

2025

**Analysis
from the Atlas of**

Civil Society

A world map is visible in the background, with countries colored in various shades of green, yellow, orange, and red. The title 'Civil Society' is superimposed over the map in large, bold, black letters.

Rule of Law or Rule by Law?

How it Affects Civil Society Space

Imprint

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civil society and “Shrinking Space” at
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Preface

These are dangerous times for civil society worldwide. For instance, our partners in Georgia talk about being harassed and bullied as “agents of foreign powers” simply because they receive funding from Germany for their crucial work. They have to register with the authorities and notify both the Ministry of Justice and the Ministry of Finance about their employees and collaborators. The Georgian government claims that this promotes transparency. However, it can ultimately use these laws to significantly limit organisations that criticise it, such as by denying their registration.

The situation in Georgia is just one example highlighted in the current Atlas of Civil Society, illustrating how the space for civil society to operate is increasingly shrinking around the world. Brot für die Welt partner organisations across Asia, Africa, the Middle East, the Americas and Europe report having similar experiences. Data and figures collected by the global network for citizen participation CIVICUS highlight this worrying trend: More than 72 % of the world’s population, which is over 5.8 billion people, now reside in countries where the authorities significantly restrict or entirely suppress civil society. Without freedom of speech, assembly and association, the foundations for civic engagement are lost.

Behind these restrictions on civil society, we are seeing a worrying pattern in many countries: The mechanisms that uphold the rule of law are being increasingly weakened and



compromised. When existing laws are ignored or abused, when new laws are crafted to silence opposition, when institutions meant to protect rights are undermined – eventually, only the rule of the strongest remains.

This year, we’re highlighting how quickly or

subtly these changes are occurring in many countries worldwide, and the tactics authoritarian leaders are using.

But there is also hope. Our partner organisations worldwide are actively working to combat this devastating trend, often putting their lives at risk in the process. They are reinforcing legal frameworks and human rights protections, documenting and highlighting abuses, pursuing legal action and developing solutions. A proactive and human rights-focused civil society acts as a watchdog, playing a crucial role in promoting fair and sustainable development.

These are times of significant geopolitical turmoil. Democracy, the rule of law and a vibrant civil society should never be taken for granted. Not even in Germany. We all have to take responsibility and consistently stand up for our values, for civil liberties and for human rights. Here at home, but also worldwide. Join us in working to ensure a vibrant and functioning civil society!

Dr Dagmar Pruin

President of Brot für die Welt

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Summary

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Focus: Rule of law or rule by law?

The influence of far-right, libertarian and populist groups is increasing worldwide. This puts a strain on institutions that uphold the rule of law. They are attacked as enemies of the alleged will of the people. Their legitimacy to control the executive and protect minority rights is denied. At the same time, the law is increasingly being used as a tool for repression: Existing laws are being abused, or new ones are being introduced to restrict civil society groups and prevent journalists from doing their jobs. Attacks on the independent judicial system and on independent judges and prosecutors are increasing worldwide. Freedom of assembly and association are suffering as a result of the global trend towards authoritarianism. In addition to judicial institutions, state agencies that are supposed to implement the law, are also under attack.

Around the world, ultra-libertarians are dismantling state institutions that many citizens rely on. The result is a pared-down state that can no longer offer services or protect citizens effectively and projects a dysfunctional image. This trend plays into the hands of populists and authoritarians in particular.

Freedom of the press is also being increasingly restricted, while physical attacks on journalists are on the rise. 2024 was the deadliest year for journalists since records began. This prevents the exposure of injustice. The independence of media and journalists is also increasingly restricted by repressive laws.

Civil society, however, is pushing back: Around the world, organisations and activists are increasingly using legal action and strategic litigation to push for social and environmental progress.

2

Our political demands

Governments and parliaments must firmly support an independent civil society and a free press, and uphold universal human rights, both domestically and internationally. They must oppose laws that hinder the efforts of NGOs. Governments must work to ensure that crimes committed against

human rights defenders are prosecuted. Embassies and diplomatic missions need to step up their support for human rights defenders. Governments must foster an environment that supports an active and independent civil society while safeguarding civil liberties.

Part 2

Repressed engagement: How governments are utilising the law to restrict civil society



Around the world, civil society actors are pushing back against threats to the rule of law, separation of powers and democracy. Many governments are attempting to silence them. But methods of protest are also becoming ever more diverse.

Using the law to break the law

They emphasise “sovereignty” or talk about “self-defence”. Many states are ignoring civil liberties for various reasons and enacting new laws that weaken freedom of association

It makes for a gruesome scene: eight faces printed on a bingo card, each marked with a blood-red “X”. And beneath it the caption: “A judicial shot fired, a civil death. This is how we fight [...] the globalist agenda against Guatemala.”

These are the faces of Judge Miguel Ángel Gálvez and seven other public prosecutors, judges and independent journalists who had already fled abroad and were threatened on social media on 1 November 2022. The post is from a group of right-wing extremists known as the “judicial snipers” from the Fundación contra el Terrorismo, or FCT for short. The group has connections to former military officers. Three days after receiving the death threat, Gálvez left both his office and the country. He now lives in exile.

The Guatemalan civil war lasted 36 years, from 1960 to 1996. During this period, government forces and right-wing paramilitary groups were responsible for the deaths of approximately 250,000 civilians, primarily from indigenous Mayan communities, as reported by the Truth Commission. Many of the offenders have never been held accountable. As a judge, Gálvez brought charges against former military leader José Efraín Ríos Montt and others. He also ordered the arrest of ex-president Otto Pérez Molina.

Autocrats on the rise

Globally, there is a growing trend of attacks on the independent judicial system, as well as on independent judges and prosecutors. Governments, the judiciary and companies are also increasingly using existing laws to hinder civil society, social progress and human rights. This trend is clearly picking up steam around the world. It is a central element of the global slide towards authoritarianism, which is eroding freedoms of speech, assembly and association. Human rights norms are being weakened, and repression is increasing.

This is all happening on six levels:

The first level involves challenging established rights and norms: these are being dismantled. In places where these rules are still in effect, governments or authorities simply ignore them. For example in Poland, migrants are being turned away at the country’s borders, despite this being in violation of EU law. This trend becomes even more evident when the EU Commission, despite having consistently labelled the pushbacks as “unacceptable”, succumbs to political pressure and permits Poland to do “what is necessary” at the borders to safeguard “public order and sovereignty”.

In some cases, states invoke sovereignty as overriding national law, including instances where governments have ignored court rulings. According to the European Court of Human Rights (ECHR), all but three member states have failed to implement or have incompletely implemented between three and 83 per cent of ECHR judgements (see chart on page 11). The pushback against established international and national norms often involves portraying democracy and human rights as threats to tradition, nation or culture. This can lead to efforts to limit the rights of LGBTQIA+ individuals or women. For example, the Taliban in Afghanistan may reject what they consider a “Western democratic view” of women’s human rights, instead advocating for their interpretation of “Islamic women’s rights”, which can include practices like stoning to death for adultery.

Fundamentalists aim to impose their own interpretation of religious commandments. Populists, on the other hand, often agree with the notion that the will of the people can differ from established laws. They believe there is a genuine popular sentiment that politicians should acknowledge and prioritise, even if it means bypassing legal obstacles.

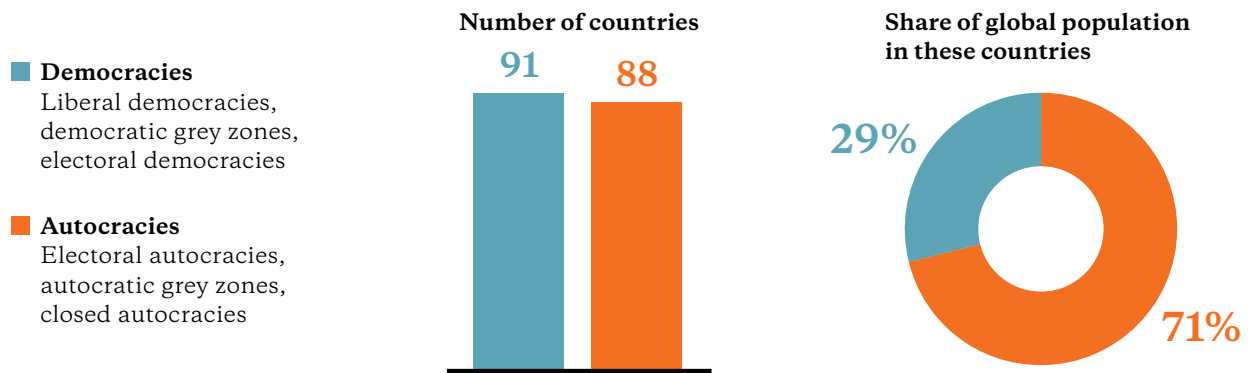
The second level is the abuse of existing laws. In 2023, for instance, the public prosecutor’s office in the Philippines launched an investigation into CERNET, a partner of Brot für die Welt. This was based on a counter-insurgency law from 2012, designed to prevent the financing of terrorism. The judiciary often engages in “red tagging”, where defendants are derogatorily labelled as “communists” or “subversives”. Minister of Justice Jesus Remulla warned CERNET: Anyone who funds terrorist organisations should be prepared to face “severe consequences, just as harsh as those faced by the terrorists themselves”. CERNET denies the accusations. The Aktionsbündnis Menschenrechte Philippinen, an organisation supporting human rights in the Philippines, describes them as “baseless” and claims they are intended to harm CERNET’s reputation.

Abuse of the law also includes SLAPPs, which stands for Strategic Lawsuits Against Public Participation. These lawsuits against public participation aim to intimidate and silence critics. For instance, the oil company Energy Transfer sued Greenpeace for \$660 million in damages because the NGO supported protests against an oil fracking pipeline in the USA. The Coalition Against SLAPPs in Europe has recorded over 1,000 of these cases, with 166 new ones in 2023 alone.

A third level is the creation of new laws relating to NGO “agents”, counter-terrorism, press or internet censorship (see

Autocracy for the masses, democracy for the few

Only about one-third of the global population lives in a liberal democracy



Source: Ranking of states by the V-DEM Institut, Göteborg, V-Dem Democracy Report 2024

page 14) that violate constitutional protections and human rights norms. In 2024, Georgia followed in Kyrgyzstan's footsteps by enacting a "foreign agents" law, referred to in Georgia as the "Law on Transparency of Foreign Influence". Rwanda, Paraguay and Peru have also enacted restrictive laws targeting NGOs. In Zimbabwe, a new law aimed at "amending private voluntary organisations" grants the government complete control. It has the authority to remove directors of NGOs and appoint interim trustees in their place. The vague provisions create the possibility of civil and criminal penalties for directors and employees. This discourages many people from taking up such positions.

A fourth level involves attacks on institutions meant to protect rights – like the judiciary, international organisations or civil society. Alarming signs are also mounting in Germany: In February 2025, the CDU/CSU parliamentary faction raised 551 questions in a parliamentary enquiry regarding the "political neutrality of state-funded organisations". Critics argue that this is an effort to undermine the work of organisations like the research platform Correctiv, the Amadeu Antonio Foundation and BUND.

