOs. These days, the term ‘civil-society organisations’ covers locally organised groups (often known as community-based organisations), as well as national and international organisations. This advisory report will use the term ‘civil-society organisations’ and one of the other terms as appropriate.
- ³⁷ See [CM/Rec\(2024\)2](#) of the Committee of Ministers to Member States on Countering the Use of Strategic Lawsuits against Public Participation (SLAPPs), 5/04/2024, Annex, subparagraph 4a.
- ³⁸ See Biekart et al (eds), *Civil Society Responses to Changing Civic Spaces*, footnote, p. 13.
- ³⁹ In its advisory report [‘Human Rights: A Core Interest in the Current Geopolitical Context’](#) (2022), the AIV emphasises the indivisibility of human rights, the connection between civil and political rights on the one hand and, on the other, economic, social, and cultural rights, which can also play a role when civic space shrinks.
- ⁴⁰ Dutch Ministry of Foreign Affairs (2023), [Policy note: human rights, democracy and international legal order](#).
- ⁴¹ Letter to the Dutch parliament, ‘Toekomst samenwerking met maatschappelijke organisaties in ontwikkelingshulp’ (‘Future Cooperation with CSOs in Development Assistance’) (11/11/2024), p. 4.
- ⁴² Open Government Partnership (2019), [‘Democracy Beyond the Ballot Box: Open Government Partnership Global Report’](#).
- ⁴³ AIV (2022), [‘Human Rights: A Core Interest in the Current Geopolitical Context’](#), pp. 33–34.
- ⁴⁴ Examples include the situation of women’s rights in the Netherlands ([Schaduwrapportages - Netwerk VN-Vrouwenverdrag](#) (Shadow Reports - UN Women’s Convention Network), violence against women, and domestic violence ([NJCM schrijft schaduwrapportage over geweld tegen vrouwen en huiselijk geweld - NJCM](#)) (‘the Dutch section of the International Commission of Jurists writes a shadow report on violence against women and on domestic violence’) and the daily practice and experiences of people with disabilities ([Schaduwrapportage VN-verdrag Handicap | Niets Over Ons Zonder Ons](#)) (Shadow Report on the UN Disability Convention: Nothing About Us Without Us).
- ⁴⁵ UNHCHR (2016), ‘Practical Recommendations for the UNHCHR and Maintenance of a Safe and Enabling Environment for Civil Society, Based on Good Practices and Lessons Learned: Report of the United Nations High Commissioner for Human Rights’, UN Doc. A/HRC/32/20, 11/04/2016, p. 3.
- ⁴⁶ See, for example, CIVICUS, [‘COLOMBIA: “The Inter-American Court found the state responsible for violating the right to defend rights”](#) (Interview with Jomary Ortegón, 15 June 2024).
- ⁴⁷ Court of Justice of the European Union, Judgment C-78/18, *Commission v Hungary*, 18/06/2020, ECLI: EU:C:2020:476, paragraph 143.
- ⁴⁸ ECtHR, Applications nos. 68762/14 and 71200/14, *Aliyev v. Azerbaijan*, 20/09/2018 (Final: 04/02/2019), paragraph 226.

- ⁴⁹ Contracting parties to the ECHR even have an affirmative obligation to create this favourable environment—see ECtHR 14/09/2010 (*Dink v Turkey*), para 137.
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- ⁵¹ Merkel, W. and Lauth, H., ‘[Systemwechsel und Zivilgesellschaft: Welche Zivilgesellschaft braucht die Demokratie?](#)’, *Aus Politik und Zeitgeschichte* (1998) pp. 6–7.
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- ⁶³ Otte, J. F., *Binden of overbruggen? Over de relatie tussen kunst, cultuurbeleid en sociale cohesie (Binding or bridging? On the Relationship between Art, Cultural Policy, and Social Cohesion)* (Groningen 2015).
- ⁶⁴ Time.com, ‘[How Poetry Societies are Giving Women in Afghanistan a Voice during Coronavirus Lockdown](#)’ (10/07/2020).
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- ⁶⁶ UNESCO (2023), [Defending Creative Voices: Artists in Emergencies Learning from the Safety of Journalists](#).
- ⁶⁷ Dalton, R.J., ‘[The participation gap: is citizen participation actually good for democracy?](#)’, *Global Policy* (23/08/2017, last accessed on 06/03/2025).
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- ⁷² OECD (2018), [OECD Due Diligence Guidance for Responsible Business Conduct](#), p. 18: ‘Due diligence is informed by engagement with stakeholders’. And footnote 2 reads as follows: ‘Examples of stakeholders include workers, workers’ representatives, trade unions (including Global Unions), community members, civil society organisations, investors and professional industry and trade associations.’
- ⁷³ OHCHR (2014), [Civil Society Space and the United Nations Human Rights System: A Practical Guide for Civil Society](#), p. 13.
- ⁷⁴ McGonagle, T., ‘Positive Obligations concerning Freedom of Expression: Mere Potential or Real Power?’ in: *Journalism at Risk: Threats, Challenges, and Perspectives* (Strasbourg 2015). See also the case law of the ECtHR [Note that this term is both written out and abbreviated in the original, whereas only the abbreviation should be included--this is the fourth reference to the ECtHR], 14/09/2010 (*Dink v. Turkey*), paragraph 137.
- ⁷⁵ Two frameworks applied by the AIV, from Van der Borgh and Terwindt, on the one hand in *NGOs Under Pressure* (2014), p. 38, and, on the other, in ‘Shrinking Operational Space of NGOs: A Framework of Analysis’ in: *Development in Practice*, vol. 22, no. 8 (2012). Van der Borgh and Terwindt focus their analysis exclusively on NGOs. That analysis does not fully apply to the much broader term ‘civil-society actors’ used here. In order not to exclude this broader perspective from the analysis, some theoretical frameworks have been combined.
- ⁷⁶ Buyse, A., ‘Squeezing Civic Space’, p. 969.

