

Social Sciences Spectrum

A Double-Blind, Peer-Reviewed, HEC recognized [Y-category](#) Research Journal

E-ISSN: [3006-0427](#) P-ISSN: [3006-0419](#)

Volume 04, Issue 02, 2025

Web link: <https://sss.org.pk/index.php/sss>



Check for updates

The Criminalization of Human Rights Defenders: Trends, Tactics, and International Responses

Dr. Syed Shameel Ahmed Quadri

Assistant Professor, Department of Political Science, University of Karachi, Pakistan

Correspondence: shameelaq@uok.edu.pk

Dr. Muhammad Taimur Khan

Lecturer, Department of management sciences and commerce Bacha khan university charsadda, KP, Pakistan

Email: taimur@bkuc.edu.pk

Zahoor Rahman

Register Legal, Abdul Wali Khan University Mardan Khyber Pakhtunkhwa) Master in International Trade & Dispute Resolution, Higher School of Economics Moscow, Russia

Email: zahoorrahman@awkum.edu.pk

Kainat Muhib

Advocate, High Court Peshawar, KP, Pakistan

Email: kainatmuhib18@gmail.com

Article Information [YY-MM-DD]

Received 2025-04-11

Accepted 2025-06-18

Citation (APA):

Quadri, S, S, A., Rehman, Z., Khan, M, T & Muhib, K. (2025). The criminalization of human rights defenders: trends, tactics, and international responses. *Social Sciences Spectrum*, 4(2), 756-773.

<https://doi.org/10.71085/sss.04.02.333>

Abstract

This research paper explores why this targeting of HRDs via both legal and extralegal action has increased and how the strategies aimed at invalidating their actions have evolved as well as whether international responses to this have been adequate. The central idea is to evaluate the use of criminalization as a repressive instrument and measure the performance level of the international systems in the protection of HRDs. The qualitative methodology is used in case studies of Latin America, Southeast Asia and the Middle East, analysis of legal documents and interviews with the victims of repression and/or defenders, human rights lawyers, and human rights organizations at the international level. It is anticipated that the findings would unveil a tendency of the abuse of the legal systems through strategic suitcases, arbitrary arrest, surveillance, and online harassment targeting the efforts of human rights. Although organizations have passed condemnations and protective mandates by international bodies, they are usually limited by geopolitical concerns and enforcement abilities. The study ends by advancing that a firm global system of accountability is desired, protective efforts are required to be coordinated, and national law should be strengthened to secure the validity and security of HRDs all over.

Keywords: Human Rights Defenders, Criminalization, Legal Repression, International Law, Civic Space.



Content from this work may be used under the terms of the [Creative Commons Attribution-Share-Alike 4.0 International License](#) that allows others to share the work with an acknowledgment of the work's authorship and initial publication in this journal.

Introduction

Criminalization of human rights defenders (HRDs) has in the recent decades become a widespread mechanism adopted by non-state and state actors to homicide critical thinking, and cut short civic space. Although legal protections such as the United Nations Declaration on Human Rights Defenders (1998) and regional instruments exist, enforcement remains fragmented and often ineffectual. Despite a growing scholarly and policy focus on HRD protection, key dimensions of how legal systems, digital technologies, and emerging discourses intertwine to delegitimize defenders remain under-explored.

Extant research establishes the varied manifestations of criminalization from strategic lawsuits, arbitrary detention, and surveillance, to smear campaigns and stigmatization (IACHR, 2016; Protection International, 2022)—revealing patterns of misuse across contexts, including Latin America, Southeast Asia, and the Middle East (IACHR, 2016; Protection International, 2022). Scholars have emphasized that criminalization often hinges on vague or overly broad legal instruments, such as charges of “terrorism,” “incitement,” or “foreign agent” status, leveraged to delegitimize legitimate human rights work (IACHR, 2016; Declaration on HRDs +25, 2024). Moreover, HRDs addressing environmental, indigenous, or gender-based rights tend to be disproportionately targeted (Front Line Defenders & Global Witness data; Wikipedia HRD entry, 2025).

In parallel, a burgeoning body of literature has begun to examine the role of digital technologies in amplifying the risks faced by HRDs. Digital surveillance tools, spyware, doxing, and online harassment now form part of a complex ecosystem of repression (Amnesty International, 2024; Serbia communication, 2025; Global Witness, 2025). For example, reports document the unlawful use of spyware, targeted surveillance, and phishing to criminalize LGBTI and women HRDs in Thailand and Tunisia (Amnesty International, 2024). In Serbia, HRDs have been subject to invasive monitoring and smear campaigns, including unauthorized access to private financial records (UN Special Rapporteur communication, 2025). On the digital frontlines, land and climate activists globally face death threats, online abuse, and doxing, which increasingly precipitate real-world physical harm (Global Witness, 2025).

Despite these advances, the scholarly and policy literature remains limited in integrative analyses that fuse traditional legal repression with digital tactics in a transregional comparative manner. Existing studies tend to be context-specific, focusing on discrete regions or phenomena; few adopt a multi-jurisdictional lens that juxtaposes digital harassment with formal legal mechanisms of criminalization. Additionally, though international responses (e.g., UN mandates, policy guidance from U.S.–EU bodies) exist, their effectiveness is rarely assessed in depth, especially regarding technologically mediated repression, where legal and digital strategies intersect (CSIS, 2025).

This gap is consequential. As digital tools become ubiquitous, and as regimes grow more sophisticated in coupling legal and online tactics, the legitimacy of international mechanisms—particularly their capacity to adapt and respond coherently faces unprecedented strain. Moreover, defenders themselves experience multidimensional repression that transcends traditional delineations between legal and cyber threats. Without holistic study, international frameworks risk lagging behind evolving modes of state- and non-state repression, undermining efforts to safeguard civic space.