The situation in Nicaragua is especially dire. In November 2024, President Daniel Ortega, known for his authoritarian rule, gave himself "almost unlimited power", according to the UN, by amending approximately 100 articles of the constitution. Gone are the separation of powers and the independence of government bodies, along with the prohibition on media censorship. Parliament no longer has the right of co-determination when the government decides to deploy the army domestically. At the international level, authoritarian figures frequently dismiss the UN system of human rights and its regional counterparts, claiming they undermine national sovereignty. Hungary's President Viktor Orbán is aiming to

introduce a law to combat "foreign interference" and plans to set up an "Office for the Protection of Sovereignty". The Ordo Iuris think tank, which is closely aligned with Poland's Law and Justice party, argues similarly by rejecting the EU Commission's authority to enforce regulations on EU member states concerning the rule of law. Instead, the EU must accept that member states are "united in diversity". Laws in the EU are created by democratically elected governments and are approved by the parliaments of its member countries.

In Latin America, the exemplary Inter-American human rights system is facing challenges from populist governments on both sides of the political spectrum, including left-wing administrations like Venezuela's and right-wing ones like Argentina's. Nayib Bukele, the authoritarian president of El Salvador, reportedly "does not accept criticism" from the Inter-American Commission on Human Rights, according to Zaira Navas from Cristosal, an organisation partnered with Brot für die Welt.

The African Union's (AU) human rights system is also losing support. This was evident when the African Commission for Human and Peoples' Rights (ACHPR) established a commission looking into the violent conflict in Ethiopia's Tigray province in 2021. The government of Ethiopia, where the AU is headquartered, insisted on conducting its own investigation into potential human rights violations, despite being one of the two parties involved in the conflict. The ACHPR had to conclude its Tigray mission without producing a final report.

The fifth level involves attacks on institutions responsible for enforcing the law, such as agencies and offices (see page 26). This includes a veritable crusade led by ultra-libertarian figures like Argentinian President Javier Milei and billionaire Elon Musk: Their goal is to break down the state, which includes dismantling social security systems, healthcare,

workers' rights and more. As a result, the state loses its ability to operate effectively. It can no longer fulfil its obligations to its citizens and therefore appears increasingly dysfunctional – which libertarians happily use as evidence to say: “You see? The state is useless”.

Libertarians are currently a key factor contributing to the rise of authoritarianism. They have strong international connections with populist, far-right or Christian fundamentalist groups. Groups such as the Hungarian government and US evangelicals play key roles.

Attacks on journalists – the sixth level – are also becoming more severe. For example, some laws pretend to combat the real issue of disinformation and are, in many countries, abused for the purpose of censorship and to persecute journalists. Journalists find themselves facing censorship, imprisonment and even death. Or they are labelled as part of the “fake news media” (see page 20).

Rule of law instead of rule by law

So what exactly does “rule of law” mean? For organisations like Brot für die Welt, we believe that rule of law goes beyond just following the law. The rule of law is derived from fundamental principles and ensures the safeguarding of human rights that enable individuals to defend themselves against the state. But the law can also be abused, for example when autocrats “rule by law” by bypassing parliament and governing by decree. That’s why every law has to remain bound to universal and inalienable norms. This is a core requirement of the EU. It defines the rule of law as a concept where “all public powers always act within the constraints set out by law, in accordance with the values of democracy and fundamental rights, and under the control of independent and impartial courts”. Part of this principle is ensuring that power is controlled – and that the law can act as a bulwark against arbitrary actions by the state.

But NGOs and social movements are also currently using the law to advocate for social progress. Activists who once spoke sceptically about “unequal justice” favouring the wealthy and powerful are now focusing on optimising their strategic litigation (see page 13). Whether in the interest of environmental protection or labour justice, resistance to mining projects or the right to sexual self-determination: civil society groups in both the Global North and South are increasingly turning to the judiciary, including international courts, to address a growing range of abuses – often with success.

“In prison, in exile or in heaven”



Mr Kinyanjui, hundreds of people have lost their lives in protests in Kenya since 2023.

How is civil society being suppressed?

Canon Chris Kinyanjui: People have been arrested and abducted by the police. Activists are being threatened with death, bodies are turning up by the roadside. The message from President William Ruto is: Anyone who criticises him either ends up in exile, in prison – or in heaven because they have been killed. In 2024, during widespread protests against a tax hike, the government responded by deploying snipers. The police were responsible for the deaths of nearly 100 people, with some cases being disguised as traffic accidents. Ruto has said that if young people do not act responsibly, they will face consequences. The police have also called in clergymen to explain their criticisms of the government. Some who have done this have received anonymous telephone calls: “We know what you said, we will get you if you do not stop.”

Is repression in Kenya getting worse?

Canon Chris Kinyanjui: The number of deaths and disappearances is unprecedented, as is the behaviour by police. In the nineties they arrested you and took you to a police station. Now you end up in what are known as safe houses. The police claim the individual hasn’t been formally arrested and they have no responsibility for them. But then who does? This is a big difference to the past.

What can the churches do?

Canon Chris Kinyanjui: They play a key role in strengthening civil society. During the protests we held church services to honour and remember those who lost their lives. In our meetings with the president, we urged an end to extrajudicial killings. Increasingly, churches are addressing topics like social justice, intimidation and corruption in their sermons. We have expressed our opposition to the proposed disbanding of the Supreme Court and the potential appointment of individuals aligned with the ruling party. And we monitor elections and criticise problems with voter registration.

Canon Chris Kinyanjui General Secretary of the National Council of Churches of Kenya (NCCCK, www.nccck.org)

The end of the separation of powers

Civil liberties can only be upheld if the judiciary is functional and independent. But judicial systems worldwide are under pressure. The result: impunity, partisan judges, corruption

On 13 December 2024, the first anniversary of his inauguration, Poland's Minister of Justice, Adam Bodnar, addressed a group of lawyers in Gdansk. He referred to the past year as "a period dedicated to strengthening the foundations of the rule of law".

The previous government, led by the conservative Law and Justice party (PiS), had systematically dismantled the country's once independent judiciary. In 2018, it disbanded the National Council of the Judiciary, which was in charge of new appointments, and replaced most of its members with loyalists. Judges who have been critical of the government, like Igor Tuleya, have had their immunity revoked, been barred from practising law and faced threats of imprisonment. Approximately 3,000 out of the 8,000 positions across the country were filled by individuals affiliated with PiS, who are commonly referred to as "neo-judges" in Poland.

Bodnar, the newly appointed Minister of Justice, is expected to reverse this trend. However, President Andrzej Duda of PiS remains in office and frequently vetoes Bodnar's bills. Bodnar isn't having any more success at the Constitutional Court: All nine judges were appointed by PiS.

Poland demonstrates the serious consequences that can come to pass when the state interferes with the judiciary. Without an independent judiciary, the separation of powers is compromised, which is a key pillar of democracy. Legal regulations are subject to political influence, and fundamental rights can be at stake. Electoral malfeasance, corruption and impunity become easier.

Populists criticise the judiciary as an enemy of the people

The pattern is a familiar one: Authoritarian and populist figures attack the judiciary, portraying them as enemies of the popular will. When human or constitutional rights conflict with their agenda, they accuse the judiciary of standing against the sovereignty of the people, which they claim overrides the law.

In the USA, there has been an "unprecedented level" of threats from supporters of the Make America Great Again movement directed at judges handling cases involving Donald Trump, as reported by the Brennan Center for Law. The number of threats against federal judges increased twofold between 2021 and 2024. The Brennan Center for Law has expressed concern over the increasing number of legislative efforts to weaken the independence of the courts. The tone became even more

intense after Trump took office: In February 2025, when U.S. Judge Paul Engelmayer denied Elon Musk's employees access to confidential data from the U.S. Treasury Department, Musk took to his platform X, previously known as Twitter, to claim that he was a "corrupt judge protecting corruption" who needed to be impeached immediately. Vice President J.D. Vance has stated that judges "aren't allowed to control the executive's legitimate power".

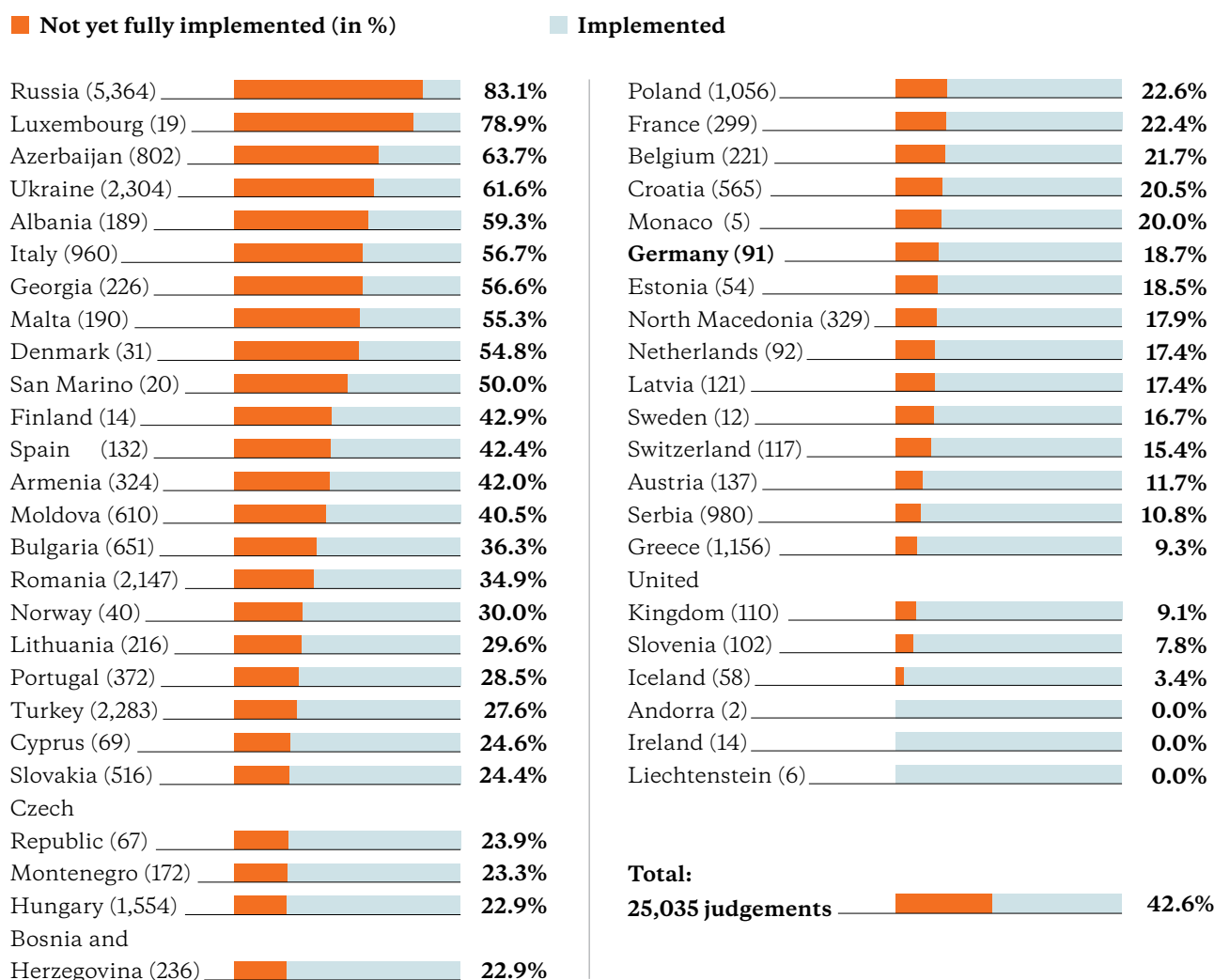
In Thuringia, one of Germany's 16 states, the far-right AfD (Alternative for Germany) prevented the appointment of new judges by declining to approve the new members for the committee responsible for electing judges. The party's goal is to gain influence over the Office for the Protection of the Constitution. In June 2022, President Kais Saied of Tunisia issued a decree giving himself the authority to dismiss judges and prosecutors without prior notice. That very day he removed 57 people from office. He had earlier pledged to "reform" the judiciary, describing it as "politically biased" and "corrupt". Several judges have been subjected to criminal charges and defamation campaigns.

