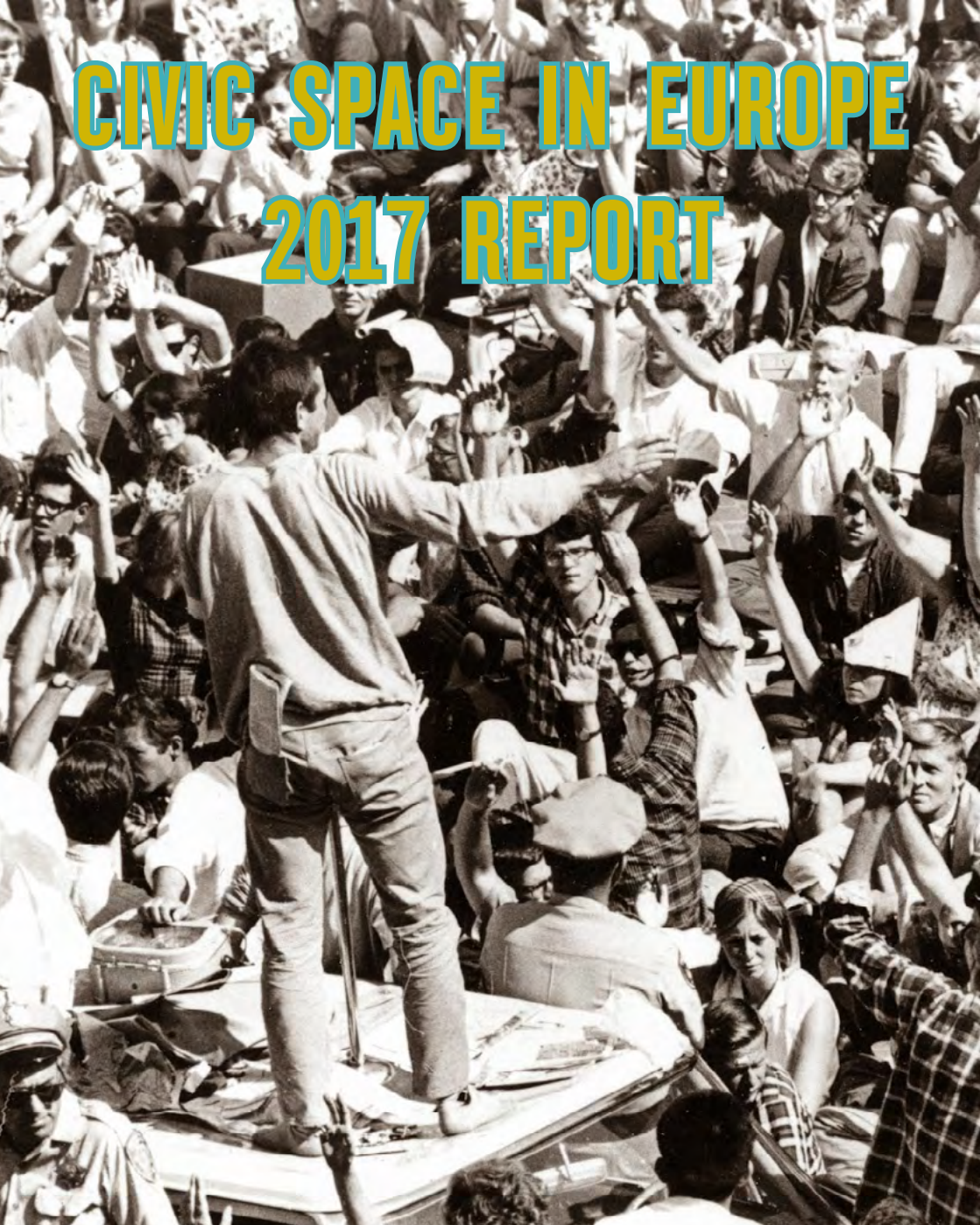


CIVIC SPACE IN EUROPE 2017 REPORT



We would like to thank wholeheartedly all respondents for their contributions to the survey and in particular for additional comments and explanations. Special thanks to Giada Negri for her invaluable contribution to the preparation of the report, to Rosalind Duignan-Pearson and Saskia Richards for proofreading, to Vladimir Sestovic for the layout, and finally to the Working Group on Civic Space of Civil Society Europe for their feedback and preparation of the conclusions.

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1. Introduction

The survey

The survey objective was to map out key trends on civic space in Europe, based on the perception of civil society organisations. Civic Space is understood as the ability to enjoy civic freedoms: the freedoms of association, assembly and expression which give people the freedom to form and join groups, peacefully protest, and advocate for the things they desire – and to counter the things they do not want. These freedoms are an essential part of a vibrant democracy; where debate and discussion thrive, and where people are able to contribute to important decisions that affect them.

The questions were developed based on feedback from the previous survey carried out in 2016 by Civil Society Europe jointly with Civicus and from members of the Civil Society Europe working group on Civic Space and Fundamental Rights.

The survey was open to civil society organisations (CSOs) at national or local level in the European Union, European Economic space and candidate countries. For the purpose of this survey, civil society organisations are defined as not for profit associations and/or nongovernmental organisations active at either local, national or international level and that adhere to the values of Equality, Solidarity, Inclusiveness and of Democracy and are active in the promotion of civil, political, economic, cultural, social and environmental rights.

The survey was available in English, French and Italian. 153 responses were received in total.

The highest number of responses were from Italy (24), Romania (15) and Hungary (14). No responses were received from Ireland, Kosovo, Liechtenstein, Luxembourg and Montenegro. Respondents were CSOs mainly active at national level working in cultural, social, health, education, environment, and human rights, as well as in volunteering, governance and international cooperation.

The survey was developed in three parts: the first on 'civic space in Europe' focused on an evaluation of civic freedoms in their own country,

as well as conditions for civil society, evolutions during the last year, their assessment at the different levels of decision making and on equal opportunities to access civic space, the second focused on 'support for civil society in Europe' and dealt with cooperation at EU level, and support from society; the third measured the health of democracy in Europe by investigating how democratic principles are enforced in own country, key concerns as regards their implementation, access of information, reporting of corruption, and finally the role of member States and the EU in promoting these principles.

The analysis does not always follow the order of the questions but rather the themes that have emerged from the comments. Comments were possible for a majority of question and most participants have used this option to detail their responses.

Organisational profile

Respondents included Civil Society Organisations active in a variety of different areas such as democracy and human rights, gender equality and vulnerable groups, youth, environment and social justice.

About half of the organisations that responded operate at national level (51%), but also CSOs operating at local (19%), European (16%) and international level (14%) took part.

Most of the organisations had an annual budget of less than 250 000 € with around 35% below 80.000 euros.

Methodology

The data were collected anonymously through the online survey platform SurveyMonkey© between mid-March to end of December 2017.

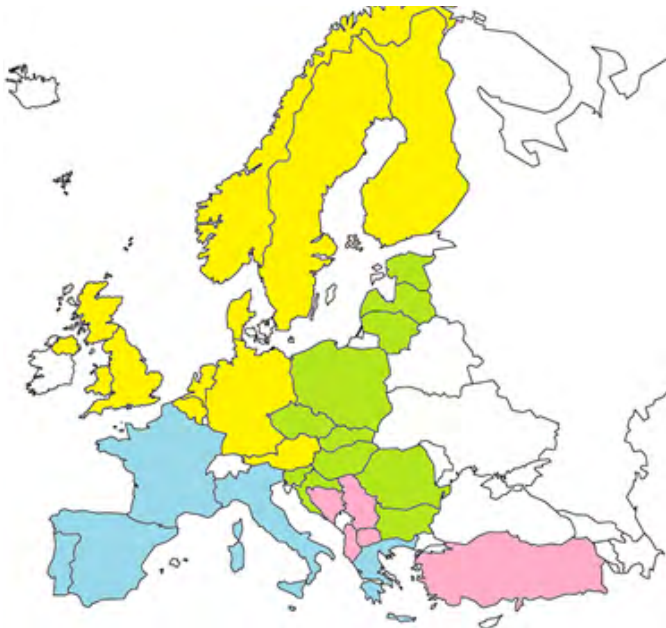
The responses from the multiple choice questions were extracted and processed on an excel spreadsheet. A first quantitative analysis looked at the overall results to view their aggregated value and gain a general sense of the perceptions of participants. A second, deeper analysis was carried out to find whether differences existed among respondents depending on the 1) geographical region, 2) geographical outreach, 3)

typology of activity, 4) thematic area of work.

The responses from the multiple choice questions were processed on a word page. To analyse these questions, we used a qualitative text analysis based on the grounded theory approach. We identified a number of initial themes based on a first screening of the answers. In the second phase, we created connections among them to condense them into final categories.

Key findings

The survey shows a general confidence of CSOs in the European Economic Area in the freedom of association, assembly and of expression which is particularly striking if compared to candidate countries in the European neighborhood. However, there is a widespread perception of lack of progress and deterioration. This trend is particularly strong in EU Eastern and Southern countries. The two groups of countries show similar patterns in the multiple choice responses. Overall, the geographical factor contributed more substantially to capture countries' perceptions than other indicators such as regional outreach, activity and thematic area of work.



However, national differences emerged within each geographical group. For example, Portugal and Latvia had generally more positive responses than respectively Southern and Eastern countries, Belgium and the United Kingdom had more negative answers than other Western countries. At the same time, the comments in open questions also show similar trans-European themes.

Among factors that raised concern about the shrinking of civic space is the decline of rule of law and transparency, and the emergence of forms of managed participation in countries traditionally supportive of civil society. Also worrying is the rise of right-wing populism and the spread of hate speech which give more visibility to extreme voices and contributes to the creation of informal barriers and discourages people, especially those belonging to vulnerable groups, from joining the political debate. Neoliberal policies, austerity, and lack of understanding of the specificity of civil society are also source of anxiety.

Quantitative responses and themes are generally in line with previous results evidenced in the 2016 survey¹ and other analyses and tools, including the Fundamental Rights Agency report published in January 2018 on “Challenges Facing civil society organisations working on human rights in the EU”². Both reports show that civic space is shrinking in several countries in Europe, as also corroborated by Civic Space Watch and the CIVICUS Monitor, according to which only 13 out of 28 EU countries fully respect civic freedoms.

