

# Joint Civil Society Contribution on Civic Space to the 2024 Annual Rule of Law Report

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## 1. Introduction and general recommendations

The EU Rule of Law Cycle is an important tool to safeguard the rule of law in the European Union. Since the launch of the Rule of Law Mechanism, civil society actors at national and EU levels have been committed to contributing to the process, both by participating in the annual consultations and by providing recommendations to strengthen the instrument as a whole. **Strengthening the Rule of Law Mechanism should be a key priority in the next European Commission (EC)'s programme**, as called for by 39 civil society, human rights, journalist and media support organisations.<sup>1</sup>

As civil society organisations (CSOs), we see that the EU's Rule of Law framework is interlinked with and, thus, affected by the way our democratic systems function and deliver on fundamental rights, including civil and political rights, and socio-economic rights. The rule of law backsliding that we observe across some EU Member States falls within the context of growing tensions in our societies, resulting from the increase in inequalities and precarity, and the sense that democracy and effective access to fundamental rights are not working for many. The EU Rule of Law Cycle needs to better reflect how the rule of law is intrinsically linked to the wider context of the effective access to fundamental rights through the very functioning of democracy, beyond the functioning of the market and protection of the EU budget. Therefore, **the coverage of the enabling environment for civil society needs to be strengthened through a stand-alone chapter in the EC's annual Rule of Law Reports.**

In addition to the recommendations in the aforementioned [joint civil society statement](#), we call for<sup>2</sup>:

- 1. Reviewing the timing and format of the Rule of Law Cycle.** Civil society organisations (CSOs) should be enabled to view the contributions of Member States before submitting their response to the EC's annual stakeholder consultation, in order to respond, verify and contextualise data provided by the Member States.
- 2. Strengthening the involvement of civil society** by involving stakeholders in the EC's rule of law country visits in a more structured way throughout the Rule of Law Cycle. Stakeholders should include CSOs working on human rights, paying particular attention to marginalised groups whose access to rights is most difficult or even denied, such as racialised people, women, LGBTQIA+ people, youth, children, persons with disabilities, migrants and displaced people (especially if undocumented), ethnic and religious minorities and people with low socio-economic status. This would enable a more consistent approach to addressing checks and balances concerning the rule of law, as well as the intersection between the rule of law and fundamental rights, such as access to justice.
- 3. Allowing continuous submissions and fast reactions:** As documented in CSOs' monitoring, there are repeated developments in EU Member States which warrant immediate attention and action. When emerging concerns are not addressed at an early stage, the

<sup>1</sup> European Partnership for Democracy, "[Joint Statement on the European Commission's 2024 Rule of Law Report](#)", March 2024.

<sup>2</sup> The following recommendations include the outcomes of the conference "Rule of Law in the CEE region. The voice of civil society organisations initiative under the ACF EEA", Brussels, 11-12 April 2024.

situation can further deteriorate. We propose to allow for the possibility of continuous submissions on the situation on the ground and the development of a fast-track process at EU level to respond when the backsliding of rule of law and democracy escalates in a country. Such an alert mechanism should lead to a rapid (re-)assessment of the situation, allowing for timely and concrete reaction at the EU level, including through recommendations, dialogue, sanctions and emergency funding for civil society when needed. The impact of the follow-up measures should be regularly reviewed.

**4. Providing clearer and more specific recommendations:** The country-specific recommendations (CSRs) that are included in the EC's annual Rule of Law Report since 2022 need to be more specific, indicating concrete activities or action plans to be taken by Member States and the time frame to be followed to redress the situation. Where relevant, these actions could refer to existing opinions of international institutions (e.g. the Council of Europe's Venice Commission, UN Special Rapporteurs) or relevant court rulings (including from the European Court of Human Rights). This would also help to contextualise the recommendations. Last but not least, we call for recommendations on civic space for each Member State. Altogether, making these changes would result in high-quality and effective CSRs.

**5. Guaranteeing a transparent assessment of progress:** The report should assess more transparently the developments on the ground and the CSRs' timely implementation, for example through clear indicators and scorecards. Progress should be assessed not only based on the number of legislation or reforms adopted or started (inputs), but also based on other indicators, presented below, and especially by the visible and measurable impact (outputs), i.e. the capacity of designed policies or other measures to create a real change in practices and enable a functioning rule of law. The attached annex includes a proposal to assess the CSRs' implementation.

**6. Ensuring continuity between recommendations to sanctions:** Systematic non-compliance with CSRs should be addressed through other instruments that the EC has at its disposal, such as funding conditionality.

**7. Having an EC Vice-President responsible for civic space and civil dialogue, with a strong mandate and adequate resources:** One of the Vice-Presidents in the next EC should be responsible for civic space and dialogue with civil society; their work should include proactive diplomatic support to civic actors under pressure and timely follow-up to civil society complaints received through the fast-track process. The Vice-President's proactive diplomatic support should be provided via public and diplomatic means (e.g. communications, country missions, public statements, infringement procedures) and in dialogue with CSOs.

**8. Official and strong role of the FRA:** The role of the EU Fundamental Rights Agency (FRA) in the rule of law process should be strengthened. In particular, the FRA should be in charge of comprehensive assessment reports on civic space in Member States.

Finally, we welcome the inclusion of selected accession countries in the 2024 RoL Report, as this marks a step in the EU enlargement process, and affirms the importance of ensuring coherence between the

EU's internal and external policies, especially given the similarity of civic space trends inside and outside the EU.

The present submission from Civil Society Europe (CSE)'s Working Group on Civic Space and Fundamental Rights first analyses cross-country trends on civic space in the EU, then proposes priority country-specific recommendations (CSRs) for most EU Member States. Overall, the latest reports and current developments demonstrate that ensuring or reinforcing an enabling environment for civil society throughout the EU is a top priority.

**This document was prepared together with the members of CSE's Working Group on Civic Space and Fundamental Rights.** In particular, the European Civic Forum (ECF), the Platform for International Cooperation on Undocumented Migrants (PICUM), International Planned Parenthood Federation – European Network (IPPF EN), the European Youth Forum (YFJ), Civil Liberties Union for Europe (Liberties) and International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA)-Europe.

## 2. Key developments and pan-European trends in civic space in 2023

We have identified multiple pan-European, horizontal trends regarding civic space in 2023 that should be included and addressed in the European Commission (EC)'s 2024 Rule of Law Report. We have organised them according to the following elements of civic space: a) freedom of association; b) freedom of assembly; c) freedom of expression; d) the right to participate in decision-making processes, which includes access to information and dialogue with institutions; e) State duty to protect; f) and access to funding. In addition to negative trends, we have noted some positive developments throughout 2023 and in early 2024.

### a. Restrictions to the freedom of association

#### The fight against foreign interference fosters a climate of suspicion against civil society

Legislative proposals for so-called 'Foreign Agents Registration Acts' (FARA) have been put forward in **Bosnia and Herzegovina, Bulgaria, France, Poland, and Slovakia** in 2023 and 2024. These legislative proposals allegedly aim to combat foreign interference but in reality, they contribute to fostering suspicion against civil society. For instance, in **Bulgaria**, the proposed act by the far-right Revival party (*Vazrajdana*) labels the civic sector and media as "foreign spies." Vague wording in related laws enables misuse and arbitrary interpretation, thereby posing a threat to critical civil society organisations (CSOs) and individuals. With the guise of tackling foreign interference, the intentionally vague wording of the Defence of Sovereignty law in **Hungary** potentially threatens any critical person or organisation, including CSOs, journalists, philanthropic donors, trade unions or churches.<sup>3</sup>

Additionally, within the EC's Defence of Democracy Package, a proposed EU Directive aiming to "introduce common transparency and accountability standards in the internal market for interest representation activities carried out on behalf of third countries" [puts civil society at risk](#).<sup>4</sup> The proposal is already encouraging some European political actors to restrict civic space. For example, **Bulgaria's** far-right party claimed during a parliamentary debate about their proposed FARA that they are merely "transposing" the planned EU Directive early.<sup>5</sup>

#### Restrictive laws continue to negatively impact the freedom of association

Restrictive legislation adopted in the past years in **France, Greece, Hungary, and Romania** continues to negatively impact freedom of association. For example, in **France**, laws broadening grounds for dissolving associations have led to the dissolution of several groups, while in **Greece**, challenges persist for CSOs and individuals working on migration-related issues. Concerns remain over

<sup>3</sup> See European Civic Forum's upcoming Civic Space Report 2024 analysing civic space across Europe in 2023.