In July 2023, Israel's parliament passed a "reasonableness clause". It removed the Supreme Court's power to review and overturn government decisions if they broke the law. However, in January 2024, the Supreme Court declared the judicial reform invalid, citing "serious and unprecedented damage" to democracy in Israel.

The judiciary is also facing pressure from corporations. Margaret Satterthwaite, the UN Special Rapporteur on the Independence of Judges, expressed concerns in October 2024 about companies leveraging their financial influence to undermine judicial independence in various regions. Satterthwaite criticised them for interfering in proceedings, lobbying judges and "weaponis[ing] justice systems to achieve their goals".

Failure to comply with the law

The number of judgements from the European Court of Human Rights that were not implemented by governments between 2015 and 2024. In parentheses: number of decisions.



Source: Department for the Execution of Judgements of the ECHR. As at: January 2025

Organised crime is also gaining influence over judicial decisions. Recent events in Guatemala present a particularly striking example. In 2023, Bernardo Arévalo, a social democrat, won the presidential election. He promised to combat corruption and impunity. However, even before the second round of voting, a network referred to in the country as the “Pact of the Corrupt” attempted to influence Arévalo.

Judges forced to flee

A key player in this is seventy-one-year-old Attorney General María Consuelo Porras. She assumed office in 2018 and placed many of her supporters, often viewed as corrupt, into key

positions, including roles on the Constitutional Court. Porras’ network essentially has control over the judiciary and is actively working to obstruct President Arévalo, as well as hinder investigations into violent crimes and corruption.

Thirty-five members of the judiciary who were dealing with legal issues related to the civil war and violence fled Guatemala and went into exile. Because of their work, they faced threats of imprisonment from the “Pact of the Corrupt” surrounding Porras. Porras and her associates are included on international sanctions lists. However, Arévalo has been unsuccessful in getting Porras removed from office.

In September 2024, Brot für die Welt and other organisations hosted a conference in Berlin where judges from various

countries gathered to discuss ways to protect their independence from attacks. Haroldo Vásquez, President of the Central American Association of Judges for Democracy (FECAJUD), also participated. Judges in Guatemala face “systematic attacks and criminalisation”, according to Vásquez. Many people were compelled to leave the country because of “public campaigns” against them. To “survive professionally”, judges must develop new strategies. According to Vásquez, FECAJUD is working to show the public that “not all judges are corrupt”.

Investigators fear for their lives

In places like Guatemala and other parts of Latin America, it can be risky for judges to stand up against corruption and impunity. However, if they succumb to pressure and allow themselves to be influenced, the criminalisation of civil society through politically motivated legal actions will rise. Manipulation and abuse of regulations, such as transparency requirements, becomes easier and more likely. When courts can be influenced, legal appeals have little chance of success. When courts lack independence, trials are more likely to result in unfair or overly harsh convictions and prison sentences.

But most importantly, ineffective courts and public prosecutors struggle to prosecute the murders and threats faced by activists. The result: Criminals and the people who hire them are not brought to justice, and violence and arbitrary state actions against civil society become more likely. Mexico is a perfect example: The number of victims of enforced disappearances there is high. In 2024 alone, there were at least 13,627 new cases reported. Many of these crimes involve the police and army. However, in over 98 percent of cases, no one is convicted. This is partly because the military blocks investigations by civilian courts and restricts testimonies from military personnel. The public prosecutor’s office, on the other hand, seems reluctant to conduct a thorough investigation into military personnel.

That’s why SERAPAZ, a partner of Brot für die Welt, has initiated the #FiscalíaQueSirva campaign in Mexico, which translates to “prosecution that works”. The reason for the impunity is that the public prosecutor’s office is “outdated, inefficient and lacks independence”. According to the campaign, the judiciary also needs to be more effective in investigating “high-ranking officials, politicians and influential business people”.

In the fall of 2024, at the suggestion of then-President Andrés Manuel López Obrador, parliament decided that courts would no longer be able to review constitutional amendments. Simultaneously, members of parliament decided that in the future, Mexico’s supreme judges would be elected by the public rather than being appointed by a judicial council. The ostensible goal is to reduce corruption. The reform also includes the phased removal of 1,633 judges from the judiciary, with their positions

to be filled through direct elections. That’s why at the end of October 2024, eight of the eleven members of the high court announced their retirement. Similar to many of Brot für die Welt’s partners, they are concerned about the increasing influence of political, particularly populist, forces. Candidates’ professional credentials will become less important than they were in the past.

In other parts of the world, the judiciary is facing pressure on issues championed by the far right, such as migration and LGBTQIA+ rights.

“A dark day for the people”

In the UK, the Supreme Court decided in late 2023 that the proposed mass deportation of asylum seekers to Rwanda was illegal. Lee Anderson, the deputy leader of the Conservatives, described the ruling as a “dark day for the British people”. He said the British people had been “very patient”, but now they wanted to see action. Anderson suggested they ought to “ignore the laws and send them (the refugees) straight back”.

In October 2024, Italian judge Silvia Albano received death threats after she blocked the deportation of twelve asylum seekers to a new camp in Albania. Albano, along with three public prosecutors in Palermo, received police protection. They faced anonymous threats after recommending a six-year prison term for Matteo Salvini for charges of deprivation of liberty and abuse of office. While serving as interior minister, Salvini notably blocked a rescue ship from docking at an Italian port for several weeks.

A weak judiciary also hinders the chances of achieving social progress through legal means. Since the turn of the millennium, strategic litigation has become an increasingly important tool for civil society (see page 13). It has been used to bolster the rights of indigenous peoples, minorities, migrants and those impacted by the climate crisis, among others. By the end of 2024, the Sabin Center for Climate Change Law reported a total of 1,001 lawsuits filed against governments or companies concerning the climate crisis. But these can only continue to succeed if powerful people are not able to subjugate the judiciary.

Civil society goes to court

Many of Brot für die Welt’s partner organisations make use of a powerful tool to achieve their objectives: strategic litigation.

In Kenya, nine out of ten commuters have either experienced or witnessed gender-based violence at least once while using a bus or shared taxi. In 2018, a Kenyan woman named Wairimu Muthoni Wachirah was assaulted and robbed by a bus driver in Nairobi. In January 2025, seven years later, she and nine other women won their class action lawsuit. The High Court of Kenya ruled that the women’s constitutional rights had been violated, and they were awarded several thousand euros in damages.

The Initiative for Strategic Litigation in Africa (ISLA) was one of the organisations involved in the lawsuit. The organisation is an alliance of lawyers primarily from South Africa and Kenya who have worked for almost a decade to create a feminist, pan-African network aimed at supporting lawsuits to defend human rights.

Whether in Europe, Asia, Latin America or Africa, across issues like climate, health, human rights and labour rights: global civil society is increasingly turning to legal action. The UNCAC Civil Society Coalition, a global NGO network dedicated to implementing the UN Convention against Corruption, describes *strategic litigation* as a “powerful tool for civil society organisations”. It allows for “establishing precedents, highlighting injustices, driving policy changes, and fostering justice and accountability”.

In Indonesia, KontraS, a Partner of Brot für die Welt, has joined forces with other organisations to file a lawsuit against several defamatory articles. In Argentina, partner organisa-

tion Centro de Estudios Legales y Sociales (see page 25) gathers evidence for constitutional challenges regarding the actions of ultra-libertarian President Javier Milei’s government.

In Israel, partner organisation ACRI (Association for Civil Rights in Israel) has gone to the Supreme Court to protect the rights of Arab citizens against the policies of the far-right security minister, Ben Gvir. The Georgian Young Lawyers’ Association, a partner organisation based in Tbilisi, has challenged the pro-Russian government’s anti-NGO “agent law” (see page 8).

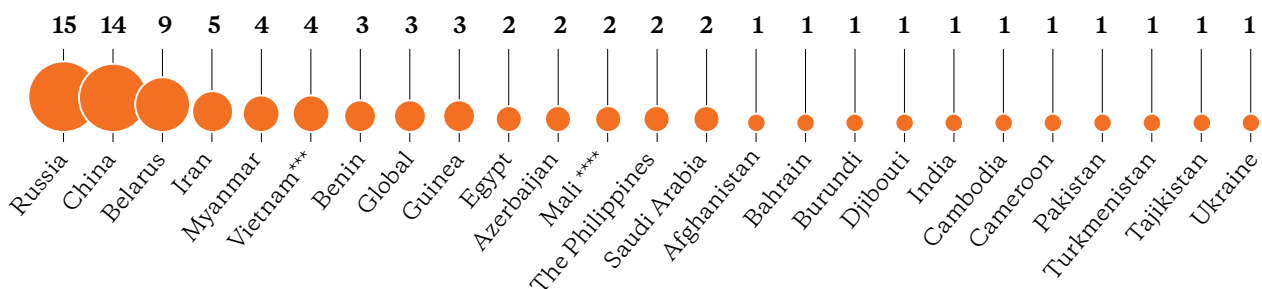
Better protection for women

The list of lawsuits filed by a proactive civil society continues to grow. In 2023, research conducted by the Australian Human Rights Institute revealed that strategic litigation effectively “advances human rights and shapes corporate behaviour”. The Open Society Foundation describes *strategic litigation* as “one of several tools in the global fight for human rights” and highlights a significant increase in its use.

At the same time, lawyers involved in the African ISLA Initiative are expressing concern that the African Court for Human and Peoples’ Rights has only ruled on one women’s rights case since it was established, and has yet to address any cases related to sexual rights. They want to change this. They intend to leverage the recent ruling in Nairobi to compel the Kenyan government to provide better protection for women in general.

Evading censorship

Number of media websites that have been blocked by governments in these countries – and then made accessible again by Reporters Without Borders using mirror servers as part of the “Collateral Freedom” project.



* For security reasons, not all media sites are listed, but there have been about 100 in total since the project began in 2015; ** a selection, *** of which one German media outlet, **** two French media outlets.

Source: <https://rsf.org/en/collateral-freedom>

When the law becomes a weapon

“Homo-propaganda”, “terrorism”, “disinformation” – states are increasingly enacting and abusing laws to suppress civil society. Many governments are using transparency laws to attack NGOs

The Financial Action Task Force (FATF) explores ways to disrupt the funding sources for terrorism and organised crime. Founded by the G7, this organisation has created a set of guidelines to address this important issue. According to these guidelines, governments should require banks to process payment orders only when they have a clear understanding of a company’s background. Even charitable foundations and associations are occasionally used for questionable purposes. According to the FATF, countries can evaluate the “risks of terrorist financing” associated with NGOs, but they should do so without “unnecessarily disrupting or hindering” the legitimate activities of these organisations, as outlined in the guidelines.

