



WEAPONISATION OF LAW: ASSAULT ON DEMOCRACY

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About the Author



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Abstract

This policy brief examines the growing instrumentalisation of legal and administrative mechanisms to target and suppress civil society organisations. Drawing on recent developments in the United States and global patterns of democratic backsliding, it explores how national security and counter-terrorism rhetoric are being repurposed to silence dissent and constrict civic space. The brief argues that this systematic abuse of legal frameworks, now increasingly amplified by artificial intelligence (AI) and digital surveillance technologies, represents an accelerating assault on democratic institutions. It concludes with actionable policy recommendations for governments, civil society, technology firms, and international bodies to resist this trend and defend an independent civic sector.

Introduction

Governments—both authoritarian and democratic—are increasingly deploying legal and administrative instruments to suppress dissent and constrain civil society. Rather than overt repression, they manipulate law to serve political ends whilst maintaining a veneer of legitimacy. By cloaking coercion in legal language, governments erode democratic norms and violate their obligations under the International Covenant on Civil and Political Rights (ICCPR).¹

The repercussions extend beyond individual organisations or activists. When law becomes an instrument of control rather than a foundation for justice, democratic systems corrode from within. Institutions lose credibility, civic trust diminishes, and power becomes increasingly insulated from accountability.

The US case study: A new playbook for repression

The United States now offers an instructive case in how ‘rule by law’ supplants ‘rule of law’. In late September 2025, investigative reporting revealed that a senior Department of Justice official had instructed US attorneys in at least seven states to initiate investigations into the Open Society Foundations (OSF)—founded by philanthropist George Soros and one of the world’s largest private foundations, which funds education, justice, and human rights initiatives in over 100 countries—invoking potential charges of racketeering and material support for terrorism.² These developments go far beyond partisan attacks on Soros or his foundation. The Trump administration’s directive marked the first time the US government formally targeted a major philanthropic foundation under counter-terrorism pretexts.

¹ United Nations, “International Covenant on Civil and Political Rights,” Treaty Series 999 (1966): 171. https://treaties.un.org/PAGES/ViewDetails.aspx?chapter=4&clang=_en&mtmsg_no=IV-4&src=TREATY.

² Luke Barr and Alexander Mallin, “DOJ Official Directs Prosecutors to Prepare Probes of George Soros’ Foundation,” ABC News, September 25, 2025, <https://abcnews.go.com/US/doj-official-directs-prosecutors-prepare-probes-george-soros/story?id=125941089>.

On the same day, the White House issued a National Security Presidential Memorandum ordering a coordinated effort to ‘disband and uproot’ networks allegedly supporting domestic terrorism, with a focus on the financial activities of non-profits.³ This campaign combines federal law enforcement with disinformation to delegitimise civil society. By reframing advocacy and civic engagement as criminal activity, the state fosters a chilling effect that reaches deep into the democratic institutions. In this climate, ‘domestic terrorism’ risks becoming a label of convenience—where the target is not violence, but dissent the President finds politically inconvenient. Philanthropy, protest, or public criticism could all be reframed as threats to national security.

Despite regional differences, these laws share a common architecture: constraining foreign funding, imposing procedural barriers, and using legal ambiguity to delegitimise civic work

Global patterns of legal manipulation

This weaponisation of law is a global trend. According to the 2024 CIVICUS (World Alliance for Citizen Participation) Monitor, 81 of 198 countries are rated as having ‘repressed’ or ‘closed’ civic environments—conditions that now affect more than 70 per cent of the world’s population.⁴

In Europe, surveillance tools have been used to monitor protests and lesbian, gay, bisexual, transgender, and queer (LGBTQ+) events, whilst spyware has targeted investigative journalists in Italy. Civil society groups describe this as ‘automated repression’: the use of biometric and digital tools to silence dissent under colour of law. Across Africa, vague constitutional amendments and politicised judicial rulings have curtailed competition, as seen in Tanzania and Zambia.⁵

Hungary’s ‘Stop Soros’ law criminalised humanitarian assistance to asylum seekers, whilst Russia’s ‘foreign agent’ legislation has expanded to target any organisation with foreign ties.⁶ In Latin America, Venezuela’s 2024 NGO Oversight Law allows the state to dissolve organisations accused of ‘undermining public order’, and Paraguay’s registration requirements have suffocated independent rights-based organisations.⁷

Despite regional differences, these laws share a common architecture: constraining foreign funding, imposing procedural barriers, and using legal ambiguity to delegitimise civic work. The pattern is clear—law has been transformed from a safeguard of rights into a tool of political control.

