



**Defending our
democratic space**
A call to action

August 2023

**SHEILA
MCKECHNIE
FOUNDATION** | UNLEASHING
SOCIAL POWER

**CIVIL
EXCHANGE**
Strengthening Society's Connection to Government

About the report

This report has been produced by the Sheila McKechnie Foundation (SMK) in partnership with Civil Exchange, and reflects research that included 32 interviews, four roundtables, co-hosting of a wider event, and numerous follow-up conversations with participants and funders. Our discussions involved people from civil society and beyond – charity and not-for-profit leaders, people from grassroots campaigns and movements, representatives from charitable foundations, thinktanks, the museums and galleries sector, the trade union movement, and individuals who are Parliamentarians or former senior civil servants. Our interviewees included people across the political spectrum. We also monitored new threats and commentary during this period. That work was supported by a group of charitable foundations.

Now, with support from the Funders Initiative for Civic Space (FICS), we are using our findings to call for collective action by civil society, potential allies from across politics, business, the media, and the wider public and from funders to defend our civic or democratic space.

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The Sheila McKechnie Foundation (SMK) supports change-makers, bringing the latest thinking and tactics for social change to life in our training and consultancy. We act as a powerful champion for the right to campaign. And we bring the campaign community together to grow solidarity, and to share knowledge and ideas. We have been monitoring the impact of threats to civil society for more than five years.

Civil Exchange is a not-for-profit think tank which exists to strengthen civil society and help government and civil society work better together. Between 2011 and 2017 it published a series of reports with the Baring Foundation documenting threats to the independence of the voluntary sector and it has been continuing to monitor the relationship between government and civil society ever since, working with SMK since 2022.

The Funders Initiative for Civil Society (FICS) FICS' vision is a world where people, communities, and movements who advance democracy, human rights, social and economic justice, and environmental protection are equipped with the resources they need to expand civic space. www.fundersinitiativeforcivilsociety.org

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Definitions

In this report, we use some concepts you will find elsewhere but that do not have a universally recognised definition. They are sometimes used with different meanings, which can be confusing. For clarity, we define them as follows:

Democratic space: Those elements of our democracy that enable people to have a voice, amplify that voice to decision-makers, and help hold politicians to account. This is the space in which people and civil society organisations help shape the policies, services, laws, and culture that affect everyone's lives. Much of this environment is determined by government and Parliament but its health also depends on a wide range of actors including civil society, the media, and the judiciary, which both shape the space and can be constrained by threats to it.

Civic space: That aspect of the democratic space in which people, sometimes in partnership with not-for-profit bodies, organise, participate and communicate with each other and, in so doing, influence the political, economic and social structures around them. This is supported by democratic rights, such as freedom of expression and association, which can be constrained by actions taken in the wider democratic space.

Civil society: People and organisations exercising their rights to take part in the civic and democratic space. Civil society includes community groups, the trade union movement, and the not-for-profit or social sector.

Not-for-profit or social sector: Organisations that have a not-for-profit and social purpose that are independent from the state. This includes charities, social enterprises, faith groups, and other organisations that deliver services or campaign, or do both, and many cultural and educational institutions.

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Foreword

Is our democracy at a tipping point?

For many years, the evidence has grown that too many people feel they're not listened to by their elected representatives, that their everyday concerns are ignored, and that they lack control. As this report shows, successive UK administrations have increasingly eroded vital elements of Britain's democracy that enable people to have a voice, amplify that voice to decision-makers, and help hold politicians to account. These elements collectively make up what we call our 'democratic space'.

In writing this report, we spoke to charities, organisations, and grassroots campaigners who are part of the sector known as 'civil society', and to people beyond. We heard serious concerns about specific threats, which are documented here, but it is the bigger picture that emerged as the greatest concern. The people we spoke to said the overall problem is serious, growing, and largely going unnoticed – one interviewee likened it to a boiled frog who fails to notice the water heating until it is too late. Another said, 'If you join up the dots between the various things that are happening, you have what amounts to a very serious threat to democracy itself.'

What do we mean by 'democratic space'? It's the space where people and civil society organisations help shape the policies, services, laws, and cultural norms that affect everyone's lives.

This space is now under threat in countless ways that ultimately result in poorer services, policies, and laws. As a result of recent changes to the law, for example, ordinary people wanting to protest peacefully about a new local road or library closure may now be put off by the thought of being arrested; and a teenager feeling they have no choice but to protest about inaction on global warming may face a criminal record that will damage their future career. Ministers are making widespread use of powers that allow them to make laws that cannot be amended by Parliament and receive limited scrutiny, which in one case has been used to overturn Parliament's express wishes. There is concern that experts are being barred from government platforms if they've ever criticised government. Many charities are afraid to speak up about problems they see, partly because of the chilling effect of legislation, partly because of restrictions when they receive government money, and partly due to the hostile political rhetoric they encounter. Some politicians, including Ministers, and newspapers are even portraying judges, lawyers, charities, campaigners, and parts of the media as a block to democracy rather than key components of it.

We are now at the point where Civicus, who monitor trends worldwide, have put the UK on the same alert as Poland, Hungary and South Africa.

Civil society, particularly the not-for-profit or social sector, is both in the firing line and uniquely placed to see the bigger picture. That puts it in a good position to draw together a broad coalition of those who are concerned about this situation within and beyond civil society. We must recognise the crisis before it is too late, work together to arrest further decline, and reimagine our democratic space – one where people's voices count and our democratic institutions are truly accountable, goals that our research tells us cross political divides. We cannot simply hunker down and hope threats will go away. Longer-term drivers, such as the disproportionate influence of big business and media moguls, or the polarising effect of social media, will remain whichever administration is in power.

Ultimately, this report is a call to politicians of all parties to respond to the public appetite for a new way of working by committing to champion and repair our democratic space. We are at a tipping point. If our elected representatives ignore the cumulative impact on public trust and confidence in our system, and instead choose to erode further our democratic space, they will do serious damage to their own legitimacy, their ability to deliver for the British people, and to democracy itself.

Sue Tibballs, CEO of the Sheila McKechnie Foundation
Caroline Slocock, Director of Civil Exchange



Executive summary

For well over a decade, charities and other not-for-profit organisations in the social sector have faced a series of threats to their ability to contribute to the UK's democratic life. They do this by taking part in public debate and, where necessary, holding government to account; bringing their expertise and the voices of those they work with to bear on government policy-making, including when delivering public services; and helping to educate and inform, as well as build and curate our common culture.

At the same time, the evidence has grown that many people around the UK feel they're not listened to by their elected representatives, that their everyday concerns are ignored, and that they lack control.

In preparing this report, we talked to a range of people across the political spectrum – from charities, other not-for-profits and thinktanks to individual grassroots campaigners and Parliamentarians – to try to understand the problem and identify what action can be taken to tackle it. We also continued to monitor new threats as they arose.

What has become clear is that it is not just charities and not-for-profits but also the wider environment in which they operate that is under threat. We don't currently have a collective phrase in common use for those elements of our democracy that enable people to have a voice, amplify that voice to decision-makers, and help hold politicians to account. Partly because of that, these aspects of our democracy are less visible and harder to defend. That is why we are using a new phrase – democratic space – to make it easier to talk about the whole, not just the parts. This is the space in which people and civil society organisations help shape the policies, services, laws, and culture that affect everyone's lives.

Much of this environment is determined by government and Parliament but its health also depends on a wide range of actors including civil society, the media and the judiciary, who both shape the space and can be constrained by threats to it.

The nature of the threats

We heard of threats to charities and other not-for-profits, such as the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (commonly known as the Lobbying Act), which has restricted their right to campaign in the period up to an election, and 'gagging' or no-advocacy clauses for not-for-profit organisations in receipt of public money, which constrain their ability to contribute to policy-making and to speak out when things aren't working. At the same time, there have been a series of changes that have reduced access to judicial review to challenge the lawfulness of government decisions, a route often pursued by not-for-profit organisations and lawyers acting on behalf of individuals to hold government to account.

We also were told that the rights of individuals have come under threat, with rights to peaceful protest being curtailed and trade union powers (already heavily circumscribed after decades of legislation) further reduced, alongside challenges to the human rights of asylum seekers and attempts to repeal the Human Rights Act, abuse of anti-terrorism laws, and new ID restrictions on the right to vote.

More widely, we heard that a decline in standards in public life, including integrity, openness, and honesty, has made government less transparent and accessible and undermined trust and working relationships. The Executive has increasingly taken more powers to itself, including proroguing Parliament during Brexit (which was later judged unlawful) and, more recently, making widespread use of regulatory powers, including to change primary legislation, which do not allow for Parliamentary amendment or in-depth scrutiny. The Government has even introduced rules to prevent experts who have in the past criticised government policy from appearing on government sponsored platforms.