The goal: control, control, control

Countries that don’t follow the FATF guidelines are put on a grey list. This leads to major challenges in international payment transactions, which can significantly increase the cost of imports and exports, amongst other problems.

Governments that find themselves on this list often attempt to meet FATF requirements by over-regulating. However, this can lead to restrictions so severe that NGOs are unable to function effectively. There have been proven instances where FATF requirements are intentionally used as an excuse to suppress civil society.

In Pakistan, which faces significant issues with terrorism, the Khyber Pakhtunkhwa province revoked the registration of about 3,850 out of 5,930 NGOs in 2020, due to new accounting requirements. In the province of Sindh approximately 7,000 registrations were revoked, whilst in Belutschistan all NGOs were closed. An NGO staff member in Mardan reported that police and officials from the social welfare department had simply sealed the front door to their office. “We weren’t even aware that our organisation had lost its registration”, he told the media outlet *Dawn*. It is clear that Pakistan’s government has exploited the legitimate regulations from the FATF to hinder the work of civil society (see the interview on page 21). “Control and monitoring of NGOs by law enforcement agencies have intensified, leading to harassment and intimidation”, states the Pakistan office of the Heinrich Böll Foundation.

In Nicaragua, the government enacted a law in May 2022 to combat money laundering and terrorist financing, in alignment with FATF requirements. According to the UN Human

Rights Office, it was just an excuse to increase harassment of NGOs. As stated by UN figures, over 5,000 NGOs, media companies and private universities in Nicaragua lost their legal status in the 24 months that followed.

In Zimbabwe, the government introduced a bill in 2021 aimed at combating money laundering, terrorist financing and political lobbying by NGOs, citing the FATF requirements. The bill extends well beyond the FATF requirements, allowing the government considerable discretion to label NGOs as “vulnerable to terrorist exploitation”. Punishments include criminal charges and loss of licences. The debate over the heavily criticised bill persists into early 2025.

Combating supposed enemies with “lawfare”

Abusing the law to target civil society is becoming more common globally and is often referred to as “lawfare”. Sometimes laws that are meant for legitimate purposes are misused against NGOs, like the anti-terrorism and anti-money laundering measures in Pakistan. Other times, laws are enacted that specifically limit the freedoms of civil society, often in contravention of constitutional or human rights. In this way, the legitimate actions of civil society are wrongly labelled as criminal activities. Since 2019, the International Center for Non-Profit Law has tracked 270 laws or proposed laws across 72 countries that seek to limit the freedom of civil society. An example from the USA: Since 2024, lawmakers have been debating bill HR 9594, often referred to as the “nonprofit killer bill”. If it passes, NGOs can be labelled as organisations that support terrorism without any hearings or due process. In July 2024, Paraguay enacted a “transparency law” requiring all NGOs to register with at least 13 different ministerial and government bodies. They then have to provide detailed

How states justify their laws against NGOs:

- They label non-violent activities as “terrorism” or a “security threat”
- They refer to NGOs that receive international funding or collaborate with civil society partners abroad as “foreign agents” or “undesirable organisations”
- They claim that civil society actors are spreading misinformation or content that disturbs “social harmony”, “defames” the government, “betrays the nation” or constitutes “blasphemy”
- They claim that civil society actors are promoting “homo-propaganda” or spreading “trans-ideology”, arguing that this poses a threat to “traditional values”, the family, children, and the very survival of the people and the nation
- They portray solidarity with migrants as human trafficking and take legal action against those involved (see the Atlas of Civil Society 2023)

The consequences:

- Restrictions on freedom of speech, assembly and association
- Closing organisations or preventing them from operating by denying, suspending or revoking their licence or registration
- Excessive bureaucracy, unreasonable regulations and intimidation
- No foreign funding, frozen project accounts
- Criminal proceedings and incarceration
- Substantial fines
- Surveillance
- Emigration of activists and NGO staff, establishment of new organisations in exile

information about their finances, which is a huge administrative burden. Anyone not in compliance faces penalties. In Uganda, the “Anti Homosexuality Act” that was enacted in May 2023 permits the revocation of licenses for NGOs that are found to “promote” homosexuality. The term “promote” isn’t clearly defined, yet it can lead to a prison sentence of up to 20 years. People can also face up to five years in prison just for failing to report homosexuals to the police. Lawyers are exempt from this, but counselling organisations are not. Ugandan partner organisations of Brot für die Welt who are active in this field joined a petition opposing the anti-LGBTQIA+ law. Now, one of the NGOs is restricted to focusing only on non-controversial topics such as “family”, as engaging with other issues could lead to complications with the bank and authorities. The director faced criminal prosecution and spent several years living in exile. Some

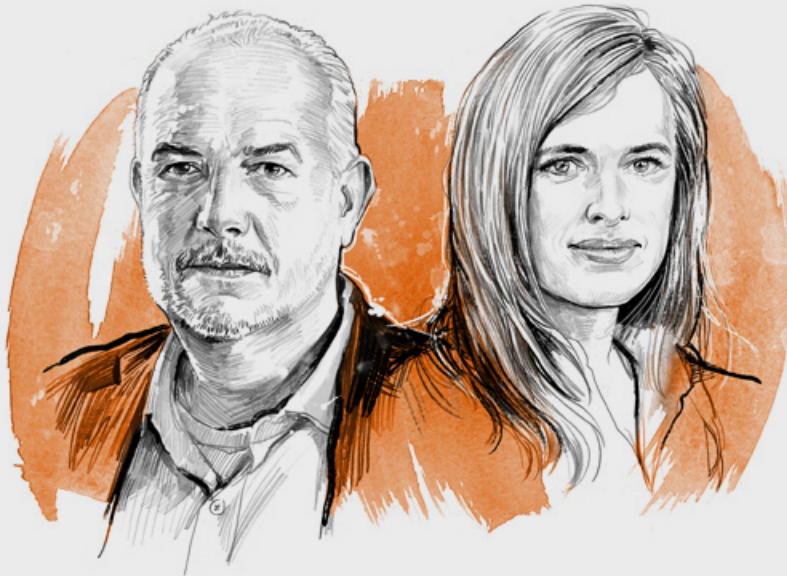
NGOs have had to shut down their offices and relocate to new, undisclosed locations. LGBTQIA+ activists were forced into hiding.

Multiple charges of lèse-majesté

Since 2015, the Cambodian government has imposed restrictions on freedom of speech and association. This includes the NGO law known as LANGO, a new trade union law, and stricter penalties for lèse-majesté. Key partner organisations of Brot für die Welt have faced multiple investigations and legal charges based on these laws. At times, they have been forced to stop their work altogether. Some have been accused of “disturbing social security”. The activists could be facing lengthy prison sentences.

Debate – How free is civil society in Germany?

Human rights organisations are reporting increasing restrictions on the rights to freedom of assembly, association, opinion and expression in Germany. Others argue that these actions are justified and proportional. Who is right?



Interview with **Prof. Dr Kyrill-Alexander Schwarz**, Professor of Public Law at the University of Würzburg, and **Prof. Dr Nora Markard**, Professor of International Public Law and Human Rights at the University of Münster and Board Member of the Society for Civil Rights (Gesellschaft für Freiheitsrechte).

Ms Markard, what role does civil society play in a constitutional democracy?

Markard: The Basic Law of Germany states that political parties contribute to form the political will of the people. This implies that they are not the only places where political will is formed. This will is also formed outside of parliament – at demonstrations, for instance. Civil society organisations play a vital role in holding the government accountable, highlighting social issues, and often taking action themselves – especially when the state falls short in protecting the most vulnerable members of society.

Mr Schwarz, what are the necessary preconditions for civil society to be able to fulfil these functions?

Schwarz: Civic engagement is nothing less than the exercise of our fundamental rights. However, when this engagement is forced into organisational frameworks, one could ask whether these organisations are competing with political parties and establishing a parallel structure of democratic legitimacy: They don't want to operate in the sphere of political parties, yet they still want to influence the decisions that are supposed to be made by parliament in a representative system. This can lead to challenges.

Ms Markard, as a board member of the Society for Civil Rights, you contributed to Liberties' latest Rule of Law Report for the EU. The report highlights that some civil society organisations in Germany are being deprived of funding for political reasons. Is the state limiting civil society freedoms too much?

Markard: The situation for civil society in Germany is deteriorating. One key aspect is non-profit law. Civil society organisations are not taxed like businesses because they serve the community as a whole, rather than just their own interests. However, tax authorities and the courts have become much more restrictive in recent years.

Schwarz: It is true that non-profit law is increasingly being used as a tool to hinder the activities of civil society. But is it possible that the players have also changed their behaviour? Case law of the Federal Fiscal Court clearly distinguishes between general political engagement and targeted political influencing. The latter is something entirely different, and the tax code therefore does not consider such activities to be the activities of a non-profit.

Has the state become more restrictive because social movements have changed?

Markard: Certainly, revoking an organisation’s non-profit status is justified if the organisation ceases to pursue the purpose outlined in its association statutes. However, the Federal Fiscal Court now insists that political education must remain neutral, that both sides must always be represented. But it’s dangerous to force civil society to choose between remaining apolitical and its non-profit status based on a misguided understanding of neutrality. After all, being non-profit also means defending liberal democracy and the rule of law in the public interest, standing against trends that can also manifest themselves in party politics. This should not be understood as exerting undue influence. It goes without saying that strict rules on party funding need to be upheld, as this prevents the creation of front organisations that then spend public money on advertising for a political party. But this danger is not posed by civil society organisations standing up for human rights, for instance. We need to take a firm stand against exclusionary policies and the erosion of the rule of law.

Mr Schwarz, in February the CDU/CSU parliamentary group submitted 551 questions to the federal government regarding various NGOs. They accused these groups of engaging in what amounts to government-funded lobbying. What are your thoughts?

Schwarz: Standing up for the greater good is a vital and entirely justified cause that deserves our full support. At

base, lobbying is an effort to influence political decision-makers towards a specific goal – an activity that is entirely legitimate. The Lobby Register Act establishes a highly effective system for promoting transparency in business lobbying. The parliamentary enquiry by the CDU/CSU parliamentary group aims to ensure transparency in the allocation of public funds. Anyone who receives public funds is expected to demonstrate transparency in his or her actions. I see nothing negative about this enquiry.

The strict requirements of the Lobby Register Act apply not only to business lobbyists but also to all individuals and organisations that seek to influence decisions by contacting the Bundestag or federal government, including politically active NGOs. However, the parliamentary enquiry wasn’t just about transparency; it was also about the expectation that organisations who wish to maintain their funding must remain neutral rather than activist.

Schwarz: Non-profit status is about whether activities serve the common good or whether they cater to specific interests that might be aligned with support for a political party. Front organisations that carry out party-like activities have the potential to undermine the strict standards for party funding. Isn’t it fair to ask whether funding is being given to actors who aren’t bound by the same strict neutrality requirements that apply to the state itself?