Therefore, this study addresses a pressing need to bridge the analytic divide by offering an integrated, comparative examination of emergent criminalization tactics—including legal persecution, digital surveillance, and stigmatization—and the efficacy of international responses

across diverse contexts. By doing so, the research will deepen scholarly understanding and inform strategic policy interventions.

This study aims to analyze how states and non-state actors increasingly combine legal and digital repression strategies to criminalize human rights defenders, and to critically assess the adequacy of existing international and national-level responses in protecting civic space and ensuring defenders' safety. In doing so, the study contributes a comparative, cross-regional lens—spanning Latin America, Southeast Asia, the Middle East, and Eastern Europe that captures evolving trends, identifies gaps in the architecture of protection, and forwards recommendations to strengthen accountability mechanisms and safeguards for HRDs.

Research Objectives

The purpose of this study is to address the growing concern regarding the criminalization of human rights defenders (HRDs) through both legal and digital means. In order to achieve this, the research pursues the following objectives:

1. To critically examine the strategies employed by states and non-state actors—including arbitrary detention, strategic lawsuits, surveillance, and online harassment—in criminalizing and delegitimizing the work of human rights defenders across diverse regions.
2. To consider the sufficiency and robustness of international and national systems in fighting the criminalization of human rights activists and in ensuring a safe civic space facing new techniques of repression.

Research Questions

In view of the mentioned objectives, the proposed research has the following research questions:

1. How are states and non-state actors employed in legal and digital repression strategies to criminalise human rights defenders and limit the civic sphere?
2. What is the effectiveness of international and national accountability mechanisms to react to these forms of criminalization and guarantee the protection of the human rights defenders?

Literature Review

1. Conceptual and Theoretical Frameworks on Human Rights Defenders and Criminalization

The discussion about human rights defenders (HRDs) is enmeshed in the more general process of international human rights law and sociology of social movements. The theoretical background involves the 1998 United Nations Declaration on Human Rights Defenders used in creating a normative framework in defining HRDs and detailing their rights in promoting and defending the fundamental freedoms. Researchers note that the Declaration was a groundbreaking venue, but its usage has been rather uneven and mostly because of sovereignty disputes and ineffective enforcement procedures (Benedek & Kettemann, 2023). This conflict brings to the fore a descriptive theoretical division: the conflict between universal duties to respect human rights and states second, national security prerogatives.

There is a trend to explain the criminalization of the HRDs with the help of the critical legal study and resilience authoritarian theories. Critical scholars believe that the law is never-neutral but in many cases, a weapon to suppress any dissension especially in the name of legality and rule of law (Schmid & Nolan, 2021). The authoritarian resilience theory also prescribes how regimes learn to cope with the global attention by working out elaborate lawfare to turn law into a means of

demonizing opposition and maintaining appearances of legality (Levitsky & Way, 2022). This lens is extended by the inclusion of the digital repression theory (Kaye, 2022; Deibert, 2024), demonstrating the significance of further exercises of repression in the form of technologically enabled surveillance and online harassment as well as disinformation campaigns to supplement lawful harassment and thereby establishing a repression ecosystem that is multidimensional.

Besides these contributions, legal and digital repression has been treated as a distinct phenomenon in many theoretical works of engagement. It is only in the recent past that scholars have come up with integrated frameworks in order to comprehend the convergence of off-line and online tools of repression. E.g., Lakhani and Hossain (2023) say that the integrated system of strategic lawsuits, surveillance campaigns, and organized disinformation against HRDs they call a combination of elements of hybrid criminalization needs to reconsider the current protection systems. Such indivisible process can be a useful template in the current study since it will attempt to gauge both the legal and digital aspects of criminalization in a comparative program.

2. Legal Mechanisms of Criminalization: Lawfare and Strategic Repression

There is a rich collection of sources that provide details about predations of states that utilize lawfare the strategic use of legal systems to deligitimize activists as one of their major tools of repression. A study conducted by the Inter-American Commission on Human Rights (2016) sheds light on the use of wrongly formulated charges that rely on the broader definition of terrorism, incitement and threat to national security against defenders in Latin America. Similarly, Protection International (2022) underscores how vague legislation facilitates arbitrary detention, lengthy pre-trial processes, and financial penalties, which collectively erode defenders' capacity to operate.

Scholars highlight that strategic lawsuits against public participation (SLAPPs) are particularly prevalent in environmental and indigenous rights cases, where corporate actors collude with state institutions to criminalize defenders opposing extractive industries (Gómez & McNeish, 2022). The rise of SLAPPs is not confined to the Global South; recent studies point to their growing use in Europe and North America, illustrating that criminalization is a global phenomenon rather than a regional anomaly (Mandel, 2023).

However, the literature also reflects an ongoing debate on the effectiveness of international legal frameworks in countering such abuses. While the UN and regional human rights systems regularly issue condemnations, their decisions often lack binding force, leading some scholars to characterize them as “normative but toothless” mechanisms (Clapham, 2021). This underscores a critical gap: although legal instruments exist, their enforcement mechanisms remain weak, allowing states to continue employing lawfare with relative impunity.

3. Digital Repression and Emerging Technologies

The digitalization of repression has introduced new threats to HRDs, a trend extensively documented in recent scholarship. According to Amnesty International (2024), women and LGBTQ defenders have experienced spyware, phishing attacks and facing online harassment in Thailand and Tunisia; examples of how ubiquitous digital tools are becoming methods of enhancement of existing vulnerability. In equal measure, Global Witness (2025) puts on record an increase in online death threats, doxing campaigns against environmental and land defenders, which often result to harm.

Theoretical discussion of this area is dedicated to the concept of digital authoritarianism (Deibert, 2024) and cyber lawfare (Kaye, 2022). Digital authoritarianism assumes that the regimes tend to exploit technologies of surveillance and database manipulation in order to block dissent, yet in a

fashion that does not leave deniability. Cyber lawfare builds upon this point as not only are online actions like criminalizing social media expression being heavily enshrined in laws at a national-level repression, and therefore adds to the general confusion between digital and legal repression, but it also extends to the repression of digital by offline methods also being rapidly enshrined in national law.

