

Joint civil society input to the report on terrorism and human rights presented at HRC session 63

By the European Center for Not-for-Profit Law, Human Security Collective, Netherlands Helsinki Committee and WO=MEN Dutch Gender Platform

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[The European Center for Not-for-Profit Law](#), [Human Security Collective](#), [Netherlands Helsinki Committee](#) and [WO=MEN Dutch Gender Platform](#) welcome the opportunity to contribute to the forthcoming report on terrorism and human rights that will be presented at the Human Rights Council session 63.

Drawing upon the extensive experience and expertise of the submitting organizations, this submission aims to provide OHCHR with pertinent insights on challenges related to human rights, terrorism and countering terrorism in the EU and the Netherlands, observed from 2024 till early 2026. Our submission emphasizes the increasing number of countering terrorism legislation and measures in the European Union and the Netherlands that already have led, or in the near future are expected to lead, to significant narrowing of civic space. We share our grave concerns about the trend of the Netherlands government drafting laws and regulations that violate the freedom of association, limit access to funding for civil society organizations, violate the freedom for peaceful assembly and the freedom of expression, limit participation in decision-making and limit safe space for critical civil society organizations and (other) defenders of human rights.

EU Anti-Money Laundering Package of Rules

In May 2024, the Council of the EU and the European Parliament adopted a [new Anti-Money Laundering package of rules](#) with the aim of addressing new, emerging risks and harmonizing the approach across EU Member States. This package will come into effect in July 2027. We are concerned that elements of the package will lead to unintended consequences for the non-profit sector.

First, under the new package, obliged entities will be required to apply more rigorous customer due diligence measures. We fear this will lead to more scrutiny of non-profit organisations (NPOs), human rights defenders, and certain communities, and aggravate financial exclusion of these groups within the European Union. As compliance costs are likely to increase for obliged entities, commercial considerations could lead to greater tendency of obliged entities to refuse NPOs, particularly smaller ones, as clients. Furthermore, humanitarian and development organisations may face more challenges in channelling funds to partners. While recital 53 to the AML Regulation acknowledges the importance of charitable and humanitarian work conducted by civil society organizations in third countries and the importance of channeling funds to developing or conflict areas to enable them to do this work, no safeguards are provided in this respect.

Secondly, the identification of the beneficial owner and the verification of their identity is expected to remain challenging, and for some categories of NPOs this may become more cumbersome. NPOs

similar to express trusts and constituted as express trusts and similar legal arrangements, will need to cumulatively list individuals that may exercise no control and have no ownership. This group of NPOs is even required to list individual beneficiaries, except if they are considered to be at low risk of misuse for money laundering and terrorism financing, following an appropriate national risk assessment. Reporting on potentially thousands of grant recipients creates administrative burdens, risks for beneficiaries, and intrusion on their privacy rights.

Lastly, under the new package, crowdfunding platforms will - for the first time - be considered obliged entities. No distinction is made in this regard between for-profit and non-profit entities, and it does not matter whether crowdfunding platforms focus on private interests or public benefits. Public benefit crowdfunding platforms are often non-profit entities themselves that do not have the capacity and financial resources to comply with these requirements. [Research](#) found no significant or consistent evidence that European donation-based crowdfunding platforms are misused for terrorism financing purposes. The regulatory measures imposed on donation-based crowdfunding platforms are therefore not proportionate to the level of risk. These new compliance requirements will threaten the viability of such platforms, especially smaller ones, or at the very least force them to increase their commission fees, which will likely have a chilling effect on donations. This will limit the fundraising options available to civil society organizations to realize their mission. The exact extend of due diligence obligations for crowdfunding platforms will depend on Regulatory Technical Standards and guidelines that are currently being developed by the new EU AML Authority, AMLA. Our concerns are described in more detail [here](#).

Transparency and Combating Undermining by Civil Society Organisations Law (WTMO)

The government of the Netherlands has drafted a Transparency and Combating Undermining by Civil Society Organisations Law (*Wet Transparantie en tegengaan ondermijning door Maatschappelijke Organisaties* (WTMO)), aiming to counter malign influence from third countries. The Act was approved in the House of Representatives and is currently pending in the Senate. [Civil society](#), the [National Human Rights Institution](#), as well as the Council of State ([here](#) and [here](#)) have expressed strong concerns on the law (the Council of State in relation to earlier versions). Although parliamentary discussions have led to some improvements, fundamental concerns remain. The necessity and effectiveness of the law, in addition to existing tools, are not sufficiently justified. At the same time, it places disproportionate restrictions on the freedom of association.

The draft law grants mayors discretionary powers to request information from CSOs on donations above 15,000 euros. They have a wide margin of appreciation to assess whether a CSO or its activities pose a (potential) threat to public order. The data that can be requested include the geographical origin, purpose, and size of donations. By administrative order, a lower threshold may be set for donations from countries considered high-risk jurisdictions. But also, personal data such as the religious background of the donor can be requested. If an organisation fails to comply, the mayor may impose penalties. Mayors are also authorised to process and

share information on religious and philosophical beliefs. The necessity and proportionality of processing such sensitive data are unclear and insufficiently substantiated, creating a risk of discrimination.