Police are perceived as threatening

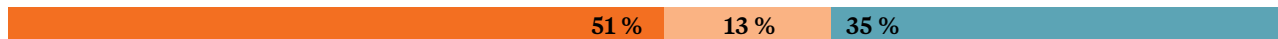
Statements by activists on their experiences at climate protests, in percentages

■ Tend to agree to strongly agree ■ Somewhat agree ■ Strongly disagree to somewhat disagree

I have felt intimidated by the police at climate protests.



I have encountered police violence at climate protests.



I have received help from the police during climate protests.



I trust that government bodies will treat me with fairness.

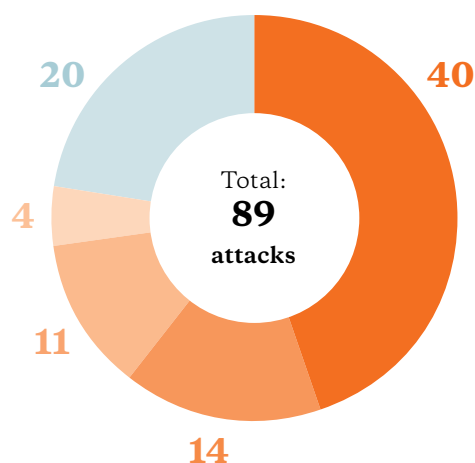


This analysis is based on a standardised online survey with 162 participants, complemented by a focus group discussion. *Source: Green Legal Impact (et al.), Green Legal Spaces, Studie 2025, Entwicklung politischer Teilhaberechte der Klimabewegung in Deutschland*

Attacks on journalists

Cases documented by Reporters Without Borders in Germany in 2024

- **Punches, kicks, aggressive shoving**
(hitting the body or equipment)
- **Attacks on editorial offices and residential buildings**
- **Hit with an object**
- **Spat on**
- **Other**
(e.g., sprayed with pepper spray, hit with an egg)



Source: Reporters Without Borders,
Nahaufnahme 2025

Ms Markard, your report highlights additional areas beyond funding where civil society is currently facing challenges. Which areas are these?

Markard: Protests, such as those demanding stronger climate action, are increasingly being met with harsh responses. Police are using pain grips, protesters are being prosecuted using secret service methods. Members of the “Last Generation” were secretly wiretapped. During the Gaza protests, there were strict restrictions on freedom of expression and assembly. In many cases, these restrictions were far from proportional. Overall, there is a growing sense of scepticism towards civil society: It is often viewed as a dangerous space, accused of using violence and illegitimate means to impose specific interests outside the proper democratic channels.

To what extent are these developments also impacting the EU?

Markard: In some European countries, we’re witnessing developments that could potentially happen here as well. In Greece, for instance, humanitarian organisations must register themselves and increasingly face threats of criminalisation. Sea rescue and aiding refugees are quickly being equated with trafficking. This makes civic engagement and solidarity increasingly difficult to put into practice. Various European countries are gradually shifting towards more authoritarian systems at different paces.

Mr Schwarz, what is the proper way for a constitutional democracy to respond when EU leaders like Viktor Orbán promote the idea of an ‘illiberal democracy’?

Schwarz: This issue has worsened because we’re no longer willing to engage in open, honest debates. Today, certain opposing viewpoints are being marginalised, particularly in the scientific community. The current situation in the USA makes this particularly clear. The second issue concerns the proportionality of government intervention. If criminal laws surrounding certain forms of personal expression are tightened, it risks dangerously constricting free speech. Should a person really have his or her home searched because of a statement made about a politician online? We now have a Federal Minister who has filed nearly 700 criminal complaints during his time in office. Whereas one of our previous chancellors, to my knowledge, never filed a single criminal complaint in her 16 years in office. And she too must have encountered statements that were utterly unacceptable.

Ms Markard, do you see any similarities between the recent developments in the USA and those in Europe?

Markard: In the USA we are seeing worrying attacks on scientists and lawyers. Some are being excluded from

public contracts and funding by the Trump administration because they advocate for specific issues or support certain individuals. We haven't reached that point yet, but I am quite concerned by formulations like "anti-deportation industry", but also by the proposal for a "University Security Law" in North Rhine-Westphalia.

Mr Schwarz, courts are under attack not only in the USA but also in Europe. How should the judiciary respond to a political climate that places it under increasing pressure?

Schwarz: The erosion of the courts' role of supervising the executive and parliament is a highly perilous development. It's no coincidence that we're discussing the resilience of the Federal Constitutional Court. A constitutional democracy can and must respond to threats. Adherence to judicial decisions and the rule of law are essential foundations for thriving civic engagement.

Markard: For this very reason, political leaders must clearly affirm their unwavering commitment to upholding the law at all times. It concerns me that this is being called into question. When European law stands in the way of migration restrictions, they say it has to go. And until then, they'll simply ignore it. These are alarming signs from those in power.

Mr Schwarz, you emphasise the importance of proportionality. However, new laws are currently being discussed to penalise expressions of opinion more strictly.

Schwarz: It is true that fundamental rights are currently under significant pressure. Especially in the realm of freedom of expression, restrictions are becoming more prevalent – particularly when the speech is said to "delegitimise the state". Of course, questioning the state is a completely legitimate expression of opinion.

Markard: Immediately after 7 October, a disproportionately harsh ban on assembly was imposed. And there are still harsh restrictions in place, such as the requirement that all speeches at Gaza protests must be delivered exclusively in German. As a citizen, I am entitled to protest against a demonstration or its purpose – I don't have to simply accept it. However, as a government agency, I have to exercise

restraint. I understand how distressing and hurtful it can be for some people that certain demonstrations are happening. Nevertheless, we must uphold the freedom from state intervention at such events.

Schwarz: Regarding the right to freedom of assembly, I arrive at a different conclusion. A survey conducted by ARD magazine STRG_F found that fewer than one percent of registered assemblies – approximately 215 out of 31,800 – were banned between October 2023 and March 2024. Freedom of assembly as an expression of collective opinion remains vital, even in the context of Palestinian demonstrations. Criticism of Israel's actions does not, of course, automatically equate to antisemitism. At the same time, some demonstrations pushed the boundaries of acceptability – for example, the rally in Frankfurt on 7 October where the organisers clearly expressed strong support for Hamas. Then there's the issue of illegitimate protests. What is considered civil disobedience? What falls under the right to resist? In my opinion, it's not just about new forms of protest, but increasingly about blatant violations of the law.

Markard: Even disruptive forms of protest are constitutionally protected. The limits of constitutionally protected behaviour have historically been quite broad. The rule of law means that the state itself must always adhere to the law, not that it should consistently enforce it against private individuals with maximum severity.

The coalition agreement between CDU/CSU and SPD includes expanded powers for the police and security agencies, along with new possibilities for surveillance and deportation. Where's the freedom in that?

Schwarz: There is a growing trend towards increased restrictions, particularly in the tightening of offences regarding expression. However, I want to remind you that these measures are also designed to safeguard local politicians. If they are not given stronger protections, eventually we may find ourselves with no local politicians at all. This would inflict far greater harm on our democratic society than a comparable increase in legitimate criminal offences. But the other question is, should discourse be so restricted that criticism of the government is equated with delegitimisation of the state, thus preventing individual citizens from expressing such criticism? States which take this route are significantly curtailing personal liberty. I would caution against this.

Markard: For all legal instruments, we must also ask ourselves: What could others do with this instrument, if they come to power in the future? If you grant yourself broad powers through flexible clauses that allow you to take broad action, others can also exploit those same clauses to challenge the liberal order. It must be made clear to the new coalition that it is not necessarily doing freedom a favour if it is now too committed to protecting it.

When darkness prevails

Without the media, corruption, impunity, environmental destruction and exploitation can thrive unchecked. The more authoritarian a regime is, the more it tends to rely on laws and violence to suppress the free press

The free press plays a crucial role in upholding democracy and the rule of law. It is also crucial in the battle against corruption, impunity, exploitation and poverty. It looks into abuses, reports on findings and promotes transparency.

The free press often finds itself in a fundamental conflict with those in power. This tension is becoming more evident as authoritarianism rises, leading to open repression and the manipulation of laws to target the press. Even physical violence is not out of the question. Additionally, state censorship hinders the media and civil society from holding those in power accountable.

On-the-ground reporting has become risky

In Argentina, for instance, the government led by ultra-libertarian President Javier Milei has pushed a “security protocol” through Congress, granting it broad authority to crack down on protests. Today, even the word “press” on his vest no longer offers him protection, says Alfredo Luna, a forty-two-year-old press photographer from Buenos Aires. “On-the-ground reporting has become risky.”

Nowadays, the police are permitted to use lethal firearms during demonstrations “to maintain public order”, even if protesters are merely blocking traffic. The result is continuing violence by security forces against members of the press. Especially towards the end of a demonstration, when most people have already left, the police and military feel they are under less scrutiny. “The smaller the protest march, the more harshly they treat the demonstrators and us”, Luna explains. He was injured in the leg by a rubber bullet in January 2024.

In the far north-west of Argentina, in the province of Jujuy, residents have been rallying against lithium mining for several years. They block roads, hold strikes and take legal action. The police in Jujuy even detained journalists who were covering the protests for local news outlets. “Some were held in custody for three days”, says press photographer Luna. But violence by security forces outside the capital is rarely reported these days. With the dissolution of the Argentinian news agency Télam, where Luna used to work and which had a robust network of correspondents, “people have become less aware of many things”. Luna says that many issues now “get overlooked and remain in the darkness”.

In early August 2024, President João Lourenço of Angola signed a new national security law. This law establishes a council led by Lourenço, which includes members from the

police, the intelligence services and the military. This council has the authority to prohibit the airing of programmes on state and private radio and TV stations, or to suspend online media in “exceptional circumstances” that are not clearly defined.

Teixeira Cândido, the Secretary General of the Union of Angolan Journalists, informed the Committee to Protect Journalists (CPJ) that the authorities now have the ability to disrupt telecommunications and shut down the internet without any clear justification. That would make it impossible to do journalistic work. The news website *Camunda News* had to temporarily halt its operations in 2023. David Boio, the owner, described the new law as “extremely invasive”. It enables authorities to surveil journalists and others by wiretapping their homes and cars without needing a court order, all at the discretion of the oppressive system itself.

Since March 2024, the House of Representatives in Indonesia has been discussing a new press law. It places strict limitations on online media and investigative journalism. One of the goals is to make it harder to broadcast “exclusive journalistic research”. Sanctions will also be applied to content that portrays “LGBTQIA+ behaviours” as well as professions or individuals associated with “negative behaviours or lifestyles”, as the government argues that the public might decide to imitate these. Violations may lead to the revocation of media licences. Representative Abdul Kharis has justified the law by stating that the existing legal framework only applies to TV and radio stations, making it outdated and unable to safeguard the public from the “negative effects” of new online media. He argues that LGBTQIA+ content could “undermine Indonesian values”, amongst other concerns.

“Like a red flag”

NGOs in Pakistan are facing significant challenges because of government anti-terrorism requirements based on the FATE. Why?

The state is increasingly abusing anti-terrorism financial regulations to control and suppress NGOs. It is also putting up unnecessary bureaucratic obstacles. Taken together, these factors make our work significantly harder.

Can you provide specific examples?