³ Executive Office of the President, “National Security Presidential Memorandum-7: Countering Domestic Terrorism and Organized Political Violence,” Federal Register 90, no. 189 (September 30, 2025): 47225-47226, <https://www.federalregister.gov/documents/2025/09/30/2025-19141/countering-domestic-terrorism-and-organized-political-violence>.

⁴ CIVICUS, “People Power Under Attack 2024,” December 2024, <https://civicusmonitor.contentfiles.net/media/documents/GlobalFindings2024.EN.pdf>.

⁵ ISS Africa, “Weaponising the Law Against Democracy in Africa,” ISS Today, June 6, 2025, <https://issafrica.org/iss-today/weaponising-the-law-against-democracy-in-africa>.

⁶ On Hungary: Amnesty International, “Hungary: Court of Justice of the EU Rejects Anti-Migrant ‘Stop Soros’ Law,” November 16, 2021, <https://www.amnesty.org/en/latest/news/2021/11/hungary-court-of-justice-of-the-eu-rejects-anti-migrant-stop-soros-law/>; on Russia: Human Rights Watch, “World Report 2025: Russia,” January 16, 2025, <https://www.hrw.org/world-report/2025/country-chapters/russia>.

⁷ Washington Office on Latin America (WOLA), “Venezuela’s New NGO Law and U.S. Funding Freeze Are a Death Blow to the Country’s Civil Society,” April 8, 2025, <https://www.wola.org/analysis/venezuelas-new-ngo-law-and-u-s-funding-freeze-are-a-death-blow-to-the-countrys-civil-society/>.

The AI acceleration: Digital tools in service of repression

The fusion of legal and digital repression has intensified this global trend. Artificial intelligence and surveillance technologies enable governments to monitor and neutralise civil society with unprecedented precision. The United Nations Human Rights Office warned in 2021 that AI-powered surveillance allows authorities to track dissidents through social media monitoring, facial recognition, and behavioural analytics operating in real time.⁸

Commercial spyware such as Pegasus continues to be deployed against activists and journalists, as documented by Access Now and the Citizen Lab in 2024. Facial recognition has become a potent weapon: Hungary authorises its use to identify individuals taking part in Pride demonstrations supporting LGBTQ+ rights, whilst China's 'social credit' system has been exported to countries such as Afghanistan, where it enforces Taliban policies. Predictive policing algorithms, increasingly adopted by Egypt and India, flag individuals as 'risks' based on biased datasets, enabling preventive arrests before protests materialise. Together, these tools create a digital scaffolding for repression—allowing states to disguise coercion as lawful, data-driven governance.

The EU AI Act: Regulation meets political reality

The European Union (EU) Artificial Intelligence Act, which came into force in August 2024, was heralded as a global standard for ethical technology governance. Yet within a year, its integrity faces erosion. A geopolitical race for AI dominance and deregulatory pressures have led the European Commission to signal willingness to relax core safeguards in the name of competitiveness.⁹

Crucially, the Act contains broad national security exemptions. Member States can bypass fundamental protections if deemed necessary for law enforcement, border management, or migration control. Predictive policing and biometric categorisation persist through these loopholes, undermining the EU's moral authority as a global human rights standard-bearer.

The democratic stakes

The weaponisation of law against civil society strikes at democracy's core. Independent civic organisations check state power, amplify marginalised voices, and sustain public participation. When these actors are silenced or criminalised, democratic discourse withers and governance tilts towards oligarchy. The rule of law itself is degraded when citizens see it as serving power rather than constraining it. Such erosion breeds cynicism, polarisation, and instability—precisely the conditions in which authoritarianism thrives.

⁸ United Nations Human Rights Office (OHCHR), "The Right to Privacy in the Digital Age," A/HRC/48/31, September 13, 2021, <https://www.ohchr.org/en/documents/thematic-reports/ahrc4831-right-privacy-digital-age-report-united-nations-high>.