For these reasons, the report calls for the European institutions to act more proactively on the shrinking civic space. Several respondents find greater recognition at the European level than nationally and showed desire to engage with European institutions, but stressed that barriers such as lack of structured dialogue, decreased funding, and differing interest make it inaccessible. Generally, there is a desire for the European Union to play a greater role in upholding democratic principles and setting guidelines to ensure an enabling environment for civil society. When institutions failed to carry out a convincing and effective action

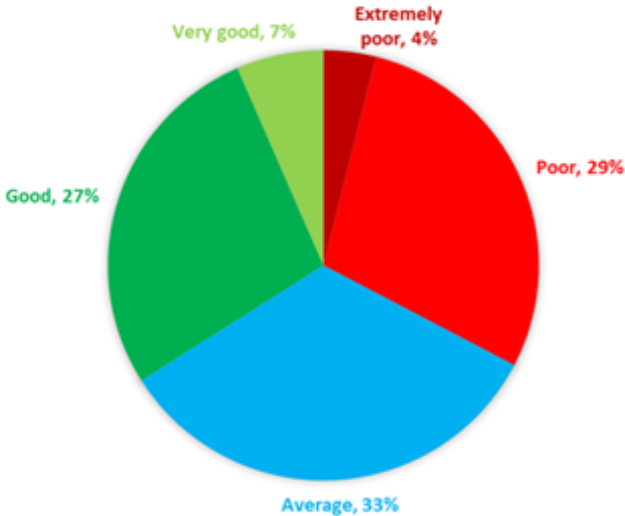
1 https://civilsocietyeuropedot.eu.files.wordpress.com/2016/10/civicspaceineuropesurveyreport_2016.pdf

2 <http://fra.europa.eu/en/publication/2018/challenges-facing-civil-society-orgs-human-rights-eu>

to condemn and sanction breaches of EU values in a country, this had a negative resonance among civil society beyond that country. For example, among candidate countries, EU conditionality is regarded as strong leverage to work on a more open civic space. Nevertheless, the fear is that once the negotiation chapters are closed, the EU will become complacent with breaches to EU values. For further details, please refer to the Recommendations and Conclusions sections.

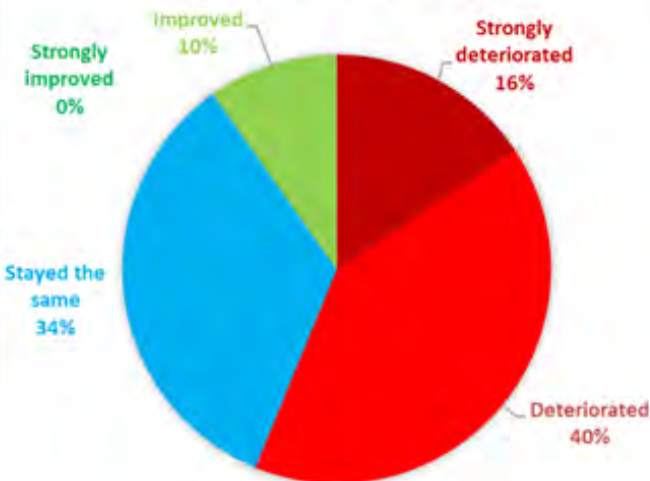
2. Perception of conditions of civic space and civic freedoms (Q2 - 5, 13-14)

Conditions for civil society in your country (Q2)



Most of the respondents considered that fundamental freedoms were generally respected, however they also perceived a tendency for deterioration. This perception emerges both from a qualitative analysis of the comments and from the responses to quantitative questions. According to 34% of the surveyed, the civic space in their country of operation is good or very good, while 33% of respondents believe that conditions of civil society are average and 33% deem them to be poor or extremely poor.

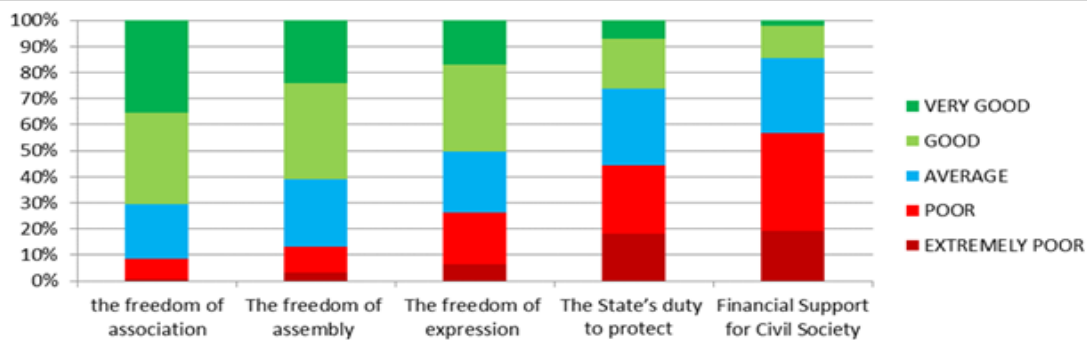
Trends compared to last year (Q3)



Perceptions of civic space conditions vary considerably in different European regions, with Western countries more likely to rate them positively (94%) than Southern, Eastern and candidate countries (respectively, 24%, 17% and 0%). Nevertheless, regardless of the region, there is a widespread perception that conditions are not improving (34%) or are deteriorating (56%), while only 10% stated that they have improved. This trend is in line with findings of the 2016 survey.

According to 44% of the respondents, the state's duty to protect was carried out poorly or extremely poorly, while 29% rated it average and only 26% deemed their state to engage well or very well. The overall result was heavily affected by regional differences, with Western countries more prone to rate it above average (61%), Eastern and Southern countries below average (respectively 55% and 46%). In candidate countries, 82% deem the state duty to protect poor or extremely poor.

In terms of the key freedoms to be analysed, because the survey showed huge variation between EU member states and candidate countries, in the following chapters the two groups will be discussed separately.



Freedom of expression

Freedom of expression is rated good or very good by 56% of EU respondents, average by 18%, and poor or extremely poor by 26%. From a quantitative analysis, two groups of countries emerge among EU member states: Western countries are generally more prone to rate freedom of expression good or very good (87%), while only about half Eastern and Southern countries deem it positive (respectively, 44% and 51%).

Comments show a wide variety of reasons of concerns over freedom of expression depending on the country. For example, according to the respondents in Bulgaria, freedom of speech is challenged by the concentration of the media ownership while in Slovakia an artist was detained by the police for removing communist symbols from a memorial³.

Nevertheless, two trends recur in several comments as obstacles to freedom of expression across all regions: 1) the increased visibility of extremist opinions and 2) the predominance of economic interests on the public's right to access information of general interest.

On the first factor, in Finland comments highlighted that while the legislation for civil society is favourable, the polarisation of the debate and increased intolerance creates informal barriers to public participation, especially for vulnerable groups. One comment stressed that *“the incapacity of the state to curb hate speech is affecting people’s willingness to participate in public discussions, and this is especially the case for women and ethnic minorities. Our laws still support civil society, but no one seems to know what to do about the extremist groups that poison our atmosphere and twist our words”*.

A similar tendency also emerges in the Netherlands, where respondents said that *“It is not so much legislation but the narrative that is deteriorating both in public and at the political level”* as a consequence of the increased visibility and popularity of extremist groups. Moreover, populist leaders are leading criticism on human rights issues: *“At the political level, the dialogue and dissent programme (the strategic partnership between development CSOs and the Dutch government) is being openly attacked. Some political parties would like to stop this and are openly critiquing the “dissent” role of civil society.”*

In the Czech Republic, respondents perceive an erosion of freedom of expression due to the *“pressure from extremists more visible as well as the strong connection of some media to politicians and pro-Russian lobby groups”*.

3 <https://spectator.sme.sk/c/20643866/detained-for-removing-communist-symbols.html>

Also in Croatia, *“freedom of expression is still at depressed levels due to the stronghold of the political elite over the public broadcaster and public presence of extremist right-wing societal and media actors”* attacking critical voices.

The second factor is the interference of economic interests on freedom of expression. In Italy, this perception was connected an episode of international relevance: the state’s inaction to ensure an independent enquiry and judicial prosecution of those responsible for the murder of the researcher Giulio Regeni in Egypt.

In France, the debate on the protection of whistleblowers has shown the mobilisation of large private companies to influence major political parties. As a consequence, the legal framework to protect whistleblowers and discourage strategic lawsuit against public participation (SLAPP) has not changed, while in practice *“the legal proceedings for defamation or denigration or other “gags” procedures carried out by companies have multiplied, targeting associations, journalists and even scientists.”*

Freedom of assembly

66% of the respondents believe that freedom of assembly is respected or very well respected in their country, while 26% deem the condition for freedom of assembly to be average and only 8% believe they are poor or very poor. Western countries are more positive (97%) than Eastern and Southern ones (respectively, 55% and 61%).

When asked what is the level of concern for heavy-handed policing during protests, regardless of the region only 11% rated it high or extremely high, while 39% deems it not to be a factor of concern.

From the comments, it emerges that challenges to freedoms on assembly include attacks against protesters lead by media and political leaders in Slovakia, abuse of the police in Spain, and barriers to exercise this right in the Netherlands. According to a respondent, in the Netherlands *“there is evidence of structural racism as Muslim groups, activists for Palestine or protesters against Zwarte Piet (a deeply divisive Dutch tradition) face more severe treatment at the hands of police.”* Such obstacles to freedom

of assembly have also been denounced by the Dutch Ombudsman⁴ .

In Poland, in November 2016 “the law on public assemblies has been amended in a way that may limit the right to assembly”. Thanks to the amendments, cyclic assemblies, organised at least once a year in the last few years or organised at least a couple of times each year have the priority to other ones, and “the right to register such cyclic assemblies has been given to the representatives of central governmental authorities in the regions”. “This [law] also includes a ban on organising spontaneous and counter manifestations (since all manifestations organised at the same time have to be separated by at least 100 m)”⁵⁶.

