

CIVIC SPACE REPORT 2025





ABOUT THIS REPORT

This report was published by the European Civic Forum (ECF) in June 2025, with chapters written by its secretariat, member organisations, and partner organisations, including as part of the Net4Defenders project. Much of the content originally appeared as part of ECF's submission to the European Commission's Rule of Law consultation. Each chapter reflects the views and analysis of its respective author. For more information about the European Civic Forum, please visit www.civic-forum.eu.

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TABLE OF CONTENTS

METHODOLOGY AND ACKNOWLEDGEMENTS.....	5
FOREWORD	9
HORIZONTAL ANALYSIS.....	13
AUSTRIA	39
BULGARIA.....	49
CROATIA	61
CZECH REPUBLIC.....	69
DENMARK.....	85
ESTONIA	95
FRANCE	103
GERMANY	125
HUNGARY.....	135
ITALY	145
LATVIA.....	157
NETHERLANDS.....	167
POLAND.....	183
PORTUGAL.....	203
ROMANIA.....	215
SPAIN	227
WESTEN BALKANS.....	243

Disclaimer: The views expressed in each chapter are those of the author. The views expressed in the horizontal analysis are those of the European Civic Forum and do not necessarily reflect the view of regional or national organisations. The views expressed in the country and regional chapters do not necessarily reflect the views of the ECF.

Methodology and acknowledgements

This report was compiled and edited by the European Civic Forum (ECF). It is composed of a horizontal analysis, which looks at pan-European developments in civic space and the environment for civil society in 2024, which is written by the ECF, in addition to 16 country reports and one regional report written by civil society experts on the ground.

The ECF bases its analysis of civic space in Europe on six elements that we believe are crucial for an open and vibrant civic space:

1. **A conducive institutional, political, and socio-economic landscape.** The public's understanding of the role of civil society, the values it embodies, and the activities it pursues — and in turn the trust of and support for civil society — is in large part shaped by (historical) political culture, together with socio-economic structures and other emerging related events. Where the institutional, political, and socio-economic landscape is favourable, civil society enjoys widespread trust and support from the public.
2. **The respect of civic freedoms.** A well-implemented, supportive legal and regulatory framework for civic freedoms — in particular the freedoms of association, peaceful assembly, and expression — is essential for open civic space.
3. **Safe space and states' duty to protect.** Public authorities must fulfil their duty to protect civil society actors and human rights defenders from physical, verbal, and judicial attacks linked to their human rights work by taking action against perpetrators.
4. **A supportive framework for CSOs' financial viability and sustainability.** Supportive legislation on funding, including foreign and international funding, and the availability of sufficient and predictable resources are crucial to civil society's capacities, independence, and long-term strategic planning.
5. **Dialogue between civil society and governing bodies.** Governments, institutions, and other public bodies must take steps, through their policies and rhetoric, to empower citizens and the organisations that represent them to be meaningfully engaged in public debates and policymaking.
6. **Civil society's resilience to challenges to democracy, rule of law, and fundamental rights.** Where there is open civic space, civil society is strong, responsive and resilient in the face of challenges that aim to shrink this space.

Based on these pillars, the ECF developed a questionnaire to guide the contributors' analysis of their national or regional context.

The horizontal analysis draws on the findings of the country and regional chapters, in addition to other relevant reports, the ECF's Civic Space Watch platform, data from the Fundamental Rights Agency and the CIVICUS Monitor, and interviews conducted or information collected from regional organisations. The spotlight chapter on the "foreign" narrative and its impact on civic space draws on interviews, research reports and country reports. We conducted interviews with the following organisations: Balkans Civil Society Development Network, Climate Action Network (CAN) Europe, European Environmental Bureau (EEB), European Network Against Racism (ENAR), ILGA Europe, Philea-Philanthropy Europe Association, and the Platform for Undocumented Migrants (PICUM).

The country reports are written by 21 member and partner organisations, on the basis of our questionnaire. The authors choose the areas on which to focus on based on their expertise and the relevance of the issues for their national context.

We would like to thank these organisations and individuals, listed below, for their contribution.

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Foreword

This is a wake-up call: it's time for concrete action on civic space

Europe is experiencing a dangerous **rollback of civic freedoms**, in a context where the promise of **universal rights** and **democratic values**, enshrined in the EU treaties, is being steadily eroded by interconnected economic, social, cultural, and political factors.

This report is being published at a time when the **far-right is gaining traction**, both through electoral results and its increasing and worrying influence on mainstream politics, EU institutions, and policymaking. These forces promote an “us vs. them” vision of society, based on the exclusion of individuals and groups. They reject the idea that democracy must work for all, with public policies that tackle inequality, enable everyone to enjoy their fundamental rights, and build inclusion through solidarity.

This exclusionary approach is taking hold **as people are drawn to false “explanations” for the precarity they are facing**. The appeal of national identity and the exclusion of “others” stems largely from decades of competitive, market-driven policies. These neoliberal public policies pursued over the last four decades have allowed inequality to surge and precarity to grow, in a shift away from Keynesian economics, which linked economic decisions to redistribution for a relatively shared social wellbeing relying on social protections.

When redistribution no longer guarantees security of livelihoods, **people feel that they are in competition with each other for access to rights**, such as when it comes to jobs, housing, or social services. This is often instrumentalised through narratives that claim that “native” Europeans should have priority over “foreigners”.

These narratives are being used to justify exclusionary **laws and weaken protections for vulnerable groups**, by presenting outsiders as “threats” — **drawing a dangerous distinction between those who “belong” and those who do not**.

These developments also in part reflect Europe’s underlying historical prejudices and colonial past, with narratives of the supposed racial and cultural superiority of a white and Christian Europe and the worldwide spread of patriarchal religious ideologies. The actions of the Trump administration hark back to this historical approach, in which inequality was considered natural, justified by a colonial and patriarchal mindset. It is in this context that attacks on so-called “woke” agendas — gender equality, anti-racism, and climate justice — are gaining traction as part of a **deliberate strategy to delegitimise civil society** because it fights for real equality through the universal enjoyment of fundamental rights. By framing these rights as divisive, far-right and illiberal figures aim to justify and legitimise the repression of civil society organisations (CSOs) through **legal harassment** and **funding cuts**, amongst other measures.

It is also important to highlight the harmful impact of the “**securitisation**” approach, which is increasingly extended to a multitude of issues deemed “security threats”. Treating migration, protests, and dissent as threats has accelerated civic space restrictions, border militarisation, surveillance, and the **criminalisation of solidarity** and humanitarian assistance. This signals a broader move away from long-standing human rights frameworks.

Meanwhile, laws targeting NGOs under the guise of “transparency” or “national security” are silencing critical voices. The growing implementation of “foreign agent” and “anti-terrorist” laws and other legal instruments illustrates how rights-based advocacy is being reframed in several EU countries as a threat. Legislation in several countries now mirrors authoritarian models — **curtailing peaceful assembly**, punishing dissent, and criminalising solidarity.

Despite this bleak picture, we fully acknowledge the complexity of the current situation and rejoice that the forces supporting democracy and fundamental rights remain strong. We see how **civil society has demonstrated outstanding resilience** in the face of unrelenting challenges. Through **strategic litigation**, coalition-building, and **mass mobilisation**,

organisations across Europe have continued to defend democratic values and rights for all. They have partners inside governments and institutions to discuss issues at stake. But without meaningful support from those in leadership positions and a political vision, there is no way to put people’s wellbeing at the centre of policymaking.

If Europe is to live up to its proclaimed values, it must **reverse the trends of growing inequality and precarity and shrinking civic space**. This report is a **wake-up call**: it’s time for concrete action. Civil society actors, institutions, and citizens, each with their own means and responsibilities, must come together to achieve an **open and enabling civic space** and **fundamental rights and democracy for all**.

Horizontal analysis

Executive Summary

Europe is facing an unprecedented and intensified attack on civic space, with notable restrictions on the space for civil society being witnessed in several member states including **France, Germany, Italy** and the **Netherlands**. Nevertheless, civil society continues to push back through strategic litigation, coalition-building, and mass mobilisation.

In 2024, the growing popularity of far-right political groups across Europe impacted civic space. The scapegoating of social groups already facing exclusion was widespread. At the same time, governments increasingly questioned the credibility and applicability of international human rights conventions. In several countries, despite civil society's calls for reforms to existing laws restricting civic space, they remained in force. Furthermore, new proposals were introduced to target the work of civil society, ranging from so-called "foreign agents" laws to proposals targeting peaceful protests and those working on migration. The freedom of **peaceful assembly was increasingly restricted, with the Palestine solidarity and environmental rights movements disproportionately targeted**. The criminalisation of solidarity remains a serious concern in several countries and was reinforced by the EU's militarised and securitised approach to migration.

Notably, there was **a deliberate strategy to delegitimise civil society**, both at national and EU level. CSOs, activists, and journalists faced increasing pressure through legal intimidation and smear campaigns. Narratives suggesting that Europe is threatened primarily by foreign interventions had detrimental

impacts. In particular, organisations and activists working on issues such as anti-discrimination, climate and environmental justice, and LGBTQI+ and migrants' rights experienced disproportionate and unjust consequences.

The funding landscape for civil society worsened, with governments threatening the public funding of critical and watchdog organisations. The debate on whether CSOs engaged in civil dialogue and advocacy should receive public funding is a growing concern for civil society both at national and EU level. Additionally, the freeze of U.S. Agency for International Development (USAID) funds is having a significant impact across Europe. Overall, spaces for participation and political engagement are increasingly under pressure, with civil society often sidelined or included as mere tokens in the policy making process.

This chapter analyses developments in civic space in both the EU and Western Balkans in 2024 and the start of 2025. It is divided into three sections. The **first section** provides an overview of the political, social and economic context which has shaped the space for civil society, while the **second section** summarises key developments in civic space in 2024. The **third section** features a spotlight on how foreign narratives blaming the "other" are impacting civic space. It draws on interviews, research reports, and the country chapters of this report to illustrate the practical effects of the "foreign threats" narrative, including how it is being weaponised to shrink civic space and public engagement more broadly.

Context

In 2024, European civil society mobilised people during the many elections held across the continent, advocating for democracy, social justice, inclusion, and fundamental rights for all. National elections took place in **Austria, Belgium, Bosnia and Herzegovina (BiH), Croatia, France, North Macedonia, Montenegro, Portugal, Romania, and Serbia**, with **far-right political groups growing in popularity and gaining significant victories**. However, these parties only entered government in a minority of cases. In **Austria**, although the far-right Freedom Party (FPÖ) emerged

as the biggest party in the European, national, and regional elections,¹ the centre-right People's Party (ÖVP), centre-left Social Democrats (SPÖ), and liberal Neos party struck a coalition deal in late February 2025, leaving the FPÖ outside of government.

In **Germany**, the far-right Alternative for Germany (AFD) party gained its first state election victory in Thuringia — marking the first electoral victory for the far-right in the country since World War II.²

1. <https://www.diepresse.com/19227315/blau-tuerkise-zusammenarbeit-laut-experten-sehr-wahrscheinlich>

2. <https://www.politico.eu/article/germany-far-right-elections-victory-afd-cdu-olaf-scholz/>

CIVICUS MONITOR RATINGS BY COUNTRY IN 2024

COUNTRY	RATING 2024	CHANGE
 AUSTRIA	OPEN	
 ALBANIA	NARROWED	
 BELGIUM	NARROWED	
 BOSNIA & HERZEGOVINA	OBSTRUCTED	
 BULGARIA	NARROWED	
 CROATIA	NARROWED	
 CYPRUS	NARROWED	
 CZECH REPUBLIC	OPEN	
 DENMARK	OPEN	
 ESTONIA	OPEN	
 FINLAND	OPEN	
 FRANCE	NARROWED	
 GERMANY	NARROWED	
 GREECE	OBSTRUCTED	
 HUNGARY	OBSTRUCTED	
 IRELAND	OPEN	
 ITALY	NARROWED	
 KOSOVO	NARROWED	
 LATVIA	OPEN	
 LITHUANIA	OPEN	
 LUXEMBOURG	OPEN	
 MALTA	NARROWED	
 MONTENEGRO	NARROWED	
 NETHERLANDS	NARROWED	↓
 NORTH MACEDONIA	NARROWED	
 POLAND	NARROWED	↗
 PORTUGAL	OPEN	
 ROMANIA	NARROWED	
 SERBIA	OBSTRUCTED	
 SLOVAKIA	NARROWED	
 SLOVENIA	OPEN	↗
 SPAIN	NARROWED	
 SWEDEN	OPEN	

RATINGS KEY
OPEN
NARROWED
OBSTRUCTED
REPRESSED
CLOSED

Source: CIVICUS Monitor: monitor.civicus.org

Following the 2024 elections in **Belgium**, the new “Arizona” coalition government was sworn in, comprising the Dutch-speaking right-wing nationalist N-VA, Christian Democrat CD&V, and socialist Vooruit parties, and the Francophone liberal MR and centrist Les Engagés.³

In **Romania**, the constitutional court annulled the first round of the presidential elections, which saw the victory of far-right, pro-Russia candidate Călin Georgescu, after concerns of potential unfair influence from abroad, including through the use of TikTok.⁴

In **France**, following the first round of legislative elections in which the far-right Rassemblement National came first, their expected victory in the second round was avoided thanks a huge mobilisation of voters by civil society to vote for the best-placed candidate to defeat the far-right in each constituency.⁵

In some countries, the **aftermath of elections in 2023 played a significant role in shaping the landscape for civic freedoms**. Anti-Islam populist leader Geert Wilders won a dramatic victory in the **Netherlands** and in July 2024, a new government was formed consisting of right-wing and extremist parties.⁶ Despite the defeat of **Poland's** Law and Justice (PiS) party in 2023 and the formation of a new government, the country has not seen a significant shift in its rule of law crisis, with several attempts at judicial reforms being halted by President Andrzej Duda, a staunch supporter of the former government.

Challenges to judicial independence have continued in **Hungary**, **Italy**, and **Spain**. For instance, in Italy, the government launched a series of attacks against the judiciary for being “politicised”, including smear campaigns.⁷ It has also proposed several laws aimed at limiting the actions of magistrates.⁸

The scapegoating of social groups already facing exclusion was widespread in 2024. In several countries, political leaders continue to fuel anti-rights narratives directly targeting LGBTQI+ people, migrants, racialised people, and other minorities. Under the Meloni government in **Italy**, LGBTQI+ rights, migrant’s rights, and sexual and reproductive rights have faced serious attacks. In **Portugal**, extremist rhetoric has increased, in particular towards immigrants, who the government is using as scapegoats for employment challenges in the country. Senior politicians in **Denmark** have made anti-transgender statements. For example, the former minister of gender equality made transphobic comments and claimed that “wokeism has gone too far”.⁹ The precarious environment for excluded groups is likely to worsen in the context of these political developments across many member states. The withdrawal of the proposed Equal Treatment directive from the European Commission’s 2025 work programme, without proposing any alternative, is a missed opportunity to fill the legislative gap that remains in ensuring protection from discrimination in the EU in all areas of life. The directive would have strengthened protections against discrimination based on religion, belief, disability, age, and sexual orientation, including for those at the intersections of race and gender. Although anti-discrimination CSOs argued that the proposal did not properly address the structures

of inequality, it would have nevertheless set a strong precedent for protection in the EU.¹⁰

In addition to this anti-rights rhetoric, governments have increasingly questioned the credibility and applicability of international human rights conventions. For example, in **Denmark**, a Social Democratic Party MP, and now taxation minister, argued against the democratic legitimacy of the European Court of Human Rights (ECtHR), stating that in the future, Denmark should not abide by the court’s

Civic space in Europe continued to be impacted by the overall geopolitical context in 2024, with Russia’s invasion of Ukraine marking its third year, Israel’s ongoing destruction of Gaza — plausibly a genocide according to the International Court of Justice — and wider war in the Middle East, as well as the EU’s securitised and militarised approach to migration.

3. <https://www.brusselstimes.com/belgian-elections-2024/1424985/whos-in-belgiums-new-federal-government>

4. <https://www.politico.eu/article/romania-court-cancels-presidential-election-runoff-tiktok-russian-influence-calin-georgescu/>

5. <https://www.ldh-france.org/assurons-la-defaite-de-lextreme-droite-le-7-juillet/>

6. Parties including the Party for Freedom (PVV), the People’s Party for Freedom and Democracy (VVD), New Social Contract (NSC), and the Farmer–Citizen Movement (BBB).

7. https://www.ansa.it/sito/notizie/politica/2024/10/19/salvini-mobilizzazione-contro-la-magistratura-politicizzata_639fdbc9-501c-46d5-9160-84c5bb0cdae.html

8. <https://www.ilmattoquotidiano.it/2024/12/09/separazione-carriere-camera-riforma-sogno-berlusconi/7797161/>; https://www.repubblica.it/politica/2024/12/09/news/bavaglio_stampa_separazione_delle_carriere_riforma_giustizia-423867671/

9. <https://jyllands-posten.dk/debat/kronik/ECE17337761/ibippi-har-faaet-mine-oejne-op-for-hvor-problematisk-juridisk-koensskifte-er/>

10. <https://www.enar.eu.org/the-end-of-the-eu-equal-treatment-directive-a-blow-to-equality-or-a-chance-to-rethink/#:~:text=After%2017%20years%20of%20stagnation,in%20European%20anti%20discrimination%20law.>

rulings, particularly on questions related to immigration and integration.¹¹ These arguments were reiterated by Prime Minister Mette Frederiksen, who stated that while she does not intend to withdraw Denmark from the conventions, they should not be set in stone.¹² In **Germany**, the conservative CDU party's political programme for 2024 argued that people seeking asylum should no longer receive protection under the Geneva Refugee Convention and European law.¹³ Meanwhile in the **Netherlands**, the internal affairs and justice and security ministers announced an investigation in April 2024 into the freedom of peaceful assembly, questioning whether the legal framework still corresponds to current developments.¹⁴ In 2024, people took to the polls across EU member states to cast their vote in the European elections, driven to vote largely due to rising prices, the cost of living, and the overall economic situation.¹⁵ Ahead of the elections, civil society

groups mobilised and called on MEPs to re-commit to fundamental rights, particularly for racialised groups¹⁶ and to support, protect, and empower civil society via the “Civil Society for EU” campaign.¹⁷ The elections saw significant progress in votes for the far-right in **France**, **Germany** and several other member states. With the three far-right political groups now making up a quarter of MEPs, there is even more urgency to protect rights for all people, in line with the Treaty's provisions.¹⁸

Civic space in Europe continued to be impacted by the overall geopolitical context in 2024, with Russia's invasion of Ukraine marking its third year, Israel's ongoing destruction of Gaza — plausibly a genocide according to the International Court of Justice (ICJ)¹⁹ — and wider war in the Middle East, as well as the EU's securitised and militarised approach to migration.

Summary of developments in European civic space in 2024

Old and new laws continue to restrict civic freedoms

Several existing restrictive laws continued to limit the freedoms of association and peaceful assembly in 2024. These laws added to CSOs' existing administrative, capacity, and resource challenges and result in an overall chilling effect.

In **France**, the *contrat d'engagement républicain* (CER), introduced as part of the “separatism law”, makes public subsidies conditional on compliance with a set of so-called “republican” principles and has been used to **target critical organisations**.²⁰

Hungary's Defence of Sovereignty Act, passed in late 2023, remained in effect. The law created the Sovereignty

Protection Office (SPO), which is tasked with investigating and reporting on any organisations or individuals perceived as critical.²¹

The **Spanish** government has taken no steps to reform the so-called Gag Law despite earlier promises to do so.²² The law has been increasingly used as a tool to criminalise demonstrations. Social movements have faced charges of being a “criminal organisation,” while activists and journalists have been accused of “terrorism” under the Spanish Penal code, which has been inadequately reformed.²³

In the **Netherlands**, a draft law on the administrative prohibition of organisations would give the justice minister

In 2024, several new laws were introduced that specifically target the work of migrants' rights organisations and the right to peaceful assembly.

11. <https://www.dr.dk/nyheder/politik/rasmus-stoklund-den-europaeiske-menneskerettighedsdomstol-er-blevet-et-stort>

12. <https://www.dansketaaler.dk/tale/mette-frederiksen-tale-ved-socialdemokratiets-kongres#source>

13. <https://www.nds-fluerat.org/59284/aktuelles/die-cdu-und-das-asylrecht/>; <https://www.proasyl.de/news/warum-das-neue-cdu-grundsatzprogramm-so-gefaehrlich-ist/>

14. <https://www.rijksoverheid.nl/actueel/nieuws/2024/04/19/kabinet-laait-onafhankelijk-onderzoek-doen-naar-demonstratierecht>

15. <https://europa.eu/eurobarometer/surveys/detail/3292>

16. <https://www.enar-eu.org/eu-elections-2024-racialised-communities-at-risk-without-firm-human-rights-commitments/>

17. <https://civilsocietyeurope.eu/open-letter-ensuring-a-vibrant-civic-space-in-the-european-union-civil-societys-expectations-for-the-next-five-years/>

18. <https://www.politico.eu/article/patriots-for-europe-jordan-bardella-viktor-orban-marine-le-pen/>

19. <https://www.amnesty.org/en/latest/news/2024/12/amnesty-international-concludes-israel-is-committing-genocide-against-palestinians-in-gaza/>

20. <https://www.ldh-france.org/refus-de-subvention-de-la-compagnie-de-theatre-arlette-moreau-les-associations-se-mobilisent/>

21. <https://szuverenitasvedelmi hivatal.hu/dokumentumaink/>

22. <https://www.boe.es/buscar/act.php?id=BOE-A-2015-3442>

23. https://www.elnacional.cat/en/politics/40-catalan-groups-warn-spain-penal-code-reform-regressive-democracy_926616_102.html

broad powers to ban an organisation if it is deemed to undermine “public order” or if it “creates, exacerbates or maintains a culture of lawlessness.”²⁴

In 2024, several new laws were introduced that specifically target the work of migrants’ rights organisations and the right to peaceful assembly. In **Italy** the Piantadosi law (NGO Decree law) requires sea-rescue ships to head directly to an Italian-designated port after one rescue, effectively disregarding any other distress calls at sea, complicating their work. Sea-rescue NGOs also face heavy financial sanctions.²⁵ An amendment to the Foreigners’ Law in **Portugal**, which ended the “Expression of Interest” regime (the process for regularising immigrants), makes it more difficult for immigrants to apply for regularisation and increases bureaucratic hurdles for associations helping migrants.²⁶

Several laws introduced in **Italy** aim to restrict the right to peaceful assembly. This includes the so-called “Ecovandals” law, which disproportionately targets environmental and climate rights activists²⁷ and the proposed new security decree (DDL 1660),²⁸ which introduces 20 new offences in the criminal code²⁹ and, in some cases, expands penalties for existing crimes.³⁰

In **Estonia**, a proposal to amend the Law Enforcement Act could potentially restrict the right to participate in protests, as it would grant the Police and Border Guard Board wide discretion to ban public gatherings as a preventive measure.³¹ In **Belgium**, the new government coalition agreement includes a plan to re-introduce prolonged judicial bans on the right to protest, which were scrapped under the previous government after widespread civil society and trade union opposition.³²

Right to protest increasingly under threat

The freedom of peaceful assembly was increasingly targeted in 2024, with some member states imposing

The freedom of peaceful assembly was increasingly targeted in 2024, with some member states imposing more severe restrictions on this right.

more severe restrictions on this right. A range of restrictions were put in place by governments at all stages of exercising this right: before, during, and after protests. Restrictive legislation passed in previous years

was used to limit peaceful assembly. In addition, other measures taken include protest bans, the use of excessive force, the detention of protesters, criminalisation, intimidation, harassment, and surveillance.

In 2024, environmental justice groups and the Palestine solidarity movement were particularly targeted with restrictions (see the case studies below).

Other groups have also faced restrictions, such as those advocating for housing rights and the rights of women and LGBTIQ+ people. In **France**, security concerns surrounding the **Olympic Games were used as a pretext to arrest dozens of activists staging protests.**³³ In one case, members of Hijabeuses, a women’s footballers’ collective fighting for the right to wear the hijab in sport, were arrested by the police and faced identity checks and public pat-downs after staging a protest during the closing ceremony of the Olympic Games. The collective’s members faced further violence and humiliation as they were taken into custody and searched, during which they had their head coverings removed.³⁴ Civil society in **Spain** reported that **housing rights activists faced many cases of rights violations**, including 67 police identity checks, 60

financial penalties, 41 judicial cases, and multiple police threats. Thus far, 21 activists have been prosecuted for protesting the eviction of *Bloc Llavors* and are facing 35 years in prison and €190,000 in fines.³⁵ In another case,

One of the main challenges to the freedom of peaceful assembly is the limited accountability of police officers due to the lack of visible identification.

²⁴. https://www.eerstekamer.nl/wetsvoorstel/35079_initiatiefvoorstel_mutluer

²⁵. <https://www.valigiablu.it/ong-soccorso-mare-decreto-piantadosi-effetti/>

²⁶. https://www.rtp.pt/noticias/pais/retrocesso-associacoes-de-imigrantes-criticam-novas-regras_n1579920

²⁷. <https://www.wired.it/article/ecovandali-legge-governo-meloni-proteste-clima-ultima-generazione/>

²⁸. As of early May the government took the abrupt and arbitrary decision to transform the draft bill into a decree that was swiftly approved by the Council of Ministers, bypassing Parliament.

²⁹. <https://www.amnesty.it/ddl-sicurezza-ulteriori-preoccupazioni-per-limpatto-sui-diritti-umani/>

³⁰. <https://www.wired.it/article/ecovandali-legge-governo-meloni-proteste-clima-ultima-generazione/>

³¹. <https://news.err.ee/1609384949/plans-to-give-police-more-powers-and-ease-policing-restrictions-in-estonia>; <https://cms.advokatuur.ee/app/uploads/2024/06/KorS-VTK.pdf>

³². <https://www.amnesty.be/infos/actualites/arizona>

³³. <https://france.attac.org/actus-et-medias/salle-de-presse/article/la-france-deja-championne-olympique-de-la-repression#:~:text=Cette%20r%C3%A9pression%20s>

³⁴. <https://www.mediapart.fr/journal/france/160824/huit-femmes-du-collectif-des-hijabeuses-ont-ete-placees-en-garde-vue-en-marge-des-jo>

³⁵. <https://directa.cat/el-cas-del-vito-un-exemple-de-repressio-contra-lactivisme-i-les-persones-migrants/>

during the 8 March feminist demonstration in Madrid, activists faced verbal and physical attacks, including racial and xenophobic slurs. A man physically assaulted one participant, marking the first formally reported incident by the feminist group to the police.³⁶

One of the main challenges to the freedom of peaceful assembly is the limited **accountability of police officers** due to the lack of visible identification. This

was reported as a problem in several member states, including **Austria, Spain, Italy, and France**. In **Poland**, the interior ministry proposed a new regulation which would require an individual identification badge via a six-digit sequence identification number for police officers. However, the Polish ombudsman raised concerns that it may be difficult for members of the public to read the numbers on the badges.

