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SNAPSHOT

Dark Days for Civil Society

What's Going Wrong—And How Data Can Help

Sarah E. Mendelson

SARAH E. MENDELSON is Director of the Human Rights Initiative at the Center for Strategic and International Studies. From 2010 to 2014, she served as Deputy Assistant Administrator in the Bureau for Democracy, Conflict, and Humanitarian Assistance at the U.S. Agency for International Development. Follow her on Twitter [@SarahMendelson](#) [1].

When the activist Boris Nemtsov was murdered steps from the Kremlin just before a large march he helped to organize, he joined a long list of human rights activists, journalists, and lawyers who ultimately sacrificed their lives for the illusive ideal of an open Russia. Their brave effort has only gotten tougher with each passing year; since Russian President Vladimir Putin first came to power in the early 2000s, the space for civil society has been shrinking. Although the violence in Russia that accompanies it is an extreme form, the pressures on civil society are by no means just a Russian problem. According to Doug Rutzen, president and CEO of the International Center for Not-for-Profit Law, “since 2012, more than ninety laws constraining the freedom of association or assembly have been proposed or enacted.” The shrinking space for civil society, in other words, is a global problem.

Government harassment of independent organizations is as old as the state system itself, but this wave has a twenty-first-century twist. Specifically, as citizens find new ways to organize, assemble, and express themselves through the use of affordable technology, governments have found new ways to restrict public political space and suppress information. And those regimes are sharing lessons learned; in the last few years, for example, numerous governments have mimicked or copied laws enacted in other countries that seek to shrink the administrative and legal space in which NGOs work, from Russia to Kyrgyzstan, from Ethiopia to Kenya. Such laws make it administratively difficult to get registered with the government, hold events, or start new programs.

The laws also make it difficult or impossible for civil society groups to get foreign funding, which is sometimes the groups’ only real source of revenue. And even after depriving them of foreign funding, offending governments still label the groups they don’t like as foreign, implying or claiming that the organizations are working on behalf of an

alien government. Even governments that rely heavily on foreign assistance themselves, such as Egypt and Zimbabwe, make such claims.

The crackdown on civil society is a huge threat to global stability and prosperity. Civil society has made the United States a strong democracy. NGOs and foreign groups have helped Liberia and Guinea cope with the Ebola crisis. Nonprofits have helped Kenya out of famine. The examples are numerous. Without strong civil societies, countries around the world will be less able to withstand future shocks. But for the international community to protect civil society and for civil society itself to become more robust, the roots of the problem need to be better understood.

DIGITAL DISRUPTION

In a sense, the digital era has disrupted the balance of power between states and citizens, and has made sovereignty more elastic. *New York Times* columnist Tom Friedman goes so far as to claim that “we’re in the midst of a Gutenberg-scale change in how information is generated, stored, shared, protected, and turned into products and services. We are seeing individuals become superempowered to challenge governments and corporations.” For example, the spread of information technology has come alongside demands for greater government transparency. The premise here is that open access to government data is critical for sound governance. And, in fact, there is evidence that greater transparency in government budgets has reduced corruption. This “open government” agenda has traversed the globe, from Brazil to Indonesia, from Mexico to South Africa, and most recently, to Ukraine. Initiatives such as the “Open Government Partnership” (OGP), which was launched by U.S. President Barack Obama and Brazilian President Dilma Rousseff in September 2011 and includes 65 countries by 2015, is emblematic of the movement.

Some worry, though, that the open government agenda has come at the expense of traditional NGOs. Indeed, it does seem that the open government trend may, in some contexts, have had an unintended consequence of actually limiting civil society groups’ room to operate. Where governments are interested in empowering citizenry, such as in the United Kingdom, an early adopter, there has been no (or relatively little) downside of open government for civil society organizations. But in places where the government is deeply threatened by exposure, where authorities view greater access to information and increased transparency as a threat to their sovereignty (and are in danger of being exposed as corrupt), they have responded to calls for openness by lashing out at civil society writ large.

The backlash is so severe that, the OGP Steering Committee, after some initial opposition, formally acknowledged the problem. In September 2014, the OGP adopted a “Response Policy” that reminds governments that, if they don’t live up to the group’s commitments to the norms and values concerning the importance of civil society they risk being asked to leave the OGP. There are other signs that things may be changing. Although there has previously been little connection between open government movements and traditional human rights NGOs (to the detriment of both), Zara Rahman, a transparency activist from the network Open Knowledge noted that, during the 2014 OGP regional summit in Costa Rica, Mexican NGOs peacefully and silently protested the disappearance of 43 students in Ayotzinapa and lamented that “there is very little placing of open government within a rights based framework.”

As the world moves into an era of increased data transparency, but also of shrinking space for civil society groups, it is worth considering not just how the open government movement can challenge traditional NGOs, but also the conditions under which increased citizen demand and lawful release of government data can actually help human rights activists.

STRENGTH IN NUMBERS

There is a crisis mentality within civil society. A vivid example emerged in the months before the 2014 International Civil Society Week: CIVICUS, a global alliance of civil society leaders, and a number of NGOs signed a letter suggesting that the “vision” of human rights embodied in the UN Universal Declaration of Human Rights “lies in tatters” and that informal movements are beginning to deeply challenge more established NGOs.