A recurrent theme creating concern among the comments is the predominance of security over rights, which raises issues of legitimacy and fear of political instrumentalisation. For example, comments recall the security laws passed by the Spanish government as a reaction to the rampant protests against the economic measure in 2015 curbing the right to demonstrate peacefully thanks to the introduction of fees for failing to register assemblies, restrictions to assemblies held in front of the Parliament and the Senate, and penalties for photographers of police brutality⁷.

In Italy, “civic rights are formally upheld, but security measures provide for increasing limitation in their exercise”. An example of barriers to freedom of assembly is the political pressure lead by the Minister of Environment to suspend the march held in Bologna during the environmental G7 in May 2017⁸. After December 2016, the newly appointed Minister of Interiors, Marco Minniti, carried out several measures aimed at strengthening the state’s security and appeasing public opinion, including increasing police deployment during the demonstrations against the G7 in Taormina⁹.

4 <http://civicspacewatch.eu/netherlands-right-to-protest-is-under-pressure-dutch-ombudsman/>

5 <http://citizensobservatory.pl/wp-content/uploads/2017/02/Annex-to-Joint-NGO-letter-to-the-European-Commission-on-Poland-16-Feb-2017-1.pdf>

6 <http://citizensobservatory.pl/ustawa/amendments-to-the-law-governing-public-assemblies/>

7 <http://civicspacewatch.eu/united-against-spains-gag-laws-change-bottom-up/>

8 http://bologna.repubblica.it/cronaca/2017/05/29/news/g7_a_bologna_la_sinistra_contro_il_governo_temiamo_per_l_incolumita_di_chi_protesta_-166714890/

9 <http://www.gazzettaufficiale.it/eli/id/2017/04/29/17G00075/sg>

Moreover, according to one respondent, police abuses during protests are often not properly investigated, and the law on torture called for by domestic rights groups and by international organisations in the aftermath of the 2001 Genoa G8 events and passed in summer 2017 does not meet expectations¹⁰.

In France, in October 2017 the new Security Law made permanent extra powers provided to police in the context of the state of emergency. According to comments, “the state of emergency adopted in response to the terrorist attacks of 2015 has since been prolonged and instrumentalised for political ends, aimed at limiting certain types of contestation on certain sensitive subjects¹¹”.

Freedom of association

Overall, conditions for freedom of association were rated good or very good by 75% of EU respondents, average by 21%, and poor or extremely poor by 4%. Again, a difference of perception came out between Western countries where all respondents considered freedom of association good or very good, and Southern and Eastern countries where positive answers were slightly less in number (respectively, 64% and 73%).

Nevertheless, while freedom of association is formally upheld in all European countries with some geographical variation, comments shed some lights on rampant concerns around the barriers that limit the effective exercise of this right across all regions. Among the factors of concerns are 1) lack of adequate participation of civil society and access to policy-making, including access to information of public interest, structured dialogue, effectiveness of advocacy and capacity to influence the policy-making; 2) lack of funds; 3) smear campaign or vilification of civil society; 4) managed participation, in the form of attempts of interference with the work of CSOs and lack of support for independent organisations.

Such issues also emerge across all EU regions from a quantitative analysis of a question further below the survey (Q11): when asked what

10 <https://www.hrw.org/news/2017/07/11/italys-new-law-torture-fails-meet-international-standards>

11 <http://civicspacewatch.eu/france-parliament-approves-security-law-eroding-civic-freedoms/>

are the issues of greatest concern, 59% of the respondents pointed to lack of adequate consultation processes by the public sector, 57% indicated funding restrictions on civil society, and 45% smear campaigns in the media or by government without huge regional fluctuations.

FUNDING RESTRICTIONS

When asked how they would assess the financial support in their country, 53% rated it poor or extremely poor, 34% average, and 16% good or very good. Western countries are generally more prone to value funding positively (48%), while Eastern and Southern countries tend to evaluate it negatively (respectively, 69% and 63%).

A positive example is Germany where *“CSOs benefit from financial support through tax breaks and tax incentives. German federal funding often faces public scrutiny for lack of transparency. Previously stable state funding was reduced in 2016, so private donations have become a more important source of funding. Overall, the situation for funding of CSOs in Germany is relatively positive.”* In the Netherlands *“the Ministry of foreign affairs and many local governments provide funding and material support for civil society groups”*. In Italy, several municipalities offer spaces to meet or work for free to NGOs.

Nevertheless, concerns related to funding are also emerging in comments from countries traditionally very supportive of the work of civil society, such as Portugal, Denmark and the United Kingdom. For example, “public donations in the United Kingdom remain amongst the healthiest in Europe, if not the healthiest. A long history of strong and independent CSOs continues to impact on the vibrancy of democracy positively. However, public trust is being undermined by attempts to vilify CSOs which oppose government policy” which might influence the level of future donations.

Also *“in Norway participating in the civil society is seen as a public good and both participation and activism are valued by most. Still, there are challenges. The main concern is that the funding through VAT refunds has decreased.”*

Participants also reported decrease of core funding for NGOs. Small NGOs are particularly affected by lack of stable funding, which hampers

their ability to plan for the long-term, receive visibility, and access policy-makers. For example, in Finland *“governmental financial support to civil society organisations has gone down about 40-50% during last 2-3 years. State support to especially peace organisations and small NGOs has been cut almost totally. National or local media does not give space to small and mid-size organisations. The unofficial national policy is that big brands get visibility in state and private media, small organisations do not. Both state funding policies and media behaviour support concentration of civil society. Professional, often international NGOs are considered the official ones, and smaller local civil society groups and organisations do not get space.”* As a consequence, *“the small and volunteer-based organisations feel they are being left out.”*

Also in Slovenia, the situation is difficult for small NGOs, but the perception is that it is stable: *“the financial issue was always a problem for CSO sector, especially for independent NGO sector, where the financial support was always low at the national and local levels”*. In Italy a respondent complains that international cooperation funding is mainly driven towards UN agencies.

An issue that has been stressed in comments from several countries is the lack of funds or restrictions for advocacy activities, a trend which to some extent emerges also from a quantitative analysis: 19% of respondents rated high or extremely high their level of concern with the introduction of restrictions to campaigning through contract conditionality (Q11).

For example, in the United Kingdom, *“the Lobbying Act (2014) which limits advocacy in the run-up to a General Election has been modified by a recent Grants Clause which prohibits organisations receiving government money from criticising government policy. Although amendments were made to the clause, these amendments do not get close to removing an assumption which is wrong in principle and creates a chilling effect for advocacy.”*¹²¹³¹⁴ Also, in the Czech Republic, “government funds are

12 <https://www.civilsociety.co.uk/news/government-replaces-anti-advocacy-clause-with-new-grant-standards.html>

13 <https://monitor.civicus.org/newsfeed/2018/01/08/civic-freedoms-threatened-laws-uk/>

14 <http://civicspacewatch.eu/uk-charities-scared-to-speak-out-during-election-campaign/>

very limited and often distributed to those who do not make the policy work”.

In Croatia respondents stress that “while consistent funding for CSO is distributed from EU sources by the Croatian Government, these primarily focus on social services provision and are often delayed (for 6 or 12 months) thus contributing heavily to non-sustainability of CSOs, especially those primarily focusing on watchdog/monitoring/advocacy activities.” Moreover, “sustainability of CSOs is still seriously jeopardised by significant delays in publication of calls for proposals for CSOs while uncertainty remains high.”

Overall, what emerges is an increasing tendency to push organisations into a role of service providers, and moving them away from advocacy work. In France, in Finland, in Austria and in the United Kingdom organisations report that, due to budget restrictions, funding at both national and local level is becoming scarce or more difficult to access.

In some countries, new measures decreasing the financial sustainability of NGOs are perceived as a deliberate attempt to weaken NGOs’ watchdog activities. For example, in Latvia following the reform of 2017 tax policy which abolished tax breaks for the sector, the ability of civil society to attract donations from individuals and legal entities was limited¹⁵. The private donation system for public benefit organisations has a threshold fixed at 600 € per year, inadequately low compared to other countries, especially if compared with the neighbouring country Estonia where it lies at 1200 €. As a result, NGOs expect to see their donations reduced up to 7 times, from 97 million Euros per year to 15 million € per year. Moreover, the government-funded NGO fund was reduced to 380 000€: *“149 project ideas were submitted for the latest call, and only 39 of the projects could be supported”*.

In Romania, NGOs “experience a dire scarcity of funding, as most sources come from EU structural funds, and the selection of projects is made by state institutions” that are perceived as corrupt.

At the time of the survey, organisations had expressed worries about

15 <http://civicspacewatch.eu/latvia-cso-warns-of-deliberate-weakening-of-civil-society/>

the Government plans to change the tax law, and in particular the measure that allows to redirect 2% of the taxable income to a chosen NGO or cause. The Government planned to extend such provision to reduce fees for private schools, for gyms or for buying educational materials, so that donations to NGOs would have been put in the same basket. This was finally not included in the tax reform. However, last November the Senate adopted amendments to the law on associations and foundations changing the rules for obtaining or maintaining recognition of as association of public utility, and allocation of public funding. The proposed changes introduced limitations in the area of activities allowed, and would also lead to potential discrimination among associations because of the subjective nature of the application of these rules. The Chamber has not yet examined the proposal, but international institutions, including the Venice Commission and the Council of Europe have already highlighted the potential danger of the bill.

EFFECTIVE PARTICIPATION OF CIVIL SOCIETY

Overall, civil society is able to be involved in debating policy issues. For example, in countries like Germany, the Netherlands, and Slovakia the government shows willingness to provide spaces to facilitate public debate and involve civil society in the decision-making process. Nevertheless, from the comments it appears that there are factors contributing to hinder the participation of civil society. Among these, there is the increasing difficulty in accessing information of public interest, the lack of structured dialogue, the incapacity to carry out effective advocacy and influence the policy-making.

An issue of strong concern is the erosion of public bodies' transparency and accountability (see the chapter of Transparency and Accountability) which hampers civil society's ability to carry out watchdog activities, take part in meaningful consultations, and influence the policymaking even in fairly open countries such as Denmark and Austria. For example, in Austria *"consultation processes are often not transparent and do not actually provide a lot of room for influencing political decisions"*. In Denmark, a recent law governing transparency in the public sector has had the unintended consequence of limiting access to information¹⁶.