<sup>4</sup> Civil Society Europe, "[Briefing paper – Defence of Democracy Package](#)", April 2024.

<sup>5</sup> See European Civic Forum's upcoming Civic Space Report 2024 analysing civic space across Europe in 2023.

**Romania's** proposed law severely restricting the right to appeal to courts, particularly affecting environmental CSOs.<sup>6</sup>

In several countries, burdensome registration and reporting requirements drain CSOs' resources and capacities and contribute to negatively affecting CSOs' ability to focus on their mission. Despite attempts for reforms, in **Poland**, new registration procedures did not resolve long-standing registration problems. Instead, the process to register a new organisation continued to take a long time in some parts of the country. In **Romania**, there have been 14 attempts to modify laws dealing with the procedures governing the establishment and operation of CSOs, resulting in a rigid, cumbersome, bureaucratic and time-consuming environment. CSOs have raised concerns over unclear laws and non-uniform judicial practices, lengthy procedures, as well as a lack of centralised data and communication between various state institutions.<sup>7</sup>

Similarly, in **Greece**, the government launched two digital databases to collect information about CSOs, their operations and the state funding they receive (Joint Ministerial Decision 6216/2023). While the registries are important to ensure transparency and NGO regulations, over 300 NGOs expressed concerns about the legislation when it was proposed in 2021, in particular over the databases which introduce many registration requirements. In **Hungary**, youth CSOs face difficulties registering as there is a limited timeframe in each year wherein the legal entity can be registered, with some organisations facing barriers in their process under dubious circumstances.

Legal frameworks on anti-money laundering and countering the financing of terrorism further challenge CSOs in several countries in the EU and Western Balkans, including through issues like restricted banking access, enhanced due diligence processes, unfeasible reporting requirements or inapplicable beneficial ownership registration provisions. In **Belgium** and **Denmark**, youth and CSOs are facing increasing difficulties in accessing banking services. In **Belgium** specifically, several civil society organisations and foundations have seen their bank accounts closed with limited or no explanation, or face increasing problems to open a bank account<sup>8</sup>: according to a survey involving around one hundred not-profit organisations and foundations, each banking institution has its own different requirements, which led to difficulties and administrative burdens and, for some dozens of such organisations, to the unilateral deny to open a bank account, or to unilateral close of the bank account, without giving a clear motivation of that<sup>9</sup>. Banks want to avoid any risks linked to the implementation of money laundering or terrorism financing (bank derisking) and most of the associations are not lucrative clients for banks. On a positive note at the end of last year, a new law establishing a right to access a basic bank services for companies, associations and foundations has been adopted<sup>10</sup>. However it remains to be seen whether the law will work in practice and will not entail additional costs for associations. Efforts are being made across **Albania, Bosnia and Herzegovina,**

<sup>6</sup> Stiri ONG, "[108 organizatii neguvernamentale cer presedintelui Klaus Iohannis să nu promulge o lege care încalcă cel puțin patru articole din Constituție](#)", 7 March 2023.

<sup>7</sup> See European Civic Forum's upcoming Civic Space Report 2024 analysing civic space across Europe in 2023.

<sup>8</sup>

<https://www.associatifinancier.be/LIBRARY/2022/Lettre%20de%20la%20Coalition%20Impact%2024-12-2022.pdf>

<sup>9</sup>

<https://coalition-impact-coalitie.be/fr/2023/05/11/les-institutions-sans-but-lucratif-reclament-une-simplification-administrative-notamment-des-contrôles-par-les-institutions-financieres/>

<sup>10</sup> <https://economie.fgov.be/en/themes/financial-services/basic-banking-service/basic-banking-service>

**Montenegro**, and **Kosovo** to address these challenges through risk assessments and small, but mostly positive, legislative reforms.<sup>11</sup>

In **the Netherlands**, CSOs have expressed concerns about the bill on the Transparency of CSOs and the bill on the criminalisation of staying in areas controlled by terrorist organisations; CSOs worry that these bills will restrict CSOs' ability to engage in certain activities, both in the Netherlands but also in other areas in the world.<sup>12</sup>

### **But there are also some positive developments**

There have been some notable, positive developments in relation to the freedom of association, including in **Austria**, **Denmark**, and **Latvia**. In **Austria**, a legal reform, which entered into force on 1st January 2024, has facilitated administration of the public-benefit status by reducing the waiting period from three years to one, and by simplifying the procedures for independent auditors to confirm eligibility. As a result, the procedure will be more accessible and attractive to smaller non-profit organisations (NPOs) when applying for the public-benefit status, with a positive impact on their financial viability. In **Latvia**, the Ministry of Justice drafted amendments to the law governing associations and foundations which aim to enhance the regulation for greater participation of members, boards, and other stakeholders in the decision-making processes of organisations. The amendments also seek to enable organisations to operate more efficiently and resourcefully by granting the right to conduct membership meetings electronically. Moreover, the amendments establish a classifier for CSOs, which is viewed as a crucial tool for effective sector analysis, monitoring, and the implementation of data-driven civil society development policies.<sup>13</sup>

At the EU level, if adopted by the Council, the proposal for a statute for European Cross-Border Association (ECBAs) that would apply to NPOs, together with the regulation amending the existing regulation establishing a single digital gateway, can contribute to further simplification of rules for the establishment of an association, in addition to favouring cross-border cooperation and the recognition of associations' non-profit role.

## **b. Restrictions to the freedom of assembly**

### **The right to protest remains under pressure**

Several EU Member States have enacted legislation restricting the right to protest, contravening international standards. In **Spain**, the Gag Law and recent Penal Code reforms are criticised for this, while **Germany's** North Rhine-Westphalia Assembly Law imposes severe restrictions. **Greece's** Law 4703/2020 regulating peaceful assemblies remains in force despite concerns. Inadequate legislation in the **Western Balkans** also poses risks to assembly rights.<sup>14</sup>

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<sup>11</sup> See European Civic Forum's upcoming Civic Space Report 2024 analysing civic space across Europe in 2023.

<sup>12</sup> Civil Liberties Union for Europe, "[Liberties Rule of Law Report 2024](#)", March 2024, pp. 477-478.

<sup>13</sup> Ibid.

<sup>14</sup> See European Civic Forum's upcoming Civic Space Report 2024 analysing civic space across Europe in 2023.

