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Against democratic recession: Recognizing suppression of civil counterpower

Foreword

This report was supported by the Democracy and Media Foundation (Dutch: Sichting Democratie en Media) and is a response to needs shared by various organizations working for a vital democratic rule of law and pluralistic journalistic media. Many are searching for ways to interpret current developments in democracy and for ways to respond to them that will increase critical awareness and prospects for action among citizens and organizations. This report is also an invitation to the multiple actors involved to find each other in this search.

To create the report, academics worked closely with practicioners to identify examples and concerns in the Netherlands and to juxtapose these with global scientific analyses and findings. Although the report was prompted and partly informed by the Dutch context, the findings and framework provided here will likely be relevant to other contexts facing democratic recession.

Our work highlights the added value of both making existing knowledge accessible and exploring new questions in collaboration with individuals from different disciplines in both science and applied fields and working together to develop a framework for the early identification of suppression of civil counterpower. With this report, we hope to lay a foundation for further discussion, research, and the honing of pro-democracy initiatives and programs in the Netherlands and beyond.

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Introduction:
Democratic recession and civil counterpower

Democracy is under pressure worldwide.[1] In countries such as Hungary, South Korea, Greece, and Croatia, democratically elected rulers are taking actions that shake the foundations of democracy.[2] These actions may take many forms, from dismissing critics and curbing counterpower to questioning the value of democracy and delegitimizing certain groups in society. We call these developments democratic recession. They involve the deterioration of the core elements of liberal democracy: inclusion of as many different opinions and perspectives as possible, meaningful contestation among these different viewpoints, restrictions on executive and political power, and the protection of civil liberties that prevent those in power from interfering in the lives of individual citizens. Minority rights are also important here so that groups in society cannot be oppressed by the 'tyranny of the majority.' We discuss democratic recession and counterpower in more detail in Chapter 3.

This report was prepared in response to growing concerns about the state of democracy in the Netherlands, which is presented as a case study in Chapter 4. The Netherlands has long scored high on international democracy monitors and is seen as one of the most free and 'democratic' liberal democracies in the world.[3] At the same time, international reports have long referred to unequal treatment of different groups of residents by the Dutch government, and more recently to the threat to the right to protest.[4] Scholars have drawn parallels between the current state of affairs in the Netherlands and early stages of democratic recession in countries such as Poland and Hungary.[6] Lawyers and civil society organizations are concerned about the normalization of anti-rights language and legislation that limits the space for social movements,[7] as well as how specific groups are selectively and consistently targeted.[8]

'Democracy no longer ends with a bang—in a revolution or military coup—but with a whimper: the slow, steady weakening of critical institutions.' [9]

Levitsky and Ziblatt: How Democracies Die

It is important to be able to recognize and name potential democratic recession in its early stages because democratic recession is not a law of nature—it can be stopped. 'Countering democratic recession each time it occurs is therefore important to reaffirm democratic normss, and institutions over and over again.' a group of academics conclude in a recent report.[10]

However, there is a lack of clarity in science and in society in terms of how to properly monitor such processes, especially in their early stages. This report aims to contribute to addressing this lack of clarity. We want to help make sense of democratic recession—not in retrospect, but the moment it occurs. In doing so, we focus specifically on a core aspect of democratic recession, namely suppression of civil counterpower which is often an early harbinger of further developments in this vein. We offer tools to recognize this suppression, making it possible to take action to address it.

Thus, this report is not an analysis of what is going wrong in democracy but a **tool to remain critical and ensure that civil society, politicians, academics, journalists, and others can recognize threatening developments in time** and take action.

1.1 Why this report? Democratic recession is hard to recognize

Democratic recession does not happen suddenly through the abolition of elections, dissolution of courts, or military takeovers. Instead, **democratic recession usually takes place in small steps**, which in themselves may not seem threatening but that, when they add up, can lead to the breakdown of democracy.[11] Democratic recession has three main characteristics that make it hard to recognize as it is happening. First, **democratic recession is often initiated by democratically elected or legitimized leaders,** Second, **democratic recession often follows existing political and legal procedures.** Third, **democratic recession tends to be gradual.**

To start with the first characteristic, it is often democratically elected or legitimized leaders who initiate democratic recession.[12] Until about 1990, around the world, democracy was mostly threatened by groups operating outside the existing political system, such as a takeover by the military (coup détat). Since then, however, **the threat more often comes from within the political system.**[13] This makes democratic recession more difficult to recognize, as those in political power lean on their electoral mandate. In addition, these political rulers do not explicitly admit that they are autocrats. Instead, they claim that they want to save, improve, or change democracy.

Second, democratic recession often follows the 'rules of the game.' Laws are submitted to parliament or legitimized by referendum or through a declaration of a state of emergency. When these initiatives result in changes to the rules themselves, **political rulers can thus gradually change the game in their favor without ever formally breaking a rule.** Although the first change may look innocuous, it allows a bigger change to be made at a later time, and so on. It is often only in retrospect, when all the changes can be considered together, that one can see these changes ended up leading to a weakening of democracy.[14] This is why it is important to be vigilant regarding these types of small initial changes.

Third, democratic recession occurs gradually. Whereas the sudden large-scale restriction of voting rights clearly and visibly leads to the breakdown of democracy, democratic recession occurs primarily through changes to **less visible features of democracy.**[15] Certain civil liberties are curtailed, executive power is expanded, or a procedure is redesigned so that there is less room for dissent. Again, this makes democratic recession difficult to recognize because it begins in dimensions or ways that are less obvious and often procedural in nature.

When these three characteristics are combined—occurring with a democratic mandate, according to the rules, and in in small, seemingly innocuous steps—defenders of democracy are already behind 3 to 0. This report therefore aims to make it possible for civil society organizations, journalists, politicians, researchers and others to better understand democratic recession and specifically to identify and evaluate this phenomenon in its early stages. This can then provide a basis for reflection, exchange, collaboration, and strategy development to jointly form a counterpower and protect democracy.

1.2 Focus on civil counterpower

We focus in this report on suppression of civil counterpower, by which we mean the collection of social forces and actors capable of critically monitoring power structures, influencing policy-making, and counterbalancing dominant political, economic, or institutional powers. Key actors in civil counterpower are civil society organizations, social movements, the media, and universities. Other actors from the cultural sector and business, as well as individual activists, also contribute to ensuring democratic values, transparency, and accountability within a society. From the scientific literature, we know that democratic recession happens primarily because democratically elected leaders **suppress countervailing power and curtail the control of others over the leaders' own power.**

Here, we focus on suppression of civil counterpower by those in political power in particular, as these individuals often have the greatest influence, but we recognize that non-state actors can also play an important role.

> ### Counterpower
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> In this report, we use the term 'counterpower' to describe the ability of various institutions and actors to monitor, advise, and in some cases block political and executive power. This concept is also referred to as 'countervailing power' or the existence of 'checks and balances.' These terms all refer to the importance of ensuring that power is distributed among multiple institutions and actors, limiting the power of the greatest power holder as a condition for individual freedoms.

The academic literature has also demonstrated that democratic recession often begins with suppression of civic space.[18] This does not mean that democratic recession focuses only on civil counterpower. Democratic institutions such as electoral systems, parliament, political parties, and the judiciary are also of great importance. However, suppression of civil counterpower and the multiplicity of its forms are relatively poorly understood and monitored, although civil counterpower currently seems to be particularly under pressure in liberal democracies.[19]

Therefore, in this report we ask how **suppression of civil counterpower can be recognized as early as possible.**

To answer this question, in Chapter 2 we begin by describing three analytical questions that focus on the early recognition of the suppression of civil counterpower.

We then make this assessment concrete using nine indicators. Using this analytical framework and the indicators we have defined, we offer **scholarly arguments that societal actors serving as defenders of democracy can use to challenge proposals and actions that threaten to curtail civil counterpower.** In Chapter 3, we provide a review of the scholarly literature we used to develop the analytical framework and substantiate the indicators. We present, in an accessible way, the current scientific knowledge about democratic recession, how different types of counterpowers work, and why counterpower is essential in a liberal democracy. In Chapter 4, we describe the case of the Netherlands, discussing core aspects of Dutch democracy and concerns and providing insight into why this report is appropriate in light of developments in liberal democracies, including the Netherlands. We end the report with suggestions for working with the material we have presented and a discussion of questions that should be further explored to recognize and address democratic recession.

1.3 Research methodology

This report is based on an analysis of existing academic and civil society publications, interviews and an expert workshop with stakeholders, and our own observations of political developments in the Netherlands and abroad (from reading policy documents and observing public debate). At the start of the process, we conducted eight interviews with civil society organization representatives, people working on related initiatives, and academics to gain insight into needs and indicators. In addition, we organized an online workshop and a roundtable with twenty academics, civil society organization representatives, and other experts to validate the initial insights about the Dutch context, the analytical framework and indicators. Finally, three referees, Prof. Dr. Antoine Buyse, Prof. Dr. Léonie de Jonge, and Dr. Conny Roggeband) with different areas of scientific expertise reviewed a draft of this report and provided feedback and validation of the choices and interpretations made.

The indicators, like the analytical framework, are based on scientific argumentation and were established using a method informed by grounded theory.[20] This means that we worked from the data to develop the indicators, as an elaborated typology did not yet exist. Data in this case concerned knowledge about concrete indicators and manifestations of suppression of civil counterpower, which can be found scattered across a variety of sources. We started with elements described in the scientific literature[21] and indicators from international democracy monitors (see Chapter 3 and the annex). In addition, we drew on reports, the news media, government documents, stakeholder interviews, and the expert meeting mentioned above.