Many of the people we spoke to are also concerned about the increasing hold of so-called 'culture wars' thinking on political and public debate, which has created an intemperate environment in which it is becoming ever harder for both individuals and not-for-profits to debate differences of view or shape a common culture. Some charities have come under direct fire, particularly from certain sections of the media, and the not-for-profit or social sector, along with other key institutions in our democratic space, such as the judiciary and lawyers, and the media, are increasingly being lumped together and portrayed by Ministers and populist politicians as blocks to what the Government is trying to achieve rather than key elements of the democracy we all treasure.

It quickly became apparent through our interviews that it is not just the individual threats that are of concern but also the sum of these individual threats. One interviewee said, 'If you join up the dots between the various things that are happening, you have what amounts to a very serious threat to democracy itself.'

Why this matters

Ultimately, these changes have an impact on ordinary lives and people are starting to notice – from the many people who feel that government is not working for them and cannot be trusted, to those wanting to protest about a new road or library closure who fear this might expose them to criminal charges. Others are more structural and may be less visible. Some voices are being suppressed while others have too much influence and our national debate is becoming more polarised. Government transparency, accountability, and willingness to listen are being reduced. As a result, the quality of our public services, policies, and governance suffers and voter apathy, alienation, and political disengagement take hold.

Ultimately, this is potentially destabilising, undermining the unwritten social contract between the governed and the governors and making the UK more vulnerable to extremism and social division.

Where are we now?

Not everything in our system is broken. Charities continue to campaign, the Supreme Court over-ruled the Government's attempt to unlawfully prorogue Parliament, and a former Prime Minister has been sanctioned for deliberately misleading Parliament.

However, the view amongst those we spoke to in 2022 was that the situation was serious and things are likely to get worse. One interviewee likened it to 'boiled frog syndrome', where the frog doesn't notice the water heating until it is too late.

The next Westminster election is seen as an opportunity for a potential reset but, even if the will were there, they see a danger that any incoming government would not prioritise changes.

Why this is happening

There are also deeper drivers, some of which will remain even when leaders come and go.

Many of those we interviewed thought a key motivation is the Government seeking to avoid accountability and challenge and acting against what it sees as opposition to its democratic mandate from a range of quarters.

People also pointed to the undue influence on policy of certain vested interests, including big business, powerful media moguls, and thinktanks funded through 'dark money'. This imbalance becomes ever greater as other voices are clamped down upon and the local media, which is so important to the health of our democratic space, continues its decline.

Some of the people we interviewed mentioned the long-term impact of changes to funding, which began under the last Labour Government and have led to more public services being delivered by charities and to a shift from grants to tightly

specified contracts for services. This has fuelled a view that charities should not campaign, inform public policy, or speak out when services need improvement. Contract funding has also led to the under-funding of policy capacity.

There was a strong view that so-called 'culture wars' are being used by populist politicians more recently to sow dissent and whip up public support, though on some issues opinions don't neatly divide along political lines. Yet we also encountered genuine clashes of values and world view.

Finally, people point to the influence of social media and algorithms in fuelling conflict and the role of big data in the targeting of political messages, all adding to polarisation.

Much but not all of the environment described here is determined by government. It is worth noting that most of the problems we report are not being reproduced in the UK's devolved countries, although they are subject to many of the UK-wide changes and debates mentioned above.

The international picture

This picture is part of a wider international trend. Britain has proudly championed democracy abroad and sees itself as a model for others. But, this year, CIVICUS Monitor downgraded the health of the UK's civic space from 'narrowed' to 'obstructed'. We now sit alongside countries like Poland, Hungary and South Africa in this category.

A call to action

This is a potential tipping point. We hope everyone involved will seize the opportunity to reverse the current trend and renew our democratic space.

There are potentially powerful forces who, together, could find common ground. If arms are linked, they will become a stronger collective power to build political momentum because it is, ultimately, politicians who need to take action.

Because not-for-profits have been at the sharp end of specific threats for so long, they are a key line of defence and are well-placed to bring people together, within civil society and beyond, to create this coalition of the concerned. But greater investment is needed from charitable foundations to put them in the best position to do this.

There are already some prominent figures in the media, politics, and the wider world raising concerns about the health of our democratic space and challenges to fundamental rights, and there are more potential allies to be made to help form this wider coalition. Thriving networks and alliances already exist, for example for the protection of civic space and democracy, and the links can be made.

Moreover, our research suggests there is scope to find common ground for a wide conversation, cutting across political and sectoral divides, about the importance of a democratic space that truly enables all voices to be heard, reduces existing power imbalances, and ensures democratic institutions work on behalf of the people, with

full political accountability and transparency. This is in tune with public opinion: polls show that many people feel that that the system is not working or delivering for them.

As well as connecting these interests, and curating the conversation, the social sector needs to raise awareness of its role in the democratic space with people who do not know the sector well, and demonstrate in concrete ways how these issues affect the public.

But it is politicians who have the key responsibility for protecting and nurturing our democratic space, a responsibility that should be acknowledged in their manifestos for the next UK election. They need to respond to the public's appetite for renewal in our politics and our democracy, and stem the tide of disillusionment and disengagement that is undermining their ability to deliver for the British people.

If they don't act and instead continue to threaten our democratic space, then this will be negative tipping point – it is ultimately their legitimacy that is at stake and democracy itself that will suffer.



1 Introduction

Imagine a world where all voices are heard, not just those with the most power, and where government works together with the not-for-profit and business sectors to tackle the long-term challenges the UK faces. This world is one where campaigning, protest, strikes, and dissent are seen as a critical part of democracy and are protected by government, even when this is disruptive or gets in its way. A balanced media would give as much credence and attention to the views of not-for-profit organisations as it does to financial interests, if not more.

This would also be a world in which government accepts that policies, laws, and services will only be stronger if decisions can be challenged, whether in Parliament or by not-for-profit organisations seeking judicial review, or by charities speaking up when they see things they are delivering on behalf of the state going wrong. Politicians would respect democratic norms, including openness, honesty, integrity and accountability in public life, and uphold the rule of law itself because trust is a critical ingredient of good government.

This is what a healthy democratic space looks like. Increasingly, it is not the world we live in today.

This report surveys where we are now and ends with a call to action to everyone involved to defend our democratic space. It draws on a series of discussions and workshops, in which we talked to people during 2022 from civil society and beyond, including individuals across the political spectrum – charity and not-for-profit leaders, people from grassroots campaigns and movements, representatives from charitable foundations, thinktanks, the museums and galleries sector, the trade union movement, and individuals who are Parliamentarians or former senior civil servants. We also documented the threats to our democratic space, including those that arose during that period and beyond.

This concept of a ‘democratic space’ is a relatively new one in the UK, designed to make more concrete the essential but less well understood dimension of our democracy that enables people to have a voice, amplifies that voice to decision-makers, and helps hold politicians to account.

It is too easily taken for granted when it is working, often only really noticed when elements come under threat and harder to defend if people don't see the bigger, cumulative picture.

However, people are starting to become aware that something's not right. They are concerned, for example, when they realise that protesting peacefully about a new local road or library closure might now lead to their arrest, even when (as was the case during the Coronation) they are simply bystanders. People are shocked when they discover how widely the Government is now using regulation-making powers to sidestep full scrutiny by Parliament, even going so far as to use them to overturn the express will of Parliament; and they can't believe their eyes when they learn that experts are now being barred from government platforms if they've ever criticised government. Some people are even aware that many charities are increasingly afraid to speak up on behalf of those they serve, partly because of the chilling effect of legislation or restrictions when they receive government money, though this is happening largely under the radar and it is hard to see what has been lost.

We hope this report will spark a wide conversation, cutting across political and sectoral divides, about the seriousness of the issues and the importance of a democratic space that truly enables all voices to be heard, reduces existing power imbalances, and ensures democratic institutions genuinely work for the people, with full transparency and accountability.

Everyone involved has a part to play but it is politicians who bear the ultimate responsibility for ensuring a healthy democratic space and we hope that this conversation will inspire them and others to take positive action to defend it. If they don't, their legitimacy will be at stake and they will struggle to deliver for the British people. Ultimately, democracy itself will be harmed.



2 The problem

'We're really, really concerned. I think the top line is that, if you join up the dots between the various things that are happening, you have what amounts to a very serious threat to democracy itself.'¹

During the project, we asked our interviewees about the nature of the threats they were facing so that we could understand the scale and the scope of the problem and the motivations that lie behind it. This was, and is, a fast-moving picture, as new issues have continued to arise since those interviews. As far as possible, we have tried to reflect developments in what follows but by the time it is published it will almost certainly be out of date.

Our starting point for this work was the threats to the voluntary sector or what in this report we are calling the not-for-profit or social sector.² It quickly became apparent through our interviews that the threats of concern extended beyond direct attacks on the not-for-profit sector to wider civil society,³ which includes people exercising their rights to freedom of expression and assembly, such as their right to protest, and also threats to the environment in which they operate, adding up to what one of our interviewees called 'a serious threat to democracy itself'.