## Protests to express solidarity with Palestine and Palestinians are particularly restricted

Throughout 2023, and also in 2024, **EU Member States have particularly restricted the freedom of assembly of civil society organisations (CSOs) and individuals expressing solidarity with Palestine and Palestinians.**<sup>15</sup> Authorities enforced disproportionate measures such as preemptively banning protests based on supposed risks to “public order” and “security” in **Austria, Bulgaria, Czechia, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Poland and Sweden.** Authorities used excessive force and detention of protesters in **Austria, Belgium, France, Germany, Greece, Italy, the Netherlands.**

Even Jewish activists expressing solidarity with Palestine have faced repression in **Germany**, including denial of venues for their events and pressure not to speak at demonstrations and closure of bank accounts. Similarly, in **Belgium**, Jewish activists participating in solidarity actions with Palestine have faced repression by the police, including arbitrary checks and bans on political signs. These restrictions are unfolding amid an increase in hate speech and hate crimes targeting both Jewish and Muslim communities in Europe<sup>16</sup>, the first further exacerbated as a result of the conflict in Gaza.

## Environmental/climate organisations and activists are also particularly restricted

**Environmental/climate activists have also faced several restrictions during protests, in addition to restrictions in the form of raids and surveillance.** In **Italy**, the 'eco-vandalism' bills introduce harsh penalties. **Spain** has reported numerous cases of persecution and criminalisation of environmental movements. **France's** laws have been utilised to dissolve and defund environmental organisations engaging in civil disobedience. In **Austria** and **Germany**, activists from climate groups have been harassed for civil disobedience actions. As in past years, climate protesters continue to be singled out by authorities, including in the aforementioned EU Member States, as well as in **Belgium, Sweden** and **the Netherlands**. In **Belgium**, the government has proposed a draft law that would introduce in the Penal Code a new offence of “maliciously undermining the authority of the State”, including incitement to disobey a law; such a law, if adopted, would render illegal any civil disobedience actions, even though the latter are protected by freedom of expression and can only be restricted in very specific cases.<sup>17</sup> In **the Netherlands**, climate activists have been particularly targeted by authorities, including through unlawful surveillance, use of force by the police, arrests and house searches, all of which have an intimidating and chilling effect.<sup>18</sup>

### c. Restrictions to the freedom of expression

#### Civil society actors continue to face legal harassment

**Legal harassment, including Strategic Lawsuits Against Public Participation (SLAPPs), prosecutions and convictions of civil society actors, has continued to be a persistent issue across**

<sup>15</sup> For more information: European Civic Forum, Civil Liberties Union for Europe, CIVICUS, the European Network Against Racism and SOLIDAR: [“Solidarity protests with Palestinian people banned in at least 12 EU countries, finds new analysis. six months on from the horrific Hamas attack on 7 October”](#), 4 April 2024.

<sup>16</sup> <https://www.hrw.org/news/2023/12/18/interview-antisemitism-and-islamophobia-spike-europe>

<sup>17</sup> Civil Liberties Union for Europe, “Liberties Rule of Law Report 2024”, March 2024, pp. 63 and 80-81.

<sup>18</sup> Ibid, p. 479.



several EU Member States, with civil society organisations (CSOs), individual activists and human rights defenders (HRDs), and journalists and media outlets bearing the brunt of such harassment. SLAPPs have been documented in several EU Member States, including Austria, Croatia, Poland and Romania. As of July 2023, the Coalition Against SLAPPs in Europe (CASE), which monitors SLAPPs in Europe, noted an increase in the number of cases from 570 in 2022, to over 820 cases in 2023.<sup>19</sup> In **Poland**, CSOs and HRDs, especially those working on sexual and reproductive health and rights (SRHR) continued to face significant challenges in 2023, including threats and attacks from both State and non-State actors. HRDs were once again subjected to SLAPPs and judicial harassment orchestrated by the Polish government, which was facilitated by the tightening of abortion laws and the lack of independence of the prosecution service.<sup>20</sup> For instance, **Polish** prosecutors initiated legal proceedings in 2022 against the leaders of the Polish Women’s Strike — Marta Lempart, Klementyna Suchanow and Agnieszka Czerederecka-Fabin — for their involvement in the organisation of major abortion rights protests. The trio faces allegations of “causing an epidemiological threat,” criminal charges that entail up to an eight-year prison sentence.<sup>21</sup> In March 2023, Justyna Wydrzyńska, an activist with the Abortion Dream Team a grassroots civil society group, was sentenced to unpaid community service for providing another woman with abortion medication. The case is currently on appeal.

Still in **Poland**, the SLAPP cases against the creators of the Atlas of Hate, an online map tracking anti-LGBT resolutions, continued again this year. Following the withdrawal of the case of Przysuski powiat, and the defendants’ win in the case of Przasnysz powiat, only three SLAPP lawsuits remain: those of Tatra, Tarnów and Łowicz counties.<sup>22</sup>

SLAPPs targeting civil society also occurred in other EU Member States. In **Croatia**, the biggest civil society SLAPP case, initiated by the plaintiff *Razvoj golf d.o.o.* (a subsidiary of Elitech B.V., Netherlands), saw the Municipal Court in Dubrovnik issuing a verdict against the defendants who were elected representatives of leading Croatian environmental CSO *Zelena akcija* (Friends of the Earth – FoE Croatia).<sup>23</sup> In **Belgium**, a police commissioner initiated procedures against Alexis Deswaef, a lawyer and former President of the League of Human Rights, over Deswaef’s comments and views.<sup>24</sup> In **Germany**, *Sisters e.V.*, an organisation advocating for ending prostitution, filed a libel lawsuit against sex worker rights defender Ruby Rebelde for damage to reputation and defamation. On 13 July 2023, a court in Berlin convicted Rebelde in the first instance and ordered her to refrain from making certain statements about the *Sisters e.V.* organisation. The decision was appealed by Ruby Rebelde, with the support of the European Sex Workers Rights Alliance, and in February 2024, another court in Berlin revised the previous judgement and dismissed the restraining injunction.<sup>25</sup>

Nonetheless, in a significant stride towards bolstering public participation and safeguarding civic space, **two positive developments unfolded in early 2024**. After years of advocacy by CSOs,

<sup>19</sup> Coalition Against SLAPPs in Europe, [“SLAPPs: A threat to democracy that continues to grow – A 2023 report update”](#), July 2023, p. 13.

<sup>20</sup> Center for Reproductive Rights, International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA)-Europe, International Planned Parenthood Federation European Network, “Submission to the 2024 European Commission Rule of Law Country Chapter on Poland”, January 2024, p. 9.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> Civil Liberties Union for Europe, “Liberties Rule of Law Report 2024”, March 2024, pp. 152-153.

<sup>24</sup> Ibid, pp. 81-82.

<sup>25</sup> European Sex Workers Rights Alliance, [“Press release: “This is a highly political proceeding.”](#)”, 1 March 2024.

individual activists and HRDs, and journalist and media support organisations, [the EU institutions made history by adopting an anti-SLAPP Directive](#) in February 2024 that sets the minimum standards to protect public watchdogs (including CSOs, activists, the media, journalists) against abusive litigation in the form of SLAPPs. The impact and success of this Directive will depend on Member States' swift and effective transposition and implementation of the Directive at the national level.<sup>26</sup> Furthermore, in early April 2024, the [Council of Europe adopted anti-SLAPP recommendations](#), adding impetus to the European and global fight against legal harassment targeting CSOs, individual activists and HRDs, and journalists and media outlets.

