



EUROPE'S CIVIL SOCIETY: STILL UNDER PRESSURE

UPDATE 2022

CIVIL SOCIETY

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Foreword

Civil society is a key component of Europe's fundamental rights architecture. From supporting people affected by the pandemic to helping those fleeing the war in Ukraine, civil society plays a crucial role in upholding people's rights. In so doing, it contributes to a healthy rule of law culture.

Building on previous FRA research, the report gives an overview of the many ways in which civil society contributes to shaping laws and policies, supporting human rights authorities, and improving access to justice, accountability and legality.

The report also provides examples of how civil society organisations engage in tackling disinformation and corruption, and in enhancing media literacy as well as in raising awareness of rule of law issues.

In addition, it presents national, international and EU tools and guidelines supporting civil society organisations.

The report highlights persisting challenges civil society continues to face across the EU. These range from harassment to restrictive laws.

The report underlines the need for Europe to ensure a more conducive working environment for civil society – a call well supported by international and regional human rights bodies, including the United Nations Office of the High Commissioner for Human Rights, the United Nations Human Rights Council, entities of the Council of Europe, and the Organization for Security and Co-operation in Europe's (OSCE) Office for Democratic Institutions and Human Rights (ODIHR).

This year's report includes an initial overview of civil society's response to the war in Ukraine.

We hope that this report encourages policymakers at all levels to do more to ringfence the enabling space that allows civil society to stand up for human rights across the EU.

Michael O'Flaherty
Director



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FRA's work on civic space and opinions

The European Union Agency for Fundamental Rights (FRA) cooperates with non-governmental organisations (NGOs) and other civil society actors in the field of fundamental rights through its Fundamental Rights Platform.^a The agency consults civil society actors on their experiences regarding civic space annually. This covers norms and practices affecting civil society's operation.

Moreover, the agency's research network, Franet,^b collects information on legal and policy developments annually. This information relates to creating an enabling space for human rights in civil societies across the EU Member States and the accession countries that FRA covers.

Based on the evidence FRA collected, this report focuses on civil society's essential role in the protection and promotion of the rule of law. It outlines obstacles that civil society organisations (CSOs) face in this role.

The report also provides updated information on selected civic space issues affecting the general operation of civil society. It builds on previous FRA work on civic space, notably the 2018 report *Challenges facing civil society working on human rights in the EU*^c and 2021 report *Protecting civic space in the EU*.^d

In the latter, FRA formulated the following opinions (summarised version):

- Member States are called on to follow the guidance provided by the Council of Europe^e and United Nations (UN)^f to protect and promote civic space.
- Member States should, in close consultation with CSOs, review existing legislation that directly or indirectly affects the establishment and operations of CSOs. A conducive legal environment for civil society requires laws that protect and promote freedom of association, peaceful assembly and expression in line with EU and international human rights law and standards.
- Member States should ensure that crimes committed against CSOs and human rights defenders (HRDs) are publicly condemned and properly recorded, investigated and prosecuted. This includes prosecution under applicable hate crime provisions, when relevant. Politicians and policymakers should avoid statements fuelling hostility towards CSOs and HRDs that could have a chilling effect or otherwise undermine their work.
- Funding for CSOs should cover the full range of civil society activities. These include advocacy, litigation, campaigning, watchdog activities, human rights and civic education, community engagement and awareness raising. Access to funding should be simplified and longer funding cycles should be implemented to allow sustainable long-term impact.
- Processes, tools and methods for public participation should be diversified and improved. Access to information and the participation of CSOs representing vulnerable and underrepresented groups should be emphasised. Public authorities at EU, national and local levels should provide adequate human and financial resources and sufficient time. They should also provide training to public officials on developing and implementing the meaningful participation of CSOs.

^a See the FRA web page: **Fundamental Rights Platform**.

^b For more information, see the FRA web page: **Franet**.

^c FRA (2018), *Challenges facing civil society working on human rights in the EU*, Luxembourg, Publications Office of the European Union (Publications Office).

^d FRA (2021), *Protecting civic space in the EU*, Luxembourg, Publications Office, pp. 6–11.

^e Council of Europe, Committee of Ministers (2018), **Recommendation CM/Rec(2018)11 of the Committee of Ministers to member states on the need to strengthen the protection and promotion of civil society space in Europe**, 28 November 2018.

^f UN (2020), *United Nations guidance note: Protection and promotion of civic space*, September 2020.

FRA's methodology for data collection on civic space

The data and information presented in this report stem from three sources.

1. **Franet research** on the legal environment, undertaken in all EU Member States, North Macedonia and Serbia. Franet reported the three most significant developments in each country that in 2021 increased or decreased the space available to human rights civil society to operate. It also provided examples of how civil society contributes to the rule of law.

All of the country research on civic space that Franet delivered are available on FRA's website. The research, like the overall report, covered the period January to December 2021.

2. **Online consultation to capture the experiences and perceptions of CSOs.** The agency has annually, since 2018, through its Fundamental Rights Platform, consulted civil society actors on their experiences of civic space. In total, 445 CSOs working on human rights in the 27 EU Member States, Albania, North Macedonia and Serbia responded to the online consultation. The consultation was open from 17 November 2021 to 29 January 2022.

The responding organisations are active at international, EU, national or local level. They work in a range of areas, including advocacy, campaigning and awareness raising, service provision, community engagement, victim support, research and data collection, and litigation. Most respondents (over 90 %) are NGOs; the remainder are social and professional organisations, faith-based organisations and trade unions.

Response rates vary across Member States, ranging from a few respondents to over 30. Respondents included 49 EU-level umbrella organisations. This report presents results at EU level only, and not broken down by Member State.

3. **Desk research**, notably regarding the developments at EU and international levels. This also includes information gained from exchanges with intergovernmental organisations and at conferences, workshops and meetings, including with civil society representatives.

FRA also works on related themes that are relevant to aspects of the enabling space. These touch on more specific questions related to civil society or HRDs. For example, they cover search and rescue operations in the Mediterranean, strategic lawsuits against public participation (SLAPPs), hate crime, and human rights communication and disinformation. They also cover combating terrorism, crime safety and victims' rights, national human rights institutions, human rights cities, and business and human rights.

Sources:

Franet (2022), Country research reports – Legal environment and space of civil society organisations in supporting fundamental rights and the rule of law, Vienna, FRA; FRA (2021), December 2021 update – search and rescue (SAR) operations in the Mediterranean and fundamental rights, Luxembourg, Publications Office; see FRA opinion 3 in FRA (2020), Business and human rights – access to remedy, Luxembourg, Publications Office; FRA (2021), Encouraging hate crime reporting – The role of law enforcement and other authorities, Luxembourg, Publications Office; see also FRA's contribution, as facilitator of the Working Group on hate crime recording, data collection and encouraging reporting, to: European Commission High Level Group on combating racism, xenophobia and other forms of intolerance (2021), Key guiding principles on encouraging reporting of hate crime, Brussels, European Commission; FRA's online compendium of practices on hate crime, updated 2021; FRA (2022), 10 keys to effectively communicating human rights – 2022 edition, Luxembourg, Publications Office; FRA (2022), 'Positive input: Your practical guide to dealing with disinformation', YouTube video, 23 February 2022; FRA (2021), Directive (EU) 2017/541 on combating terrorism – Impact on fundamental rights and freedoms, Luxembourg, Publications Office; FRA (2021), 'Crime, safety and victim's rights', YouTube video, 19 February 2021; FRA (2020), Strong and effective national human rights institutions: Challenges, promising practices and opportunities – Summary, Luxembourg, Publications Office; FRA (2021), Human rights cities in the EU: A framework for reinforcing rights locally, Luxembourg, Publications Office; FRA (2019), Business-related human rights abuse reported in the EU and available remedies, Luxembourg, Publications Office.

1

FOCUS: CIVIL SOCIETY CONTRIBUTIONS TO RULE OF LAW CULTURE

Civil society organisations (CSOs) and other civil society actors, such as human rights defenders (HRDs) and activists, make key contributions to advancing and fostering a rule of law culture, international and regional human rights bodies increasingly emphasise. These bodies include the UN Human Rights Council,¹ the Council of Europe² and the Organization for Security and Co-operation in Europe's (OSCE) Office for Democratic Institutions and Human Rights (ODIHR).³ They acknowledge in particular the role of CSOs in:

- engaging and empowering citizens in a wide range of social and human rights issues;
- monitoring respect for rule of law and human rights standards;
- advocating for rule of law and human rights-compliant legal and policy responses;
- securing transparent and participatory law and policy making;
- demanding that public authorities are held accountable.

A series of recent statements at EU level indicate that a free and active civil society is:

- an essential component of a strong rule of law ecosystem;⁴
- a key party in promoting the use and awareness of the EU Charter of Fundamental Rights (EU Charter) and a culture of values;⁵
- a precondition for healthy democracies;⁶
- a safeguard for citizens preventing and reacting to violations or abuses.⁷

Although the rule of law and human rights are distinct, they do overlap and depend on each other.⁸ Key components of the rule of law checklist of the Council of Europe's Commission for Democracy through Law (Venice Commission) include "equality before the law and non-discrimination" and "access to justice", including "fair trial". These are at the same time all key elements of the EU Charter.⁹

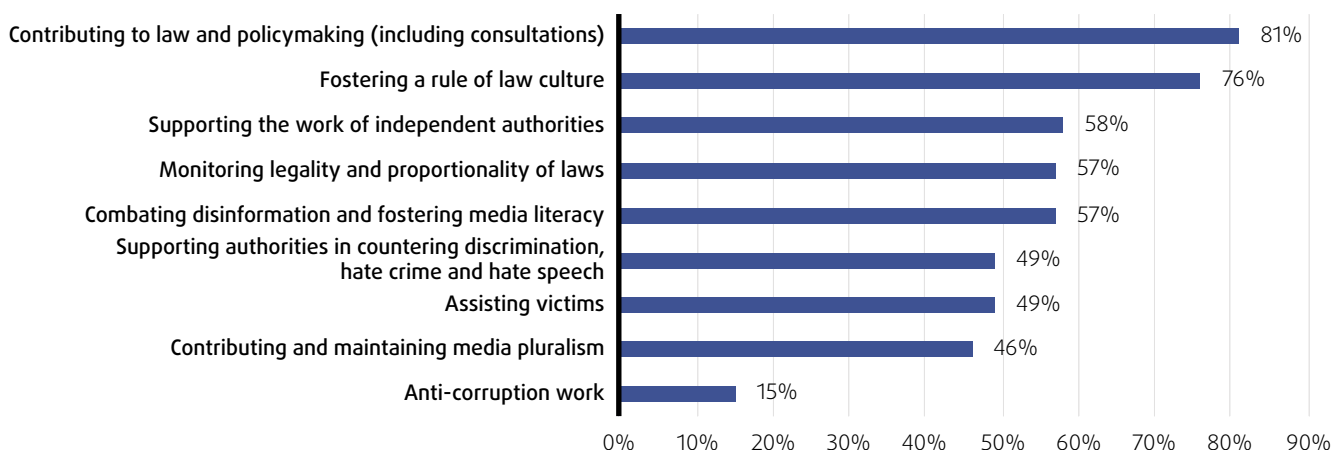
According to the Venice Commission:¹⁰

"The Rule of Law is linked not only to the protection and the promotion of Human Rights, but also to Democracy. The participation of the citizens in the strengthening of the Rule of Law is thus paramount. That is what the Venice Commission calls an 'enabling environment'. The Rule of Law can only flourish in an environment where people feel collectively responsible for the implementation of the concept."

Upholding and defending elements of the rule of law by actors beyond formal state institutions has been dubbed 'rule of law from below'.¹¹

In its civic space consultation in 2021, FRA asked CSOs to indicate the areas in which their activities support checks and balances under the rule of law. Responses indicate various ways in which CSOs are contributing to a rule of law culture, in a broad sense; to watchdog activities; and to supporting victims. Figure 1 shows the responses in detail.

FIGURE 1: CIVIL SOCIETY CONTRIBUTION TO CHECKS AND BALANCES IN 2021 (EU-27)



The question asked was “In the last 12 months, was your organisation involved in supporting any of the following issues as part of checks and balances in the democratic functioning of our societies?”. Multiple response options could be selected (N = 315).

Source: FRA’s civic space consultation in 2021

1.1. CONTRIBUTING TO LAW- AND POLICYMAKING

CSOs across the EU mobilise to promote democratic participation in law- and policymaking. This includes participation in areas such as internal security policies, migration,¹² environmental justice¹³ and social inclusion.¹⁴ It also includes the fight against corruption, prevention of and fighting against terrorism and radicalisation,¹⁵ women’s rights, and the fight against domestic violence.

Example:

A coalition of CSOs in Sweden, working across different areas launched a project looking into the societal challenges brought on or exacerbated by the pandemic. The project aims to develop concrete proposals for policymakers that would lay the basis of a “new social contract”.¹⁶



CSOs are increasingly active in promoting democratic participation at national and local levels. This includes advocating for open government policies and better access to public interest information, promoting referendums and organising citizens panels on relevant issues. CSOs often contribute to fostering open government plans. An example of such an initiative is the Open Government Partnership (OGP), in which 77 countries participate, out of which 21 EU Member States and a growing number of local jurisdictions.¹⁷

Examples:

The NGO VIA IURIS launched a website to enable civic initiatives in Slovakia. It also encourages and facilitates CSOs or groups of interest to submit their comments on laws and policies to public authorities.¹⁸

The Interest Group of Public Benefit Organisations (*Interessensvertretung Gemeinnütziger Organisationen*, IGO) in Austria promotes the use of the internationally renowned e-participation tool Decidim.¹⁹ Decidim is an open-source democratic participation platform. It allows individuals to support the planning and implementation of participatory projects in local, regional or national governments, NGOs and other collective institutions. It does so through, for example, crowdsourcing, exchange and cooperation, voting on projects, participatory budgeting, and the creation and submission of petitions.²⁰

CSOs working at EU level mobilise intensively to convey the voices of civil society and citizens in discussions about the future of Europe. They do so through Civil Society Europe's Civil Society Convention for the Future of Europe.²¹

CSOs' efforts also substantively feed into the monitoring work of international, regional and EU bodies, contributing to key monitoring and reporting processes. These processes include the UN Universal Periodic Review²² and the EU rule of law review cycle.²³

1.2. FOSTERING A RULE OF LAW CULTURE

The "best guarantee for the respect of our common values is the existence of a robust political and legal culture supporting the rule of law in every Member State", according to the European Commission. A "lack of information and limited general public knowledge about challenges to the rule of law provide a breeding ground" for developments undermining principles such as the separation of powers, loyal cooperation among institutions, and respect for the opposition or judicial independence, it warns.²⁴ The rule of law culture is, for instance, reflected "in the way authorities apply the law and implement court decisions".²⁵

Civil society is a key partner when it comes to generating and maintaining a rule of law culture.²⁶ Indeed, CSOs across the EU intensified their engagement on rule of law issues in 2021. They also undertook several initiatives to promote a rule of law culture among public authorities and the general public. In addition to monitoring and reporting activities, CSOs in several Member States have mobilised as coalitions to coordinate and strengthen advocacy on rule of law reforms.