In this report, we call this our democratic space, a new term in the UK although it is starting to be used internationally,⁴ which captures that vital part of our democracy that enables people to have a voice, amplifies that voice to decision-makers, and helps hold politicians to account. This is the space in which collective ideas, norms, culture, policies, and laws are discussed and formed – for example, through the charities and not-for-profit organisations who give expression to collective experiences and needs; individuals and grassroots organisations protesting and campaigning freely

1 All quotations are from people interviewed in the course of research carried out in 2022 by SMK and Civil Exchange, unless specifically attributed.

2 This sector was widely called the 'Third Sector' during the last Labour Government and then was dubbed 'civil society' by the 2010 Coalition government, leading to considerable confusion because this term had been, and continues to be used to include a much wider range of non-governmental actors.

3 See definitions at the front of this report.

4 See the work of the European Partnership for Democracy, which published *Thinking Democratically: a comprehensive countering and preventing threats to shrinking space* in May 2020: <https://epd.eu/closing-democratic-space/>

and expressing their views through social and mainstream media and their MPs; and the courts allowing people to challenge the lawfulness of government decisions when things go wrong.

Many institutions have a hand in shaping the democratic space, but it is government and Parliament that play a leading role, particularly through the laws they create. Their respect for constitutional norms and the Nolan principles of conduct in public life also underpin the transparency, accountability, and equal access to politicians that are so essential to a healthy democratic space.

Other players include an independent judiciary and the justice system, the media, and bodies that regulate the charity sector, our electoral system, the media, and public appointments.

Not-for-profit organisations contribute to a healthy democratic space by campaigning and taking part in public debate and, where necessary, holding government to account. They also bring their expertise and the voices of those they work with to bear on government policymaking, including when delivering public services; and help to educate and inform, as well as build and curate our common culture.

They can be constrained from carrying out this role by the actions of others in the democratic space. For example, civil society organisations cannot help make good policies and laws if the government of the day is not committed to transparency, honesty, and accountability in its dealings on those issues or if they are portrayed as an enemy rather than a potential partner by politicians. Civil society cannot hold the public sector to account if access to judicial review of government decisions or its ability to campaign is restricted.

Because of this dependency on the health of other elements of civic space, the not-for-profit sector is particularly well-placed to see the sum of the parts and is the natural first line of defence. At the same time, the role of charities and the social sector is not well understood and the threats it is facing are not well recognised, which in turn hampers its ability to defend itself.

Threats to the not-for-profit or social sector

Over many years, there have been a series of threats specifically aimed at this sector, which include:

- The introduction of ‘gagging’ clauses in government contracts to deliver public services restricting their ability to comment publicly on those services.⁵
- The Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (commonly known as the Lobbying Act), and its extension to more campaigners in the Election Act 2022, which has had a chilling impact on charity campaigning.⁶ The Act was originally intended to fulfil David Cameron’s promise to tackle the ‘secret corporate lobbying...that has tainted our politics for so long’ by making it more transparent.⁷ Perversely, it has arguably had a greater impact on charities, creating widespread confusion about what might count as restricted activity in the run up to an election, and imposing new bureaucratic burdens. A government commissioned review by Lord Hodgson in 2016 concluded that the Act should be amended to exclude the day-to-day advocacy of charities,⁸ but the Government decided not to implement his recommendations.⁹ Clearer guidance from the Electoral Commission has helped,¹⁰ but surveys still show a negative impact.¹¹
- ‘Anti-advocacy’ clauses were introduced in 2016 as a result of changes to the standards applying to government grants.¹² Although some aspects were subsequently softened after widespread criticism, these still effectively prevent the public sector from funding charities to advise them on policies, a standard practice up to that point and the norm in government for most sources of external advice.¹³ The change was directly influenced, by the Government’s own admission, by the Institute for Economic Affairs, which claimed in a report in 2012 that charities in receipt of public money who lobby government directly or indirectly are acting

5 *Work Programme charities hit out about ‘gagging’ clauses*, Third Sector, 9 January 2012: <https://12ft.io/proxy?q=https%3A%2F%2Fwww.thirdsector.co.uk%2Fwork-programme-charities-hit-against-gagging-clauses%2Fcommunications%2Farticle%2F1111065>

6 *The Chilling Reality*, Sheila McKechnie Foundation, June 2018: https://smk.org.uk/wp-content/uploads/2020/08/SMK_The_Chilling_Reality_Lobbying_Act_Research.pdf

7 *David Cameron vows to tackle ‘secret corporate lobbying’*, Guardian, 8 Feb 2010: <https://www.theguardian.com/politics/2010/feb/08/david-cameron-secret-corporate-lobbying>

8 *Third party election campaigning: getting the balance right*, Lord Hodgson, March 2016: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/507954/2904969_Cm_9205_Accessible_v0.4.pdf

9 *Lord Hodgson disappointed his lobbying act recommendations will be ignored*, Third Sector, 15 September 2017: <https://www.thirdsector.co.uk/lord-hodgson-disappointed-lobbying-act-recommendations-will-ignored/policy-and-politics/article/1444737>

10 *New Electoral Commission guidance for charities: the Lobbying Act shouldn’t stop you from campaigning*, Electoral Commission, 23 December 2019: <https://www.electoralcommission.org.uk/new-electoral-commission-guidance-charities-lobbying-act-shouldnt-stop-you-campaigning>

11 *SMK Campaigner Survey 2022: results*, Sheila McKechnie Foundation: <https://smk.org.uk/wp-content/uploads/2023/03/SMK-Campaigner-Survey-2022-results-1.pdf>

12 Cabinet Office press release, 6 February 2016: <https://www.gov.uk/government/news/government-announces-new-clause-to-be-inserted-into-grant-agreements>

13 *Quakers call for end to gagging clauses*, Quakers in Britain, 19 October 2018, including text from charity leaders in a letter to the Times: <https://www.quaker.org.uk/news-and-events/news/quakers-call-for-end-to-gagging-clauses>

like ‘sock puppets’ to increase the power and size of the state.¹⁴

- Ill-founded complaints made by backbench MPs to the Charity Commission over a number of years about charities, including the National Trust, Barnardo’s, the Runnymede Trust, and others, which were thrown out but only after time-consuming investigations.
- Perceived politicisation of the Charity Commission through a number of key appointments, including William Shawcross and then Baroness Stowell, who in public statements seemed to encourage the view that charities should avoid ‘controversial’ campaigning.
- An increasingly negative environment for some charities, reinforced by the coverage of some sections of the press, and sometimes accompanied by concerted campaigns, for example against the National Trust and the RNLI.
- Government attempts in 2020 to curtail the independence of museums and galleries to curate their own exhibitions, on the grounds that they are ‘motivated by activism or politics’.¹⁵

Many of these have been years in the making, as documented in a series of reports by the Baring Foundation’s Independence Panel on the Voluntary Sector, working with Civil Exchange, which began in 2011 and were carried out every year until 2017.¹⁶ SMK’s Annual Campaigner Surveys¹⁷ have similarly tracked the impact on and growing concerns of campaigners.

‘The chilling effect isn’t “I’m frightened of government”, that’s not how it operates. It literally just restricts the number of choices you believe yourself to have and the agency that you consider yourself to have as an organisation.’

The net impact of these changes has been a chilling effect on public campaigning, and reduced dialogue between charities and public sector bodies, especially nationally, about the design of public services and other policies.

¹⁴ *Sock puppets: How the government lobbies itself and why*, Institute of Economic Affairs, June 2012

¹⁵ *Museums risk funding cuts if they remove controversial objects, culture secretary warns*, *Independent*, 27 September 2020: <https://www.independent.co.uk/news/uk/politics/statues-british-museum-government-funding-black-lives-matter-oliver-dowden-b651318.html>

¹⁶ The last of these reports was *A Shared Society? The independence of the voluntary sector in 2017*, Civil Exchange

¹⁷ *SMK Annual Campaigner Surveys*, 2016 to 2022: <https://smk.org.uk/what-we-do/policy-and-research/policy-and-research-amplifying-voices/>

'If a charity wants to do the right thing, the space to do so is much more constrained and the capacity to push, test, and make mistakes is restricted now... We have consciously agreed a 'speaking out strategy'... because we do want to preserve our voice on key issues.'

Threats to wider civil society

At the same time, and particularly in more recent years, the freedoms of wider civil society have also been under threat. In addition to the not-for-profit or social sector, civil society includes the activities of citizens who come together, for example to protest or engage in democratic debate, and collective organisations such as trade unions and cooperatives.