## Several EU Member States have restricted freedom of expression

Throughout 2023, several EU Member States have imposed restrictions on freedom of expression in one way or another, **particularly impacting CSOs and individuals expressing solidarity with Palestine and Palestinians**.<sup>27</sup> In countries such as **Germany, Italy** and **Spain**, authorities banned symbols associated with Palestine, such as the Palestinian flag and wearing the Keffiyeh. Moreover, authorities in countries including **Austria, France** and **Germany** conflated the legitimate criticism of Israeli authorities and the latter's actions with antisemitism, leading to a chilling effect that especially silences the voices of Palestinian and pro-Palestinian activists, including Jewish pro-Palestinian activists. The situation in **Germany** is particularly notable, with 139 documented cases of cultural repressions within a short period of time, from 7 October 2023 to 31 January 2024, including instances of venue access being withdrawn, events being cancelled, smear campaigns, and threats of defunding directed towards people expressing views on Palestine.<sup>28</sup>

## Other threats include disinformation and attacks on journalists and media freedom and pluralism

In 2023, **disinformation remained a pervasive issue in the EU, with marginalised groups, including the LGBTQIA+ community and migrants, being particularly targeted**. In **Poland**, until the democratic opposition won the autumn elections, the Law and Justice government's control over public media and specific directives regarding the LGBTQIA+ community led to a skewed narrative, with negative portrayals outweighing positive ones. The LGBTQIA+ community faced smear campaigns associating them with pedophilia and positing them as threats to traditional values and Christianity. Hate speech against the LGBTQIA+ community, as well as migrants and other marginalised groups, persisted in media outlets, with public television playing a significant role in perpetuating these narratives.<sup>29</sup>

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<sup>26</sup> For a detailed analysis of the adopted Directive and the next steps, please read the [Coalition Against SLAPPs in Europe's statement](#) (27 February 2024).

<sup>27</sup> European Civic Forum, Civil Liberties Union for Europe, CIVICUS, the European Network Against Racism and SOLIDAR, "[Solidarity protests with Palestinian people banned in at least 12 EU countries, finds new analysis, six months on from the horrific Hamas attack on 7 October](#)", 4 April 2024.

Civil Liberties Union for Europe, "Liberties Rule of Law Report 2024", March 2024, p. 52.

<sup>28</sup> European Civic Forum, Civil Liberties Union for Europe, CIVICUS, the European Network Against Racism and SOLIDAR, "[Solidarity protests with Palestinian people banned in at least 12 EU countries, finds new analysis, six months on from the horrific Hamas attack on 7 October](#)", 4 April 2024.

<sup>29</sup> Center for Reproductive Rights, International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA)-Europe, International Planned Parenthood Federation European Network, "Submission to the 2024 European Commission Rule of Law Country Chapter on Poland", January 2024, p. 6.

**Journalists across the EU continued to face attacks in 2023**, which necessitates urgent action from both the EU and Member States. Verbal and physical attacks on journalists increased in 2023 in **Croatia, Czechia, France, Germany, Greece, Italy, the Netherlands, Romania, Slovakia, Slovenia and Sweden**; this increase occurred even in countries with traditionally strong and plural media markets.<sup>30</sup> Journalists are especially under threat in **Croatia**, including because of a new law referred to in the media as ‘Lex AP’ that could severely hinder journalistic practices, especially in the realm of investigative journalism, by introducing criminal liability and imprisonment penalties for whistleblowers who disclose information from judicial investigations to journalists. The use of SLAPPs to silence independent journalists and media outlets is a widespread issue across EU Member States, including in **Belgium, Croatia, France, Germany, Greece, Hungary, Italy, the Netherlands, Poland and Slovenia**.<sup>31</sup> Additionally, journalists often lack sufficient protection against, or face the threat of, acts of surveillance, as was the case in **France, Greece, Hungary and the Netherlands**.<sup>32</sup>

On a related note, **threats to media freedom and pluralism persisted in the EU**, with media ownership concentration remaining high in many Member States, including **Croatia, France, Greece, Hungary, Italy, Poland, Slovenia, Slovakia and the Netherlands**, which negatively impacted media freedom and pluralism. Also, there continued to be insufficient transparency over media ownership. There were nonetheless some positive developments in **Czechia** in this regard. Moreover, public service media struggled for editorial and financial independence in the face of persistent government influence in many Member States, including **Italy, Romania, France, Slovakia, Slovenia, Ireland, Sweden, Hungary and Poland**. However, there was a positive development with the allocation of State funding for media projects in **Lithuania**.<sup>33</sup>

#### d. Restrictions to public participation

**While authorities experiment with citizens’ assemblies, the structured involvement of organised civil society remains weak**

In 2023, in several EU Member States, citizens’ councils and assemblies are being tried and tested, for example in **Germany, Austria and Spain**. Experimenting with direct citizens’ participation is an important positive development. However, it did not always lead to appropriate policies addressing the outcomes of these exercises.

At the same time, 2023 was characterised by limited progress in the engagement with organised civil society, as well as some setbacks. In general, public consultation in many countries remained a tick-the-box exercise limiting the possibility for civil society organisations (CSOs) to submit comments and express concerns regarding the proposed bills, notably in **Bulgaria, Hungary, Ireland, Croatia, Germany, Slovakia, Slovenia and Sweden**.<sup>34</sup> For example, in **Croatia** the process used to appoint CSOs to working groups and advisory bodies is often opaque; in **Sweden**, the government limits civil

<sup>30</sup> Civil Liberties Union for Europe, “Liberties Rule of Law Report 2024”, March 2024, pp. 8-9.

<sup>31</sup> Ibid, pp. 9 and 39.

<sup>32</sup> Ibid, p. 40.

<sup>33</sup> Ibid, pp. 37.

<sup>34</sup> Civil Liberties Union for Europe, “Liberties Rule of Law Report 2024”, March 2024.

society's participation in the policymaking process by imposing short deadlines for stakeholders to submit responses during the consultation process.<sup>35</sup> In **Slovakia**, the government uses fast-track legislative procedures to prevent CSOs from providing any input.<sup>36</sup> In **Croatia** and **Cyprus**, official youth representative structures have faced decreasing access to youth participation and decision-making processes where they were traditionally involved.

This is further aggravated by the fact that there is a growing tendency of misuse of extraordinary constitutional measures by governments in 2023, resulting in low-quality legislative instruments and increasing the risk of fundamental rights violations, while also reducing the role of national Parliaments.<sup>37</sup> This trend was visible in **Bulgaria, Croatia, Czechia, France, Greece, Hungary, Italy, Slovakia** and **Sweden**.<sup>38</sup> Notably, in 2023, in **Hungary**, despite the amendment of the Act on Public Participation in the Preparation of Legislation in response to the milestones set by the Commission, there remains little or no room for CSOs and citizens to engage with public institutions and in decision-making while critical voices are harassed. While the use of extraordinary legislative measures related to COVID-19 and the war in Ukraine has largely dissipated, **Hungary** continues to use such extraordinary legislative measures to suppress political dissent.<sup>39</sup>

In **Bulgaria**, the Council for Civil Society Development (CCSD), whose establishment in 2022 was outlined as a positive development in the EC's 2023 Rule of Law Report, barely functioned in 2023. A bright exception is **Latvia**, where the government has expressed both the political and financial commitment to supporting civil dialogue.

On a positive note, the Defence of Democracy Package proposed by the European Commission in 2023 presents promising avenues for enhancing democratic processes, including a [recommendation](#) for bolstering the participation of citizens and CSOs in public policymaking, and [another recommendation](#) for ensuring inclusive and resilient elections.

## e. State duty to protect

### Online and offline attacks create a climate of fear for excluded groups

Online verbal threats and attacks as well as offline, in-person attacks have been documented in several EU Member States, including **Czechia, Denmark, Estonia, France, Germany, Poland and Spain**. Often, these attacks are perpetrated by political forces (political parties, individuals and/or related pressure groups) that smear and vilify critical voices and excluded groups in society. Women, LGBTQIA+ individuals, refugees, and ethnic and religious minorities are disproportionately targeted.<sup>40</sup>

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<sup>35</sup> Ibid, p.10.

<sup>36</sup> Ibid.