16 <http://www.freedominfo.org/regions/europe/denmark/>

Opacity and corruption are particularly worrying for civil society in Romania. Romanian respondents stressed throughout the survey that *“public authorities systematically fail to observe the Law 52 / 2003 on transparency in decision-making in the public administration”* and *“excessive politicization and bureaucratization diminish the impact and render inapplicable correct European legislation”*.

The absence of well-structured and meaningful dialogue with civil society is also a recurring theme in the comments. When asked what the issues of greatest concern are, 53% of the respondents pointed at lack of adequate consultation processes by the public sector, while 18% deemed their organisations not to be concerned or to be only slightly concerned. Worries are particularly high in Eastern and Southern countries (61% and 51%), and among NGOs with local and European outreach (62% and 71%).

For example, a Portuguese respondent stated that *“the dialogue with the State is fluent, but there are difficulties in terms of participation of the Civil Society organisations in terms of planning, and generally, the State considers NGOs as executioners of actions, inviting NGO to collaborate in later phases, lacking the reinforcement of CSO space and real participation.”*

Similar concerns also appear in Finland and Italy. In Italy, comments point out that *“freedom of association is formally respected, but the decision-making bodies do not really take into account the opinion of civil society. Civil society is often heard only for electoral purposes.”* Politicians *“tend to disregard the importance of mediation and consultation role undertaken by intermediate bodies”*. Especially problematic is the new regulation on the Assessment of the Environmental Impact (VIA), harshly criticized by environmental NGOs and Regions for increasing fragmentation and opacity, thus creating new barriers to civil dialogue¹⁷¹⁸.

17 <https://www.ilfattoquotidiano.it/2017/05/26/riforma-della-valutazione-di-impatto-ambientale-lappello-delle-associazioni/3613941/>

18 <https://www.legambiente.it/contenuti/comunicati/ambientalisti-sul-decreto-legislativo-valutazione-di-impatto-ambientale-procedu>

SMEAR CAMPAIGNS IN THE MEDIA OR BY GOVERNMENT

Regardless of the region, 45% of the respondents said to be concerned or highly concerned with smear campaigns in the media or by the government. CSOs working on human rights issues, including with migrants and refugees, LGBT rights, and ethnic minorities are often the target of political representatives of conservative parties all across Europe, including in countries traditionally supportive of civil society like Austria, the Netherlands, and the United Kingdom. In Italy, attacks against NGOs rescuing migrants in the Mediterranean reached a peak in summer 2017. CSOs working on advocacy, policy or research were slightly more concerned (49% and 48%) than those working on fundraising and communication or civic participation and volunteerism (36% and 34%).

In some countries, namely Romania, Poland, Hungary, and Croatia, the smear campaign against NGOs is led by the government in the attempts to reduce credibility, discourage mobilisation and isolate critical voices. In Croatia, the environment has slightly improved when *“Tomislav Karamarko, former head of the party and Government, [...] was replaced by Andrej Plenković, former member of the European Parliament with close ties to Western European political circles, due to the revelation of close financial ties with Hungarian/Russian energy lobbyists and companies”*. Nevertheless, *“the new Government is yet to take steps which would remedy the emergence of social-conservatism extremism and fascist sentiment strongly pushed for by the previous Government.”*

In Hungary, “the accusatory rhetoric by the government has been going on for several years, and it greatly intensified during the last few months [of 2017]” stressing the political interference of philanthropist George Soros and “his” organisations. With this purpose, stigmatising legislation on “foreign-funded” NGOs was passed in summer 2017. This smear campaign has become particularly successful thanks to the government’s influence on the media: respondents denounce that individuals and companies are becoming increasingly wary of supporting “independent NGOs for fear of government retaliation.” This political climate coupled with lack of funding from the government or state-owned companies puts the financial sustainability of these organisations at stake.

This narrative of foreign interests supporting NGOs as a tactic to discredit and discriminate critical NGOs is particularly strong in Hungary and Romania but is also emerging in other countries like the Netherlands.

MANAGED PARTICIPATION: ATTEMPTS OF INTERFERENCE WITH THE WORK OF CSOs AND LACK OF SUPPORT FOR INDEPENDENT ORGANISATIONS

Evidence of managed participation through a combination of measures, such as the politicisation of public funds, the increasing opacity of public consultations, and the harassment of critical voices is emerging in Central and Eastern Europe.

In Hungary, because *“funding for NGOs to produce studies, analyses of issues of national importance practically disappeared, today NGOs have much less capacity to seriously take part in consultations with the government than five years ago”* Moreover, consultations are carried out in ways that refrain NGOs from being involved. First, *“quite often the deadline given for the consultation is too short to make it possible to give well-based comments. It is not uncommon that important changes in legislation are approved within a few days or even a few hours following their submission to the Parliament. [Second,] generally, no background studies, impact assessments, or calculations accompany the government proposals, and this often makes it impossible to evaluate these proposals properly. The budget bill is compiled in a way that makes it extremely*

difficult to compare its data with those of the previous years. [Third,] often individual Members of Parliament submit bills, and the present laws in such cases require neither assessments nor public consultation. The government's replies to the NGO's comments are generally vague and lacking substantive information. In quite some instances, no reply is given at all."

Also, "civil society representatives were excluded from some bodies where they had a seat earlier. The present government either directly denied their representation or substituted it with false representatives. An example of this practice is the National Economic and Social Council where the genuine representatives of the civil society were replaced by persons practically appointed by the government". Finally, "it became much more difficult for [Hungarian] NGOs to make their voice heard. Their opinion appears in the press (especially in the television and radio) much less than, e.g. seven years ago. This is partly due to the reduced capacity of the NGOs, but mainly to the change of the attitude of the press towards NGOs, which in turn is a clear reflection of the present government's domination of the great majority of the media".

In Poland, "Governmental authorities have limited access to public funding, including European funds, to certain group of NGOs that work in the areas that are contrary to the governmental policies (mostly to the ones working on the liberal values - i.e. anti-discrimination, human rights, transparency of public life, environment". Moreover, in October 2017, the Act on the National Freedom Institute – Centre for the Development of Civil Society was adopted, establishing a central agency providing powers to the government to "be administering over the civil society organisations development, control them and possess exclusive rights to allocate government funds to organisations. The government wants this body to get the position of the operator of the Norwegian Funds dedicated to the civil society." In August, OSCE had released an Opinion on the Draft Law noting the potential political interference by the government in the agency's governance ¹⁹.

19 <http://citizenobservatory.pl/ustawa/osceodihr-opinion-on-the-draft-act-on-the-national-freedom-institute-national-centre-for-the-development-of-civil-society-of-poland/>

“In Romania, it is not strictly speaking a repressive legislation with regard to civil society, but: 1) absence of consultation (to define the strategies, the legislation) 2) lack of public funding of any kind for actions and services provided by civil society (NGOs, associations, foundations); 3) excessive bureaucracy of relations between state / civil society, making it difficult, if not impossible, for the latter to contribute; 4) hostile attitudes of public authorities towards initiatives and other proposals initiated by civil society in its field of competence”

Nevertheless, several respondents perceive that a tendency to decrease support for independent civil society appears also in other well-established EEA democracies.

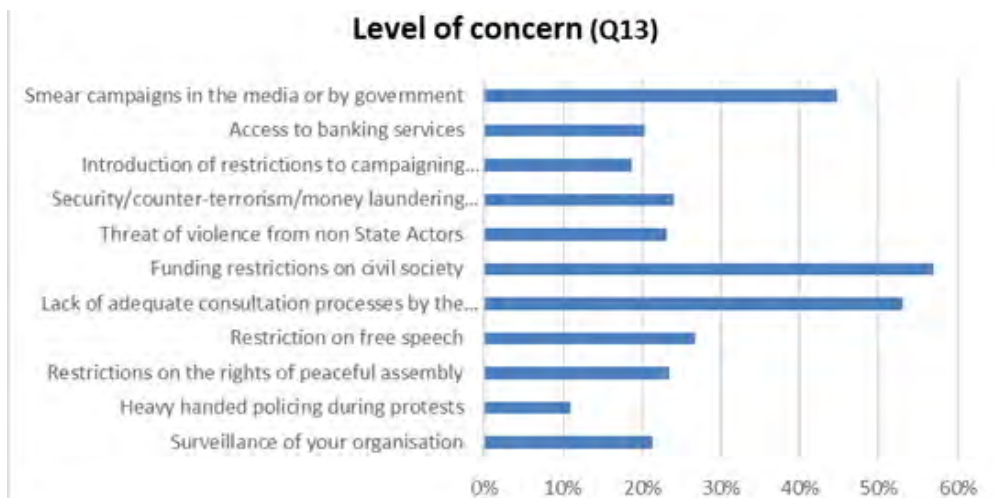
In the United Kingdom, *“the regulatory bodies governing civil society have become increasingly politicised, and the media’s attacks on civil society have grown in frequency and exaggeration. The Charity Commission²⁰ (in particular, its board) appears to be exclusively focused on monitoring and enforcement - choosing to deploy resources to attack NGOs that are either too critical of Government or that are Islamic. Service provision charities have gradually gone more and more silent in their criticisms of the government, and their campaigning has suffered as a result of such attacks. As a result, there are very few NGOs that remain critical of Government while also receiving funding.”* Moreover, the Lobbying Act and Grants Clause mentioned above contribute to amplify this chilling effect on civil society.

In Slovenia, *“the protective role of the state is rather indifferent and usually implies that CSOs with political connections and acquaintances will find more support everywhere, also in any media, and this for both local as well as national level. The conditions for establishing a CSO are good and easy to apply, but any form of support for smaller and independent organisations are generally bad”* says a respondent.

In Norway, *“some organisations have been subject to distrust regarding their use of money and subsequent control by the government. There have been several examples of the ministers openly criticising organisations they do not agree with and contributing to spreading*

mistrust. This is especially true for organisations working with refugee politics and drug politics. The government has made attempts at holding back funding for organisations that are critical of the government and working for opposite interests. These have been heavily criticised and in some cases withdrawn.”