Example:

In Poland, several CSOs presented the "Accord for the rule of law" in 2021. The initiative is a coordinated attempt to present the government with recommendations for concrete measures addressing long-standing rule of law deficiencies affecting the independence and functioning of Poland's judiciary.²⁷

CSOs are also undertaking activities to strengthen and safeguard their enabling environment and civic space more broadly. Thus, they are contributing to the rule of law culture in their country. Activities include the provision of legal assistance, strategic litigation initiatives to protect the unhindered exercise of civic freedoms, civic space research and CSO coalition building, FRA's research notes.

Examples:

Coalition building often serves to strengthen the civil society movement in areas where this is underdeveloped. An example is the Civic Platform Convergence for Culture in Portugal.²⁸ Such initiatives may also consist of CSO coalitions aimed at empowering and promoting public trust in the civil society sector. This is often a reaction to negative trends and narratives.

Cross-border initiatives are also worth mentioning. One example is the capacity- and alliance-building programme Recharging Advocacy for Rights in Europe (RARE). The Hertie School leads the programme, together with the Netherlands and Hungarian Helsinki Committees. RARE aims to build the capacity of leading HRDs across Europe to react jointly and more effectively to threats to the rule of law and human rights protection.²⁹

CSOs are also investing in raising awareness of CSOs' and HRDs' roles and contributions in promoting and protecting the rule of law, human rights and democracy. This includes using strategic and value-based communication.

Examples:

The International Service for Human Rights (ISHR)³⁰ and the Civil Liberties Union for Europe³¹ recently published practical guides to crafting effective narratives on civil society and HRDs. The European Civic Forum recognises outstanding civic initiatives each year. Its award scheme celebrates their inspiring work, raises their visibility at European level and encourages cooperation among organisations to address their struggles.³²

Moreover, CSOs in several Member States engage in promoting public debates on democracy and rule of law issues.

Examples:

CSOs have prompted public debates on the rule of law following the publication of the European Commission's rule of law reports. This is the case in Croatia³³ and Ireland,³⁴ for example.

In Sweden, a coalition of CSOs launched a democracy lab. Almost 30 representatives from civil society gathered to put the 2020 Declaration for a strong democracy into practice from 19 to 23 April 2021. The declaration formulates contributions and commitments to a strong democracy.³⁵

There are CSO-led civic education initiatives, including in schools, FRA research identifies. These initiatives are on topics related to the rule of law and human rights, such as pluralism, and combating disinformation, cyberbullying, racism and hate speech.

Examples:

The Rule of Law Education (ROLE) campaign takes place in cooperation with the European Law Students' Association (ELSA) and ELSA alumni. They aim to promote awareness of the rule of law in schools. ROLE provides ELSA students with guidance on and resources for presenting a rule of law curriculum to local schools.³⁶

The Bingham Centre for the Rule of Law developed a programme providing high school educators with teaching resources on the rule of law and human rights.³⁷

1.3. SUPPORTING AND COOPERATING WITH INDEPENDENT AUTHORITIES AND BODIES

CSOs engage with national human rights institutions and advocate for the creation and strengthening of independent human rights bodies.

Examples:

In Austria, a coalition of CSOs helped the Board of the Austrian Ombuds institution to prepare for accreditation as an A-Status NHRI in 2021. The coalition published a joint statement to the Global Alliance of National Human Rights Institutions. This supplemented the board's pledge for re-accreditation.³⁸ The Ombudsman Board received A-Status in May 2022.

In Poland, a coalition of over 1,200 NGOs mobilised in 2020 to support the nomination of an independent Commissioner for Human Rights in accordance with the constitution, once the previous commissioner's five-year term of office had ended.³⁹

In Sweden, the government and parliament established an NHRI that began operating on 1 January 2022.⁴⁰ This was the result of a long period of advocacy by international human rights actors and CSOs, including the NGO Network for a Swedish Human Rights Institution. These groups had been actively engaged in this process since 2015.⁴¹

There is fruitful cooperation between CSOs and NHRIs on rule of law and human rights protection matters, the European Network of National Human Rights Institutions (ENNHRI) documents in its annual reports.⁴² The Paris Principles make specific provisions for NHRIs' pluralism, including through engagement and cooperation with NGOs. Many laws establishing NHRIs reflect this, and also provide specifically for engagement and cooperation with NGOs.⁴³ All established NHRIs engage with NGOs, although the level of engagement varies between countries, according to FRA research.⁴⁴

Example:

In Croatia, CSOs maintain continuous dialogue and cooperation with the Office of the Ombudswoman. They do so through the ombudswoman's advisory Human Rights Council⁴⁵ and the Network of Anti-Discrimination Contact Points.⁴⁶ They also regularly feed into the ombudswoman's annual reports, and jointly organise conferences, roundtables and events on topics related to the rule of law and human rights.

NHRIs are making specific efforts to ensure better protection of HRDs. This includes enhanced monitoring and targeted inquiries, recommendations to relevant authorities, capacity building, awareness raising, public statements, legal and political support, and spaces for dialogue and information exchange.⁴⁷ ENNHRI provides NHRIs with guidance and good practices on defending HRDs.⁴⁸ It also advocates for stronger protection mechanisms for HRDs in Europe.⁴⁹

1.4. CONTRIBUTING TO CHECKS AND BALANCES THROUGH MONITORING, ADVOCACY AND LITIGATION

CSOs and HRDs make an important contribution to the national systems of checks and balances. Their public affairs monitoring and advocacy efforts can strengthen the democratic governance of society. They raise awareness of, provide critical analysis of and prompt responses to abuse and mismanagement. CSOs thereby play a key role in strengthening trust in public institutions and public services.

Examples:

In France, a coalition of NGOs created the Watch Network. The project aims to monitor and assess the need for and proportionality of human rights and freedoms restrictions the government adopted in response to the coronavirus disease 2019 (COVID-19) pandemic. The group published a comprehensive report in September 2021,⁵⁰ among other outcomes.

In Ireland, the NGO Irish Council for Civil Liberties conducted a thorough analysis of the use and impact of emergency measures. It also called on authorities to ensure systematic consultation with the NHRI the Irish Human Rights and Equality Commission before legislating on human rights restrictions.⁵¹



CSOs also monitor the proportionality of laws and take action, notably through strategic litigation, to ensure this.

CSOs also try to ensure meaningful public discussions and consultations on COVID-19 responses, and on national recovery and resilience plans. These occur at EU level⁵² and in a number of Member States.

Examples:

In Italy, following civil society mobilisation, the National Recovery and Resilience Plan provides for the establishment of a permanent advisory board that includes CSOs.⁵³

In Poland, a coalition of CSOs promoted wide public consultations on the National Recovery Plan. This successfully ensured a more prominent role for CSOs in monitoring the distribution of recovery and resilience funds.⁵⁴ In cases of conflicts of interest, European Commission Regulation 2021/C 121/01 applies.⁵⁵

In Slovakia, CSOs actively contribute to preparing, implementing and monitoring the use of EU funds. They do so through a dedicated framework that the Office of Governmental Plenipotentiary for civil society development established.⁵⁶

1.5. IMPROVING PARTICIPATION OF VULNERABLE GROUPS

Mobilisation of CSOs was instrumental in improving minorities' and other vulnerable groups' participation and representation in law- and policymaking in many countries.

Examples:

CSOs played a key role in the design of the newly adopted action plan for combating racism in several countries, including Belgium,⁵⁷ Finland⁵⁸ and Malta.⁵⁹ CSOs will also be closely involved in the plan's implementation and evaluation.

In Italy, CSOs prompted the establishment of and secured the participation of associations representing the interests of LGBTIQ+ persons in the Permanent Consultation Board for the promotion of LGBT rights and protection.⁶⁰

The European Youth Forum is advocating for the adoption of the EU Youth Test impact analysis tool. It evaluates new proposals' possible impact on European youth and ensures that policymaking processes in the EU consider young people. It is based on three pillars: impact analysis, mitigation measures and meaningful engagement. This is already the practice in several EU Member States, such as Austria, Belgium, France and Germany.⁶¹

1.6. PROMOTING GOOD GOVERNANCE, AND STRENGTHENING THE TRANSPARENCY AND ACCOUNTABILITY OF PUBLIC AUTHORITIES

CSOs contribute to promoting the good governance, transparency and accountability of public authorities in different ways. For example, they monitor public consultation practices, promote open government initiatives and participatory policymaking, and encourage the modernisation of public administration.

Examples:

The Centre for Information Service, Co-operation and Development of Non-Governmental Organisations (CNVOS) in Slovenia continuously monitored public consultation practices in 2021. It did so using a dedicated tool to monitor respect of provisions on public consultations. The tool was set up in 2009.⁶² In Czechia, a coalition of NGOs created a civic platform implementing joint advocacy initiatives to prompt the modernisation and digital transformation of the public administration.⁶³

CSOs actively facilitate access to public interest information. They do so through engagement and litigation on individual cases regarding public interest issues. They also facilitate this through advocacy aimed at improving the regulatory framework for public information access and disclosure.

Finally, there are CSO initiatives concerned with election transparency and integrity in several EU countries.

Examples:

The Bulgarian NGO Anti-Corruption Fund launched a project on the impact of controlled and bought votes in Bulgaria's political elections. The initiative aims to shed a light on irregularities in the election process. It strives to help the Bulgarian authorities to prevent electoral fraud by identifying those polling stations most likely to be affected by controlled and purchased votes.⁶⁴ In Romania, Expert Forum, an independent think tank, analyses data available on political parties' financing.⁶⁵ The Centre for Public Innovation gathers information about public financing and spending from all political parties.⁶⁶

1.7. PROMOTING ACCESS TO JUSTICE

CSOs play a key role in enabling access to judicial and non-judicial mechanisms, and in contributing to the effective functioning of the justice system. Related CSO initiatives include setting up networks of public interest litigation lawyers, providing free legal aid and assistance, and strategic litigation initiatives on matters of public interest such as environmental protection, the review of COVID-19 restrictions, discrimination, hate speech and hate crime. They also cover migration management, privacy and data protection, and exercising the civic freedoms of assembly and expression.

Examples:

The Daphne Caruana Galizia Foundation launched the Public Interest Litigation Network in Malta in 2021. This is a network of lawyers who strive to increase awareness on the rule of law and human rights. They also promote access to justice for victims of discrimination, human rights violations, abuse of power and state collusion in criminal activity.⁶⁷ In Hungary⁶⁸ and Slovenia,⁶⁹ CSOs mobilised to provide legal representation and counselling to individuals and associations involved in legal proceedings arising from non-violent public action such as exercising the right to freedom of assembly and expression. In Portugal, the association SEDES promotes national debates on issues such as health and solidarity, public finances and funding the economy, industry, energy and environment, reforming the political system and judicial reforms.⁷⁰ SEDES's contribution includes a report on judicial reform" with several proposals to make "a real paradigm shift in justice ... a revolution, which should lead to participatory judicial reform and the judicial system".⁷¹

Umbrella CSOs, for their part, are increasing their efforts to offer knowledge and capacity-building initiatives to support CSOs' efforts at national and local levels in the aforementioned fields.

Some CSOs provide victim support services or training for the judiciary and public authorities to enable them to respond more effectively to human rights violations. Victim support initiatives by CSOs are common notably in the areas of gender-based and domestic violence and hate crime more generally.⁷²

Examples:

Recent NGO projects to support victims include one in Latvia⁷³ providing support for women and children affected by domestic violence during the COVID-19 crisis and a nationwide network of emergency shelter vacancies in Portugal.⁷⁴

In Croatia, CSOs created an informal national working group to develop tools for monitoring hate crime cases. Tools were also developed for creating effective reporting channels, and training police officers on identifying and prosecuting hate crime cases.⁷⁵

CSOs across the EU have also increased their monitoring and advocacy efforts to promote and advise on strengthening the justice system's independence, effectiveness and transparency.

Examples:

In Greece, CSOs launched ZackieOh Justice Watch. This initiative monitored and recorded the trial for the murder of the lesbian, gay, bisexual, transgender, queer and intersex plus (LGBTQI+) activist and drag artist Zak Kostopoulos.⁷⁶

In Malta, CSOs mobilised against a measure giving the court's Director General a wide margin of discretion to remove court rulings from public databases in 2021.⁷⁷

1.8. PROMOTING AND SAFEGUARDING MEDIA FREEDOM AND PLURALISM, ENABLING AN INCLUSIVE AND BALANCED DEMOCRATIC DEBATE

CSOs are intensively mobilising to safeguard and promote freedom of expression and information, media freedom and the safety of journalists. Examples include the use of tools to monitor and report attacks against media and journalists, the provision of support tools, resilience- and capacity-building initiatives, as well as strategic litigation, and advocacy efforts to improve the regulatory framework and protection measures.