Case study: Defenders of environmental justice on the frontline

Across Europe, people have staged actions to show their growing concerns about the environmental and climate crises and the inaction of decision-makers. As in previous years, in 2024, governments imposed

Some governments have imposed heavy fines or introduced legislation specifically targeting movements, organisations, and activists campaigning for environmental justice.”

several restrictions on these groups, including mass arrests, intimidation, harassment, humiliation, criminalisation, and surveillance. Some governments have imposed heavy fines or introduced legislation specifically targeting movements, organisations, and activists campaigning for environmental justice.

Several EU member states have used **public vilification** to delegitimise the actions of these groups. In **France**, authorities banned a demonstration against the construction of a motorway and used excessive force against protesters, including using explosive grenades, while the interior minister publicly vilified the activists involved.³⁷

In **Poland**, Prime Minister Donald Tusk called on the authorities to respond strongly to the climate movement Last Generation's actions, deeming it a threat to public order, while the TVP3 Warsaw public broadcaster announced it would stop reporting on the activities of the “controversial” group.³⁸ In **Germany**, Last Generation activists faced over 5,000 criminal proceedings and fines exceeding €1 million.³⁹ In May

2024, five members were indicted for allegedly forming a criminal organisation following protests at refinery facilities. This led to raids, the phone surveillance of journalists, and the freezing of their bank accounts. In the **Czech Republic**, the agriculture minister falsely blamed the environmental organisation Hnutí DUHA for the severe impacts of floods, triggering harassment and threats against its members.⁴⁰

In **Italy**, civil society has expressed concerns that the new “Ecovandalism” law will be weaponised against environmental activists, as it imposes severe penalties, including fines up to €60,000 and potential five-year prison terms for defacing cultural or landscape sites.⁴¹ In 2024, an activist from the Last Generation movement was placed under a restrictive surveillance order, banning him from demonstrations and imposing a curfew.⁴²

Despite being non-violent, disruptive protest tactics like roadblocks and site occupations attract media and political scrutiny, often being labelled as a threat to security, anti-democratic, violent, or even as terrorism.

In **the Netherlands**, several members of Extinction Rebellion (XR) were preventively detained before the start of a climate demonstration and eventually prosecuted for sedition.⁴³ In **Serbia**, environmental defenders were arrested for attempting to stop forest logging⁴⁴ and activists opposing the Rio Tinto mining project faced violence by police, threats, vilification, serious charges, and raids on their homes.⁴⁵

36. <https://www.elsaltodiario.com/racismo/feministas-antirracistas-comision-8m-denuncian-actitudes-xenofobas-durante-manifestacion-madrid>

37. https://www.lemonde.fr/planete/article/2024/06/05/autoroute-a69-toulouse-castres-les-opposants-determines-a-maintenir-leur-rassemblement-malgre-l-interdiction_6237315_3244.html

38. <https://warszawa.tvp.pl/83788448/ostatnie-pokolenie-tvp3-warszawa-nie-bedzie-promowac-aktywistow>

39. <https://taz.de/Klimaschuetzerinnen-unter-Druck!/5988503/>

40. <https://vyzva.hnutiduha.cz/#no-back>

41. <https://www.amnesty.it/it-ddl-contro-gli-attivisti-climatici-e-legge/>

42. <https://www.editorialedomani.it/fatti/giacomo-baggio-ultima-generazione-attivista-rischia-sorveglianza-speciale-tribunale-t3y9j6mq>

43. <https://www.amnesty.org/en/documents/eur35/6650/2023/en/>

44. <https://n1info.rs/vesti/sukob-aktivista-s-policijom-na-sodrosu-nekoliko-osoba-privedeno/>

45. <https://www.ft.com/content/a916bcb8-a779-412f-8772-ea0f88f10bd9>

Despite being non-violent, disruptive protest tactics like roadblocks and site occupations attract media and political scrutiny, often being labelled as a threat to security, anti-democratic, violent, or even as terrorism. However, it is important to remember that international human rights law protects peaceful assembly and recognises civil disobedience as legitimate.

Case study: Palestine solidarity movement under attack

More than a year after the Hamas attack against Israel and Israel's ongoing destruction of Gaza — plausibly a genocide according to the International Court of Justice (ICJ)⁴⁸ — people across Europe have continued to stage

In February 2025, the Berlin police banned chants in Arabic, imposed restrictions on movement during protests, and began banning organisers from participating in protests via official letters issued during police visits.

protests in solidarity with the Palestinian people. Since October 2023, many member states have violated international human rights standards on the freedoms of peaceful assembly, expression, and association — a trend that was prominent throughout 2024.⁴⁹

Protests in solidarity with Palestine were **banned** in several member states, including in **France**,

Germany, the **Netherlands** and **Italy**. In the **Netherlands**, the Amsterdam municipality imposed a weekend-long protest ban after the riots involving Israeli football supporters and local youth in November 2024.⁵⁰ Protesters who disregarded the ban reported that police used excessive violence against them.⁵¹ This trend has spilled over into 2025. In February 2025, the Berlin police banned chants in Arabic, imposed restrictions on movement during protests, and began banning organisers from participating in protests via official letters issued during police visits.⁵²

The UN Human Rights Committee⁴⁶ affirms that disruptions caused by protests must be accommodated and accepted. The UN Special Rapporteur on Environmental Defenders⁴⁷ highlights the urgent need for states to uphold these rights, refrain from excessive force or punitive measures, and ensure environmental defenders are not unjustly penalised.

The use of excessive force, including pepper spray, water cannon, physical violence, and kettling tactics and the **detention of protesters were documented in several member states**.⁵³ Police in **Germany** have repeatedly used disproportionate force against protesters, including minors.⁵⁴ In **Austria**, police cleared a Palestine solidarity encampment at the University of Vienna on 8 May 2024, using drones, surveillance vans, police dogs, lorries, and a crane. In November, the Vienna Administrative Court ruled that the actions were unlawful and unconstitutional. The police reasoned that the encampment showed “solidarity with the aims of Hamas” due to participants chanting the slogan “From the River to the Sea, Palestine will be free”. They also cited offences violating the anti-mask law. The court dismissed this reasoning and found that the chant does not constitute an incitement to commit a terrorist offence or an identification with Hamas specifically, unless further expressions suggest otherwise.⁵⁵

Organisations and individuals participating in protests have faced **intimidation, harassment, detention, and surveillance**, including in **Belgium, Denmark, Germany, Greece**,⁵⁶ **Italy, Romania** and the **Netherlands**. Berlin police carried out coordinated raids in several districts against five activists suspected of committing “pro-Palestinian crimes,”⁵⁷ including breach of the peace, incitement to hatred, and the use of symbols of unconstitutional organisations, while authorities have targeted Palestinian refugees living in **Germany** through deportation and the threat thereof.⁵⁸ In **Denmark**, the NGO Global Aktion has experienced harassment and threats in relation to their work on

⁴⁶. <https://docs.un.org/en/CCPR/C/GC/37>

⁴⁷. https://unece.org/sites/default/files/2024-02/UNSR_EnvDefenders_Aarhus_Position_Paper_Civil_Disobedience_EN.pdf

⁴⁸. <https://www.amnesty.org/en/latest/news/2024/12/amnesty-international-concludes-israel-is-committing-genocide-against-palestinians-in-gaza/>

⁴⁹. Our analysis includes EU members and the UK.

⁵⁰. <https://www.bbc.com/news/articles/cx243z69w4no>

⁵¹. <https://www.amnesty.nl/politiegeweld-in-nederland>

⁵². https://www.berliner-zeitung.de/politik-gesellschaft/arabische-parolen-und-maersche-werden-verboden-berliner-polizei-geht-gegen-palaestina-demos-vor-li.2293210?utm_source=chatgpt.com

⁵³. <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-37-article-21-right-peaceful>

⁵⁴. <https://www.newarab.com/news/children-young-7-arrested-german-police-gaza-demos>

⁵⁵. <https://www.verwaltungsgericht.wien.gv.at/Content.Node/rechtsprechung/VGW-102-067-8305-2024.pdf>; <https://elsc.support/news/vienna-administrative-court-declares-police-raid-of-palestine-solidarity-encampment-vienna-unconstitutional>

⁵⁶. <https://miir.gr/epilektiki-paremvasi-tis-elas-gia-to-palaistiniako-kataggelia/>; <https://thepressproject.gr/athooi-me-symfoni-gnomi-dikasti-kai-eisangelea-oi-28-syllifthes-tis-katalipsis-tis-nomikis-se-allilengyi-ston-palaistiniako-lao/>; https://www.efsyn.gr/ellada/koinonia/432784_dysanexia-tis-kybernis-stis-kinitopoiiseis-gia-tin-palaistini

⁵⁷. <https://monitor.civics.org/explore/repression-of-palestine-solidarity-continues-raids-detentions-and-police-brutality/>

⁵⁸. <https://www.palaestinaspricht.de/news/statement-deportation-10022025-berlin>

Palestine, while activists associated with the organisation have been subjected to house searches and illegal arrests and had their phones seized.⁵⁹ In **Spain**, several cases of rights violations were recorded against the movement, including 34 arrests, 133 police identity checks and 16 judicial cases, with protesters facing racial profiling, police violence, and hate crime charges.

Organisations have also been publicly vilified and threatened with funding cuts. This was the case in **Netherlands** for three NGOs who brought a court case against the state related to the export of weapon components to Israel. Similarly, in **Germany**, Jewish Voice for a Just Peace in the Middle East had its bank accounts frozen.

Freedom of expression continues to be restricted in several member states, with legitimate criticism of Israeli authorities unduly conflated with antisemitism and branded “apology for terrorism” in order to silence

activists and organisations. In Germany, the censorship of free expression includes the cancellation of guest speakers at lectures or events, the cancellation of art exhibitions, and the banning of Palestinian symbols such as the watermelon, the Palestinian flag and the Keffiyeh scarf. In Denmark, a new political agreement proposes an increase in penalties for antisemitic crimes in the criminal code and several other laws and gives the police broad powers. For example, police may order any platform provider to remove so-called “terror-related” content without a court order.⁶⁰ The agreement also refers “the new antisemitism” which it describes as antisemitism “generated out of a contempt for the State of Israel,” raising fears about the conflation of antisemitism with legitimate criticism of Israel. In the Netherlands, there were multiple parliamentary motions calling for the prohibition or criminalisation of the phrase “From the River to the Sea”, on the grounds that it was seen as antisemitic, but this has been dismissed by the courts.⁶¹

Criminalisation of solidarity

In 2024, CSOs and human rights defenders (HRDs) defending migrants’ and refugees’ rights and providing for their basic needs (due to the failure of states), continued to be targeted by authorities through legal actions, and bureaucratic and administrative burdens. This **criminalisation of solidarity** took place in the context of the more than 120,000 pushbacks that were recorded at the EU’s borders in 2024, including almost 20,000 at the eastern borders.⁶² In 2024, at least

Not only are these organisations and rights defenders working in an increasingly strict immigration policy environment, but their work is often demonised, stigmatised, and incorrectly labelled as human smuggling or trafficking

142 HRDs faced judicial proceedings in the EU due to their work for migrants’ rights, including sea rescue operations, humanitarian work, providing shelter and basic needs for people in distress, and civil disobedience actions. Most trials against HRDs standing in solidarity with migrants were unfounded and often resulted in acquittals. Among those

facing proceedings in 2024, 41 people were acquitted or had their charges dropped and two individuals were convicted, one of whom received a suspended sentence.⁶³

Not only are these organisations and **rights defenders** working in an increasingly strict immigration policy environment, but their **work is often demonised, stigmatised, and incorrectly labelled as human smuggling or trafficking**. International human rights bodies, such as the Council of Europe, have called on European member states to end their repression of HRDs assisting refugees, asylum seekers, and migrants.⁶⁴

In 2024, many incidents of criminalisation of solidarity took place across Europe. In **Poland**, five activists providing aid to refugees near the Polish-Belarusian border face prosecution under provisions of the Criminal Code, which criminalises facilitating unauthorised border crossings.⁶⁵ In **France**, volunteers from Utopia 56, an organisation supporting exiled people in Calais, were violently assaulted by police in August

59. Information directly received by our Danish member, Nyt Europa

60. <https://www.justitsministeriet.dk/wp-content/uploads/2024/06/Aftaletekst.pdf>

61. Court of Amsterdam, 15 August 2023: <https://uitspraken.rechtspraak.nl/details?id=ECLI:NL:GHAMS:2023:2271>

62. <https://ecre.org/eu-eastern-borders-ngo-report-highlights-systematic-pushbacks-at-eu-borders-%E2%80%95-european-court-hears-landmark-push-back-cases-against-poland-latvia-and-lithuania-%E2%80%95-ngo/>

63. <https://picum.org/wp-content/uploads/2025/04/Criminalisation-of-migration-and-solidarity-in-the-EU-2024-report.pdf>

64. <https://www.coe.int/en/web/commissioner/-/europe-must-end-repression-of-human-rights-defenders-assisting-refugees-asylum-seekers-and-migrants>

65. <https://ecre.org/eu-eastern-borders-ngo-report-highlights-systematic-pushbacks-at-eu-borders-%E2%80%95-european-court-hears-landmark-push-back-cases-against-poland-latvia-and-lithuania-%E2%80%95-ngo/>

2024.⁶⁶ The organisation also faced legal action, with volunteers accused of defamation and false rescue alerts.⁶⁷

In the **Netherlands**, two immigration lawyers were unlawfully prosecuted for fraud and human trafficking for providing legitimate legal assistance to migrants and asylum seekers.⁶⁸

In **Italy**, migrants' rights organisations have been targeted by high-level officials, including Prime Minister Giorgia Meloni and Deputy Prime Minister Matteo Salvini, who have accused sea rescue CSOs of smuggling.⁶⁹ Italian civil society is fighting back by campaigning against a policy requiring doctors to approve migrants and refugees as "fit for detention," which disproportionately affects migrants with disabilities. Disability and immigration policies do not sufficiently take into consideration how immigrant status can affect people with disabilities, such as the recognition of them and their disabilities, their access to support services, access to residence permit-related assistance, and navigating the whole migration system.⁷⁰

The director of the Youth Initiative for Human Rights was detained at **Serbia's** borders several times since July 2024, facing prolonged, unexplained interrogations. These cases illustrate the growing repression,

demonisation, and harassment of humanitarian aid and migrants' rights work, with governments imposing legal and administrative obstacles, targeting activists, and restricting aid to migrants and refugees who are already in a vulnerable situation.

The trend of criminalising solidarity is mirrored at the **EU level**. The EU's Pact on Migration and Asylum,⁷¹ introduced by the Commission in November 2023 and adopted in April 2024, criminalises migration and solidarity efforts under the pretext of combating people smuggling. The package expands police powers and punitive measures against migrants and those who assist them or advocate for their rights. The new Facilitation Directive⁷² in the pact introduces vague definitions that blur the distinction between smuggling, humanitarian aid, and human rights work, violating UN standards.⁷³ It criminalises not only migrants but also humanitarian workers, CSOs, and rights defenders working for migrant's and refugees' rights. The directive expands criminalising measures, encouraging stricter enforcement of criminal law against migrants and those providing aid and legitimises violent deportations, leaving civil society groups and HRDs at risk of prosecution. It also legitimises repressive policing tactics that disproportionately target migrants and racialised groups.⁷⁴

Harassment, SLAPPs, and hostile narratives against civil society

In 2024, CSOs, activists, and journalists faced increasing pressure through legal intimidation, smear campaigns, and governmental hostility. The Council of Europe's Expert Council on NGO Law found a widespread and troubling pattern of civil society stigmatisation across Europe, particularly targeting organisations working on human and minority rights, anti-corruption, investigative journalism, and environmental issues. Forms of stigmatisation included restrictive legislation, media smear campaigns, physical attacks, exclusion from decision-making, and limited access to public funding.⁷⁵

A growing trend across Europe shows an increasing use of Strategic Lawsuits against Public Participation (SLAPPs) and other types of malicious lawsuits as a tool to intimidate and censor civic actors. According to the CASE coalition's most recent research report,⁷⁶ which monitors SLAPP cases, legal mechanisms are being systematically misused to suppress public participation, with 1,049 SLAPPs filed in the period 2010-2023, of which 166 were in 2023. A significant number of the cases occurred in **Italy** (26), **Romania** (15), and **Serbia** (10).

66. https://x.com/Utopia_56/status/1819383803749482999

67. <https://utopia56.org/utopia-56-visee-par-trois-procedures-judiciaires/>

68. <https://uitspraken.rechtspraak.nl/details?id=ECLI:NL:RBAMS:2022:3127&showbutton=true&keyword=mensenhandel,immigratie,IND,Turks&idx=3>

69. https://www.facebook.com/giorgiameloni.paginaufficiale/posts/open-arms-una-delle-tante-ong-che-agevola-gli-scafisti-nel-mediterraneo-ha-de-nun/10156452355807645/?locale=pt_BR; https://www.repubblica.it/cronaca/2019/01/23/news/salvini_ho_le_prove_di_contatti_tra_ong_e_traffican-ti_-217266201/

70. <https://picum.org/wp-content/uploads/2024/12/Navigating-disability-and-irregular-status-in-Europe.pdf>

71. https://home-affairs.ec.europa.eu/policies/migration-and-asylum/pact-migration-and-asylum_en

72. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52023PC0755>

73. <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-against-smuggling-migrants-land-sea-and-air>

74. <https://www.equinox-eu.com/wp-content/uploads/2024/11/Towards-a-safer-migration-How-to-end-the-criminalisation-of-migration-and-solidarity.pdf>; <https://picum.org/blog/eu-pact-on-migration-and-asylum/>

75. <https://rm.coe.int/study-on-stigmatisation-of-ngos-in-europe-en/1680af95df>

76. https://www.the-case.eu/wp-content/uploads/2024/12/CASE-2024-report-vf_compressed-1.pdf

For example, in **Bulgaria**, the interior minister initiated a SLAPP case against two investigative journalists⁷⁷ and in **Hungary**, government officials intensified their use of lawsuits and smear campaigns to vilify civil society and dissenting voices.⁷⁸ In **Croatia**, journalists and civil society actors were subjected to multiple SLAPP cases throughout the year, reflecting an ongoing trend of legal harassment.⁷⁹ In **Romania**, real estate developers sought to incapacitate CSOs by demanding huge legal fees or even their dissolution.⁸⁰ In **Serbia**, SLAPP cases also targeted CSOs advocating for marginalised communities. Fighting legal battles is resource intensive for CSOs, draining financial and other capacities. In the **Czech Republic**, 83 activists from the environmental group Limity jsme my were ordered to pay over one million Czech crowns (almost €40,000) in damages for their participation in a peaceful blockade against coal mining six years earlier.⁸¹ The majority of these lawsuits were filed by businesses (45.2%), followed by politicians (35.5%), demonstrating how those in positions of power often use SLAPPs as a tactic to silence criticism. Journalists, particularly those operating individually, remained the most frequent targets, followed by media outlets, editors, activists, and CSOs. Many SLAPPs are not reported due to fear of retaliation, leading to a chilling effect on freedom of expression and civic engagement.

Similarly, smear campaigns and hostile rhetoric have been used to delegitimise civil society and critical voices across Europe in 2024. In **Romania** and **Serbia**, civil society and media faced harassment and smear campaigns, particularly those working on democracy,

Smear campaigns and hostile rhetoric have been used to delegitimise civil society and critical voices across Europe in 2024.

LGBTIQ+ rights, and gender and minority issues and in the context of the elections. In **Croatia**, youth activists were publicly threatened and smeared for condemning the glorification of war criminals.⁸²

In the **Netherlands**, politicians and media have repeatedly attacked CSOs and rights defenders. In one example,

baseless accusations against a staff member at the organisation PAX, stemming from an Israeli state report, were uncritically echoed by Dutch political parties and media, enabling an unprecedented attack on local NGOs by a foreign state.⁸³ The PVV party, a member of the ruling coalition, called for halting state funding to NGOs in response to actions it opposed, such as a lawsuit led by several organisations aiming to halt the delivery of F-35 jet parts to Israel.⁸⁴ In **Italy**, government officials have openly criticised LGBTIQ+ organisations and called for their criminalisation amid a rise in homophobic incidents and violent attacks targeting LGBTIQ+ activists.⁸⁵ In **Poland**, investigations revealed that Klementyna Suchanow, one of the leaders of the Polish Women's Strike, was spied on with Pegasus spyware.⁸⁶ The secret services and police in **Serbia** deployed spyware against journalists and activists, further undermining press freedom.⁸⁷

In **France**, an investigative journalist who has faced invasive surveillance is facing serious charges of "appropriation and disclosure of a national defence secret" over her reporting on a secret French military operation in Egypt and could face up to five years in prison and a €75,000 fine.⁸⁸

Worrying funding landscape at national and EU level

Overall, the funding landscape for civil society has deteriorated due to the shrinking of state budgets, the freezing of funding by USAID, de-risking measures by banks, and legal proposals and smear campaigns that question the legitimacy of civil society.

Several member states have **reduced their budgets** including **Belgium, Denmark, Finland, Germany** and **the Netherlands**. In April 2024, the **Finnish** government announced austerity measures, including **cuts of almost one-third to the funding of social welfare groups** by 2027, and a complete halt to **funding for peace organisations**.⁸⁹ In February 2025, the new **Belgian** coalition government announced

⁷⁷. <https://aej-bulgaria.org/slapp-kstoyanov/>

⁷⁸. <https://24.hu/belfold/2024/10/01/orban-viktor-24hu-per-itelotabla-uj-eljaras/>

⁷⁹. https://zelena-akcija.hr/system/document/1355/doc_files/original/ZA_AnalizaFIN-3.pdf

⁸⁰. https://portal.just.ro/2/SitePages/Dosar.aspx?id_dosar=300000001024226&id_inst=2

⁸¹. <https://limityjsmemy.cz/2024/11/za-blokadu-uhelneho-dolu-bilina-musi-protestujici-zaplatit-milion-cez-pritom-vydelava-miliardy/>

⁸². <https://www.yihr.hr/hr/iza-postavljanja-kuglica-na-trg-bana-josipa-jelacica-stoji-yihr>

⁸³. <https://paxforpeace.nl/news/criticism-on-israel-should-be-allowed/>

⁸⁴. <https://zoek.officielebekendmakingen.nl/blg-1138000.pdf>

⁸⁵. <https://www.omofobia.org/sito/cronache-di-ordinaria-omofobia-da-maggio-2023-a-marzo-2024/>

⁸⁶. <https://wiadomosci.onet.pl/kraj/liderka-strajku-kobiet-inwigilowana-za-pomoca-pegasusa-to-mnie-zupelnie-nie-dziwi/80r1te5>

⁸⁷. <https://securitylab.amnesty.org/latest/2024/12/serbia-a-digital-prison-spyware-and-cellebrite-used-on-journalists-and-activists/>

⁸⁸. <https://disclose.ngo/fr/article/filature-cyberespionnage-la-surveillance-hors-norme-subie-par-ariane-lavrilleux>

⁸⁹. <https://civicspacewatch.eu/finland-the-impact-of-the-governments-austerity-package-on-csos/>

that it would cut its foreign aid budget by 25% over five years. Difficulties in the **Estonian** economy have led to budget cuts in the public sector, which in turn affect funding for CSOs from state budgets.

Additionally, the **freezing of U.S. Agency for International Development (USAID) funds** for 90 days pending review has already had a significant impact on civil society across Europe, particularly in Eastern Europe⁹⁰ and the Western Balkans region. The freeze has placed many CSOs in crisis mode, as they struggle to retain their staff, support partners, and sustain their work. Furthermore, the freeze is being used by authoritarian governments as a pretext to further restrict the space for CSOs.⁹¹ A wide smear campaign

The freezing of U.S. Agency for International Development (USAID) funds for 90 days pending review has already had a significant impact on civil society across Europe, particularly in Eastern Europe and the Western Balkans region.

has been launched in the Western Balkans region to discredit CSOs, journalists, and media representatives as corrupt, partisan, and driven by foreign agendas. False or partial portrayals of project funding have fuelled disinformation and intimidation, eroding CSOs' legitimacy.⁹²

Several member states have **challenged tax benefits** available for civil society, in some cases **equating civil society's work for the public interest to**

commercial interests. The new **Belgian** coalition government stated its intention to reduce the **tax reduction** granted to private donations from 45 to 30%.⁹³ The **Dutch** government announced budget cuts to prevent tax deductions for charitable donations, which usually are applied to NGOs when they obtain public benefit status. In addition, the parliament passed a motion to remove the tax exempt status of climate action group, Extinction Rebellion for donations they receive, a decision which should normally be made by the Tax Authority. In **France**, amendments to the finance bill prevent tax reduction benefits for donations to associations that have members who have been

convicted of a broadly defined scope of offences (such as trespassing and other offences related to civil disobedience).

The debate around CSOs who carry out economic activities is growing. In the **Czech Republic**, the law requires a clear separation of civil and business activities, which has legal and tax implications for CSOs. However, the legal framework does not fully reflect the reality in which CSOs may turn to the market for financial stability. If its activities resemble business activities, it risks being reclassified as a commercial entity, subjecting it to stricter regulations.⁹⁴ In **Latvia**, a proposal to impose corporate income tax on CSOs who carry out economic activities without public benefit status was suspended after civil society raised concerns. In **Italy**, a regulatory intervention which aims to eliminate the VAT exclusion regime for non-profit associations that carry out economic activities, effectively placing them on the same footing as for-profit companies, was postponed by one year after concerns were raised by the sector.