For this wider group of civil society, restrictions to the freedoms of civil society and the independence of its institutions include:

- The Police, Crime, Sentencing and Courts Act 2022, which gives extensive and unprecedented new powers to the police to restrict protests.
- The Public Order Act 2023, which gives police even further powers to restrict protests, effectively criminalising certain kinds of peaceful protests, including Serious Disruption Prevention Orders, which could ban named people from participating in protests, and the introduction of protest-related stop-and-search powers to stop disruptive protests from happening. This has been heavily criticised by the UN High Commissioner for Human Rights as 'deeply troubling'.¹⁸
- Limiting of the right to strike through the Strikes (Minimum Service Levels) Bill, which adds additional restrictions on an already highly regulated sector and, it has been argued, also breaches the ECHR and ILO Conventions.¹⁹
- A new law designed to reduce an alleged 'cancel culture' in universities was said by freedom of expression campaigners when it was introduced to be both unnecessary and likely to have the opposite effect.²⁰
- At the same time, the Government has introduced new rules which require speakers on public platforms to be vetted by civil servants for 'problematic' opinions, which have included criticism of government policy, and experts have been 'de-platformed' even where their criticisms have no relevance to the issues being discussed.²¹

18 *UN rights chief urges UK to reverse 'troubling' Public Order Bill*, Reuters, 27 April 2023: <https://www.reuters.com/world/uk/un-rights-chief-urges-uk-reverse-troubling-public-order-bill-2023-04-27/>

19 *The Strikes (Minimum Service Levels) Bill: appetite for destruction*, PLC Magazine, Jan/Feb 2023: <https://www.penningtonslaw.com/news-publications/latest-news/2023/the-strikes-minimum-service-levels-bill-appetite-for-destruction>

20 *Campus free speech law in England 'likely to have opposite effect'*, Guardian, 12 May 2021: <https://www.theguardian.com/education/2021/may/12/campus-free-speech-law-england-likely-opposite-effect>

21 *Expert banned from UK government event for tweets that criticised Tories: Dan Kaszeta is one of at least eight speakers banned by opaque vetting scheme in 'attack on free speech'*, Guardian, 23 May 2023: <https://www.theguardian.com/politics/2023/may/23/dan-kaszeta-banned-from-uk-government-event-for-tweets-criticised-tories>

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- The Elections Act 2022, which introduced voter ID despite there being no evidence of widespread voter fraud, that many see as an act of voter suppression of those who are least likely to vote already.²²
 - Restrictions on the freedom of individuals and groups, particularly from racially minoritized backgrounds, because of poorly designed or implemented anti-terrorism measures. We have been told that PREVENT has had ‘a huge chilling effect on who is deemed acceptable to engage in democratic debate and to be seen on public platforms and to be an actor within civic spaces’.

‘Most of our steering group have been targeted at some point by undercover police, including myself. So, we’re all fully aware that what that is about is not simply gathering information. It’s about the disruption of campaigns. It’s about the targeting of organisers. It’s about the chilling effect that has on the ability of people to not just go out on the streets, but to plan... It creates divisions within campaigns, where often you get somebody in there that is there just to cause trouble and it’s very effective. So, surveillance is definitely one.’

Threats to wider elements of the democratic space

As noted, charities and wider civil society depend on the healthy functioning of the other elements in the democratic space if they are to be fully effective, such as the rule of law, effective Parliamentary scrutiny, respect for democratic norms by the government, and a balanced media. Here, too, there have been detrimental developments, many of them arising from the time of the Johnson administration but setting a trend that is still continuing to this day under successive Prime Ministers:

- The side-tracking of Parliament by government, most notably the proroguing of Parliament to prevent Parliamentary accountability over Brexit, which was later judged unlawful by the Supreme Court.
- Deliberately misleading Parliament, which holds the Executive to account, of which former PM Boris Johnson was found guilty by Parliament on 19 June 2023, following a critical Privileges Committee report.
- Several recent pieces of legislation have included so-called Henry VIII clauses, most recently in the Retained EU Law (Revocation and Reform) Bill that, if passed, would give Ministers the power to make laws to replace EU-derived laws without full Parliamentary scrutiny or possibility of amendment. Another example is the Public Order Act, which the Government used in June 2023 to pass a regulation that

²² *New Tory Leader Must “Get Hold Of The Reins” Of Public Trust in Elections Rules, Watchdog’s Former Chief Warns*, Politics Home. July 2022. <https://www.politicshome.com/news/article/electoral-commission-no-longer-independent-bob-posner-criticism>

allowed it to redefine ‘serious disruption’ as ‘more than minor’, effectively overruling a successful House of Lords amendment to the Act itself that ruled this out. This is now being challenged legally by the charity, Liberty.²³

- Another recent abuse of such powers was highlighted by a High Court decision in July 2023 that the Government had acted unlawfully and irrationally in introducing a new regulation allowing agency workers to be used to fill in behind striking workers without consultation, as it is required to do under the Employment Agencies Act 1973.²⁴
- Government failure to comply with international law and obligations, from the now abandoned Northern Ireland Protocol Bill, which broke the Brexit treaty signed by the same government, to the current Illegal Migration Bill, which by the Government’s own account has a more than 50% chance of breaking international law and has been condemned by the UNHCR.²⁵
- Lack of respect for the Nolan Principles in public life (selflessness, integrity, objectivity, accountability, openness, honesty, leadership), most notably in relation to the so-called Partygate scandal. These also require that politicians and public servants pursue transparent and accessible decision-making, which itself requires a decent standard of collaboration and partnership with civil society.
- The politicisation of appointments to regulators. In the past few years, the Office for the Commissioner of Public Appointments (OCPA) was forced to intervene to prevent overtly political membership of appointment panels for chairs of the BBC, the British Film Institute, and the Office for Students.²⁶ William Shawcross was appointed Commissioner for Public Appointments, despite concerns about his party politicisation of the Charity Commission role.²⁷ The boards of museums and arts institutions have been similarly targeted.
- The Elections Act 2022 gave the Secretary of State the right to direct the Electoral Commission, until then an independent body, which has an enforcement role against political parties.

23 *Liberty launches legal action against Home Secretary for overriding Parliament on protest powers*, Liberty, 14 Jun 2023: <https://www.libertyhumanrights.org.uk/issue/liberty-launches-legal-action-against-home-secretary-for-overriding-parliament-on-protest-powers/>

24 *Unions win High Court battle over government’s ‘unlawful and irrational’ decision to implement agency worker regulations*, Thompson Law, 13 July 2023: <https://www.thompsons.law/news/news-releases/our-firm-news/unions-win-high-court-battle-over-government-s-unlawful-and-irrational-decision-to-implement-agency-worker-regulations>

25 UNHCR Statement on UK Asylum Bill, 7 March 2023: <https://www.unhcr.org/uk/news/statement-uk-asylum-bill>

26 *Watchdog stopped ministers breaching neutrality code in top BBC and BFI hires*, Guardian. November 2021. <https://www.theguardian.com/politics/2021/nov/07/watchdog-ministers-neutrality-code-top-bbc-bfi-hires>

27 *Johnson continues his war on Whitehall with new nomination for powerful job*, openDemocracy. July 2021. <https://www.opendemocracy.net/en/opendemocracyuk/william-shawcross-nomination-commissioner-public-appointments/>

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- Reduction in access to legal aid for the public, an increase in costs and financial risks for charities seeking judicial review of certain government decisions,²⁸ the restriction of access to judicial review as an appeal route for tribunals in the Judicial Review and Courts Act 2022, particularly affecting migration and asylum cases,²⁹ and the denial of access to the courts in the Illegal Migration Bill for people arriving through irregular routes.

Role of the media

The media are an important enabler of a healthy democratic space but, to an extent, have also been part of the problem. A long-standing issue highlighted by some of our interviewees is the lack of independence and diversity in the ‘mainstream’ British press, with several titles owned by offshore media moguls wielding disproportionate power in the civic space. These titles have often exerted their power to amplify negative rhetoric, for example, the Daily Mail’s front-page headline, ‘Enemies of the People’ in 2016, after it was ruled by three judges that Brexit could not be implemented without the consent of Parliament.

‘If you want to make sense of what’s going on at the policy level, it’s absolutely vital to talk about the failure and corruption of the media, or large parts of UK media, and the rhetoric that they’ve been pumping out.’

Local media, once a vital part of public transparency and accountability, has shrunk to nothing in some parts of the country and is struggling elsewhere. Research and analysis commissioned by the Government in 2020 found that ‘...there is general agreement that democracies can only function effectively where the public has access to enough information to make informed decisions in civic life...The closure of local and regional news titles has led to underreporting and less scrutiny of democratic functions.’³⁰

At the same time, the Government has taken action that has arguably sought to undermine the power of the media to hold it to account. There have been concerns about threats to the independence of the BBC due to the close links of members of the BBC’s Board to the current government and the process of their appointments. In 2023, for example, the BBC Chair, Richard Sharp was forced to resign, because of his failure to declare that he had helped the Prime Minister who appointed him to get a loan. At the same time the BBC has had its funding cut. Another ‘public interest’

28 *New cost limits for planning challenges and environmental claims*, Norton Rose Fulbright, July 2017: <https://www.nortonrosefulbright.com/en-gb/knowledge/publications/05ed6e85/new-cost-limits-for-planning-challenges-and-environmental-claims>.

29 *Judicial Review Reform*, The Law Society, 28 April 2022: <https://www.lawsociety.org.uk/topics/human-rights/judicial-review-reform>.