To get registered, you need to apply to the Ministry of Economy, the Social Welfare Commission and the local authorities, each of which has its own set of rules. You need to get certificates for everything, but there isn't a specific process to follow. It's demoralising. NGOs that receive funding from overseas face heightened scrutiny and are often suspected of various activities. To make things even more challenging, many officials in charge of these processes lack the necessary knowledge, and corruption is rampant.

Are all NGOs impacted in the same way?

No. As long as they're involved in development projects, everything is good, the government supports them. However, once you bring up human rights, it's like waving a red flag.

How are you still able to work?

I work for a big NGO. Somehow we managed to stay afloat and struggle through the process. We have joined an international NGO network focused on the anti-terrorism financial guidelines to ensure their correct implementation. However, this can be discouraging for smaller NGOs: Many lack the necessary resources, forcing them to shut their offices. We've been encouraged by a help desk set up by civil society actors. It informs NGOs about the documents they need to submit to get registered. And with success: In 2020 there were only about 60 registered NGOs, but today that number has grown to over a thousand.

We have **anonymised** this interview with a civil society representative, as it is too dangerous in Pakistan to voice criticism openly.



Journalist organisations like the Indonesian Alliance of Independent Journalists (AJI) are opposing the proposed plans. AJI spokesperson Nani Afrida stated that the government is attempting to “silence dissenting voices and limit public oversight”. In 2023, the AJI reported a total of 87 attacks on journalists in the country, marking the highest number recorded since they started their research in 2006.

The situation in the Maldives demonstrates that protests against such legislation can indeed be effective. At the end of November 2024, lawmakers in the island state pulled back a proposal for a new press law that closely resembled Indonesia's. The Maldives Journalists Association, the Maldives Media Council, and Transparency Maldives held a protest against the reform, gathering the support of more than 100 journalists who signed a petition. President Mohamed Muizzu has stated that he has “no intention of controlling the media” and aims to “enhance press freedom in the country”.

Good disinformation law, bad disinformation law

Meanwhile, the battle against widespread global disinformation is taking many different shapes. A 2023 report from the Center for International Media Assistance (CIMA) revealed that between 2016 and 2022, 91 disinformation laws were passed around the globe. Some of these laws aim to achieve important and legitimate goals, like enhancing the transparency of platforms, prohibiting hate speech and promoting media and digital literacy. However, many of the laws criminalise the dissemination of “fake news” and are used to censor media outlets, bloggers and social media activists.

Governments often take it upon themselves to combat hate speech and disinformation, but this can also lead to efforts to suppress critical media outlets that they find unfavourable. In 2023, CIMA examined 105 laws aimed at combating disinformation. They found that independent journalism is facing significant challenges due to regulations that “both intentionally and unintentionally hinder press freedom”.

In December 2024, for instance, four journalists in Tunisia were sentenced to prison for supposed disinformation. Their prosecution was based on Decree 54, a cybercrime law that President Kais Saied introduced in 2022, following his rise to power the previous year. “Decree 54 has turned every journalist into a suspect”, says Ziad Debbar, President of the National Union of Tunisian Journalists.

Fake profiles on social media platforms

In April 2024, independent journalists and media outlets in Sudan came together to establish the Sudanese Media Forum. In the conflict that erupted in 2023 between the RSF militia and the SAF national army, both sides engaged in what founder and journalist Kamal Al-Sadiq describes as “a propaganda war”. The conflicting sides had set up numerous websites and fake social media accounts to control the flow

of information and disseminate false news, hate speech and racism. To address this issue, the Sudanese Media Forum aims to “publish verified stories”.

In Turkey, a law enacted in 2022 allows for prison sentences of up to four and a half years, even for journalists, for making statements that are deemed to “mislead” or threaten the “public peace”.

In Singapore, the “Protection from Online Falsehoods and Manipulation Act”, implemented in 2019, imposes a penalty of up to ten years in prison for statements that “incite hostility, hatred or ill-will between different groups” or “undermine public confidence in the government”.

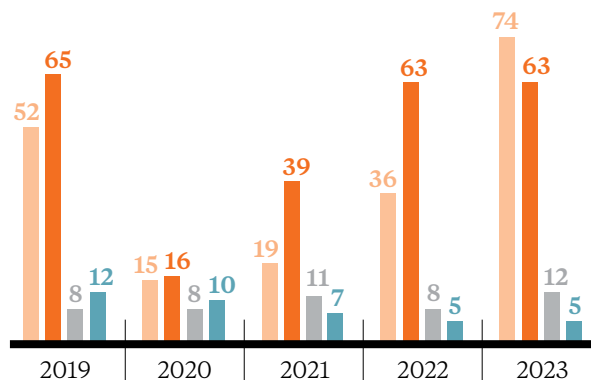
Similar to the situation facing human rights organisations, media outlets now frequently face accusations of being “woke” or undermining “traditional values”. The Observatory of Disinformation Narratives Against the Media reports that fact-checkers are often labelled as “censors” and compared to a “Ministry of Truth”. According to this worldview, the media are purveyors of “fake news”, are “traitors” or “foreign agents”, receive funding from questionable sources, and thus operate as corrupt instruments for a “globalist” elite. Authoritarians and populists are actively promoting their agendas by targeting established media outlets – and promoting their own.

Tech billionaires like Elon Musk and, more recently, Meta CEO Mark Zuckerberg are now justifying the spread of harmful propaganda – such as content that undermines democracy, promotes racism and is anti-feminist – by invoking “freedom of speech” and opposing “censorship”. At the start of 2025, Meta, the parent company of Facebook, removed its guidelines that prohibited discriminatory statements and ended external fact-checking in the United States.

Hard shutdowns

How frequently governments shut down the internet

- During armed conflict
- During protests
- To prevent exam cheating
- Related to elections



Source: Access Now, <https://www.accessnow.org/internet-shutdowns-2023>

The AfD has accused the EU of “censoring content that criticises the government”

In Germany, the AfD is opposing the implementation of the EU’s Digital Services Act. For them, it isn’t just a tool to combat fake news; it’s a potential means for the government to arbitrarily censor content that is critical of it. The party aims to establish an expanding ecosystem of media outlets and social media channels that sees itself as a counterweight to what it views as the “green-left” mainstream, consisting of “cartel parties”, “establishment media” and NGOs – and that criticises democratic and progressive individuals, institutions and values in line with parties like the AfD.

Human rights – a colonial concept?

There is a criticism voiced by some representatives of the Global South that the rule of law is an invention of the Global North and serves as an instrument of oppression to this day. Since 1960, the Global South has played a crucial role in advancing the development of human rights

Beatings, abuse, firings, online harassment – since a stricter anti-homosexuality law was enacted in Uganda in May 2023, the already challenging circumstances for LGBTQIA+ individuals have deteriorated further. Anyone who stands up for their rights could face up to 20 years in prison. The government in Kampala is also going after anyone who financially supports these activists. Uganda's President Yoweri Museveni defends his policies by claiming they combat "Western imperialism", which he believes is promoting "degeneration and decadence" across Africa. By targeting LGBTQIA+ activists, he claims to be safeguarding "African family values".

And Uganda is no exception when it comes to the persecution of LGBTQIA+ individuals. Out of the 54 countries in Africa, 30 have laws that criminalise consensual same-sex sexual activity. Ghana and Kenya have introduced laws in parliament that are similar to those in Uganda.

In West Africa, the military governments of Mali, Niger and Burkina Faso are actively distancing themselves from their former colonial power, France. They are working to reduce its influence and striving for greater sovereignty. As these governments gain new self-confidence, they are also branding values associated with the West as colonial and intrusive.

One-sided criticism

This reinterpretation is also undermining democratic principles rooted in the rule of law and human rights, along with their acceptance amongst the populace. Their universality is being questioned, and they are often criticised as Western concepts and tools of colonial influence.

Kenyan-American legal scholar Makau Mutua, for instance, views human rights as a neo-colonial endeavour. In his view, the West is attempting to reshape the rest of the world in its own image. Mutua suggests that the West's attempts to teach the Global South to respect human rights are paternalistic in nature. At the same time – he mentions racism and discrimination in the USA – human rights issues and violations in the Global North are ignored.

Indeed, decision-makers in Western democracies often apply double standards, thereby undermining human rights. Indian legal scholar Bhupinder Chimni points out that different standards are applied to human rights violations committed by Western states. "International courts tend to concentrate their investigations and convictions on individuals from the developing world, with the International Criminal Court particularly focused on the African continent." Out of the

68 defendants named by the International Criminal Court on its website, only ten are not Black, African Arab or Muslim, including Vladimir Putin and Benjamin Netanyahu.

Double standards undermine trust

The double standards and manipulation by those advocating for justice seriously undermine the credibility of international human rights. According to many members of the Global South, a range of factors have undermined the credibility of Western governments: The 2003 Iraq War, which was a breach of international law. The justification of the Kosovo War in 1999 as a humanitarian intervention. Some NATO countries claiming to be protecting women as justification for military operations in Afghanistan. Humiliation, mistreatment and torture at Guantanamo Bay and Bagram under the guise of the war on terror. Deliveries of weapons to conflict zones and combatants. Illegal pushbacks at the EU's borders. All of these have undermined global acceptance of international human rights.

Were human rights originally a colonial concept with Western origins? If we look at the historical development of legal systems and human rights beyond Europe and North America, a different picture emerges. The Global South has a rich tradition of human rights regulations, based on a wealth of religious and cultural traditions from non-Western societies. The Universal Declaration of Human Rights was adopted in 1948, at a time when many colonised countries had not yet achieved independence. However, human rights and the rule of law are not solely a Western invention. Concepts of the "rule of law" can be found in India dating all the way back to pre-Christian times. The traditional "usos y costumbres" legal system in Mexico and the Ubuntu principles of human dignity in South Africa have both been integrated into their respective constitutions. These examples demonstrate that the Global South has created and continues to develop ideas aimed at achieving a fairer world and legal system in their own unique way. "Throughout history, rights have been

Risky testimony

The ten most frequent reprisals taken by governments against their own citizens who reported human rights violations to UN bodies from 2019 to 2024.

Threats/intimidation

522

Defamation

205

Surveillance

131

Travel restrictions

116

Physical assault

106

Charges/investigations/prosecution

101

Detention/arrest

101

Targeting of family/friends/associates

100

Property damage/raids/searches/seizure

84

Online harassment

83

Source: *International Service for Human Rights, #EndReprisals*

gained because social movements have fought for them and built alliances across the globe”, says Alejandra Ancheita, a Brot für die Welt partner from Mexico.

Since the 1960s, the Global South has made significant contributions to the advancement of international human rights, particularly by advocating for greater attention to social, cultural and economic rights, including the right to education, work and health. From the 1970s onwards, it was the countries of the Global South that advocated for greater international collective human rights, known as the third generation of human rights. Alongside individual rights,

the *African Charter on Human and Peoples’ Rights* recognises solidarity rights, which encompass the right to development, peace, and a clean and healthy environment.

The Global South is also a key player in new human rights initiatives at the UN level. It was Ecuador and South Africa that initiated the UN treaty process on business and human rights in 2014. It aims to require companies to safeguard both people and the environment, both at home and abroad.