In **Serbia** and **Bosnia and Herzegovina**, hidden taxes such as inflated bank charges on international donations reduce grant income. Similarly, unclear guidelines and cumbersome procedures for tax incentives discourage corporate and individual giving, leaving CSOs underfunded. In **Albania**, while the introduction of a 0% VAT policy for foreign-funded projects was intended to streamline operations, it has instead increased administrative burdens due to complex registration requirements and cumbersome procedures for every purchase.

Several member states have challenged tax benefits available for civil society, in some cases equating civil society's work for the public interest to commercial interests.

CSOs in several member states continue to face administrative and bureaucratic challenges related to **anti-money laundering (AML) and counter-terrorism financing (CTF) measures.** In **Albania**, **North Macedonia**, and **Serbia** CSOs are classified as high-risk entities, subjecting them to enhanced due diligence and limiting their financial access.⁹⁵ In

90. <https://www.politico.eu/article/usa-id-freeze-russia-influence-eastern-europe-georgia-ukraine-moldova-belarus-ngo-media/>

91. <https://balkanicsd.net/fallout-of-the-us-funding-freeze-puts-western-balkans-civil-society-under-attack/>

92. <https://balkanicsd.net/fallout-of-the-us-funding-freeze-puts-western-balkans-civil-society-under-attack/>

93. <https://www.amnesty.be/infos/blogs/blog-carine-thibaut/deduction-fiscale-belgique>

94. See the presentations from the Conference organised by the Government Plenipotentiary for Human Rights and the Czech Council for Children and Youth at the anniversary of the Civic Code:

<https://vlada.gov.cz/cz/ppov/rnno/aktuality/konference-deset-let-noveho-spolkoveho-prava-213589/> https://www.youtube.com/watch?v=9HQV_JkmK8U

95. <https://balkanicsd.net/novo/wp-content/uploads/2024/11/127-4-BCSDN-Background-Analysis-2024.pdf>

CSOs in several member states continue to face administrative and bureaucratic challenges related to anti-money laundering (AML) and counter-terrorism financing (CTF) measures.

a positive development, while in **Kosovo** CSOs are currently subjected to extensive reporting requirements, a new draft AML law which proposes to remove this classification is pending Assembly approval.⁹⁶ **Bosnia and Herzegovina** also passed a law excluding CSOs as obliged reporting entities⁹⁷ but continued to indirectly restrict their banking services.⁹⁸ In the **Netherlands**, access to

financial services for Dutch CSOs has been limited due to “de-risking” practices by financial institutions, which include “inordinate delays in cash transfers, onerous due-diligence requirements, the inability to open bank accounts and arbitrary closure of bank accounts.” There are several impacts of “de-risking” practices on CSOs’ work, including the inability to provide key services, the cancellation of projects, damage to their reputation, and difficulties in raising funds for services nationally and across borders.⁹⁹

Similarly, a new EU package on AML/CTF, adopted by the Council and the Parliament in May 2024 fails to consider the nuances and specificities of civil society. It will significantly impact the sector, including related to crowdfunding platforms, cross-border transfers, donations through virtual currencies, and the obligation for non-profits to identify and register their beneficial owners.¹⁰⁰

The **politicised access to funding** remains a concern in several member states, including in the **Czech Republic, Denmark, Germany, and the Netherlands**. In **Denmark**, there have been attempts by some politicians to defund Action Aid Denmark, which has been accused of spending taxpayers’ money “on left-wing propaganda,” due to its campaigns on Gaza and minority rights. The oldest Danish LGBTQI+

organisation, LGBT+ Danmark, saw its funding cut by 62%, shortly after the organisation responded to a transphobic statement by the gender equality minister.

Despite attempts to amend the Tax Update Act, civil society in Germany continues to encounter legal ambiguities related to compatibility between non-profit status and political engagement due to a lack of uniform interpretation by the tax authorities.¹⁰¹ Members of the far-right AfD party have capitalised on this by systematically reporting CSOs engaged in countering right-wing extremism to tax authorities for alleged political activity.¹⁰² The withdrawal of not-for-profit status is likely to result in financial hardship for these organisations as they are likely to receive fewer donations and would no longer be eligible for public or philanthropic funding.¹⁰³ More recently, in 2025, following their election victory, Germany’s CDU/CSU submitted an inquiry, comprising 551 questions, to the Bundestag on the political neutrality of NGOs. Some questions accuse NGOs of “party-political influence” due to their role in pre-election protests staged against the CDU party.

The politicised access to funding remains a concern in several member states, including in the Czech Republic, Denmark, Germany, and the Netherlands.

The outgoing government did not reject the inquiry, despite concerns that it is excessive.¹⁰⁴

The debate on whether CSOs engaged in **civil dialogue and advocacy** should receive **public funding** is a growing concern for civil society. In its report on the funding of associations, the Venice Commission

made an explicit distinction between lobbying versus advocacy, noting that “Lobbying as a professional remunerated activity should be clearly defined in the legislation and be clearly distinguished from ordinary advocacy activities of CSOs, which should be carried out unhindered.” It also emphasised that CSOs have the “right to participate in matters of political and public debate, regardless of whether the position taken is

⁹⁶. Projekligji-per-plotesim-ndryshimin-e-Ligjit-Nr-05-L-096-per-PPP-LF.pdf

⁹⁷. <https://europeanwesternbalkans.com/2024/02/19/bih-adopts-legislation-related-to-the-prevention-of-money-laundering/>

⁹⁸. <https://balkanetsd.net/novo/wp-content/uploads/2024/11/127-4-BCSDN-Background-Analysis-2024.pdf>

⁹⁹. Human Securities Collective, “De-Risking & Financial Inclusion Civil Society”.

¹⁰⁰. <https://ecnl.org/sites/default/files/2025-03/Unpacking%20the%20EU%20AMLCFT%20package.pdf>

¹⁰¹. Strachwitz, R. G. (2024). Rahmenbedingungen für die Zivilgesellschaft: Anspruch und Wirklichkeit. (Opuscula, 194). Berlin: Maecenata Institut für Philanthropie und Zivilgesellschaft, pp. 21–22.

¹⁰². https://www.ssoar.info/ssoar/bitstream/handle/document/96407/ssoar-2024-strachwitz-Rahmenbedingungen_fuer_die_Zivilgesellschaft.pdf?sequence=4&isAllowed=y&Inkname=ssoar-2024-strachwitz-Rahmenbedingungen_fuer_die_Zivilgesellschaft.pdf

¹⁰³. <https://www.deutschlandfunk.de/gemeinnuetzige-vereine-politisch-afd-anzeige-100.html>

¹⁰⁴. <https://www.tagesschau.de/faktenfinder/kontext/gemeinnuetzigkeit-afd-100.html>

¹⁰³. Troschke, H. (2024). Civil Society in Germany: Data, Facts, Developments. (Opuscula, 192). Berlin: Maecenata Institut für Philanthropie und Zivilgesellschaft, pp. 34–38. https://www.ssoar.info/ssoar/bitstream/handle/document/94356/ssoar-2024-troschke-Civil_Society_in_Germany_Data.pdf?sequence=6&isAllowed=y&Inkname=ssoar-2024-troschke-Civil_Society_in_Germany_Data.pdf

¹⁰⁴. <https://dserver.bundestag.de/btd/20/150/2015035.pdf>

The debate on whether CSOs engaged in civil dialogue and advocacy should receive public funding is a growing concern for civil society.

in accord with government policy or advocates a change in the law.”¹⁰⁵

In the **Netherlands**, there is increasing debate on funding for CSOs lobbying

and engaging in advocacy and working on “politicised” topics like women’s and children’s rights, LGBTQI+ rights, and refugee rights.

In the **Czech Republic**, a new law on lobbying may impact the public’s willingness to donate to organisations who are identified as “lobbyists” — a term with negative connotations for many and politically abused for smear campaigns against civil society. The proposal is also likely to impose further administrative burden on CSOs.¹⁰⁶

Attacks on NGOs at EU Level

There have also been concerning developments related to the funding landscape at the EU level.

In May 2024, new policy guidelines on the funding for lobbying activities¹⁰⁷ prepared by the Commission’s secretariat-general and directorate-general for budget stated that entities receiving EU funding should ensure that their lobbying and advocacy activities “avoid reputational risk.” These activities include:

“sending letters, organising meetings or providing advocacy material to EU institutions or specific members of an institution; or identifying specific members or officials of an institution to evaluate or describe their positions, or to discuss specific political content or outcome.”

This is concerning as it captures a wide range of advocacy activities in which CSOs are engaged and is likely to lead to a chilling effect.

In December 2024, several environmental NGOs received an email from the agency responsible for beneficiaries of the Commission’s LIFE programme, which funds diverse environmental projects. In the email, the agency requested the NGOs to review their grant contracts for 2024 that were approved and signed earlier in the year considering the new guidelines.¹⁰⁸

In a December 2024 draft discharge report for the Budgetary Control Committee on the implementation of the EU budget, European Peoples Party (EPP) MEP Monika Hohlmeier argued that NGOs were

“allegedly used as vectors of foreign interference” and underscored that NGOs and networks have an “activist agenda,” and are trying to harm the work of the Parliament by “sending prewritten amendments and papers for committee decisions.” The report called for the Parliament to make a distinction between “NGOs and professional networks staffed with political activists” and to **sanction NGOs that “unduly try to manipulate decisions.”**¹⁰⁹

The report called for the Parliament to make a distinction between “NGOs and professional networks staffed with political activists”

Following this, a debate in the European Parliament on the transparency of lobbying carried out by entities financed through the LIFE programme was called by the EPP and ECR groups on 22 January 2025. During the debate, EPP MEP

Monika Hohlmeier accused environmental NGOs of being paid by the Commission to lobby the European Parliament, particularly on the Green Deal.

Following this, the chair of the Budgetary Control Committee wrote to the Commissioner for Budget, Anti-Fraud and Public Administration, requesting to see the 2023 grant agreements of all beneficiaries from several directorates¹¹⁰ to “assess how EU funds are allocated and for ensuring transparency and accountability.”¹¹¹ In an earlier letter to the Commissioner in January 2025, the committee also requested to see all grant agreements signed with

¹⁰⁵. [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2019\)002-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2019)002-e);

¹⁰⁶. <https://vlada.gov.cz/cz/ppov/rnno/zapisy-ze-zasedani/zasedani-rady-vlady-pro-nesatni-neziskove-organizace-dne-30--zari-2024-217664/>

¹⁰⁷. [https://www.europarl.europa.eu/cmsdata/290965/Guidance_funding%20to%20lobbying%20activities_final%20Ares\(2024\)3320196-%2007052024.pdf](https://www.europarl.europa.eu/cmsdata/290965/Guidance_funding%20to%20lobbying%20activities_final%20Ares(2024)3320196-%2007052024.pdf)

¹⁰⁸. <https://www.politico.eu/article/european-commission-ngos-lobbying-environmental-advocacy-green-funds-life-program/>

¹⁰⁹. https://www.europarl.europa.eu/doceo/document/CONT-PR-764999_EN.pdf

¹¹⁰. DG DEFIS, DG RTD, DG ENV, DG CLIMA, DG AGRI, DG JUST and DG HOME

¹¹¹. https://www.politico.eu/wp-content/uploads/2025/02/04/document-2025_2_3.pdf

Transparency International, including its national chapters or affiliated organisations, from 2023 and 2024.¹¹²

On 1 April 2025, the Commission issued a statement on the LIFE Programme confirming its commitment to civil society while at the same time stating that some NGO work programmes annexed to the operating grant agreements contained “specific advocacy actions and undue lobbying activities.”¹¹³ On 7 April 2025, the European Court of Auditors published a report which found that, despite progress, the Commission still had improvements to make when it comes to the transparency of their funding programmes.¹¹⁴ However, the report did not find any evidence that grantees had not complied with EU values. To coincide with the report’s publication, more than 570 CSOs from across Europe signed a joint statement calling for an end to the attacks on funding for NGOs.¹¹⁵

Questions regarding NGO funding and transparency have also been raised in the European Council. For example, on 25 February 2025, the Hungarian government requested “full and unrestricted access” to grant agreements between the Commission and NGOs. It also called for a transparency system that will allow public and government scrutiny.¹¹⁶

There have also been attacks outside the EU institutions. Following the controversy with the environmental NGOs’ grant agreements, the Hungarian think tank MCC released a report accusing NGOs who are funded by the Commission of being a “propaganda machine.”

Civil society has called on the Commission to strengthen the Citizens, Equality, Rights and Values (CERV) programme by tripling the budget.

The report names several Brussels-based European networks that receive funding from the European Commission, including ILGA Europe, which works on equality for LGBTIQ+ people and European Network Against Racism, which works on anti-discrimination.

These developments come as the European institutions are set to negotiate the next Multi-Annual Financial Framework (MFF), which determines the budget spending of the EU for the period 2028-2034. Civil society has called on the Commission to strengthen the Citizens, Equality, Rights and Values (CERV) programme by tripling the budget.¹¹⁷ Concerning amendments have been tabled in the LIBE Committee on the MFF. For example, ECR MEP Paolo Inselsvini called for EU funds to be monitored “strictly, to ensure that they are not used to support specific lobbying activities.” MEP Fabrice Leggeri from the Patriots for Europe group raised concerns over the “financing NGOs with close ties to terrorist movements.” Several MEPs from the Patriots

for Europe group called for a thorough investigation into the “Green lobby scandal”, to recover all the taxpayers’ money unduly spent and to “put an end to any unjustified funding to NGOs and CSOs.”¹¹⁸

On a positive note, the Council of the EU adopted conclusions on the application of the EU Charter of Fundamental Rights.¹¹⁹ The conclusions recognise the “paramount importance and mutually strengthening role of different funding sources,” including funds provided by the

EU via the CERV, member states, private donors, and international organisations.

Inadequate and fragmented inclusion of CSOs in policymaking

Across Europe, the inclusion of civil society in decision-making continued to be inadequate in 2024. This was the case for **access to information, public and online consultations, and structured civil dialogue**. Overall, spaces for participation and political engagement are increasingly under pressure. On social media,

disparate and opaque content moderation practices are restricting open debate, while online harassment discourages participation among certain groups.¹²⁰ In traditional media, press freedom is shrinking, limiting people’s access to diverse and critical information.¹²¹ At the same time, public spaces are becoming more

¹¹². https://www.politico.eu/wp-content/uploads/2025/01/30/D20252018-Letter-Herbst-Serafin_NGOSTI-1.pdf

¹¹³. https://ec.europa.eu/commission/presscorner/detail/en/statement_25_942

¹¹⁴. <https://www.eca.europa.eu/en/publications/SR-2025-11>; <https://transparency.eu/eca-report-no-scandal-but-the-commission-needs-to-invest-in-a-more-understandable-database/>

¹¹⁵. <https://civic-forum.eu/publications/open-letter/unprecedented-attacks-on-ngos-in-the-eu-we-call-on-all-democratic-forces-to-act-for-a-strong-and-independent-civil-society>

¹¹⁶. <https://www.consilium.europa.eu/en/meetings/gac/2025/02/25/>

¹¹⁷. <https://civic-forum.eu/publications/open-letter/joint-letter-strengthening-and-shielding-european-democracy-with-the-upcoming-mff>

¹¹⁸. https://www.europarl.europa.eu/doceo/document/LIBE-AM-770021_EN.pdf

¹¹⁹. <https://data.consilium.europa.eu/doc/document/ST-6878-2025-INIT/en/pdf>

¹²⁰. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-online-content-moderation_en.pdf

¹²¹. <https://rm.coe.int/prems-013425-gbr-2519-annual-report-2025-correction-cartooning/1680b48f7b>

controlled, with increased surveillance and restrictions on peaceful assembly and expression.¹²² These trends contribute to a narrowing of civic space, making it

Across Europe, the inclusion of civil society in decision-making continued to be inadequate in 2024.

harder for people and CSOs to participate in democratic political life.

While **public consultations** take place at the national level, in several countries civil society is merely included in a **tokenistic manner**, with their inputs

not adequately taken into consideration. In **Croatia**, public consultations are often treated as a mere formality, conducted late in the legislative process without meaningful engagement.¹²³ Similarly, in **Spain**, civil society has had limited involvement in shaping the National Implementation Plans for the Pact on Migration and Asylum, while the reform of the Gag Law lacked transparency and meaningful dialogue.¹²⁴ In **Poland**, migrant's rights organisations were consulted only after the government drafted and finalised its migration strategy, which suspends the right to asylum.¹²⁵ In **Slovenia**, in most legislative processes, the government failed to comply with the minimum consultation period of 30-60 days to which it committed.¹²⁶ In **Italy**, trade unions repeatedly voiced frustration over being sidelined in key labour market decisions, with no prior consultation before policies were announced.¹²⁷ In the **Netherlands**, the asylum and migration ministry attempted to push through a temporary asylum crisis law without proper consultation, a process that was ultimately halted by the senate amid criticism from civil society and politicians.¹²⁸ The government then sought to fast-track proceedings, further raising concerns about the lack of participatory decision-making.

Overall, spaces for participation and political engagement are increasingly under pressure. On social media, disparate and opaque content moderation practices are restricting open debate, while online harassment discourages participation among certain groups.

There is a growing reliance on **online consultations**, which offer accessibility advantages for some, but are **inaccessible for marginalised groups on the periphery**. In addition, the use of such consultations could result in limited engagement due to shorter deadlines, which affect the quality of public participation and undermine the overall legitimacy of decision-making processes. In the **Netherlands**, while the consultation period is typically between six to eight weeks, in the case of an initiative on counterterrorism, it was limited to just five days, restricting the ability of civil society and the public to provide meaningful input. In a positive example, a new public consultation platform was launched on the **Polish** parliament's website in October 2024,¹²⁹ while in **Spain**, digital tools have been introduced at national and regional levels to involve the public in policymaking.¹³⁰

In contrast, some countries have also taken steps to improve public participation in decision-making. In **Poland**, the civil society minister established expert working groups on legal simplification for CSOs, activism, and civil dialogue, although the implementation has been slow.¹³¹ Legal reforms now require public consultations before laws are passed.

In **Spain**, while participatory budgeting is being implemented in cities like Madrid, Barcelona, and Valencia, participation rates remain low, with greater engagement at local levels. In the **Czech Republic**, the Department for Cooperation with Civil Society proposed new commitments under the Open Government Partnership Action Plan 2025–2026, including piloting participatory and deliberative processes and preparing a citizens' assembly.¹³²

A growing lack of **access to information** for civil society to decision-making and open governance was also evident in

¹²². https://ecnl.org/sites/default/files/2024-10/ECNL%20Biometrics%20Surveillance%20Strategies%202024_v%2030.09.24.pdf

¹²³. <https://www.kucaljudskihprava.hr/wp-content/uploads/2024/02/Regional-Report-on-Human-Rights-Defenders-Regional-Network-of-Human-Rights-Houses-1.pdf>

¹²⁴. <https://elpais.com/espana/2024-12-05/mas-de-20-organizaciones-reclaman-al-gobierno-participar-en-la-aplicacion-del-pacto-migratorio-de-la-ue.html>

¹²⁵. <https://www.dw.com/en/poland-tusk-plans-to-suspend-right-to-asylum/a-70478179#:~:text=Polish%20Prime%20Minister%20Donald%20Tusk%20on%20Saturday%20announced,Belarus%20and%20seek%20refuge%20in%20the%20European%20Union.>

¹²⁶. <https://www.cnvos.si/stevec-krstev/>

¹²⁷. https://www.ansa.it/sito/notizie/economia/2024/12/01/cgil-e-uil-chiamano-meloni-non-ignorare-500mila-persone-_7ae0a46f-903f-4135-b617-7efc36d-5f6a7.html

¹²⁸. <https://nos.nl/artikel/2540112-eerste-kamer-tegen-gebruik-van-noodrecht-voor-asielmaatregelen>

¹²⁹. https://www.sejm.gov.pl/sejm10.nsf/agent.xsp?symbol=KONSULTACJE_PROJEKTY&NrKadencji=10

¹³⁰. <https://plataformadeparticipacionciudadana.es/>

¹³¹. https://publicystyka.ngo.pl/rzad-otrzymal-propozycje-ulatwiajace-dzialalnosc-organizacji-pozarzadowych-co-z-nimi-zrobi?fbclid=IwY2xjawF5mBpleHRuA2FlbQlXMQABHXMPpJs_PMIImPH3kOFxS-T3YVPeEe5-4kbb2K-6RsWMQjOxP1Kc7IfzQZA_aem_fAJ_exuNBQ55CpD0muMuCg

¹³². <https://korupce.cz/wp-content/uploads/2025/01/Akcni-plan-Ceske-republiky-Partnerstvi-pro-otevrene-vladnuti-na-období-let-2025-az-2026.pdf>

2024. In **Hungary**, Government Decree 146/2023 has enabled public hearings to be conducted electronically, often via email, limiting direct public participation.¹³³ In the **Netherlands**, authorities routinely obstructed or delayed access to information, with an average response time of 172 days, far exceeding the legal maximum of 42 days.¹³⁴ **Denmark** has also seen a shift toward more closed decision-making processes, as a significant number of legislative negotiations now take place in closed ministry meetings instead of the parliament, where public access is guaranteed.¹³⁵ Furthermore, in several member states, access to information legislation remains a challenge.

Adequate, timely, genuinely participatory, and **structured civil dialogue remains largely insufficient across the European countries**. While civil society is consulted to varying degrees depending on the topic, political will, and available resources, there

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remains a lack of systematic policies, frameworks, and practices to ensure meaningful engagement. In **Austria**, participation processes are inconsistent and heavily dependent on the willingness of individual ministries or departments due to the lack of a framework.¹³⁶ In **Bulgaria**, while the Council for Civil Society Development (CCSD) exists, it remains ineffective

due to political circumstances. Even when there are functional forums for structured dialogue, the implementation of outcomes is not binding.¹³⁷ In the **Czech Republic**, the Government Council for NGOs recommended the approval and implementation of a methodology on the participation of NGOs in consultative and working bodies. However, its adoption is voluntary, leaving it up to individual ministries to decide whether to apply it in practice.¹³⁸ In **Latvia**, the Memorandum of Cooperation between CSOs and the Cabinet lacks sufficient funding and institutional support to operate effectively.

Civic participation and structured civil dialogue at the EU level

At the EU level, civic participation and structured **civil dialogue in decision-making is inconsistent**, with both **promising commitments and concerning shortcomings**. An EESC study, "Mapping civil dialogue practices in the EU institutions" finds that there are several civil dialogue practices across institutions, including the European Commission, the Parliament, and other European bodies such as the Fundamental Rights Agency. However, it notes that these practices have several shortcomings, including a lack of common understanding of what civil dialogue is, CSO workers being identified as lobbyists, and capacity challenges arising from human resources issues and burdensome reporting.¹³⁹

On a positive note, the new **European Commission announced plans to launch a civil society platform and develop a civil society strategy**, a key demand from European CSOs.¹⁴⁰

At the EU level, civic participation and structured civil dialogue in decision-making is inconsistent, with both promising commitments and concerning shortcomings.

These policies could be an opportunity to overcome existing challenges with regards to European civil dialogue.

Other platforms for **civil society engagement on thematic issues** such as the EU migrant's rights platform and EU Roma platform have had **mixed reviews from civil society**. For example, in 2024 Roma rights CSOs raised concerns over the 17 Roma platform which lacked meaningful engagement from high-level EU officials and overall political support. As antigypsyism intensifies across Europe, the absence of strong institutional support is more glaring than ever.¹⁴¹

Thus far, **civic actors involved in participatory processes have not been included as equal partners** but rather in a tokenistic manner, with no allocation of financial resources for participation in expert groups. For

¹³³. <https://telex.hu/english/2023/04/28/new-decree-makes-public-hearing-without-the-public-present-possible-in-hungary>; <https://debreciner.hu/cikk/nem-vehetnek-reszt-szemelyesen-a-debreceniek-az-ujabb-akkumulatortgyar-kozmegehallgatasan-eve-power-debreciner>

¹³⁴. <https://www.imi.nu/userfiles/imi.nu/files/Blaadjes-op-het-spoor-rapport.pdf>

¹³⁵. https://justitia-int.org/wp-content/uploads/2024/07/Rapport_Udfordringer-i-lovgivningsprocessen_15072024.pdf

¹³⁶. <https://www.degruyterbrill.com/document/doi/10.1515/npf-2019-0029/html>

¹³⁷. https://commission.europa.eu/document/download/fd6bb85d-4aaa-4c79-88a2-8709edfb2002_en?filename=10_1_58051_coun_chap_bulgaria_en.pdf

¹³⁸. <https://vlada.gov.cz/cz/ppov/rnno/zapisy-ze-zasedani/zasedani-rady-vlady-pro-nestadni-neziskove-organizace-dne-19-prosinec-2024-217720/>

¹³⁹. Forthcoming EESC report; <https://www.eesc.europa.eu/sites/default/files/2025-03/Berta-Mizsei.pdf>

¹⁴⁰. <https://civic-forum.eu/ecf-events/co-creating-a-strategic-approach-for-an-open-civic-space>

¹⁴¹. <https://ergonetwork.org/2024/10/a-step-back-in-roma-inclusion-eu-roma-platform-fails-to-address-rising-challenges/>

On a positive note, the new European Commission announced plans to launch a civil society platform and develop a civil society strategy, a key demand from European CSOs

example, in the case of the Commission's expert group on the views of migrants in the field of migration, a s y l u m , and integration,¹⁴² those with lived migration experience were not invited to co-create

the agenda of the group nor financially compensated for their time taken to participate.¹⁴³

One of the main concerns when it comes to policymaking is that the **European Commission usually defines the direction of a policy before a consultation begins**, leaving limited space for meaningful contribution. The consultation processes fall short, with limited advance notice, a lack of draft guidelines for targeted input, inaccessible feedback formats, and restrictive character limits to respond to complex questions, which are posed as leading questions and not neutrally. These shortcomings hinder constructive engagement and weaken the quality of input from civil society.

One of the main concerns when it comes to policymaking is that the European Commission usually defines the direction of a policy before a consultation begins, leaving limited space for meaningful contribution.