Example:

The Association of Slovenian Journalists and the NGO Peace Institute are collaborating in Slovenia for a joint project called 'Defending the watchdog role of civil society and journalists. As part of this project, the organisations published a report documenting attacks, threats and restrictions affecting CSOs and HRDs, including journalists, between 2018 and 2020.⁷⁸ They also organised a workshop on how to address the online harassment of journalists, and disseminated the International Press Institute protocol for newsrooms to address online harassment. In addition, the Association of Slovenian Journalists launched an online platform to monitor and report attacks on journalists.⁷⁹



CSOs increasingly invest in mapping and raising awareness of the use of SLAPPs against journalists and HRDs. They also advocate for adequate responses at EU, Council of Europe⁸⁰ and national levels, notably through the Coalition Against SLAPPs in Europe (CASE).⁸¹

In some EU countries, CSOs also counter disinformation (including in the context of the COVID-19 pandemic) and hate speech in media and in public discourse and promote media literacy and ethical standards in the media.

1.9. CONTRIBUTING TO THE PREVENTION OF AND FIGHT AGAINST CORRUPTION

There is evidence that CSOs are increasingly mobilising to combat corruption in several EU countries. Initiatives range include monitoring and awareness raising as well as advocacy efforts to encourage authorities to strengthen anti-corruption frameworks.

Examples:

A transnational NGO coalition in Estonia, Latvia and Sweden initiated a project to foster Nordic-Baltic cooperation among CSOs and government agencies in 2021. The project aims to promote the disclosure of anti-corruption data and the development of digital tools enabling citizens and journalists to prevent and detect corruption. It also aims to promote cooperation and advocacy to strengthen the prevention of and fight against corruption.⁸²

In Austria, a broad alliance of CSOs initiated a petition for a referendum against corruption and the abuse of power in 2021.⁸³ The petition calls on the federal government and parliament to adopt measures to strengthen the anti-corruption and rule of law framework. The initiative was prompted by attempts by some political forces to weaken investigation and prosecution efforts.⁸⁴

CSOs are also investing in the support and protection of whistle-blowers through projects, and advocating for strengthening the national legal framework in line with EU rules.

Example:

Transparency International Estonia is implementing a two-year project to support whistle-blowers. The project provides for the creation of an Advocacy and Legal Advice Centre, among other measures. The centre will provide free legal advice to people who are considering reporting corruption or have experienced retaliation for being a whistle-blower.⁸⁵

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2

CIVIC SPACE DEVELOPMENTS

2.1. DEVELOPMENTS AT EU LEVEL IN 2021



Civil society's expertise, services, advocacy, and watchdog role are key to the realisation and protection of common values in the European Union. These values are set out in Article 2 of the Treaty on European Union (TEU). They are also key to the formulation and implementation of EU law, policies and strategies. The European Parliament restates this in its recent resolution on the shrinking space for civil society in Europe.¹

Civil dialogue is crucial to the realisation of the Union's objectives, as enshrined in Articles 11 (2) and 15 (1) of the Treaty on the Functioning of the European Union (TFEU). This is because CSOs promote an informed public debate and active citizenship, and give voices to vulnerable and marginalised people.

CSOs make substantial contributions to the implementation of EU policies in the area of human rights, as the European Commission has recognised on many occasions. CSOs play an important role in promoting the use and awareness of the EU Charter, and a culture of values, based on the rule of law, democracy and fundamental rights. The Commission also acknowledges the role of CSOs in its 2020 EU Strategy to strengthen the application of the EU Charter,² European Democracy Action Plan³ and reports on the rule of law situation in the EU, which document some negative trends affecting EU civil society.⁴

The European Commission's 2022 annual report on the application of the EU Charter will be dedicated to the civic space and its role in protecting and promoting the fundamental rights under the EU Charter, the Commission has announced. This initiative is in addition to recent initiatives to protect and empower CSOs across the EU. For example, new core funding is available under the Citizens, Rights, Equality and Values Programme⁵ and the recent EU initiative against SLAPPs (strategic lawsuits against public participation).⁶

Member States also acknowledge civil society's role. The 2021 Council of the European Union conclusions on strengthening the application of the EU Charter in the EU reflect this.⁷ CSOs help citizens to know their rights, prevent and react to violations or abuses of those rights and share relevant knowledge and raise awareness of the EU Charter, the conclusions highlight.

Safeguarding and creating civic spaces is important, including to enable young people's participation.⁸ Recognising this is key to ensuring an enabling environment for CSOs and rights defenders as part of efforts to ensure

a human-rights-based post-COVID-19 recovery, the European Parliament recently stressed.⁹

Along with recognition, there is increasing concern regarding the global threats, attacks and challenges facing CSOs and civic space, according to international and regional actors and EU institutions.

Civic space throughout the EU has degraded, the European Parliament warns, further accentuated by the COVID-19 pandemic.¹⁰ In response, the Parliament has formulated a wide range of recommendations for EU and national policymakers to address this, such as a comprehensive EU civil society strategy, a European civic space index, fair rules and financing for CSOs across the EU and measures ensuring a threat- and attack-free environment.

In another resolution, adopted on 17 February 2022, the European Parliament calls on the European Commission to present a proposal for a statute for European cross-border associations and non-profit organisations. The proposed statute should also cover minimum EU legal standards on cross-border associations and non-profit organisations across the EU.¹¹

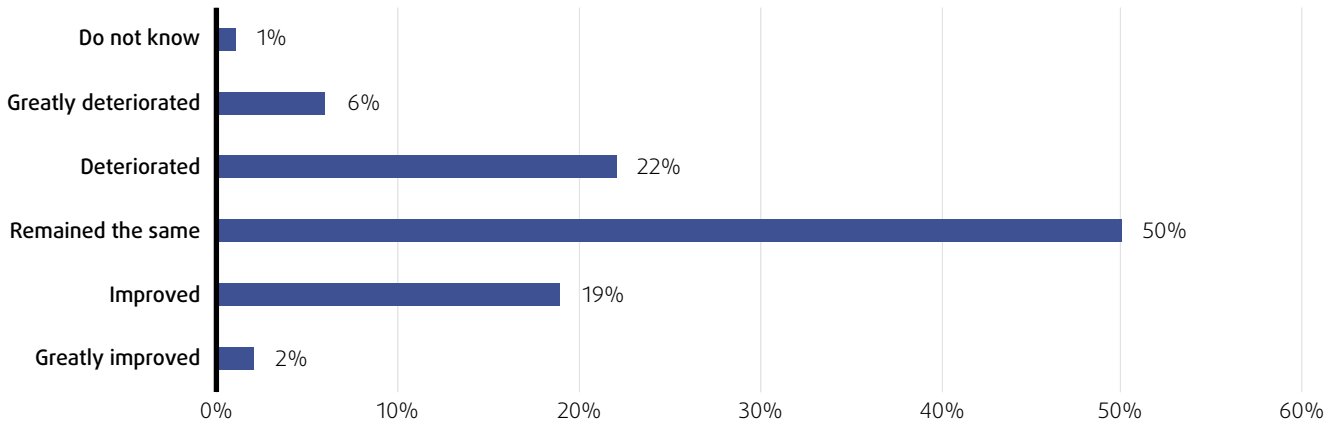
The Conference on the Future of Europe calls for a specific pillar in the European Democracy Action Plan for involvement of civil society and social partners. It also calls for a dedicated civil society strategy¹² and a European Association Statute.¹³

The EU and its Member States are Parties to the UN Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (the Aarhus Convention).¹⁴ A new rapid response mechanism was established for the Aarhus Convention in October 2021. It was agreed to elect a first Special Rapporteur on Environmental Defenders in June 2022.¹⁵

There is increased acknowledgement of the role of whistle-blowers. This is visible in Directive (EU) 2019/1937 of the European Parliament and of the Council on the protection of persons who report breaches of Union law (OJ 2019 L 305). It is also clear in the more recent proposal for a new Environmental Crime Directive.¹⁶ This directive refers to protecting persons who report environmental criminal offences, and the support and assistance they need.

FRA's online consultation asked CSOs about the perceived change of situation for their own organisation, working at local, national, EU and international levels. The answers paint a somewhat more positive picture than in 2020.¹⁷ Half of respondents (2021, 50 %; 2020, 49 %) indicated that their organisation's situation remained the same in both years. More than one third of respondents (37 %) said their organisation's situation 'deteriorated' or 'greatly deteriorated' in 2020; this reduced to 28 % in 2021 (Figure 2).

FIGURE 2: PERCEIVED CHANGE OF OWN ORGANISATION'S SITUATION IN THE EU IN 2021



The question asked was "Thinking about your own organisation, how has its situation changed in the past 12 months?" (N = 390).

Source: FRA's civic space consultation in 2021

PROMISING PRACTICE

In Slovakia, the Ministry of Interior adopted the New Concept of Civil Society Development in Slovakia for 2021–2030 in May 2022. It also adopted the related action plan. A core objective of the concept is to reinforce the development of civil society in Slovakia and the non-governmental sector. It also aims to strengthen the principles of open government and public authorities' cooperation with NGOs.

Source: Slovakia, Ministry of Interior of the Slovak Republic (*Ministerstvo vnútra SR*) (2021), **Koncepcia rozvoja občianskej spoločnosti na Slovensku na roky 2021–2030 a Akčný plán Koncepcie rozvoja občianskej spoločnosti na Slovensku na roky 2021–2024**, LP/2021/239, 27 May 2021.

2.2. KEY DEVELOPMENTS IN EU MEMBER STATES IN 2021

The situation varies considerably across the countries that Franet research covers – 27 EU Member States, North Macedonia and Serbia. However, the environment for CSOs working on human rights in these countries was still challenging in 2021, the research emphasises.¹⁸ In particular, negative narratives, threats and attacks persist, according to CSOs. In addition, the COVID-19 pandemic and the measures taken to address it continue to have a negative impact on CSOs' work, civic space, and human rights more broadly.

Pressure on CSOs from state authorities and non-state actors is increasing. CSOs engaged in social movements and working on sensitive issues are particularly likely to report this. Sensitive issues include migration, environmental protection, women's rights, LGBTQI+ rights and anti-racism, as well as (in a few countries) children's rights.

FRA's research also reveals positive developments in 2021. Positive steps taken in Member States include policy measures creating an environment more conducive to civil society development, and strengthened cooperation between public authorities and CSOs. Examples include creating infrastructures aimed at providing space for dialogue, channelling targeted support to civil society and specifically committing to creating an enabling environment in national action plans on open government. CSOs in some EU countries are making particular efforts to improve the policy framework in which they operate, including through coalition building.



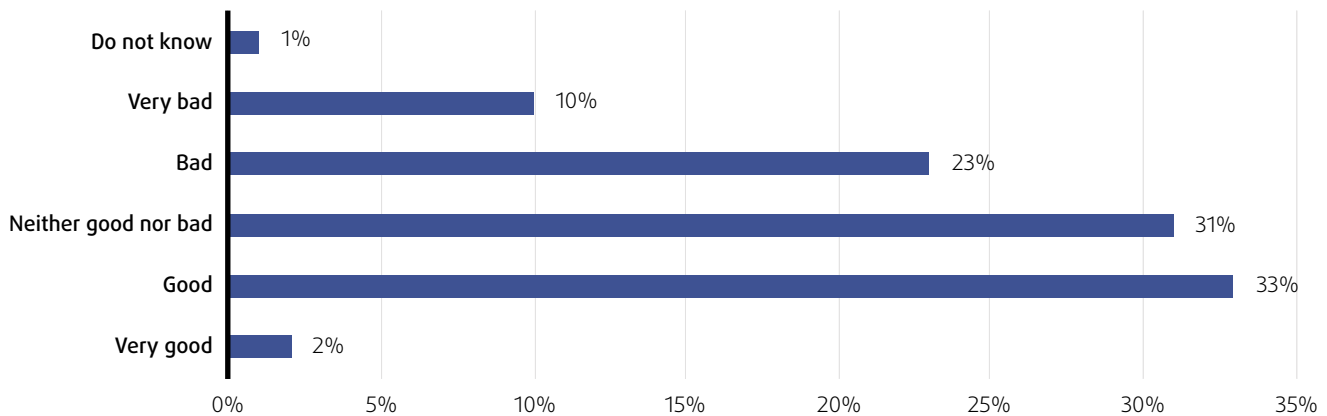
CSOs are showing considerable resilience in protecting their enabling environment and civic space more broadly. Franet reports on Czechia, Germany, Greece, Hungary, Ireland, Luxembourg, the Netherlands, Romania, Slovenia and Sweden illustrate this. A range of examples are documented.

- Advocacy, legal assistance and strategic litigation initiatives: The Hungarian Helsinki Committee and the Hungarian Civil Liberties Union provided legal representation or counselling in cases regarding restrictions on freedoms of peaceful assembly and expression, among others, in 2020–2021.¹⁹ In the Netherlands, Amnesty International initiated a lawsuit against the municipality of Maastricht because of restrictions imposed on demonstrations.²⁰ In Slovenia, CSOs set up the Legal Network for the Protection of Democracy to provide legal support to individuals and organisations involved in legal proceedings resulting from non-violent public action.²¹
- Research and monitoring: The German Maecenata Foundation published a report on Shrinking Spaces.²² In Ireland, the Irish Council for Civil Liberties assessed a bill establishing safe access zones around healthcare services which had an impact on exercising the right to protest.²³ The Open Society Foundation in Czechia published a detailed assessment of the impact of the COVID-19 Pandemic on Non-profit Organisations.²⁴ In Greece, CSOs launched ZackieOh Justice Watch, monitoring the trial for the murder of an LGBTI+ activist.²⁵
- Cooperation: In Luxembourg, the new Right to Housing coalition (Wunnrecht) brings trade unions and CSOs together to work on tenant rights, migrant and refugee rights, anti-racism, women’s rights, anti-poverty and exclusion.²⁶ In Romania, CSOs formed a coalition to demand the modernisation and improvement of the legislative framework regulating the right to freedom of peaceful assembly.²⁷ In Slovenia, the Association of Slovenian Journalists, the non-profit media portal Bottom Line and the NGO Peace Institute started the project ‘Defending the watchdog role of civil society and journalists in Slovenia’ in 2019.²⁸ It has led to the publication of reports on attacks, threats and restrictions, awareness raising and capacity-building initiatives.
- Capacity building: In Slovenia, the ‘Defending the watchdog role of civil society and journalists in Slovenia’ project involved capacity-building workshops and training for journalists, activists and the general public.²⁹ In Sweden, almost 30 CSO representatives gathered for a democracy lab to conduct workshops on the Declaration for a strong democracy.³⁰ In Germany, ‘Guidelines for non-profit organisations to participate in political debate around the elections’ were developed.³¹
- Awareness raising regarding the role and work of CSOs and rights defenders: In Slovenia, the project ‘Defending the watchdog role of civil society and journalists in Slovenia’ involved various awareness-raising initiatives.³²

CSOs strive to adapt their own environment to the challenges brought by the COVID-19 pandemic. This includes streamlining work, adjusting work methods, developing new forms of operating and cooperating with other CSOs and stakeholders.