OTHER FACTORS OF CONCERNS



24% of people surveyed said security, counter-terrorism and anti-money laundering legislation and/or to the restriction of free speech are a matter of concern or very high concern for their organisation. The strongest preoccupation was among Southern countries (32%) and CSOs with international and European outreach (33% and 35%).

When asked what the level of concern is with surveillance, only 21% of respondents rated it as a high or very high priority, while 53% believe not to be cornered or only slightly concerned. In the United Kingdom, an organisation raised the issue that the monitoring of its “*email addresses was outsourced to an Indian company, who managed to hack into many of the staff’s email accounts on the orders of the Metropolitan Police.*”

23% rated the threat of violence from non-state actors as high or very high. In particular, in Italy, civil society organisations are witnessing the rise of threats or harassment by far-right groups.

From several comments appears a sort of resistance in public authorities in relying on intermediary bodies and lack of understanding of difference between civil society and private firms. A Swedish respondent states that “many officials generally see the world as public and private, and there really is no space for civil society (this is a very important issue in the EU too as they do the same). This means that the state will consider acts as abusive only if they would be considered abusive for companies too - civil society is not seen as anything different.”

For example, in Finland, “business management theories are being used as the basis for assessing the work of NGOs - the idea of free association and the innovation that happens in it is not recognised as a separate process from business innovations, and the demand for transparency that should be geared mainly towards businesses as for-profit entities is also forced upon NGOs.”

Candidate countries

Overall the conditions for civil society in candidate countries appear more critical than in EU member states. Freedom of expression and state’s duty to protect are the areas valued most negatively by respectively 88% and 82% of respondents. 76%, 53% and 47% also consider financial support for civil society, freedom of assembly, and freedom of association to be poor or extremely poor.

Also comments by respondents of candidate countries tend to be more negative, and trends emerged from EEA respondents seem to be amplified. Funding is scarce, often available only to politically-favourable organisations, and lacks transparency. The smear campaign against independent voices is also increasingly more frequent.

For example, in Serbia “even though the legislation is more and more aligned with the EU acquis, in practice these principles are poorly respected. Smear campaigns by the Government are happening on a daily basis against movements and individuals proposing a change or criticising the actions of authorities. Consultation processes by the public sector are often non-existent. Media censorship is the greatest worry as it restricts the freedom of speech. There are serious concerns regarding violence from non-State Actors as such actions have hindered the freedom of speech and the right of assembly but also other rights such as property rights on several occasions.” Moreover, “there have been interrogations of NGOs activities by state institutions (prosecutors) about an interview they gave in the press, and report NGOs wrote. For example, our NGO did a research [report], and state institutions called several times pushing us to change the information from the research because they did not like them.”

In Turkey, the relations between civil society and the government are particularly worrisome due to the backlash following the 2016 coup attempt. A respondent cites a report by the Third Sector Foundation of Turkey (TUSEV) in cooperation with ENNA, ECNL, BCSDN, and BDT, stating that in the aftermath of the coup *“the context of political instability has paved the way for a state of constant readiness to curb basic freedoms, including the freedoms of association, assembly and expression, for the sake of the preserving “national security” or “public order”. The state of emergency brings a risk of undermining democratic standards due to bypassing the parliament and further consultative mechanisms in the lawmaking process. The statutory decrees passed under the state of emergency introduced included restricting measures affecting civil society sector in general. Following the coup attempt, on 21 July 2016, the Turkish authorities informed the Secretary General of the Council of Europe that Turkey would notify derogation from the European Convention on Human Rights under Article 15 of the Convention²¹.”*

The comment continues, *“since the declaration of State of Emergency Rule on July 22nd, 2016, hundreds of new organisations and over a thousand NGOs have been shut down, with the decree ruling on*

21 <http://www.tusev.org.tr/usrfiles/images/MM2016TurkeyReport.pdf>

November 22, our association has also been shut down alongside 374 other organisations. Many organisations have had their property confiscated by the state authorities, and over 3.000 people have been detained for their social media expressions. [...] All assets of the association have been transferred to the Treasury. The individualised reasoning for suspension and closers are not yet known. All assets of the associations are considered to have been transferred to the Treasury free of charge, including the deeds for any premises, without any restrictions.”

Also critical journalists and medias have been silenced through detention, internet censorship, deportation of foreign correspondents “*on the grounds on terrorism-related laws and alleged their connection with the Kurdish conflict, the ongoing conflict in Syria and the Gülen movement*”. As a result, Turkey was downgraded on International Freedoms indexes.

Civic space at local and European level (Q6-7)

LOCAL LEVEL

From the comments emerges a widespread perception that civic space at the local level is more vibrant than at national level, with some variation depending on the municipality or the region. Participation is lively and generally welcomed and supported by local authorities. For example, in Poland at the local level, the environment is more enabling for CSOs, who “*are often subcontractors for the tasks assigned by the local administration, they are also involved in a social consultation organised on the local level, what makes their situation the best.*”

Recognition of local CSOs also seems high, especially when they are devoted to providing services. On this regard, a Croatian respondent stresses that “*new research findings on local governments indicate that CSOs operating on the local level are oriented almost solely towards social services provision in the local community, while any type of watchdog/monitoring/advocacy activity is rarely conducted.*”

Nevertheless, funding remains an issue of uncertainty and concern. For example, in the United Kingdom, “*local authority budgets have reduced funding for local organisations. This will be exacerbated by the loss of EU*

funding after Brexit.” In Romania, funds are a matter of discrimination, with rural areas lacking active civil society organisations.

EU LEVEL IS INACCESSIBLE FOR NGOs, ESPECIALLY FOR SMALL NGOs

Most comments stress that while at the European level there is greater recognition for the value of civil society, “most CSOs are not connected to European level or got disconnected for lack of finances.” Funding becomes a barrier particularly for smaller organisations lacking the means to reach the European institutions, increasing the perceived geographical distance. Moreover, “bureaucracy, differing interests and differences in operational environments” are also obstacles to meaningful engagement.

At the same time, the perception is that “at the European level, it is difficult to have an audience”: especially in Italy, comments express disillusion in the EU institutions interest to listen to civil society. For example, a respondent commented “attention to the role of civil society, and to dialogue with it, is rather relative and discontinuous, at all levels. On the other hand, the same civil society does not always manage to maintain cohesion and compactness on the various issues”

In the United Kingdom, Brexit is an element of worry as it “has placed huge pressure and significant barriers in the way of EU collaboration. Brexit will necessarily limit the involvement at the European level of British CSOs.”

CANDIDATE COUNTRIES

In candidate countries, while civil society plays a key role in establishing democracy, independent, grassroots actors often lack funds and capabilities to carry out meaningful actions at all levels. An Albanian respondent states: “*civil society is left in the hands of a few larger NGOs, those primarily supported from international headquarters. National and local CSOs are few in numbers and are struggling to survive so are not able to spread themselves across the country and fees to join European networks are beyond many of their budgets.*” Comments express disillusion due to high levels of corruption and unbalance between the

influence of political interests and that of civil society. Some notes that activists work in a situation of danger.

In Turkey, the situation is particularly dramatic: “The definitions of civil society and civil society organisations are absent in the related legislation. The legal framework only recognises associations and foundations as CSO legal entities. The legal framework regulating state inspection of CSOs is complicated, restrictive, and bureaucratic and is focused on limitations rather than freedoms, defining penalties and sanctions that do not meet the principle of proportionality. Locations and duration allowed for meetings and demonstrations are restrictive while the Law provides the administration and security forces with wide discretionary powers. Tax exemption and public benefit statuses are granted to a very limited number of CSOs by the Council of Ministers. These procedures are highly bureaucratic, political and non-transparent while the privileges brought by these statuses are very limited. There is neither a government strategy nor relevant legal or operational framework laying out Public Sector-CSO relations. A standardised approach or legislation with respect public funding mechanisms to support the capacities and activities of CSOs is missing in Turkey.”²²

Nevertheless, for CSOs able to access the European level, European scrutiny, cooperation, and solidarity are perceived positively: “operating at the European level enables local and national activists to continue doing their work and through international contacts and events, raise their voices. European solidarity also breaks the level of pressure” says a Turkish respondent.

Opportunities and barriers to accessing civic space (Q 8)

Comments show that several countries, including Spain, Italy, Denmark, and Romania have implemented projects or policy reforms concerning civil rights contributing to opening spaces for debate on sensitive issues such as gender equality and LGBT rights. In particular, initiatives to integrate people with disabilities at school carried out in Romania and Denmark were welcomed by rights groups.

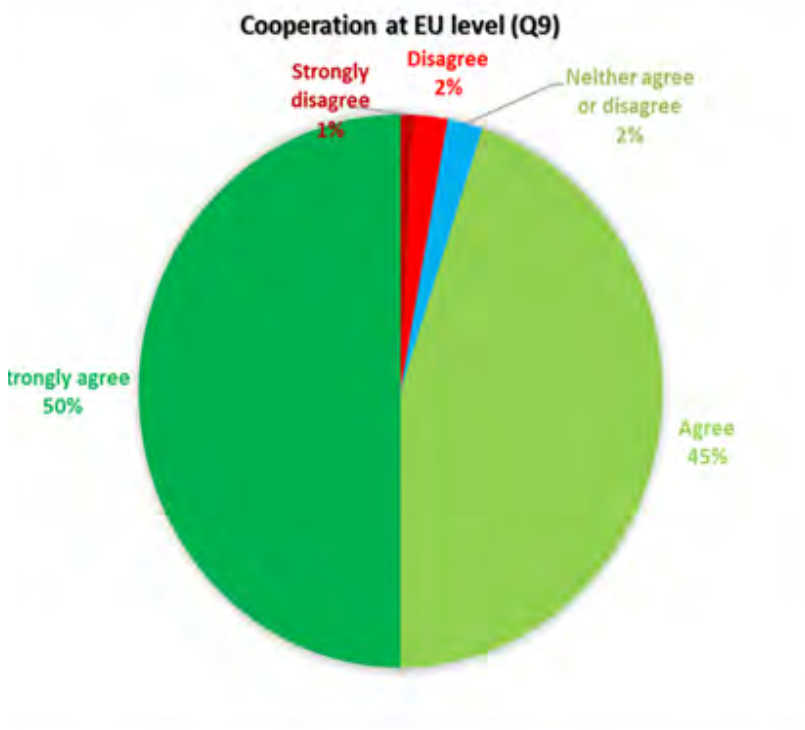
Nevertheless, funding restrictions, shrinking welfare, and social conservatism are contributing to raising informal barriers to the engagement of vulnerable groups (e.g. migrants, ethnic minorities, LGBT...). For example, in Spain “Financial cuts in the implementation of Gender Equality have led to a decrease in the resources to assist gender-based violence victims. The economic cuts have affected the assistance to dependent people.” In Italy, in February 2017 a law on Security and public decency was passed despite the harsh opposition of associations and constitutional experts. The law provided discretionary powers to local authorities concerning the respect of urban decency, thus allowing the marginalisation and criminalisation of fragile groups: homeless, drug addicts, sex workers, migrants.