30 *Research into recent dynamics of the press sector in the UK and globally*, Plum, published by Department for Digital, Culture, Media & Sport, October 2020: <https://www.gov.uk/government/publications/research-into-recent-dynamics-of-the-press-sector-in-the-uk-and-globally>.

broadcaster, Channel 4, was at one point threatened with privatisation by Ministers with suspicions that this was politically motivated because of criticisms of the Government by Channel 4 News.³¹

There have also been Government attempts to restrict scrutiny and reporting of certain news outlets by the Government. This includes the Home Secretary's decision to invite only the 'friendly' media on a visit to Rwanda in March 2023, or the boycott of both the Today Programme and Channel 4 News by Ministers under the Johnson administration. Proposed changes to the Official Secrets Act in the National Security Bill could also erode the 'public interest' defence for journalists publishing leaked stories.³²

Populism and 'culture wars'

Populism and the so-called 'culture wars' have become an influential force in all aspects of the democratic space, and have been pursued energetically, not just by backbench MPs, opinion formers, and sections of the media but increasingly by UK Ministers and Prime Ministers. Some targets are specific: for example, Black Lives Matter and multiculturalism, others are more generic. Common tactics include polarising, othering, exaggeration, and portraying another group as a threat to the well-being or rights of others.

The current Home Secretary, Suella Braverman, for example, has referred to refugees landing on the Kent coast as 'an invasion'³³ and suggested that 100 million migrants could come by boats to the UK. The immigration minister Robert Jenrick, in a widely criticised speech, told an audience at the thinktank Policy Exchange, that:

'Put simply: excessive, uncontrolled migration threatens to cannibalise the compassion of the British public. And those crossing tend to have completely different lifestyles and values to those in the UK – and tend to settle in already hyper-diverse areas, undermining the cultural cohesiveness that binds diverse groups together and makes our multi-ethnic democracy successful.'³⁴

31 *Channel 4 chair criticises government's 'harmful' privatisation plan*, Guardian, July 2021: http://www.civilexchange.org.uk/wp-login.php?redirect_to=http%3A%2F%2Fwww.civilexchange.org.uk%2Fwp-admin%2Fplugins.php&reauth=1

32 *Another threat to UK media freedom*, Financial Times, 29 January 2023

33 Sky News, 31 October 2022: <https://news.sky.com/video/migrant-crisis-an-invasion-suella-braverman-says-12735371>

34 Robert Jenrick's speech to Policy Exchange, 25 April 2023: <https://conservativehome.com/2023/04/26/robert-jenrick-put-simply-excessive-uncontrolled-migration-threatens-to-cannibalise-the-compassion-of-the-british-public/>

Some charities and civil society groups have also been singled out for attention and this, in turn, has been used to justify some of the measures described earlier.

‘Concern about the criminalisation of peaceful protests [has] been preceded by years of demonisation of climate protesters and anti-racism protesters, including Black Lives Matter, which has helped make the case for these draconian laws limiting the right to peaceful protest. It’s really important that we show that there’s a sort of step-by-step process and the first step is demonization and vilification...’

Increasingly, civil society as a whole and other protagonists in the democratic space are being portrayed as the problem, blocking the Government’s plans and the will of the people. Liz Truss, when Prime Minister, referred to the ‘anti-growth coalition,’ meaning ‘Labour, the Lib Dems and the SNP, the militant unions, the vested interests dressed up as thinktanks, the talking heads, the Brexit deniers and Extinction Rebellion and [Greenpeace protestors]’.³⁵

Human rights and equality, diversity and inclusion policies, which are so fundamental to the missions of many in the social sector, are being characterised as illiberal or even Marxist, not just by many daily newspapers and commentators but even by the historically more balanced Economist, which devoted much of its September 2021 edition to what it described on its front cover as ‘The Threat from the Illiberal Left’.

Indeed, the so-called ‘culture wars’ are increasingly being presented as an existential crisis, with Oliver Dowden, then Chairman of the Conservative Party and now Deputy Prime Minister, in February 2022 crossing the Atlantic to warn a US right-wing thinktank that ‘woke’ ideologies threaten Western values and confidence.³⁶

Such arguments are not exclusive to one particular party or political perspective. A publication by Labour Together, a group within the Labour Party, had this to say about the role of the not-for-profit or social sector in undermining the trust of ordinary people in politics:

‘Both [Conservative and Labour governments] presided over a national politics increasingly monopolised by a civil society of NGOs, judicial decision making, and the media. Popular disillusionment led to a widespread belief that ordinary people have little control over their government and their own lives. The cause of democracy has been undermined and it has led to a collapse in respect for – and trust in – British democratic institutions..’

Labour’s Covenant: a plan for national reconstruction, Labour Together 2022

35 Conservative Party conference speech, 2022

36 *Tory party chairman says ‘painful woke psychodrama’ weakening the west*: https://www.theguardian.com/politics/2022/feb/14/oliver-dowden-says-painful-woke-psychodrama-weakening-the-west?CMP=Share_iOSApp_Otherwest?CMP%3DShare_iOSApp_Other&sa=D&source=editors&ust=1660051819258715&usg=AOvVaw1tJGfOzitBEqtay_tsBr1-

Increasingly these attacks are being widened to include others in the democratic space, including lawyers and civil servants, who it is said are also seeking to undermine government. These include an email attributed to the Home Secretary in March 2022 which referred to ‘an activist blob of left-wing lawyers, civil servants and the Labour Party’, which was subsequently said, after civil servants raised concerns, to have been sent without her approval.³⁷ Despite being found guilty of bullying of his civil servants by an independent report, the former Deputy Prime Minister Dominic Raab blamed ‘activist civil servants’, without contradiction from the Government, and warned his resignation would lead to ‘a paralysing effect’ on government.³⁸

‘There is a political discourse, that has permeated throughout society, where the people who are in power, largely government ministers, are talking about a ‘cancel culture’, ‘wokeism’, when actually all that is a very, very calculated narrative to propagate the idea that people engaging with democracy on reformist platforms are extremists. There’s now this idea that extremism is whatever the Government deems to be outside of their agenda.’

When Boris Johnson resigned as an MP in response to a highly critical Privileges Committee report, which had concluded that he deliberately misled Parliament, he alleged an anti-Brexit conspiracy against him, attacking the Committee itself and the civil servant who had investigated the so-called Partygate affair, Sue Gray.³⁹

Getting worse, affecting everyone

Participants in our research told us that the sum of these parts was of even more concern than individual threats and most considered that this situation is only likely to get worse. One person likened the situation to ‘boiled frog syndrome’, which happens progressively without being noticed. Someone has to point out the water is getting dangerously hot before it is too late, he said. Another described it as happening ‘by a thousand cuts’.

The health of our democratic space affects the ability of people across the country to contribute to our democracy, have a say in our public policy and services and shape our common culture.

Some effects of the measures described in this report are immediate and personal.

37 *Braverman says email blasting civil service ‘blob’ was ‘an error’*, 8 March 2023:

<https://www.politico.eu/article/uk-home-secretary-suella-braverman-blasted-after-email-blames-civil-servants-for-blocking-asylum-plans/>

38 *Dominic Raab hits out at ‘activist civil servants’ after resignation*, BBC website, 22 April 2023: <https://www.bbc.co.uk/news/uk-politics-65349192>

39 *Resignation statement in full as Boris Johnson steps down*, BBC website, 9 June 2023: <https://www.bbc.co.uk/news/uk-politics-65863336>

From the local campaigner now anxious that protesting against a new road or library closure could lead to arrest, to the teenager who feels the only way to get politicians to act on climate breakdown is to gain a criminal record that might help save the planet but could blight their future career. Both of these scenarios will be felt even more keenly by anyone from a racially minoritised group with reason to believe they will be treated more harshly by the criminal justice system.

Other effects may be less apparent but are nonetheless insidious and are felt across society. Some voices are silenced, power imbalances increase, and our national debate becomes more polarised. Government transparency, accountability, and willingness to listen are being reduced. The quality of our public services, policies, and governance suffers when this is the case and voter apathy, alienation, and political disengagement result. This is potentially destabilising, undermining the unwritten social contract between the governed and the governors and making the UK more vulnerable to extremism and social division.

The collective result can be seen in public opinion, with one long-standing survey showing that 72 per cent of the public now think the system of governing needs improvement, the worst result in 15 years, and 60 per cent saying the system is rigged to the advantage of the rich and powerful.⁴⁰ An IPPR study at the end of 2021 noticed a dramatic fall in trust in politicians in 2021, with two thirds of the public saying politicians are 'merely out for themselves' and only 4 per cent thinking Parliamentarians are doing their best for their country.⁴¹

Harry Quilter-Pinner, IPPR director of research and engagement, said, 'Our politicians must act now to set the UK on a new course, away from democratic dissatisfaction, towards a system which delivers on the priorities of citizens and where everyone has a say in how society is governed.'

Not everything in our system is broken. Charities continue to campaign and, more widely, the overturning of an illegal prorogation of Parliament during Brexit by the Supreme Court and the resignation of Boris Johnson as Prime Minister and as an MP after being held to account by his political peers for rule-breaking and misleading Parliament show that our constitution has some teeth.