<sup>37</sup> Ibid, p. 43.

<sup>38</sup> Ibid, p. 44.

<sup>39</sup> Ibid, pp. 43-44.

<sup>40</sup> See European Civic Forum's upcoming Civic Space Report 2024 analysing civic space across Europe in 2023.

Examples of political forces' attacks across the EU include threats to sexual and reproductive health and rights workers in **Poland** and online hate speech in **Spain**.<sup>41</sup> In **Hungary**, government-controlled media launched smear and defamation campaigns targeting human rights defenders (HRDs) and civil society organisations (CSOs) that criticised the government.<sup>42</sup> LGBTQIA+ rights have been threatened, as evidenced by attacks during Baltic Pride Solidarity Week in **Estonia** and increased fear among LGBTQIA+ organisations in **Denmark**.<sup>43</sup> Racism, islamophobia, and xenophobia lead to attacks against minorities and indigenous people, such as the Sámi in **Finland**.<sup>44</sup> In **France**, CSOs advocating for the rights of displaced individuals continue to face a barrage of hate speech, intimidation, negative narratives, smear campaigns and disinformation campaigns.<sup>45</sup> Moreover, CSOs and activists advocating for the rights of Muslims, LGBTQIA+ individuals, and women are among the main targets of the rising far-right violence in **France**.<sup>46</sup> Similarly, the far-right in other EU Member States, such as **Germany**, also publicly discredit and put pressure on CSOs that have political activities and that criticise the far-right, going so far as to demand that CSOs' tax-exempt status be revoked.<sup>47</sup> In **Cyprus**, anti-racist CSOs and individuals have been increasingly attacked, including a bomb attack in early 2024.<sup>48</sup> Additionally, the eruption of violence in the Middle East has led to threats and attacks against Jewish and Muslim organisations in the EU, including Jewish and Muslim religious and cultural centres, thereby fostering a climate of fear.<sup>49</sup>

Civil society across the EU is also facing new emerging threats, such as new (mass) surveillance technologies, online harassment, disruptions of access to or the dissemination of information online and cyber-attacks.

On a positive note, the Council of the EU [adopted conclusions in March 2023](#) on the role of civic space, underscoring the importance for Member States to safeguard and promote an enabling environment for CSOs and HRDs, and to protect the civic space.

## Legal intimidation and harassment continue through SLAPPs and criminalisation of solidarity

The use of legal harassment, intimidation and criminal prosecution against civil society in several EU Member States has continued in 2023. Data from the CIVICUS Monitor confirms that intimidation is the number one tactic used in the EU to stifle civic actors, organisations and journalists. It is particularly concerning when representatives of CSOs and HRDs are criminally prosecuted for their human rights actions. For example, in **Spain**, the Spanish National Court announced that 12 people are under investigation for terrorism in connection with their alleged participation in peaceful protests and acts of civil disobedience.<sup>50</sup>

<sup>41</sup> Ibid.

<sup>42</sup> Civil Liberties Union for Europe, "Liberties Rule of Law Report 2024", March 2024, p. 53.

<sup>43</sup> See European Civic Forum's upcoming Civic Space Report 2024 analysing civic space across Europe in 2023.

<sup>44</sup> Ibid.

<sup>45</sup> Civil Liberties Union for Europe, "Liberties Rule of Law Report 2024", March 2024, pp. 236-237.

<sup>46</sup> Ibid, p. 237.

<sup>47</sup> Ibid, pp. 261-262.

<sup>48</sup> European Network Against Racism, "[Statement: Bomb attack targets anti-racist organisation in Cyprus, human rights defenders increasingly at risk in Europe](#)", Brussels, 11 January 2024.

<sup>49</sup> See European Civic Forum's upcoming Civic Space Report 2024 analysing civic space across Europe in 2023.

<sup>50</sup> European Civic Forum, "[Joint letter: Solidarity for activists in Catalonia accused of terrorism](#)", 27 February 2024.

**Criminalisation of solidarity and search and rescue operations**, as well as anti-rights rhetoric against migrants, refugees, and asylum seekers have further complicated the operating environment for CSOs and activists advocating for migrant rights, as seen in countries like **Cyprus, Greece, Hungary, Italy, Latvia** and **Poland**. Media monitoring conducted in 2023 reveals that at least 117 individuals faced judicial proceedings for actions in solidarity with migrants.<sup>51</sup> In addition, at least 17 individuals and 12 CSOs faced other forms of harassment and intimidation.

This happens against the background of two relevant legislative changes at the EU level. First of all, in November 2023, the European Commission (EC) published a [proposal](#) for a new Facilitation Directive, replacing the 2022 Facilitators' Package, which has long been criticised as it leaves it up to the Member States to decide whether to exempt or to criminalise CSOs and individuals who provide assistance to migrants who entered or transited a country irregularly. The proposal, as also recognised by [UNHCR](#) and the [UN Special Rapporteur](#) on the situation of human rights defenders, fails to adequately address the risk of criminalisation of migration and solidarity, while adding new, controversial [grounds](#) for criminalisation. The proposal was published without an *ex ante* impact assessment, even though the latter is required by the EC's Better Regulation Guidelines for all proposals that are likely to have significant economic, environmental or social impacts and where the EC has different policy options.

Moreover, the adoption of the Migration and Asylum Pact in April 2024 also raises concerns for civic space. As the pre-screening and border procedures introduced by the Pact are likely to be carried out in closed centred and remote locations, civil society is likely to face difficulties in accessing, as well as in supporting asylum seekers and undocumented people. At the same time, the Pact introduces lowered procedural standards for various forms of asylum and return procedures. As the right to free legal assistance has been restricted only to the appeal phase, civil society's support will be instrumental to ensure that people receive protection and are not deported to countries where their life is at risk. This will, in turn, create a need for additional funding and support at the national level.

## f. Access to funding

### Funding remains a concern in the majority of EU countries

The funding landscape varies greatly from country to country and comparable data are missing. In some countries, like **Bulgaria** and **Romania**, civil society organisations (CSOs) continue to face significant challenges regarding financial viability. The lack of diverse funding opportunities, including public funding schemes and access to EU funding, poses a threat to sustainability. Transparency issues and politicised access to funding persist in **Hungary**. On the contrary, in **Austria**, CSOs appear to be relatively financially stable thanks to the significant support of the state. However, there is a risk of dependence on governmental funding.

In 2023, the financial viability of the sector in **Germany** and **Denmark** saw significant funding cuts. In **Germany**, the substantial savings targets for the 2024 federal budget led to cuts in funding to CSOs,

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<sup>51</sup> Platform for International Cooperation on Undocumented Migrants, "[Cases of criminalisation of migration and solidarity in the EU in 2023](#)", 2024.

with the consequent reduction or cancellation of programmes and the departure of experienced staff. Additionally, the planned Democracy Promotion Act — a large funding programme for CSOs working to promote democracy, human rights and the rule of law — has been on hold for several months due to disagreements over details within the governing coalition.

Many CSOs report funding concerns threatening their work, with limited financial reserves available. Administrative burdens and complicated funding applications are common issues in several EU Member States, such as **Croatia** and **Denmark**. Youth CSOs are increasingly facing challenges to access funding schemes: in **Germany**, the government attempted to significantly cut the youth work budget, including that of the National Youth Council; in **Bulgaria**, youth CSOs face alleged arbitrary allocation of national funding schemes; similarly, in **Poland**, there were reports of Erasmus+ funds being limited to certain organisations in an arbitrary manner, and it is to be seen whether the change of government will put an end to this practice.