As reported above, instances of politicisation of public funds are emerging in Central and Eastern Europe creating obstacles to independent civil society and CSOs working on controversial issues. For example, in Poland, “financial support for national and ethnic minorities’ NGOs has been seriously delayed by the Ministry of Internal Affairs without giving any justification - they still have not been given any funding for operations in 2017, which puts them in [a] very bad financial situation; In many competitions for public funding awarded by various ministries (such as Ministry of Justice, Internal Affairs, Education, Foreign Affairs) there is clearly visible preference for organizations presenting a worldview that coincides with the ruling party irrespective of their experience in the subject matter of the competition concerned. [...] NGOs working on immigrants and refugees’ integration are in very bad situation, since examination (by the Ministry of Internal Affairs) of their application is delayed for almost a year, now ²³.”

²³ Comment dated April 2017

3. Cooperation and support for civil society across Europe (Q9-11, 17-18)

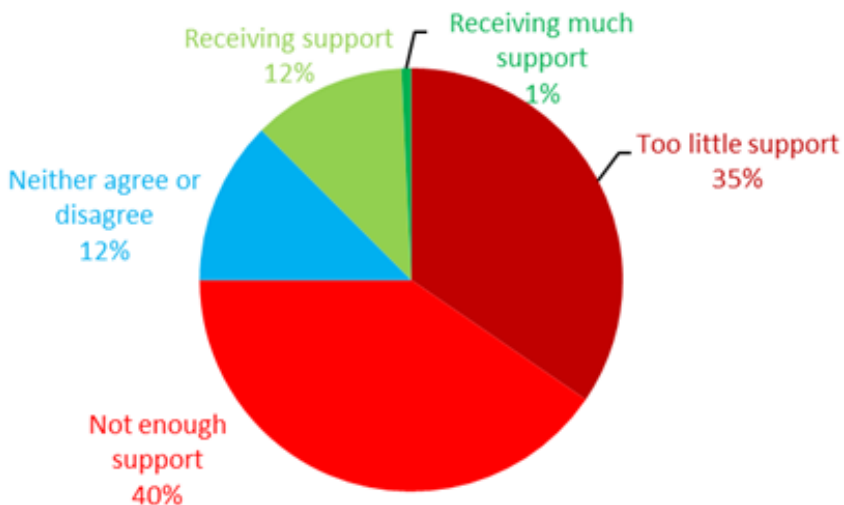
Amongst the respondents, there was clear support for **cross-border collaboration in Europe** - regardless of the region, an overwhelming majority of 90% of respondents agree or strongly agree that cooperation at European level is important for the effective operations of CSOs. Comments highlighted that European cooperation is crucial for NGOs to not only acquire best practices but also to gain visibility and amplify the advocacy carried out at local and national level. Overall, coordination at the European level is perceived favourably for the pressure it can put on domestic governing bodies.



A Croatian respondent says: “the emergence of right-wing populism and authoritarian tendencies, combined with an attack on critical voices in the public arena (media, CSO) and declining levels of the rule of law (especially in regards to independent institutions) demand strong coordination and prompt exchange of information among European CSOs. International shaming and blaming still have an impact when it comes to extremist political actors in member-states. If these trends continue, stronger coordination and exchange of information among CSO’s will be needed in order to stop mentioned negative trends at an early stage. In that sense, stronger engagement and higher impact of activities of European level networks are needed, especially when pro-active approach by European institutions is needed.”

Civil society in accession countries is particularly eager to engage at the European level: “European cooperation has been the only thing that keeps our work stable and keeps the continuity of our work. Without European support and exchange of know-how, we would have left the country a few years ago.” states a comment from FYR Macedonia. Regarding **national support**, only 13% of respondents believed that their government is providing enough support to independent civil society in its promotion of democratic values and universal human rights, while 75% perceive that the support is too little or not enough.

Government's support for independent civil society (Q18)



Pessimism was stronger among EU Eastern countries and candidate countries (respectively, 77% and 82%) than Western and Southern ones (48% and 59%).

Regarding the **perception** of how **public support** may change for CSOs over the coming year, both the quantitative answer and the comments show a fragmented picture, with a huge variation in terms of responses. 25% of respondents foresaw a decrease or drastic decrease of the public support, while 43% believe it will stay the same, and 32% that it will increase or drastically increase without major differences among EU regions and candidate countries.

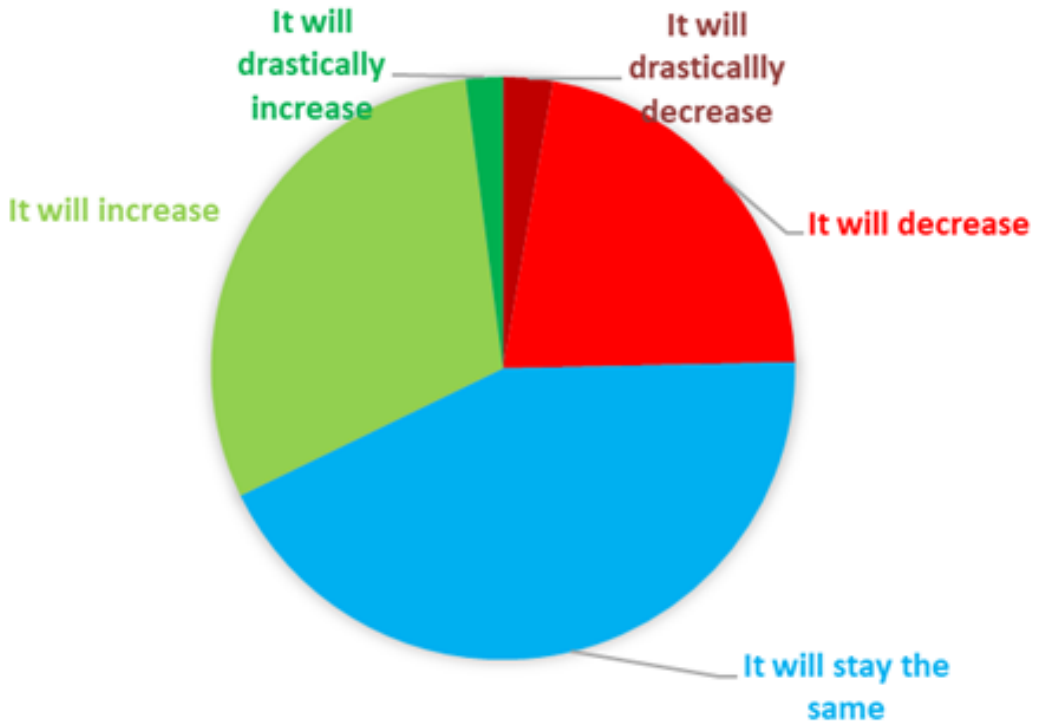
Major factors of concerns are the polarisation of the debate and the smear campaign carried out by far-right leaders or members of the government. CSOs fear that this stigmatisation could lead to popular distrust and reduction of donations. In Hungary, civil society already perceives donors' hesitation to support their actions. Moreover, CSOs witness decreasing popularity for the topics they are working on, including human rights, global education, and development due to the rise of populism and illiberalism.

Nevertheless, NGOs believe that playing *“a crucial role in monitoring politics [...] is also a chance to gather growing support from the public”*. For example, a Hungarian respondent writes *“The anti-NGO government propaganda is heavily running, heavily financed and taking into consideration the government control over the media, it is very effective. However, people are upset and dissatisfied, and if we manage to channel this dissatisfaction into our civic activities, it can even increase public support - which we managed to achieve in the spring.”* The same hope is shared by Polish and Austrian respondents, who also believe civil society has a huge responsibility in motivating and engaging the public.

Comments from candidate countries show greater pessimism in future developments, due to governments' disinterest in engaging with civil society, lack of a philanthropic culture, and deterioration of respect for human rights. Also, there is the perception that international donors are uninterested in the region.

EU conditionality is regarded as strong leverage to ensure the respect of the rule of law and improve policy-making. Nevertheless, the fear is that once the negotiation chapters are closed, the EU will become complacent with the state of civic space. In Turkey, *“the impact of the EU conditionality is diminishing due to slowed down (accession) process.”* Due to this phenomenon and the government backlash against civil society after the coup, *“there is no basis for mobilising CSOs for further democratisation and facilitating reforms to promote participatory democracy.”* states a Turkish respondent.