FRA’s online consultation asked CSOs about the general conditions of their work in the EU at national or local level. The results were mixed. Conditions are “bad” or “very bad” according to one third (33 %) of responding organisations in 2021 (up from 31 % in 2020), whereas 35 % of responding organisations said that conditions for their work were “good” or “very good” in 2021 (up from 33 % in 2020) (Figure 3).

FIGURE 3: GENERAL CONDITIONS FOR CSOS WORKING ON HUMAN RIGHTS IN THE EU AT NATIONAL AND LOCAL LEVELS IN 2021



The question asked was “How would you describe in general the conditions for civil society organisations working on human rights in your country today?” (N = 289; total is those responding organisations indicating that they work at national or local levels).

Source: FRA’s civic space consultation in 2021

CSOs face challenges in various contexts, according to FRA research and the feedback received from civil society actors through consultations and interviews. Challenges are found in the following contexts:

- legal framework
- access to resources
- participation in policy- and decision-making
- operating in a safe environment

2.3. LEGAL ENVIRONMENT

Key findings:

- ★ The developments in the legal environment for CSOs vary across Member States. The environment improved somewhat in 2021 compared with 2020. COVID-19 measures had a strong impact in 2020. The measures restricted freedom of peaceful assembly and, to some extent, freedom of association and expression.
- ★ Restrictions on the freedom of peaceful assembly continue in various countries due to the pandemic. Notably, new provisions in some countries criminalise political speech or speech that is normally protected by the right to freedom of expression. Overly strict rules aimed at countering disinformation also affect this freedom.
- ★ The safety of members of the media and journalists remains a concern, and some challenges to media pluralism are also noted. Existing and new measures affect freedom of association. These include increasingly costly registration procedures and transparency regulations. Side effects of anti-money-laundering regulations or security considerations also affect this freedom.
- ★ Positive developments are also noted. These include efforts to improve the framework for the exercise of the right to peaceful assembly. Other developments include moves to modernise existing rules and ease bureaucratic requirements for CSOs, and improving registration systems and rules regarding public benefit status.

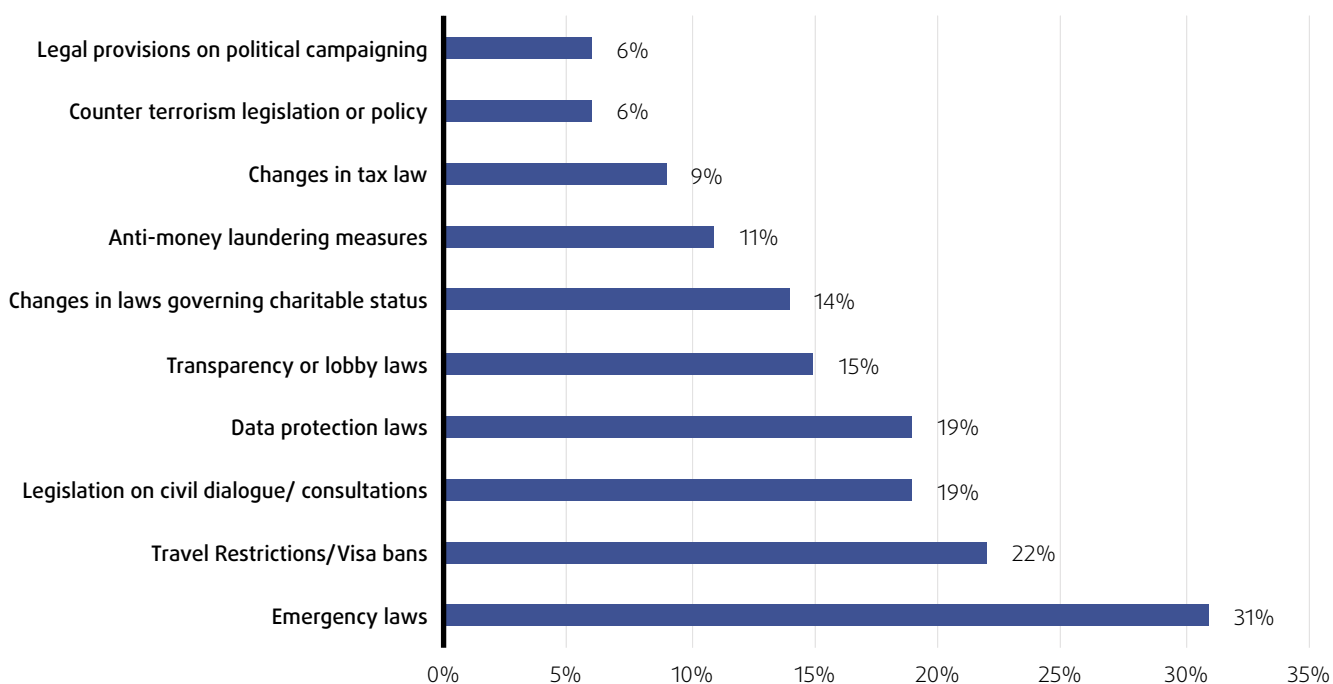
CSOs across the EU faced legal difficulties in 2021. The legal situation improved somewhat in 2021 compared with 2020. COVID-19 measures had a strong impact in 2020. The measures restricted freedom of assembly and, to some extent, freedom of association and expression.

Overall, 16 % of responding CSOs faced challenges in exercising their fundamental freedom of peaceful assembly in 2021 (down from 29 % in 2020), according to FRA’s civic space consultation in 2021. In addition, 17 % reported challenges related to freedom of expression (compared with 25 % in 2020) and 8 % reported challenges related to freedom of association (down from 18 % in 2020).

Restrictions to CSOs’ fundamental rights can derive from national laws and practices in a wide range of areas, as Figure 4 shows. Difficulties connected with emergency laws related to the COVID-19 pandemic were the most commonly reported restriction in 2021, reported by 31 % of respondents – somewhat less than the 45 % reporting this in 2020.³³ Difficulties connected with travel restrictions or visa bans are the next most common type, reported by 22 % of respondents (40 % in 2020). These are followed by challenges deriving from legislation on civil dialogue and consultations (19 %), data protection laws (19 %), transparency or lobby laws (15 %), changes in laws governing charitable status (14 %), anti-money-laundering measures (11 %), changes in tax laws (9 %), counter-terrorism legislation or policy (6 %), and legal provisions on political campaigning (6 %).

There are also positive developments, the research points out. These include efforts to modernise existing rules, ease bureaucratic requirements for CSOs and improve registration systems and rules on public benefit status. Public benefit status is conferred on CSOs pursuing designated activities related to the common good, and usually grants CSOs state benefits and/or tax benefits. Other positive developments are regulatory efforts to promote the work of associations in sports, culture, and volunteering.

FIGURE 4: CHALLENGES CSOS ENCOUNTERED IN THE LEGAL ENVIRONMENT IN THE EU IN 2021



The question asked was “In the past 12 months, has your organisation encountered difficulties in conducting its work due to legal challenges in any of the following areas? You can tick all boxes that are relevant.” (N = 328).

Source: FRA’s civic space consultation in 2021

2.3.1. Freedom of association

Regulatory hurdles continue to hamper the establishment and operations of CSOs in several of the countries covered. This happens notably through laws regulating associations that were adopted or considered in various countries during 2021.

In addition, CSOs in some countries, for example the Netherlands, are concerned about the impact of measures on the transparency of their funding.³⁴ In Malta, transparency regulations may result in intrusive monitoring and excessively burdensome reporting rules for CSOs.³⁵ A new anti-money laundering regulation in Cyprus is also of concern to CSOs because of its possible impact on their registration.³⁶ The negative impact of the recent deregistration of a large number of CSOs in Cyprus is still being felt.³⁷ Regulatory hurdles also include increasingly costly registration procedures.

The approach towards CSOs working in the field of asylum and migration in some countries was notably restrictive in 2021. CSOs providing humanitarian aid at borders or engaging in search and rescue operations at sea are hampered by disproportionate criminalisation, burdensome registration regulations and restrictions on providing legal assistance to asylum seekers and migrants.³⁸

CSOs in some countries are concerned about the risk of abusive or arbitrary implementation of new or planned laws,³⁹ by security considerations. These laws may prevent the registration of CSOs, allow their dissolution or criminalise CSO membership for example on the ground of lack of adherence to democratic values – a criterion some experts consider to be too vaguely formulated.

There are some positive developments, the research points out. These include attempts to modernise existing rules and ease bureaucratic requirements for CSOs in Bulgaria,⁴⁰ Estonia and Luxembourg.⁴¹ In Estonia, an amendment allows legal entities, including CSOs, to hold general and management meetings online.⁴²

Lithuania is also attempting to improve registration systems and rules on public benefit status.⁴³ Belgium is making regulatory efforts to better support the work of associations in sports and culture,⁴⁴ and France⁴⁵ and Luxembourg⁴⁶ are attempting to support volunteering more generally.



2.3.2. Freedom of peaceful assembly

Restrictions on the right to public assembly continue in various countries covered, according to reports. Bans on gathering and the imposition of fines mainly relate to precautionary measures adopted in response to the COVID-19 pandemic. These were still in force in 2021.



In this context, there can be a tendency to over-police assemblies, concerned CSOs point out. This can result in the disproportionate use of force by law enforcement officers and prosecutions brought against protesters. This issue was raised by CSOs for instance in Austria,⁴⁷ Cyprus⁴⁸ and Slovenia.⁴⁹ Protests against COVID-19 measures and demonstrations of environmental activists are particularly targeted.

Restrictive measures obstructing journalistic coverage of demonstration were cited as a cause for concern by CSOs in some countries, for instance in Greece.⁵⁰

Efforts to improve the framework for the exercise of the right to peaceful assembly have been introduced in a few countries. These efforts are often a result of civil society mobilisation, and are related to courts' review and repeal of assembly bans and fines, such as those in Slovenia.⁵¹ Overall, CSOs are active in alerting on and litigating against restrictions to freedom of peaceful assembly. This is illustrated in Franet reports on Hungary,⁵² Romania,⁵³ Serbia⁵⁴ and Slovenia⁵⁵.

2.3.3. Freedom of expression and information

Little progress was made in 2021 on laws and practices negatively affecting the exercise of freedom of expression and of information, CSOs report. Some countries adopted new laws, such as the law on countering disinformation in Greece.⁵⁶ This law is troubling to CSOs because of the risk of arbitrary interpretations and because it allows the imposition of heavy fines.

Restrictive laws and practices continue to hamper access to public interest information in several countries. However, in some countries the prompt mobilisation of civil society has reduced state authorities' attempts to further weaken the regulatory framework. At the same time, some progress is reported in a number of countries, including Croatia,⁵⁷ France⁵⁸ and Portugal.⁵⁹ This progress relates to the legal and policy framework for the protection of whistle-blowers, in the context of incorporating Directive (EU) 2019/1937.

PROMISING PRACTICES

The Legal Network for the Protection of Democracy in Slovenia was created in early 2021. It provides legal support to individuals and organisations involved in legal proceedings due to non-violent public action. It had provided support in about 1,000 cases by November 2021. The network also set up a mechanism for monitoring protests in May 2021, based on monitoring tools made available by OSCE ODIHR.

CSOs and rights defenders also fostered a public discussion about the right to protest through the Defending the watchdog role of civil society and journalists in Slovenia project.

*Sources: For more information on its mission, see the [main web page](#) of the Legal Network for the Protection of Democracy; *Pravna mreža za varstvo demokracije (2021)*, 'V PMVD bomo izvajali monitoring današnjih protestov v Ljubljani', *press release*, 28 May 2021; See the Peace Institute (Mirovni inštitut) [web page on the project](#).*

The environment for media and journalists remains concerning in several countries. Investigative journalists Giorgos Karaivaz in Greece and Peter R. de Vries in the Netherlands were assassinated. Actions reportedly targeting journalists – including violence, harassment, and SLAPPs – spiked in 2021 in some countries, for example in the Netherlands,⁶⁰ Romania⁶¹ and Slovenia.⁶² These attacks especially targeted journalists reporting on sensitive issues such as corruption, environmental issues or COVID-19-related protests.

Regarding media freedom and independence, there were episodes of surveillance of journalists and further deterioration of media politicisation in several countries, according to reports. There are, however, positive developments worth noting in this area. For example, a judgment rendered in Luxembourg is expected to have a positive impact on transparency of media ownership.⁶³

CSOs are mobilising to safeguard and promote freedom of expression and information, media freedom and the safety of journalists in the current challenging environment. Franet reports⁶⁴ on Croatia, France, Hungary, Italy, Latvia, Malta, Poland and Slovenia illustrate examples of this.