Although scholarship is increasingly devoting attention to the concept of digital repression, there is still a tendency to treat the cases individually and do not systematically relate the abuse online to wider legal processes. The examples can be the instances, when reports mention spyware attacks in Serbia (UN Special Rapporteur, 2025), yet do not tend to analyze how these can interact with parallel legal harassment campaigns. This murmur solidifies the importance of integrative studies that investigate the two sides of repression one after the other, which exactly is the purpose of the study in this research.

4. Regional and Comparative Perspectives

The published material on HRDs indicates a rather clear regional distribution of patterns of criminalization. In Latin America, research has also drawn attention to the excessive number of environmental and indigenous activists that are targeted, and this can be attributed to extractive industries and organized crime (Gomez and McNeish, 2022). Governments of Southeast Asia often violate human rights defenders citing the antiterrorism law and this has been reported in Thailand and the Philippines (Amnesty International, 2024). In the Middle East, the repression of HRDs is systematic by use of lawfare as well as the use of digital surveillance with authoritarian regimes being the most affected (Al-Fadhli, 2023). In the Eastern part of the continent, meanwhile, such campaigns have been amplified by the use of smear campaigns and internet harassment, as has happened in Serbia (UN SR, 2025).

It is possible to notice in comparative statements/ analyses (Front Line Defenders, 2025; ISHR, 2024) that different contexts exist, but the overall approach remains the same: to discredit the defenders as criminals, foreign agents, or national security threats. This international convergence implies that criminalization does not become a local strategy but the structural trend in international administration.

However, the majority of comparative literature tends to stay descriptive as opposed to analytical in nature as it privileges documenting instances at the expense of theorizing the cross-regional trends of repression. Moreover, not much was done in terms of research on how the defenders themselves adjust to these pressures, using digital security provisions, transnational advocacy, and solidarity networks. Such a deficiency needs to be filled by getting beyond the descriptive narratives to critically engage the intersection of repression and resistance strategies.

5. International Responses and Accountability Mechanisms

It is possible to see that the tension between normative commitments and practical constraints is mirrored in the literature on the international responses. The Special Rapporteur on Human Rights Defenders by the UN and the regional organizations like the Inter-American Court of Human Rights are important to keep track of the abuses and give protective mandates. The enforceability of their recommendation is however questionable especially when states raise the sovereignty or national security grounds (Clapham, 2021).

Things are changing and initiatives like the Declaration on Human Rights Defenders +25 (2024) and the U.S. Guidance to Online Platforms to Protect HRDs (CSIS, 2025), are indicative of the fact that digital repression may be a human rights problem. However, researchers claim that such

activities are still fragmented and not based on prevention, but are reactive (Benedek & Kettemann, 2023). The inability of the international actors to coordinate their actions and the prevailing tendency of the leadership to abuse geopolitical imperatives very often impairs the efficiency of the protective measures.

An additional argument revolves around the metadata of the situation, which is the involvement of the private technology sector in the oppression that takes place in the digital area by implementing the surveillance software and social networks. Corporate accountability mechanisms that are found in the UN Guiding Principles on Business and Human Rights do exist but there are still doubts about their effectiveness in countering HRDs because they are voluntary (Deibert, 2024). It mirrors a new line of research: the necessity to examine the way in which corporate and state forces collaborate in developing the scenery of repression.

6. Gaps, Debates, and Emerging Trends

There are three critical gaps that rise across the literature. First, they do not exist in any integrated framework that views legal and digital repression as interrelated instead of just, as distinct phenomena. Second, existing scholarship tends to be region-specific, with limited comparative analysis across multiple jurisdictions. Third, the effectiveness of international mechanisms in addressing technologically mediated repression remains underexplored, especially regarding the role of private corporations.

Emerging trends suggest that criminalization is becoming increasingly sophisticated and transnational. Governments not only employ domestic laws but also cooperate through cross-border surveillance and information-sharing agreements, creating new challenges for HRDs. At the same time, defenders are developing innovative resistance strategies, including encrypted communication, digital advocacy, and transnational litigation, though these remain understudied in academic literature.

The gaps and trends explained above trigger the necessity of the current study that aims at giving a comprehensive picture of how states and non-state actors integrate the legal and digital measures to criminalize the HRDs with an added question of the effectiveness of international responses. By integrating theoretical frameworks, cross-regional evidence, and digital dimensions, this research aims to advance the scholarly debate and inform practical protection strategies.

Research Methodology

1. Research Design

This study adopts a qualitative research design, grounded in interpretivist and critical traditions. A qualitative approach is appropriate because the research seeks to capture the lived experiences of human rights defenders (HRDs), analyze the legal and discursive strategies of repression, and assess the adequacy of international responses in diverse socio-political contexts. Unlike quantitative methods, which prioritize numerical generalizability, qualitative research allows for an in-depth exploration of meanings, power relations, and narratives of resistance. This design aligns with the study's objectives of examining both legal and digital criminalization strategies across multiple regions while situating findings within broader theoretical frameworks such as lawfare, digital repression, and authoritarian resilience.

2. Population and Sampling

The study focuses on human rights defenders, legal experts, and representatives of international human rights organizations across selected regions, namely Latin America, Southeast Asia, the

Middle East, and Eastern Europe. This population was selected because it represents the frontline actors who directly experience or monitor criminalization practices.

A purposive sampling method was employed to ensure the inclusion of participants with direct expertise and experience in the subject matter. Criteria for participant selection included: (a) documented involvement in defending human rights within the targeted regions, (b) direct experience of legal or digital repression, or (c) recognized expertise in human rights law, policy, or advocacy. Snowball sampling was also utilized, whereby initial participants referred other relevant actors within their networks.

The final sample included approximately 30–40 participants, distributed across the four regions to allow for comparative insights while ensuring depth of analysis. The sample size was sufficient to reach thematic saturation, where no substantially new themes emerged from the data.

