

The role of Human Rights Organisations in the Interest of defending Democracy

Democracy and Human Rights: Current
Challenges in Post-Soviet Countries

15 December 2025

International Law Foundations of NGOs

- Non-Governmental Organisations (NGOs) are recognised as key actors within the UN human rights framework.
- **1948 Declaration of Human Rights, Article 20**

“Everyone has the right to freedom of peaceful assembly and **association**”.

(source <https://www.un.org/en/about-us/universal-declaration-of-human-rights>)

- **UN Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms** (General Assembly Resolution 53/144) (the **UN Declaration**):
 - Acknowledgment of the role of NGOs (Article 1 UN Declaration):

“Everyone has the right, individually and **in association** with others, to promote and to strive **for the protection and realization of human rights** and fundamental freedoms at the national and international levels”.

International Law Foundations of NGOs

- States are under an obligation to protect human rights exercised individually and in the framework of an association (Article 2 UN Declaration):

Each State has a **prime responsibility and duty** to protect, promote and implement all human rights and fundamental freedoms, *inter alia*, by adopting such steps as may be necessary **to create all conditions necessary** in the social, economic, political and other fields, as well as the legal guarantees required **to ensure that all persons under its jurisdiction**, individually and **in association with others**, are able to enjoy **all those rights and freedoms in practice**.

- Freedom of association (Article 5 UN Declaration)

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, **individually and in association** with others, at the national and international levels:

- a) To meet or assemble peacefully;
- b) To form, join and **participate in non-governmental organizations, associations or groups**; and
- c) To communicate with non-governmental or intergovernmental organizations.

(source <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-right-and-responsibility-individuals-groups-and>)

The Role of NGOs

- In general terms, NGOs are intermediaries between individuals and authorities
 - Constitutions and UN documents recognise the role of associations as mediating bodies between citizens and the state, as a form of normative pressure and social legitimacy beyond institutions
 - NGOs aggregate individual sensitivities, transform these into public issues and voice these to authorities, often **speaking** when individuals cannot safely do so themselves.
- **Therefore, researching, investigating and documenting violations** is not mere fact-finding: it is a democratic act
 - Consolidating baselines grounded on **fact-checking**
 - Preserving **memory** of often hurting events
 - Preventing the **erasure** of victims.
- Without coercive powers, NGOs contribute to fuelling the debate in public opinion and, where needed, bringing national and international pressure on authorities.
- In particular where domestic space is closed to local NGOs, **international NGOs become a relay**
 - Disseminating carefully checked information, amplifying voices forced into exile, preserving cases for future justice and ensuring violations are not forgotten
 - A form of **democratic continuity** across borders.

Concepts of Democracy

- **Substantive democracy** is solidly rooted in constitutions
 - Constitutional supremacy
 - Separation of powers
 - Checks and balances
 - Independent judiciary
 - Protection of fundamental rights and freedoms
 - Free and pluralistic press
 - Freedom of association and grassroots civic space.
- Alternative concepts, such as “common good” constitutionalism and democracy / return to natural law (ex. Vermeule 2022), tend to offer a different view of democracy (ex. Puppinck 2018).
- Concept of “electoral democracy”.

Democracy: Modern Challenges

- Certain contemporary governments have adopted governing techniques resulting in:
 - gradual arrogation of executive powers
 - impaired constitutional constraints
 - impaired constitutional accountability
 - self-perpetuation of incumbents

which have been normalised in everyday politics
- These techniques are coupled with **writing an alternative narrative** on democracy and human rights
 - Reformulation of democracy as mainly “electoral” and questioning non-aligned, dissenting people, NGOs and behaviours (see *infra*)
 - Proposal for a change of culture re human rights, based on a shrink of civic space and rolling back of human rights safeguards and standards, leaving the impression this is done “in the name of common good” (yet, **who is to define what common good is?**)
 - Ex. Prohibitions imposed on the queer community, based on extensive interpretation of **public morality / public order** (which are by themselves **narrow** exceptions), notwithstanding constitutions granting equality and fundamental rights
 - Tendency to use social networks to aggressively disseminate divisive and often anti-rights messages
 - Enhancing of global networks of supporters / sympathisers.