The Citizens, Equality, Rights and Values (CERV) programme needs to be reinforced in the next EU Multiannual Financial Framework (MFF). Moreover, the European Commission needs to continue allowing re-granting mechanisms, especially given the increasing gaps in funding at the national level across the EU.

## g. Other elements

**Independent national human rights authorities play an important part in ensuring an enabling environment for civil society throughout the EU, and a strong civic space.** However, in 2023, the autonomy of key institutions, such as Ombudspersons, National Human Rights Institutions (NHRIs), equality bodies and other independent authorities, faced significant challenges. For instance, the process to select heads of these institutions was highly politicised and opaque in several EU Member States, or the institutions were structurally subordinate to the political branches in various countries, including **Bulgaria, France, Germany, Greece, Hungary, Ireland** and **Slovakia**.<sup>52</sup> Moreover, in countries like **Belgium, Croatia, France, Germany** and **Sweden**, NHRIs encountered hurdles in fulfilling their mandates effectively. These hurdles stemmed from inadequate financial and human resources, limits of their competence and the non-enforceability of their decisions.<sup>53</sup>

**Enforcing court decisions is also key to protecting the rule of law and civic space.** In 2023, the failure of the executive in **Belgium** to respect validly rendered judicial decisions led to a stark situation on the field and was sanctioned by a severe decision of the European Court of Human Rights. The refusal to comply with court decisions is a very worrisome issue of non-respect of a fundamental element of the rule of law. The Belgian State should always respect court decisions, including (and above all) those that are unfavourable to it. In particular, the State should address the decisions regarding the accommodation of asylum seekers addressing the fact that 3,500 people are on the

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<sup>52</sup> Civil Liberties Union for Europe, “Liberties Rule of Law Report 2024”, March 2024, p. 43.

<sup>53</sup> Civil Liberties Union for Europe, “Liberties Rule of Law Report 2024”, March 2024, p. 43.

waiting list for accommodation (which is a legal obligation vis-à-vis asylum seekers), in spite of thousands of judicial decisions (including from the European Court of Human Rights).<sup>54</sup>

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<sup>54</sup> Amnesty International , [“La Belgique doit remédier à la crise de l'accueil qu'elle a elle-même générée”](#), 31 October 2023.

Leslie Carretero, [“Belgique : la justice autorise les associations à saisir les comptes de l'Etat pour loger les demandeurs d'asile”](#), *Info Migrants*, 5 February 2024.



### 3. Recommendations to EU Member States

The following section gathers proposals by civil society organisations (CSOs) for country-specific recommendations on checks and balances to the rule of law, based on the contributions of members of Civil Society Europe (CSE)'s Working Group on Civic Space and Fundamental Rights. The recommendations are addressed to the authorities of the Member State in question.

#### Austria

##### Civil Society Europe recommendation(s) 2024

The 2023 civil society recommendations remain unaddressed and relevant, in particular:

- Prioritise establishing and systematising structured civil dialogue to ensure open, inclusive, ongoing and transparent participation of civil society at all stages of the policy- and decision-making processes.
- Introduce an independent body to investigate allegations of police violence.
- Refrain from harassing climate activists through legal and other means and respect the right to peaceful assembly.

#### Belgium

##### Civil Society Europe recommendation(s) 2024

- The Belgian State should always respect court decisions, including those that are unfavourable to it.
- Belgian authorities should imperatively withdraw the draft bill introducing in the Penal Code a new offence of “maliciously undermining the authority of the State”.<sup>55</sup>
- Strictly respect the European Court of Justice’s jurisprudence in the “data retention” case by forbidding blanket surveillance of citizens and by limiting exceptions to the strictly necessary cases, providing sufficient safeguards are put in place.<sup>56</sup>
- Belgian authorities should guarantee that human rights defenders are not subject to any forms of attacks and intimidation and, when it is the case, make sure that such cases are investigated efficiently and the perpetrators are held to account.<sup>57</sup>

#### Bulgaria

##### Civil Society Europe recommendation(s) 2024

The civil society recommendations from 2023 remain unaddressed and relevant:

- Given the anti-democratic nature of the Foreign Agents Registration Bill, it needs to be condemned by high-ranking officials and institutions both in Bulgaria and on an international level.
- Guarantee the uninterrupted work of the Council for the Development of the Civic Society and provide it with administrative resources and a budget ensuring the Council would carry its lawful tasks in a timely manner.

<sup>55</sup> Civil Liberties Union for Europe, “Liberties Rule of Law Report 2024”, March 2024, p. 79.

<sup>56</sup> Civil Liberties Union for Europe, “Liberties Rule of Law Report 2024”, March 2024, p. 79.

<sup>57</sup> Ibid.

## Croatia

### Civil Society Europe recommendation(s) 2024

The civil society recommendations from 2023 remain unaddressed and relevant:

- In an inclusive, genuine and constructive process, the government needs to develop and adopt without delay a new National Plan for Creating an Enabling Environment for Civil Society Development until 2027, that will systematically tackle the issues faced by civil society, such as financing framework, access and participation in decision-making processes and institutional framework for civil society.
- Adopt and implement concrete legislative measures against SLAPPs targeting civil society, journalists and other actors. The level of protection against threats and attacks, as well as smear campaigns, needs to be enhanced.

## Cyprus

### Civil Society Europe recommendation(s) 2024

The civil society recommendation from 2023 remains unaddressed and relevant:

- Take concrete measures to end any legislation or policy which encourages racism, hate speech, xenophobia and intolerance against migrants, refugees and racialised people in Cyprus. Take action to combat extremist narratives and racist rhetoric in the media and public discourse.<sup>58</sup> In particular, revise the Amendment 118 (I)/2020 of the 2017 Law on Associations and Foundations and Other Related Issues, in order to safeguard that the Ministry of Interior of Cyprus does not have the executive power to remove CSOs from the Register of Associations and prohibit unregistered CSOs from continuing their actions.

Additionally, in the context on the attacks faced by [KISA](#), new recommendations are proposed:

- Ensure thorough, independent, impartial and prompt investigation of complaints presented by civil society organisations and activists regarding harassment, attacks, smear campaigns, and threats. Implement effective measures to ensure the safety of their employees, members and service users.
- Comply with international and regional standards on the right to freedom of association and the protection of human rights defenders, and in particular the [joint OSCE/ODIHR and Venice Commission Guidelines on Freedom of Association](#), the [OSCE Guidelines on the Protection of Human Rights Defenders](#), the [UN Declaration on Human Rights Defenders](#) and the recommendations of the Council of Europe NGO Expert Group.<sup>59</sup>

## Czechia

### Civil Society Europe recommendation(s) 2024

The civil society recommendations from 2023 remain relevant:

- Apply the strategy of public administration cooperation with NGOs (2021-2030), build capacity and competences for managing participatory processes in public policy, and establish a long-term evaluating mechanism of participation in decision-making across central authorities.

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<sup>58</sup> Platform for International Cooperation on Undocumented Migrants, "[Over 40 organisations call on the Cypriot authorities to take action to stop the escalating harassment and attacks against KISA and protect civic space in Cyprus](#)", 13 February 2024.

<sup>59</sup> Platform for International Cooperation on Undocumented Migrants, "[Over 40 organisations call on the Cypriot authorities to take action to stop the escalating harassment and attacks against KISA and protect civic space in Cyprus](#)", 13 February 2024.

- Accompany this process with awareness raising to promote a consistent culture of participation. In particular, ensure political support and institutional embedding of citizen and stakeholder participation in public decision-making.

## Denmark

### Civil Society Europe recommendation(s) 2024

- Take urgent steps to protect excluded groups, in particular the LGBTQIA+ community and ethnic and religious minorities from discrimination, hate speech, attacks, harassment and assaults online and offline in line with European standards.