At the same time, recent legislative processes reveal significant gaps in implementing structured dialogue. For example, **during the adoption of the EU AI Act**, presented as a landmark global standard-setting regulation, **civil society was insufficiently consulted**. CSOs have called on the Commission and the AI Office, created for EU level oversight, to ensure that future consultations, particularly around the AI Act's implementation, allow for meaningful and inclusive participation. Moreover, shortly after the

act's adoption, the new Commission shifted its focus towards short-term competitiveness goals, deregulation and "simplifying the rules"¹⁴⁴ on AI, in response to pressure from big tech companies and member states. It intensified discussions with corporate lobbyists,¹⁴⁵ while excluding civil society from the discussions on ensuring accountability on the act. For instance, the Commission withdrew the AI liability directive from its work programme to prioritise competitiveness and innovation.¹⁴⁶

Similarly, the adoption of the **Omnibus Directive**, a proposal to amend three key pillars of the European Green Deal,¹⁴⁷ was marked by a **lack of civil dialogue with civil society**, while **prioritising multinational enterprises, including fossil fuel giants**,¹⁴⁸ as well as procedural irregularities. Over 170 civil society actors, human rights and environmental defenders, trade unions, and climate activists warned that the proposal risks dismantling already approved critical EU law that protects human rights and the environment.¹⁴⁹ The developments with the AI Act and Omnibus proposal reflect a broader trend of deregulation and weakening of human rights protection standards in favour of boosting industry interests and competitiveness.¹⁵⁰

Civils society's concerns over the foreign funding directive proposed in December 2023 as part of the Commission's Defence of Democracy package have been ignored. CSOs continue to call for the withdrawal of the

package and a thorough fundamental rights impact assessment.¹⁵¹ In addition, in 2024 President von der Leyen announced her plan to introduce a European Democracy Shield to "counter foreign information manipulation and interference online, by detecting, analysing and proactively countering disinformation and information manipulation as well as hybrid

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¹⁴². <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&do=groupDetail.groupDetail&groupId=3734>

¹⁴³. Interview with Ivorian community of Greece & Voicify.

¹⁴⁴. <https://www.politico.eu/article/virkkunen-stands-firm-against-american-pushback-against-eu-tech-laws/>

¹⁴⁵. <https://ec.europa.eu/transparencyinitiative/meetings/meeting.do?host=8507138f-6be3-4068-9645-5b40bfa5b31f&page=5>

¹⁴⁶. <https://www.euractiv.com/section/tech/news/commission-withdraws-ai-liability-directive-after-vance-attack-on-regulation/>

¹⁴⁷. The Omnibus proposal amends the Corporate Sustainability Due Diligence Directive (CSDDD), the Corporate Sustainability Reporting Directive (CSRD), and the Taxonomy Regulation

¹⁴⁸. <https://www.linkedin.com/feed/update/urn:li:activity:7293242930234884096/>

¹⁴⁹. <https://corporatejustice.org/publications/joint-statement-on-omnibus/>

¹⁵⁰. <https://corporateeurope.org/en/2025/02/deregulation-watch>

¹⁵¹. <https://civic-forum.eu/our-work/defence-of-democracy>

threats.”¹⁵² With the broad consultation launched in April 2024, there are concerns over the Commission’s focus on strengthening democracy through a defence

and militarised approach that primarily focuses on external threats to democracy without equal attention to the threats coming from within.

Civil society resilience

Despite intensifying pressure on civic space across Europe, 2024 was also marked by a renewed demonstration of civil society’s resilience and commitment to defending democratic values. Across the continent, CSOs, HRDs, and activists **used litigation, formed new alliances, and led mass mobilisations to safeguard fundamental rights and fight authoritarianism**. Once again in 2024 CSOs effectively used the courts to protect rights and hold governments to account. For instance, across Europe, courts played a crucial role in upholding the rule of law and fundamental freedoms by overturning protest bans and other restrictive decisions, reaffirming the important role of civil society in democracy. In **Denmark**, for example, a large number of activists sued the Copenhagen Police Department for illegal or prolonged detention and other breaches of the legal limits on the detention of activists. In some cases, the court ruled in favour of the activists.

In **Germany**, Greenpeace and Germanwatch filed a complaint against the federal government, challenging its climate policy and demanding stronger climate action.¹⁵³ Similarly, Deutsche Umwelthilfe brought legal action against the newly enacted climate protection law, arguing that it fell short of Germany’s climate commitments.¹⁵⁴ Meanwhile, Gesellschaft für Freiheitsrechte underscored the growing role of litigation by bringing 35 cases focused on democracy and fundamental rights to courts.¹⁵⁵

Similarly, in the **Netherlands**, public interest litigation was a powerful tool for advocacy in 2024. Civil society actors successfully challenged a range of government actions, including halting the export of certain weapons to Israel,¹⁵⁶ contesting inadequate environmental protections,¹⁵⁷ defending legal aid funding for

refugees,¹⁵⁸ and confronting anti-Muslim discrimination by banks.¹⁵⁹ Beyond the courtroom, civil society in the Netherlands also played a proactive role in shaping public discourse and protest practices. Organisations such as Amnesty International, alongside academics and local authorities, contributed to initiatives that brought together protesters, police, and community actors and trained them in de-escalation tactics and protest action, showing how civic space can be defended through collaborative engagement.¹⁶⁰

In **Serbia**, civil society responded to worsening conditions with proactive support mechanisms. In February 2024, the CSO Civic Initiatives launched a programme which provides immediate support to organisations facing threats, attacks, or burdens and helps them to continue their work despite growing obstacles.¹⁶¹ A national anti-SLAPP coalition was also established in 2024, followed by the launch of the first regional anti-SLAPP coalition.¹⁶² This regional platform aims to facilitate resource sharing, enhance cooperation, and improve communication among civil society actors tackling SLAPPs in the Western Balkans.

2024 saw street mobilisations and grassroots activism across Europe, highlighting the **strength of collective action in defending rights and civic space**. In **Spain**, demonstrations drew large crowds across the country, driven by calls for solidarity with Palestine and housing rights, and opposition to mass tourism. In **Portugal**, mass mobilisations brought together diverse groups advocating for anti-racism, labour rights, women’s rights, and housing rights. **Italy** saw large demonstrations in late 2024, as hundreds of thousands of people took to the streets to protest against the Meloni government’s proposed security bill.¹⁶³ In **Serbia**, the biggest

Across the continent, CSOs, HRDs, and activists used litigation, formed new alliances, and led mass mobilisations to safeguard fundamental rights and fight authoritarianism

¹⁵². https://commission.europa.eu/priorities-2024-2029/democracy-and-our-values_en

¹⁵³. <https://www.greenpeace.de/klimaschutz/klimakrise/gemeinsam-fuer-mehr-klimaschutz-klagen>

¹⁵⁴. <https://www.tagesschau.de/inland/innenpolitik/klimaschutzgesetz-klage-100.html>

¹⁵⁵. <https://freiheitsrechte.org/en/themen/demokratie>

¹⁵⁶. <https://uitspraken.rechtspraak.nl/details?id=ECLI:NL:GHDHA:2024:191>

¹⁵⁷. <https://uitspraken.rechtspraak.nl/details?id=ECLI:NL:RBDHA:2025:578>

¹⁵⁸. <https://uitspraken.rechtspraak.nl/details?id=ECLI:NL:RBAMS:2025:919>

¹⁵⁹. <https://oordelen.mensenrechten.nl/oordeel/2024-63>; <https://oordelen.mensenrechten.nl/oordeel/2024-62>

¹⁶⁰. <https://www.politie.nl/nieuws/2023/juni/26/04-inzet-vredeseenheden-werkte-de-escalerend.html>

¹⁶¹. <https://www.gradjanske.org/otvoren-fond-za-urgentnu-podrsku/>

¹⁶². <https://balkancsd.net/united-against-slapps-strategies-for-defending-freedom-of-expression-in-the-western-balkans-2/>

¹⁶³. <https://www.unionesarda.it/en/italy/in-rome-the-march-against-the-security-bill-quot-a-serious-attack-on-rights-and-democracyquot-w7ox2e4v>

wave of student-led anti-government protests since the break-up of Yugoslavia took place.¹⁶⁴ And in **France**, June 2024 witnessed a wave of nationwide protests following the far-right National Rally party's victory in

the European Parliament elections, with hundreds of thousands participating,¹⁶⁵ showcasing the central role of civil society mobilisation and resilience.

SPOTLIGHT

THE “FOREIGN” THREAT: HOW NARRATIVES BLAMING THE “OTHER” ARE IMPACTING CIVIC SPACE

“Other”, “foreign”, “outsider”, “non-European”. These are all terms that have increasingly entered public discourse and policymaking. They are central to narratives suggesting that Europe is threatened primarily by foreign interventions, resulting in misguided public policies that have profound consequences for fundamental rights and civic space on the continent and abroad.

In this section, we explore **concrete examples of how these narratives have detrimental consequences**, including threats to the rule of law, the erosion of democracy, and mistrust in institutions.

Insiders v. outsiders

The increasing use of narratives of “foreign” influence and of “insiders v. outsiders” across Europe is a significant and worrying trend. Those who interpret societal issues through the lens of “insiders v. outsiders” **promote a vision of society that excludes some individuals and groups**. They reject pluralism — a basic feature of any society — and in particular the fact that people’s identities are multifaceted and crosscutting. This vision rejects the idea that democracy must work for all, with public policies that enable everyone to enjoy their fundamental rights, tackle inequality, and build inclusion through solidarity.

These narratives are being used to stigmatise, exclude and repress communities, increasing their marginalisation. Since the missions of civil society organisations (CSOs) are rooted in the principle of universal access to rights, they too have become targets of exclusionary narratives that question their legitimacy. These narratives frame anything different as a threat and disregard the variety of lived experiences that constitute

Our analysis draws on interviews, research reports, and the country chapters of this report. In addition to our members’ inputs, we conducted interviews with the following organisations: Balkan Civil Society Development Network, Climate Action Network (CAN) Europe, European Environmental Bureau (EEB), European Network Against Racism (ENAR), ILGA Europe, Philea-Philanthropy Europe Association, and the Platform for Undocumented Migrants (PICUM), to capture a broader understanding of practical effects of the “foreign threats” narrative, including how it is being weaponised to shrink civic space and public engagement more broadly.

and enrich societies. In the case of migration, for example, “foreign” narratives underpin policies used by member states to shrink human rights protections.

Tools directed at shrinking the capacity of organised civil society to act may include legislation, such as Foreign Agents Registration Acts (FARAs) and counter-terrorism laws, and public vilification and smear campaigns. Some governments have repeatedly charged CSOs, social movements, and civic actors, without any evidence, with being vectors for “foreign interference”, acting on behalf of foreign interests or against “national values”, threatening national security, or promoting terrorism.

This reflects a wider trend of **securitisation**, presenting some social or political issues as “dangerous”, which is used as a pretext for breaking democratic norms. In the name of addressing “Security” and “safety”, states bypass regular processes and legal norms in mature democracies: new laws are fast-tracked, oversight is weakened, rights are suspended, and

¹⁶⁴. <https://balkaninsight.com/2024/12/23/mass-rally-blocks-serbias-capital-demanding-accountability-for-station-disaster/>

¹⁶⁵. https://www.lemonde.fr/en/politics/article/2024/06/16/french-protesters-turn-out-in-droves-against-far-right-caught-between-despair-and-the-will-to-fight_6674931_5.html

democratic norms are sidelined. Several of the public policy goals pursued under such frameworks — such as safeguarding, preventing terrorism, ensuring transparency, and protecting democratic institutions — are legitimate. But these securitisation frameworks often follow unfocused definitions and are harmful when they are used extensively against people, organisations, and communities based on prejudices and not on evidence of wrongdoing. In practice, they become a means of stifling fundamental rights and critical voices and targeting groups based on their identities, beliefs, or opinions. Issues that were once seen as matters of political debate and arenas of legitimate civic participation are now treated as security concerns, triggering exceptional laws, restrictive measures, and widespread delegitimisation. The “foreign” narrative portrays civil

society actors, excluded groups, and dissenting voices as proxies for enemies or as destabilising forces, opening an avenue for repressive policies.

The surge of these narratives reflects deeper anxieties and social vulnerabilities and takes place in a context of a growing backlash against progressive ideas and related policies about gender, race, immigration, and the environment, collectively demonised as “woke culture” or “wokism”. This trend is growing globally, and Europe is no exception. In many member states, there has been a **pushback against social and racial justice, human rights work, and progressive thinking, scapegoating those who are vulnerable and in precarious situations.**

Institutionalising suspicion: FARA laws and other legal measures against civil society

Narratives blaming the “other” have been typically promoted by authoritarian and illiberal regimes to cement their power and delegitimise civic actors defending democratic values and rights in their countries. The Russian dictatorship has been at the vanguard of repressive measures relying on irrelevant, fanciful accusations of “foreign agents”, which paved the way for the destruction of organised civil society with the banning of all opposition. Within the EU, the Hungarian government is the most obvious example of an illiberal regime that repeatedly launches smear campaigns and other attacks that brand CSOs as working for foreign interests. However, this trend is not restricted to these well-known cases, with an increasing number of countries using such narratives to justify restrictive laws.

One prominent pattern is the introduction of so-called FARA laws — legislation that brands those receiving funding from abroad as “foreign agents” and, on this basis, sets various obligations under so-called transparency requirements aimed at constraining their ability to operate.

Authoritarian and illiberal regimes claim that foreign funding is primarily aimed at undue interference in the public life of a country, and that civic actors that receive funding have an agenda that supports foreign states’ interests. These accusations are often rooted

in conspiracy theories and deny evidence that CSOs are using funds in full transparency, and most often to defend democracy.

However, while some FARA laws appear to be tools of repression by design, others with far lesser restrictions, sometimes introduced with ostensibly reasonable intentions, can nevertheless have devastating consequences for civil society.

FARA laws have been primarily criticised for their ill-defined language, selective and politically-motivated enforcement, and negative consequences for democratic freedoms, including for CSOs, and minority and diaspora groups.¹⁶⁶ But they are also harmful as they are based on the assertion, often made explicitly by governments, that CSOs’ missions and agendas are set by their funders, and that donors fund CSOs as a means of foreign interference. This damaging allegation — refuted by funders and CSOs alike — can have a long-lasting impact on CSOs’ reputations and a chilling effect on their work, even in countries that have walked back or abandoned FARA laws.

Several states in Europe have proposed FARA-like laws, including **Bosnia and Herzegovina, Bulgaria, Montenegro,¹⁶⁷ the Netherlands, Serbia, and Slovakia.** In Bosnia’s Republika Srpska, a draft law¹⁶⁸ imposes discriminatory and burdensome reporting and compliance requirements on all CSOs receiving foreign funding and bans these organisations from

¹⁶⁶. <https://www.thegoodlobby.eu/wp-content/uploads/2023/11/TGL-Study-How-to-Evaluate-a-Foreign-Influence-Legislation-A-Comparative-Analysis.pdf>

¹⁶⁷. <https://www.vijesti.me/vijesti/politika/727885/ambasada-sad-zakon-o-stranim-agentima-mogao-bi-da-stigmatizuje-nvo-i-omete-kriticki-rad-nezavisnih-medija>

¹⁶⁸. <https://www.rferl.org/a/republika-srpska-foreign-agents-law-dodik/32890514.html>

proposing laws or “influencing public opinion”.¹⁶⁹ In Serbia, a registry for “agents of foreign influence” proposed in November 2024 would impose severe penalties for non-compliance.¹⁷⁰ In Slovakia, proposed amendments put forward by the far-right coalition member, the Slovak National Party (Slovenská Národná Strana – SNS), would require organisations which receive over €5,000 in foreign funding to be labelled as “organisations with foreign support” and disclose their donors.¹⁷¹ The Dutch parliament fast-tracked its consideration of a draft law on the transparency of civil society, labelled as being aimed at fighting foreign influence. The proposal introduces broad administrative powers, excessive administrative obligations for registration, and far-reaching sanctions, including the suspension of an organisation’s activities for up to two years.¹⁷²

At the EU level, a “foreign funding directive” proposal introduces “transparency and accountability standards” for “interest representation on behalf of third countries”.

Foreign narratives weaponised against excluded groups and movements

While these narratives have wide-ranging consequences for civil society in general, specific groups are more likely to be targeted and therefore experience disproportionate and unjust consequences. This includes organisations and activists working on issues such as anti-discrimination, climate and environmental justice, and LGBTQI+ and migrants’ rights. These organisations often receive funding from abroad precisely because their own governments are indifferent, if not openly hostile, to the rights they defend.

The “foreign agents” narrative has particularly been weaponised against LGBTQI+ rights in several member states. When a FARA proposal was tabled in **Bulgaria**, MPs tabled several amendments directed against LGBTQI+ defenders, some of which were adopted. The government also supported the “foreign agents” narrative, singling out LGBTQI+ rights organisations as representing foreign values. In **Bosnia and Herzegovina**, the government indicated its intention to adopt a ban on LGBTQI+ organisations entering schools, at the same time as FARA legislation was

The directive would require entities (including CSOs) to disclose funding from outside the EU and would create a register for entities or organisations that receive such funding.¹⁷³ Under the draft law, the requirement for organisations to register would not be based on their mandate. Rather, merely receiving funding from abroad is cause for suspicion. The underlying prejudice is that foreign money is bad by nature when it is directed to civic activities. It should be noted that this is precisely the opposite of the assumption made for foreign investment in the economy, which is considered beneficial by default.

While these FARA-style laws are some of the most prominent examples of policies stemming from the “foreign threat” narrative, they are not the only ones. Governments often justify restrictive laws with claims that they are preventing actions carried out on behalf of foreign interests, contrary to domestic interests, public order, or related to terrorism.

pending approval. In **Hungary**, the narrative has been used to target many organisations, including those working on LGBTQI+ rights, with state-controlled media outlets publishing articles that smear LGBTQI+ organisations as mercenaries of “foreign” interests such as “Brussels” or George Soros.¹⁷⁴ Besides the country’s proposed FARA law, **Slovakia** may soon introduce new regulations aimed at restricting LGBTQI+ “propaganda” in schools, after a September 2024 draft bill failed to pass its second reading.¹⁷⁵

Environmental and climate groups have also been targeted,¹⁷⁶ often accused of being “eco-terrorists,” “enemies of the state”, or as a threat to national security or public order.¹⁷⁷

For example, in **Romania**, in October 2024, the Directorate for Investigating Organised Crime and Terrorism (DIICOT) launched an inquiry against Greenpeace and several other NGOs opposing key energy projects, claiming to investigate their ties to

¹⁶⁹. https://sarajevotimes.com/what-happened-to-the-announced-foreign-agents-law-in-the-republika-srpska/#google_vignette; <https://lens.civicus.org/interview/the-new-foreign-agents-law-isnt-about-transparency-its-about-silencing-dissent/>

¹⁷⁰. <https://telegrafi.com/en/vulin-propon-ligj-per-agjentet-e-huaj-cfare-te-thote-kjo-per-serbine-dhe-paralajmerimet-nga-brukseli-dhe-uashingtoni/>

¹⁷¹. <https://civicspacewatch.eu/slovakia-ngo-draft-law-stigmatises-csos-mirroring-hungarys-path/>

¹⁷². <https://www.tweedekamer.nl/kamerstukken/wetsvoorstellen/detail?cfg=wetsvoorstel&details&qry=wetsvoorstel%3A35646>

¹⁷³. <https://civic-forum.eu/our-work/defence-of-democracy>

¹⁷⁴. <https://www.ilga-europe.org/report/2025-rule-of-law-report/>

¹⁷⁵. <https://www.euractiv.com/section/politics/news/slovak-national-party-pushes-anti-lgbti-school-bill-echoing-hungarian-controversy/>

¹⁷⁶. <https://unece.org/climate-change/press/un-special-rapporteur-environmental-defenders-under-aarhus-convention-releases>

¹⁷⁷. <https://www.statewatch.org/media/4190/un-unshr-environmental-protest-civil-disobedience-crackdowns-28-2-24.pdf>

Russia.¹⁷⁸ The organisations targeted state that the foreign agents narrative is being used to delegitimise their lawful activism.¹⁷⁹

Environmental rights activists in **Serbia** opposing the Rio Tinto lithium mining project have been branded as foreign agents, accused of acting against national stability and promoting Russian propaganda. For example, Serbia's President Aleksandar Vučić is quoted as labelling the protest movement as attempts at a "colour revolution" orchestrated by foreign influences and "mercenaries who work against the interests of Serbia."¹⁸⁰

Migrants' rights groups have also been accused of acting against state interests or on behalf of foreign powers. This has been the case with foreign-funded NGOs working on migration in Hungary, who have been accused of acting on behalf of US philanthropist George Soros.¹⁸¹ KISA, an organisation working on anti-discrimination and migration issues in Cyprus, has been repeatedly targeted and attacked, including for "cooperating with terrorist religious organisations."¹⁸²

There is evidence that Belarus and Russia, among others, have weaponised migrants' moves to reach the EU as part of the ongoing confrontation between

the two countries and the EU. Member states' responses have repeatedly included attacks on migrants' rights, claiming that migrants in need of protection should be addressed as threats to national security or public order.¹⁸³ For example, in **Poland**, the government proposed the suspension of the right to asylum in light of migrant arrivals at the Polish-Belarusian border. In the **Czech Republic**, an amendment to the Lex Ukraine VII law introduces the offence of "unauthorised activity for a foreign power" for assisting migrants, with a basic penalty of up to five years in prison, and up to 15 years in case of a state of war. It would apply to those the government claims work for a foreign country or organisation "with the intention of threatening or harming the constitutional establishment, sovereignty, territorial integrity, defence or security of the Czech Republic". There is no doubt that the claim could be directed at any moment against anyone assisting a migrant in accessing their rights.¹⁸⁴

At the EU level, "threats to security and public order" are often cited to justify restrictive and harmful migration policies, as seen in the EU Migration and Asylum Pact, the new Schengen Border Code, and the new Returns Regulation.¹⁸⁵

The counter terrorism narrative weaponised against fights for rights

Measures to counter terrorism and violent extremism, which may be legitimate for preventing violence, have been unduly used to shrink civic space¹⁸⁶ and to target excluded groups and movements. Some states have expanded their definition of terrorism, misusing the term to stifle critical voices and actions, such as peaceful civil disobedience. Civil society in several countries has been impacted by such measures, which include counter-terrorism and anti-money-laundering (CT/AML) legislation (see section on funding), judicial harassment, and surveillance.¹⁸⁷

During the interviews conducted by ECF for this section, participants reported that narratives linked to countering terrorism have impacted groups working on anti-discrimination. For example, since 2017, the Forum

of European Muslim Youth and Student Organisations (FEMYSO) has repeatedly been accused of having links with the Islamist organisation Muslim Brotherhood¹⁸⁸ — a claim it has firmly denied. Even if no evidence has been publicly presented, the allegations continued to impact their work in 2024. Through various false narratives, spread via academics, the media and by some members of the European Parliament, the youth group has also been accused of promoting Sharia interests on behalf of the Qatari government. This narrative has also been used against their members at the national level. For instance, Kauthar Bouchallikht, who served on the board of FEMYSO, was repeatedly smeared during her campaign for the Dutch elections as a Green Party candidate. Beyond the issue of those various allegations, FEMYSO states that while the

¹⁷⁸. <https://www.g4media.ro/surse-dosar-penal-la-diicot-dupa-o-plangere-a-ministrului-energiei-fata-de-organizatii-care-se-opun-unor-proiecte-energetice-plangerea-vizeaza-mai-multi-activisti-de-mediu-inclusiv-greenpeace-upda.html>

¹⁷⁹. <https://www.greenpeace.org/romania/comunicat-presa/10120/ministrul-energiei-sebastian-burduja-ataca-organizatiile-de-mediu-si-justitia-din-romania/>

¹⁸⁰. <https://www.gradjanske.org/wp-content/uploads/2024/08/Weaponizing-Influence-Report-Civic-Initiatives.pdf>

¹⁸¹. <https://www.article19.org/resources/european-court-of-human-rights-hungarian-anti-immigration-law-restricts-ngos/>

¹⁸². <https://monitor.civicus.org/explore/anti-racism-cso-kisa-continues-to-fight-its-dissolution-banks-treat-csos-as-high-risk/>

¹⁸³. <https://picum.org/wp-content/uploads/2024/04/Betwenn-Administrative-and-Criminal-Law.pdf>

¹⁸⁴. https://www.idnes.cz/zpravy/domaci/ministr-spravedlnosti-blazek-trestny-cin-cinnost-pro-cizi-moc.A250207_115914_domaci_ijan

¹⁸⁵. <https://picum.org/blog/new-returns-regulation-ushers-in-dystopian-detention-and-deportation-regime/>

¹⁸⁶. https://defendcivicspace.com/wp-content/uploads/2024/01/SRCT_GlobalStudy-1.pdf

¹⁸⁷. https://defendcivicspace.com/wp-content/uploads/2024/01/SRCT_GlobalStudy-1.pdf

¹⁸⁸. <https://femyso.org/femyso-responds-to-false-allegations-on-links-to-muslim-brotherhood/>

representation of Muslim youth in Europe is improving, there is still a sense that Muslim women who wear a hijab are “foreign and do not belong in Europe.”¹⁸⁹ And indeed, research by anti-discrimination organisations has also outlined how Islam is seen as “violent and a threat to European values and identity.”¹⁹⁰ During interviews, participants explained that racialised groups are particularly impacted due to a dangerous “normalisation” of Islamophobic prejudice in public policies, in particular as Islam and Muslims are equated with violent extremism and terrorism.¹⁹¹

In the case of those expressing solidarity with the Palestinian people, the illegitimacy of public policies reflecting such prejudices has been recognised in some cases, but not all (see case study for further examples). For instance, in **France**, an October 2023 ruling by the Council of State suspended the systematic ban on demonstrations in solidarity with Palestine, rejecting that such solidarity is associated with supporting

terrorism.¹⁹² However, not all cases have seen similar rulings. In July 2024, after a terrorist attack in La Grande-Motte, demonstrations in solidarity with Palestine could be banned again, as the authorities equated them with terrorist threats.¹⁹³

According to environmental rights organisations and UN reports,¹⁹⁴ those fighting for environmental and climate justice have also been targeted as “eco-terrorists”. In **Spain**, the environmental groups Futuro Vegetal and Extinction Rebellion (XR) were branded as terrorist groups in an annual report by the attorney general.¹⁹⁵ In **Denmark**, “climate extremists” are included in the list of terrorist threats to the country, drawn up by the Danish Security and Intelligence Service.¹⁹⁶ In **Sweden**¹⁹⁷ and **Austria**,¹⁹⁸ previous cases show how high-level politicians have publicly labelled environmental activists and organisations as eco-terrorists and threats to the country.