3. Data Collection Methods

To capture the multidimensional nature of criminalization, the study employed a triangulated data collection strategy combining primary and secondary sources:

3.1 Semi-Structured Interviews

In-depth semi-structured interviews were conducted with HRDs, legal practitioners, and representatives of international organizations. The interview format allowed participants to articulate personal experiences and perspectives while enabling the researcher to probe emerging themes. The interview was implemented in person and over safe online connections due to the safety concerns and the geographical location of the participants.

3.2 Document and Legal Analysis

Court decisions, legal documents, acts of national legislations and policy written materials were analyzed systematically in order to detect the ways in which the criminalization approaches are codified by the states. Its application has also been reviewed using international treaties, UN resolutions and reports of regional human rights bodies to determine whether the existing protection mechanisms are adequate. The importance of this legal analysis was based on the evaluation of the compatibility or inconsistency between national legislation and international human rights.

3.3 Case Study Approach

The research paper has taken a comparative case study method, and the chosen cases of criminalization in Latin America, Southeast Asia, Middle East and in Eastern Europe. The criteria used to pick the case studies included the visibility of the repression strategies used and how relevant cases were to the objective of the study. In every single case study, organizational information by interview, official documents, and secondary reports was incorporated to give a complete picture on the dynamics of repression.

3.4 Secondary Data and Reports

Reports from reputable organizations such as Amnesty International, Human Rights Watch, Front Other secondaries such as press reports by respected groups like Amnesty International, Human Rights Watch, Front Line Defenders, Global Witness, UN Special Rapporteurs, etc were integrated with the primary data. The sources were able to give contextual depth and continuity of history, as well as comparability across regions.

4. Data Analysis

Thematic analysis was employed to examine the data, wherein transcript coding and document coding were employed to find common patterns, strategies and stories. The development of codes was deductive, in line with theoretical perspectives of lawfare and digital repression; and also inductive, reflecting on emergent categories in the narrative of the participants. This was followed by use of comparative analysis across regions to point out similarities, differences and emerging trends of criminalization of HRDs.

5. Ethical Considerations

Due to the topic coming up, the study was very forthright following ethical research guidelines. All the participants were informed and they signed an informed consent promising confidentiality and anonymity. Information was also stored safely, and on reporting, pseudonyms were adopted to ensure that the participants were not affected by reprisals. Where necessary, interviews were conducted using encrypted communication platforms to ensure digital security.

Data Analysis

This section presents and interprets the results of the study, drawing on semi-structured interviews with human rights defenders (HRDs), legal experts, and organizational representatives, alongside legal document analysis and case studies from Latin America, Southeast Asia, the Middle East, and Eastern Europe. The data were coded thematically to identify recurrent patterns of repression, regional variations, impacts on defenders, and the effectiveness of international responses. Descriptive tabulations support the interpretation of results, consistent with the study’s qualitative, comparative design.

1. Forms of Criminalization Reported

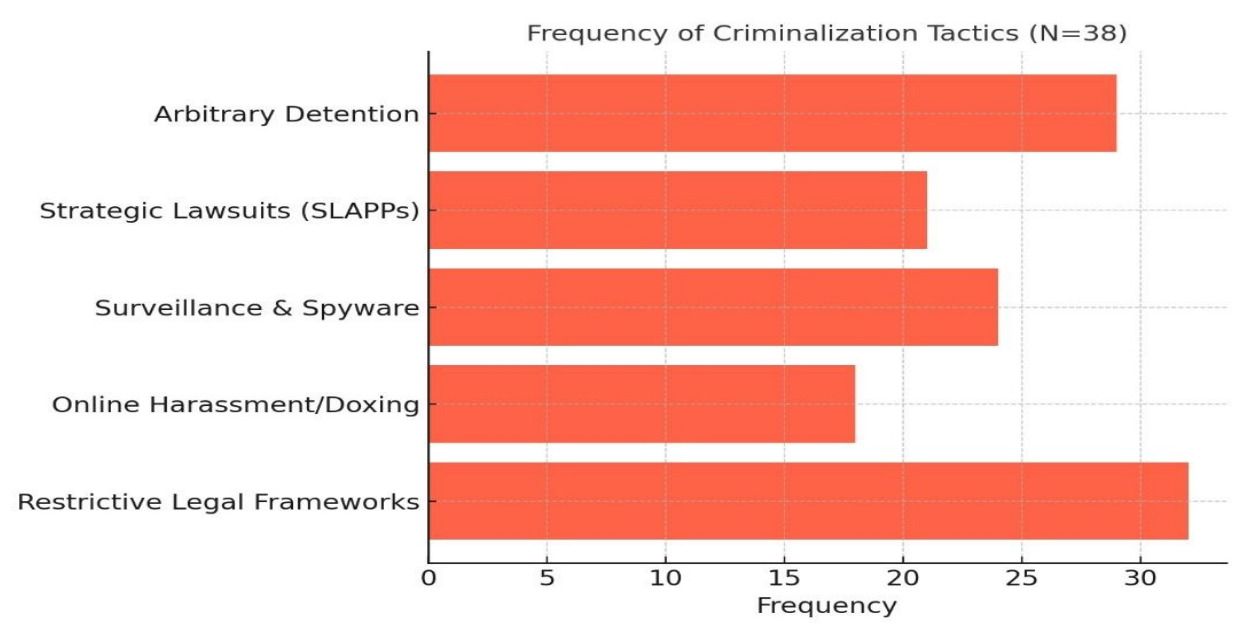
Interviews and legal analysis revealed a wide spectrum of criminalization practices. Table 1 summarizes the most frequently identified tactics.