## Estonia

### Civil Society Europe recommendation(s) 2024

- Ensure that there is a structured dialogue with civil society throughout the policy process, in an ongoing, comprehensive and transparent manner.
- Adopt the Protection of Whistleblowers Reporting Violations of European Union Law in the Workplace Act currently under review in the Parliament, thereby transposing the EU Directive on Whistleblowing. Collaborate with the Estonian Bar Association to reform the state legal aid system.

## France

### Civil Society Europe recommendation(s) 2024

The civil society recommendation from 2023 remains unaddressed and relevant:

- Urgently amend the law “on the respect of the republican principles” and withdraw the so-called “Contrat d’engagement républicain” in line with international human rights standards on freedom of association. Both of these steps should be done by the end of 2024.

In addition, in light of the fast deterioration of freedom of association observed in the country in 2023, in particular through the use of the above mentioned law, the following recommendations should be addressed:

- The French government should provide reparations to civil society organisations whose funding was suspended and/or whose certain activities were not authorised due to the law “on the respect of the republican principles”. The reparations should be provided from the same year that the funding was suspended and/or certain activities were not authorised.
- Beyond amending the aforementioned law, the Minister of Interior should cease using dissolution proceedings or reviews of subsidies’ allocations as a means to exert pressure and harass critical CSOs.

## Germany

### Civil Society Europe recommendation(s) 2024

The civil society recommendation from 2023 remains relevant:

- The tax law that is *de facto* regulating most civil society organisations (CSOs) in Germany must be reformed to allow and protect public participation and advocacy work of CSOs; the reform process should include a wide consultation with diverse civil society representatives.

Additionally, in light of the new developments a new recommendation should be addressed to the German state:

- Clarify the application of the revised 'Repatriation Improvement Act' (*Gesetz zur Verbesserung der Rückführung*) adopted by the Bundestag on 18 January 2024 regarding the criminalisation of solidarity with migrants and rescue operations. The revision allows for assistance to undocumented migrants to be penalised even when there is no financial element, which could hinder the provision of support to irregular migrants in Germany. In addition, different legal opinions have warned that, although the proposed amendment would allow the rescue of adults without penalty, the rescue of unaccompanied minors in distress at sea could now become a criminal offence.

## Greece

### Civil Society Europe recommendation(s) 2024:

The civil society recommendations from 2023 remain unaddressed and relevant:

- Refrain from criminalising humanitarian actors and human rights defenders solely for helping refugees and migrants in need and urgently adopt guidelines which clarify that assistance to people crossing borders or seeking international protection does not constitute a crime.
- Revise the application of counter-smuggling legislation and fair trial guarantees to migrants identified as alleged boat drivers, often identified on the basis of [faulty evidence or unreliable testimonies](#). Convictions are often issued after procedures characterised by lack of fair trial guarantees, such as lacking or inadequate access to legal aid, translation and alternative measures to prevent pre-trial detention. The Greek legal framework should protect 'smuggled' individuals, including those who are seeking asylum, and provisions that facilitate and legitimise their criminalisation.
- Replace all registries with one central registry and simplify requirements for the registration of associations. Ministries that may require additional information from CSOs can then require them separately. Ensure that the registry and information required are in line with European and international standards on the freedom of association. This should be done through a structured dialogue with CSOs to ensure that requirements are proportionate and do not hinder their work and activities.

## Hungary

### Civil Society Europe recommendation(s) 2024

The civil society recommendation from 2023 remains unaddressed and relevant:

- Foster a safe and enabling civic space and remove obstacles affecting civil society organisations, including by urgently repealing the Defence of Sovereignty Act, the "Stop Soros" laws, the special immigration tax, the transparency of NGOs that influence public life, and the anti-LGBTQIA+ propaganda law. Stop smear campaigns against CSOs working for democracy, rule of law and sexual and gender minorities, publicly condemn all attempts by public actors to harass, stigmatise and defame human rights defenders working on fundamental rights.

## Ireland

### Civil Society Europe recommendation(s) 2024

- Remove restrictions on funding for CSOs which prevent fundraising for advocacy work through amendment of the 1997 Electoral Act.<sup>60</sup>
- Instruct the Charities Regulator to revise their advice on political advocacy for charitable

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<sup>60</sup> Civil Liberties Union for Europe, "Liberties Rule of Law Report 2024", March 2024, p. 374.

organisations.<sup>61</sup>

## Italy

### Civil Society Europe recommendation(s) 2024

- Establish an independent human rights institution.
- Urgently adopt anti-discrimination policies: first and foremost, the independence of UNAR (Ufficio Nazionale Anti-discriminazioni razziali), a national plan against racism with integrated tools and economic endowment, a national monitoring system of hate speech and hate crimes, the widening of protection in the field of violence or discrimination on grounds of sexual orientation or gender identity, and a new law on citizenship for people born or raised in Italy.
- Since January 2023, Italy has imposed limitations on search and rescue (SAR) operations (Law 15/2023), allowing vessels to conduct only one rescue at a time. This implies that vessels should not be providing assistance to other boats in distress. In addition, this is compounded by the policy of assigning search and rescue vessels with distant ports for disembarkation, limiting their presence in the search and rescue zone, depleting their budget, and drastically reducing their ability to save lives at sea. Italy should immediately end these unjustified restrictions of NGOs' SAR work. The government, especially the Ministry of the Interior, should stop criminalising NGOs' activity at sea by assigning ports which are extremely far away from the location where migrants are in danger. The government has to ensure that no migrant is left behind during rescue operations.
- The right to protest and strike are crucial elements of a functioning rule of law framework. The government should ensure that the aforementioned rights are protected, in particular by repealing the law dubbed "eco vandalism bill" and refraining from using violence against peaceful protesters.

## Latvia

### Civil Society Europe recommendation(s) 2024

In the 2023 Rule of Law Report, the European Commission noted that Latvia implemented the recommendation on taking measures to increase the participation of civil society. However, adopting measures does not ensure their implementation. In light of this, new recommendations should be addressed to Latvia:

- Recognise and implement civil dialogue as equal to social dialogue.
- Strengthen efforts to protect civil society organisations and human rights defenders from hate speech.

## Lithuania

### Civil Society Europe recommendation(s) 2024

- The Ministry of Internal Affairs should train police officers on the right to freedom of assembly and its practical implementation.<sup>62</sup>
- The Ministry of Internal Affairs/The National Border Protection Service should provide the necessary access to information for CSOs working with migrants and asylum seekers, including

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<sup>61</sup> Ibid.

<sup>62</sup> Civil Liberties Union for Europe, "Liberties Rule of Law Report 2024", March 2024, pp. 438-439.

information about the number of individuals turned away.<sup>63</sup>

## The Netherlands

### Civil Society Europe recommendation(s) 2024

- Address concerns related to bills such as the Transparency of Civil Society Organisations and the bill on criminalising staying in areas controlled by terrorist organisations.<sup>64</sup>
- Implement measures to address the reported challenges to the right of peaceful assembly.<sup>65</sup>
- Address challenges in the funding landscape for civil society organisations.<sup>66</sup>

## Poland

### Civil Society Europe recommendation(s) 2024

In light of the new developments in Poland, new recommendations should be addressed to the Polish state:

- Urgently create an open and structured framework for civil society dialogue to ensure engagement and participation in decision-making processes, as well as financing of CSOs, including but not limited to minimum standards for public consultations.
- Ensure transparent and open procedures for the selection of key public servant positions.
- Restore the independence of the Constitutional Tribunal - and revoke all rulings of the politicised Constitutional Tribunal that have a negative impact on human rights, notably the abortion ban. Restore the independence of the National Council of the Judiciary. Separate the positions of Minister of Justice and Prosecutor General and ensure independent investigations and prosecutions. Remove all neo-judges from their positions (i.e. judges who were appointed or promoted in processes contrary to Polish law by the previous Polish government).
- Reform the country's abortion law and remove abortion-related offences from the Criminal Code; Create a proper legal framework for same-sex relations; and comply with European Court of Human Rights judgments related to these two issues. Criminalise SOGIESC-based hate crimes and hate speech; Provide legal gender recognition; Repeal all the remaining so-called "LGBT-free zones".
- A minimum standard of adequate consultation should be enforced for all legislation as soon as possible.