However, most of our interviewees regarded the current negative trajectory in the UK as more than a blip and many did not expect the shrinking of our democratic space to go into reverse, even under a different Prime Minister or change of government after a Westminster election. Even where there might be the will, priorities might point in a different direction, we were warned.

40 *Audit of Political Engagement*, The Hansard Society, 2022.

41 *Revealed: Trust in politicians at lowest level on record*, 5 December 2022: <https://www.ippr.org/news-and-media/press-releases/revealed-trust-in-politicians-at-lowest-level-on-record/>



3 Why this is happening

It's important to understand why this is happening in order to counter the threats and to open up a different kind of dialogue, one that helps to create common cause within and beyond civil society.

Individual leaders undoubtedly have an influence, but there are also structural factors at play, some of which may apply to whichever political party or Prime Minister is in control.

Avoiding accountability and challenge

Many of our interviewees thought that the key motivation of the UK Government was a desire to avoid accountability and prevent challenge to its agenda.

'I think there is a very dedicated and connected concerted effort, not necessarily with the intention of 'we must reduce civic society'. It's more a case of 'we must avoid accountability and we need the power to do what we want' ... I think a lot of it is just creating a monopoly of power, rather than an active repression.'

Although many of the restrictions on charity and social sector activities pre-date Brexit, the large Parliamentary majority secured by Boris Johnson in 2019 for 'getting Brexit done', combined with the enthusiastic backing of influential tabloid newspapers for a ruthless approach, has made it easier to follow this path. Ministers appear to believe that they have a democratic mandate to enforce the will of the people against all opposition, as revealed here by the Cabinet Secretary, Simon Case, in June 2022.

'The government of the day is one which is not remotely afraid of controversial policies. It believes it has a mandate to test established boundaries. It takes a robust view of the national interest ... and it focuses very much on accountability to people in parliament, not on the sort of unelected advisory structures.'⁴²

⁴² Simon Case, speaking to the Public Administration and Constitutional Affairs Committee in House of Commons, June 2022

Likewise, in the face of opposition to the Illegal Migration Bill, the current Home and Justice Secretaries urged peers to ‘respect the will of the people.’⁴³

Influence of big money and thinktanks

Some interviewees pointed to the influence of private interests, most notably business and financial ones, which often have the ear of the UK government, not least through their funding of political parties, and media moguls who enjoy huge power over the political debate.

There are also influential thinktanks whose sources of funding are not declared but who are nevertheless helping to drive the agenda, such as the Institute for Economic Affairs and the Centre for Policy Studies, whose former staff have enjoyed prominent positions in No 10 in recent years. Ofcom found in favour of the broadcaster, James O’Brien, who described the Institute for Economic Affairs, for example, as ‘a lobby group for vested interests of big business, fossil fuels, tobacco, junk food’ funded by ‘dark money’, saying that the facts had not been distorted.⁴⁴ Policy Exchange, which Transparency International has revealed has received significant funding from US oil giant ExxonMobil, helped the Government draft the Public Order Act to crack down on climate protestors, according to Prime Minister Rishi Sunak,⁴⁵ and parts of the Police, Crime, Sentencing and Courts Act, appear to have been influenced by one of their earlier reports.⁴⁶

Indeed, there is growing concern about the nature and scale of undisclosed funding to the most secretive UK thinktanks,⁴⁷ often from international sources, some of which are claimed to be from American climate change denier and oil industry lobbies.⁴⁸ There appears to have been a significant long-term investment in the UK, with an effective strategy to win over influential allies. Similar tactics have been seen internationally, according to a 2020 report by Ben Hayes and Poonam Joshi.⁴⁹

43 *Braverman urges peers to respect ‘will of the people’ as migration bill enters Lords today*, 10 April 2023: <https://www.express.co.uk/news/politics/1768445/Suella-Braverman-illegal-migration-bill-house-of-Lords>

44 *LBC’s James O’Brien wins Ofcom battle with Institute of Economic Affairs*, Guardian, 9 August 2021: <https://www.theguardian.com/media/2021/aug/09/lbc-james-obrien-wins-ofcom-battle-with-institute-of-economic-affairs>

45 *Rishi Sunak Boasts That Oil Funded Think Tank ‘Helped Us Draft’ Crackdown on Climate Protests*, DeSmog, 29 June, 2023: <https://www.desmog.com/2023/06/29/rishi-sunak-boasts-that-oil-funded-think-tank-helped-us-draft-crackdown-on-climate-protests/>

46 *Revealed: Policing bill was dreamed up by secretive oil-funded think tank*, Transparency International, 15 June 2022: <https://www.opendemocracy.net/en/dark-money-investigations/policing-bill-policy-exchange-exxonmobil-lobbying/>

47 *Revealed: UK’s most secretive think tanks took £14.3m from mystery donors*, Open Democracy, 17 November 2022: <https://www.opendemocracy.net/en/dark-money-investigations/think-tanks-transparency-funding-who-funds-you/>

48 *Exclusive: US climate deniers pump millions into Tory-linked think tanks*, Open Democracy, 16 June 2022: <https://www.opendemocracy.net/en/dark-money-investigations/think-tanks-adam-smith-policy-exchange-legatum-iea-taxpayers-alliance-climate-denial/>

49 *Rethinking civic space in an age of intersectional crises*, Ben Hayes & Poonam Joshi (FICS, 2020)

The impact of funding changes and a contract culture

Some of the people we interviewed mentioned the long-term impact of changes to funding, which began under the last Labour Government. This led to more public services being delivered by charities and to a move from grants to tightly specified contracts for services. This in turn has led to the increased dependence of some social sector organisations on public money and an increasing tendency for government to see them as contractors rather than social partners whose expertise can contribute to policy-formation, and to regard advocacy and public campaigning as an ill rather than a public good. The move of public funding away from policy work has also denuded the capacity of many organisations to carry out their functions fully in the civic space.

A clash of values in the ‘culture wars’

The pursuit of so-called ‘culture wars’ by politicians and commentators was seen by many of our interviewees as a cynical political tactic – to win votes, create a wedge with the Labour party, and weaken opposition to their agenda by fuelling dissent, division, and confusion.

It should also be recognised that there is a genuinely held view by many that liberal values and human rights agendas are a threat to conservative (with a small ‘c’), traditional and, in some cases, religious values and they think that their cultural dominance needs to be reversed. These thinkers also argue that ‘liberal elites’ are to blame for this dominance and that there is a concerted strategy to cancel the values, opinions, and interests of the general population. Some, like Danny Kruger MP, a former political secretary to Boris Johnson when he was Prime Minister and an influential adviser to Government on civil society and levelling up, argue that it is therefore right that Ministers should use the financial levers they have to stop this liberal progression, writing that:

‘The great threat to liberty is elite estrangement, the supercilious disdain for patriotism by leading public servants, academics, and the lobbyists who gain airtime in our public debates. And so, if we are to defend liberty, we need to be more robust in insisting on the implicit deal that is the basis of their privileges.’⁵⁰

The role of social media and big data

Another influence has been the power of social media to amplify and polarise debate, with the algorithms that influence what content users see, amplifying confirmation bias. It also allows for increasingly sophisticated political communication through gathering, scraping, and combining data for surveillance of the views and attitudes of populations and individuals, and who influences them. These powerful analyses, in turn, enable those with access to the skills and technology to refine, target, and spread their own messaging – whether the motivation is to vilify or support.⁵¹

50 *12 Propositions for a New Social Covenant*, The New Social Covenant Unit, March 2021

51 *Democracy and the Machinations of Mind Control*, Anthony Barnett, New York Review of Books, 14 December 2017: <https://www.nybooks.com/daily/2017/12/14/democracy-and-the-machinations-of-mind-control/>

A different picture in the devolved administrations

It's important to note that the picture is not the same in all parts of the UK. Civil society in the devolved administrations is not reporting the kind of antagonism we see from the UK Government and 'culture wars' are not being actively waged by Ministers there in the same way. Yet, of course, the devolved countries are still affected by UK-wide measures such as the Lobbying Act, restrictions on the right to protest, and changes to rights-based legislation, and also by divisive political rhetoric. The ongoing police inquiry into the finances of the Scottish National Party highlights the relevance of standards in public life across the UK.

The international context

For many years, Britain has presented itself as a leading example of democracy, which has been a source of considerable soft power. Indeed, the UK has been actively promoting the importance of a healthy civic space to other countries through the government funded Westminster Foundation for Democracy.⁵² This reputation is now in doubt.

CIVICUS, which produces an annual monitor of the health of civic space across the world, placed the UK on its watchlist in 2021 'to signal a rapid decline in civic freedoms'. In March 2023, it downgraded the UK's status further to 'obstructed', placing it on the same level as countries such as Poland and Hungary, which have been engaged for some years in controversial practices that undermine their democracies. In making its decision, the CIVICUS Monitor cites the changes to the right to protest and the 'broader context of restrictions that are delegitimising civil society action,' pointing to many of the issues mentioned in this report.

