

Prof. Bert Koenders
Chairman of the Advisory Council
on International Affairs
P.O. Box 20061
2500 EB The Hague

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Re Request for advice on shrinking civic space

Dear Professor Koenders,

The government requests the AIV's advice on the following.

For some time, civic space has been shrinking worldwide. This is true not only of a number of states in Europe such as Russia,¹ but also elsewhere in the world.² This trend is due mainly to the global increase in autocratic tendencies and repressive national legislation, which has restricted the space that segments of civil society working to defend freedom, equality, the rule of law and human rights have to operate.³ Over the past few years, in a variety of states it has become impossible in practice for these segments to function.

In more and more contexts the space available to civil society is being reduced to providing social services, under state supervision. At the same time, the political role of civil society organisations (including the expression of dissent) is being curbed by increasingly repressive legislation.⁴ All civil society organisations, especially those that seek to support groups that are being increasingly marginalised or even criminalised, are finding it more and more difficult to do their work. This forces the Netherlands, the EU and like-minded partners to make difficult choices, because supporting these groups takes a heavy toll on relations with the governments of these countries. Such inter-government ties are essential given the wide range of Dutch and European interests at stake, such as security, economic relations, migration partnerships, etc. However, safeguarding rights like freedom and equality for all and respecting the rule of law are not only relevant for human rights defenders and civil society organisations active in that area; they are also prerequisites for the full participation of all members of society, including marginalised groups.

This situation raises the following policy questions:

1. What specific circumstances and factors are causing this shrinking of civic space?
2. In what way can the Netherlands enhance its policy⁵ aimed at maintaining or opening up civic space? Wherever possible, we would like the advisory report to focus specifically on how to support marginalised groups in their political role.
3. How can the integrated character of Dutch policy on civic space be further enhanced? How can the government ensure that financial efforts to help civil society organisations in third countries do not come at the expense of the interests and values that the Netherlands seeks to foster in these countries? At the same time: how can we ensure that the Ministry's purpose in financially supporting civil society organisations is not undermined by diplomatic choices that need to take account of other interests?

¹ Raam op Rusland - *Ontwikkelt de civil society in Rusland zich naar Nederlands model?* (Window to Russia: Is civil society in Russia evolving along the lines of the Dutch model?) Available at <https://www.raamoprusland.nl/onderzoek/civil-society-corona/1855-ontwikkelt-de-civil-society-in-rusland-zich-naar-nederlands-model> [Accessed 21 April 2023].

² CIVICUS - *Tracking conditions for citizen action*. Available at <https://monitor.civicus.org/> [Accessed 21 April 2023].

³ Manifesto – *Democracy Under Threat*. Available at <http://democracyunderthreat.org/manifesto/> [Accessed 21 April 2023].

⁴ ICNL, *The Civic Space Initiative*, Available via <https://www.icnl.org/our-work/global-programs/the-civic-space-initiative> [Accessed 21 April 2023].

⁵ Government.nl (2019), Policy Framework on Strengthening Civil Society, available at <https://www.government.nl/documents/policy-notes/2019/11/28/policy-framework-strengthening-civil-society> [Accessed 21 April 2023].

4. In the light of the effectiveness of Dutch policy thus far, what are the opportunities for an enhanced approach and more effective partnerships?

In reflecting on the above it is important to keep in mind the connection between civil/political rights and economic, social and cultural rights. Legally speaking, governments have a duty to protect civil, political and social space. But in recent years economic, social and cultural rights have also visibly come under significant pressure in many places. The question of how the Netherlands could be more effective in helping to turn this tide is an essential one for all segments of society – including marginalised groups (and their participation in society).

The rights-based approach in addressing shrinking civic space

With help from civil society groups, organisations like the Open Society Foundations, the International Centre for Not-For-Profit Law and CIVICUS⁶ have been reporting for years about the shrinking space available to civil society. Over the past decade Dutch policy efforts have focused on maintaining and expanding civic political space through activities aimed at strengthening civil society in its lobbying and advocacy capacity, by means of a rights-based approach.

In its previous advisory report on human rights,⁷ the AIV stated that in the past decade ‘the indivisibility of political, civil, social, economic and cultural rights was not adequately guaranteed’. But it also identified three new tendencies: new and in some cases global non-governmental movements **made up of non-traditional actors, often including young participants**, are standing up for social justice and human rights; **businesses** are taking a more active approach to showing respect for and promoting human rights; and **professional associations** and networks are increasingly cooperating at global level to protect human rights. What effective courses of action can be derived from this?

Around the same time that this AIV advisory report was released, the Ministry of Foreign Affairs launched a feminist foreign policy, which envisions a central role for organisations that focus on women and marginalised groups. With a view to fleshing out this feminist foreign policy, the requested AIV advisory report should deal with women and marginalised groups (including LHBTIQ+ people) and the shrinking space for organisations that focus on them. We look forward to receiving your advisory report on the above questions.

Yours sincerely,

Liesje Schreinemacher
Minister for Foreign Trade and Development Cooperation

Wopke B. Hoekstra
Minister of Foreign Affairs

⁶ OXFAM, *Civic Space Monitoring Tool: Understanding what is happening in civic space at a local and national level*. Available at <https://oxfamilibrary.openrepository.com/bitstream/handle/10546/620874/gd-civic-space-monitoring-tool-041019-en.pdf;jsessionid=4FC3B257521BD23201E456F1940ABD7B?sequence=1> [Accessed 21 April 2023].

⁷ AIV (2022) Human Rights: A Core Interest in the Current Geopolitical Context, p. 6. Available at <https://www.advisorycouncilinternationalaffairs.nl/documents/publications/2022/06/28/human-rights-a-core-interest-in-the-current-geopolitical-context> [Accessed 21 April 2023].