Some development experts counter that NGOs have gotten too far from the people they are meant to represent; transnational NGOs have received perhaps the most criticism in terms of accountability. And some research work in this area suggests that weak links between NGOs, local populations, and their source of funding do lead to worse results—with development aid in particular having a negative impact. As one expert, Fernande Raine notes, “any organization that depends on a narrow number of donors and does not have a broad base of citizen support risks losing touch with the people whom it is trying to serve.” Largely absent from these analyses, though, is how shifting ideas of sovereignty and changes in the balance of power between citizens and the state have contributed to the problem.

Still, the open agenda and traditional NGOs need not be at odds. For example, public opinion data may actually help address the crisis of legitimacy that so many NGOs have identified. Government data are a resource, and as such, a source of power. In an age of discontent among civil society organizations, and of governments increasingly trying to shut down NGOs, another type of data—data about what citizens think, know, and experience in terms of human rights—can be used to help reframe agendas and build up NGO resilience and efficacy. Indeed, public opinion surveys can become a useful tool for boosting NGOs’ ties with the populations they are meant to serve.

And, here, there is a potentially important role for social scientists: to conduct public opinion surveys and help NGOs become more resilient in the face of government restrictions. Advancing and protecting human rights need not only (or even mainly) be about methodical assessments of governments’ noncompliance with the Universal Declaration of Human Rights that NGOs such as Human Rights Watch have made central to their mandate. However important, organizations ought to also make a robust effort to move rights “from the margins to the mainstream” (to borrow human rights activist Paul Mageean and Martin O’Brien’s phrase about the Good Friday Agreement), in this case by using large, random-sample surveys of populations’ experiences with human rights. Based on my own experience with survey work on human rights in Russia, and the work that scholars such as University of Minnesota’s James Ron and his team are doing with human rights’ perception surveys, this approach does seem promising.

Taking it a step further, surveys could be used to better evaluate impact. Currently, randomized controlled trials are rarely used in human rights work. During my four years at USAID, I frequently encountered confusion about how to design such tests on issues related to human rights. Indeed, in the human rights and the larger democracy field, this approach is misunderstood, underdeveloped, and even resisted. Some might argue that there are ethical issues involved in controlling who receives treatment and who does not, but assistance and interventions never cover 100 percent of a population; donors and NGOs must make choices, but they largely do so without considering the opportunity for planned and systematic learning.

The focus on survey data need not come at the expense of work on human rights issues that are contested or viewed as marginal; to be more effective and to build constituents, data about people’s real-life experiences and knowledge of human rights issues can help build support for rights. Certainly in terms of addressing specific human rights

abuses, such as combatting human trafficking and modern slavery, the lack of data has been a widely recognized problem in building a truly global movement, as well as in designing effective programs. The 2015 World Development Report “Mind, Society, and Behavior” puts heavy emphasis on paying “close attention to how humans actually think and decide” using survey data rather than just making assumptions in designing programs. CIVICUS also underscores the importance of “public attitudes, trust, tolerance, and participation” as elements that help create a healthy “enabling environment” for civil society.

To be sure, there are obstacles. Few NGO leaders and human rights practitioners are trained social scientists. A pairing or partnership between social scientists who want to help NGOs and NGOs that want to help gather and understand survey data would need to be developed. For some activists, the very notion of listening to the population and shaping an intervention driven by data may be alien. Traditionally, both public and private donors that fund work on human rights have not been interested in survey data. But there are exceptions. The Ford Foundation has supported survey work on human rights helping organizations such as the Opportunity Agenda in the United States and Memorial in Russia understand how local populations think about the issues they were working on. At USAID, meanwhile, new strategies include the collection of survey data as a critical component in learning what works best. How the post-2015 Sustainable Development Goals are implemented and measured may also help boost the demand for survey data and provide opportunities for partnership.

WORKING TOGETHER

Largely overlooked by the broader foreign policy community, civil society in many parts of the world is imperiled. In some situations, though, having more (and certain types of) data might help activists become better equipped to withstand government pressures and build domestic constituencies. There are many cases in which governments have lashed out against citizens empowered by data, but there are also ways to anticipate or mitigate such circumstances. Finally, the use of public opinion survey data is an important tool for increasing the ties between NGOs and the populations they are meant to serve. For data to be useful, though, social scientists would need to emphasize working with NGOs to undertake large, random-sample surveys; activists would need to be more interested in, and familiar with, public opinion data; and finally, donors would need to view public opinion data as a vital channel for building resilience and constituents.

Here, an international organization might help address the influence and legitimacy gaps with which civil society activists, especially in the developing world, are so consumed. Such an organization, an International Human Rights—Social Science—NGO consortium, would pair social scientists with NGOs. It might begin working in a few countries or in a series of regional or topical hubs in which donors are already investing. From there, it could evolve into a worldwide platform creating a peer-to-peer learning environment supplemented by social scientists. This consortium would not by any means be the only remedy to the shrinking space around the world for civil society, but data might be used to increase domestic philanthropic support of NGOs and provide a concrete way to help NGOs become more sustainable and linked to the people they want to help.

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