- ⁷⁷ The typology for types 1 to 3 is taken from Borgh, Chris van der, and Terwindt, Carolijn. 'Shrinking Operational Space of NGOs: A Framework of Analysis', in: *Development in Practice*, vol. 22, no. 8 (2012), pp. 1065–1081. In this advisory report, the AIV has added the fourth type and categorised the countries according to their form of government.
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- ⁷⁹ European Commission (2024), '2024 Rule of Law Report: the Rule of Law Situation in the European Union', and European Commission (2024), '2024 Rule of Law Report: Country Chapter on the Rule of Law Situation in Italy'.
- ⁸⁰ China Knowledge Network (2024), 'Chinese invloed en inmenging in het Nederlandse medialandschap' ('Chinese Influence and Interference in the Dutch Media Landscape'), p. 5.
- ⁸¹ The table is an adaptation by the AIV of analytical frameworks used by Terwindt and Van der Borgh in 'Shrinking Operational Space of NGOs: A Framework of Analysis' in: *Development in Practice*, vol. 22, no. 8 (2012), pp. 1065–1081. [Note that there's a full stop before the comma in the original] *NGOs under Pressure* (2014), p. 38, and Wolfgang Merkel and Hans-Joachim Lauth, 'Systemwechsel und Zivilgesellschaft: Welche Zivilgesellschaft braucht die Demokratie?', *Aus Politik und Zeitgeschichte* (1998), pp. 6–7. Online: [Systemwechsel und Zivilgesellschaft: Welche Zivilgesellschaft braucht die Demokratie? | APuZ 6-7/1998 | bpb.de](#).
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- ⁸⁷ Carnegie Endowment for International Peace (2014), Carothers, T. and Brechenmacher, S., 'Closing Space: Democracy and Human Rights Support under Fire', p. 22.
- ⁸⁸ Western states gave money to states in the Global South to buy medical supplies, equipment and vaccines, but had themselves bought up all the supplies and refused to release patents of vaccines developed in the West against COVID-19. See [Cyril Ramaphosa lays into the West in Paris for vaccine inequality \(businesslive.co.za\)](#).
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- ⁹⁰ AIV (2017), 'The Will of the People? The Erosion of Democracy under the Rule of Law in Europe'.
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- ⁹⁶ Applebaum, Anne, *Democracy, Inc. The Dictators Who Want To Rule the World* (London 2024).
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who shared their stories anonymously out of
concern for their own personal safety.*

Annex II: List of terms and abbreviations

ACM	Authority for Consumers & Markets
AI	Artificial intelligence
AU	African Union
CBF	Centraal Bureau Fondsenwerving (The Dutch Fundraising Regulator)
CM	Committee of Ministers (Council of Europe)
CS3D	Corporate Sustainability Due Diligence Directive
DMA	Digital Markets Act
DSA	Digital Services Act
ECHR	European Convention on Human Rights
EFJ	European Federation of Journalists
EMFA	European Media Freedom Act
ESC rights	Environmental, social, and cultural rights
EU	European Union
EU SEE	EU System for an Enabling Environment for Civil Society (Council of Europe)
FOC	Freedom Online Coalition
FPIC	Free, prior, and informed consent
HRDD	Human rights due diligence
IACHR	Inter-American Commission on Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
LGBTIQ+ rights	Lesbian, gay, bisexual, transgender, intersex, queer, and related rights
NRDC	Natural Resources Defense Council
NCP	National Contact Point in the Netherlands for OECD guidelines
NGO	Non-governmental organisation
NUJ	Netherlands Union of Journalists
OECD	Organisation for Economic Co-operation and Development
OGP	Open Government Partnership
OHCHR	Office of the United Nations High Commissioner for Human Rights
OSCE	Organization for Security and Cooperation in Europe
CoE	Council of Europe
SLAPP	Strategic lawsuit against public participation
UNGPs	UN Guiding Principles on Business and Human Rights
UN	United Nations
WRR	The Netherlands Scientific Council for Government Policy

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