- Litigation:⁶⁵ In Italy, the Association for Legal Studies on Immigration (ASGI) filed formal requests for access to public documents and facilities.⁶⁶
- Tools to monitor and report attacks against media and journalists: The Association of Slovenian Journalists launched an online platform for monitoring and reporting attacks on journalists.⁶⁷
- Provision of support and resilience- and capacity-building initiatives: As part of the project ‘Defending the watchdog role of civil society and journalists in Slovenia’, the Association of Slovenian Journalists organised a workshop. The workshop covered how to address online harassment of journalists. It translated and disseminated the International Press Institute’s protocol for newsrooms addressing online harassment.⁶⁸
- Advocacy efforts to improve the regulatory framework and protection measures: In Malta, the Media Freedom Rapid Response and other media organisations submitted a public inquiry into the assassination of Daphne Caruana Galizia. The inquiry urged Malta to introduce anti-SLAPP legislation.⁶⁹ In Poland, CSOs mobilised against an attempt to weaken the legal framework on access to information.⁷⁰
- Initiatives to support and protect whistle-blowers:⁷¹ In Croatia, CSOs responded to the public consultation on the draft act on protection of persons reporting irregularities.⁷² In France, a coalition of 30 organisations formulated the proposal for amendments to a new bill on whistle-blowers.⁷³ In Estonia, the Transparency International Estonia runs a project dedicated to ‘Supporting whistle-blowers through the Advocacy and Legal Advice Centre’.⁷⁴
- Initiatives to counter disinformation: The Latvian Centre for Human Rights implemented the project ‘Together against disinformation and hate speech’. It aims to increase pupils’ and teachers’ awareness of, and ability to identify and combat, disinformation and hate speech.⁷⁵

CSOs also engage in initiatives and projects to promote media literacy and ethical standards for media in several countries. Such initiatives and projects are also intended to counter hate speech in the media and in public discourse.

- The Estonian Human Rights Centre (*Eesti Inimõiguste Keskus*) recently engaged in a strategic case concerning a civic activist. The activist publicly petitioned for the removal of a radio presenter who used hateful language towards minorities.⁷⁶
- In Finland, a Citizens’ Panel was assembled in February 2021. The panel was to discuss measures safeguarding freedom of expression and protecting people working in public professions from hate speech. The panel led to the formulation of 25 recommendations, as the final report illustrates.⁷⁷

PROMISING PRACTICES

The Latvian Centre for Human Rights implemented the project ‘Together against disinformation and hate speech’ in 2021. The Riga City Council funds the project. It aims to increase pupils’ and teachers’ awareness of and capacity to identify and combat disinformation and hate speech.

In Romania, the Centre for Independent Journalism secured support from the EEA and Norway Grants for the continuation of its project ‘Teaching Media Literacy! – the Media Education and Culture Lab’. The project aims to ensure that at least 30 % of the country’s high school students understand media’s role in a democratic society by 2030. The students will also be able to identify misinformation, deconstruct media messaging and interact responsibly on social networks.

Sources: Latvia: *Latvian Centre for Human Rights (2021), ‘Ir īstenots projekts “Kopā pret dezinformāciju un naida runu”’, press release, 12 November 2021; Romania: Centrul Pentru Jurnalism Independent (2022), ‘Programul de Educație Media – Cum arată primul an de intervenție educațională? (Raport)’, 4 May 2022.*

— In Luxembourg, the NGO BEE Secure and other organisations are active in online reporting of hate speech. Hate speech can be reported on the organisation’s website.⁷⁸ This reporting is in collaboration with the police.

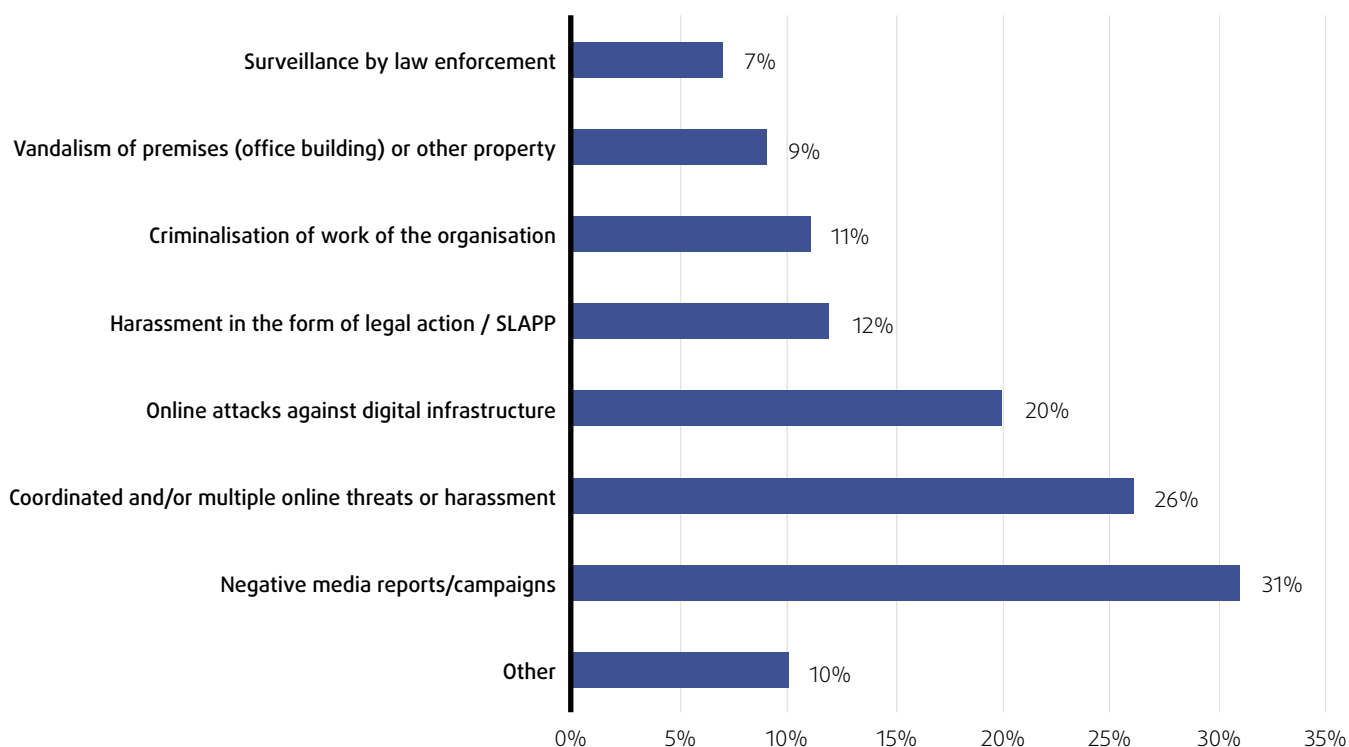
2.4. THREATS AND ATTACKS

Key findings:

- ★ Threats and attacks against CSOs and HRDs, targeting organisations, staff and volunteers, persisted across the EU in 2021.
- ★ The attacks took multiple forms including intimidation and harassment, smear campaigns, verbal threats and physical attacks.
- ★ There was also legal and administrative harassment. SLAPPs against CSOs and rights defenders increased.

Threats and attacks against CSOs and HRDs persist across the EU. They target not only organisations, but also staff or volunteers. The attacks take various forms including online and offline intimidation and harassment, allegations of negative public statements, smear campaigns and verbal threats. Legal and physical attacks are also reported (Figures 5 and 6).⁷⁹

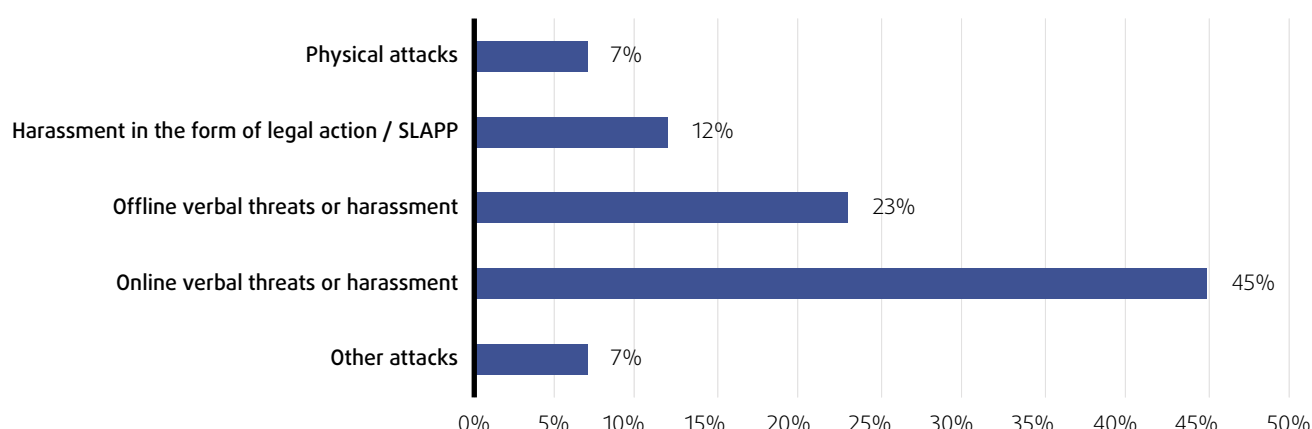
FIGURE 5: CSOS’ EXPERIENCES OF THREATS AND ATTACKS IN THE EU IN 2021



The question asked was “In the last 12 months, has your organisation experienced any of the following?” (N = 342).

Source: FRA’s civic space consultation in 2021

FIGURE 6: STAFF'S AND VOLUNTEERS' EXPERIENCES OF THREATS AND ATTACKS IN THE EU IN 2021



The question asked was “In the last 12 months, have any of your employees/volunteers experienced any of the following due to their work?” (N changes per question, between N = 348).

Source: FRA’s civic space consultation in 2021

CSOs were asked “Do you know or suspect who has been the perpetrator of these actions?”. The answer options were state actor (public), non-state actor (private), do not know, or prefer not to say. The known or suspected perpetrator is a state actor in around a third of threats and attacks, responding CSOs claim.⁸⁰

Hate speech and attacks target ethnic and religious minorities, women HRDs and LGBTQI+ people are sometimes accompanied by nationalist and extremist rhetoric. These issues affect CSOs and other HRDs engaged in the support and protection of the targeted groups. Young activists and youth-lead organisations are particularly vulnerable to threats and retribution, according to the European Youth Forum. This is because they often lack established careers, financial opportunities, and networks.⁸¹

Rates of underreporting are high, FRA’s consultation shows. Just over one quarter of attacks experienced in 2021 were reported. Authorities do not appropriately address incidents, which is frustrating, CSOs note.⁸²

PROMISING PRACTICE

In Sweden, CSOs are making efforts to better track the extent of the problem. The Agency for Youth and Civil Society published a report on threats and attacks against CSOs. Overall, 10 % of non-profit associations have faced threats and hate connected with their work over the past year, the report finds.

There is a risk of these attacks leading to self-censorship, the report notes. Overall, 26 % of responding CSOs refrain from expressing certain opinions or from engaging in specific activities, CSOs reveal. This is due to the fear of harassment.

Source: Swedish Agency for Youth and Civil Society (Myndigheten för ungdoms- och civilsamhällesfrågor) (2021), **Hot och hat bland ideella föreningar**, Växjö, Swedish Agency for Youth and Civil Society.

2.4.1. Verbal and physical threats and attacks

Intimidation, threats and attacks against HRDs and CSOs working on human rights and democracy continue to be a concern in several of the countries covered. These materialise in verbal and physical threats and attacks, including on social media. These especially target CSOs and HRDs advocating for equality for LGBTQI+ people, as reported in particular in Bulgaria⁸³ and Sweden.⁸⁴ They also target those upholding migrants’ and asylum seekers’ rights, as reported in Luxembourg⁸⁵ and Sweden,⁸⁶ and those active in environmental protection, as in Romania.⁸⁷

CSO think that negative narratives and smear campaigns contribute to a climate of fear and intimidation in some countries such as Croatia,⁸⁸ Greece,⁸⁹ Hungary,⁹⁰ Serbia⁹¹ and Slovenia.⁹² Such a situation can be further exacerbated by laws hampering CSOs’ and HRDs’ advocacy and humanitarian work or stigmatising them for carrying it out.

Authorities’ sensitivity towards these issues has increased in some countries. Some governments have also invested in monitoring initiatives.

CSOs face the continuation or even an increase of threats and attacks, and in response have mobilised resources to monitor and report incidents and authorities' responses, to increase public awareness and promote justice and accountability.

2.4.2. Administrative and legal harassment

CSOs and HRDs providing humanitarian aid and assistance to migrants and asylum seekers in particular face legal action. Franet reports on Croatia,⁹³ Greece⁹⁴ and Hungary illustrate this. In Hungary, Act VI of 2018 introduced controversial provisions that risk resulting in criminalising and hindering the work of CSOs providing assistance to asylum seekers at the Serbian-Hungarian border.⁹⁵ The provisions were deemed incompatible with EU law.⁹⁶

However, some positive developments are reported. Courts have dismissed criminal proceedings and revoked administrative restrictions hampering effective monitoring. This is the case, for example, in Italy.⁹⁷

CSOs and HRDs working in the area of migration are also targets of unjustified surveillance, for example in Greece.⁹⁸ This practice is also reported in other countries.

In the Netherlands, there are concerns that the government is using anonymous social media accounts to take note of civil society actors' public statements. This includes statements of political campaign leaders, religious leaders and activists.⁹⁹ The government sent a draft bill to the Dutch parliament which strengthened the legal basis for involved government agencies to process personal data.

PROMISING PRACTICES

CSOs are trying to monitor the situation more closely. In Slovenia, a report was published as part of the project 'Defending the watchdog role of civil society and journalists'. The report covers attacks, threats and restrictions affecting CSOs and HRDs, including journalists. In Greece, CSOs launched the ZackieOh Justice Watch (see Section 1.7).