Standing up for yourself takes courage

Human rights and decolonisation share a common objective: They represent freedom and liberation, and they are dedicated to combating the abuse of power. Human rights ensure protection against autocracy, discrimination and oppression, while also safeguarding the rights of minorities. When human rights are protected, those who commit violations are held responsible. That’s why, despite the valid criticism that human rights can sometimes be manipulated by powerful state and economic interests, they remain essential norms for civil society and for the partner organisations of Brot für die Welt in the Global South. According to Australian International Law expert Antony Anghie, lawyers associated with the “Third World Approach to International Law” (TWAIL) focus on how to ensure that the most disadvantaged and marginalised individuals are represented in international law and how their rights can be upheld.

However, those who advocate for this issue and bring grievances to the United Nations on the international stage often face significant challenges. Many face threats, including from their own governments (see the chart on the left). It requires a great deal of courage to stand up and defend yourself publicly on the international stage.

Colonial powers extracted resources and seized territories. They enslaved people. They imposed a European view of humanity and European morals on their colonies, including concepts of binary genders and heterosexual relationships. Many non-European societies and cultures were more open-minded in this regard.

In 1860, the British implemented “sodomy laws” in their colonies, which now encompass 39 countries in Asia and Africa, including Uganda. These laws were aimed at penalising specific sexual practices, as noted by the Human Rights organisation Human Rights Watch. Evangelical groups in the USA continue to hold this view today: They are vigorously campaigning against the global LGBTQIA+ community, backed by substantial funding. From 2007 to 2020, they invested 54 million US dollars in Africa alone, as reported by the research platform openDemocracy.net. Nearly half of this was in Uganda.

“Protesting has become a crime”



Ms Litvachky, how is Argentina’s President Javier Milei undermining civil society?

Paula Litvachky: There has been a significant rise in repression against human rights activists. Protesting is now a crime in Argentina! The public prosecutor’s office has charged and arbitrarily arrested several activists, often without any evidence. Or under the pretence that they were terrorists and had resisted the authorities. Milei has a clear objective: He doesn’t want a society that is tolerant and open. And he wants to prevent peaceful protests. He wants people to be afraid to demonstrate in public and voice their criticisms. He also wants them to fear the financial consequences. For instance, anyone who participates in anti-government protests faces cuts to their welfare payments – in a country where half the population lives in poverty.

What is Milei’s stance, exactly?

Paula Litvachky: Shortly after assuming office, he eliminated the National Institute against Discrimination, Xenophobia, and Racism (INADI), along with the Ministry of Women’s Affairs and the Ministry of Education. The formerly independent Ministry of the Environment has now become a division within the Ministry of the Interior. Milei often attacks and disparages activists and critics on social media, flooding the internet with hateful messages and misinformation. A lot of this is ridiculous, but it doesn’t really bother me. When they begin rallying crowds outside our office or snapping photos of us, that’s when it really gets serious.

What is the role played by the new security laws that Milei’s government pushed through Congress?

Paula Litvachky: They have been turned into tools of destabilisation and oppression. During the demonstrations, police caused injuries with their use of tear gas and rubber bullets, leaving some people temporarily blinded! The Ministry of Security has implemented a new standard operating procedure for the police aimed at

“maintaining public order”. It permits police officers to carry firearms while at demonstrations. It also gives the police, intelligence services and military the authority to disperse a demonstration at any time – even using force – if it disrupts traffic, which is nearly always the case. That completely undermines the right to peaceful assembly! The government is using this law to suppress protests from pensioners, students, trade unions and dismissed civil servants.

How significantly do these attacks impact your organisation, CELS?

Paula Litvachky: Despite Milei’s threats and attacks, NGOs and human rights activists remain steadfast and will not be pushed out, as has happened in Nicaragua, for instance. This is due to the resilience of Argentinian civil society, which has been quite strong up to this point, even as Milei is reversing many of the accomplishments made. CELS is more financially independent than many other NGOs, as we do not receive any funding from the government. But the question remains: How much longer can we, as civil society actors, endure the ongoing attacks? That’s why we need to prepare ourselves.

How?

Paula Litvachky: CELS aims to challenge the right-wing and authoritarian trend that we are witnessing not just in Argentina, but also worldwide! We seek to demonstrate that collective action by civil society can safeguard democracy. We are organising workshops that focus on helping activists better protect themselves during demonstrations, both in person and online. We aim to monitor, document, analyse and publicise information about attacks on civil society in order to counter the hateful and dishonest discourse coming from the right with a narrative of equality and fairness.

Paula Litvachky Director of the Center for Legal and Social Studies (CELS), Argentina (www.cels.org.ar)

The men with the chainsaws

Right-wing libertarians dismiss the state as an instrument of socialist egalitarianism. They aim to dismantle public institutions that many rely on, prioritising private profit instead.

During his election campaign, Javier Milei from Argentina often appeared in public with a chainsaw. The right-wing populist assured his supporters that he would dismantle the government and eliminate what he considered unnecessary agencies.

He has stayed true to his promise: Shortly after winning the election in November 2023, President Milei began the cut-backs. He shut down the Ministry for Women, Gender and Diversity, and now the website is entirely blank except for a single phone number. Milei's government has also disbanded the Institute of Indigenous Affairs and eliminated the Register of Indigenous Communities – as a consequence, it is more difficult for them to assert their rights. Many agencies had their pensions and budgets frozen, even though inflation averaged about 166 percent in 2024. When Milei took office, there were 340,000 people employed in public administration. He aims to lay off 75,000 of them, with the first 34,000 targeted for dismissal by December 2024.

The consequences are visible all around. The Argentinian NGO Fundación Hora de Obrar, which partners with Brot für die Welt, provides young people with training in skilled trades. Due to the government's cuts, certifications are no longer available, leaving young people and their families with diminished prospects for the future. Milei has cut social programmes, family allowances and pensions, and he has reduced or completely eliminated funding for soup kitchens in many areas. The repercussions are significant: UNICEF reports that 70 percent of children in Argentina live in poverty. Indigenous communities are especially impacted by the budget cuts. Individuals with disabilities face stigma from the government, and the Institute for Anti-Discrimination has been dissolved. The dismantling of state structures is being framed as a necessary modernisation, with the welfare state portrayed as the root of all problems.

Government agencies are undermined while police and intelligence services are bolstered

Milei's aggressive tone is resonating globally today. Libertarian and authoritarian leaders have existed and still exist in countries like Brazil and the USA. In the twentieth century, neoliberalism aimed to maintain low taxes and reduce government spending. But it didn't question the existence of the state itself.

With today's ultra-libertarians, the situation is different: For them, the state isn't seen as a means to balance social interests;

instead, it is often viewed as the “deep state” or a tool of a corrupt elite that exploits hardworking citizens. Social security, essential services, public institutions, programmes to protect the climate, the environment, labour and health, accountability and the rule of law are being eroded in favour of privatisation and the free market. They want to leave the state with only those institutions that serve to oppress – like the police, the military and intelligence services. During Jair Bolsonaro's 2018 election campaign, his evangelical supporters spray-painted the slogan “Bible yes, constitution no”.

Populism celebrates its victories

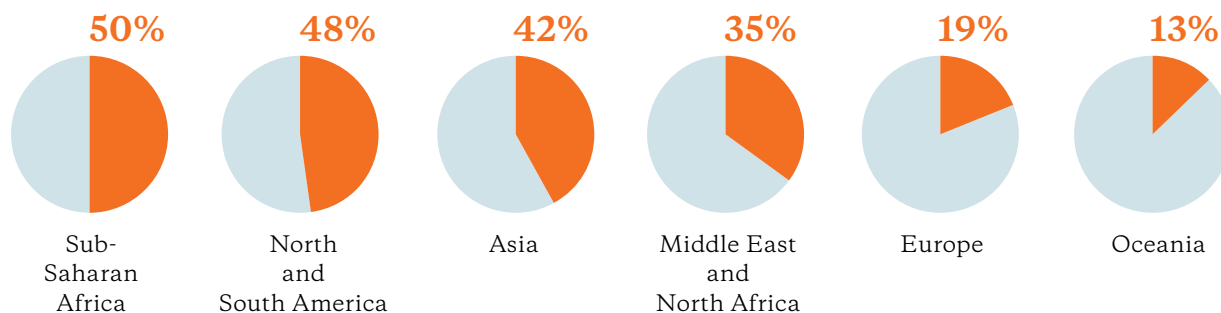
It has become clear how significantly such a campaign can hamper civil society's ability to participate in society. This agenda prevents the state from being able to carry out its responsibilities and obligations. Civil society no longer has a partner in the government that can be held to account. Providing policy advice and pursuing strategic litigation are becoming ever more challenging. The rule of law, which serves as a safeguard against government overreach, is being eroded, making it challenging to uphold fundamental rights. Citizens no longer see the state as a functioning entity, perceiving it instead as an eroding and dysfunctional system. The result is a rising sense of dissatisfaction and an increasing openness to populism.

This became evident in the first few weeks after the inauguration of US President Donald Trump. Together with his special representative for “government efficiency”, tech billionaire Elon Musk, he swiftly set about dissolving entire agencies. He halted the work of the Consumer Financial Protection Bureau, and he shut down departments like the Environmental Protection Agency and the United States Agency for International Development (USAID) without replacing them. The Trump administration's decision in February 2025 to suspend about 90 percent of its development funds has been catastrophic for those who rely on the funds.

Reliance of civil society on the USA

Share of financial funding for organised civil society from the USA in 2023, compared to other OECD-DAC* members, broken down by region.

■ Percentage from the US per region ■ Percentage from the remaining OECD-DAC members



* The Development Assistance Committee includes the main bilateral donor countries involved in development cooperation. Source: Aid Watch Canada, 2025