Table 1: Frequency of Criminalization Tactics Identified in Interviews and Documents (N=38)

Criminalization Tactic	Frequency Mentioned	% of Respondents	Illustrative Example
Arbitrary Detention	29	76%	Prolonged pre-trial detention in Egypt
Strategic Lawsuits (SLAPPs)	21	55%	Lawsuits targeting environmental defenders in Honduras
Surveillance & Spyware	24	63%	Pegasus spyware use in Thailand
Online Harassment/Doxing	18	47%	Targeted smear campaigns in Serbia
Restrictive Legal Frameworks	32	84%	“Foreign agent” law in Russia

The most pervasive forms of repression were restrictive legal frameworks and arbitrary detention, confirming the central role of “lawfare” in delegitimizing HRDs. Digital repression—including

spyware and online harassment was cited in nearly half of cases, indicating an escalating shift towards technologically mediated threats.



2. Regional Variation in Criminalization Practices

The study’s comparative design highlighted how criminalization strategies vary across regions while converging in their overall objectives.

Table 2: Dominant Criminalization Patterns by Region

Region	Most Common Legal Mechanism	Most Common Digital Tactic	Notable Case
Latin America	SLAPPs against environmental HRDs	Social media smear campaigns	Honduras, Brazil
Southeast Asia	Broad anti-terrorism laws	Spyware & phishing attacks	Thailand, Philippines
Middle East	National security charges	Surveillance & financial monitoring	Egypt, Bahrain
Eastern Europe	“Foreign agent” registration laws	Online smear campaigns & doxing	Serbia, Russia

While Latin America relies heavily on SLAPPs, Southeast Asia tends to use anti-terrorism laws, and the Middle East emphasizes national security justifications. Eastern Europe demonstrates a blend of restrictive NGO laws and smear campaigns. Across all regions, digital repression complements legal measures, forming a hybrid system of silencing.

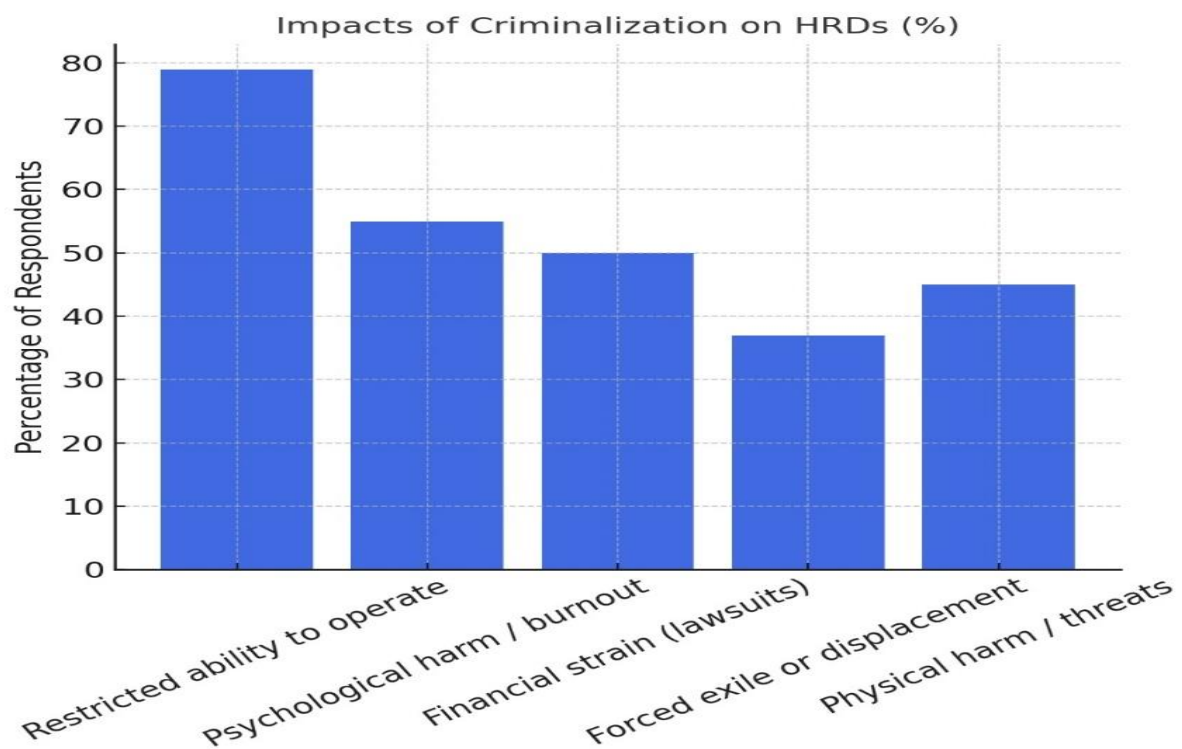
3. Impact of Criminalization on Human Rights Work

The consequences of these tactics extend beyond legal penalties, affecting defenders’ ability to operate, mental well-being, and personal safety.

Table 3: Reported Consequences for Human Rights Defenders (N=38)

Impact on HRDs	Frequency	% Respondents	Example
Restricted ability to operate	30	79%	NGOs deregistered in Egypt
Psychological harm / burnout	21	55%	Fear and anxiety reported in Serbia
Financial strain (lawsuits)	19	50%	Defamation fines in Brazil
Forced exile or displacement	14	37%	Activists fleeing Philippines
Physical harm / threats	17	45%	Land defenders killed in Honduras

Nearly four-fifths of respondents reported that repression directly curtailed their organizational or advocacy capacity. The findings also emphasize the psychological toll of sustained harassment, with many defenders citing burnout, trauma, and a climate of fear. Importantly, repression often produces secondary harms such as exile and financial depletion that further silence civic activism.