⁹ Caterina Rodelli and Sarah Chander, "One Year On, EU AI Act Collides with New Political Reality," Tech Policy Press, August 7, 2025, <https://www.techpolicy.press/one-year-on-eu-ai-act-collides-with-new-political-reality/>.

Policy recommendations

The weaponisation of law reflects a deeper crisis: governments themselves are dismantling the systems meant to constrain them. Traditional recommendations that urge governments to self-regulate miss this reality. The following recommendations target actors with genuine capacity to resist authoritarian drift and protect civic space.

FOR REMAINING DEMOCRATIC GOVERNMENTS

Establish legal sanctuary programmes that fast-track asylum for civil society leaders, journalists, and human rights defenders facing weaponised prosecutions. Countries like Canada, Germany, and the Nordic states should create dedicated visa categories and funding streams for civic actors under legal threat.

Create cross-border legal defence networks that pool resources and expertise to challenge authoritarian laws in international courts. Democratic governments should fund these networks whilst maintaining operational independence to avoid political interference.

Impose technology export controls that treat surveillance tools as weapons. The EU and like-minded democracies should ban the sale of facial recognition, spyware, and predictive policing systems to governments with poor human rights records.

FOR INTERNATIONAL FINANCIAL INSTITUTIONS

Condition development funding on measurable civic space indicators. The World Bank, International Monetary Fund, and regional development banks should make civil society freedom a core criterion for loan approvals and programme funding.

Establish rapid-response funding mechanisms that can deploy emergency grants within 72 hours when civil society organisations face closure or prosecution. These funds should operate independently of government approval processes.

FOR TECHNOLOGY COMPANIES

Refuse government contracts for surveillance systems in countries where civil society is under attack. Companies should adopt binding policies that prohibit sales to governments with documented records of legal repression against civic actors.

Provide free digital security services to at-risk civil society organisations, including encrypted communications, secure hosting, and incident response. This represents both corporate responsibility and enlightened self-interest in preserving democratic markets.

FOR CIVIL SOCIETY NETWORKS

Build transnational solidarity that transcends traditional sectoral boundaries. Environmental, human rights, and anti-corruption groups face the same authoritarian playbook and must coordinate responses across movements and borders.

Develop alternative funding models that reduce dependence on government grants and traditional foundations. This includes exploring cryptocurrency donations, diaspora funding, and decentralised autonomous organisations that can operate beyond state control.

Document patterns of legal weaponisation systematically to support future accountability processes. Civil society should create protected databases that track prosecutions, legal changes, and surveillance deployments for eventual use in international courts.

FOR PHILANTHROPIC FOUNDATIONS

Increase funding for legal defence and digital security whilst accepting higher risk profiles. Foundations should recognise that protecting civic space requires supporting organisations that governments actively target.

Support exile and diaspora organisations that can operate beyond the reach of authoritarian governments whilst maintaining connections to domestic movements. This includes funding for secure communications and coordination platforms.

These recommendations acknowledge a harsh reality: in an era of democratic backsliding, the primary responsibility for protecting civic space falls to actors outside the governments that are undermining it. The goal is not to reform authoritarian systems but to build parallel structures that can preserve democratic values and support civil society until political conditions change.

Conclusion

The weaponisation of law represents democracy's quiet corrosion. When legality decouples from legitimacy, repression becomes systemic and self-justifying. Amplified by digital surveillance, this fusion of lawfare and algorithmic control is reshaping civic life across continents.

Governments that weaponise law against civil society are not aberrations. They represent a deliberate strategy to consolidate power whilst maintaining a veneer of legitimacy. The international community can no longer treat this as a temporary setback that will self-correct. The choice is stark: adapt to this reality or watch civic space disappear.

Those committed to preserving democratic values must act with the same urgency and sophistication as those dismantling them. This means building new forms of solidarity, creating alternative structures, and accepting that protecting civic space now requires working around, not through, compromised institutions. The recommendations outlined here are not aspirational; they are survival strategies for democracy in an authoritarian age.

The weaponisation of law will not end through appeals to institutional reforms. It will end when the costs of repression exceed its benefits, when civil society proves more resilient than the systems designed to crush it. That resilience must be built now, before the window closes.



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