On this basis, we drew up nine broad indicators of democratic recession through suppression of civil counterpower, with multiple 'manifestations' for each indicator. This drafting was done according to the principle of theoretical saturation.[22] That is, we looked for indicators and manifestations that could be added until we determined that further searching did not yield any new ones. This does not mean that every specific form was named. The manifestations were drawn up so that several specific forms could be included. The goal is that the indicators and their manifestations are specific enough to be helpful in recognizing eroding trends, while also being broad enough to apply to as many concrete actions and proposals to be mindful of as possible.

How to recognize suppression of civil counterpower: *An analytical framework and indicators*

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Against democratic recession

How do you recognize containment of societal counterpower? A framework of analysis and indicators

2.1 Introduction

In this chapter, we provide guidance on how to recognize specific actions, proposals, statements, or measures to be recognized as suppression of civil counterpower. We do this by first developing an analytical framework consisting of three questions to ask about developments that could contribute to suppression of civil counterpower. We then present nine concrete indicators and a guide for critical assessment of developments that might suppress civil counterpower. Each of the indicators specifies what different forms of suppression of civil counterpower might look like. These indicators may also be applicable to other forms of counterpower (see Chapter 3), but because they have not been primarily developed or tested for counterpower more broadly, applying them beyond civil counterpower should be done with care. Finally, we provide a list of concrete manifestations for each of the indicators to paint a clear picture of the different possible forms of suppression of civil counterpower.

Before we describe the analytical framework and indicators, we would like to share four notes regarding these tools that should be considered by anyone working with them. Specifically, the analytical framework and indicators are both abstract and concrete, focus on state actors, aim for early recognition, and emphasize process and small, incremental steps:

Abstract and concrete: Our intention is for the indicators and analytical framework to be used together. The indicators are based on how suppression of civil counterpower takes place in different countries, but they may not cover all forms of suppression of civil counterpower seen in a specific setting. The analytical framework is more abstract and can thus be used to fill in such gaps.

Focus on state actors: The analytical framework and indicators are aimed at recognizing and naming suppression of civil counterpower by state actors (i.e., the government, democratically elected politicians, state bodies, and implementing agencies). That said, the analytical framework can also be applied to non-state actors, but since this was not the primary goal, such an application should be undertaken with care. We discuss this in more detail in Chapter 3.

Early recognition: In creating this analytical framework and indicators, we emphasize early recognition. Here, we mean **being able to recognize and name dangers to the space for civil counterpower when they are occurring initially** — for example, when a proposal is made — rather than after the fact, when actions have already been carried out and found to have had negative consequences.

Process and small steps: Suppression of civil counterpower — like democratic recession as a whole — is a process that often occurs gradually and with small steps. The analytical framework and indicators can only be used to identify and assess proposals or actions, examining **how they change the existing democratic situation and space for civil counterpower.** These indicators should thus not be understood as tools for assessing the state of civic space and counterpower in a particular country; rather, they are tools for interpreting specific, real-world actions or proposals. The analytical framework and indicators should be used in comparative perspective, asking: what effect will this proposal or action have?

Actions or proposals

The analytical framework and indicators use the phrase 'actions or proposals that can lead to the suppression of civil counterpower.' These 'autocratizing actions' are the unit of analysis and refer to both early and more advanced forms of erosion of counterpower. Actions or proposals therefore includes measures, policy, agreements, executive orders, etc. Of course a statement during a campaign is less of a threat than a legislative proposal that seems like it might pass. It is therefore important to take into account how impactful the action or proposal is.

2.2 Analytical framework: Three questions

To recognize suppression of civil counterpower, the following three questions can be asked for every action taken or proposal made by a political powerholder:

1. Does this action or proposal undermine or curtail democratic institutions, democratic behavior, or democratic norms?

Democratic institutions, behaviors, and norms are important because they provide **constraints on executive power.** If these elements of democracy are undermined and the constraints are therefore diminished, democratic recession may be taking place. This applies most clearly to institutions designed to provide countervailing power, such as the judiciary, parliament, or civil society. But it also applies when the possibility of democratic behavior is curtailed, for example by making it more difficult to criticize powerholders (by restricting the right to demonstrate or the work of civil society organizations).

A functioning democracy requires **contestation and inclusion** (in public debate) to allow for lively debate and open discussion about ideas. Undermining democratic behavior and democratic norms can limit the opportunity for this contestation of ideas. Undermining democratic behavior and norms can also take the form of curtailing **civil liberties**. These freedoms are a fundamental part of liberal democracy and require that the government interfere as little as possible in how people and organizations wish to contribute to public debate or be part of civil counterpower. If institutions in civil society, democratic behavior, or democratic norms are undermined, there may be suppression of civil counterpower.

2. Does this action or proposal exclude individuals, groups, or organizations?

For effective civil counterpower, all individuals, groups, and organizations who want to take part must be able to do so. This is directly related to the idea of inclusion in a democracy: as many different perspectives as possible must be given the opportunity to be heard in public debate. If groups are excluded from the debate, even if this happens as an unforeseen side effect of seemingly well-intentioned initiatives, this affects the inclusiveness of public debate. This may involve minorities, but also women, if, for example, their political participation is discouraged or their autonomy is undermined.

Excluding certain people or groups also goes against the **protection of minority rights.** In a liberal democracy, we have agreed that minorities should be protected from the power (or even tyranny) of the majority. A (political) majority has the right to make decisions and change policies, but this should always be done in such a way that minorities are not excluded from political debate or social life. Indeed, a democracy is a system in which 'parties lose elections.'[24] Thus, todays political majority may be tomorrows minority, and todays minority must have the ability to form tomorrows majority.

Because parties or groups must always have the possibility of gaining or losing power, tampering with minority rights is part of democratic recession. Denial of pluralism and the exclusion of groups or individuals lead to suppression of civil counterpower by violating the protection of minorities and making public discourse less inclusive.

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3. Do you see several actions or proposals of this type?

Suppression of civil counterpower is a slow process comprising multiple small steps. Therefore, when a single proposal or statement is observed, it is unclear whether it will already lead directly to suppression of civil counterpower. A single instance may be part of 'normal politics' and a legitimate weighing of interests with commitment to democratic principles. A single action or proposal that receives affirmative answers to one or both of the above questions therefore does not always amount to suppression of counterpower. But it is an **important warning signal.** Through the consistent naming of the consequences of such proposals, the bigger picture becomes more visible. Above all, larger numbers of actions and proposals for which the answer to one or both of the above questions is 'yes' correspond to a higher likelihood that there will be suppression of civil counterpower.

> ## Public debate
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> In this report, we sometimes refer to 'public debate.' By this, we do not mean only the large political debates seen in parliament or on talk shows, but also the smaller debates, conversations that people have among themselves, and the ways in which people try to influence power, from demonstrations and strikes to petitions and lobbying. Those in political power should safeguard this debate, protect participation in public life and decision-making, and exclude as few people, groups, and organizations from it as possible.

2.3 Indicators of suppression of civil counterpower

We have created nine indicators to enable the early recognition of suppression of civil counterpower.

In this section, for each indicator, we provide a brief description of actions or proposals that could undermine civil counterpower and thus democracy, along with several concrete examples. In addition, we present a key question to be asked about specific ongoing actions or proposals. These descriptions, the examples, and the answers to the key questions, can be used to develop an argument about whether a particular action or proposal suppresses civil counterpower. For each indicator, we also specify on which dimension of democracy (inclusion, contestation, civil liberties, protection of minority rights, or restrictions on executive power) suppression of civil counterpower is most likely to have an effect.

It is not possible to define unequivocally where the line between 'normal politics' and democratic recession lies, and this also applies to suppression of civil counterpower. We therefore also pose a counter-question for each indicator. This counter-question forces critical reflection on ones own bias, allows for the dissection of the arguments of those in political power, and encourages the sharpening of ones own argument.[25]

This list of indicators should be understood to have **no prioritization or hierarchy.** The indicators cover different domains but may overlap, as democracy — and therefore civic space — is a system in which freedoms, rights, and duties are closely interconnected. For some actions or proposals, multiple indicators may be applicable.

1. Actions or proposals that interfere with the role of institutions

In a democracy, different powers must be able to limit each other. This requires that the relevant institutions be able to carry out their role, such as critically questioning or testing the actions of the executive. Some proposals may make it 'costly' to exercise this countervailing power consequences.

For example, funding opportunities and tax breaks for critical organizations may be curtailed, and organizations that are loyal to those in power may be favored — or access to justice may be made more difficult. When institutions in civil society, such as nongovernmental organizations (NGOs), social movements, the media, universities, and the arts, are restricted or their functioning is made more difficult, there may be suppression of civil counterpower.

Key question: Does this action make institutions less able, in practice, to perform their monitoring or critical role?

Counter-question: Are there legitimate arguments for intervention because the institutions are not currently fulfilling their role properly?

Effect on democracy: Erosion of restrictions on executive power

2. Actions or proposals that undermine the independence of institutions

To provide effective countervailing power, institutions such as civil society must be formally independent, and that independence must also be meaningful in practice. Undermining this independence can take the form of imposing directives regarding loyalty to those in political power, appointing party loyalists to key positions in universities or courts, or making NGO funding contingent on following political directives. If institutions are made more dependent on political rulers, there may be suppression of civil counterpower.

Key question: Does this action cause institutions designed to provide civil counterpower to become, in practice, increasingly controlled by political rulers?

Counter-question: Are there legitimate arguments for placing these institutions more firmly under the control of those in political power?

Effect on democracy: Erosion of restrictions on executive power, erosion of contestation

3. Actions or proposals restricting freedom of association and assembly

Freedom of association and assembly is one of the rights that allows civil counterpower to form and express itself. Civic space allows new organizations to be established or come together as existing or informal organizations, including as a demonstration or a strike. If those in political power actively restrict the space for new and existing organizations or make mobilizing more difficult through administrative hurdles, extraordinary requirements, or the banning of organizations or gatherings, there may be suppression of civil counterpower.