*Sources: Slovenia: Association of Slovenian Journalists (2021), 'Spremljanje napadov - od fizičnega nasilja, groženj in sramotenja, do spletnega nadlegovanja in sistemskih pritiskov', 27 January 2021; see the Peace Institute (Mirovni inštitut) web pages on **the project** and its **extended phase**; Greece: see the ZackieOh Justice Watch web page on **the initiative***



PROMISING PRACTICE

The Department of Justice in Ireland undertook a statutory review of the law on civil liability for defamation. This includes consideration of how the current rules should be amended in the light of the possibility of SLAPPs. The report's recommendations for further reform include an anti-SLAPPs mechanism and removing defamation claims' blanket ineligibility for civil legal aid. These recommendations are expected to be taken up in a draft law the government presents in the near future.

*Source: Ireland, Department of Justice (2022), **Report on the Review of the Defamation Act 2009**, Dublin, Department of Justice.*

PROMISING PRACTICES

The Civil Liberties Union for Europe published its Messaging Guide for Progressive Civil Society Facing Smear Campaigns in 2021. It is a practical tool for CSOs and activists who wish to push back against smear campaigns and negative narratives. The union has started to roll out dedicated trainings and capacity building activities.

*Source: Butler, I. (2021), **How to talk about civic space: a guide for progressive civil society facing smear campaigns**, Berlin, Civil Liberties Union for Europe.*

SLAPPs against CSOs and rights defenders also remain an issue. Often organisations bring a lawsuit against activists, or threaten them with a lawsuit, as an intimidation measure aiming to silence them.¹⁰⁰

CSOs can face pressure or threats when representing victims of human rights abuses by big corporations, FRA's research on business and human rights shows. Some companies use SLAPPs to intimidate claimants and CSOs, bringing expensive and frustrating legal proceedings against them. CSOs find SLAPPs intimidating and report that they considerably impede their ability to operate.

Defending cases against powerful interests in court consumes a considerable proportion of CSOs' human and financial resources. As a result, court cases can paralyse CSOs' usual activity. They also entail significant financial risk. A lost or prolonged SLAPP case can even result in their bankruptcy.

CASE published a comprehensive report based on the analysis of 570 verified SLAPP cases across Europe between 2019 and 2021. There was a sharp increase in abusive lawsuits filed over the past four years, the report shows. Among EU countries, the highest numbers of SLAPP cases in proportion to the population were in Croatia, Malta and Slovenia. Most claims were brought against journalists and media outlets (more than 50 %), followed by CSOs and activists (around 20 %), according to the report.¹⁰¹

There are signs that authorities are making efforts to tackle the issue in some of the countries covered. This is the case in Ireland, Malta and Romania, for example. However, civil society and media stakeholders see the efforts as unsatisfactory to date. They call for more decisive action by national and EU decision-makers to tackle the issue.¹⁰²

2.4.3. Public discourse, negative narratives and smear campaigns

Generalised negative narratives are a concern in several countries covered, the research notes. Public authorities also engage in these narratives, targeting CSOs and activists working on sensitive political issues. These include non-discrimination, justice, corruption, and environmental protection, as Franet reports on Belgium,¹⁰³ Cyprus¹⁰⁴ and Slovenia¹⁰⁵ illustrate. Public authorities sometimes engage in smear and disinformation campaigns against critical CSOs, as reported, for instance, in Croatia¹⁰⁶ and Slovenia.¹⁰⁷

CSOs are investing in resilience building and awareness raising initiatives to counter this trend. These initiatives showcase their role and contribution to the promotion and protection of human rights and democracy.

2.5. ACCESS TO RESOURCES

Key findings:

There are difficulties finding and obtaining funding for specific activities, CSOs point out. They also face procedural difficulties when applying for funding. These include overly strict eligibility criteria, complex applications or reporting procedures and a lack of transparency and fairness in funding applications.

Access to funding, including foreign funding, continues to be hampered in a number of countries. Unfavourable charitable status rules are still a concerning issue in some countries.

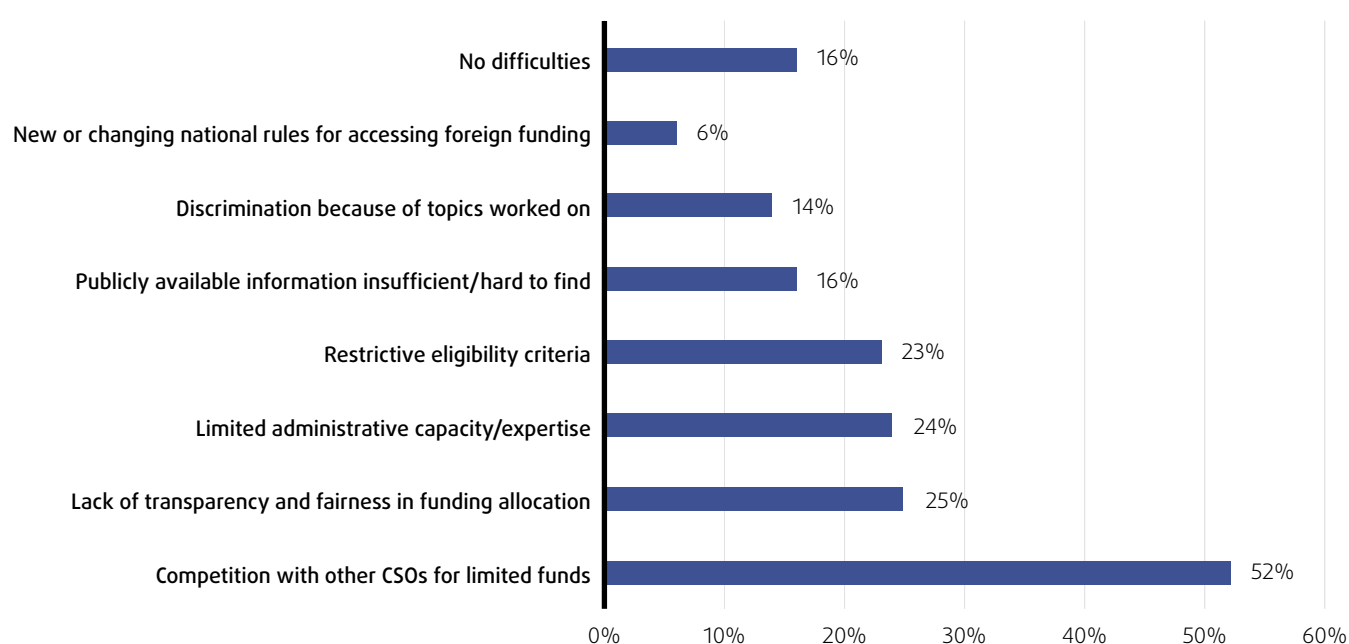
Some efforts to improve CSOs' public funding landscape were registered in several EU countries. These include the provision of fiscal advantages. Various Member States continue to support CSOs affected by COVID-19 measures through dedicated funds.

Finding and accessing resources and funding for their work is an ongoing concern for CSOs.¹⁰⁸ This was aggravated by the COVID-19 pandemic in 2020–2021.

It can be difficult for CSO to access funding, even when it is available. The most common hurdles include competition with other CSOs for limited funds (52 %) and lack of transparency and fairness in funding allocation (25 %). Other hurdles are limited administrative capacity and expertise to apply for funding (24 %), and restrictive eligibility criteria (23 %) (Figure 7).¹⁰⁹

At the same time, there are a range of positive developments at national level, FRA's research identifies. Several countries set up targeted support schemes for CSOs due to COVID-19. A few countries improved their general financing frameworks. Others explored a more favourable taxation framework for CSOs.

FIGURE 7: CSOS' DIFFICULTIES IN ACCESSING NATIONAL FUNDING IN THE EU IN 2021



The question asked was "In the last 12 months, did you experience any of the following difficulties when trying to access national funding? Please select up to three." (N = 180; that is those respondents who indicated that they had attempted to access national funding in 2021).

Source: FRA's civic space consultation in 2021

PROMISING PRACTICE

In Austria, a Non-Profit Organisation Support Fund worth EUR 1,075 billion was prepared in 2021 and set up in early 2022. It has disbursed EUR 679 million to over 23,000 eligible organisations.

*Source: See the Austria Federal Ministry of Arts, Culture, Civil Service and Sport web page on the **Non-Profit Organisation Support Fund**.*

PROMISING PRACTICE

Following CSOs' mobilisation, the Parliament of the Republic of Lithuania proposed an amendment to the Law on Charity and Support in 2021. Taxpayers may deduct 1.2 % of their annual income tax to donate to non-profit legal entities, the amendment stipulates. The proposed amendment is currently being discussed. Similar regulations are already in force in several Member States.

Source: Lithuania, Parliament of the Republic of Lithuania (Lietuvos Respublikos Seimas) (2021), Law amending Article 7 of the Law on Charity and Sponsorship No. I-172 (Labdaros ir paramos įstatymo Nr. I-172 7 straipsnio pakeitimo įstatymo projektas), 23 March 2021.

2.5.1. Access to funding

Access to public funding continues to be especially challenging in several countries. Existing state funding programmes are often regarded as short term and non-sustainable. Some efforts to improve CSOs' public funding landscape are nonetheless registered.

In France, the government has taken steps to improve the cash flow of all associations, including CSOs.¹¹⁰ In Latvia, state funding to CSOs has steadily increased over the past years, including in 2021.¹¹¹ In Germany¹¹² and Sweden¹¹³, the governments are seeking to increase funding for CSOs engaged in the promotion of democracy and values.

Elsewhere, strengthened funding is now available to support CSOs, in particular those providing social services, such as victims support. This is the case, for example, in Denmark,¹¹⁴ Portugal¹¹⁵ and Romania.¹¹⁶ State authorities' steps to increase public funding for CSOs are a means to increase their control of and influence on CSOs, some CSOs believe as the example of Greece shows.¹¹⁷

These efforts are a response to the severe impact of COVID-19 in a number of countries. This is notably the case in Austria,¹¹⁸ Belgium,¹¹⁹ Italy¹²⁰ and Lithuania.¹²¹ In these countries, governments set up dedicated recovery funds for CSOs and the civil society sector.

However, these efforts lack sustainability, the research notes. These funds are already discontinued in some cases. In others, their usefulness is being overshadowed by burdensome bureaucratic requirements.

Other positive developments in terms of financing relate to private donors' and CSOs' as an example of Cyprus shows. The NGO Support Centre - a national umbrella NGO in Cyprus - launched an open call for projects under the Active Citizens Fund for the first time and was funded by the EEA and Norway Grants.¹²²

2.5.2. Rules with an impact on CSOs' ability to seek and use funding

Access to funding, including foreign funding, continues to be hindered by restrictive rules in several countries.

In some cases, obstacles derive from burdensome application and selection procedures, such as those in Croatia¹²³, regarding EU funds under shared management. Alternatively, they come from attempts to introduce rules penalising CSOs, as the example of Slovenia shows.¹²⁴ There, the government attempted to introduce discriminatory conditions regarding access to the EEA and Norway Grants funds, research points out. These were eventually dropped, following CSOs' mobilisation.

Elsewhere, challenges relate to rules affecting the financing of advocacy and watchdog activities. For example, in Ireland, there are rules on political advertising and foreign interference in elections, which continue to affect advocacy activities by CSOs.¹²⁵ France¹²⁶ and Sweden¹²⁷ have new or planned funding conditionality requirements, and, in the Netherlands,¹²⁸ the transparency laws are perceived as stigmatising.

2.5.3. Taxation framework

Favourable taxation provisions can be a useful means of improving CSOs' financing framework. However, unfavourable charitable status rules are still a concern in some countries, and particularly affect CSOs engaged in the promotion and protection of human rights and democracy, for instance in Germany¹²⁹ and Ireland.¹³⁰

There have been positive developments in the provision of fiscal advantages aimed at increasing CSOs' access to private funding in Czechia,¹³¹ Italy¹³² and Lithuania.¹³³ However, measures introduced in Belgium during the COVID-19 pandemic were not renewed in 2021, to the disappointment of CSOs.¹³⁴

2.6. PARTICIPATION IN POLICYMAKING AND DECISION-MAKING

Key findings:

- ★ CSOs experience challenges in both accessing consultations, and the participation process itself. The short deadlines, the lack of accountability by and feedback from organisers remain key issues. Access to information also remains an issue of concern.
- ★ Concrete efforts to ensure better access and participation are recorded in some countries.
- ★ CSOs' mobilisation has proved instrumental in securing better participation in some countries. It has notably improved the representation of minorities and other vulnerable groups in law and policy making.

CSOs' involvement in law- and policymaking remains generally rather patchy. Problems range from a lack of consultation structures and frameworks, to consultations' irregular and non-systematic nature, or overly short consultation time frames. Franet's reports on Austria,¹³⁵ Bulgaria,¹³⁶ Croatia,¹³⁷ Denmark,¹³⁸ Malta¹³⁹ and Slovenia¹⁴⁰ illustrate this. In particular, CSOs encounter obstacles when trying to meaningfully feed into discussions regarding designing and implementing COVID-19 recovery and resilience plans, CSOs in Lithuania¹⁴¹ and Slovakia¹⁴² note.

There have been efforts in some Member States to improve consultation practices. However, channels for CSOs to access and participate in policymaking and decision-making remain patchy, FRA's civic space consultation in 2021 shows.

CSOs face various difficulties, for example a lack of information about participation processes (41 %) and too short deadlines (37 %), participating CSOs report. In addition, there is a lack of feedback on the outcome (37 %), and a lack of trust between civil society and public authorities (25 %). CSOs also lack capacity in their own organisation, for example time, skills and knowledge (23 %) (Figure 8).¹⁴³ Minorities and vulnerable groups are not adequately represented, CSOs frequently mention.¹⁴⁴



FIGURE 8: DIFFICULTIES FACED IN NATIONAL CONSULTATIONS/PARTICIPATION IN THE EU IN 2021



The question asked was “What were the main difficulties you encountered in national consultations/participation?” (N = 237; that is those who indicated that they had participated in consultations/participation at national level in 2021).

Source: FRA’s civic space consultation in 2021

Access to information and documents also remains an issue. This is prompting increasing CSO mobilisation, including through litigation. Franet reports on Hungary,¹⁴⁵ Italy,¹⁴⁶ Malta¹⁴⁷ and Poland¹⁴⁸ illustrate this.