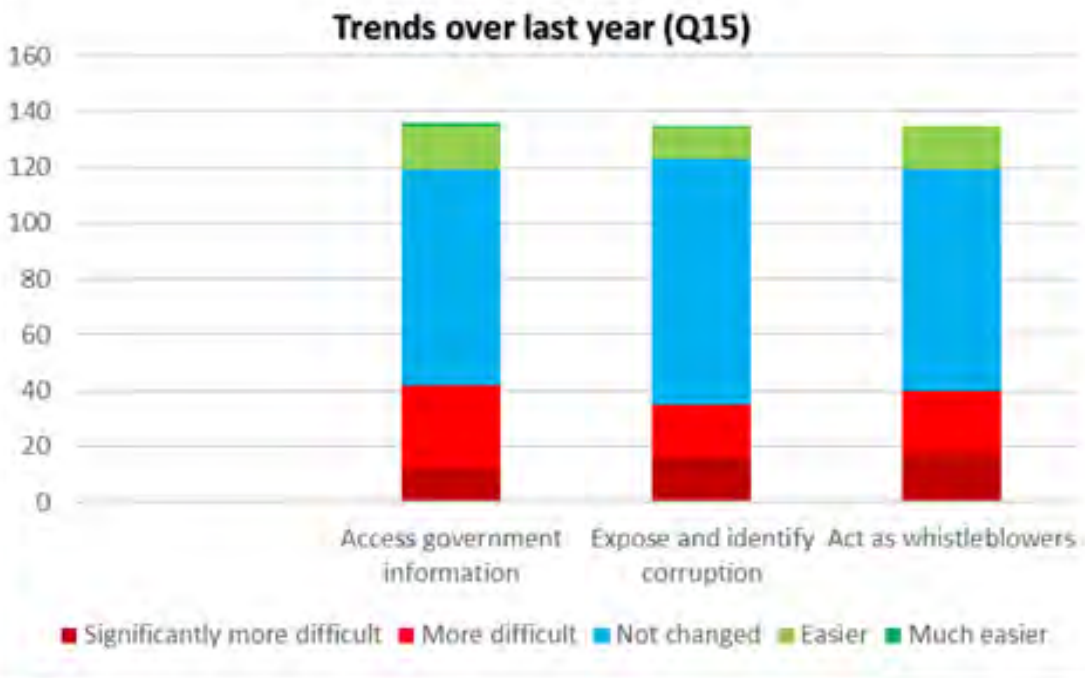
Expectation for popular support in the future (Q10)



4. Health of democracy in Europe (Q12-14)

70% of the respondents consider that democratic principles are upheld in their country from somewhat to strongly. However, overall almost 30% consider respect of democratic principles to be insufficient. Eastern members and candidate countries tend to be more negative in this regard, with only 32% and 27% of respondents valuing the respect of democratic principle as good or very good. CSOs working with vulnerable groups and gender equality or human rights also were more prone to rate negatively the state of democratic principles, with only respectively 17% and 26% of them considering it positively. 80% of respondents believe that **nationalism and discrimination** against immigrants and nationals of foreign origin or ethnic minorities are gathering increasing traction in their country of operation, 17% that the situation is not changing.

Regarding **transparency and accessing government information**, 31% deem it having become more difficult or significantly more difficult, 57% that there was no substantial change, 13% that became easier.



Comments highlight that difficulties in accessing information are due either to lack of funds on the civil society side to carry out duly monitoring activity or due to lack of political will on the government side. In some countries, especially in the East but also in the United Kingdom, respondents perceive a deliberate attempt by policymakers to restrict these activities.

Nevertheless, there is also some positive development. For example, in Germany a “rally [of] supporters for Stop TTIP was a huge success and built pressure on the government to stay accountable and transparent or risk consequences of consistent mass rallies in the streets that sparked huge international media coverage.”

In Italy, 2017 was a year of evaluation for several pieces of legislation introduced on the matter. In October 2015, a law on environmental crimes (so-called Ecoreati) was passed *“working as a tool for the prevention and repression of environmental crimes with positive repercussions on citizens’ rights²⁴.”* In November 2016, the Freedom of Information Act gave the possibility to all citizens to access public administration’s documents; a measure that contributed to improving Italy’s rating on international transparency indexes. Nevertheless, the implementation was rather disappointing²⁵²⁶. Also, the new mechanisms for the Environmental Impact Assessment procedure mentioned above might have *“potentially worrying effects on the right to access to information and public participation.”* Finally, the Italian National Anti-Corruption Authority (ANAC) launched an online whistleblower platform facilitating the activities of whistleblowers.

In 2017, **identifying and exposing and corruption, and acting as a whistleblower** become more difficult or significantly more difficult for respectively 19% and 23% of EU respondents, while only 8% and 11% believe it became easier. Eastern members were more prone to

24 https://www.legambiente.it/sites/default/files/docs/ecoreati_nel_codice_penale_2017.pdf

25 <https://www.ilfattoquotidiano.it/2017/04/07/trasparenza-il-foia-allitaliana-e-ignorato-il-73-delle-amministrazioni-non-risponde-alla-richiesta-di-documenti/3506809/>

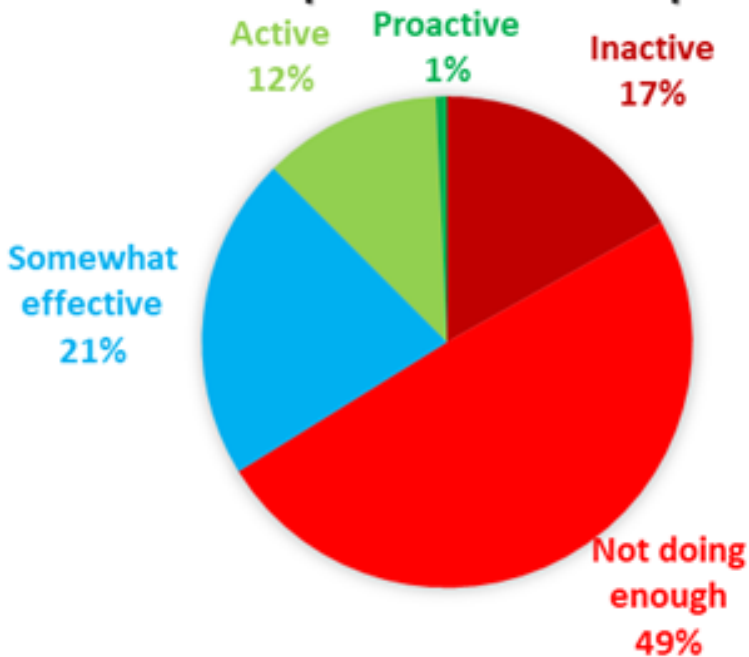
26 <https://www.ilfattoquotidiano.it/2016/11/08/italia-piu-trasparente-dopo-approvazione-del-foia-il-rischio-e-avere-buone-leggi-non-applicate/3177314/>

value the two areas negatively with around one third of respondents responding that it became harder. Candidate countries show a more worrying trend, with one out of two indicating that conditions for exposing corruption and acting as a whistle blower became tougher. From the comments, it emerges that respondents were more inclined to see positive developments when cases of corruption/illegality were able to capture the support of the majority of the populations. Some respondents reported that in their countries (i.e. Germany, Denmark, Sweden...) the government was encouraged to carry out legislation favourable to whistleblowers as a result of the pressure. Other, particularly in Romania, suggested that while the public is becoming more sensitive to these topics, the government is not carrying out relevant legislation to respond to the mobilization of the people. Also, the death of two investigative journalists in the European Union²⁷ between 2017 and 2018 suggests that the EU should put the protection of whistleblowers as a priority for its action.

5. Support of independent civil society at EU level (Q19-20)

Only 13% thought that the EU institutions are taking appropriate action to guarantee civic space in their country, while 66% believed that they are either inactive or not doing enough. Pessimism was particularly strong among Eastern and Southern countries. From the comments, it appears that the EU is perceived as a positive force when it provides guidelines to national governments on engaging with civil society and ensures streams of funds. Nevertheless, all positive comments stressed that there is room for improvement and more meaningful engagement when it comes to monitoring civic space and the rule of law and sanctioning breaches of EU values.

EU institutions protection of civic space (Q19)



In particular, the inaction or lack of effectiveness in Poland and Hungary has a negative resonance also in other countries. For example, a Croatian respondent stated: *“we are yet to witness swift and clear messages and actions from EU actors when it comes to attacks on civic space. While EU institutions and international actors reacted to declining levels of the rule of law in Poland, Hungary and Croatia – these primarily focused on the attack on independent institutions, while the attack on civic space has gained much less traction.”*

It was interesting to note that in Romania, *“civil society has benefited before the country’s accession to the EU (in 2007) from financial support from the cooperation agencies of the EU states and from the active involvement of international organizations (UNICEF, the Global Fund, etc.). In addition, there was particular European political attention (from the EC, the EP, and the diplomatic missions of the member states) regarding respect for fundamental rights and the rights of the child in Romania. After 2007, the EU and its mechanisms progressively disengaged both from monitoring Romania’s progress in this area and from providing concrete support to its civil society, without forcing the Romanian state to become a responsible state in these areas.”*

Finally, funding is a recurrent theme. While EU funds are welcomed, budget cuts have affected the capability of civil society and particularly small NGOs to have a say at the European level. Again comments stress that it is difficult to reach the European institutions and there is a lack of interest from the EU to engage in dialogue with civil society. This negative perception was especially strong in comments from Italian respondents, who were particularly critical of the EU institutions²⁸.

In candidate countries, the EU appears to be *“the only instance proactively defending civic space”*. However, the EU engagement is “heavy and slow” and seems to have decreased in the last year: *“The EU unlike in previous years often does not respond to violations against the CSOs or in general violations against the freedoms by the Government. Reasons cited are trying to maintain stability and also citing other countries with a worse track record”* states a Serbian comment.

An Albanian respondent also notes that EU funds are directed to a bigger NGO redistributing them, a new procedure that has increased the amount of bureaucracy.

28 See also Eurobarometer on Public Opinion 2017 and results for Italy: <http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/surveyKy/2142>

6. Recommendations emerging from the survey responses

Recommendations to the EU institutions and Member States

Several recommendations to the European Institutions were recurrent across the respondents' answers.

First, the EU institutions and Member States should increase the quality and transparency of participation, develop the capacity for meaningful participation and dialogue with civil society and put in place clear evaluation mechanisms. The EU should strengthen the channels of European dialogue with civil society for the design, implementation and evaluation of policies and legislation, as well as citizens' involvement (including by reforming effectively the European Citizens Initiative).

A respondent from Estonia noted: "We need more empowerment and involvement in policy development and implementation. Civic space is not just about allowing CSOs to work, but it is more about mainstreaming involvement of people and communities in processes of governance". The European Commissioners should promote actively a continuous dialogue at national level. More broadly, ensuring transparency and accountability at all levels is crucial for meaningful engagement of civil society in policy-making. The EU institutions and national governments should also ensure a better balance between public and private interests. A number of the respondents urged "EU institutions and national Governments to stop working for the financial sector, banks and corporation to the extent that they are doing today".