Key question: Does this action reduce the scope for organizing or meeting to criticize those in political power?

Counter-question: Are there legitimate arguments for restricting freedoms in specific cases, and is the restriction as small and as temporary as possible?

Effect on democracy: Erosion of civil liberties, erosion of contestation

4. Actions or proposals that restrict freedom of speech

In a democracy, everyone should be free to contribute to public debate. This free public debate is the essence of civil counterpower. This is how opinions can be exchanged and policies can be made that best reflect the different needs, knowledge, and beliefs in society. This debate should take place without interference from political powers, in a way that is open, free, and fair. Restricting the right to demonstrate, restricting access to press conferences, hacking social media accounts, and criminalizing hate speech based on vague definitions are examples of how free speech may be constrained. If attempts are made to curtail public debate, there may be suppression of civil counterpower.

Key question: In practice, does this action reduce peoples freedom to obtain information to form opinions or to make their voices heard?

Counter-question: Are there legitimate arguments for temporarily restricting specific expressions for the sake of other generally accepted public or social goals?

Effect on democracy: Erosion of civil liberties, erosion of contestation

5. Actions or proposals that prevent participation in debate and decision-making

The previous indicators already demonstrate why it is important for people and groups to feel free to come together to express their opinions. This can also be made more difficult if there is a threat of punishment — for example, if leaders are persecuted or if there is a chance that peoples jobs or personal lives could be affected if they participate in the debate. This can then lead to self-censorship and withdrawal (the 'chilling effect'). This type of prevention ensures that a debate is nipped in the bud as much as possible. Examples are the intimidation of journalists and academics, verbal or physical violence, or threatened or realized criminal prosecution or sanctions (e.g., deprivation of civil rights or organizational access). When powerful political figures use these methods to try to prevent participation in public debate, there may be suppression of civil counterpower.

Key question: Does the action or proposal prevent individuals or groups, in practice, from freely participating in public debate?

Counter-question: Are there legitimate reasons for imposing restrictions on certain individuals or groups?

Effect on democracy: Erosion of civil liberties, erosion of contestation

6. Actions or proposals aimed at surveillance that make it more difficult to participate in public debate

Surveillance, or information gathering, can also make participation in public debate more difficult. Political powers can use surveillance to get a better grip on counterpower and help with the preparation of other actions. Examples of this type of action are identification requirements at demonstrations or tracking internet traffic. In contrast to the indicator for prevention of participation (Indicator 5), surveillance usually occurs during the exercise of freedom of association and assembly or speech, but excessive surveillance can also have a preventive effect: surveillance can affect the privacy of those involved, which may prevent them from organizing, coming together, or expressing their opinions. While surveillance can affect anyone, it is particularly dangerous for minority groups, as they are already more vulnerable to being excluded. When political rulers take such actions, there may be suppression of civil counterpower.

Key question: Does surveillance make certain people or groups, in practice, less free to participate in public debate?

Counter-question: Are there legitimate reasons for surveillance that outweigh the right to privacy of those involved?

Effect on democracy: Erosion of civil liberties, erosion of minority rights

7. Actions or proposals that exclude individuals, social groups, social movements, or organizations from democratic processes

The inclusion of as many people, organizations, and ideas as possible in democratic processes is a necessary requirement for civil counterpower and democracy. This means that everyone, both on paper and in practice, should have the opportunity to contribute meaningfully to public debate, stand up for their rights, and provide countervailing power. However, through their choices, those in political power can actively exclude certain entities. Examples of this type of exclusion are: criminalizing social movements, undermining specific groups, creating hurdles, or not actively pursuing inclusion. This can be done, for example, by organizing public participation in places that are not easily accessible to certain groups, but also by reducing legal support, which serves to exclude people with less money or less knowledge of the local language and law from being able to seek justice for themselves or to control the government through the courts. Structural stigmatization of groups of people also encourages exclusion. When groups and organizations are excluded from public debate and policy processes, there may be suppression of civil counterpower.

Key question: Do political rulers make or tolerate attempts to exclude groups from participating in democratic processes?

Counter-question: Are there legitimate arguments for not allowing specific individuals, groups, or organizations to participate in democratic processes?

Impact on democracy: Erosion of inclusion, erosion of protection of minority rights

8. Delegitimizing individuals, social groups, social movements, organizations, or institutions

In public debate, all participants must be taken seriously. This means that the legitimacy of individuals and groups should not be questioned. Questions regarding legitimacy may be raised, for example, through disinformation or by calling groups or political opponents criminal, fake, or traitors, or by directly questioning their legitimacy. Delegitimization can cause individuals (e.g., individual LGBTQIA+ activists or academics focusing on climate change), groups (e.g., women or religious minorities), or organizations that are part of institutions (e.g., civil society organizations) themselves to decide not to participate in the debate anymore. It can also cause their contributions to the debate to not be taken seriously and diminish their chances of gaining support. If political power holders actively contribute to the delegitimization of institutions and political opponents, or if they do not actively speak out against such delegitimization, there may be suppression of civil counterpower.

Key question: Does the statement or action cause (potential) participants in public debate to be dismissed as non-legitimate?

Counter-question: Are there legitimate arguments against the serious participation of (potential) participants in public debate that outweigh their right to participate?

Effect on democracy: Erosion of contestation

9. Propagation and normalization of anti-democratic and anti-rule-of-law norms

Democratic norms, such as commitment to peaceful and inclusive public debate and society, are crucial to the operation of civil counterpower. When those in power themselves make anti-democratic statements or question democracy and the rule of law, it can normalize failing to meet these democratic standards. Public debate then becomes less valuable and institutions have reduced ability to do their jobs well and safely. The normalization of anti-democratic norms can be actively undertaken, as occurs when, for example, rulers emphasize a uniform national identity, cast doubt on the importance of a broad, pluralist debate, or call for violence. It also undermines support for democratic norms when governments or their implementing agencies fail to follow their own rules and are not held accountable for that. The normalization of anti-democratic norms can also be 'passive,' as is seen when political power holders refuse to unequivocally reject the anti-democratic statements or behavior of others. In either case, norms are undermined and counterpower may be suppressed.

Key question: Does this action or statement reduce, in practice, the acceptance of differing views and space for them in democracy?

Counter-question: Are the actions or statements part of a legitimate public debate about space for different points of view in democracy?

Effect on democracy: Erosion of contestation

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Figure 1

Overview of indicators and their manifestations

1. Actions or proposals that enhance the role of interfere with the role of institutions

- Redefining roles (e.g., limiting access to courts or role of public broadcaster)
- Dismantling of legislation that facilitates countervailing power
- Dismantling of organizations
- Favoring loyal organizations
- Curtailing funding opportunities
  - Tax measures
  - Denial of access to bank accounts
  - Curtailing of subsidies or their use
  - Curtailing of opportunities to receive or use donations

2. Actions or proposals that undermine the independence of institutions

- Taking over control of organizations
- Imposition of directives regarding loyalty to political rulers
- Appointing party loyalists to key positions in organizations
- Making funding contingent on following political guidelines

3. Actions or proposals restricting freedom of association and assembly

- Erecting administrative hurdles
- Banning organizations or meetings
- Imposing unusual requirements on organizations or meetings
- Curtailing the right to demonstrate (right to assemble)
- Limiting access to sites and use of facilities
- Denial of entry into the country for organizations or individuals

4. Actions or proposals that restrict freedom of speech

- Restriction of the right to demonstrate (right to express specific opinions)
- Restriction of online activity (banning or removal of content, algorithmic manipulation, restriction of internet access)
- Censorship
- Banning of publications
- Deprivation of radio frequency or airtime
- Exclusion of specific perspectives or language (e.g., the terms 'gender' or 'transition')
- Hacking (placement of malware; denial of service attacks; hijacking of digital hardware, infrastructure, and accounts)

5. Actions or proposals that prevent participation in debate and decision-making

- Verbal violence directed at individuals, social groups, organizations, and social movements
  - Stigmatization/humiliation
  - Harassment/threats[26]
  - Calls to violence
  - Impunity and support for offenders
- Physical violence
  - Focused on individuals, social groups, organizations, and social movements
  - Focused on property/living space/organizational resources
  - Impunity and support for offenders
- Sanctions
  - Deprivation of civil rights in relation to expression, assembly, or association
  - Disadvantaging organizations or individuals facilitating or supporting expression or assembly
- Prosecution
  - Individuals
  - Organizations

6. Actions or proposals aimed at surveillance that make it more difficult to participate in the debat

- Physical
  - Collection of information regarding physical aspects of association, assembly, or expression
- Digital
  - Tracking online activities
  - Tracking telephone traffic
  - Tracking financial traffic
- Identification requirements and practices
- Infiltration of organizations or social movements
- Analysis of surveillance results for policy purposes

7. Actions or proposals that exclude individuals, social groups, social movements, or organizations from democratic processes

- Exclusion of individuals, groups, social movements, or organizations from policy dialogues/consultations
- Exclusion of individuals, groups, movements, or organizations from political meetings
- Exclusion of individuals, groups, movements, or organizations from public debate
- Criminalization of individuals, groups, movements, or organizations
- Creating or no longer removing administrative or physical hurdles
- Undermining of social groups (e.g., women, people with a migration background) as participants in democracy

8. Delegitimizing individuals, social groups, social movements, organizations, or institutions

- Criminalization of individuals, groups, movements, organizations, or institutions through policy
- Delegitimizing disinformation and framing[27] of individuals, groups, movements, organizations, or institutions with regard to the following:
  - Actions
  - Actors (individuals, movements, organizations, or institutions)
  - Goals
  - Strategies
  - Social groups associated with a political issue