Normalisation and legitimisation of exclusion narratives: a vicious circle

In addition to the legislative tools used to target civil society and movements, the spread of these narratives in the public domain plays a key role in delegitimising the fight for rights for all and against shrinking civic space. Several actors play a role in legitimising these “foreign” narratives, including government officials, political actors, the media, and corporate entities.

Participants ECF interviewed explained that **once these narratives are normalised through the repetition of propaganda fuelled by echo chambers, including media and social media platforms that amplify them, they gain undue legitimacy among parts of society**. For example, senior government officials in several member states, such as **France**, **Germany** and the **Netherlands**, have labelled the Palestine solidarity movement as “terrorist”.¹⁹⁹ This narrative has been echoed through media outlets’ coverage of Palestine solidarity protests. As noted by the UN Special

Rapporteur in her report on global threats to freedom of expression arising from the Gaza conflict, “private actors, such as universities, cultural institutions and funders, even media outlets, have played a disturbing role, intimidating, isolating and silencing voices that differ from theirs”.²⁰⁰

Similarly, media reports have dehumanised migrants and justified the instrumentalisation of migration taking place in several member states.²⁰¹ In **Romania**, the civil society sector has been accused of working for and being controlled by foreign interests by parts of the media, while a high-level politician launched a public call to compile a list of civil society “villains” who promote a foreign agenda.²⁰²

Attacks against LGBTQI+ people have also become increasingly normalised, often fuelled by public figures and state institutions. This has been documented in

189. Interview with FEMYSO

190. https://www.enar-eu.org/wp-content/uploads/suspicion_discrimination_surveillance_report_2021.pdf

191. <https://www.amnesty.org/en/wp-content/uploads/2021/05/EUR0136062021ENGLISH.pdf>; <https://www.enar-eu.org/suspicion-discrimination-and-surveillance-the-impact-of-counter-terrorism-law-and-policy-on-racialised-groups-at-risk-of-racism-in-europe/>

192. <https://civic-forum.eu/wp-content/uploads/2024/04/ECF-Rule-of-Law-Submission-Repeated-repressions-of-Palestine-solidarity.pdf>

193. <https://www.ldh-france.org/la-mobilisation-de-soutien-au-peuple-palestinien-de-nouveau-interdite-par-le-prefet-de-lherault/#:~:text=Conform%C3%A9ment%20%C3%A0%20son%20annonce%20publique,30%20et%2031%20ao%C3%BBt%202024>

194. https://unece.org/sites/default/files/2024-02/UNSR_EnvDefenders_Aarhus_Position_Paper_Civil_Disobedience_EN.pdf

195. https://www.publico.es/sociedad/dos-activistas-ecologicas-pegan-marcos-cuadros-majas-goya-museo-prado.html#google_vignette; <https://www.publico.es/politica/fiscalia-considera-grupos-terroristas-extinction-rebellion-futuro-vegetal.html>

196. <https://pet.dk/en/-/media/mediefiler/pet/dokumenter/analyser-og-vurderinger/vurdering-af-terrortruslen-mod-danmark/vurdering-af-terrortruslen-mod-danmark-2023-eng.pdf>

197. <https://www.dn.se/sverige/statsministern-hanvisade-till-sakerhetshot-70-aring-enda-anmalda-aktivist/>

198. <https://www.heute.at/s/oekoterroristen-justiz-nimmt-fpoe-mann-nun-ins-visier-120010704>

199. <https://civic-forum.eu/wp-content/uploads/2024/05/CIVIC-SPACE-REPORT-2024-RESTRICTIONS-ON-PALESTINE-SOLIDARITY.pdf>; <https://www.amnesty.org/en/latest/news/2025/02/stop-punishing-palestinian-solidarity-and-start-punishing-those-who-commit-genocide/>

200. <https://docs.un.org/en/A/79/319>

201. <https://rm.coe.int/1680706b00>

202. <https://www.g4media.ro/nicolae-robu-pnl-vrea-sa-faca-un-recensamant-al-celor-mai-importanti-sorosisti-din-romania.html>

several countries, including **Bulgaria, Hungary, North Macedonia, Romania, Serbia, and Slovakia**. In **Albania** and **Italy**, conservative coalitions are perpetuating harmful narratives against LGBTIQ+ people.²⁰³

These narratives have also been promoted at the European level. In the case of the smear campaign against FEMYSO, some MEPs have been complicit in spreading the narrative that the organisation is linked to the Islamist Muslim Brotherhood group. They have questioned the credibility and legitimacy of the organisation through parliamentary questions.²⁰⁴ In another example, the French member of the Patriots for Europe Group blocked the participation of the European Network against Racism (ENAR) in a Europol consultative forum on fundamental rights and accused it of being part of the Muslim Brotherhood, citing the need to “limit the influence of associations that are harmful to Europeans”.²⁰⁵

Chilling effect, reputational damage, and psychological toll

Once they are branded as “foreign agents” or “terrorists”, or accused of acting against national interests, it is difficult for civil society organisations and activists to escape these labels and the stigmatisation and reputational damage they cause. Since these charges may stem from and be fuelled by those in power, it is a challenge for CSOs to hold those who spread them to account, especially since litigation against perpetrators requires time and resources, which civil society does not have

Beyond these long-term effects, these narratives are used to justify the criminalisation of civic activism, which is now fast progressing. For example, in the case of climate groups the narrative is used to justify imposing harsher criminal sanctions. In Germany, the **CDU/CSU** party group called for harsher penalties against climate groups.²⁰⁶ In Italy, following a massive media campaign against climate activists, including public vilification by Salvini and other government officials,²⁰⁹ a series of regulatory measures have criminalised the main forms of environmental protest in an attempt to

A report by the EU counter-terrorism coordinator, which was prepared for the Council of the EU, examined the role of climate change and environmental concerns in violent extremist and terrorist radicalisation in the EU, normalising some of the charges mentioned above. It cited concerns over the radicalisation of several environmental groups, including Ende Gelände (Germany), Extinction Rebellion, Just Stop Oil, Last Generation, Plane Stupid and Soulèvements de la Terre (France).²⁰⁶

Private entities can also contribute to legitimising this narrative. This has been seen in cases where environmental rights groups have been smeared, like in the case of Rio Tinto in Serbia and Savannah Resources, responsible for lithium mining in Portugal.²⁰⁷

silence these movements.²¹⁰ The narrative is also being used to justify the criminalisation of those working on migration, including in **France, Greece, Italy and Spain**.

The right to public participation is also significantly impacted. For example, FEMYSO has experienced de-facto blacklisting as it has been excluded from formal participatory spaces, such as the EU Anti-Racism Forum and Council of Europe youth advisory spaces, and well as informal forums. Palestine solidarity activists have been banned from public events on several occasions, after facing smears of links to terrorism. For example, a Schengen-wide entry ban was imposed on British Palestinian doctor Ghassan Abu Sittah, barring his entry from **France, Germany** and the **Netherlands**, where he was set to speak at public events, including a French senate meeting. The ban was later declared unlawful in court.²¹¹

These narratives also have a chilling effect, where those who find themselves targeted scale down their bold messages or self-censor out of fear. For example, as explained by one participant in an interview, when

²⁰³. <https://www.ilga-europe.org/files/uploads/2025/02/ILGA-Europe-Annual-Review-2025.pdf>

²⁰⁴. See one example: https://www.europarl.europa.eu/doceo/document/P-9-2023-002104_EN.html#def1

²⁰⁵. <https://x.com/FabriceLeggeri/status/1889741003705180460>

²⁰⁶. <https://www.statewatch.org/analyses/2024/environmental-activism-under-the-eu-counter-terror-microscope/>; <https://www.statewatch.org/media/4188/eu-ctc-violent-environmental-extremism-twp-paper-5982-24.pdf>

²⁰⁷. <https://www.jornalmapa.pt/2024/09/26/novos-contos-das-montanhas-barrosas-usurpacoes-intimidacoes-e-resistencia/>; https://visao.pt/visao_verde/ambiente/2023-11-20-populacao-de-covas-do-barroso-acusa-empresa-mineira-de-entrar-a-forca-nos-terrenos/

²⁰⁸. <https://www.cleanenergywire.org/news/experts-reject-tougher-penalties-climate-activists-civil-disobedience-germany>

²⁰⁹. https://x.com/matteosalvinimi/status/1714944104474255624?ref_src=twsrc%5Etfw%7Ctwcamp%5Eetweeembed%7Cwtterm%5E1714944104474255624%7Cwgr%5E80d03058d13a085714e886d072f12db9988f5896%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.fanpage.it%2Fpolitica%2Fsalvini-contro-ultima-generazione-sono-eco-imbecilli-multe-piu-care-per-chi-blocca-la-strada%2F

²¹⁰. <https://www.indifesadi.org/2024/07/05/diritto-non-crimine/>; <https://www.ilfattoquotidiano.it/2023/01/15/salvini-contro-gli-ambientalisti-di-ultima-generazione-sono-vandali-meritano-di-andare-in-galera/6936848/>

²¹¹. <https://taz.de/Nachspiel-zum-Palaestina-Kongress/16010953/>

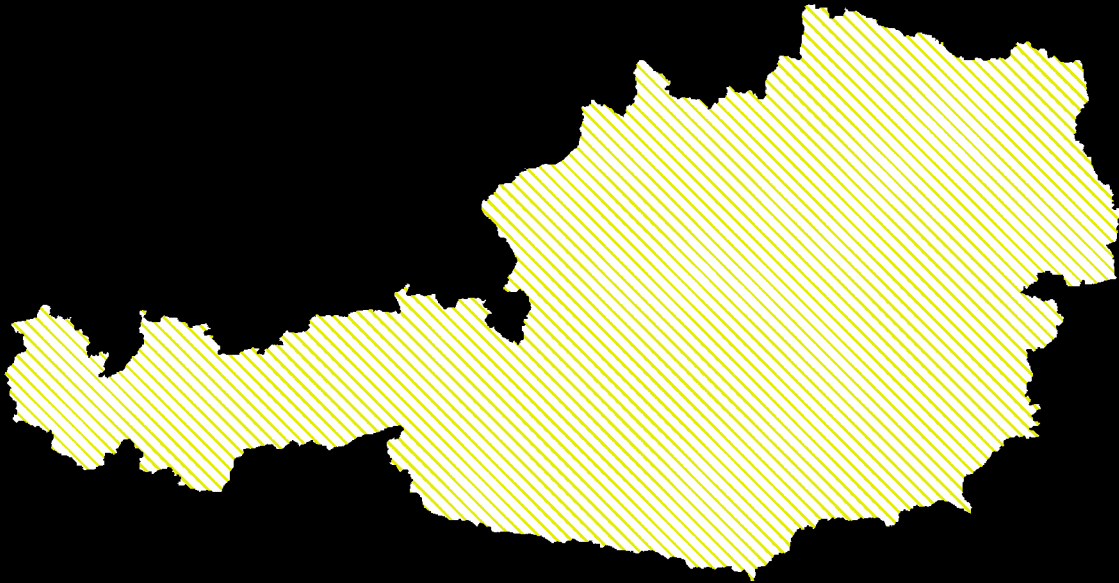
“anti-LGBTQI+” propaganda laws are promoted, even when they are not adopted, they can harm the reputation of the organisations and create a general climate of fear for those working on LGBTQI+ rights.

They also lead to the draining of civil society’s capacity and resources, including significant mental health impacts on activists and staff, given that they often have to deviate from their core missions and work to counter negative narratives.

Overall, these narratives create a vicious circle for democracy and the rule of law. First, they reinforce the idea that rights can only be guaranteed for some and not for all and that there is a trade-off between freedom and security. As a result, already marginalised and critical voices are silenced and isolated from the public debate. This, in turn, leads to further polarisation and radicalisation in society, which further fuels governments’ security agendas that weaken civic freedoms and ultimately put democracy into question.




Austria

By Bündnis für Gemeinnützigkeit



Key civic space trends	40
Summary	40
Institutional, political, and socio-economic landscape	41
The regulatory environment for civic freedoms	42
Freedom of association	42
Freedom of peaceful assembly	43
Freedom of expression and the right to privacy	43
Safe Space	44
Financial viability and sustainability of civil society	45
Civil dialogue and the right to participation	46
Civil society resilience	46
Recommendations	47
About the author	48

Key civic space trends

-  New law improves the regulatory environment for CSOs, but its implementation requires ongoing monitoring to ensure positive long-term effects.
-  Economic instability poses challenges to democracy, as NGOs and media outlets face financial insecurity.
-  A changing political environment might increase pressure on NGOs, particularly in the areas of funding, migration, and climate justice.

Summary

Civic space continues to be rated as “Open”, according to the CIVICUS Monitor.¹ There were no recommendations on civic space for Austria in the European Commission’s 2024 Rule of Law report. However, the report noted instances of SLAPPs against civil society organisations (CSOs) and concerns regarding the proportionality of legal action and detention measures targeting climate activists engaged in peaceful disobedience. The Austrian government passed the Freedom of Information Act in 2024, following the European Commission’s 2023 recommendation to “advance with the reform on access to official information taking into account the European standards on access to official documents.” Since the majority of the law will only come into force in September 2025, its implementation still has to be closely monitored.

In 2024, positive legal developments for the rule of law in Austria were reported. A new law to improve the regulatory environment for CSOs was passed. However, ongoing monitoring and systematic civil dialogue are key to ensure positive results the long-term. Economic instability continues to challenge democracy, NGOs and independent journalism. Lastly, a shifting political landscape is likely to increase pressure on NGOs, particularly those working on migration and climate justice, highlighting the need for continued support and financial stability in the sector to maintain its resilience.

1. <https://monitor.civicus.org/country/austria/>

Institutional, political, and socio-economic landscape

September 2024 marked the end of a five-year coalition between the conservative People's Party (ÖVP) and the Greens (Die Grünen), led by Chancellor Karl Nehammer (ÖVP) and Vice-Chancellor Werner Kogler (Die Grünen). The period was shaped by crises and challenges, ranging from COVID-19 and wars in Europe and beyond, to climate change and high inflation. In these challenging times, civil society organisations (CSOs) played a vital role in providing health care, humanitarian aid, and support to refugees; in the fight for media freedom and free speech; and in pushing climate issues to the top of political agendas.

Overall, the past five years have demonstrated that CSOs are essential, especially in times of crisis. Handling these challenges effectively required dialogue between the various stakeholders which resulted in major legal improvements for the third sector in 2024. These include reforms to tax rules for non-profit organisations, subsidies to mitigate rising energy costs, and strengthening support for voluntary organisations. However, it is crucial to closely monitor the implementation of the new laws to ensure positive long-term effect.

In 2024, Austria held several elections, including EU, national, and regional elections. The far-right Freedom Party (FPÖ) emerged as the clear winner across all levels. In the EU elections, the FPÖ won 25.4% of the vote, followed by ÖVP (24.5%), the social democrats (SPÖ) on 23.2%, Die Grünen (11.1%), and the liberal party NEOS (10.1%).² FPÖ also made gains in regional elections, forming coalitions with ÖVP in both Vorarlberg³ and Steiermark.⁴ Finally, FPÖ won the majority of votes (28.85%) in the national general elections, which took place in autumn 2024, followed by ÖVP (26.27%), SPÖ (21.14%), NEOS (9.14%), and Die Grünen (8.24%).⁵ After coalition talks between various parties, in late February 2025, a deal was struck between the ÖVP, SPÖ, and NEOS to form the next government.⁶

According to a national survey, voters' support for FPÖ was based on its political agenda rather than its party leader, its credibility, or ability to advocate for the voters' personal interests.⁷ Its platform includes an anti-migration stance, measures against the so-called elites, and reducing high taxes, among other issues.⁸

Austrians have been struggling with rising costs in recent years caused by the crises mentioned above. With a current budget deficit of approximately 4%, exceeding the EU's Maastricht criterion of 3%,⁹ and a recession expected to continue for at least another year,¹⁰ people are concerned about their living standards and their future in general.

Nevertheless, *Demokratiemonitor 2024*¹¹ found that the political system in Austria enjoys increased trust. The data signals an ongoing positive turn, with 43% (up from 39% in 2023) of people believe that the political system functions well, and 90% considering "democracy" the best form of government. Moreover, 44% of people trust the government (up from 39% in 2023). However, while approval of the political system has increased among wealthiest two-thirds of society, satisfaction has continued to decline among the poorest third.¹²

The *Demokratieindex* survey evaluates the framework conditions of democracy in Austria on a yearly basis.¹³ While the overall results are generally positive for 2024, the authors of the survey emphasised the need for improvements to the judicial system in order to avoid a "two-tier" approach. They also highlighted the need for a more objective and independent executive power to enhance transparency. Additionally, the survey points out the need for improvements in quality media and independent journalism, particularly regarding the criteria for media funding, as well as the independence and transparency of the Austrian Public Broadcasting Corporation (ORF). Other highlighted topics include the prevention of femicides, provisions against torture (e.g.

2. <https://www.bundeswahlen.gv.at/2024/eu/>

3. <https://vorarlberg.orf.at/stories/3279827/>

4. <https://www.derstandard.at/story/3000000250124/kunasek-von-van-der-bellen-als-steirischer-landeshauptmann-angelobt>

5. <https://www.parlament.gv.at/aktuelles/news/Wahl-2024-Endergebnis-liegt-vor/>

6. <https://www.euronews.com/my-europe/2025/02/27/austrias-centrist-parties-clinch-coalition-deal-without-the-far-right>

7. <https://www.derstandard.at/story/3000000237895/nur-zwei-prozent-der-blauwaehler-stimmten-wegen-herbert-kickl-fuer-die-fpoe>

8. <https://www.derstandard.at/story/3000000239377/warum-er-was-menschen-dazu-gebracht-hat-herbert-kickl-zu-waehlen>

9. <https://www.profil.at/wirtschaft/fiskalrat-christoph-badelt-budget-defizit-maastricht/402989664>

10. <https://www.wifo.ac.at/news/rezession-in-oesterreich-haelt-sich-hartnaeckig/>

11. *Demokratiemonitor* is a representative nationwide survey that assesses the population's perception towards democracy in general and towards the political system in particular.

12. https://www.demokratiemonitor.at/wp-content/uploads/2024/12/2024_FORESIGHT-Pressunterlagen-DM24.pdf

13. <https://demokratieindex.at/>

during repatriation), and medical treatment in prisons.¹⁴ Nevertheless, in international comparisons the state of the democracy in Austria continues to rank highly.¹⁵

In its 2024 Corruption Index, Transparency International rated Austria 25th (down from 20th in 2023 and 13th in 2022). According to the organisation, the biggest problems are the lack of independence of the Austrian judiciary and the country's inadequate prevention of corruption. Recurring political scandals including free-market dealings and personal enrichment, and the attempts to exert political influence on independent media are examples for deficits in the fight against corruption and democratic control. To overcome some of these problems, the Freedom of Information

Act — the majority of which comes into force on 1 September — must be implemented consistently. This process must be monitored closely. Among other measures, the Transparency International also calls for the creation of an independent federal public prosecutor's office and for the protection of whistleblowers.¹⁶

In 2024, Statistics Austria published a report on the national development of the United Nation's (UN's) Sustainable Development Goals (SDGs). The performance of Austria overall is considered positive, particularly in organic agriculture and renewable energies as accompanied with a decrease in energy consumption. However, challenges remain, in particular regarding land overuse and the Gender Pay Gap.¹⁷

The regulatory environment for civic freedoms

In Austria, CSOs are of great importance to political, cultural, and economic development, positively contributing to many peoples' lives. In comparison to other countries, Austria's legal framework for NGOs and associations is considered rather supportive, as civil

rights and democracy are relatively well-developed.¹⁸ However, recent studies confirm that certain conditions for CSOs are largely dependent on the composition of the government and its stance towards civil society.¹⁹

Freedom of association

The Austrian constitution guarantees the right to freedom of association for both natural persons and legal entities. An association, club or society is recognised as such if it is composed of at least two people with the objective of achieving a common, non-material goal. The registered office of the association must be located in Austria. Under the Associations Act (Vereinsgesetz 2002 - VerG), an association cannot be profit-oriented, and the associations' funds may only be used in pursuit of its original purpose.²⁰

To acquire public benefit status and associated tax benefits for the purpose of the federal tax code (Bundesabgabenordnung — BAO), an organisation has to pursue a public benefit purpose. Additionally, its statutes must ensure that, upon dissolution, the association's funds will be distributed exclusively to equal or similar non-profit purposes. According to

Austrian lawyers and CSO representatives, the process for setting up associations or adopting another legal form is straightforward in Austria. The legal framework for the establishment of associations, foundations, and other kinds of non-profit or non-governmental organisations with social, political, cultural or other aims is neither obstructive nor restrictive.²¹

A reform of the respective law, which entered into force on 1 January 2024, has simplified administrative procedures. It reduced the waiting period for public benefit status from three years to one, and simplified procedures of independent auditors to confirm eligibility. It has also widened the scope of public benefit purposes, allowing organisations from all fields of activity (such as culture, human rights, sports, education, or animal protection, which were formerly neglected) to apply for public benefit status. This change

14. <https://www.derstandard.at/story/3000000241889/zweiklassenjustiz-femizide-und-medienpolitik-druecken-demokratieindex>

15. <https://demokratieindex.at/internationale-indices/>

16. <https://www.diepresse.com/19350221/oesterreich-verliert-im-korruptionsindex-weiter-an-boden>

17. <https://www.statistik.at/fileadmin/announcement/2024/06/20240617SDGIndikatorenbericht2024.pdf>

18. https://www.wu.ac.at/fileadmin/wu/d/cc/npocompetence/07_NPO_Downloads/civil-society-index_endbericht.pdf

19. <https://doi.org/10.1515/npf-2019-0029>

20. <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20001917>

21. https://www.wu.ac.at/fileadmin/wu/d/cc/npocompetence/07_NPO_Downloads/civil-society-index_endbericht.pdf

has made public benefit status more accessible and attractive to smaller non-profit organisations and positively influenced their financial viability.²²

From the implementation of the law on 1 January to 15 November, an additional 350 organisations have received public-benefit status.²³ By the end of 2025, the total number of organisations with public benefit status is expected to double to around 3,000 organisations.

Freedom of peaceful assembly

In Austria, freedom of peaceful assembly is secured and regulated under the *Versammlungsgesetz* (Assembly Act).²⁴

In 2024, Amnesty International conducted a detailed analysis of the state of the right to protest across Europe, concluding that it is “under-protected and over-restricted.”²⁵ Its Austrian branch specifically highlighted concerns about police violence and the lack of thorough investigations, the increased criminalisation of protests, the use of surveillance tools, and ethnic profiling. Amnesty International Austria also criticised restrictive administrative directives that led to the dissolution of

Closely monitoring and improving the implementation of the new law is important to ensure its long-term positive effects and achieve the benefits announced for both smaller and larger associations.

peaceful assemblies.²⁶ A notable example involved (counter-)demonstrations by Palestinian and Israeli groups following the Hamas-led attacks in Israel in October 2023 and the escalation of violence in Gaza.²⁷

On the issue of police violence, Amnesty International Austria welcomed the introduction of an independent body in 2023 to investigate allegations of abuse by police officers. However, it raised concerns about its effectiveness, as accusations of police misconduct rarely led to resolutions, and the lack of individual identification marks on police officers makes accountability nearly impossible.²⁸

Freedom of expression and the right to privacy

Freedom of expression is guaranteed under the European Convention on Human Rights (ECHR), which was incorporated into Austria’s constitution in 1964.²⁹ Additionally, the 1981 Media Law provides the basis for media freedom in Austria.³⁰

In comparison to many other European countries, the Austrian Public Broadcasting Corporation (ORF) holds a relatively high market share.³¹ A 2023 amendment to the ORF law introduced significant changes to its income strategy, ensuring long-term financial stability and reducing dependence on government funding. While this marked a positive step toward independence, concerns about the ORF’s autonomy persist.³² After the law was passed by the parliament, the Austrian Constitutional Court found parts of it unconstitutional,

particularly concerning the composition of the ORF’s governance bodies.³³ The required legal amendments to address these issues are due by March 2025.³⁴ It is of utmost importance that the changes are implemented as soon as possible in order to ensure ORF’s independence and long-term financial stability.

Leading media figures and journalism advocates have called for broader reforms to protect independent journalism, a cornerstone of Austrian democracy. Several philanthropic initiatives launched in 2024 aim to address the funding challenges faced by independent journalism by proposing capacity-building measures and supporting sustainable business models.³⁵ In a statement addressed to the incoming government, Presseclub Concordia, Austria’s most

22. <https://www.parlament.gv.at/gegenstand/XXVII/ME/299>

23. <https://www.fundraising.at/wp-content/uploads/2024/12/FVA-Spendenbericht-2024.pdf>

24. <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10000249>

25. <https://www.amnesty.org/en/documents/eur01/8199/2024/en/>

26. <https://www.amnesty.at/presse/europa-repressive-gesetze-und-systematische-einschraenkungen-verhindern-friedlichen-protest/>

27. <https://www.derstandard.at/story/3000000219346/proisraelische-demo-gegen-protestcamp-auf-wiener-uni-areal-im-alten-akh>

28. <https://www.amnesty.at/presse/europa-repressive-gesetze-und-systematische-einschraenkungen-verhindern-friedlichen-protest/>

29. <https://www.ris.bka.gv.at/NormDokument.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10000308&Artikel=10&Paragraf=&Anlage=&Uebergangsrecht=>

30. <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10000719>

31. Trappel, F. (2023). Medien und Politik – ein Geben und Nehmen, in K. Praprotnik & F. Perlot (eds.), *Das Politische System Österreichs* (129-153). Wien: Böhlau Verlag

32. <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10000785>

33. <https://www.diepresse.com/17729627/der-vfgh-hebt-das-orf-gesetz-auf-was-fuer-eine-blamage>

34. https://www.vfgh.gv.at/medien/ORF_Gesetz_Gremien.php

35. <https://www.derstandard.at/story/3000000241760/loudon-gewissenhafter-journalismus-kann-verschwoerungen-eindaemmen>; <https://www.horizont.at/medien/news/martin-kotynek-die-oesterreichischemedienfoerderung-ist-kaputt-95078>

important journalist association, highlighted the most pressing problems for media institutions. Key concerns include financial struggles linked to changing consumer habits, disinformation, and attacks on journalists. The statement advocates for reforms such as: establishing a legal framework for independent, non-profit

journalism; regulating social media platforms; enhancing media literacy; and implementing international regulations to prevent Strategic Lawsuits Against Public Participation (SLAPPs).³⁶ The latter is also raised by Amnesty International Austria.³⁷

Safe Space

In 2024, rights and freedoms could largely be exercised without religious, gender, LGBTIQI+, or ethnic discrimination.