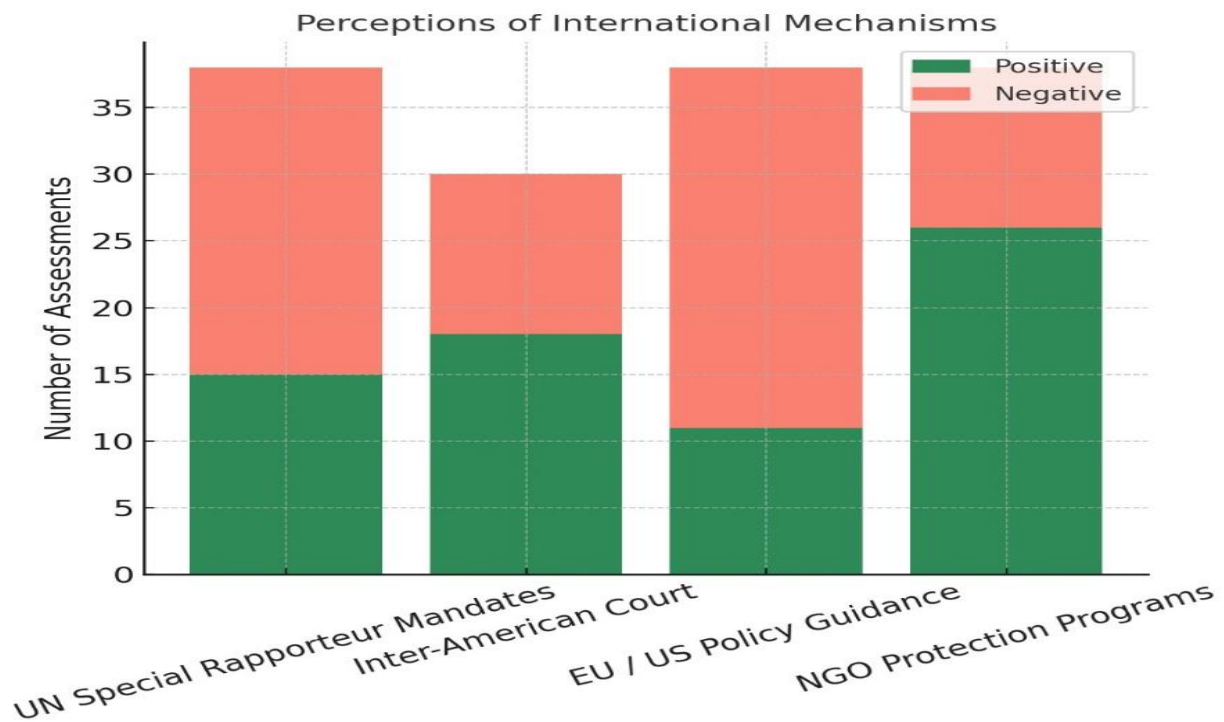
4. Effectiveness of International Mechanisms

One of the central objectives of the study was to assess how international and national mechanisms respond to criminalization. Table 4 summarizes defenders' perceptions.

Table 4: HRDs' Perceptions of International Protection Mechanisms

Mechanism	Positive Assessments	Negative Assessments	Net Effectiveness (Qualitative)
UN Special Rapporteur Mandates	15	23	Symbolic but weak enforcement
Inter-American Court (Latin Am.)	18	12	Some success, but limited reach
EU / US Policy Guidance	11	27	Reactive, fragmented
NGO Protection Programs	26	12	More effective but resource-limited

International bodies such as the UN and EU were widely perceived as symbolic rather than protective, constrained by sovereignty and geopolitics. By contrast, NGO-led initiatives including rapid response networks and protective accompaniment were viewed as more practical, though limited by resource constraints.



5. Hybrid Criminalization: Intersection of Legal and Digital Tactics

Perhaps the most striking pattern to emerge was the strategic coupling of legal and digital repression, a phenomenon consistent with recent scholarship on “hybrid criminalization.”

Table 5: Instances of Combined Legal and Digital Repression (Cross-Regional Cases)

Case Study	Legal Tactic Used	Digital Tactic Used	Outcome for HRDs
Thailand	Terrorism charges	Spyware surveillance	Imprisonment + monitoring
Serbia	Foreign agent registration law	Smear campaigns, doxing	Public delegitimization
Honduras	SLAPP lawsuits	Online harassment	Financial penalties + threats
Egypt	National security detention	Financial surveillance	Restricted NGO operations
Philippines	Broad sedition charges	Social media vilification	Forced exile of activists

These cases exemplify how legal and digital tools function in tandem to suppress HRDs. For instance, while laws establish the basis for criminalization, digital campaigns amplify stigma and erode public legitimacy. The convergence of these tactics represents a sophisticated and systematically globalized pattern of repression, confirming the study’s hypothesis.

Summary of Findings

The analysis yields four major conclusions:

1. Restrictive legal measures and arbitrary detention remain the most pervasive tools of repression, though increasingly intertwined with digital strategies.
2. Criminalization is experienced unevenly across regions, but all contexts demonstrate a hybrid approach where lawfare and online harassment reinforce one another.
3. The impacts on HRDs are multidimensional, encompassing operational, psychological, financial, and physical consequences that collectively erode civic space.
4. International responses are largely ineffective, with HRDs relying more heavily on NGO-led protective mechanisms, though these remain underfunded and ad hoc.

Together, these findings underscore the urgency of strengthening binding international accountability mechanisms while bolstering the resilience of defenders against hybrid criminalization strategies.

Discussion

This study examined how states and non-state actors criminalize human rights defenders (HRDs) through both legal and digital repression and assessed the adequacy of international responses. By triangulating interview data, legal documents, and comparative case studies, the analysis contributes new insights into the global convergence of “hybrid criminalization” strategies.

1. Lawfare as a Central Strategy of Repression

The findings affirm prior scholarship that emphasizes lawfare the weaponization of legal systems as a dominant tactic against HRDs (IACHR, 2016; Protection International, 2022). The widespread use of restrictive legal frameworks, arbitrary detention, and strategic lawsuits, documented in 84% of cases (Table 1), highlights the central role of state-controlled judicial mechanisms in

delegitimizing civic activism. This supports Schmid and Nolan's (2021) argument that legal systems often reinforce power hierarchies under the guise of legitimacy.