9. Propagation and normalization of anti-democratic and anti-rule-of-law norms

- Propaganda for, and legitimization of, the curtailment of rule of law, invoking the following:
  - National security
  - Public safety/safety of specific populations
  - National unity
  - National sovereignty/countering foreign influence
  - Economic progress
  - Protecting values and preserving culture
  - Political or social stability
  - Countering disinformation
- Propaganda against pluralism in society or for a uniform national identity
- Openly questioning democracy and rule of law
- Calls for violent resistance
- Not explicitly disapproving of violence

Note: It may be possible to classify individual actions and proposals under multiple indicators. An example is the recent attempt by Dutch politicians to restrict access to justice for civil society organizations (Indicator 1) on the grounds that these organizations cannot be considered representative (Indicator 8). Criminalization (Indicator 7) can make it impossible for organizations to continue to participate in public debate, as well as delegitimizing them in a more general sense (Indicator 8) and restricting their access to funding (Indicator 1). Furthermore, state actors are often the ones deploying these actions and proposals, but in the process they also frequently mobilize support from other actors. For example, hate speech (Indicator 8) can be used by political powers and then reinforced by citizens. Additionally, corporations and media organizations, for example, may choose to conform to the ideological line of those in political power, thereby helping to exclude social movements. (See Chapter 3 for further discussion of this topic.)

3

Democratic recession: The scientific basis for this report

In this chapter, we provide an overview of the current scholarly literature on democratic recession. We describe key concepts, what benchmark we use to see if democracy is receding, the steps we see being taken in other countries as part of democratic recession, and the roles of countervailing power and international monitoring.

3.1 What is democratic recession?

Democratic recession is a process of decline of the core elements of a liberal democracy.[28] In this chapter, we explain in more depth what is meant by democratic recession as 'a process of decline' and by 'the core elements of a liberal democracy.'

Democratic recession as a 'process of decline' refers to the deterioration of the quality of a democracy over time. This can be a small or large decline. When a major deterioration means that one can no longer speak of a true democracy, this is democratic breakdown, which occurs when a democracy deteriorates into an autocracy. **Democratic recession describes the deterioration in smaller steps, where democracy declines but does not completely break down.** In the introduction to this report, we explained why democratic recession is so difficult to recognize.

Democratic recession can be caused by state actors or by non-state actors (see Box 1), but this overview focuses on democratic recession that is caused by state actors.

Inclusion means that all citizens are allowed to participate in public debate. Thus, no arbitrary choices should be made and no hurdles created that exclude citizens. If 'practically everyone' cannot participate, public debate loses its meaning. **Contestation** means that meaningful debate between different groups (e.g., political parties, interest groups, and citizens) can take place. The disagreements between the groups must be 'real' (i.e., not for show), and the different participating groups must all have a chance of obtaining the most support. Participation in the debate should also be meaningful: there should be an opportunity to convince others or to be convinced, and policies should subsequently be based on the outcome of the debate. The necessity of inclusion and contestation means that politics is only democratic if it acknowledges the pluralism of society. **Democracy requires that many different opinions (inclusion) are openly and critically discussed (contestation)**. In this context, it is relevant to refer to 'electoral democracy,' where inclusion and contestation are made concrete through regular, free, and fair elections.

Democratic recession

The scholarly literature uses a variety of terms to describe the process of decline in democracy. The most frequently used terms to describe this concept are 'backsliding', 'erosion', 'recession', and 'breakdown'. We use the term 'recession' in this report to signal how the decline occurs gradually over a long period of time. Erosion, on the other hand, is often understood to be a process initiated by forces outside of the political system, and breakdown describes the tipping point from democracy into autocracy. See Lührmann and Lindberg (2019).

Liberal

The adjective 'liberal' comes from the scholarly tradition of figures including John Stuart Mill, John Locke, and Jean-Jacques Rousseau.[30] These scholars highlighted the importance of individual liberty and the protection of the individual taking a stand against an all-powerful government. The term has the same origins as economic liberalism or politicians who call themselves 'liberals,' but that does not mean that a 'liberal democracy' is the same as economically liberal policies. Socialists, conservatives, and progressives can all be liberal democrats.

'Liberal democracy' sets additional conditions and thus can be seen as 'electoral democracy plus.' These additional conditions are often captured by the term 'rule of law.' In addition to free and fair elections, liberal democracy **requires that civil liberties and minority rights are guaranteed and that checks and balances can be enforced by independent institutions.**[31] In other words, even if a ruler is elected in a free and fair election, and even if the ruling party has an (absolute) majority in parliament, there are still restrictions on what the ruler may do and decide. Civil liberties and minority rights can only be adjusted or restricted in exceptional cases. In the Netherlands, for example, many of these rights are enshrined in the Constitution (which can only be adjusted with a special procedure over a long period of time and with a qualified majority in parliament) and in European and international legislation (which, in many cases, can only adjusted in consultation with many other countries). If a ruler does seem to modify those rights, there are control mechanisms (counterpowers) to oppose and stop the ruler.

In summary, democratic recession is the deterioration of the core elements of liberal democracy. These core elements are the inclusion of as many different opinions and perspectives as possible, meaningful contestation between these different perspectives, restrictions on executive power and political rulers, civil liberties preventing rulers from infringing on the lives of individuals, and protection of minority rights so that groups in society cannot be oppressed by the 'tyranny of the majority.' **When there is a decline of contestation or inclusion (the electoral dimension of democracy), it signals democratic recession. A decline of civil freedoms or minority rights also signals democratic recession (as part of the liberal dimensions of democracy). The decline of counterpower (also as part of the liberal dimensions of democracy) is a final signal of democratic recession.** We now turn to look at the role of various counterpowers in a democracy.

Figure 2

Core elements of liberal democracy
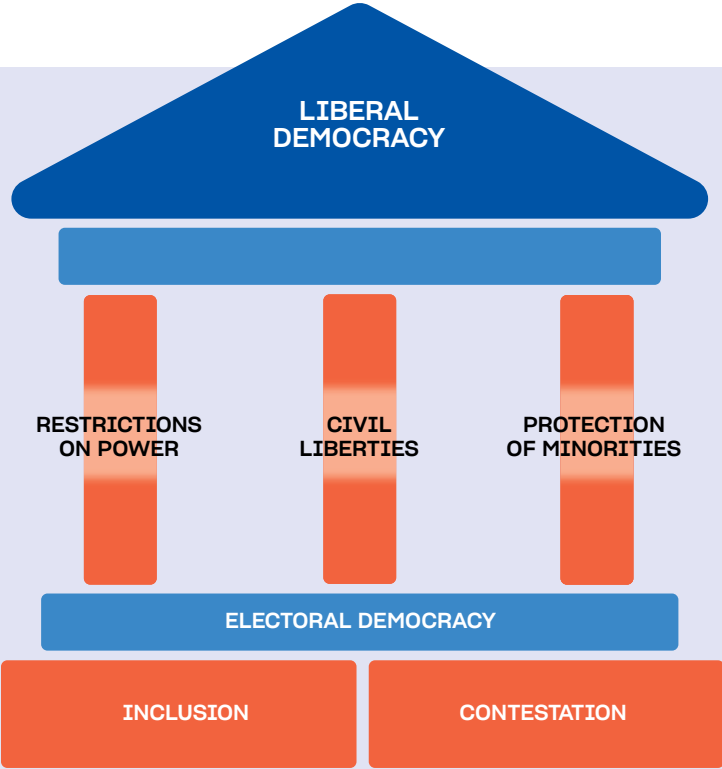
3.2 What is the role of counterpower?