However, combating structural and institutional racism continues to be crucial. An increase of racism — particularly against Muslims and Jews — was reported by several surveys. In 2023, Dokustelle Austria documented 1,522 cases of discrimination against Muslims (up from 1,324 cases in 2022), highlighting the increase of cases reported in schools.³⁸ Compared to other countries in the EU, Muslims experience a rather high level of discrimination in Austria.³⁹ An increase in hostilities against Muslims was also reported in a study by the University of Vienna. This study also found an increase in antisemitism in Austria.⁴⁰ Similarly, the Antisemitismus-Meldestelle reported 808 cases of antisemitism in the first half of 2024, an increase of 159.8%.⁴¹ ZARA, an Austrian NGO working on anti-racism, recorded 1,320 cases of racism in 2023, down from 1,479 in 2022. While the majority of the incidents (58%) occurred online, offences were also experienced in public space, (public) institutions, by the police, in the media and political

environments.⁴² The implementation of a national action plan against racism remains a key demand of organisations reporting on racism in Austria.

In addition, residence status and citizenship continue to impact the access to various rights, such as the right to vote, which depends on Austrian citizenship. For example, in Vienna, one-third of residents have no right to vote in national elections. This includes non-Austrian EU citizens, who can only vote in certain local elections.⁴³ Furthermore, asylum seekers and refugees face challenges in the labour market, housing, and education. NGOs are calling for solutions and warn against political campaigns that promote societal polarisation.⁴⁴

Social deprivation has increased over the last year with 336,000 people (3.7% of the population) affected. Die Armutskonferenz, a network of more than 40 organisations addressing poverty and social deprivation in Austria, reported that children were particularly impacted, with the number living in deprivation increasing from 36,000 in 2022 to 88,000 in 2023.⁴⁵

36. <https://sh1.sendinblue.com/v4gic9jlxpfe.html?t=1732714945780>

37. <https://www.amnesty.at/news-events/news/slapp-wie-einschuechterungsklagen-unsere-meinungsfreiheit-bedrohen/>

38. https://dokustelle.at/fileadmin/Dokumente/Reports/Report_2023/Dokustelle_Oesterreich_Report_2023.pdf

39. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2024-being-muslim-in-the-eu_en.pdf

40. <https://religion.orf.at/stories/3228155/>

41. https://www.antisemitismus-meldestelle.at/_files/ugd/ed51c1_02be44d7b5a547b3aedb19cb0b1ae518.pdf

42. https://assets.zara.or.at/media/rassismusreport/ZARA_RacismReport_2023_EN_compressed.pdf

43. <https://www.wien.gv.at/spezial/integrationsmonitor/gleichstellung-and-partizipation/fehlendes-wahlrecht-und-demokratiedefizit/>

44. <https://www.amnesty.at/presse/ngos-am-weltfluechtlingstag-schluss-mit-politischen-irrlichtern-her-mit-perspektiven/>; <https://www.amnesty.at/presse/gegen-polarisierung-start-der-initiative-das-gemeinsame-zuerst/>

45. <https://www.armutskonferenz.at/news/news-2024/herausforderungen-kinderarmut-alleinerziehende-wohnen.html>

Financial viability and sustainability of civil society

NGOs in Austria operate under various legal forms, with the “association” (*Verein*) being the most common. In 2019, a study conducted by the Vienna University of Economics and Business identified a total of 87,000 active associations.⁴⁶

For the first time, official economic data on the sector was published in 2024,⁴⁷ providing the following insights for the reporting year 2021:

- ▶ The non-profit sector in Austria generated a gross value added of €12.0 billion. This corresponds to a 3.3% share of Austria's total value added at basic prices..
- ▶ A total of 283,300 employment relationships were recorded in the non-profit sector, accounting for 5.9% of total employment in Austria.
- ▶ A total of 367 million paid working hours were performed within non-profit organisations, corresponding to a share of 5.2% of all working hours in Austria.
- ▶ In the realm of voluntary activities, 3.8 million people contributed a total of 470 million unpaid hours.
- ▶ Overall, the gross value added of paid and unpaid working hours in the non-profit sector in one year amounted to approximately €22 billion.

These figures show the sector's importance and resilience, even in times of crisis. It also points out the significance of voluntary work, and that without the support of volunteers the challenges of recent crises could not have been handled the same way.

Public funding plays a pivotal role in financing CSOs, with over half of the income of organisations employing at least one staff member coming from performance-related payments by the public sector. An additional 16.5% comes from other public funding sources. There have been no major changes in the financing structure since these last numbers were published in 2013.⁴⁸ While public funding has become the most important source of income, bureaucratic burdens associated with accessing such funds have steadily increased. To

ensure long-term efficiency, it is essential to simplify funding processes, improve legal certainty, and reduce administrative hurdles.

In some areas of CSOs' activities, the high reliance on governmental funding, coupled with a low systematic approach of political participation of civil society (see section on the right to participation) confirms the risk of dependence on the goodwill of governing parties on local, regional, or national level. An example of how the framework for CSOs' financial viability might quickly be turned upside down arose in 2024, when an ÖVP politician proposed legislation requiring the publication of donors' names for contributions exceeding €2,500.⁴⁹ Such a measure could jeopardise organisations' financial security and significantly alter donor behaviour.

Donations remain another vital source of income for CSOs. Recently, Fundraising Verband Austria (the umbrella organisation for all organisations receiving donations in Austria) reported that in 2023 Austrians donated €1.075 billion, slightly below the record €1.1 billion in 2022 which was driven by solidarity with Ukraine. In addition, the report states that 72% of the population, aged over 16, donated in 2022. Although the amount of donations has remained high, the unstable economic situation and rising costs are expected to negatively influence donation habits in the upcoming years.⁵⁰ This foresight stands in contrast to the positive effects expected as a result of the newly amended law⁵¹ that expanded tax deductibility to all charitable purposes. It remains uncertain whether the consequences of the new law will be able to contradict economic challenges and rising costs (see section on freedom of association).

However, while the past five years offered a relatively stable environment for NGOs in Austria despite multiple external crises, more challenges lie ahead. A changing political landscape paired with austerity measures and economic uncertainty are likely to heavily affect the sector's financial viability and stability.

⁴⁶. <https://www.wu.ac.at/npocompetence/unsere-themen/daten-und-fakten-zum-sektor>

⁴⁷. https://www.sozialministerium.at/dam/jcr:17322930-e7ac-4eca-9664-6f1a20bb64b3/BMSGPK_NPO-Satellitenkonto_Abschlussbericht.pdf

⁴⁸. Pennerstorfer, A., and Schneider, U. (2022). Der Nonprofit-Sektor in Österreich, in R. Simsa, M. Meyer, & C. Badelt (eds.), *Handbuch der Nonprofit-Organisationen. Strukturen und Management* (55-72). Stuttgart: Schäffer-Poeschel Verlag.

⁴⁹. <https://www.diepresse.com/18845000/oevp-will-strengere-regeln-bei-ngo-finanzierung>

⁵⁰. <https://www.fundraising.at/wp-content/uploads/2024/12/FVA-Spendenbericht-2024.pdf>

⁵¹. <https://www.parlament.gv.at/gegenstand/XXVII/ME/299>

Civil dialogue and the right to participation

A study by the Vienna University of Economics and Business finds that “CSOs in Austria are deeply involved in political decision-making. CSOs have engaged in dialogue and negotiations with the government in many areas and have often been involved in legislative processes. Further, they provide social services and in return, they receive large shares of their funding from public sources. The public sector thus plays an important role for CSOs, influencing their organisational and financial structures. CSOs are particularly active in social services, health care and education. Furthermore, federalism and self-governance of the nine federal provinces are reflected in civil society and there are both strong local and umbrella organisations at the federal level.”⁵²

However, there is no formal framework or legislation regulating civil dialogue. This results in inconsistent participation processes, heavily dependent on the willingness of individual ministries or departments. This inconsistency creates risks of exclusion and funding cuts when the political landscape shifts towards a hostile environment for CSOs, as already seen during the FPÖ-ÖVP coalition until 2019.⁵³

Cooperation between decision-makers and NGOs peaked between 2020-2024, with progress in taxation, subsidies, and voluntary services.

However, the current political developments, including a rise of the right-wing populist party FPÖ underscore the need for a unified and strong civil society voice to preserve these achievements.

Civil society resilience

Since the establishment of Bündnis für Gemeinnützigkeit, cooperation among NGOs in Austria has grown. The network now includes over 120 organisations, ranging from small and local associations to major entities such as the Austrian branches of the Red Cross, Caritas, Amnesty International, WWF, Transparency International and Birdlife. It also encompasses sector-specific umbrella organisations such as Sozialwirtschaft Österreich and arbeit plus (social and health) or Ökobüro and Umweltdachverband (environment). In 2024, new umbrella organisations joined the network, broadening its scope to include culture, science, and other previously underrepresented areas.⁵⁴ The continuous growth of Bündnis für Gemeinnützigkeit fosters collaboration within the sector and strengthens its resilience.

Public trust in civil society remains high compared to trust in politicians⁵⁵ or media,⁵⁶ with organisations providing medical services enjoying the greatest levels of trust, and climate activists the lowest.⁵⁷

Despite the sector’s resilience during crises, its heavy reliance on government for cooperation and public donations leaves NGOs vulnerable. Increasing bureaucratic burdens, national budget deficits, and political uncertainties are expected to pose significant challenges in the coming years.

⁵². <https://www.ssoar.info/ssoar/handle/document/73928>

⁵³. <https://doi.org/10.1515/npf-2019-0029>

⁵⁴. <https://www.gemeinnuetzig.at/ueber-uns/#unseremitglieder>

⁵⁵. <https://www.ogm.at/2024/08/30/ogm-apa-vertrauensindex-bundespolitikerinnen-august-2024/>

⁵⁶. <https://www.ogm.at/2024/11/01/ogm-apa-vertrauensindex-institutionen-oktober-2024/>

⁵⁷. <https://www.ogm.at/2024/12/13/ogm-apa-vertrauensindex-ngos-dezember-2024/>

Recommendations

TARGETED RECOMMENDATION:

- ➔ **Secure core funding for civil society organisations' activities and services to strengthen their long-term stability and independence.**
- ➔ Establish structured civil dialogue to ensure open, inclusive, ongoing, and transparent participation of civil society at all stages of the policy and decision-making processes.
- ➔ Amend the ORF law in accordance with the Austrian Constitutional Court's ruling to ensure the independence of the Austrian public service broadcasting. Additionally, implement measures to promote and fund a diverse and sustainable media landscape and protect independent journalism.
- ➔ Take steps to reduce bureaucratic burdens and harmonise funding processes to enhance NGOs' efficiency and impact.
- ➔ Recognise voluntary work as a key driver of social cohesion by establishing regular reporting mechanisms, improving framework conditions, and providing long-term financial support.

About the author

Bündnis für Gemeinnützigkeit is the umbrella organisation of non-profit and voluntary organisations in Austria. Its 100+ members range from small and local associations to large organisations such as the Austrian branches of Red Cross, Caritas, Amnesty International, WWF, Transparency International or Birdlife and include sector-specific umbrella organisations such as Sozialwirtschaft Österreich and arbeit plus (social and health) or Ökobüro and Umweltdachverband (environment). Members cover all areas of civil society – from environment to human rights and inclusion, from culture to social issues, education, and humanitarian aid. Bündnis für Gemeinnützigkeit advocates for general civil society matters and provides accessible consulting services to the entire Third Sector.

BÜNDNIS FÜR
GEMEINNÜTZIGKEIT

INTERESSENVERTRETUNG
DES GEMEINNÜTZIGEN SEKTORS &
DER FREIWILLIGENORGANISATIONEN




Bulgaria

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Key civic space trends	50
Summary	50
Institutional, political, and socio-economic landscape	50
The regulatory environment for civic freedoms	52
Freedom of association	52
Freedom of peaceful assembly	53
Freedom of expression and the right to privacy	54
Safe space	54
Funding for civil society	55
Civil dialogue and right to participation	56
Civil society resilience	57
Recommendations	58
About the author	59

Key civic space trends

-  Foreign agents registration (FARA) law proposals continue to be promoted.
-  Strategic Lawsuits Against Public Participation (SLAPPs) and legal harassment of journalists and LGBTQI+ organisations remain a concerning issue.
-  Anti-LGBTQI+ law adopted, banning “LGBTQI+ propaganda” in schools.

Summary

Civic space is rated as narrowed in Bulgaria, according to the CIVICUS Monitor.¹ There were no recommendations on civic space for Bulgaria in the European Commission’s 2024 Rule of Law Report. However, the Commission expressed concern about proposed FARA laws and their stigmatising and negative effects on civic space in the country.

Bulgaria has been in continuous political crisis since 2021, with inconclusive elections, an unstable rotational government collapsing in March, record-low voter turnout, a major party split, fraud scandals in the October elections, and a deepening institutional crisis affecting the judiciary and regulatory bodies. Despite small improvements in the realisation of press freedom, the media landscape remains concerning, with SLAPPs and legal harassment of journalists documented.

Additionally, draft FARA laws were submitted three times in 2024 to the different parliaments. The proposals were clearly designed to exclude civil society organisations (CSOs) and dissidents from public life by labelling them as “foreign agents”. The drafting of a Lobbying Law has raised concerns about potential misuse against civil society, as a revised version approved in February 2024 removed key distinctions between lobbying and advocacy without consulting civil society or justifying the changes. New discriminatory amendments were introduced to the Pre-school and School Education Act, violating the rights of children and undermining fundamental freedoms and democratic principles. The law prohibits comprehensive sex education and teaching of LGBTQI+ issues and rights and is similar to anti-LGBTQI+ laws adopted in Hungary, Georgia, and Russia in recent years.

Institutional, political, and socio-economic landscape

Bulgaria has been in a continuous state of political crisis since 2021. In April 2023, the country held its fourth parliamentary election in two years, yet these elections, like the previous ones, failed to produce a decisive majority. Following intense negotiations, a regular government was eventually formed, with an unprecedented rotational arrangement for the roles of prime minister and deputy prime minister every nine months. This agreement allocated these positions to candidates from the runner-up and the winner of the election; however, no formal coalition agreement was reached between those political actors. This left Bulgaria without a clear parliamentary majority, forcing every political or legislative decision to be negotiated

on a case-by-case basis. Despite that, in the last days of 2023 the parliament managed to pass constitutional amendments allowing future parliaments to continue functioning after an appointment of a caretaker government.

The unstable government of 2023 came to an end in March 2024, after the first planned rotation of the prime minister and his deputy failed. This led to the fifth parliamentary elections since 2021 which were held jointly with the European Parliament elections in early June. The elections were marked by the lowest turnout in the post-communist history of Bulgaria — a mere 34.4%,² demonstrating the disappointment

1. <https://monitor.civicus.org/country/bulgaria/>

2. <https://results.cik.bg/europe2024/aktivnost/index.html>

of the Bulgarian people and growing distrust in the current political actors. Despite these worrying signs, the new parliament once more failed to produce a regular government.

In the summer of 2024, while new parliamentary elections were expected in the autumn, the Bulgarian political scene was shaken by the split of the Movement for Rights and Freedoms (MRF), one of the most stable political parties since the fall of the communist regime at the beginning of the 1990s. The MRF was established in the aftermath of the so-called Revival Process — a policy led by the communist regime of Bulgaria to forcefully and in some cases violently change the names of people with Turkish or Arabic origin. This led to the mass exodus of members of the sizable minority of Bulgarian Turks to Türkiye at the end of the 1980s. Since then, the MRF has been known to represent the interests of the Bulgarian Turks and has been a member of every parliament since 1991, including an official member of four coalitional governments. In 2024, however, after multiple scandals including a battle for control of the party's website and headquarters, Delyan Peevski, sanctioned for corruption under the Global Magnitsky Human Rights Accountability Act,³ took control over the MRF. He forced members, including Ahmed Dogan, the MRF founder and de facto leader until 2024, to run in the autumn elections under a new name whilst still contesting the takeover of the party. Following these scandals, the Alliance of Liberals and Democrats for Europe (ALDE) party bureau expelled the MRF in late December 2024.⁴

The elections took place in October 2024 and were shrouded with fraud scandals. The new parliament was composed of eight parties including both factions of the MRF, a new populist party narrowly passing the threshold, and the most recognisable far-right and pro-Russian Revival Party maintaining its high results, securing third place in the election. Meanwhile, another populist party, which was briefly represented in parliament after the elections in June 2024, failed to pass the threshold by an unprecedented 21 votes. Consequently, the election results were challenged in the Constitutional Court where the case was still pending as of January 2025, leaving open the possibility that the party will become the ninth to enter the parliament.

Meanwhile, the parliamentary crisis reached multiple other public sectors as the mandates of many regulatory and supervisory bodies expired and the position of an ombudsperson remained vacant after the previous ombudswoman was elected as the Bulgarian judge in the European Court of Human Rights. Despite that, the Supreme Judicial Council — also running with an expired mandate, began a controversial procedure for the election of prosecutor general. The only candidate has been the acting prosecutor general. The council has twice unsuccessfully attempted to launch a procedure for the election of a president of the Supreme Administrative Court, which failed due to a lack of candidates, indicating the deepening crisis in the judiciary.

3. <https://home.treasury.gov/news/press-releases/fy1264>

4. <https://www.aldeparty.eu/blog/news-11/alde-party-bureau-recommends-expulsion-of-the-movement-for-rights-and-freedoms-mrf-87>

The regulatory environment for civic freedoms

Freedom of association

The 2000 Non-profit Legal Persons Act regulates the establishment and operation of non-governmental organisations (NGOs) in Bulgaria. The Act created a relatively simple procedure for the registration of NGOs with limited powers of the administration (previously the court) to refuse registration based on organisations goals and its means of achieving them.

A positive trend was observed regarding the administrative procedure of registration of newly established CSOs. According to information provided by the State Registration Agency,⁵ the amount of registration refusals remains low: the issued refusals for initial registration were 1,055 in 2012 in contrast to only 608 refusals in 2022 and 632 in 2023. A slight increase in the number of active CSOs is also observed as 15,624 annual financial and/or narrative reports were submitted to the State Registration Agency by CSOs in 2023 compared to 13,847 in 2022.

In 2024 the Committee of Ministers to the Council of Europe (COE) issued yet another decision⁶ urging Bulgaria to resolve the issue with the routine refusal of registration of associations aiming to “achieve the recognition of the Macedonian minority.” The group of cases known as *the United Macedonian Organisation Ilinden and others v. Bulgaria*, dates from the 1990s and demonstrates the violation of the freedom of association by Bulgaria.⁷ More than 17 years after the first of multiple decisions by the European Court of Human Rights (ECtHR) against Bulgaria, it has not been resolved. As of February 2024, there are 24 applications concerning the repetition of this breach pending a decision by the ECtHR.⁸

In January 2024 a Foreign Agents Registration (FARA) Bill was included in the plenary agenda of the 49th parliament without being passed or even discussed by

the necessary parliamentary commissions. The bill did not pass but during the plenary, it was falsely presented by a member of parliament from the Revival Party as “absolutely one-to-one with the Democracy Protection Package,” — a reference to the European Commission’s Defence of Democracy package.⁹

The FARA Bill was again submitted by the Revival Party in September 2024 — in the last working weeks of the 50th parliament.¹⁰ The week following the submission, the bill was discussed for the first time in a parliamentary commission. Even though the commission did not pass the bill, the discussions were utilised by members of parliament for a smear campaign against civil society.

Shortly after the parliamentary elections in late October 2024 the Revival Party, that publicly claims to be in favour of transparency measures, once more submitted the FARA Bill in the newly formed 51st parliament.¹¹ This marked the submission of the bill in a fourth consecutive parliament. The bill proposes to introduce prohibitions and restrictions. According to the bill, “foreign agents” and persons associated with them are prohibited from exercising activities in public institutions, such as schools, kindergartens, public and private universities, the interior ministry, the defence ministry, and the Bulgarian Academy of Sciences. It imposes restrictions on political rights and freedom of expression, prohibiting state-labelled “agents” from participating in political activities or actions and from carrying out any kind of activities which might influence the domestic or foreign policy of the country. It is also envisaged that once a person (legal or physical) is designated as an “agent,” they are considered as such for five years after the cessation of receiving foreign assistance. The Bulgarian version of the FARA law is clearly designed to close and end the activities of CSOs and to exclude people labelled as “agents” from public life.¹²

5. Data provided to BCNL by the State Registration Agency. Data for 2024 would be available in 2025.

6. CM Decisions, 1492nd meeting (12-14 March 2024) (DH) - H46-7 United Macedonian Organisation Ilinden and Others group v. Bulgaria (Application No. 59491/00), [https://hudoc.exec.coe.int/eng?i=CM/Del/Dec\(2024\)1492/H46-07E](https://hudoc.exec.coe.int/eng?i=CM/Del/Dec(2024)1492/H46-07E)

7. For more information see: Two decades of violation of the right of association – the case of United Macedonian Organisation: Ilinden and others against Bulgaria, <https://bcnl.org/en/two-decades-of-violation-of-the-right-of-association-the-case-of-united-macedonian-organisation-ilinden-and-others-against-bulgaria>

8. <https://hudoc.echr.coe.int/eng?i=001-231511>, <https://hudoc.echr.coe.int/eng?i=001-231509>, <https://hudoc.echr.coe.int/eng?i=001-231510>

9. <https://www.parliament.bg/bg/plenaryst/ns/55/ID/10847>

10. <https://www.parliament.bg/bg/bills/ID/165772>

11. <https://www.parliament.bg/bg/bills/ID/165804>

12. See details about the latest version of the FARA law proposed in Bulgaria in September 2024: <https://bcnl.org/news/zakonat-sreshtu-grazhdanskite-svobod-i-nova-ataka-sreshtu-grazhdanskite-prava.html>

Additionally, the drafting process of a law on lobbying raises concerns as such legislation could be potentially weaponised against civil society.¹³ In December 2023, a concept for a lobbying regulation drafted by a working group to the justice ministry with the participation of CSOs, was subject to public consultations, during which it received positive feedback as it envisaged exceptions for advocacy.¹⁴ However, in March 2024 a substantially edited concept was sent for an opinion to the Council for Civil Society Development.¹⁵ In the edited concept, the distinction between lobbying and advocacy was removed alongside the exceptions for CSOs. None of the civil society representative members of the working group were informed about the editing. Furthermore, no report from the public consultation justifying the changes was published. The edited concept was approved by the justice minister on 12 February 2024. The information about the concept published in the chapter for Bulgaria in the 2024 European Commission's Rule of Law Report¹⁶ is misleading — the concept was neither adopted by the Council of Ministers nor were CSOs consulted on the revised final version.

Freedom of peaceful assembly

Bulgarian legislation ensures the enjoyment of the freedom of peaceful assembly and is largely in line with international standards.¹⁸ The law does not require permission from the authorities for a public assembly to take place and does not introduce other unreasonable restrictive conditions. Furthermore, the rules and regulations for policing protests have improved in recent years. For instance, after lengthy anti-government protests in 2021, new rules were introduced to ensure that police officers visibly wear their personal identification numbers. Two provisions of the law regulating peaceful assembly could be improved: the ban on the participation of masked people in assemblies and the ban on assemblies during the hours between 22:00 and 8:00. However, there is no information that these provisions have been strictly applied or abused for restrictions on peaceful assembly.

In December 2024 a working group on drafting a lobbying law was formed in the justice ministry.¹⁷ After the first meeting of the working group, the ministry sent a draft structure of the law containing proposals for concrete legal provisions to the members. According to this document, there is no distinction between advocacy and lobbying. Furthermore, CSOs are not excluded from the scope but some other entities which are well known for engaging in lobbying, such as law firms and business associations, are explicitly excluded. There is a proposal to regulate grassroots lobbying (indirect lobbying), and to ban lobbying activities targeted at the Constitutional Court and the judiciary. These developments raise considerable concerns about the transparency of the drafting process of the lobbying law. As expected, the end result could be another version of a FARA law with similar effects such as narrowing the civic space, smear campaigns against already transparent CSOs and providing legal tools for censorship while failing to ensure transparency.

A major breach of the freedom of peaceful assembly took place in November 2024 in Sofia when far-right groups, together with political figures from several far-rights parties, organised a protest in front of the National Theatre. The groups claimed that a play by Bernard Shaw and directed by John Malkovich contains insulting comments about the Bulgarian army.¹⁹ Despite an abundance of information online hinting that this protest could be a security issue, and that the organising groups have in the past been involved in several incidents of harassment at LGBTQI+ cultural events,²⁰ no adequate policing of the protest was provided. The protest swiftly turned violent, after several people who attempted to enter the theatre were attacked by the mob. This forced the theatre to close the play to the general public, with only journalists allowed to attend.