Democracy: Modern Challenges

- This shift in the political model brings up a number of **supranational** challenges
 - Challenges vis-à-vis international law and multilateralism
 - Ex. Threats to freedom and sovereignty / aggressions of other sovereign states part of the international community (such as the war of aggression of the Russian Federation to Ukraine)
 - Ex. Enactment of massive tariffs as means of pressure legally questionable under World Trade Organisation Law.
 - Challenges vis-à-vis international human rights framework
 - Ex. Withdrawal from or non-ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)
 - Ex. Adoption of sanctions against officers of international organisations and judiciaries.
 - Challenges vis-à-vis the European human rights framework
 - Ex. Open letter published in May 2025, followed by a joint statement in December 2025, pushing the Council of Europe and the European Court of Human Rights (ECHR) to rebalance human rights law, particularly regarding the expulsion of foreign criminals, by giving more weight to national security and public safety over migrants' family/social ties, aiming to counter challenges from migration and hostile states
<https://stm.dk/presse/pressemeddelelser/2025/denmark-and-italy-gather-majority-to-push-for-the-council-of-europe-to-address-migration-and-security-challenges/>
 - Ex. Widespread framing of freedom of peaceful demonstration
<https://www.amnesty.org/en/what-we-do/freedom-of-expression/protest/>.

Democracy and Modern Challenges: Are NGOs “undesirable”?

- Challenges to NGOs and civic space
- Two main toolkits states use against NGOs
 - Adoption of foreign agent / foreign influence / undesirable legislation
 - These laws typically pursue three (3) targets:
 - Attaching stigma to NGOs and their allies (forcibly labelled as “foreign agent” / attempting to bring “foreign influence”), to portray diversity as disloyalty
 - Boosting of administrative measures targeting NGOs (audits, reporting, sanctions)
 - Criminalisation (penalties for “cooperation”, “support” and “dissemination” often providing for detention).
 - Ex. Russian Federation (Federal Law on “undesirable organisations”, 2015), Hungary (“Lex NGOs”, 2017), Georgia (2020).

Democracy and Modern Challenges: Are NGOs “undesirable”?

- Two main toolkits states use against NGOs (continues)
 - Anti money laundering / counter-terrorism financing (**AML**) used as pressure levers
 - Distorted use of AML instruments into an anti-NGO instrument, generally through:
 - De-risking (banks closing NGO accounts)
 - adoption of intrusive reporting and prior-authorisation requirements
 - freezing / seizing of assets
 - alleging “terrorism financing” without due process.
 - Ex. 2018 freezing of assets of Amnesty International India
<https://www.dw.com/en/india-freezes-amnesty-bank-accounts-after-raid/a-46056534>
 - This behaviour has been adopted to such a large scale that FATF itself amended **Recommendation 8** in 2023 specifically to address misapplication/misinterpretation that led to disproportionate measures on NGOs.
 - <https://www.fatf-gafi.org/en/publications/Fatfrecommendations/R8-public-consultation-jun23.html>

Democracy and Modern Challenges: Are NGOs “undesirable”?

- Legalisation of repression
- In May 2025, Russia's Prosecutor General declared Amnesty International an “undesirable organisation” effectively banning its activities in the country
 - Accordingly, anyone affiliated with, supporting or disseminating information from Amnesty International within Russia faces significant risks of administrative liability and criminal prosecution, with potential prison sentences
 - To note, Russian authorities had already closed Amnesty International's Moscow office and blocked access to its website in the prior years.
- Consequences of the stigma on Amnesty International in Russia
 - Target is not only silencing Amnesty International, but criminalising solidarity and curbing human rights defenders in Russia
 - Escalation logic (closure → stigma → criminalisation) shows systemic intent, not sudden rupture
 - Administrative pressure (registration, inspections, office closure) → Informational isolation (website blocking, media bans) → Legal stigmatisation (equation “foreign agent” = “undesirable”) → Criminal liability for contact, support, or dissemination.
 - Further narrowing of civic space, executed step-by-step **through legal means**.

NGOs' Instruments for a –non-violent– response (examples)

- In response to the legal and political dynamics, NGOs act on two complementary levels...
- **Policy:** Counteracting narrative capture and norm erosion
 - Setting an important human rights agenda for the future
 - Focussing on the relationship between human rights and poverty, often fuelling consent for non-optimal rights-oriented approaches and instruments to counter it (for instance, devising policies on taxation and human rights / inequalities / cohesion)
 - Identifying resources for shifting narrative frames to highlight the impact on the fundamentals of democracy and human rights / fundamental freedoms.
- **Operation:** Counteracting isolation, fragmentation and fear
 - Maintaining independent channels of communication for human rights narratives
 - Continuing disseminating a culture of human rights, democracy and international law as the fundamentals for peaceful co-existence (education and dissemination through mobilisation)
 - Enhancing cross-sectoral partnerships with fellow NGOs globally and locally
 - Liaising with European governments and administrations to keep these sensitive to risks for democracy and human rights issues globally
 - Devise instruments **for assisting human rights defenders**, especially in countries where the civic space has been shrunk.