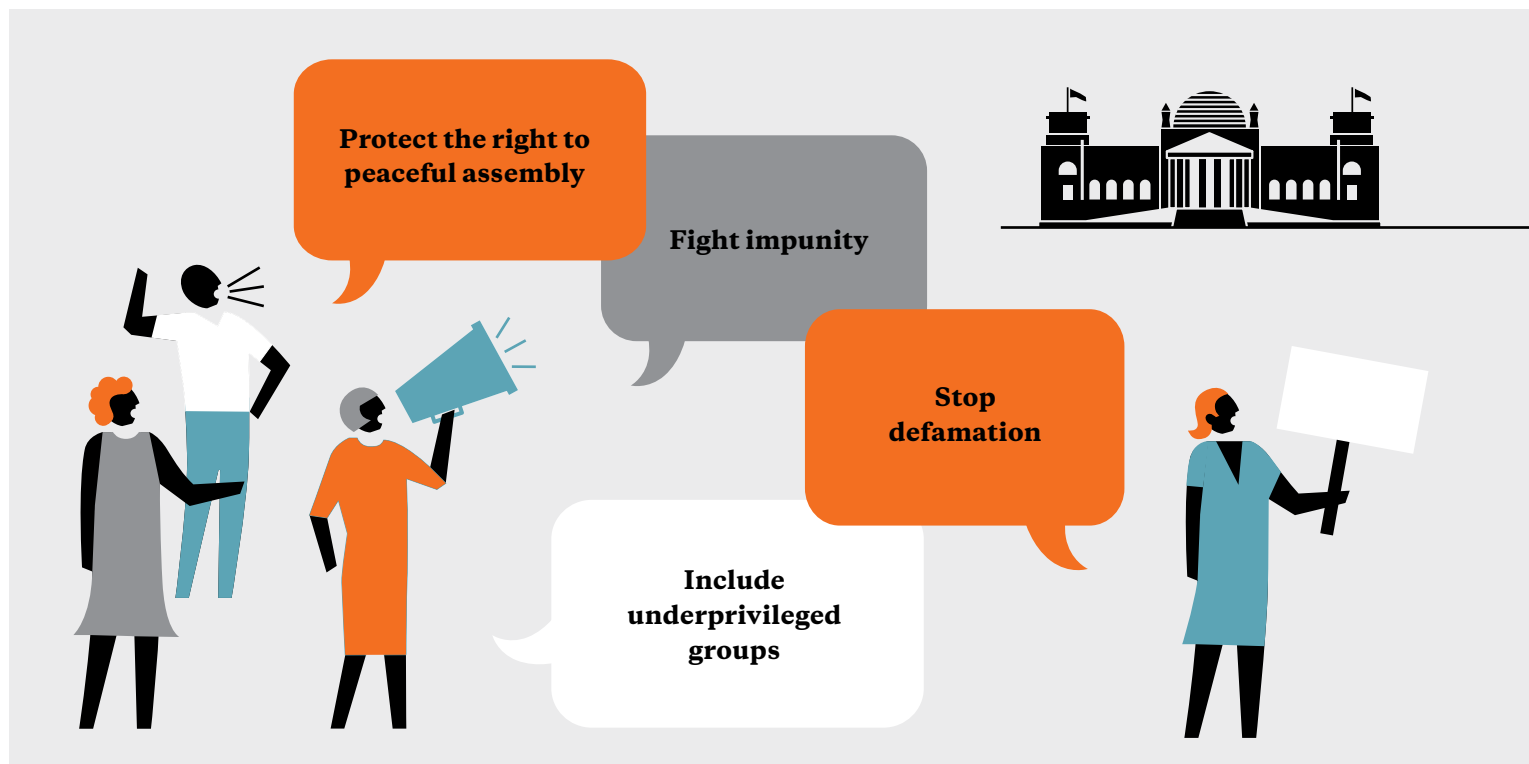
Organised civil society has been especially impacted by this. In 2023, the US government provided about 78% of all government funding for NGOs focused on reproductive health worldwide (see chart above). As UN Secretary-General António Guterres stated in March 2025, “these cuts will impact many global development programmes”, thereby making the world “less healthy, less safe and less prosperous” over the long term.

Growing hunger in Brazil

Another example is Brazil’s former president, Jair Bolsonaro. He disbanded the Council on Nutritional Affairs (CONSEA) just five minutes after assuming office on 1 January 2019. This and other participatory councils in the country had been recognised globally as a model for engaging civil society. This council had collaborated closely on the “Bolsa Família” nutrition programme during Lula’s first term. Between 2000 and 2009, the percentage of undernourished people decreased from twelve percent to 2.5 percent. But in the two years after the dissolution, the number of undernourished people increased by 4.7 million.

In recent years, authoritarian and libertarian figures like Milei, Bolsonaro, Trump and Musk have built up global networks. They either ignore international institutions like the UN or are outright hostile to them. Instead, they form international alliances with right-wing populists, anti-democratic groups or fundamentalist Christian figures. They maintain strong ties with far-right parties in Europe, including Viktor Orbán’s Fidesz. Hungary is a central hub for connecting libertarians. The Mathias Corvinus Collegium, a think tank based in Budapest, has become a central hub for right-wing religious, anti-liberal and libertarian networks globally. Under the slogan “illiberal democracy”, Orbán provides a model for state restructuring that appeals to the radical right worldwide, according to political scientist Thomas Greven.

The international Atlas Network, made up of over 500 organisations and partly funded by the oil and tobacco industries, wields even greater influence. It unites climate change sceptics with ultra-libertarian and neoliberal organisations to oppose environmental and climate activists, among others. A key player in the ultra-libertarian movement is the Heritage Foundation in the United States. It authored the notorious “Project 2025”, a government initiative that Trump aims to implement during his second term. In Germany, a similar role is occupied by the libertarian group known as the “Atlas Initiative”, which is led by management consultant Markus Krall. The research editors at Correctiv report that the initiative is closely associated with the Werte-Union, a right-wing populist party, and certain factions of the AfD.



Our demands

Rule of law for greater justice

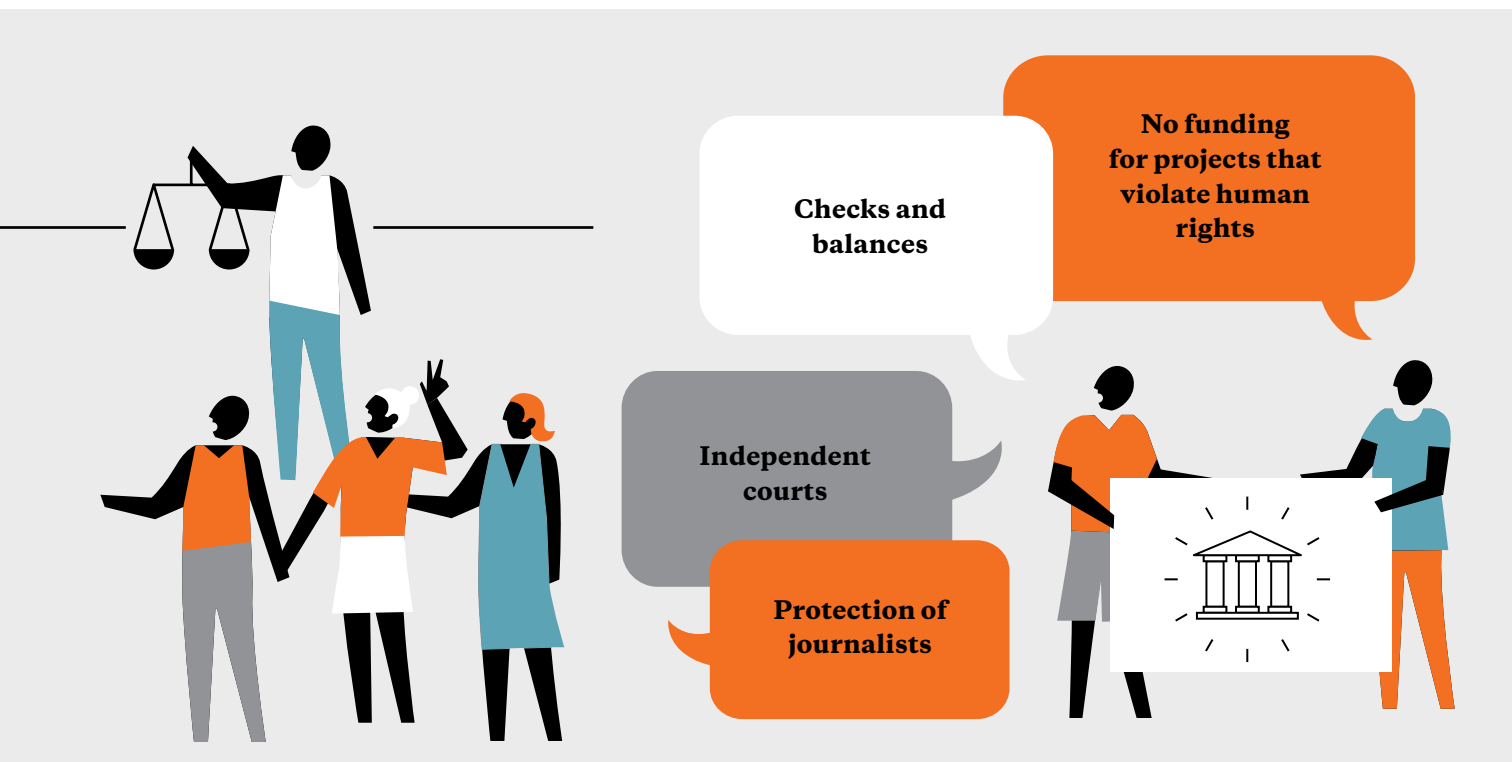
To ensure that everyone has the same rights to engage politically and socially and help shape the future, states must protect and promote the principles of the rule of law, human rights and public participation.

Strong democracies flourish through the efforts of their civil societies: Civil society actors advocate for the rights of the underprivileged, rally public support and hold governments accountable. Civil society is the driving force behind fair and sustainable development. Civil society can only engage effectively when the principles of the rule of law are upheld; when civil liberties can be guaranteed and enforced; when the separation of powers functions effectively; and when the judiciary and government agencies see themselves bound by fundamental rights and protect citizens against arbitrary state action.

Brot für die Welt is a member of civil society. Alongside our partners in approximately 90 countries, as well as other NGOs and individuals, we are dedicated to upholding human rights and the rule of law, which are essential for creating a fairer world.

To uphold the principles of the rule of law, we demand the following:

- Governments should advocate for the independence of courts and media.
- Governments should strengthen the UN Human Rights System, the regional human rights systems and international courts. They should sufficiently finance them and implement their decisions.
- Governments should work to ensure that crimes committed against human rights defenders are effectively investigated and prosecuted.
- Governments and parliaments should prevent the passage of any laws that violate international human rights obligations or obstruct the work of civil society actors, and advocate for this stance with representatives from other countries.
- Diplomatic missions abroad should consistently monitor and observe the indictments and trials of human rights defenders and civil society organisations that are facing criminal charges.



For civil society worldwide, we demand the following:

- Governments should foster the environment necessary for a vibrant and independent civil society, while safeguarding the rights to freedom of expression, assembly and association.
- Governments and parliaments should stand up for activists and organisations that are being attacked and slandered.
- Governments and parliaments should provide adequate and sustainable financial support for civil society. This should involve core support and/or programme-based support, funding for programmes that promote democracy and human rights, as well as more flexible and simplified processes to assist persecuted human rights defenders and civil society organisations.
- Governments and parliaments should address disinformation in public discussions and on social media while ensuring that freedom of expression is not unduly limited.
- Governments should ensure that civil society organisations and in particular vulnerable and disadvantaged groups enjoy meaningful, inclusive and accessible participation in decision-making processes at national and international levels.
- In their negotiations and consultations with their partner governments, providers of international development cooperation should address restrictions affecting civil society.
- In order to respect the principle of do-no-harm, governments should implement risk analyses and monitoring to ensure that their own policy decisions which affect other countries such as foreign trade, migration and international security respect human rights.

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Notes

In many countries in 2024, the situation for people trying to express their opinions or advocate for their rights has worsened, with individuals facing persecution, discrimination, arrest and even death. Only 3.5 percent of the global population resides in countries where civil freedoms are completely unrestricted.

Brot für die Welt releases the Atlas of Civil Society every year, utilising data from CIVICUS, a global network dedicated to citizen participation. Along with our own research: The focus of this year's edition is how an increasing number of governments are undermining the rule of law, which can have significant consequences for civil society.

In nearly 90 countries, Brot für die Welt helps empower poor and marginalised people to improve their own living conditions. Our work focuses on: addressing emerging crises related to poverty and hunger; advocating for climate justice; combatting violence, instability and conflicts over resources and shared goods; strengthening women and women's rights; and working to ensure a fair digital transformation.

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