Regarding youth’s participation in consultation processes, an increase in the practice of ‘youth-washing’ has been reported. This is the arbitrary creation of top-down youth participation structures that showcase a symbolic involvement of youth, according to the European Youth Forum. Allegedly, these are often created in parallel with existing, representative youth organisations – such as National Youth Councils.¹⁴⁹

PROMISING PRACTICES

In Slovakia, the Office of Governmental Plenipotentiary for civil society development established a cooperative funding framework. The framework ensures CSOs’ participation in preparing, implementing and monitoring the use of EU funds.

In Austria, the government proposed changes to rules regulating consultation procedures. These changes will result in significant extension in scope and better time frames for consultation with CSOs on bills that ministries and members of parliament submit.

In Spain, a permanent collaboration agreement was signed between state authorities and the Third Sector Platform. The platform represents more than 28,000 CSOs working on social rights in Spain. The agreement was signed as part of the IV Open Government Plan 2020–2024.

In Finland, the Ministries of Finance and Justice organised ‘CSO Academy Days’ which included trainings for public officials. These trainings aim to boost awareness of CSOs’ work and to increase mutual understanding, dialogue and cooperation.

Sources: Slovakia, *The Office of Governmental Plenipotentiary for civil society development (Úrad splnomocnenca vlády SR pre rozvoj občianskej spoločnosti) (2021), The system of managing the cooperation and partnership with representatives of civil society in the preparation, implementation and monitoring of EU funds in the programming period 2021–2027 (Systém riadenia spolupráce a partnerstva so zástupcami občianskej spoločnosti pri príprave, implementácii a monitoring fondov EÚ v programovom období 2021–2027)*, 21 September 2021; Austria (2021), *Amendment to the Act on the National Council’s Rules of Procedure 1975 (Bundesgesetz, mit dem das Geschäftsordnungsgesetz 1975 geändert wird)*, Federal Law Gazette I No. 63/2021, 31 March 2021; Spain (2021), *Resolution of the Secretary of State for Civil Service, which publishes the collaboration agreement between the General State Administration and the Third Sector Platform, for the inclusive communication of open government (Resolución de 10 de diciembre de 2021, de la Secretaría de Estado de Función Pública, por la que se publica el Convenio de colaboración entre la Administración General del Estado y la Plataforma del Tercer Sector, para la comunicación inclusiva del gobierno)*, Boletín Oficial del Estado No. 299, 15 December 2021, pp. 153817–153823; Finland, Ministry of Finance (valtiovarainministeriö/finansministeriet), *Open Government: National Action Plan for 2019–2023*, 24 September 2019.

Some efforts to improve consultation processes are taking place, FRA's research identifies.¹⁵⁰ EU action can serve as a catalyst for this, as many EU strategies require CSOs' structured involvement in national-level activities, strategies or action plans. This applies, for example, to the strategy for the implementation of the EU Charter.¹⁵¹

Concrete efforts to ensure better access and participation are recorded in some countries. These are improved by establishing strategic dialogue initiatives between civil society and the public sector.

Examples include, in Belgium, initiatives on development cooperation policies¹⁵² and, in Italy¹⁵³ and Lithuania,¹⁵⁴ initiatives on COVID-19 responses and recovery. An initiative in Slovakia¹⁵⁵ addresses the implementation of EU structural funds. In Sweden,¹⁵⁶ a broader initiative aims to foster reflections on strengthening democracy.

Remediating gaps in existing consultation practices is another initiative taking place, for example in Austria.¹⁵⁷ Other examples include promoting more transparent and participatory decision-making through open government plans. This is happening in Lithuania¹⁵⁸, Slovakia¹⁵⁹ and Spain.¹⁶⁰ In addition, Finland is raising public awareness of the role and contribution of CSOs to law- and policymaking.¹⁶¹

Efforts to increase CSO involvement were mentioned by CSOs in several countries. Particular examples included involving CSOs in devising responses to persisting challenges of the pandemic or in designing and implementing recovery and resilience plans.

Authorities still use accelerated procedures and impose general limitations on consultations in many of the countries covered. Their purported aim is increasing the timeliness and effectiveness of responses to the COVID-19 pandemic.¹⁶² However, they still have an impact on CSOs' participation.

Despite positive examples, CSOs' involvement in drafting, implementing and monitoring the NRRPs (National Recovery and Resilience Plans) remains limited.¹⁶³ The EU regulation establishing the Recovery and Resilience Facility¹⁶⁴ encourages Member States to involve CSOs in implementation and monitoring. In addition, Member States can request funding for capacity building. However, funding is usually insufficient to generate consistent involvement, and very few countries exploit this opportunity.

Against the backdrop of these challenges, CSOs proactively mobilise to secure their more meaningful participation and to influence decision-making. This applies to involvement in not only national recovery and resilience plans, but also other areas of public interest. For example, CSOs are actively involved in the fight against corruption and the protection of whistle-blowers in Latvia¹⁶⁵ and Malta,¹⁶⁶ and in environmental protection in Slovakia¹⁶⁷ and Slovenia¹⁶⁸. CSOs in Bulgaria defend the rights of minorities,¹⁶⁹ and in Slovakia CSOs champion women's rights.¹⁷⁰

CSOs have more actively promoted citizens' and democratic participation at national and local levels in many of the countries covered. This promotion includes organising referendums, petitions and citizens panels on relevant thematic issues. This is the case, for instance, in Austria,¹⁷¹ Finland,¹⁷² France,¹⁷³ Poland,¹⁷⁴ Romania¹⁷⁵ and Slovenia.¹⁷⁶

CSOs' mobilisation has proved instrumental in improving participation and representation of minorities and other vulnerable groups in law and policy making in some countries. This is the case for anti-discrimination and anti-

PROMISING PRACTICES

In Italy, The National Recovery and Resilience Plan provides for the establishment of a Permanent Advisory Board including CSOs.

In Poland, wide public consultations on the National Recovery Plan were promoted following the mobilisation of civil society. This successfully ensured CSOs' more prominent role in monitoring the distribution of recovery and resilience funds, among other things.

Sources: Italy, Presidency of the Council of Ministers (Presidente del Consiglio dei Ministri) (2021), The National Recovery and Resilience Plan (Piano Nazionale di Ripresa e Resilienza), 30 April 2021; Poland: Portal Funduszy Europejskich (2021), 'Krajowy Plan Odbudowy – podsumowanie konsultacji', 12 April 2021.

PROMISING PRACTICE

In Slovakia, the NGO VIA IURIS launched a website that enables civic initiatives to submit their comments on laws and policies to public authorities. It also encourages and helps civic organisations or groups of interest to do the same.

Source: VIA IURIS (2021), 'MojaPetícia.sk – nový priestor, vďaka ktorému bude počúť váš názor', 8 April 2021.

racism policies, for instance those in Finland.¹⁷⁷ CSOs have been involved in planning various measures included in Finland's action plan. They will be closely involved in its implementation and in assessing its outcomes.

This mobilisation has also improved participation and representation in other areas, such as in the design of recovery and resilience plans. This is the case, for example, in Italy for the involvement of groups representing people with disabilities.¹⁷⁸

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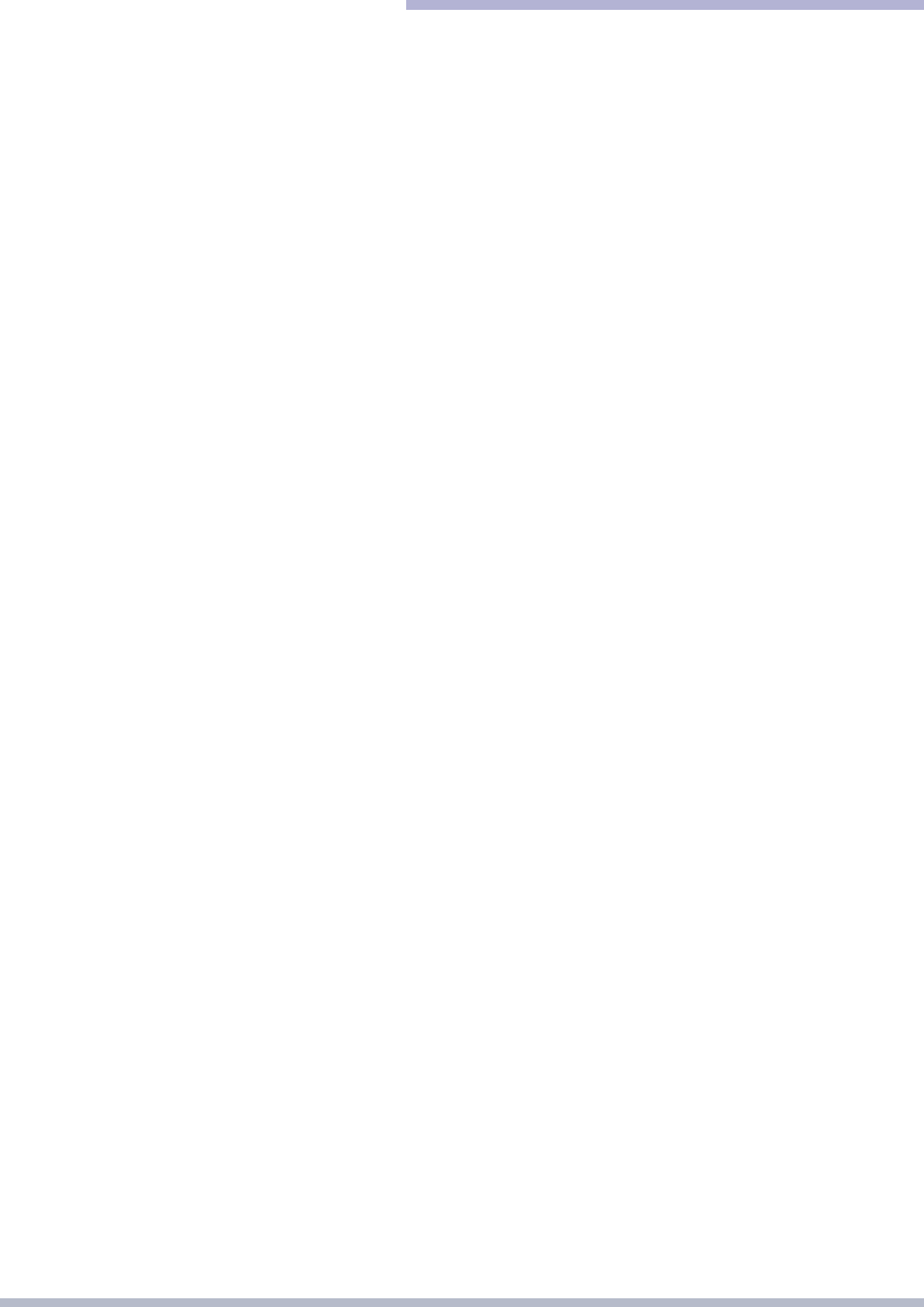
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3

DISPLACED PERSONS FLEEING UKRAINE: INITIAL RESPONSE FROM EU CIVIL SOCIETY

Following the Russian military invasion of Ukraine on 24 February 2022, some 5.5 million people had fled Ukrainian territory for the EU by mid May 2022, according to the UN High Commissioner for Refugees.¹ The EU activated² the Temporary Protection Directive.³ The directive provides minimum standards for immediate and temporary protection to persons displaced from Ukraine.

CSOs, HRDs and volunteers are at the forefront of providing humanitarian aid and support to those fleeing the war. They also deliver aid and assistance to Ukraine.⁴ A short overview is included in this report despite these events occurring outside the reporting period. It is included because of the central role of civil society in the protection of fundamental rights in this context.

NGOs working on migration and refugee issues took immediate action to support people fleeing from Ukraine. This includes supporting particularly vulnerable groups: children, persons with disabilities, older people, etc. A wide range of human rights NGOs, faith-based organisations, service-providing NGOs and NGOs working on specific themes also took immediate action. These NGOs include those working on, for example, disability, Roma inclusion, women's rights, anti-racism and LGBTQI+ issues.

In addition, organised and registered volunteer networks are very active in border areas and in many local communities across the EU, as are informal volunteer networks organised on social media channels or chat groups.

Ukrainian CSOs remain mostly in Ukraine – having considerably adapted their usual activities.⁵ However, some staff and other parts of Ukrainian civil society have also started operating in EU receiving countries. There, they focus on advocacy and humanitarian assistance. Moreover, many Ukrainians resident in the EU became active in organised NGOs through church communities, and in volunteer networks.⁶



3.1 ADVOCACY AND SUPPORT FOR VULNERABLE GROUPS

Civil society across the EU voices its solidarity with people fleeing the war in Ukraine.⁷ For instance, Civil Society Europe published a statement calling for enhanced support for civil society in Ukraine.⁸

Many of the specialist NGOs advocate for their target groups. They provide guidance to authorities, service providers and volunteers on how best to support specific groups. They also offer practical assistance themselves, for example to persons with disability,⁹ Roma,¹⁰ children,¹¹ women¹² and LGBTQI+ refugees.¹³

Non-Ukrainian third-country nationals are also fleeing the war in Ukraine. Several organisations have denounced allegedly discriminatory treatment and racism towards people of colour fleeing Ukraine¹⁴ and prepared information for them.¹⁵ Stateless persons face specific challenges according to several organisations.¹⁶

3.2 PROVIDING INFORMATION AND LEGAL ADVICE

CSOs supplement the multilingual information authorities provide, notably¹⁷ by making information available online, setting up information hotlines and distributing printed information at the border and in reception centres in multiple languages.¹⁸

CSOs also make extensive use of social media, notably Facebook, Twitter, Telegram, Signal and WhatsApp, to set up new groups or chat rooms. Some newly created groups on various social media platforms attracted hundreds of thousands of members within weeks. For example, one Facebook group created at the end of February 2022 had over 594,700 members by 25 April 2022.¹⁹

Volunteer interpreters play a crucial role in supporting people trying to access services by providing information in a language they can understand.²⁰

However, there are challenges resulting from a lack of capacity, specialised knowledge and training.²¹ The legal provisions applying to displaced persons were introduced ad hoc, varying by country and sometimes by region. Many volunteers were not fully aware of the details of the rules for newly arrived Ukrainians and non-Ukrainian third-country nationals at first. Even NGOs and public authorities struggled with this.²²

3.3 FIRST RECEPTION AND HUMANITARIAN ASSISTANCE

NGOs and volunteers are instrumental in supporting or even setting up centres for first reception for Ukrainian displaced persons. This is often, but not always, in cooperation with and supported by public authorities, particularly at local level.