In response to the current legal and political dynamics...

NGOs

shall

resist,

preserve,

support,

connect.

UN Framework for Human Rights Defenders

- Human Rights Defenders contribute to delivering **locally** the UN core objectives (democracy, peace, security, development, social justice)
 - Information gathering and reporting on human rights violations, state failures and other types of distortions of core objectives
 - “Field work” to develop core objectives: defenders expose themselves to several risks in unpredictable scenarios (armed conflicts, religious and ethnic tensions, increase of terrorism).
- Why are defenders targeted first?
 - Human rights defenders **connect** law to facts, facts to public awareness and awareness to accountability
 - Where defenders are criminalised or silenced, democracy is at risk, or has already ceased to exist, regardless of elections:
 - no independent judiciary → lawyers may become defenders
 - no free press → journalists become may defenders
 - no civic space → ordinary citizens may become defenders
 - Therefore, the targeting of defenders may be an indicator of systemic democratic failure.

UN Framework for Human Rights Defenders

- State (and local groups) behaviours **creating a hostile environment** for civic space (directly affecting civil society and Human Rights Defenders)
 - Creation of climate of sensitivity around certain issues to deter defenders and silence criticism
 - Lack of transparency
 - Distortive use of laws against defenders
 - Allowing a culture of impunity by failing to deliver adequate standards of human rights protection
- State (and local groups) materially **undermining the security** of Human Rights Defenders: arbitrary arrest and detention, threats to physical integrity and material attacks, harassment.
- Precondition for achieving effective protection of Human Rights Defenders is a firm commitment of States towards this end.
 - The UN has established a global standard for protecting human rights defenders
 - Resolution 58/178 of UN General Assembly of 22 December 2003)
 - Report of the Special Representative of the Secretary-General on human rights defenders, Hina Jilani of 1 October 2004.
 - EU guidelines on human rights defenders (2004, 2020).

Amnesty International's 2019 Report "Defending The Defenders"

- Notwithstanding the adoption of EU's 2004 guidelines, Amnesty's 2019 report criticised the EU's approach on Human Rights Defenders, identifying gaps and inconsistencies in its policy and actions.
- The report underscores the need for adopting a more effective, visible and strategic approach, especially given escalating threats faced by Human Rights Defenders globally.
- Key Findings
 - Lack of unified strategy
 - Visibility / accessibility gap
 - Country-specific disparities
 - Short-term bias

EU Guidelines on Human Rights Defenders (2020)

- Amnesty International's 2015 report appears to have been a catalyst for the EU's more structured approach and guidelines on human rights defenders, stressing the need for more consistent, systematic and impactful actions.
- The EU 2020 Guidelines offer a more structured approach to supporting human rights defenders, including diplomatic and practical support to create a safe environment where human rights defenders can operate without fear.
- Acknowledgment of defenders and their status, clarifying in particular the role of defenders in:
 - **Documenting** violations
 - **Seeking remedies** for victims of such violations through the provision of legal, psychological, medical or other support
 - **Combating cultures of impunity** serving to disguise systematic and repeated breaches of human rights and fundamental freedoms
- Designing a precise procedural chain:
 - EU Heads of Missions: Diplomatics act as **primary interface between EU and human rights defenders** → Council of Ministers' Working Party on Human Rights (COHOM) as “transmission chain” to institutional level → Council of Ministers of the European Union to devise diplomatic plans and pressure
- Specific initiatives to support human rights defenders: programme “Protect Defenders”
<https://protectdefenders.eu/>

NGOs and Human Rights Defenders: The example of Amnesty International

Amnesty International supports human rights defenders through:

- Public campaigning and mobilisation
 - e.g. global campaigns raising visibility and protection
- Engagement with states and international organisations
 - Calling for protection, accountability and compliance with standards
- Submissions to UN and regional human rights mechanisms, including the UN Special Rapporteur on Human Rights Defenders
- Dissemination of human rights culture through education
- Continuous support to defenders in hostile environments.

**Thank you for your
attendance**