The law also allows the public prosecutor to request that a court impose a cease-and-desist order on a CSO for up to two years if it is deemed to engage in activities that undermine, or threaten to undermine, the democratic rule of law or public authority. The public prosecutor may also impose fines, restrict the receipt of certain donations, or freeze certain assets. The grounds for these measures are vaguely defined. This creates legal uncertainty and may disproportionately affect the right to association, as the measures can cover all activities of an organisation and may be applied pre-emptively.

These vague definitions open the door to selective and arbitrary implementation. The draft law risks stigmatising CSOs. It was renamed the *Transparency and Combating Undermining by Civil Society Organisations Act*, which underlines this risk. The law could have a chilling effect and lead to self-censorship. It may also discourage donations, particularly to critical organisations or from countries considered high-risk, and may result in discrimination and stigmatisation without proven effectiveness in countering malign influence.

Bill on an Administrative Ban of Subversive Organizations

A draft law on the administrative prohibition of organisations undermining public order (*Wet bestuurlijk verbod ondermijnende organisaties*) was introduced by Members of Parliament in the Netherlands in 2018 to ban outlaw motorcycle gangs. The proposal was adopted by the House of Representatives in 2020. It would have empowered the Minister of Justice to ban organisations deemed to undermine public order.

CSOs in the Netherlands raised serious concerns. They noted that the concept of ‘undermining public order’ was poorly defined. They warned it could enable politically motivated action against organisations engaged in peaceful protest, including civil disobedience.

The Senate [rejected](#) the draft in May 2025, citing a lack of necessity. When it became likely that the Senate would reject the bill, the Minister of Justice and Security announced further investigation into banning organisations that may have links to terrorist organisations.

Bill on Criminalising the Glorification of Terrorism

[A new legislative proposal on ‘glorifying terrorist content’](#) criminalises indicators of support for terrorist organisations. The definition of what constitutes a terrorist organisation, and what counts as support, is vague. The proposal was introduced amid heated debates on criminalising pro-Palestine actions.

The necessity of the law is highly disputable. Existing legislation already criminalises the support and promotion of terrorist groups and actions. The proposed law could open the door to arbitrary implementation. There is also a risk of discrimination, particularly against Muslims and pro-Palestine protestors in the Netherlands. After calls from civil society, Dutch citizens and

organisations submitted critical input during the [consultation](#) on the draft law. It received 11,560 responses (the average consultation receives up to 28). The law is now pending.

Bill on Online Incitement to Disturb Public Order

A new [law](#) was proposed this year that would enable mayors to remove online content if there is a perceived risk of disturbance to public order. The provisions in this draft law are broad and vaguely defined, leaving room for arbitrary interpretation and a lack of legal certainty. The proportionality of the law is questionable, as there are other competences mayors already have to protect the public order. The law seems to be mainly targeting certain forms of protests.

Bill on Data Collection for Public Order

Another [legislative proposal](#) allows the police, at the request of the mayor, to collect data on groups and individuals where there are indications that a serious disturbance of public order may occur. This contravenes the state's obligation to ensure a safe and enabling environment for freedom of expression.

The law is not in line with the principles of necessity and proportionality. It sets a vague and low threshold for what constitutes a risk to public order. In practice, this means the police could monitor groups of protesters based only on indications that a disturbance might occur. Even individuals who are not engaging in, or planning, criminal activity may be included in a police database. They may not be notified or given the opportunity to appeal the decision. This may have a chilling effect on freedom of expression and lead to self-censorship.

Anti-Money Laundering and Terrorism Legislation

The [national law against money laundering and terrorism financing](#) poses serious restrictions on the access to financial services for CSOs. This legislation gave stricter due diligence responsibilities to banks to monitor and investigate unusual transactions. Since the introduction of this law, organizations have been subject to greater scrutiny. They face disproportionate administrative demands when opening a bank account and when transferring funds abroad. The latter particularly affects organizations working in conflict affected areas. Moreover, in some cases, this leads to the refusal to open an account or termination of one, also referred to as de-risking. Certain minority rights groups, such as Muslim collectives and individuals, are disproportionately [affected](#) by additional investigations and de-risking. Also, organizations working on the protection of the rights of other marginalized and underrepresented groups, such as diaspora organizations and groups working on sex workers' rights, face difficulties because of this legislation.

To address this issue a round table was established between CSOs, banks, and policy makers. Following publications by the [central bank](#) and the [Dutch Banking Association](#) on de-risking and the need for a more risk-based approach, as well as advocacy by the sector, the Dutch Banking Association developed [detailed guidance](#) in 2023 for banks on risk assessments of non-profit clients. This was done through a multi-stakeholder dialogue involving the legislator, supervisor, banks and sector representatives. According to the standard, banks should initially view non-profit clients as neutral (and no longer as high-risk clients by default) and assess their risk profile based on a list of risk-enhancing and risk-reducing factors. Implementation of the standard has

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significantly enhanced organizations' access to financial services, though challenges remain. A [recent study](#) from 2025 showed that 52% of surveyed CSOs still experience difficulties, particularly with administrative requests and high banking fees. The implementation of the EU Anti Money-Laundering and Countering the Financing of Terrorism package could present new challenges for CSOs' access to financial services.