Countervailing power can take different forms. We take two complementary approaches here — viewing counterpower as an accountability mechanism and taking a broader perspective on the concept.
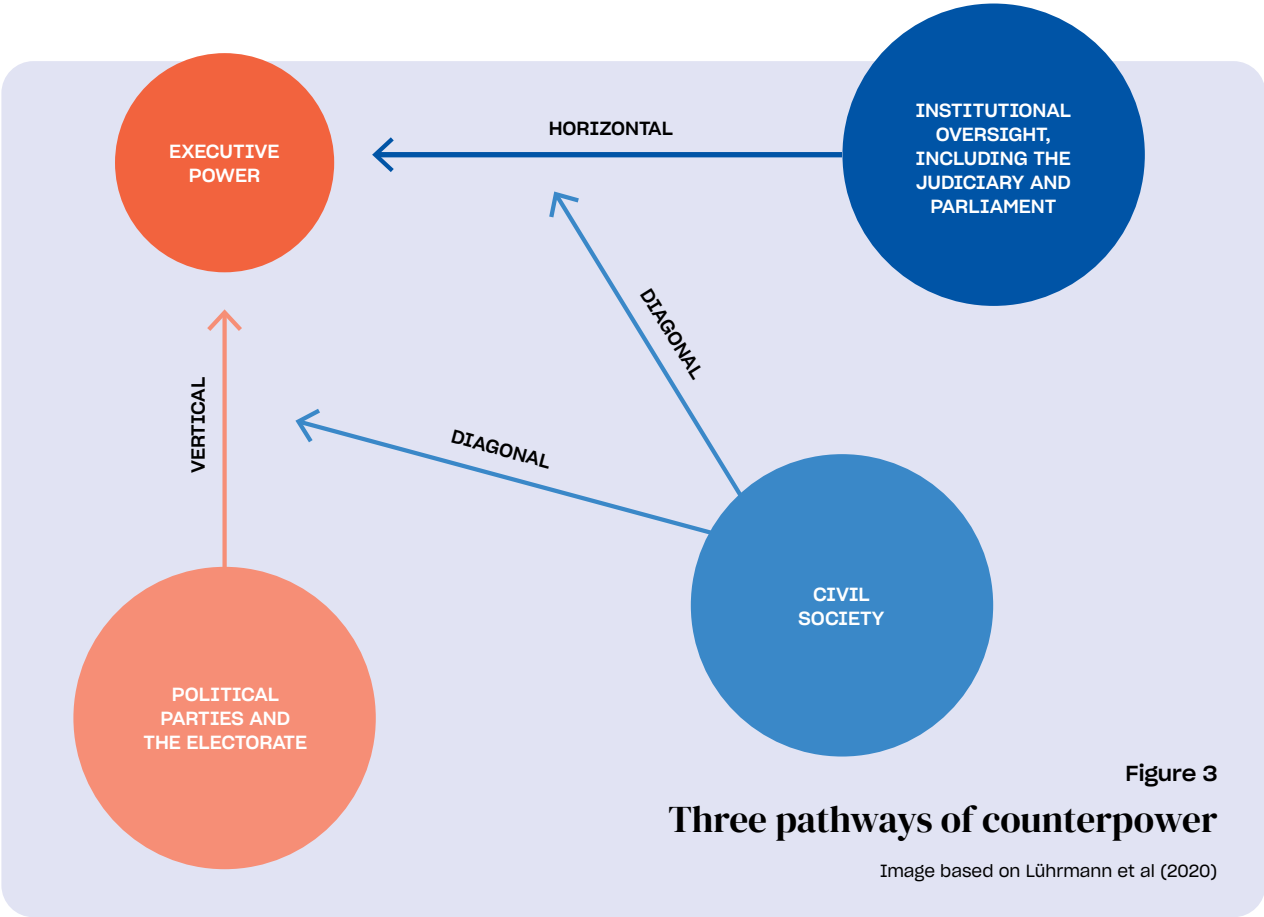
Turning first to the approach that sees counterpower as an accountability mechanism, this form presupposes **two components of counterpower: the duty of accountability and the possibility of punishment.**[33] Not only must a ruler be accountable to different groups, institutions, and actors, but those institutions must also have the ability to punish the ruler if they find their behavior inadequate. There are three mechanisms by which this counterpower can be executed: horizontal counterpower, vertical counterpower, and diagonal counterpower. **Especially in a liberal democracy, counterpower from different 'places' is important,** as more counterpower corresponds to better ability to protect an individual from a ruler.[34] **When a ruler is accountable and can be subject to sanctions by an institution that is roughly 'equivalent,' this is called horizontal counterpower.**

These equal institutions can be agencies within the government, but the judiciary and parliament also fall in this category. They can give binding advice that the political ruler must follow. If the ruler fails to follow this advice, penalties (such as a penalty payment or a no-confidence motion) will be imposed. To a lesser extent, supreme audit institutions, ombudspersons, advisory boards, and state commissions are horizontal counterpowers as well (although they often have less ability to issue binding rulings). **A power holder must also be accountable to the citizens. This is vertical counterpower,** as citizens (sometimes organized in political parties) can control rulers 'from below.' In liberal democracies, this is done primarily through elections. The sanctions voters can impose include, for example, voting out a party that was in a previous coalition that was not favored by the public.

Third, a ruler is accountable in a diagonal manner to (groups of) non-state actors. These may include actors such as the media, civil society organizations, social movements,

academics, and interest groups. We call this civil **counterpower.** These actors cannot make binding decisions, but they do provide an organized pathway by which to address concerns, solve problems, and demand accountability from the government. One of the most important roles of diagonal counterpower is to inform the vertical and horizontal counterpowers (see Figure 3). This is because civil society organizations can see what is going right (and wrong) in society and have the organizational capacity to bring this to the attention of other institutions. Unlike judges or elections, for example, civil counterpower cannot impose 'hard' sanctions and must therefore cooperate with horizontal and vertical counterpower actors.

The broader approach to counterpower concerns the **space to question dominant perspectives and agendas, and to correct rulers accordingly.**[35] This civic space, needed for diagonal counterpower, exists through freedoms for individuals and groups: the freedom of information, freedom to organize, freedom of speech, freedom to protest, and freedom to participate in the development of public opinion and policy in various ways (e.g., through lobbying, petitions, taking questions about or problems with policy to court, and protests). **Diagonal counterpower only works if this civic space remains open. There can be no arbitrary limits to it.** If such limits are in place, countervailing power — a fundamental element of liberal democracy — is undermined. Having strong diagonal counterpower, conversely, plays a fundamental role in preventing democratic recession.[36]

EXECUTIVE POWER

INSTITUTIONAL OVERSIGHT, INCLUDING THE JUDICIARY AND PARLIAMENT

HORIZONTAL

DIAGONAL

VERTICAL

DIAGONAL

CIVIL SOCIETY

POLITICAL PARTIES AND THE ELECTORATE

Figure 3

Three pathways of counterpower

Image based on Lührmann et al (2020)

Civic space

Civic space is defined by the United Nations as an 'environment that enables people and groups – or 'civic space actors' – to participate meaningfully in the political, economic, social and cultural life of their societies. A vibrant civic space requires an open, secure and safe environment that is free from all acts of intimidation, harassment and reprisals. The freedoms of expression, including access to information, of peaceful assembly and association apply at all times – both online and offline.'[37] CIVICUS additionally mentions the importance of 'generally accepted rules' and actually being able to influence political, economic, social structures.[38]

Diagonal or civil counterpower and civic space are thus directly related. Without civic space for alternative perspectives, countervailing power will be lacking.

3.3 Institutions, behavior, and norms

The scientific literature does not give a clear picture of whether there is a 'typical' or 'standard' roadmap of democratic recession. This is because there is little systematic, comparative research on processes of democratic recession[39] and even less research on possible recession in countries that appear to be stably democratic (such as the Netherlands). This is partly because democratic recession is difficult to recognize in liberal democracies (as discussed in Chapter 1). From various case-specific studies, we learn that political rulers erode democracy in three ways, **targeting democratic institutions, democratic behavior**, and democratic norms.[40] The literature also shows that rulers often target a selective group in society. We will first examine the three ways political leaders erode democracy before discussing their **targeting of a selective group of people.** The undermining of democratic institutions is often highly visible. In extreme cases, those in power abolish organizations or create a competing organization because of it being too critical of the incumbent. The 'copy' is then completely controlled by the ruler.[41] However,

it makes sense for political rulers not to begin with such major attacks on institutions, precisely because they are so visible and recognizable. Many political rulers keep up a democratic facade[42] and thus look for arguments that their regime is not undemocratic, but simply democratic in a 'different way.' The 'illiberal democracy' declared by Orbán in Hungary (see Box 2) is an example of this. Political rulers can also appoint loyalists, friends, acquaintances, or people over whom they have control to important positions in courts, oversight bodies, and financial institutions. In many cases, political appointments are a permitted part of the democratic system, so while it is clear that there are political appointments, it is by no means always clear that these political appointments may cause democratic recession. Such actions are smaller and perhaps less obvious attacks on democratic institutions. **This infiltration, abolition, and copying decrease the capacity of institutions to execute their controlling functions, which gives those in political power more leeway.**

The second way by which political rulers erode democracy is by undermining democratic behavior. Here, we mean that **political rulers try to make it difficult or impossible to form a critical opposition.** In many cases, dissent is not banned outright, as that would be too obvious and visible; instead, ways are sought to make it more difficult to dissent. For example, politicizing funding for civil society organizations may increasingly hinder their work.[43] Technically, it is still possible to dissent when organizations receive less financial support, but the real chance of that happening increasingly shrinks. Another way to make dissent more difficult is to cause opposition members (in politics or society) to self-censor. For example, (criminally) prosecuting or intimidating some members of opposition groups can increase risks for other members of these groups. Is it worth it to continue the opposition, or is the risk that they will lose their jobs or be arrested too great? Such strategies do not completely restrict democratic behavior — the ability and willingness to criticize freely — but they do seriously discourage it.

A third important way in which political leaders may damage democracy is through undermining democratic norms, which include the unwritten rules in politics and the way people treat each other in public discourse. These norms are not fixed; they may be debated. However, when democratic norms and ideals are consistently

questioned, this creates uncertainty. Violating or questioning democratic norms often adheres to neither the letter nor the spirit of the law.[44] **This uncertainty can then lead to subsequent rule-breaking behavior going unnoticed or being normalized.** When this happens more often, actors move with increasing speed against the soft guardrails[45] — the unwritten rules of democracy — and democracy can erode at an increasingly rapid pace.

Democratic norms also include how those in power talk about each other and about potential opponents — the political discourse. As we have already described, it is essential in an electoral democracy that people can freely obtain information; otherwise, contestation is not meaningful. In a liberal democracy it is also essential that there is counterpower, with sufficient civic space for other perspectives. However, describing the media as 'fake,' 'spies,' or 'liars,' labeling the opposition as 'traitors,' and questioning the legitimacy of civil society organizations or judges can lead to the incumbents supporters no longer seeing these organizations and individuals as legitimate participants in democratic debate. This also means that, in addition to these individuals and organizations, the criticisms they make are considered illegitimate, unjustified, unfounded, or unimportant and unworthy of consideration. **Especially if an incumbent frequently delegitimizes an organization or group, this can contribute to democratic recession because it undermines both contestation and the legitimacy of the actors involved.** A group structurally designated as the culprit with claims that they, for example, block the will of the majority (e.g., judges), lie to the people (e.g., journalists), or abuse the system (e.g., minority groups) may be seen as inconvenient, bothersome, or undesirable.