13. https://www.dnevnik.bg/analizi/2025/01/07/4724521_krivorazbrana_ideia_zakon_zalobizma_zaplashva/

14. The draft concept available here: <https://www.strategy.bg/PublicConsultations/View.aspx?@lang=bg-BG&id=7969>

15. Information obtained by BCNL as a member of the Council for Civil Society Development.

16. P. 23 of the Report on Bulgaria available here: https://commission.europa.eu/publications/2024-rule-law-report-communication-and-country-chapters_en

17. Information obtained by BCNL as a member of the working group

18. <https://documents.un.org/doc/undoc/gen/g20/232/15/pdf/g2023215.pdf>

19. <https://balkaninsight.com/2024/11/08/bulgarian-nationalists-disrupt-premiere-of-john-malkovich-directed-play/>

20. For information about disruption of cultural events of the LGBTQI+ community in the past see last year's report: <https://civic-forum.eu/wp-content/uploads/2024/05/CIVIC-SPACE-REPORT-2024-BULGARIA.pdf>

Freedom of expression and the right to privacy

According to the Reporters Without Borders World Press Freedom Index, Bulgarian media freedom has been in constant decline since 2006, when the country was ranked 36th.²¹ In 2021²² it was ranked 112th — the lowest among all EU member states and second-lowest (after Türkiye) in the Balkans. In 2021, however, a power shift ensued, ending a lengthy period during which the political landscape was dominated by the GERB party (Citizens for European Development of Bulgaria). Since then, its ranking has improved, reaching 59th place in 2024.²³ However, the condition of the media landscape remains concerning. According to an inquiry by the Association of European Journalists – Bulgaria, 81.1% of the journalists think that interference in the work of journalists is either a practice or a widely applied practice.²⁴

In April 2024, the caretaker interior minister, Kalin Stoyanov, launched a SLAPP case against two investigative journalists.²⁵ Later the same month, the interior ministry published selective and misleading extracts of a surveillance video aimed at portraying one of the journalists sued by Minister Stoyanov as an aggressive individual.²⁶ In August, during the ongoing internal

power struggle the Movement for Rights and Freedoms Party,²⁷ the Directorate General for Combating Organised Crime of the interior ministry, ordered a hosting company to shut down a website that used satire to cover the sanctioning of the leader of one of the two rival MRF factions, Delyan Peevski, under the Global Magnitsky Human Rights Accountability Act.²⁸ After the elections in October, Stoyanov, who was caretaker minister during these violations, became an MP for Peevski's MRF faction. These incidents showcase the vulnerability of the interior minister's office, which can be abused for smear campaigns and censorship.

The process of drafting legislative amendments introducing safeguards against SLAPPs has been underway at justice ministry since 2023. However, following the dissolution of the government in March 2024, the work on the amendments has been at a standstill. Meanwhile, in June 2024, Bulgaria was found to have violated the freedom of expression of Bulgarian journalist Rosen Bosev by the European Court of Human Rights, after a Bulgarian court ruled against the journalist in a SLAPP defamation case brought against him.²⁹

Safe space

In August 2024, parliament passed amendments to the Pre-school and School Education Act after two readings in a single day. The amendments banned “any propaganda, promotion, or any other direct or indirect inducement to ideas and views related to non-traditional sexual orientation and/or designating a gender identity other than the biological one.”³⁰ The homophobic and transphobic legal amendments bear similarities³¹ to restrictions adopted in Georgia in 2024,³² Russia in 2022,³³ and Hungary in 2021.³⁴

Similarly to the countries mentioned above, the anti-LGBTQI+ legislation was utilised for an attack against the civil society sector and for the promotion of a FARA law. Days after the adoption of the amendments, a representative of the far-right and pro-Russian Revival Party justified the need for a FARA law as a necessary continuation:

“The 50th National Assembly will go down in Bulgarian history with the adoption by a large majority of the law banning LGBT propaganda in Bulgarian schools. This is one of the few laws that is overwhelmingly approved by our society

21. <https://rsf.org/en/index?year=2006>

22. <https://rsf.org/en/index?year=2021>

23. <https://rsf.org/en/index?year=2024>

24. <https://aej-bulgaria.org/wp-content/uploads/2024/11/Jurnalistika-pod-stres.pdf>

25. <https://aej-bulgaria.org/slapp-kstoyanov/>

26. <https://aej-bulgaria.org/23042024/>

27. see more in the “Institutional landscape, political and socio-economic” section of this article

28. <https://aej-bulgaria.org/%d1%81%d0%b2%d0%b0%d0%bb%d1%8f%d0%bd%d0%b5%d1%82%d0%be-%d0%bd%d0%b0-%d1%81%d0%b0%d1%82%d0%b8%d1%80%d0%b8%d1%87%d0%b5%d0%bd-%d1%81%d0%b0%d0%b9%d1%82-%d0%be%d1%82-%d0%bc%d0%b2%d1%80-%d0%b5-%d0%be%d0%bf/>

29. <https://hudoc.echr.coe.int/eng?i=001-238048>

30. See also: <https://www.amnesty.eu/news/bulgaria-ban-of-lgbti-propaganda-in-schools-is-attack-on-the-entire-lgbti-community/>

31. See also: <https://www.context.news/money-power-people/new-russian-style-anti-lgbtq-law-in-bulgaria-censors-teachers>

32. <https://www.politico.eu/article/georgia-signs-sweeping-anti-lgbtq-bill-into-law/>

33. <https://www.reuters.com/world/russias-parliament-passes-law-banning-lgbt-propaganda-among-adults-2022-11-24/>

34. <https://www.amnesty.org/en/latest/news/2024/02/hungary-propaganda-law-has-created-cloud-of-fear-pushing-lgbti-community-into-the-shadows>

and only small groups, financially dependent NGOs that are funded by foreign foundations, stood against the desire of Bulgarian citizens for their children to remain protected from harmful LGBT propaganda. In order to curb this malign influence in Bulgarian society of so-called “non-traditional sexual groups” alien to our mores and traditions, we at Revival will also propose a Foreign Agents Registration Act”.³⁵

Shortly after the adoption of the legislation, LGBTQI+ CSOs were summoned to a joint hearing of the Youth and Sports Parliamentary Commission and the Commission on Demographics, Children and Family.³⁶ The subject of the hearing was announced as a “Discussion of issues related to the distribution of materials and organisation of events that promote LGBTI activities that pose a threat to minors over the age of 14” and was utilised for a smear campaign against the CSOs and their human rights activism and work. Following the hearing, some of the CSOs were subject to an investigation by the National Data Protection Authority (the authority is one of the many supervisory bodies functioning with an expired mandate) about an online inquiry on the safe space of LGBTQI+ pupils in schools, although it was obvious that the inquiry in question did not require any personal information.³⁷ In late September one of the targeted CSOs announced that the National Data Protection Authority had not found any violations.³⁸

In response to the anti-LGBTQI+ legislation, teachers launched an online petition opposing it. In late August, one of the online groups of the far-right and pro-Russian Revival Party published a “blacklist” of teachers from the city of Varna who have signed the petition, with a call

for parents to seek explanations from the principals of the school where those teachers “parasitise.”³⁹ Despite the initial announcement that both the Prosecution and the National Data Protection Authority are investigating the “blacklist”, no information about sanctions has followed.

In December 2024, the National Data Protection Authority also issued a disappointing decision after it found that the Revival Party violated the privacy rights of CSOs’ representatives but refused to impose sanctions. The case in concern dates from 2022 when the Revival Party published a document called a “signal to the prosecution” on its website; together with the announcement that they are proposing a FARA law containing a blacklist of names of more than 800 civil society representatives and their state-issued PIN codes — a practice explicitly forbidden by the Bulgarian Data Protection Act. Despite clear legal norms, it took the National Data Protection Authority nearly two years to reach a decision which failed to provide effective or meaningful protection of the rights of the CSO representatives.⁴⁰

In 2024 the authorities continued to harass Mission Wings, an organisation helping refugees in dire situations in the regions close to the Bulgarian–Turkish border. In late December, Mission Wings publicised information about three refugee children who were found by their volunteers in a mountainous region next to the border. Despite multiple calls, the authorities had failed to provide help leading to the death of the children. Instead of taking responsibility, the interior ministry publicly accused Mission Wings of hindering their work and started an investigation against the CSO for false calls for help.⁴¹

Funding for civil society

None of the major issues regarding access to funding of CSOs were addressed in 2024. Challenges related to the lack of diversification of funding opportunities, development of public funding schemes, improvement of the access to funding provided by the EU and the promotion of the culture of donating remained.

In 2024, Bulgaria sustained its low ranking in the World Giving Index⁴² which measures the money donated to charities and time volunteered with organisations. According to the Index, Bulgaria is ranked 133rd out of 142 countries in 2023 and 2024, compared to 54th of 119 countries in 2022. Additionally, the country has

35. <https://vazrazhdane.bg/%D0%BA%D0%B8%D1%80%D0%B8%D0%BB-%D1%82%D0%BE%D0%B4%D0%BE%D1%80%D0%BE%D0%B2-%D1%81%D0%BB%D0%B5%D0%B4-%D0%B7%D0%B0%D0%B1%D1%80%D0%B0%D0%BD%D0%B0%D1%82%D0%B0-%D0%BD%D0%B0-%D0%B-%D0%B3%D0%B1%D1%82-%D0%BF/>

36. <https://www.parliament.bg/bg/parliamentarycommittees/3395/sitting/12706>

37. See also: <https://www.svobodnaevropa.bg/a/lgbt-uchenitsi-prouchvane/33072544.html>

38. https://www.facebook.com/story.php?story_fbid=837878818555314&id=100069996106701&_rdr

39. <https://www.svobodnaevropa.bg/a/prokuratura-varna-vazrazhdane-proverka-uchiteli/33088809.html>

40. <https://offnews.bg/politika/kzld-ne-vidia-problem-v-zloupotreba-s-lichni-danni-ot-vazrazhdane-836035.html>

41. <https://www.segabg.com/hot/category-bulgaria/mvr-razsledva-aktivisti-za-neverni-signali-za-bedstvashti-migranti>

42. https://www.cafonline.org/docs/default-source/inside-giving/wgi/wgi_2024_report.pdf

yet to adopt a law which regulates volunteering and supports organisations working with volunteers. The idea for the adoption of a law to support volunteering has been promoted by CSOs, however, despite the nine draft bills in multiple parliaments in the last 12 years, a law has not yet been adopted. Shortly after the formation of the parliament, two parties proposed bills on volunteering. On 5 December, all parties who have proposed bills on volunteering in recent years joined a roundtable organised by CSOs pledging unity on the topic. However, the event was not followed by any immediate actions leading to the adoption of a law.⁴³

A long-standing problem for Bulgarian CSOs to access EU funding is the false interpretation of the local authorities of the *de minimis* rule stipulated in the EU regulation 651/2014, declaring certain categories of aid compatible with the internal market.⁴⁴ As noted in the 2024 European Commission Rule of Law report, it is difficult for “CSOs to receive EU funding (through state agencies dealing with EU funds) caused by the fact that they are considered as commercial entities and as the state applies the same state aid restrictions as for private companies receiving EU funding.”⁴⁵

Additionally, the public funding scheme for civil society projects envisaged in the Not-for-Profit Legal Persons Act was not launched in 2024, even though the body responsible for it, the Council for Civil Society Development, was established in 2022. The Council for Civil Society Development had no official meetings in 2024.⁴⁶

The advocacy efforts of CSOs for a major reform of the social entrepreneurship legal framework, which would have enabled the access of CSOs to subsidies for entrepreneurship, were also undermined by the political crisis. The bill to amend the dysfunctional 2019 Companies of the Social and Solidarity Economy Act was adopted in its first reading in February 2024⁴⁷ but was never put to a final vote afterwards.

In 2024, the limitations of the project funding schemes on which the majority of Bulgarian CSOs depend became evident. CSOs struggled to develop their capacity to respond to the unpredictable legislative and policy developments typical for a political crisis as well as to participate in consultative bodies. A prime example was the lack of a proper response and participation in the discussions in the parliamentary commissions to oppose the anti-LGBTQI+ legislation adopted surprisingly in only one week at the beginning of August.

Civil dialogue and right to participation

The functioning of key civic participation mechanisms continued to deteriorate in 2024. Most notably, the Council for Civil Society Development (CCSD) is blocked due to the political situation.⁴⁸ In 2024 the CCSD did not have a single official meeting. It only managed to produce opinions on legislative proposals by relying on a procedure for unanimous decisions that did not require a meeting. Thus, no progress was made on developing a national mechanism for funding civil society nor on drafting a strategy for supporting the development of the sector. Furthermore, no procedure for the election of new members of the CCSD has started. The mandate of the current CCSD expires in February 2025 and according to the rules the elections process needs to start no later than three months before that.

In February 2024, the first National Council for Prevention and Protection against Domestic Violence within the Council (NCPDV) of Ministers was established. Five CSOs applied for four seats designated for civil society in the Council. It's worth noting that by law the CSOs who are members of the Council are not allowed to receive public funding from the state's domestic violence prevention programs. This overly broad, conflict of interest rule in effect prevents CSOs who have the most experience and knowledge in the field from applying to the Council. Additionally, the Council of Ministers' administration tried to bar the CSO members of the Council from participating in the discussions on the financial mechanism for the funding of prevention programs due to alleged potential conflicts of interest in the future. After successful advocacy efforts, this

⁴³. <https://www.bta.bg/bg/news/bulgaria/794536-nuzhddata-ot-priemane-na-zakon-za-nasarchavane-na-dobrovolchestvoto-beshe-obsaden>

⁴⁴. Available here: http://data.europa.eu/eli/reg/2014/651/oj; p36 of the report: https://commission.europa.eu/document/download/fd6bb85d-4aaa-4c79-88a2-8709edfb2002_en?filename=10_1_58051_coun_chap_bulgaria_en.pdf

⁴⁵.

⁴⁶. Information available to BCNL due to its capacity of a member of the Council for Civil Society Development.

⁴⁷. <https://www.parliament.bg/bg/bills/ID/165316>

⁴⁸. See also p36 of the 2024 Rule of Law report on Bulgaria: https://commission.europa.eu/document/download/fd6bb85d-4aaa-4c79-88a2-8709edfb2002_en?filename=10_1_58051_coun_chap_bulgaria_en.pdf

issue was resolved. The election procedure of new CSO members of the NCPPDV had to start no later than three months before the expiration of the mandate (November 2024). However, the procedure was opened on Thursday 2 January 2025 with no proper prior communication and was closed on Tuesday the following week. This led to a mere two applications for joining the Council.⁴⁹

Participatory mechanisms for civil society in the work of the parliament are also at a stalemate. After several short-lived parliaments in recent years, the Parliamentary Commission on Direct Citizen Participation and Interaction with Civil Society started

a procedure to establish the Civil Council in May 2023. However, the procedure had to be prolonged due to the lack of civil society candidates in certain fields such as charity and volunteerism, justice, internal security, public order and defence, and agriculture.⁵⁰ The Civil Council was established in September 2023.⁵¹ However, by the dissolution of the government in March 2024, it had only held one joint session with the Commission on Direct Citizen Participation and Interaction with civil society, as stipulated in the Rules and Regulations of the Parliament, and no major activity altogether.⁵² No procedure for the formation of the Civil Council was launched in the parliament following the elections in June and October 2024.

Civil society resilience

Following the adoption of the anti-LGBTQI+ law in 2024 and the proposal of a FARA law in September, Bulgarian civil society took steps to self-organise and push back against restrictive and legislative acts violating human rights. As a result, a legal opinion against the proposed FARA law gathered more than 2,500 signatures within days.⁵³ Furthermore, a conference was organised in Sofia in October, attended by both CSOs and business association representatives. The conference was the biggest event in recent years, gathering as many as 300 people and addressed restrictive legislative acts, such as the FARA and the collaboration between CSOs and business to jointly take action.⁵⁴

In 2024, a biannual sociological survey on the public perception of the civil society sector was published.⁵⁵ According to the survey, there is a slow but steady growth in civic activism. The wider public also feels more represented by CSOs, although the rates remain low. In 2018 only 4.4% of the respondents said that they felt represented by a CSO in contrast to 15% in 2024. Similarly, in 2024, 61.1% of the respondents shared that they have never had contact with a CSO, in contrast to 90.8% in 2018.

⁴⁹. https://www.strategy.bg/News/View.aspx?lang=bg-BG&categoryId&Id=10697&y&m&d&fbclid=IwZXh0bgNhZW0CMTAAR2e28pGC4eelJBkP3zDds-fveHqR0_7YbmtqFLio6B4bpLniArgPClepHM_aem_YVQPuripiv5n_-voQ69QaQ

⁵⁰. See decision for prolonging the process in the minutes from a Commission meeting on 25/07/2023 <https://www.parliament.bg/bg/parliamentarycommittees/3220/steno/7479>

⁵¹. Decision available here: https://www.parliament.bg/pub/cw/20230925120846_%D0%A0%D0%B5%D1%88%D0%B5%D0%BD%D0%B8%D0%B5%14.09.2023%20%D0%B3..pdf

⁵². The joint session took place on the 25 January 2024 to discuss the priorities of the Civic Council: <https://www.parliament.bg/bg/parliamentarycommittees/3220/steno/7788>

⁵³. <https://docs.google.com/document/d/1QXx-H7luYmL1b2pshTg4PCAX43YQWavq-4q-jw8IW7w/edit?tab=t.0>

⁵⁴. See the website of the conference here: <https://civicspacebg.com/en/>

⁵⁵. https://bcnl.org/uploadfiles/documents/analyses/Obshtestveni%20naglasni_NGO_2024.pdf

Recommendations

TARGETED RECOMMENDATION:

- ➔ **Repeal the amendments to the Pre-school and School Education Act banning comprehensive sex education, as it restricts freedom of expression and violates children's rights, such as the right to access to information and the right to non-discrimination. This should be done before the end of 2025.**
- ➔ Reject the Foreign Agents Registration bill and similar FARA legislative proposals that stigmatise and attack civil society and contradict national and EU law and international standards and refrain from proposing new FARA laws in the future.
- ➔ Commit to civic engagement and state support for civil society by adopting and implementing the Civil Society Strategy to replace the expired one.
- ➔ Ensure that the lobbying law is drafted in an open and transparent procedure and envisages exceptions for advocacy CSOs.
- ➔ Ensure that civic actors, human rights defenders, and journalists are protected from SLAPPs by transposing Directive (EU) 2024/1069 (the ant-SLAPP Directive) introducing legal safeguards for both cases with cross-border element and purely domestic cases and by applying the Commission Recommendation (EU) 2022/758.
- ➔ Implement additional and mandatory trainings to police officers and members of the administration for the correct safeguarding of the freedom of peaceful assembly.
- ➔ Guarantee the uninterrupted work of the Council for the Development of the Civil Society by providing it with administrative resources and a budget to ensure that it can carry out its lawful tasks in a timely manner.
- ➔ Take steps to popularise and increase the Parliament's collaboration with the Civil Council to the Commission on Direct Citizen Participation and Interaction with Civil Society.
- ➔ Ensure a continuous and meaningful participation of CSOs within the National Council for Prevention and Protection against Domestic Violence within the Council.
- ➔ Revise the implementation practices of the de minimus rule (EU 651/2014) so that civil society organisations are not discriminated against in the allocation of EU funding.
- ➔ Adopt the law on volunteering to support civil society organisations working with volunteers.

About the author

The Bulgarian Center for Not-for-Profit Law (BCNL) is a public-benefit foundation that provides support for the drafting and implementation of legislation and policies aiming to advance civil society, civic participation and good governance in Bulgaria. We have participated in the development and discussion of a number of laws related to the activities of non-profit organisations, such as the Law on Non-Profit Legal Entities, the Social Assistance Act, the Law on Normative Acts and many others. More about us and our work can be found at www.bcnl.org.






Croatia

By Human Rights House Zagreb



Key civic space trends	62
Summary	62
Institutional, political, and socio-economic landscape	63
The regulatory environment for civic freedoms	63
Funding for civil society	64
Civil dialogue and the right to participation.....	65
Civil society Resilience	65
Recommendations	66
About the author	67

Key civic space trends

-  Civil society organisations (CSOs) working on certain topics, such as human rights, the rule of law, democracy, LGBTQ+ rights, and anti-corruption are especially targeted and lack funding.
-  The dysfunction and bypassing of the government's Council for Civil Society Development continues.
-  Key civil society strategy is still missing, as in the previous nine years.

Summary

Civic space is rated as narrowed in Croatia, according to the CIVICUS Monitor.¹ The European Commission's 2024 Rule of Law report pointed out that Croatia needed to address the issue of strategic lawsuits against public participation (SLAPPs) targeting journalists and civil society. However, SLAPPs and legal harassment remained a problem in 2024. There were no efforts to engage with civil society and other relevant stakeholders in discussion of the implementation of the Commission's findings and recommendations, besides

occasional participation in the few discussions organised by civil society. Over the previous nine years, Croatia has been without a civil society strategy.

Croatia's response to rule of law, human rights, and democracy challenges remains weak, mainly due to the lack of adequate civil dialogue and a low level of mutual trust between the state and civil society. The gaps in sustainable, long-term funding for civil society and the administrative burdens placed on the sector continue to narrow civic space in the country.

¹. <https://monitor.civicus.org/country/croatia/>

Institutional, political, and socio-economic landscape

2024 was a very turbulent year politically in Croatia, with three elections being held. The parliamentary elections had the biggest impact on the work of civil society organisations, civic space, and the broader human rights landscape in Croatia. The election result saw a rise in the number of far-right members of the parliament, who joined the new governing coalition, excluding Serbian minority MPs who previously supported the government. The immediate effect was the dissolution of the office of the deputy prime minister in charge of social affairs and human rights.² The post was previously held by a member of the Serbian national minority party, which now sits outside the governing coalition. This meant that Croatia lost the momentum built up over the last two years in pushing some of the key human rights and civic space initiatives.

As of February 2025, there has not been a single session of the Government Council for Human Rights, which was chaired by the former deputy prime minister, since the dissolution of the office in May 2024. This multisectoral body, composed of representatives from crucial

government departments and CSOs, was instrumental in fostering dialogue between the state and civil society. The Government Council for Human Rights pushed for solutions to some of the long-standing structural issues, such as the adoption of the national human rights policy³ and the national gender equality policy,⁴ which have been absent since the illiberal backsliding in 2016. The implementation of these policies has been halted as the action plans for 2024 and 2025 have not been adopted by the government.

There have been no improvements in the functioning of the infrastructure for civil society in Croatia. Since this area was also under the supervision of the deputy prime minister, in 2024 the number of sessions of the Government Council for Civil Society Development was reduced, as the council had been dysfunctional and irrelevant for several years. For the last nine years, the country has lacked a fundamental civil society strategy, which has been in development since 2021. There is no clarity on when it will be finalised and adopted.

The regulatory environment for civic freedoms

During the 2024 presidential election campaign, the prime minister questioned the future funding of the CSO Gong, in response to their work on election ethics and integrity. This was perceived as a potential political overreach into the independent disbursement of public funds carried out by national institutions. Such a narrative coming from high political offices has a negative influence on the work and perception of civil society in Croatia, which is concerned with protecting and promoting the rule of law and liberal democracy.⁵ With the 2025 local and regional elections approaching in May, there is a concern that CSOs working on human rights, the rule of law, and democracy will be targeted by slander and negative portrayals similar to experience, as happened in the last elections in 2021.⁶

In 2024, the most significant negative impact on the freedom of peaceful assembly remained the continued securitisation of Saint Mark's Square in Zagreb, which has been ongoing since 2020 after a shooting directed at a government building. The square is surrounded by metal fences which block peoples' free and unhindered access to the square, including, most importantly, for the purposes of assembly. This is the most politically relevant location where people can be heard and seen by elected democratic representatives and officials, as the square is where the main institutions are located, including the government, parliament, and Constitutional Court. Therefore, this securitisation severely affects peoples' right to public expression and protest.

2. https://narodne-novine.nn.hr/clanci/sluzbeni/2024_05_57_994.html

3. <https://pravamanjina.gov.hr/UserDocsImages/dokumenti/Nacionalni%20Plan%20for%20the%20Protection%20and%20Promotion%20of%20Human%20Rights%20and%20Combating%20Discrimination%20for%20the%20period%20to%202027.pdf>

4. <https://ravnopravnost.gov.hr/UserDocsImages/dokumenti/NPRS%202027%20APRS%202024/Nacionalni%20plan%20za%20ravnopravnost%20spolova,%20za%20razdoblje%20do%202027.pdf>

5. <https://gong.hr/2024/12/19/gong-porucuje-li-premier-da-je-sklon-kazniti-organizacije-koje-inzistiraju-na-provedbi-slobodnih-i-postenih-izbora/>

6. See para 46 at https://www.kucaljudskihprava.hr/wp-content/uploads/2022/04/KLJP_GI2021-EN_Online.pdf

SLAPPs remain a significant problem in Croatia, primarily affecting journalists and negatively impacting their work, media freedom, and the freedom of expression. In addition to journalists, civil society groups and activists are also targeted. According to the most recent report⁷ by Friends of the Earth Croatia documenting pressures on environmental groups and activists, SLAPPs and investigations have become typical repressive measures over the past decade in Croatia, used to criminalise environmental rights defenders, silence critical voices, and financially burden environmental organisations and initiatives. These measures are common in cases where organisations and

initiatives successfully challenge the legality of certain environmental interventions. The report argues that the targeting of specific organisations and initiatives is closely related to broader issues of corruption.⁸

In addition to environmental actors, activists from the Youth Initiative for Human Rights have been targeted, threatened, and subjected to public smear campaigns and slander because of their activities which aimed to criticise the glorification of convicted war criminals and the need to remove glorifying decorations from the main square.⁹

Funding for civil society

Resources and funding for the work of civil society remained inadequate in 2024. A recent report on access to funding for human rights organisations in Croatia by Human Rights House Zagreb¹⁰ indicates four issues that should be addressed in the civil society funding landscape. Firstly, access to funding for advocacy and research activities and activities that enable work on public policies is very limited. Despite often being recognised as relevant stakeholders by key decision-makers, who actively seek their participation, organisations are often unable to participate effectively due to the lack of funding for this type of work. CSOs point out the lack of tenders at the national level, which could cover their advocacy work, including the promotion and protection of human rights and in particular the rights of marginalised groups and individuals.

Secondly, civil society's access to funding from national and local public sources is insufficient. CSOs highlight the need for more transparent and efficient long-term financing of advocacy activities at the national and local levels. This would involve evaluating the quality of the implemented activities instead of only relying on quantitative indicators, as well as increasing the number of funds for financing projects and programmes. Another problem is the lack of national and local tenders for co-financing. Civil society emphasises the importance

of ensuring that the entire co-financing amount for contracted projects from national or local sources is received.

Thirdly, CSOs working on the protection and promotion of human rights in Croatia continuously warn that national and local public funding is not adequately allocated for activities addressing certain pressing social challenges and issues. CSOs that are continuously underfunded include those working on anti-corruption, sexual and reproductive rights, civic education, gender equality, health rights, anti-discrimination, LGBTIQ+ rights, and human rights and democracy in the digital environment.