Never was there a more important time for the UK to be modelling a healthy democracy and standing up against the mounting tide of populism. The broader international picture is of increasing concern, a trend documented by a 2020 report by the Funders Initiative for Civil Society.⁵³ It now includes democracies like Israel, which is dismantling democratic checks and balances, and the USA, where post-truth politics led by Donald Trump as President challenged the result of a democratic election and fomented a violent assault on Capitol Hill. 'Culture war' activity in the USA is far more mainstream and divisive than in the UK but what happens first in the USA often has a tendency to travel to this country. US Presidential hopeful Ron DeSantis praised Trade Minister Kemi Badenoch for her 'war on woke' in a recent visit to the UK, saying that she could become the new Margaret Thatcher to their Ronald Reagan.⁵⁴

52 *Addressing the global emergency of shrinking civic space and how to reclaim it: a programming guide*, Julia Keutgen, Westminster Foundation for Democracy: <https://www.wfd.org/sites/default/files/2021-11/Civic-space-v1-1%281%29.pdf>

53 *Rethinking civic space in an age of intersectional crises*, Ben Hayes & Poonam Joshi (FICS, 2020)

54 *Ron DeSantis Praises Kemi Badenoch For Her War On 'Woke Ideology'*, 30 April 2023: https://www.huffingtonpost.co.uk/entry/ron-desantis-praises-kemi-badenoch-for-her-war-on-woke-ideology_uk_644e4ae6e4b03c1b88cde1aa



4 Strategies for countering the threats

Despite the pessimism of those we talked to, we also heard of positive ways to counter these threats, especially if new alliances are formed and conversations with unusual allies are held to create a new, shared narrative about what a healthy democratic space can look like.

Building alliances

New alliances need to be built within the not-for profit social sector and beyond.

The role of sector in our democratic space is often overlooked but it is a key line of defence. It is well placed to see the bigger picture and understand the severity of the issue because it has been at the sharp end of specific threats for so long and relies on the health of our democratic space to function effectively. There are many organisations already actively working in this space inside the social sector and they are increasingly joining up, though there is more to do.

However, the social sector would be even stronger if it reached outside civil society to opinion formers, politicians, and business people who may share some common concerns but may not yet be active in the debate. We know from conversations with senior figures from the worlds of business, Whitehall, journalism, the judiciary, and politics that there is an appetite to hear about challenges and solutions from civil society. Indeed, many are bemused that they do not hear more from major charities on the broader issues of the day.⁵⁵

There are already some prominent figures in the media and the political world raising concerns about the health of our democratic space and challenges to fundamental rights. These include former Prime Minister Sir John Major and journalist and broadcaster Emily Maitlis, who have both expressed concerns about the bigger picture.

‘Our democracy is a fragile structure: it is not an impenetrable fortress. It can fall if no-one challenges what is wrong or does not fight for what is right. The protection of democracy depends upon parliament and the government upholding the values we have as individuals, and the trust we inspire as a nation ... And trust matters.

⁵⁵ *Speak up, we need you! Why charity CEOs need to be part of the national conversation*, SMK, February 2023: https://smk.org.uk/wp-content/uploads/2023/02/SMK-Charity-Reform-Group_report_FINAL.pdf

It matters for self-respect. It matters for gentle persuasion. It matters for hard, uncomfortable decision-making. It matters to our parliament. It matters to our country. It matters to our United Kingdom. It matters in how we are perceived by others near and far. And it matters for the long-term protection and wellbeing of democracy.⁵⁶

Sir John Major, February 2022

‘This isn’t normal. Or rather, it shouldn’t be. Things that for many decades were givens, the checks and balances on the executive, the role of the judiciary or the civil service or the Electoral Commission, a media free from interference or vilification, now appear vulnerable. We’re seeing politicians move in directions that are deeply and clearly deleterious to basic democratic government. So, what has changed? Well, there’s always been scope for abuse in our Constitution, of course, but in recent times, so many previously settled questions around our democratic norms have been upended, and at a staggering speed.’⁵⁷

Emily Maitlis, August 2022

Conversations need to be had across the political spectrum and there are unusual allies to be made, including in the ruling Conservative Party. Some prominent supporters are unhappy with the direction taken by Ministers, for example, on populist rhetoric or on specific policies. Baroness Warsi, the Conservative peer and former Chair of the party, said in April 2023 that the Home Secretary’s language was racist and ‘It feels like she is more interested in the rhetoric and the noise of creating a culture war than the actual job.’⁵⁸ The use of the new Public Order Act to stop peaceful but potentially disruptive protests during the Coronation in May 2023 has fired up prominent critics including the Tory MPs David Davis and Sir Charles Walker.⁵⁹

More widely, there are influential figures like the Archbishop of Canterbury and General Sir Richard Dannatt, who have vociferously opposed the Illegal Migration Bill, who might connect with some of the issues raised in this report.

There are also existing expert alliances, for example on constitutional reform and democracy, and there is potential to build new alliances with them and other organisations working to understand and defuse depolarisation, or engaged in community development or scanning the horizon for new developments.

56 *In democracy we trust?*, speech by Sir John Major at the Institute for Government on 10 February 2022

57 *Boiling a frog: why we have to stop normalising the absurd*, MacTaggart Memorial Lecture at the Edinburgh August 2022

58 Warsi says she fears attacks against her family after Braverman’s ‘racist rhetoric’, 13 April 2023: <https://www.theguardian.com/politics/2023/apr/13/warsi-says-she-fears-attacks-against-her-family-after-bravermans-racist-rhetoric>

59 Tory MPs slam ‘heavy-handed’ protest bill – as Met chief defends Coronation arrests despite criticism: <https://www.lbc.co.uk/news/tory-anger-over-public-order-act-as-met-defends-arrests/>

In reaching out to others, there is a job to be done to raise awareness of the role of the not-for-profit sector in the democratic space with people who do not know the sector well. The social sector can in some people's minds be associated solely with service delivery or community building, rather than its contribution to the democratic space.

Building a common vision of a healthy democratic space

Working with these new allies, civil society could build a vision of what a truly healthy democratic space looks and feels like. By discussing this in the context of national values and our way of life, it could cut across political boundaries and opposing positions that are currently being entrenched by 'culture war' rhetoric.

We found through our discussions with people across the political spectrum and from different organisations in the social sector that even those who currently consider themselves to be on different sides of the debate do share a common concern about the health of our democracy, even if they disagree about how to get there, and many are seeking to pursue this in good faith.

One shared theme is the dominance of vested interests, which some see as the liberal elite including charities, whereas others are concerned about the dominance of financial interests in the formation of policy and the influence of Tufton Street thinktanks.

Another is the dominance of certain voices, which some see as powerful media interests while others point to the so-called 'cancel culture'.

Lack of transparency, access to information, and evidence emerged as another shared theme, which some see as lack of genuine evidence provided by charities while others point to the blocking of information or faux consultations by government.

Political accountability is another, where some consider that politicians are being thwarted in their ability to deliver the will of the people, whereas others are concerned about the removal of checks and balances on political power.

We observed that people didn't fall automatically into entirely 'left' or 'right' camps. Individuals concerned about the lack of checks and balances on political power might still be concerned about a perceived 'cancel culture' in universities, for example. Moreover, although people often had very different views about the solutions, if you start from the problem itself, there was common ground to be found.

Importantly, this analysis does suggest there is scope for a cross-society conversation in which participants imagine a world where:

- More voices are heard.
- Power imbalances are addressed.
- Our institutions work better on behalf of everyone's interests.
- And politicians are more accountable.

To be clear, this is not about splitting the difference between polarised positions or creating spaces to fight them out with the aim of one side winning. Most of those we asked felt ‘culture war’ debates would only end up with more entrenched positions and also rejected the idea of a bland middle ground that would please nobody.

Instead, this would be about finding a higher level set of shared objectives with those who are willing and exploring new and constructive paths to achieve them.

A starting point might be one-to-one and roundtable conversations between a range of stakeholders across the political spectrum and from different sectors – including people from business, culture, journalists and other opinion formers, charity leaders and others in civil society – to identify shared concerns, create a common cause and imagine how things could be different.

In the wider public realm, this kind of conversation might be achieved through participatory listening and exploratory exercises, such as citizens’ assemblies.

The social sector, with its own wide diversity of opinion and potential to build trusted spaces, may be a natural facilitator of this conversation. It has considerable capacity, influence and reach and direct experience of the issues. Indeed, many national and grassroots organisations are already working hard in this area, though mostly directed toward firefighting multiple threats.

Influencing Westminster

The imminence of the next UK General Election is potentially the most promising time to inspire politicians to commit to action to reverse the trends in this report. The UK is now in a pre-election period, with the latest possible date for an election being in January 2025, and there are glimmers of hope in relation to both main political parties that they could do so.

The Conservative Party remains seriously divided but is led by a Prime Minister who, although pursuing a populist agenda in some areas, also promised to put ‘integrity, professionalism and accountability’ at the heart of his government.