Populist politicians who equate their mandate with 'the will of the people' and far-right politicians who disregard diversity among the population of a country thereby contribute to democratic recession. They argue, for instance, that problems are caused by certain groups of citizens or migrants,[46] or they may capitalize on anti- LGBTQIA+ sentiments,[47] linking these ideas to their nationalist ideology. Such statements and developments undermine democracy as a whole, as well as the participation of certain

individuals, groups, or organizations. This occurs both because these statements can lead to self-censorship and curb democratic behavior and because delegitimization can serve as a reason for tightening legislation (potentially undermining democratic behavior) or undermining institutions.

Overall, recognizing democratic recession is least difficult when institutions are being undermined, more difficult when democratic behavior is targeted, and most difficult when democratic norms are impacted. This has been described as the **'ambiguity'**[48] **of democratic recession**—it is not always clear whether a proposal, statement, or action may contribute to democratic recession, or whether it is an 'ordinary political act.' Political rulers can take advantage of this ambiguity.[49] In addition, the actions that lead to various kinds of democratic recession do not follow one set roadmap.

Suppression of counterpower is often selective. **That is, those in power often target specific groups in society.**[50] The scholarly literature points to several explanations for this. First, certain organizations or movements and their actions may be specific targets of suppression because they touch on important interests of those in power or their supporters. We see this internationally, for example, in actions aimed at countering environmental pollution or protecting the rights of indigenous peoples concerning natural resources.[51] Second, certain organizations, social movements, or populations may be targeted because silencing their voices is directly tied to the ideological goals of those in power and their allies. We see this, for example, in the treatment of womens and LGBTQIA+ groups, organizations, and movements.[52] In multiple contexts, opposing the emancipation of these groups is part of a nationalist project that promotes conservative gender relations and the traditional family.

In some cases, this leads not only to restrictions on the civic space for these groups, which is essential for contestation and counterpower, but also to the normalization and institutionalization of hostility against them. This may include, for example, denial of their right to exist as a group, as well as persecution of actors who support a movement.[53] We see this in Hungary, for example, with measures such as the banning of gender studies, which thwarts critical knowledge development.[54] Normalization and

institutionalization of hostility against women can also involve misogyny being used to undermine womens public and political roles.[55] This phenomenon is not limited to gender: we also see it in, for example, the punishment of solidarity with the Palestinian cause in Germany, where protection of the State of Israel is used

by the government as an inviolable and absolute historically based premise of policy.[56] In other contexts, migrants and organizations that focus on their rights can expect special opposition in the context of nationalist politics, such as the criminalization of solidarity with asylum seekers.

Box 1

What about the role of non-state actors?

Although research shows that state actors and political rulers play the largest role in democratic recession, we also regularly see non-state actors playing an important complementary role. This includes the increasingly large role of wealthy individuals and tech elites in influencing political decision-making and thus democratic processes, as well as the influence of these individuals on (free) media and academic research.[58] Corporations, including the media, may choose to cooperate with those in power and take steps that damage the space for civil counterpower. In the United States, Meta, Facebooks parent company, adjusted its fact-checking policy;[59] The Washington Post, under pressure from its owner, was unable to express support for a political candidate (which The Washington Post had previously done for the past 36 years);[60] and X (formerly Twitter) has been used to further political ambitions.[61] In India, many media have begun to align with the BJP (Bharatiya Janata Party) government, which is seen internationally as causing democratic recession.[62] In Hungary, Nicaragua, and Poland, the media have been bought and infiltrated by the government (see Box 2). Currently, as traditional media are under pressure and social media are on the rise, factually accurate, balanced, and critical information on media platforms is essential, both for counterpower in this social space and for meaningful public debate and contestation. In other examples, cooperation develops between those in power and, for example, religious groups or paramilitary organizations.[63] Together, they try to limit the rights of religious or sexual minorities, or to fight against environmental activists. Finally, citizens and organizations (such as social movements or the news media) can also act as allies of political power holders, reinforce the actions of political rulers, or facilitate the suppression of certain voices. For example, delegitimization of particular groups or individuals by those in political power may incite the intimidation and exclusion of those groups or individuals by others. In such cases, non-state actors may not be enablers of democratic recession, but they are potential accomplices in its realization.

3.4 Why focus on suppression of civil counterpower?

Democratic recession is a process that can affect many aspects of society and politics. **In the analytical framework and indicators presented in Chapter 2, we focus specifically on suppression of civil counterpower by internal, state actors (political power holders).** Indeed, democratic recession involves increasing politicians own power.[64] Power then becomes more concentrated in one person, party, or organization. Conversely, suppressing counterpower is about reducing the power of potential opponents and gradually breaking down the space to criticize, develop alternative visions, and mobilize support for them. Of course, these two processes are often two sides of the same coin. In this report, we focus on suppression of counterpower — civil counterpower in particular. This type of counterpower is essential in a liberal democracy, although it is not always recognized. This counterpower is also where democratic recession often begins, and this process often starts in ways that are relatively difficult to recognize.[65] Despite its importance, civil counterpower has received relatively little attention in the current discourse on democratic recession.

The constricting of space for civil counterpower reduces the quality of a democracy in two ways. First, shrinking civic space impacts the inclusion of different groups and opinions in public debate. Pluralistic debate is a necessary condition for democracy, even by the minimum electoral standard. For liberal democracy, it is even clearer that a limitation of civic space is a component of democratic recession, as it goes against the protection of minority rights (as seen in Hungary especially for womens and LGBTQIA+ rights) and against the restrictions on executive power (e.g., through the political appointment of chief editors in the media or university rectors).

Second, civic space ensures that leaders are accountable through diagonal counterpower. The media play an important role in this, but so do civil society organizations that monitor the government and point out problems such as corruption, policy failures, and neglected social issues. A curtailment of civic space is thus an encroachment on this accountability mechanism, which contributes directly to democratic recession.

To illustrate this, Box 2 describes suppression of civic space in Hungary. The Hungarian case, of course, is just one example of democratic recession. Because democratic recession is often context-dependent, it is easy to say that 'what happens there will never happen in my country,' but we should remember that similar proposals limiting civic space have been made in numerous other countries: In Brazil,[66] Turkey,[67] and the United States,[68] the impartiality of the media has been called into question. In Poland[69] and Nicaragua,[70] loyalists have been appointed to editorial boards for media outlets. In Romania, loyalists have been appointed as principals of primary and secondary schools.[71] In Venezuela[72] and Turkey,[73] the 'people' has been redefined. In Guatemala, NGO leaders have been criminally prosecuted.[74] In Ukraine, TV broadcasting rights have been manipulated.[75] In the Philippines, critical TV stations have been taken off the air.[76] In India, academics can face repercussions when they criticize the government.[77] In Benin[78] and South Korea,[79] journalists have been digitally monitored by security forces. In northern Macedonia[80] and Serbia,[81] civil society organizations and journalists have been taken to court for defamation and insult. In Sri Lanka, civil society organizations have been forcibly disbanded.[82] When several steps of this kind are taken in succession, it becomes increasingly clear that democratic recession is occurring.[83]

Limitations of civic space in Hungary

Hungary is one of the most widely used examples of democratic recession initiated by democratically elected leaders. After the fall of the Berlin Wall, Hungary, like many other countries in Central and Eastern Europe, rapidly democratized. In 1990, Hungary was seen as a functioning liberal democracy. There were competitive elections in which prime ministers from different parties alternated and leaned on different coalitions and majorities in parliament. In 1998, Viktor Orbán became Hungarys prime minister, losing the subsequent election in 2002. In 2010, Orbán returned to power after what was considered a free and fair election. This moment, however, was the turning point for democracy in Hungary.

Hungarian democracy has since deteriorated in almost every respect. The independence of the judiciary has been curtailed as, for example, Supreme Court judges were limited by the lowering of the retirement age, and new judges loyal to Orbán were appointed.[84] The executive branch was brought under further control of Orbán by, for example, the relaxation of the dismissal law for civil servants.[85] Elections have also become less fair in the country, as, for instance, constituencies have been formed so that Orbáns party almost always gains an advantage (gerrymandering).[86] But perhaps the greatest impact has been seen in civil society.

The funding of civil society organizations has been politicized,[87] some civil society organizations have been criminally banned,[88] other civil society organizations have been dismissed as serving foreign interests,[89] and an NGO leader was accused of 'hating Hungarians.' The leadership and directors of museums, sports associations, and theaters have been replaced.[90] Critical media have been nationalized or bought up by friends and acquaintances of Orbán.[91] Loyalists have been appointed to the editorial boards of national media outlets.[92] It has been made difficult, if not impossible, for universities (especially Central European University) to conduct independent research. Rectors of universities are now appointed by the government.[93] The registration of more than three hundred churches was canceled, preventing them from receiving certain tax benefits.[94] And the preface to a new cardinal law (a law that must be passed or amended by two-thirds of Hungarian parliament) included a statement that the 'people' on which legitimate power is based are ethnic Hungarians — excluding all other persons, even if they are legally in Hungary.[95]

All these changes have increasingly limited the space for civil society. In some cases, while dissent is still officially allowed, it has been made more difficult. In other cases, dissent is now banned outright. If funding is no longer available or the work of civil society organizations, universities, and the media is made difficult, they are often left with no choice but to leave. From 2012 to 2021, 40% of Hungarian human rights organizations left Hungary. Central European University moved from Budapest to Vienna. Another consequence may be that organizations or individuals withdraw from political life. In Hungary, this has especially been the case with feminist and womens rights organizations.[96]

3.5 How is democratic recession monitored internationally?

Several international monitors and databases exist for democracy, rule of law, and civic space. These often focus on the more visible and institutional aspects of these issues — and thus the later stages of democratic recession. In addition, they often score countries and identify trends through annual reports and do not focus on identifying early forms of recession while they are occurring. However, it is useful to be aware of these monitors and, where relevant, extract lessons from them for possible indicators of early recession. The annex to this report provides an overview of some of the largest, most widely used monitors (e.g., V-Dem, International IDEA, and Freedom House) and others that focus on specific domains of civil counterpower (e.g., civil society organizations, science, or the press) and the European Union as a specific region.