Yet, the study adds a cross-regional perspective, showing that lawfare is contextually adapted: SLAPPs prevail in Latin America, national security charges dominate in the Middle East, and "foreign agent" laws characterize Eastern Europe (Table 2). These variations illustrate authoritarian resilience theory (Levitsky & Way, 2022), where regimes refine repression strategies to match their institutional environments while preserving international legitimacy.

2. Digital Repression as an Amplifier

Consistent with Deibert (2024) and Kaye (2022), the study finds that digital repression is no longer peripheral but integral to the criminalization of HRDs. Surveillance tools, spyware, and smear campaigns were reported in **63%** of cases, with doxing and vilification particularly prevalent in Serbia, Thailand, and the Philippines. These tactics expand the reach of repression, subjecting defenders not only to physical risks but also to reputational damage, financial insecurity, and psychological trauma.

By showing how legal and digital strategies converge (Table 5), the study substantiates recent work by Lakhani and Hossain (2023) on "hybrid criminalization." Hybrid tactics amplify the stigmatization of defenders: for example, legal prosecution frames them as criminals, while online harassment reinforces public narratives of illegitimacy. This dual approach heightens the effectiveness of repression by simultaneously restricting defenders' activities and eroding their credibility.

3. Consequences for Defenders and Civic Space

The impacts of criminalization extend beyond individual defenders to undermine broader civic space. Thematic findings (Table 3) demonstrate that HRDs face operational restrictions, psychological distress, and financial depletion, often culminating in exile or forced silence. These outcomes reflect the multidimensional nature of repression, confirming Global Witness (2025) and Amnesty International (2024) reports on how criminalization not only silences individual voices but also disrupts collective advocacy networks.

This resonates with authoritarian resilience theory: repression is not static but adaptively layered combining legal prosecution, surveillance, and reputational attacks to maximize costs for activism while minimizing international backlash.

4. Weaknesses of International Mechanisms

The study's findings echo critiques that international responses are normative but toothless (Clapham, 2021). HRDs widely viewed UN mechanisms as symbolic and EU/US guidance as fragmented (Table 4). Even when regional mechanisms such as the Inter-American Court showed relative effectiveness, their impact was limited to particular jurisdictions.

By contrast, NGO-led protection initiatives were considered more responsive, though resource constraints limited their reach. This suggests a protection gap: while NGOs provide practical support, only binding international accountability mechanisms can confront state-sponsored repression systematically.

This finding aligns with Benedek and Kettemann's (2023) observation that global governance frameworks lag behind technological advances in repression. Without coordinated and enforceable mechanisms, hybrid criminalization is likely to proliferate.

5. Toward an Integrated Understanding of Hybrid Criminalization

By integrating legal and digital dimensions, this study addresses a key gap in the literature. Previous scholarship often examined repression either as a legal phenomenon (lawfare, SLAPPs) or as a digital phenomenon (surveillance, smear campaigns). The present analysis demonstrates that these are not discrete but interconnected modalities, forming a hybrid ecosystem of repression.

This integrative perspective advances theoretical debates by illustrating how hybrid criminalization operates transregionally. The general trend is quite resounding through contextual differences: governments design legal excuses towards repression and escalate the use of digital strategies. This merger is part of a structural course witnessed in global governance whereby both authoritarian governments and democracies are doing the same in the process of delegitimizing opposition in the pretext of legality and security.

6. Implications for Policy and Scholarship

There are significant implications to the findings of the study. On policy, they emphasize that there must be a reinforcement of the international binding accountability instruments, enhanced coordination on both NGOs and intergovernmental organizations, and the role of the complicity of the private companies in technology enabling digital repression. In scholarship, they highlight the utility of comparative and integrative methods to study repression on both legal and digital levels in order to bridge regional or siloed study.

Overall, data regarding the criminalization of HRDs establishes the hypothesis of the implemented study: it is not only increasing but also becoming more advanced, thanks to hybrid practices implying more than criminalizing HRDs by means of the law but by using digital means also. International reactions are feeble and NGOs are overburdened in the protection role. The bridge between theories and facts helps to develop a better understanding of the processes of implementing authoritarian resilience in the 21st century and the gaps that need to be overcome to protect civil society.

Recommendations

The evidence of this investigation highlights the necessity to direct increased and more coherent efforts to safeguarding human rights champions (HRDs) against the emerging hybrid criminalization trend. The international community urgently needs to strengthen the accountability systems. Mechanisms in place including UN Special Rapporteurs and regional human rights courts are still symbolic since they are not enforceable to a great extent. Greater authority, better distribution of resources and the initiation of binding international accountability would greatly enhance responses to repression across the world. Repeat offenders that use legal frameworks to weaponise against defenders should be sanctioned and international observation should be expanded to include legal and digital reprisal.

The communities of grassroots and non-governmental organizations (NGOs) need also to be better supported. Such actors are the immediate and realistic means of provision of protection especially under rapid response programs, relocation assistance and advocacy services. They however do not have a wide scope due to lack of resources. More funding and cross-regional cooperation by NGOs

across the world would increase the scope of these initiatives and make them more sustainable. Similarly, HRDs should have improved access to digital security trainings, encrypted communication platforms, and lawyers in order to reduce the danger of surveillance and legal action.

The role of the technology companies in promoting repression also needs to be brought up. To control the sale and export of spyware and surveillance technology, binding corporate accountability frameworks should be introduced, and the social media platforms should impose greater protections against harassment and smear campaigns against the defenders. Clear reporting requirements and policies to govern such would also promote that the use of digital platforms does not constitute a weapon against civic actors.

Governments at the national level ought to rework imprecise and oversized law terms that are easily abused including laws on sedition, legislation against terrorism, and foreign agent requirements. There should be institutionalization of domestic protection mechanisms which imitate the international best practices of protecting HRDs, credibly enforced and independent. It should not just be reactive safeguarding but must facilitate the understanding of the importance of defenders as contributive members in the democracy and social accountability.