The lack of control and registration of volunteers that occurred notably in the first weeks created risks regarding human trafficking, labour exploitation and sexual violence.²³ Civil society started distributing flyers and alerts about such risks very early on.²⁴ Authorities also restricted access to these registration and reception areas.²⁵

Many NGOs and volunteer groups also provide humanitarian assistance in the EU and/or in Ukraine.²⁶ Examples include new reception centres in Poland,²⁷ and the Train of hope in Austria. Volunteers also assist people to leave Ukraine or to get from the border to their countries and cities of destination.²⁸

3.4 SUPPORT IN ACCESSING DIFFERENT RIGHTS AND SERVICES

Once settled in the EU, Ukrainians receive support from not only state institutions but also professional NGOs and local volunteer networks. These groups provide support for going through the legal registration process and provide supplies and access to language courses or medical services.

They also support placing children in kindergartens and schools. For example, in Czechia, there is a newly created web portal called 'Shkola'. It allows Ukrainian families in Czechia to find a kindergarten, primary school or secondary school.²⁹

Ukrainians also receive support in finding employment. In Austria, a private initiative created the website Jobs for Ukraine.³⁰ A volunteer-run Facebook group also compiles job offers for Ukrainians.³¹

In Czechia, the Tech Resistance initiative is collecting laptops, tablets, phones and other electronics via five points in Prague. The collected devices will be distributed to Ukrainian displaced people through non-profit organisations to support them in learning Czech and securing employment.³² In Germany, a private initiative created the website Job Aid for Ukrainian displaced people. Volunteers provide support through interpretation, by helping draft CVs and by accompanying displaced people to employment services.



State institutions, professional NGOs and local volunteer networks also help by organising further travel.

In many places, large NGOs cooperate with state authorities to provide more long-term housing. At the same time, volunteer activities – often on Facebook – contribute considerably to matching Ukrainians and host families or to renovating and furnishing accommodation.³³

For instance, a German-speaking Facebook group was set up at the end of February 2022.³⁴ It gathered over 90,000 members within a few weeks. It offers and organises housing in Germany, Austria and Switzerland. The Ukrainian Community in Austria programmed the Homes for Ukraine web page in three languages within days. The page matches refugees with private host families.³⁵ A similar page exists in the Netherlands.³⁶ In Germany, a similar matching initiative from civil society collects accommodation offers from private hosts in 150 cities. It has a total of more than 350,000 available beds.³⁷ A Polish Facebook group called Helping Ukraine has 594,000 members.³⁸

Professional NGOs and, to some extent, volunteer initiatives also seek to provide legal, medical and psychological support to displaced persons. Examples include the Organization for Aid to Refugees that has published in Czechia a manual on how to talk to people affected by the war.³⁹ In Austria, the organisation Diakonie runs the telephone helpline 'Amike', providing psychological support in multiple languages.⁴⁰ In Germany, the German Society for Psychology offers free support for displaced persons and people supporting them.⁴¹

Many local volunteer initiatives also organise meetings for connection and information exchange between newly arrived Ukrainians and locals. Ukrainians have organised in large Telegram channels to exchange information.

3.5 CHALLENGES FACING EU CIVIL SOCIETY

Cooperation and coordination between public authorities, professional NGOs, and volunteers has been challenging or difficult at times, according to reports. However, some improvements can be observed compared with the migration situation in 2015.⁴² Volunteer networks have a lot of goodwill, but often lack organisational structures, experience, and funding. This risks activities being unsustainable and volunteers burning out within weeks.⁴³

There was hardly any dedicated funding available, as the situation in Ukraine was unexpected. Many organisations actively providing support/humanitarian assistance to Ukrainians do not normally work on these issues. Therefore, they are not eligible to apply for related funding even when it is available.⁴⁴

Volunteer networks that are not legally registered cannot directly apply for funding from most public and private donors. They usually also do not have the required reporting and transparency systems and procedures in place.

A specific challenge emerged in Poland and Lithuania. There, civil society actors supporting people who fled the war in Ukraine receive much public support and recognition. But those supporting displaced people arriving at the borders of Belarus with Poland and Lithuania from other third countries than Ukraine (such as Afghanistan, Pakistan or Syria) face challenges and threats, according to reports.⁴⁵

Another specific challenge is the plight of HRDs fleeing Russia and Belarus for the EU. The Temporary Protection Directive does not automatically cover Russian and Belarusian HRDs. To be eligible for temporary protection, they

must be fleeing directly from Ukraine and already have international protection status in Ukraine. This is often not the case.

These HRDs face specific difficulties in getting long-term EU visas and work permits, accessing their bank accounts and accessing housing and medical/social support.⁴⁶ Without the possibility of opening bank accounts, these HRDs usually cannot create an association or legal entity in the EU to restart an NGO. They also cannot apply for funding.⁴⁷ However, some HRDs are being supported by temporary relocation programmes of EU-based CSOs, among other means.⁴⁸

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- ²⁹ See the main web page for the portal [Shkola](#).
- ³⁰ See the web page [Jobs for Ukraine](#)
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CONCLUSION

Civil society is key stakeholder to EU engagement in the area of fundamental rights. Hence, it is given an important role in the various EU strategies, policies and action plans related to fundamental rights. CSOs also play a crucial role in contributing to the checks and balances under the rule of law, as this report notes in the evidence and promising practices it provides. CSOs contributed fundamentally to supporting people fleeing the war in Ukraine to the EU in 2022 or in helping to address impact of COVID 19 pandemic on general as well as the most vulnerable groups.

Norms and practices have an impact on the operation of civil society – the civil society space. They include the relevant regulatory framework, access to resources, participation in policy- and decision-making, and a safe environment. CSOs are challenged and therefore hampered in fulfilling their important roles regarding fundamental rights, democracy and the rule of law, FRA's evidence shows. The nature and extent of the challenges that CSOs and HRDs face vary across the EU.

There are also positive developments at both EU and national levels. A number of national, international and EU tools and guidelines support the creation and maintenance of an enabling space for civil society organisations that are active in the area of human rights.¹ All actors involved are invited to support civil society in creating space for them to continue to enhance human rights across the EU.

CSOs critically contribute to the checks and balances under the rule of law, as examples in Section 1 illustrate. These range from fostering a rule of law culture to concrete efforts to improve access to justice, accountability and legality. Enhancing awareness of and support for this role of civil society can contribute importantly to the rule of law overall.

The Conference on the Future of Europe recognises this. It calls for further support to “organisations, including civil society, which promote the rule of law on the ground”. The conference proposes organising “annual conferences on the rule of law (following the Commission’s rule of law report) with delegations from all Member States involving randomly selected and diverse citizens, civil servants, parliamentarians, local authorities, social partners and civil society”. These conferences would further embed civil society in the EU’s wider efforts to strengthen the rule of law.²

Endnotes

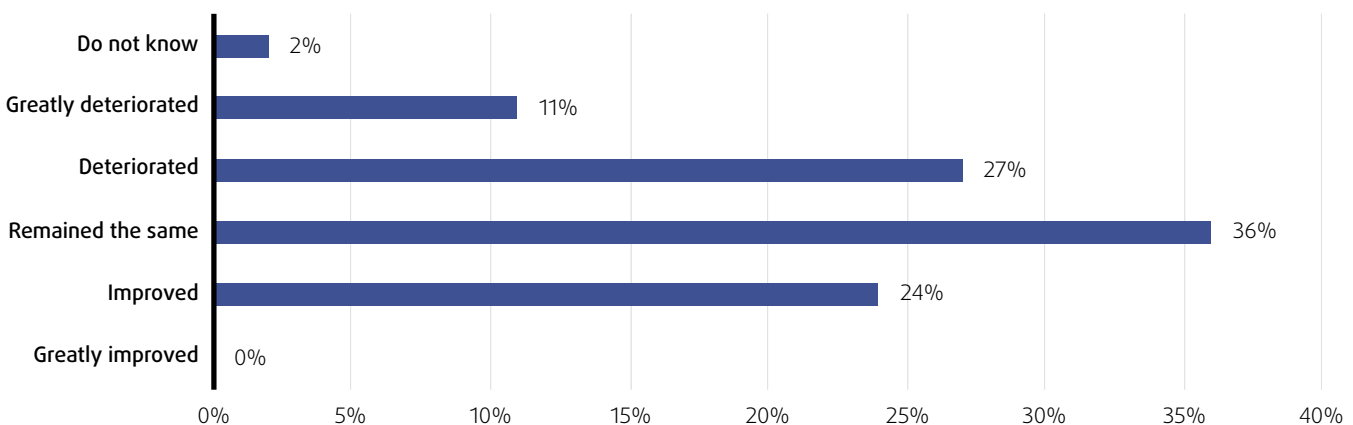
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ANNEX I: CIVIC SPACE IN SELECTED EU ACCESSION COUNTRIES IN 2021

Three EU accession countries – Albania, North Macedonia and Serbia – have observer status with FRA. Hence, FRA covers these three countries in its work. FRA’s civic space consultation collected responses from CSOs in these three countries, that is 55 responding organisations. However, Franet research covered only North Macedonia and Serbia in 2021.

Developments in Albania, North Macedonia and Serbia show similar patterns to those in the EU countries FRA’s work on civic space covers. The main concerns are issues such as the negative side effects of measures to contain COVID-19. These include concerns around freedom of assembly, smear campaigns and negative narratives, and physical and verbal attacks. They also include concerns about access to information, and a lack of proper consultation for legislative proposals.

FIGURE A1: PERCEIVED CHANGE OF ORGANISATIONS’ SITUATION IN ALBANIA, NORTH MACEDONIA AND SERBIA IN 2021



The question asked was “Thinking about your own organisation, how has its situation changed in the past 12 months?” (N = 55, for respondents from AL, MK and RS).

Source: FRA’s civic space consultation in 2021

In Albania, North Macedonia and Serbia their own organisation’s situation ‘deteriorated’ (27 %) or ‘greatly deteriorated’ (11 %) in 2021, CSOs say. These were greater percentages than the EU-27 average (see Figure 2 above).

The situation varies between the three countries. The Civicus Monitor¹ rates the civic space in Serbia as ‘obstructed’.² It rates the civic space in North Macedonia³ and Albania⁴ as ‘narrowed’. The scale of the Monitor is open, narrowed, obstructed, repressed or closed.

North Macedonia adopted a new Strategy for Cooperation with the Civil Society Sector 2022–2024. This includes a public consultation process that CSOs consider open, participative and inclusive.⁵

After an active consultation and cooperation between civil society organisations in Albania, the Code of Standards for Non-Profit Organisations was adopted. The Code introduces a self-regulatory mechanism for non-profit organisations, aiming to improve the work effectiveness, good governance, transparency, and accountability.⁶

In Serbia, CSOs demanded the withdrawal of a new law on civil procedure. The law would have hampered access to justice by making participation in civil proceedings conditional on the timely prepayment of court fees. There was a lack of appropriate representation and consultation in the law's drafting process, CSOs notably criticise.⁷

At the same time, another draft law, on internal affairs, was withdrawn from the legislative procedure. This was after civil society heavily criticised the potential impact of the draft on fundamental rights and freedoms through biometric surveillance. They also criticised the heavy fines that the law introduced for publishing data on police officers who use force.⁸

In both Serbia and North Macedonia, HRDs continued to face threats and attacks in 2021. North Macedonia has notably seen a rise of an anti-gender movement.⁹

In Serbia, an election-monitoring NGO was targeted by the ruling party.¹⁰ Environmental protesters faced attacks by extremist and hooligan groups while participating in road blockades at the end of 2021. They also faced what they considered excessive use of force by police officers, and alleged police failure to protect those gathered. In addition, authorities allegedly oppressed participants of the road blockades.¹¹

In Albania, issues facing environmental defenders continue to be a source of concern. A CSO coalition formed to fight for environmental rights in 2021.¹² In North Macedonia, the funds allocated to supporting the civil society sector were moved under the responsibility and budget of one ministry. This raised concerns with CSOs.¹³

Overall, in all three countries, civil society continues to proactively defend the civic space in different ways. It continues to provide services and support the implementation of fundamental rights. Initiatives include, for example, creating a network of legal support for citizens involved in the environmental protests in Serbia. In addition, a solidarity fund was created through crowdfunding to pay fines.¹⁴

In North Macedonia, the project 'Partnership Justitia: Regaining Citizens' Trust' contributes to monitoring the national Judicial Reform Strategy. It also supports regular dialogue and cooperation with authorities, and successfully advocates to public authorities for the rule of law.¹⁵ In Albania, the impacts of a hydropower plant's construction triggered the forming of a CSO coalition to fight for environmental rights.¹⁶

Endnotes

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PROMOTING AND PROTECTING YOUR FUNDAMENTAL RIGHTS ACROSS THE EU —

Civil society is a key component of Europe's fundamental rights architecture. From supporting people affected by the pandemic to helping those fleeing the war in Ukraine, civil society plays a crucial role in upholding people's rights. In so doing, it contributes to a healthy rule of law culture.

FRA's civic space report provides an overview of the many ways in which civil society contributes to the checks and balances that underpin the rule of law. It showcases good practice examples from across the EU. But, despite positive developments, the report also highlights persisting challenges civil society continues to face across the EU.

The report also presents national, international and EU tools and guidelines supporting civil society organisations.



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