The annual reports on these monitors provide insight into international trends of democratic recession. For example, a V-Dem report points out that democratic rights and institutions are in decline worldwide and that autocratization is on the rise.[97] These monitors also show that, in recent years, media, elections, and civil society have been the most under attack, followed by academic and cultural expression, space for democratic deliberation, and transparency. Across regions, a narrowing of civic space has been observed in an increasing number of countries.[98]

4

Case:
Concerns about suppression of civil counterpower in the Netherlands

The Netherlands consistently ranks as one of the freest democracies in the world according to the international monitors listed in the annex to this report. However, several areas of concern have been reported in the last few years in both international and national reports. In this chapter, we briefly outline some core aspects of Dutch democracy, as well as growing concerns arising from the Netherlands performance on international monitors, recent scientific literature, policy reports, news articles, and the interviews we conducted for this report. The Netherlands serves as a case study in this report and informed our framework and indicators. This case study illustrates why this reports framework for recognizing early democratic recession — and suppression of civil counterpower in particular — is relevant and demonstrates how this framework can be applied to a specific context.

4.1 Core aspects of Dutch democracy

The specific risks of democratic recession and suppression of civil counterpower depend on the political system and on the resilience of civil society. In the Netherlands, both the electoral system and formal institutions are relatively strong.[103] For example, while the judiciary does not have the authority to review the constitutionality of legislation, it does review the legality of government decisions and their compatibility with international treaties. This extends to the ability to prohibit the government from taking certain actions or to oblige the government to take other actions to comply with these obligations. However, concerns have been raised about the lack of formal safeguards against the political appointment of judges and political interference with the judiciary.[104]

Scholars emphasize the importance of norms and unwritten rules in Dutch democracy. This includes the importance of dialogue and the so-called 'polder model'—a consensus-based approach to decision-making and conflict resolution. It also includes a strong tradition of political restraint in terms of using force to maintain public order or limiting free speech, and of not interfering in appointments of public officials, civil servants, and judges.[105]

4.2 Concerns

Despite the overall positive score for the Netherlands as assessed by **international monitors** (see the annex), these monitors have identified a range of challenges and concerns about the state of Dutch democracy, including in the areas of participation, equal rights and opportunities, discrimination and racism, declining trust in institutions, and government openness and transparency on lobbying.[106] In the past decade, a number of proposals by the Party for Freedom (PVV) —have been highlighted as a cause for concern regarding civic space. We detail these concerns below.

CIVICUS has recently changed the categorization for civic space in the Netherlands **from 'open' to 'narrowed' because of restrictions on the right to protest, including through an increase in arrests and mass surveillance (securitization).**[107] Freedom House has long noted the **exclusion of Muslims and people with a migration background** in the Netherlands. Discrimination of migrants is also reflected in a report by the European Union Agency for Fundamental Rights.[108] Recent reports on racism in the government show that the unequal treatment of various groups is also a concern in the public sector.[110]

In addition, International IDEA has noted the **decline of 'predictable enforcement' (as part of 'reliable government')**, with concerns about the enforcement of laws and respect for the Constitution by the executive branch of government. The Academic Freedom Index shows a sharp decline for the Netherlands since 2018 in terms of freedom of education and research. The Free Press Monitor refers to attacks by populist parties on journalism, economic concentration of the media, polarization and self-censorship, online trolling, and unsafety based on gender or religion.[111]

Several recent national policy reports have identified risks of recession of democracy and rule of law. For example, a study conducted for the Ministry of the Interior and Kingdom Relations on democracy and the **risks of democratic recession** found examples of actions and proposals that, jointly, may change the rules of the game.[112] The study mentions, for example, recession of political norms among politicians and the dismissal of citizens with the

criticism that they are troublesome (rather than viewing them as people with a problem who can be helped). The study also mentions interference, especially in the area of 'fringe bubbles' (conspiracy thinking). **This may disrupt the exchange of ideas, dialogue, and reflection and call into question the preconditions of democracy.**

The Hague Centre for Strategic Studies emphasizes the risks of recession from above by political entrepreneurs who **come to power democratically and then break down elements of the rule of law through subversive behavior.**[113] In their final report, the Parliamentary Advisory Committee on Resilience and Democratic Rule of Law highlighted social inequality, disengaged citizens, (affective) polarization in the media and politics, and a number of direct threats, including anti-institutional extremism and intimidation.[114] **The State Commission on the Rule of Law argued that the principles of the Rule of Law are insufficiently guiding the actions of politicians, civil servants, and the government and that legal protections to uphold them fall short.**[115]

Legal experts worry about government abuse of power and a **lack of protection of citizens** from the unforeseen and undesirable consequences of government actions. They also highlight conflicts of interest, concerns about political integrity, as well as **meddling, demonizing, or ignoring jurisprudence and court rulings** by politicians.[116] The Netherlands Institute for Human Rights and organizations such as Amnesty International have stated that **freedom of the press is under pressure** from statements by politicians, as well as police violence, (pre-emptive) arrests, surveillance, and intimidation of both activists and journalists at protests.[117]

Several other reports and scholarly articles have expressed **concerns about a normalization of the extreme right in the Dutch media**[118] and about the **effects of hate speech and disinformation** on public discourse and social safety.[119] Studies of online hate show that transgender people, women, and people from Muslim or immigrant backgrounds are more likely to face this.[120] Both **racism and misogyny** are cited as political strategies as well as dimensions of democratic recession[121] Recently, several organizations have raised the alarm for trans rights in the Netherlands.[122]

These concerns also emerged in the stakeholder interviews conducted for this report. **Various civil society organizations have experienced an increase in online hate and social precarity in the digital sphere** in recent years. This takes an especially strong form around education and campaigns for sexual rights and gender equality.[123] Threats and intimidation extend to scholars and journalists as well.[124] Civil society organizations are also concerned about scapegoat politics combined with racism and Islamophobia, as well as anti-trans, anti-gender, and anti-feminist views as part of anti-democratic agendas. They refer, for example, to statements made in the Netherlands House of Representatives and to the removal of gender equality as an objective of the policies of the Ministry of Foreign Affairs.

In addition to the reports mentioned above, several experts have also publicly expressed their concerns about concrete policy proposals and developments, especially since the 2024 inception of the Schoof administration. For example, the Dutch Bar Association[125] determined that **nine proposals in the coalition agreement are in conflict with principles of the rule of law** and that twenty-eight proposals may pose a risk to the rule of law, in contrast to six proposals that could help to strengthen the rule of law. Based on the core principles of reliable government, fundamental rights, and effective legal protection, the Bar Association cites, among other things, the intention to issue an emergency law with insufficient justification as a risk to the rule of law. Lawyers and human rights organizations like Amnesty International have also spoken out against Dutch **restrictions on the right to protest,** noting that specific groups of activists (mostly climate and anti-genocide activists) have been singled out by the government.[126] Human rights organizations have also expressed concerns that the approach to combating antisemitism is defined so broadly or ambiguously that other rights may be compromised,[127] as well as concerns about the lack of action to ensure equal rights for women and people of different religious, ethnic, and cultural backgrounds.[128]

Civil society and scholars have spoken out against **ending the Netherlands support for organizations working for international cooperation,** emancipation and culture, and to the **creation of barriers to participation**

and counterpower in a broader sense.[129] There have also been several initiatives to make it more difficult for civil society organizations to go to court, to tighten legislation around funding for these organizations,[130] and to increase the role of politicians in granting and abolishing fiscal benefits for specific organizations.[131] This represents a **reversal in long-held attitudes and policies of the Dutch government,** which historically recognized the importance of facilitating countervailing power.[132] Stakeholders in the cultural, educational, and scientific sectors have also raised concerns about budget cuts and changes in legislation and policy that affect them.[133] The challenges observed in the Netherlands are not isolated, as concerns about declining civic space have been raised throughout Europe — including by the European Commission and the European Parliament.[134]

Finally, in our interviews, civil society organizations identified a number of consequences of the above developments that may further democratic recession: self-censorship and adapting agendas to what political powers want to hear, no longer speaking out in solidarity with groups under pressure or fear of reprisal, higher barriers to participation, and a greater burden on their time and mental well-being (e.g., because of security measures and administrative obstacles), with the risk of burnout. In response there are several initiatives where organizations are increasingly cooperating to foster mutual solidarity and counterpower.

Concerns about Islamophobia and the exclusion of Muslims

In our interviews with stakeholders and in our analysis of reports on democracy and the rule of law, clear concerns arise: Muslims in the Netherlands are facing a sharp increase in Islamophobia, anti-Muslim racism, and discrimination in recent years.[135] This can also be seen in policies, actions, and proposals from politicians. For example, in 2018 the Senate decided on a partial ban on face-covering clothing in a law also known as the 'burqa ban.'[136]

The Netherlands Institute for Human Rights argues that this ban touches on a number of fundamental rights, including self-determination and access to justice, which also has implications for inclusion and participation.[137] Research conducted by Stichting Meld Islamofobie (Report Islamophobia Foundation) shows that the ban has been used to legitimize the exclusion, discrimination, and verbal and physical assault of women who wear a face veil.[138] The Netherlands Institute for Human Rights (College voor de Rechten van de Mens) identifies structural and institutional discrimination against Muslims in many areas in the Netherlands, as well as a lack of measures to counter discriminatory statements, and calls out inciting discrimination and violence ('hate speech') by politicians and on the Internet.[139] Studies show that a large proportion of Dutch Muslims experience feelings of discrimination and disadvantage, partly because of government actions.[140] There are also longstanding concerns about unlawful infiltration and raids on mosques by government agencies in the Netherlands.[141]

Recently, scholars and civil society organizations have expressed concerns about the discrimination and repression of Muslims following statements by politicians about 'deportation and taking away Dutch nationality' and motions in parliament calling for the recording of the cultural and religious norms and values of Dutch citizens with a migration background.[142] The stakeholders interviewed for this report emphasized that Muslims often serve as scapegoats but that many of these measures may ultimately affect everyone. For example, the ban on face-covering clothing combined with increased surveillance and restrictions on the right to demonstrate will serve to exclude people and groups who may have good reasons for not wanting to be recognized, for example because of their personal safety or that of their families.