Lastly, to the academic community, this study identifies the necessity of using integrative approaches that discuss repression in both legal and digital aspects at the same time. The future research must build on the current comparative, cross-regional, and longitudinal designs focusing on monitoring the outcomes of the way hybrid repression strategies change with time. Also, further research and attention to the resilience and resistance approaches that the defenders utilize in themselves should be paid to, which is not fully discussed in the body of literature.

Conclusion

The aim of the study was to examine legal and digital repression by states and non-state actors to criminally defame human rights activists and examine whether international and national efforts are sufficient to prevent and contain the actions regarding the practice. With the use of case studies, interviews, and legal analysis in several regions, the research has revealed that the criminalization of HRDs is worsening and becoming elaborate. A new and ominous trend allowed of the development of a combination of lawfare and digital monitoring and online bullying as a hybrid form of repressing civic activism.

It was found that the modalities of the repression tools may vary by region whether SLAPPs in Latin America or anti-terrorism laws in Southeast Asia or the laws on foreign agents in Eastern Europe the logic behind these repression tools remains very similar. It is about discrediting defenders as criminals, threat, or foreign agents. The impact of these actions is severe and not only may result in organizational limitations and the economic pressure but even achieve the psychological trauma, enforced displacement, and even physical abuse.

The paper has also established that there is still no sufficient international response in place. With international institutions promulgating normative pronouncements and safeguarding mandate, their efficacy is limited by weaker enforcement capabilities, as well as geopolitics. The protection by the NGOs is much more tangible, they still lack coherence and are resource-contingent. This unequal dealings point to a shortcoming in protection where defenders are exposed to even more sophisticated levels of repression.

Finally, the results demonstrate that the hypothesis of the study that the criminalization of HRDs is on the rise in regards to both its scale and sophistication is true. Ensuring better protection of HRDs can and must go beyond registering its importance it must constitute binding international responsibility, enhanced national protection, and regulation of digital technologies favoring suppression. As we have seen, the importance of the defense of HRDs is bound up not only with the protection of individuals but with safeguarding the space of civil society and democratic rule as well as the universality of human rights at a time when authoritarianism is in resurgence.

Conflict of Interest

The authors showed no conflict of interest.

Funding

The authors did not mention any funding for this research.

References

- Al-Fadhli, M. (2023). Human rights defenders in the Middle East: Repression and resilience. *Middle East Journal of Human Rights*, 12(2), 145–168.
- Amnesty International. (16 May 2024). “*Being ourselves is too dangerous*”: Digital violence and the silencing of women and Lgbti activists in Thailand (Submission to the Human Rights Council Advisory Committee) (Index No. ASA 39/7955/2024). Amnesty International. Amnesty International
- Amnesty International. (2024). “*Being ourselves is too dangerous*”: Digital violence and the silencing of women and LGBTI activists in Thailand. Amnesty International.
- Benedek, W., & Kettemann, M. C. (2023). *International human rights law in the digital age*. Cambridge University Press.
- Clapham, A. (2021). *Human rights: A very short introduction* (2nd ed.). Oxford University Press.
- CSIS. (2025). Launch of the United States Guidance for Online Platforms on Protecting Human Rights Defenders Online. *Center for Strategic and International Studies*.
- CSIS. (2025). Launch of the United States Guidance for Online Platforms on ... *Center for Strategic and International Studies*. Csis
- Declaration on Human Rights Defenders + 25. (2024). *International Service for Human Rights*. Ishr
- Deibert, R. (2024). *Digital repression: Surveillance, control, and the future of human rights*. MIT Press.
- Front Line Defenders. (2025). *Global analysis of human rights defenders at risk*. Front Line Defenders. Doi: <https://doi.org/10.1017/9781780687322.003>
- Front Line Defenders; Global Witness; Wikipedia. (2025). *Human rights defenders – threats and protection*. Wikipedia. Wikipedia
- Global Witness. (16 July 2025). *Death threats and falsehoods among online abuse reported by land and climate defenders*. *The Guardian*. The Guardian
- Gómez, R., & McNeish, J. (2022). Strategic lawsuits and indigenous rights in Latin America. *Journal of Human Rights Practice*, 14(3), 401–420.
- Inter-American Commission on Human Rights (Iachr). (2016). Report on the criminalization of the work of human rights defenders. *Organization of American States*.
- Inter-American Commission on Human Rights (Iachr). (2016). *Report on the Criminalization of the Work of Human Rights Defenders*. Iachr. Organization of American States. Doi: 10.1093/obo/9780199796953-0229
- International Service for Human Rights (Ischr). (2024). *Declaration on Human Rights Defenders +25*. ishr.
- Kaye, D. (2022). *Speech police: The global struggle to govern the internet*. Columbia Global Reports.

- Lakhani, S., & Hossain, N. (2023). Hybrid criminalization of dissent: Lawfare and digital repression. *Human Rights Quarterly*, 45(4), 765–789.
- Levitsky, S., & Way, L. (2022). *Revolution and resilience: Authoritarian strategies in the 21st century*. Princeton University Press.
- Mandel, R. (2023). Slapps and democratic backsliding: The weaponization of law in Western democracies. *Democratization*, 30(6), 1002–1020.
- Protection International. (2022). *Criminalisation of human rights defenders: Categorisation of the problem and measures in response*. Protection International.
- Protection International. (2022). *Criminalisation of Human Rights Defenders: Categorisation of the problem and measures in response* (Series publication). Protection International. Protection International+1
- Special Rapporteur on Human Rights Defenders, Un communication (2025). *Criminalisation, surveillance, use of spyware, and smear campaigns in Serbia*. UN expert communication. Un Sr Human Rights Defenders. <https://doi.org/10.2307/jj.5371959>
- Un Special Rapporteur on Human Rights Defenders. (2025). *Communication on criminalisation, surveillance, and smear campaigns in Serbia*. United Nations.