The Labour Party, which is currently ahead in the opinion polls, is presenting itself as a party of change and reform, advocating a different role for central government and new style of government which adheres to the Nolan principles and focuses on the long-term. It is committed to a new independent Integrity and Ethics Commission to clean up politics,⁶⁰ which was set out in detail by Labour’s Deputy Leader, Angela Rayner, in a lecture to the Institute for Government on 13 July 2023, promising ‘to stop the rot and make our politics a force for good’. Other measures to improve the health of the democratic space could be seen to fit with this.

⁶⁰ *Labour proposes watchdog for ministers’ ethics to stop ‘revolving door’*, Guardian, 28 November 2021: <https://www.theguardian.com/politics/2021/nov/28/labour-proposes-watchdog-for-ministers-ethics-to-stop-revolving-door>

Debate with all the main political parties about this issue remains important, whatever the outcome of the next election, because it will help set the political climate for the next Parliament. There is already some collaboration within the not-for-profit sector to engage manifesto writers on the importance of repairing our democratic space.

Showing that this matters to the public

Showing that this matters to the public will help shift the dial with politicians and there is some work to do in this regard, although a broader picture of disillusionment and disengagement with our political system is clear.

Some of the threats documented in this report have led to widespread public concern, for example the proroguing of Parliament and Partygate, which ultimately contributed to the enforced resignation of a Prime Minister in 2022. And some specific civil society issues, such as the draconian nature of the Public Order Act, have been the subject of much debate, especially in the light of the handling of republican protests during the Coronation.

A report by the Constitution Unit, based on an extensive survey of public opinion carried out in August and September 2022 (during the leadership campaign that followed Boris Johnson's resignation), showed, amongst other things, that:

- While the cost of living and the NHS were people's top priorities, the public already care about the health of democracy in the UK as much as about, for example, crime or immigration.
- There was overwhelming public appetite for stronger mechanisms to uphold integrity among politicians, including more powerful independent regulators, stronger checks and balances and Parliamentary scrutiny, and there was strong support for the role of judges in adjudicating disputes about the role of government and in protecting human rights.
- The most popular democratic reform would be if 'politicians spoke more honestly'.⁶¹

Moreover, a recent report by the thinktank IPPR includes polling and focus group research that shows that the public share concerns about some of same drivers, identified by our interviewees, that are shrinking our democratic space – a common belief that political processes are dominated by a small group of elites, including party donors, business groups and the media and lobbyists; that politicians do not act with integrity and get away with it; that politicians are not representative in their views and experiences of society at large, and the system does not deliver policy outcomes in the interests of most citizens.⁶²

61 *Public Preferences for Integrity and Accountability in Politics*, Constitution Unit, March 2023: https://www.ucl.ac.uk/constitution-unit/sites/constitution_unit/files/ucl_cu_report3_digital_final.pdf

62 *Talking politics: support for democratic reform*, IPPR: <https://www.ippr.org/research/publications/talking-politics-building-support-for-democratic-reform>

As noted earlier in this report, other studies also point to a growing feeling that people are not being listened to by those that represent them, that their everyday concerns are ignored, and that they lack control.

More needs to be done to raise awareness, with both the public and politicians, of the importance of our democratic space in enabling people to have a voice, reducing the influence of vested interests, and holding government to account.

Some of our interviewees said it was important to connect with local and other grassroots networks to find compelling examples of how the changes affect people on the ground, making visible how shrinking democratic space affects people and places, and demonstrating how it is affecting every part of society and impacting on different facets of public life.

'We need the discipline to go and find out where the... tipping point of public opinion is, so that people suddenly say, 'Oh, hold on. This seems to mean that my pensioners club couldn't hold a protest outside the council when their policy got cut, and that seems terrible.'

Strengthening the social sector

More investment of time and money is needed to strengthen the social sector, which as noted earlier has been weakened by the measures listed in this report. Its funding and resource are also minimal and short-term, compared to the scale of funding put behind those pushing in the other direction. Research suggests that over £14 million of undisclosed funding flowed into the most secretive thinktanks in the UK over the two years to November 2022,⁶³ thinktanks that have been pursuing agendas such as reducing the ability of government funded charities to use public money to advise them on policy issues, or restricting the right to protest, as noted earlier in this report.

Individual organisations also tend to operate in their own issue-based silos and most social sector organisations feel they cannot legitimately prioritise this work over more immediate issues of concern. The current picture is fragmented, so it is difficult for people to see the bigger picture and anticipate what is coming. As a result, many charities are unable to make the most of potential partnerships with others within and beyond the social sector.

First, respondents thought that more needed to be done to build the boldness of the social sector. It needs the knowledge and encouragement to occupy the space it is entitled to with confidence, fostered by stronger leadership support, advice, and access to knowledge.

63 *Revealed: UK's most secretive think tanks took £14.3m from mystery donors*, Open Democracy, 17 November 2022: <https://www.opendemocracy.net/en/dark-money-investigations/think-tanks-transparency-funding-who-funds-you/>

Second, there is an urgent need to invest in the enabling infrastructure that will provide civil society with the tools and organising capacity to carry out the work described in this report. This includes greater defensive, leadership, and communications capacity as well as resources to help it build alliances, create a new narrative about the importance of our democratic space which connects with the public, and raise awareness of the sector's role.



5 Conclusion and a call to action

This report describes an urgent and alarming picture – a potential tipping point for our democracy. Slowly but surely the elements that make up a healthy democratic space are being undermined in the UK, to the point where Civicus has now downgraded the UK to the same ranking as Poland and Hungary, despite the UK promoting its democracy as an example to others. The danger is considerable but this report is ultimately positive that it can be defended and repaired.

Immediately, there is a critical window of opportunity in the run up to the next Westminster election to try to influence the agenda of all political parties, including any incoming administration. But more must be done urgently to join forces and to demonstrate to politicians why this agenda matters to the public.

Alliances need to be built with the wider champions of a healthy democracy and ‘unusual allies’ in the political, cultural and business worlds, firstly to ensure that the social sector is on their radar but ultimately to strengthen everyone’s ability to defend our democratic space.

We are also calling for a different kind of conversation that engages everyone in society, cutting across political divides and polarised positions, about why a healthy democratic space is important and imagining how it can work better for everyone’s benefit.

Charities and the social sector have a leading role in connecting different parties and curating this conversation because they are at the sharp end of changes and are well placed to see the bigger picture. But they must be bold in the face of challenge, co-ordinate their activities, and create common cause across different interests and positions. More investment by charitable foundations is needed in their capacity.

Although they can do much to raise awareness, help build the momentum for change, and lift ambitions, it is politicians who ultimately bear the responsibility for defending our democratic space. Only they can stop this serious situation from getting worse and set a new direction.

They ignore the warning signs of the public’s disenchantment and disillusionment with the political system at their peril. If they continue on the current path, their own legitimacy will be undermined and their ability to deliver for the British people, and democracy itself, will be seriously harmed.

Practical steps to defend our democratic space

We hope this report will help mobilise everyone concerned to do what they can to defend our democratic space.

For politicians:

- Commit personally to making the health of our democratic space an issue that transcends party politics, something that is the duty of every politician to champion and protect.
- Talk with those who are concerned about these trends and share ideas.
- Consider what you can do to defend our democratic space, including any commitments in forthcoming manifestos.

For charities and other social sector organisations:

- Discuss this report with staff and boards. How are the people and communities you work with affected? How is your organisation, and the people in it, affected? Are you staying silent when delivering your mission requires you to speak up or join forces with others?
- Share your concerns with your stakeholders. In the spirit of open debate, explore whether there is common ground or experience with the people and institutions you work with – especially communities and elected representatives.
- Build alliances with others and join existing networks where they exist, such as the [Civil Society Voice network](#) co-convened by Quakers In Britain and Bond.
- Dedicate some staff time to the shared civil society effort – we recognise this is a challenge even for larger organisations, but a great deal of work has already been achieved through collective effort with each organisation contributing what they can.
- Lead by example and speak up, including on subjects that impact your core issues, such as climate breakdown, cost-of-living, poverty, or inequality. Tell your staff and supporters why you believe it is important. SMK's Charity Reform Group of CEOs has issued its own [call to action](#) in 'Speak Up, We Need You!'
- Share your concern with your funders. We know that this work needs better investment, especially in infrastructure for co-ordination, convening, advice, support, research, and signposting.

For potential allies outside the social sector:

- Share this report with people in your own sector. Whether that's business, politics, the media, the arts, science, education – we believe this is an issue that affects every part of society.
- Speak to charities, faith groups, and other not-for-profit organisations you know. Ask them if any of the issues in this report chime with their experience.

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- Join in a conversation with the social sector about the importance of a healthy democratic space, help build a shared vision and together help make a stronger, joined up case for change. We hope to convene round table discussions between civil society and other sectors this year.

For funders:

- Share this report with organisations you fund. Ask whether any of the issues in this report chime with their experience or have affected the people and places they work with.
- Invest in the capacity of the organisations you fund to take part in this work and consider funding central capacity too.

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