5
How can we move forward?

'Countering democratic recession each time it occurs is therefore important to reaffirm democratic norms, behaviors, and institutions over and over again.' [143]

This report is an exploration of the early stages of suppression of civil counterpower, as part of democratic recession. The added value of such an exploration has been confirmed during the process, both on the basis of the literature and through conversations with experts and other stakeholders. The same goes for the drafting of indicators intended to aid in recognizing actions that can curtail civil counterpower the moment they occur. In this pursuit, we hope to inform the work of pro-democracy organizations, especially those that are or will be facing suppression themselves. In this concluding chapter, we offer several suggestions for civil society organizations, journalists, researchers, and others for ways they can build on the ideas in this report. Specifically, we urge these groups of actors to identify and interpret curtailment of civil counterpower using the nine indicators presented in this report, develop new indicators to capture other forms of democratic recession, and increase shared understanding of effective strategies to counteract democratic recession.

Identify and interpret curtailment of civil counterpower using the indicators

The analytical framework and indicator list, including examples of how these may manifest in a particular context, are first of all aimed at recognizing suppression of civil counterpower and at helping various actors to better interpret worrying developments as they occur. In addition, the indicator list can help to provide context for these developments. One way to take this further could be to create a monitor that documents and analyzes actions and measures that hamper civil counterpower. We also hope that this report will help to bring organizations together around the theme of suppression of civil counterpower. The framework can be useful in helping organizations to jointly develop insight and action. This requires capacity and resources, which are unfortunately not always available in the organizations that are the first to face constraints. This is where funders such as

the Democracy and Media Foundation (Stichting Democratie en Media) can make an important contribution. Actively using and testing the indicators with concrete developments will undoubtedly help to develop more insights. Which forms of suppression of civil counterpower do we see more or less frequently, and which groups are particularly affected? Working with specific target groups that may be affected earlier or more severely (such as minority groups that have historically experienced exclusion or groups that are under pressure because of their role in providing counterpower) may be important to obtain a fuller picture of the situation. It is also important to realize that it is always possible that affected groups may be overlooked. Applying and testing indicators can fill remaining knowledge gaps, create more awareness among groups that are not (yet) affected, strengthen dialogue and solidarity, and provide perspectives for action.

Develop indicators of other forms of democratic recession

This report focuses on indicators of suppression of civil counterpower and the actions of political rulers. This is an important form of democratic recession, but as we have acknowledged throughout the report, it is not the only one. More research on democratic recession is thus needed and can build on this report.

It is also worth exploring to what extent the analytical framework put forward in this report can be applied to suppression of other forms of countervailing power and to what extent other mechanisms come into play. It would additionally be worthwhile to apply our framework to a policy area where there is currently little countervailing power. The coarsening of public debate (e.g., through the use of 'dog whistles'[144]) contributes to democratic recession, but this report focuses on this phenomenon only when it is driven by political power. If democratic recession is driven by other actors, it falls outside the scope of the indicators presented here, and the questions

and criteria might be different. The same applies to the role of the media (social and traditional), businesses, and other actors who may inhibit or facilitate democratic recession. More focused indicators on different forms of democratic recession could provide insight into the role of non-state actors.

Some stakeholder concerns presented in Chapter 4 did not fit our conception of liberal democracy and consequently are not captured in the indicators we present. This was the case for concerns regarding the absence of the preconditions needed to fully participate in democratic processes, such as structural inequalities. Some of the literature does link these themes to democratic recession,[145] and this idea may be worth further exploration in future work. In addition, the indicators do not measure any further consequences of autocratizing actions or proposals, such as their impact on democratic norms or citizens attitudes and trust in democracy. Because suppression of civil counterpower and democratic recession are often long-term processes, it would be good to also monitor the long-term effects of current measures. Finally, it would be beneficial for previous research on the above themes to be made more accessible to a wider group of actors, in particular civil society organizations and social movements.

Increase shared understanding of effective strategies to counteract democratic recession

Civil society organizations, as well as academics and political parties, are looking for how they can best anticipate risks facing democracy and contribute to democratic resilience and renewal. There is much to learn from other countries (and possibly from ones own context) about which strategies and interventions may be effective in preventing suppression of civil countervailing power and in defending against democratic recession. There are currently several initiatives that try to map the answers to these questions, which can be built upon — for example at the intersection of gender equality and democracy.[146] An analysis of available reports of experiences and lessons learned in successfully combating

democratic recession could be a valuable follow-up to this report. Finally, this report and the growing body of knowledge on the extent and nature of democratic recession can help to make the occurrence of democratic recession more visible as it is happening and to put it on the agenda. Countering democratic recession is ultimately about daring to take responsibility. Defending and improving democracy is a pursuit in which everyone — from citizens to politicians and from journalists to judges and civil servants — must be involved. The stakes are high.

Annex: Overview of international monitors of democracy, rule of law, and civic space

Name	Focus/ scope	Methodology
V-dem	Global. Monitors democracy, with a focus on certain regions. Assesses electoral, liberal, participatory, deliberative, and egalitarian principles. For liberal democracy, includes checks and balances, civil liberties and rights, freedom of expression in the media, civil society, academia, and arts and culture; this includes assessment of self-censorship and repression.	Quantifies expert opinions on 600+ indicators and various datasets. Produces an aggregated score for the presence of liberal components; this index ranges from autocracy (0) to liberal democracy (4). Annual reporting focuses on specific themes.
Freedom in the world (Freedom House)	Global. Focuses on political rights and civil liberties, including political pluralism and participation, freedom of expression and religion, the right to organize, rule of law, and personal autonomy. Emphasizes both legislation and implementation ('real-world rights').	25 indicators scored based on analysis with in-house peer review. Questions include, for example, 'Do different groups have full political rights and electoral opportunities?' and 'Is there freedom for NGOs, especially those focusing on human rights and governance?'
International IDEA – State of Democracy index	Global. Defines democracy as 'democratic control over public decision-making and decision-makers, with equality in respect and participation for all citizens in the exercise of that control.' Focuses on Representation, Rights, Rule of Law, and Participation.	Based on 165 indicators across four categories and 17 factors. These indicators were developed by scholars and organizations and are scored for each country using expert surveys, observable data, and composite measurement (24 data sources, including 12 indicators from V-Dem).
World Justice Project Rule of Law Index / Eurovoices	Global. Evaluates core elements of the rule of law: human rights, access to justice, corruption, and autocratization (including restrictions on power, openness and accountability). Eurovoices focuses on European Union citizens experience of democratic governance, rights, justice, security, corruption, transparency, and implementation/execution.	Expert and citizen surveys on the themes of focus.
EU Rule of Law Report	European Union Member States. Focuses on four pillars: justice, corruption, media freedom and pluralism, and institutional issues related to controls and safeguards. Has a limited focus on human rights, hate speech and discourse, and specific audiences.	Qualitative assessment conducted independently by the European Commission in cooperation with Member States, focusing on key developments (positive/progress, problems). Includes Eurobarometer on a number of perceptions.

Name	Focus/ scope	Methodology
EU Fundamental Rights Report	European Union Member States. Focuses on four pillars: justice, corruption, media freedom and pluralism, and institutional issues related to controls and safeguards. Has a limited focus on human rights, hate speech and discourse, and specific audiences.	Annual report based on policy analysis, case law, and perceptions of target groups assessed using document review, qualitative socio-legal studies and opinions, and large-scale surveys. Sub-reports are produced by theme and country.en per thema en per land.
CIVICUS Civic Space Monitor & State of Civil Society Report	Global. Focuses on civil society and civic space as components of a healthy democracy.	Led by civil society organizations, with peer review by scholars. Combines existing datasets (Freedom House, V-Dem, World Press Freedom Index), external and proprietary reports, and analysis. Categorizes countries into four groups, ranging from 'closed' to 'open' civic space.
Civic Space Watch EU European Center for Not-for-Profit Law)	European Union. Linked to CIVICUS, with additional themes of funding and participation. (see UN Best Practices).	Draws on knowledge and research from their network, in addition to the monitors used by CIVICUS, categorizes countries into the four groups listed above. Currently (2025) developing a new methodology.
World Press Freedom index	Global. Measures press freedom, defined as 'the ability of journalists ...to select, produce and disseminate news for public purposes, independent of political, economic, legal and social interference, and without threat to physical or mental safety.'	Expert surveys are used across five categories, with indicators for political context, legal framework, economic context, sociocultural context, and security. Also quantitatively tracks abuses against journalists and the media in relation to their work.
Academic Freedom Index	Global, covering 179 countries. Measures academic freedom based on five indicators: freedom of research and teaching, freedom of academic exchange and dissemination, institutional autonomy, campus integrity, and freedom of academic and cultural expression.	Based on reviews by 2,329 country experts worldwide, standardized questionnaires, and a comprehensive statistical model.

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