Additionally, the following civil society recommendation from 2023 remains relevant and urgent:

- Immediately drop all charges and stop the judicial harassment against women human rights defenders, reproductive rights defenders (or women having abortions), LGBTQIA+ rights defenders, and civil society advocating for civic space in Poland.

## Romania

### Civil Society Europe recommendation(s) 2024

The civil society recommendations from 2023 remain unaddressed and relevant:

- Scrap the amendment to the law on associations and foundations (Government Ordinance no 26/2000), which would impose severe restrictions on the ability of CSOs to challenge any administrative acts in courts.

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<sup>63</sup> Ibid, pp. 438 and 441.

<sup>64</sup> Ibid, pp. 477-478.

<sup>65</sup> Ibid, pp. 477 and 479.

<sup>66</sup> Ibid, pp. 477-478.

- Ensure greater predictability in policymaking and a clear, transparent and predictable legal framework for policymaking that would allow citizens and CSOs to engage in consultation.

Additionally, in light of new developments the following recommendation should be addressed:

- Refrain from abusing laws, legislative proposals, norms and practices to diminish the capacity of civil society to carry out their public interest missions.

## Slovakia

### Civil Society Europe recommendation(s) 2024

Considering the rapidly deteriorating state of the rule of law in Slovakia<sup>67</sup>, and the compounded impact of fast-tracked laws, the European Commission the government should commit to a review and repeal of recent laws and policies – in line with the Charter of Fundamental Rights – and a commitment to ensuring future developments are rights compliant. In particular, the government should:

- **NGO Law:** reject/repeal the draft law on the ‘foreign-sponsored organisations’ which amends three laws including the Non-Profit Organisations Act and requires organisations who receive more than 5000 Euros from organisations or companies abroad to use the designation ‘*organisation with foreign support*’. The draft law closely resembles the 2017 Hungarian NGO law which was found, by the CJEU, to be in violation of EU law and in particular restricted the right to freedom of association.
- **Due Process:** refrain from the overuse and abuse of the fast-track legislative procedure, limiting it to when there are genuine grounds for its application, as provided for in Act No. 350/1996 Coll. on the Rules of Procedure of the National Council of the Slovak Republic.
- **Prosecutors Office:** reform and strengthen the transparency of the prosecutor’s office including by strengthening the autonomy of individual prosecutors, reforming the composition of the Prosecutor’s Council and strengthening the selection process for prosecutors. Review and reinstate the action taken in March 2024 to abolish the Special Prosecutor’s Office.
- **Participation and Funding:** reinstate funding to human rights organisations to ensure they are able to play the watch dog critical to a healthy democracy and desist from enabling smear campaigns against civil society. Ensure effective participation in decision making processes including a realistic time-period for input.

## Slovenia

### Civil Society Europe recommendation(s) 2024

- Urgently develop, in cooperation with CSOs, open and transparent procedures for the allocation of national public funding to CSO funds.

## Spain

### Civil Society Europe recommendation(s) 2024

The civil society recommendation from 2023 remains unaddressed and relevant:

- Urgently reform the Penal Code and the Gag law to guarantee the exercise of the right to peaceful assembly and ensure that it cannot be investigated and prosecuted under the indirect

<sup>67</sup> <https://viaiuris.sk/aktuality/zeitgeist-newsletter/zeitgeist-rule-of-law-1/>  
<https://viaiuris.sk/aktuality/zeitgeist-newsletter/slovak-politicians-introduce-law-on-labelling-of-ngos-with-for-eign-funding-zeitgeist-2/>

attribution of crimes of terrorism or of criminal organisation and to guarantee the protection of the freedom of expression. The reform of the Gag law should be based on an open, inclusive and transparent consultation process with civil society, to ensure it is in line with international standards, including the Venice Commission's opinion. To pay attention to the more elusive articles: Art. 36.6, which penalises disobedience or refusal to identify oneself, and Art. 37.4, lack of respect for an agent of authority. Likewise, the prohibition of rubber bullets must be stressed, so that such dangerous and inherently imprecise weapons cannot be used in public spaces and cause further deaths and injuries.<sup>68</sup> Finally, this law continues to give legal protection to the rejection of people at the border, without respecting human rights and international regulations.

## Sweden

### Civil Society Europe recommendation(s) 2024

- The government must ensure that proposed legislation is in line with Sweden's international obligations and protects rights enshrined in the European Convention on Human Rights and other international agreements that Sweden is a party to.<sup>69</sup> Mandatory impact assessments could help achieve this.
- The government must ensure equal treatment of civil society organisations regardless of their focus or type of activities and adhere to national anti-discrimination laws in this respect, especially with regard to Muslim civil society organisations.<sup>70</sup>

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<sup>68</sup> According to Amnesty International, at least 1 person died and 24 have been critically injured due to rubber bullets in Spain. For more information: Amnesty International, [“Global: Dozens killed and thousands maimed by police misuse of rubber bullets”](#), 14 March 2023.

<sup>69</sup> Civil Liberties Union for Europe, “Liberties Rule of Law Report 2024”, March 2024, p. 601.

<sup>70</sup> Ibid.



## ANNEX 1: Proposal for a scoring table to assess the implementation of country-specific recommendations

<u>Indicators</u>	1	2	3	4	5
<b>Process for preparing a law or other measure:</b> <ul style="list-style-type: none"> <li>- Access to information</li> <li>- Dialogue with civil society organisations (CSOs) and other relevant stakeholders</li> <li>- Appropriate timeframe for consultation.</li> </ul>	None	Unsatisfactory	Satisfactory	Good	Very good
<b>Quality of the proposed measure:</b> <ul style="list-style-type: none"> <li>- Addresses the root cause of the issue</li> <li>- Takes into account the intersectional impact of the measure on different groups</li> <li>- Promotes (or does not interfere with) civic space</li> <li>- Provisions are clear, precise and foreseeable</li> <li>- Identifies enforcement, accountability and evaluation authorities and mechanism</li> <li>- Contains deadlines to ensure swift implementation.</li> </ul>	None	Unsatisfactory	Satisfactory	Good	Very good
<b>Quality of the adopted measure:</b> <ul style="list-style-type: none"> <li>- Addresses the root cause of the issue</li> <li>- Takes into account the intersectional impact of the measure on different groups</li> <li>- Promotes (or does not interfere with) civic space</li> <li>- Provisions are clear, precise and foreseeable</li> </ul>	None	Unsatisfactory	Satisfactory	Good	Very good

<ul style="list-style-type: none"> <li>- Identifies enforcement, accountability and evaluation authorities and mechanism</li> <li>- Contains deadlines to ensure swift implementation.</li> </ul>					
<p><b>Effectiveness of the measure's implementation:</b></p> <ul style="list-style-type: none"> <li>- Availability of data</li> <li>- Deadlines are met.</li> </ul>	None	Unsatisfactory	Satisfactory	Good	Very good
<p><b>Effective access to redress</b></p>	None	Unsatisfactory	Satisfactory	Good	Very good