Second, the EU should recognise the value and specificity of civil society organisations through legislative and other instruments, such as public campaigns, and a comprehensive strategy for the promotion of democratic values and the development of an enabling environment for CSOs. The EU and national governments should more actively promote participative democracy, youth engagement and volunteering.

Third, EU funding should be available and subject to clearer and more accessible procedures, especially for CSOs that are working on human rights and democracy and small NGOs working at local level.

Also, the EU should set more flexible conditions for newly established NGOs. Funding should be available to support independent civil society, including through a new dedicated mechanism to support democratic values. Comments from respondents from Eastern European countries also stressed the importance of employing independent intermediaries (such as foundations) as re-granters and avoiding the politicisation of funding. It was also suggested that a minimum threshold for civil society funding should be established as part of the EU budget.

Fourth, the EU institutions should act proactively and more assertively against national breaches of the rule of law and fundamental rights, including establishing a rule of law monitoring mechanism with strong enforcement instruments and isolating countries or political parties that do not abide by the European values (ex. Hungary, Poland, Spain as regards the management of the Catalan crisis).

A Croatian respondent proposed: “The EU should have a rule of law monitoring mechanism with strong enforcement instruments in order to react in the early stages of the attack on civic space and declining levels of the rule of law. [...] If a separate monitoring tool for the rule of law is not developed, the European Semester process should become more inclusive, broader (so as to encompass the rule of law elements).”

A number of respondents suggested to suspend EU funding for Governments that do not respect fundamental rights and the rule of law. Furthermore, the EU should strive to promote civic education in all Member States' education systems.

Fifth, the EU institutions, and notably the European Commission, should put pressure on national Governments to uphold International Treaties and agreements, notably in the area of asylum seekers and refugees.

Sixth, the European Commission has started to tackle misinformation in the media, however this work needs to be enhanced, and involve more closely civil society organisations including by developing capacity building actions, and address smear campaigns against civil society's work, which were highlighted as a key concern by respondents.

Finally, the EU should continue to consolidate and monitor progress towards democracy and promote an enabling environment in the countries benefiting from the Instrument for Pre-Accession. The role of civil society should be more clearly defined in the context of technical assistance as well as in relation to the monitoring process. The existing civil society guidelines should continue to be the reference framework for monitoring candidate countries and guide to the establishment of sustainable co-operation mechanisms between civil society and local authorities.

Country-specific recommendations

The respondents also put forward a number of more country-specific recommendations.

Respondents from Italy, France and Belgium urged both the EU institutions and national Governments to find a long-term and concerted solution to current displacement and migration levels, including through a review of foreign policies and development aid to address the root causes of migration and conflict.

Dutch respondents stressed the importance of engaging in a real dialogue with voters turning to far-right parties to understand their *“legitimate concerns about establishment politics”* and to deal with national problems in order to fight extremism. Respondents from the United Kingdom emphasised the need to speak out against hate speech at all levels and to protect the rights of non-UK nationals.

Czech Republic respondents strongly criticised the proposal to abolish the Minister for Human Rights presented as part of the electoral programme of the new Prime Minister Andrej Babiš.

Respondents from Austria, Bulgaria, Estonia, Germany, Portugal, Romania and Italy pleaded for increasing the quality of dialogue with civil society in policy development and implementation. They also highlighted the need to increase transparency, improve follow-up and strengthen the capacity of NGOs. Activists from Finland and Portugal stressed the need to develop a strong institutional framework to facilitate this.

Respondents also made recommendations for several countries as regards the review of the legal and taxation framework for civil society organisations. In this context a Swedish respondent recommended: *“Determine different rules of non-profit NGOs to those profit-making businesses and to ensure that they are VAT exempt. Strengthen and clarify what is a not-for-profit organisation. Amend the legislation controlling NGOs so that they can amend statutes more easily Not allow MPs to be the founders and directors of not-for-profit NGOs and then make a profit. Develop a proper structure for local governments to be able to procure the services of NGOs to run needed services.”*

Respondents from candidate countries insisted on the need to engage civil society in the democratisation and Europeanisation process.

A Turkish respondent summarised the main concerns for CSOs in the region as follows: “The EU should maintain a genuine regional approach and efforts so as to achieve greater in-country effectiveness while remaining linked to the common objective for these countries which is to contribute to the consolidation of democracy and the future accession to the EU. Monitoring of the environment in which civil society operates, should continue to be done through the Guidelines for EU support to Civil Society in Enlargement Countries 2014-2020, with EC providing clear evidence against EU CS Guidelines targets and political support both in the EU and Enlargement countries endorsing the EU CS Guidelines, while local civil society organizations remain to be strongly involved in the monitoring process.”

A further comment also provided guidelines for a national approach: *“The government in Turkey should recognise the importance of the development of and cooperation with civil society sector. A singular, overarching and binding legislative framework to govern the relationship between CSOs and public institutions. In order to build an institutional framework, there should be a separate government agency/ office responsible for facilitating and monitoring relations between the public sector and CSOs. There should be a consultative body/ council focusing especially on civil society development. Their bodies should clearly have a mandate to facilitate citizen/ civil society participation with clear*

cooperation guidelines, minimum standards for cooperation. Public officials should be trained and supported to promote citizen/ civil society participation.”

7. Conclusions

A dynamic and diverse civil society is the foundation of democracy. The feedback collated in this survey, although based on perception, serves as an important warning in terms of the evolution of our democratic societies. After all, the development of civic freedoms is intrinsically linked to the values and rights enshrined in the EU Treaties.

The 2017 survey on civic space in Europe confirms the trend towards shrinking civic freedoms that emerged in the 2016 survey. This is particularly relevant for the group of central and Eastern European Countries (with some variations), Southern Europe and candidate countries.

In the majority of surveyed countries, a general framework for civic freedoms is in place, and yet three main areas of concern emerge: the lack of adequate civil dialogue mechanisms, access to funding, including issues related to funding conditionalities and the adverse impact of anti-money laundering and counter-terrorism legislation on civil society as regards financial access (such as unreasonable delays in cash transfers, onerous due-diligence requirements, inability to open bank accounts and arbitrary closure of bank accounts – called ‘de-risking’ activities by financial institutions), as well as the development of smear campaigns against civil society. Moreover, in countries that have traditionally seen strong support for civil society, some worrying trends now emerge.

A number of mechanisms must be put in place to ensure that fundamental rights and the values and rights of the EU treaties, national constitutions and international human rights treaties to which European countries abide, are fully recognised by people living in Europe.

1. The EU must adopt an overall strategy to promote civic space, to be developed closely with civil society organisations and all three EU institutions. As proposed by the European Parliament, this should include a transparent mechanism on fundamental rights, democracy, and the rule of law to be applied to all EU and accession countries to exchange, monitor and coordinate compliance with civic freedoms in all countries, requiring regular reporting and country specific recommendations, and involving civil society. Monitoring of the EU acquis in these areas should also be carried out for all countries that are EU members.

2. The EU's support for human rights and civil society must be much more visible and consistency must be insured between EU internal and external policies in this area. The survey shows that European civil society expects a stronger engagement from the EU in upholding fundamental rights in their respective countries. The EU institutions, and first and foremost the European Commission, should develop an EU wide public awareness raising campaign on fundamental rights, including the rights and obligations deriving from the Treaties and from international human rights obligations, and access to justice and redress, should be developed. These should include specifically freedom of assembly, association, and expression.
3. The EU institutions should appoint an EU coordinator on civic space and democracy to coordinate EU and Member States work in this area, monitor and receive civil society reports on incidents related to any harassment or restriction of their work, including in the form of Strategic Lawsuits Against Public Participation, which aim to censor, intimidate and silence critical CSOs by burdening them with the cost of a legal defence.
4. The EU strategy should also include actions to implement Article 11 of the Treaty on the European Union (TEU), which states that the EU institutions have an obligation to engage with citizens and their representative associations. The three EU institutions should adopt an (interinstitutional) agreement to put proper mechanisms in place for structured dialogue with civil society. Furthermore, guidelines for engagement with civil society at member States level, as well as indicators on civic space, should be further developed.

The EU must finalise the revision of its European Citizens Initiative, to make it functional and use-friendly, and to ensure a political debate on successful initiatives and further transparency of its follow up.

As the European Economic and Social Committee has underlined in its recently adopted own initiative opinion on financing civil society organisations by the EU, it is critical to see how EU budget and financial EU rules can contribute to supporting the development of a vibrant, independent and democratic civil society.

Such a concern should be mainstreamed in the different EU programmes and in the financial rules governing the EU. In addition, there is a need to develop some specific dedicated initiatives, such as the development of a rights and values instrument that will support civic engagement, and advocacy contributing to the development of fundamental rights. Engagement with civil society should be part of the objectives of all EU funding programmes, and a diversity of funding options should be available to allow for organisations of all sizes to engage, and to cover both operating costs for advocacy and project based activities. In addition, mechanisms to review the implementation of ex ante conditionalities in the ESIF as regards fundamental rights and civil society participation should be reviewed and the implementation of the partnership principle should be reinforced.

There is also expectation that the European Commission will engage more to monitor the correct implementation of the funds, including principles of transparency. A report on the implementation of the actions to support civil society should be published within the mid-term review and final evaluation of programmes. The EU should also develop measures contributing to easing cross border philanthropy by ensuring free movement of philanthropic capital (no foreign funding restrictions and ensuring non-discriminatory tax treatment of cross-border philanthropy by better coordinating tax laws and procedures.

Finally, as included in the recommendations of the European Commission report on the assessment of the risks of money laundering and terrorist financing affecting the internal market and relating to cross-border situations, a dialogue involving all stakeholders and in particular the financial sector and the non-profit sector should take place as soon as possible to address issues related to bank de-risking.



Civil Society Europe (CSE) brings together 27 European networks of civil society organisations (CSO) working towards regenerating the European project around the shared values of Equality, Solidarity, Inclusiveness and Democracy.

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