Lastly, although Croatian civil society recognises some positive developments, such as increasing funding lump sums, the administrative burdens to access funding are still a key issue hindering their work. This is seen by some organisations as reflecting a clear lack of trust in CSOs and their work. CSOs also highlight the institutions' neglect of civil society's role in the democratic process. To justify their role, relevance, and beneficial work, CSOs must continuously meet excessive administrative requirements that go beyond standard practices and legally prescribed obligations. Some organisations also point to administrative burden as a method of weakening the influence of their work.¹¹

7. https://zelena-akcija.hr/system/document/1355/doc_files/original/ZA_AnalizaFIN-3.pdf

8. https://zelena-akcija.hr/system/document/1355/doc_files/original/ZA_AnalizaFIN-3.pdf

9. <https://www.yihr.hr/hr/iza-postavljanja-kuglica-na-trg-bana-josipa-jelacica-stoji-yihr>

10. https://www.kucaljudskihprava.hr/wp-content/uploads/2024/12/KLJP_PristupFinanciranju-ENG.pdf

11. https://www.kucaljudskihprava.hr/wp-content/uploads/2024/12/KLJP_PristupFinanciranju-ENG.pdf

Civil dialogue and the right to participation

The issues regarding public participation in Croatia in 2023 remained unresolved in 2024. E-consultations were still the dominant form of participation, despite being perceived as a tool to fulfil formal obligations rather than a genuine dialogue exercise. Public consultations on draft laws and public policies were often carried out as a formality, rather than in a substantive manner, weakening opportunities for participation and having a negative impact on the quality of public policies. The main problem with the consultation processes was that they were not organised at the inception of the public policies but rather at the end of the process, when a draft law or strategy was already developed. The issues with appointing CSOs to working and advisory bodies remained the same: the lack of transparency and merit-based selection. In addition,

the Council for Civil Society Development was still not performing its role as the main body for cooperation and dialogue.¹²

Despite the high level of participation from CSOs in working groups preparing for 2024–2025 action plan for the implementation of the National Human Rights and Anti-discrimination Plan, the documents published for e-consultation deviated from the proposal that was adopted by consensus by the working group. The main changes were the omission of the description of activities and quantitative indicators. This was an essential part of the action plan, to ensure clarity and monitoring the implementation of the measures. Although the e-consultation concluded at the end of 2024, at the time of writing the government has not adopted the new action plan.¹³

Civil society Resilience

Following the 2024 Rule of Law Report, a series of public discussions with civil society, decision-makers and other institutional stakeholders (for the judiciary, media, law-enforcement in the area of anti-corruption, cooperation with CSOs, and human rights, were held to

discuss the findings. These gatherings on the judiciary,¹⁴ media,¹⁵ anti-corruption¹⁶ and civil society¹⁷) provided an opportunity to have a dialogue on problems and possible solutions between civil society, policy makers, independent institutions, and academia.

¹². <https://www.kucaljudskihprava.hr/wp-content/uploads/2024/02/Regional-Report-on-Human-Rights-Defenders-Regional-Network-of-Human-Rights-Houses-1.pdf>

¹³. <https://esavjetovanja.gov.hr/ECon/EconReport?entityId=28753>

¹⁴. <https://tripalo.hr/skup-stanje-u-hrvatskom-pravosuđu-izvjestaj-o-vladavini-prava-kako-dalje/>

¹⁵. <https://tripalo.hr/poziv-na-skup-slapp-i-medijske-slobode-izvjestaj-o-vladavini-prava/>

¹⁶. <https://tripalo.hr/skup-buducnost-borbe-protiv-korupcije-u-rh-izvjestaj-o-vladavini-prava/>

¹⁷. <https://tripalo.hr/skup-izvjestaj-o-vladavini-prava-civilno-drustvo-i-sudjelovanje-u-procesima-donosenja-odluka/>

Recommendations

TARGETED RECOMMENDATION:

- ➔ In an inclusive, genuine, and constructive process, develop and adopt without delay a new National Plan for Creating an Enabling Environment for Civil Society Development until 2027, that will systematically tackle the issues faced by civil society, such a financing framework, access to and participation in decision-making processes, and an institutional framework for civil society. This should be concluded by the end of 2025.
- ➔ Refrain from attacking and threatening GONG's funding.
- ➔ Adopt and implement concrete legislative measures against SLAPPs targeting civil society, journalists and other actors, in line with the EU Anti-SLAPP Directive.
- ➔ Initiate the process of creating a new framework for civil society participation in decision-making and provide adequate long-term legal protection of the right to participate in public affairs.
- ➔ Resume the work of the Council on Human Rights.
- ➔ Reset the work of the Council on Civil Society Development to work in line with its mission and purpose by 2025.

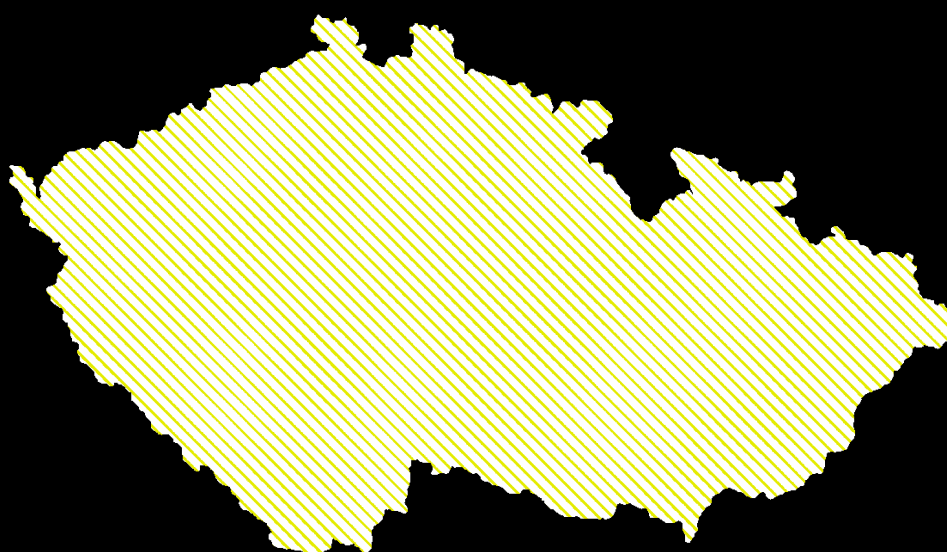
About the author

Human Rights House Zagreb (HRH) is a human rights organisation established in 2008 as a network of civil society organisations, with the goal of protecting and promoting human rights and fundamental freedoms. HRH's vision is to build a democratic, pluralistic, and inclusive society founded upon the values of human rights protection, the rule of law, social justice, and solidarity. Through research, monitoring, advocacy, and education, HRH contributes to the protection, promotion, development, and advancement of human rights and fundamental freedoms. By publishing annual overviews of the state of human rights, thematic reports, and policy briefs, they help create better laws and public policies.






Czech Republic

By Glropolis,
with the inputs from the Network for Protection of Democracy



Key civic space trends	70
Summary	70
Institutional, political, and socio-economic landscape	71
The regulatory environment for civic freedoms	73
Freedom of association	73
Freedom of peaceful assembly	74
Freedom of expression and the right to privacy	75
Safe space	76
Funding for civil society	77
Civil dialogue and the right to participation	79
Civil Society Resilience	81
Recommendations	82
About the contributor	83

Key civic space trends

-  Concerns over new legislation introduced under the pretext of promoting transparency and security.
-  Despite some positive developments in increasing public participation in decision-making, formal civil dialogue processes are weak.
-  Public funding remains short-term, fragmented across public funders, and subject to heavy bureaucratic requirements.

Summary

Civic space is rated as “Open” in the Czech Republic in 2024 by the CIVICUS Monitor.¹ However, there were a number of concerns about the space for civil society, including inconsistencies in proposed regulation on lobbying, the inefficiency of the legislative process, and limitations in public funding for civil society organisations (CSOs), such as a lack of multi-annual funding and bureaucratic and methodological inconsistencies in grant schemes. Public participation in decision-making saw mixed results. While the government promoted participatory initiatives, mechanisms for civil dialogue across public administration remain weak. The proposed Law on Lobbying raised concerns over its weak and ineffective measures to tackle lobbying on the one hand, and its disproportionate burden and restrictions on civil society participation on the other.

There were some developments in the implementation of the recommendations of the European Commission’s Rule of Law report. A bill establishing a National Human Rights Institution (NHRI) and the position of a children’s ombudsman was finally approved in January 2025. The amendment to the Conflict of Interests Act introduced stricter regulations, including a clearer ban on media ownership and tighter rules for accepting subsidies and investment incentives. However, the amendment was annulled by the Constitutional Court for violating the rules of the legislative process. The responsible ministries did not carry out targeted consultations with civil society to implement the report’s recommendations. A positive step was the discussion on three topics of the rule of law organized by the Office of the Government and in cooperation with CSOs.²

1. <https://monitor.civicus.org/country/czech-republic/>

2. <https://glopolis.org/neon/pravni-stat-v-cr-prilezitosti-pro-rok-2025/>

Institutional, political, and socio-economic landscape

While the separation of powers in the Czech Republic is generally upheld, there are notable shortcomings in policymaking processes and the quality of legislation and reforms. The legislative process in the Chamber of Deputies is undermined by MPs practice of attaching amendments to bills that are not substantively related to them in an attempt to bypass the normal legislative process. This common practice was raised by the Constitutional Court, which issued an important ruling on an amendment to the Conflict of Interest Act, stating that it was unconstitutional, and struck it down. The amendment sought to tighten the rules on media ownership by politicians and the acceptance of subsidies by government ministers and any companies they own.³ The finding was perceived as controversial, as six of the 15 constitutional judges held a different opinion. Nevertheless, with this ruling, the Constitutional Court indicated the need for the Chamber of Deputies to submit proper and reasoned legislative proposals and to streamline the legislative process.

The Chamber of Deputies has also been paralysed by obstructions from the populist ANO party and the right-wing, xenophobic Freedom and Direct Democracy (SPD), which sit in opposition. Instead of devoting their time to making and enforcing laws, MPs spend many hours on the plenary listening to obstructionist speeches of the opposition leaders. Notable examples include an eleven-hour speech by SPD leader Tomio Okamura, who quoted at length from his thesis, and the ANO leader Andrej Babiš blocking the discussion of an amendment to Lex Ukraine VII, which would enable extension of temporary protection for refugees from Ukraine, for two hours. Eventually, this may further weaken people's trust in the Chamber of Deputies and the functioning of democracy in general.

In 2024, the underfunding of the judicial system remained a serious challenge. Low salaries for judges, prosecutors and court staff threatened the system's stability and led to the departure of qualified staff and the largest judicial strike in Czech history.⁴ Meanwhile, the inadequate salaries of judicial staff meant that few people were attracted or motivated to work within the judiciary.⁵ This shortage of personnel is becoming a systemic problem for the effective functioning of the justice system, compounded by the repeated delays to judicial digitalisation. However, some progress has been made, with increased transparency in the selection of constitutional judges through senate hearings and legal reforms preventing the arbitrary dismissal of the chief prosecutor.⁶

In 2024, the government proposed a major amendment to the Act on Czech Television and Czech Radio⁷ to enhance the independent governance of public media by increasing fees, expanding the range of fee payers, and strengthening rules and mechanisms.⁸ The opposition blocked its adoption in the Chamber of Deputies. In response, CSOs launched a petition⁹ in support of the adoption of the Act and the independence and financial stability of public media, to which the government has committed.¹⁰

So-called “news deserts” continue to expand in the Czech Republic.¹¹ Local media outlets lack independent funding and quality journalism. They mainly serve as advertising platforms and rely on local politicians or direct payments from town halls. People outside of big cities lack access to quality, reliable local news, which is a prerequisite for solving local problems and evaluating the work of politicians.¹² Local media in the Czech Republic is among the most vulnerable in Europe, yet discussions on how to support it is lacking.

3. The case relates to the legislative process of adopting an amendment to the so called Lex Babiš II, i.e. Act No. 253/2023 Coll., amending Act No. 424/1991 Coll., on association in political parties and political movements. <https://www.usoud.cz/aktualne/pozmenovaci-navrh-predstavoval-neustavni-pri-lepek-ustavni-soud-proto-vyhovel-navrhu-na-zruseni-zakona-podaneho-skupinou-poslancu-z-rad-opozice>.

4. <https://www.ceskenoviny.cz/zpravy/zamestnanci-soudu-stavkuji-zavrene-zustaly-podatelny-cast-jednani-byla-zrusena/2579067>

5. https://www.irozhlas.cz/zpravy-domov/oddeleni-platy-politiku-a-soudcu-radi-expertka-zakaz-zmrazovani-si-v-ustave-neumi_2410170600_nel <https://www.ceska-justice.cz/2024/12/justicni-odbory-miri-uzavrit-s-blazkem-dohodu-o-platech-stavka-zavisi-na-realnem-splneni/>

6. Previously, the president could appoint a Constitutional Court judge candidate, and the Senate would only confirm without public debate. In 2024, public Senate hearings were introduced, increasing transparency and reducing politically motivated quiet nominations. Moreover, there was a reform of the Public Prosecution Service. Previously, the Supreme Public Prosecutor could be dismissed by the government without clear rules, risking political interference. In 2024, legislation was adopted defining the conditions and grounds for dismissal, reducing arbitrary removals and strengthening the prosecution's independence within the rule of law.

7. <https://www.psp.cz/sqw/historie.sqw?o=9&t=738>

8. <https://www.mk.gov.cz/novinky-a-media-cs-4/5782cs-vlada-schvalila-navrh-velke-medialni-novely-novely-zakonu-o-ceske-televizi-ceskem-rozhlasce-a-televiznich-a-rozhlasovych-poplatcich>

9. <https://www.dikyzemuzem.cz/podpor-podpisem/>

10. <https://www.linkedin.com/feed/update/urn:li:activity:7288532245542281216>

11. <https://hlidacipes.org/cesko-medialne-vysycha-zpravodajske-pouste-se-siri-lokalnich-redakci-ubyva/>

12. <https://www.ochranademokracie.cz/>

In Europe, the Czechs are among those who most strongly feel the impacts of the Russian invasion of Ukraine. Before the invasion, about 40% of Czechs preferred their country to lean towards the West, while about 55% believed that the Czech Republic should remain geopolitically somewhere between the West and the East. This may indicate disappointment that the Czech Republic had not achieved a standard of living comparable to developed Western countries or dissatisfaction with some cultural or other trends in Western countries. Support for Ukrainian refugees remains around 55-60%. While more than half of the people (56%) say their household makes ends meet fairly well in 2024, which is the highest-ever figure, the proportion of people who find it difficult to manage has risen from 13% in 2019 to 18% in 2024. Overall, a prevailing sense of discontent persists in the public sphere, along with scepticism about the future direction of Czech society.¹³

In 2024, the Consortium of Migrants Assisting Organisations warned of serious human rights restrictions and discrimination related to the legislation around migration, foreigners, and Ukrainian refugees, namely the forthcoming Lex Ukraine VII and an amendment to the law on the residence of foreigners prepared by the Ministry of the Interior.¹⁴ The draft of the so-called Aliens Act fundamentally changes the concept of a family member of a Czech citizen and worsens the status of foreigners living in the Czech Republic.¹⁵ Lex Ukraine VII was supposed to provide for the extension of temporary protection for refugees from Ukraine but instead obliges only Russian citizens to renounce their Russian citizenship to obtain Czech citizenship, affecting around 40,000 people. This measure, which aims to “protect the security and foreign policy interests of the Czech Republic,” has drawn criticism for constituting “collective blame”, where individuals are held responsible for actions they did not commit simply because of their nationality, and for potentially harming Russian dissidents and those assisting Ukrainian refugees.¹⁶ Experts warn it could lead to legal uncertainty and disproportionate administrative hurdles.¹⁷

In 2024, the Czech Constitutional Court annulled the mandatory gender-affirming surgery requirement for transgender individuals, citing dignity and bodily integrity violations. The ruling, effective from July 2025, underscores the need for further reforms. Hate crime legislation still lacks explicit protection for sexual orientation and gender identity, creating gaps in legal recourse. In 2024, the Czech Republic was close to legalising equal marriage, promoted by the *Jsme fér* initiative. Legalising same-sex marriage and joint parental rights was supported by public opinion¹⁸ and statements of various civic groups, including children's rights organisations, educators, school parliaments, and producers in the audiovisual industry. In the end, due to amendments in the Chamber of Deputies, the adopted bill significantly restricted the rights of parents and children and preserved two categories: partnerships with conjugal rights and step-adoption,¹⁹ while excluding joint adoption.²⁰

There is a lack of data on the public's opinion towards civil society. The only long-term opinion polls by the Public Opinion Research Centre (CVVM) measure trust or distrust of public institutions. These surveys have consistently shown low levels of trust: data from 2016 confirmed this trend, and in 2017, trust declined further — by a total of 8 percentage points compared to September 2016 — reaching an all-time low of 32% in October 2017. From then until 2020, despite minor fluctuations, there was a clear dominance of distrust, which ranged between 51% and 59%, over trust, which varied between 32% and 38%. In the period 2021–2023, this gap rapidly narrowed to just four percentage points in the previous survey. However, the most recent survey did not confirm the continuation of this trend, as the gap between trust and distrust widened again slightly — though the changes remained within the margin of error. In 2024, many events were organised by the government and other actors, including civil society, to mark 20 years since the Czech Republic joined the EU. However, public perception of the EU remains an issue. Initially, trust in the EU was high (60%), though civic engagement was weak. The support declined

13. <https://www.ochranademokracie.cz/>

14. <https://migracnikonsorcium.cz/cs/pripominky-konsorcia-k-lex-ukrajina-vii/> and <https://migracnikonsorcium.cz/cs/migracni-konsorcium-apeluje-na-vladu-aby-neschvalila-navrh-cizineckeho-zakona/>

15. The new concept of a family member of a Czech citizen introduces reverse discrimination: third-country nationals (non-EU citizens) who are family members of Czech citizens would have fewer rights than family members of other EU nationals. The new definition removes the right to stay during residence proceedings, allows applications to be rejected based on unrelated issues (such as past job loss), requires applicants to answer even self-incriminating questions, and permits denials based on classified intelligence without access to evidence or judicial review.

16. <https://migracnikonsorcium.cz/cs/poslanci-chteji-udelat-z-zadatelu-o-obcanstvi-z-ruska-bezpecnostni-hrozbu-i-z-tech-co-tu-dlouhodobe-ziji-a-angazuji-se-v-pomoci-ukrajine/>

17. <https://www.ferovamigracnipolitika.cz/diskriminacni-zpriseni-podminek-pro-ruske-zadatele-o-obcanstvi-vyvolava-kritiku/>

18. <https://assets.nationbuilder.com/zamanzelstvi/pages/2678/attachments/original/1707148150/manzelstvi-pro-vsechny-vyzkum.pdf?1707148150>

19. <https://ct24.ceskatelevize.cz/clanek/domaci/operace-nebude-podminkou-uredni-zmeny-pohlavi-rozhodl-ustavni-soud-348970>; https://www.jsmefer.cz/shrnuti_roku_2024

20. Same-sex couples in the Czech Republic are excluded from joint adoption; only “step-adoption” is permitted. One partner must adopt the child first, and only then can the second partner apply to adopt. If one partner is the biological parent, the other may adopt with court and (if applicable) child/guardian consent. In cases without a biological link, the second adoption follows individual adoption, again requiring court and guardian approval.

during the migration crisis but stabilised from 2018 onward, with a slight increase in 2024, due to the EU being seen as a solution to global challenges like the energy crisis. Civil society emphasises that the EU should not be merely an economic project but must also protect democracy and human rights. Criticism remains regarding the lack of transparency in decision-making, with calls for greater public participation to prevent the EU from being perceived as a distant bureaucratic entity.²¹

The European Parliament elections in the Czech Republic were shaped primarily by immigration topics and the European Green Deal, with populist parties framing them as a referendum on the government. The campaign focused on EU migration policies, sovereignty concerns, and opposition to the internal combustion engine ban. Higher turnout in underdeveloped regions suggests discontented voters could shape upcoming national elections, with economic conditions, energy policy, and Euroscepticism remaining key issues.²²

The regulatory environment for civic freedoms

Freedom of association

2024 marked 10 years of the new Civil Code²³ which regulates associations in the Czech Republic. The code is conceived as liberal, respecting the internal autonomy of associations while protecting the rights of members and third parties, and has been well-applied in practice. However, there are new challenges related to the registers of the actual owners of associations, distinguishing between the economic activities of non-profit associations and business activities, and tax and accounting issues.²⁴

The key issue related to the registration of associations in the public register and the registration of beneficial owners is the administrative burden associated with the obligation of associations to register in the public register, which can be challenging for smaller associations. The associations, although they do not have owners in the traditional sense of the word, must record members of statutory bodies in the register of beneficial owners, which is a consequence of legislation effective from 1 January 2021. The lack of clarity in the legislation regarding the definition and identification of beneficial owners for associations may lead to incorrect or incomplete registrations. The lack of information and methodological support for associations in this area makes it difficult for them to comply with legal requirements. These factors can lead to legal uncertainties and potential sanctions for associations that fail to comply with their obligations for registration and beneficial owner registration. The

administrative burden associated with the obligation to publish annual financial statements in the public register is also problematic, and failure to comply with this obligation can lead to fines of up to 100,000 CZK (roughly €3,990).²⁵

The problem of defining the boundaries between association and business activities is a new issue. The current legislation provides associations with the possibility to carry out secondary activity in addition to their main activity, which may have a business character, as long as the primary purpose of the association is not business or profit-making activities. This secondary economic activity should serve primarily to support the main not-for-profit activity of the association. The ambiguities in the legislation can lead associations to exceed these limits, which could result in the loss of benefits associated with the non-profit status or even the dissolution of the association. The ambiguity lies primarily in the fact that the law does not precisely define the scope and limits of ancillary business activities, which may lead to different interpretations among associations, authorities, and courts. Another problem is the lack of differentiation between activities aimed at profit and activities that are merely an economic means to fulfil the association's objectives, which complicates the legal assessment of specific cases. Therefore, it is recommended to have a careful setting of internal rules and a transparent separation of non-profit and business activities to avoid possible legal complications.²⁶

21. <https://nms.global/cz/20-let-v-evropske-unii-proc-zustava-eu-mez-icchy-nepochopena/>; <https://www.stem.cz/20-let-clenstvi-cr-v-eu-v-postojich-ceske-verejnosti/>

22. <https://www.amo.cz/en/strengthening-the-resilience-of-czech-slovak-and-polish-societies-prior-to-the-2024-european-parliament-elections/behind-the-ballot-unmasking-influence-narratives-in-czechia-slovakia-and-polands-ep-races/>

23. Act No. 89/2012 Coll. Civil Code Act: <https://www.zakonyprolidi.cz/cs/2012-89>

24. <https://vlada.gov.cz/cz/ppov/rnno/aktuality/konference-deset-let-noveho-spolkoveho-prava-213589/>

25. <https://vlada.gov.cz/cz/ppov/rnno/aktuality/konference-deset-let-noveho-spolkoveho-prava-213589/>

26. <https://vlada.gov.cz/cz/ppov/rnno/aktuality/konference-deset-let-noveho-spolkoveho-prava-213589/>

Regarding the Strategy for Cooperation between Public Administration and NGOs for the period 2021-2030, the Office of the Government prepared a monitoring report on the implementation of the first action plan.²⁷ Most of the measures are being implemented to varying degrees. The strategy also includes actively monitoring and commenting on legislation governing the status and activities of CSOs. A new action plan for the next four years will be submitted for the government's approval in spring 2025. There is room to incorporate new measures to address the sector's evolving needs in the strategy. However, there are no state budget funds tied to the implementation of the strategy, so it is largely dependent on funding through projects secured by the Office of the Government or the willingness of individual ministries to allocate resources within their budgets. Monitoring of the legislation also heavily relies on the expertise and engagement of the civil society members in the Government Council for NGOs and its committees. As a result, CSOs often self-fund legal analyses, and there is no strong, institutionalised mechanism for monitoring legislation or assessing its impact on the civic sector.

Civil society is concerned about new legislation introduced under the pretext of promoting transparency or security, principles that civil society generally supports. However, such laws can pose several unforeseen impacts or risks to fundamental freedoms and CSOs' operations. This applies to the new Law on the Regulation of Lobbying, the Conflict of Interest Act the Register of Beneficial Owners and potentially any new initiatives as part of the EU's Defence of Democracy Package and its directive.²⁸

After nearly fifteen years of preparation, the proposed Law on the Regulation of Lobbying²⁹ — one of the milestones for accessing the EU Recovery and Resilience

Facility — is currently under review in the Chamber of Deputies. There are concerns about its effectiveness since several exemptions tabled by members of parliament across political parties could weaken its impact, with implications for public participation. Therefore, CSOs have called³⁰ for the final version of the law to ensure that:

1. The definition of lobbied persons will not include the members of the government's advisory bodies (except for the Legislative Council of the Government).
2. The meetings of working bodies established by government advisory bodies, where lobbyists will be present (for example, senior directors) will not be reported as lobbying meetings, and minutes of the meetings will be publicly available,
3. The protection of vulnerable non-EU individuals, such as human rights defenders and dissidents from non-democratic regimes, will be strengthened. To safeguard their security, they will be exempt from being listed in lobbying reports.
4. The bureaucracy associated with the lobbying registration and reporting process is proportionate and not burdensome.

A major concern of many CSOs is that various interest groups might negotiate exemptions in the law, leaving only CSOs engaged in public policy and advocacy to register as lobbyists. The label "lobbyist" has a negative connotation in the Czech Republic and can be politically abused or used as a pretext for smear campaigns against civil society.

This will create further legal and administrative burdens, primarily for civil society, label CSOs as lobbyists, and contribute to a negative image of the civil society sector, despite the fact that it advocates for public interests.

Freedom of peaceful assembly

The Czech Law on the Right of Peaceful Assembly³¹ guarantees the right but allows restrictions for security reasons. In 2024, various groups of citizens in the Czech Republic exercised this right to express their views and demands. Some demonstrations were cancelled, for example, those organised by trade unions,³² or

rescheduled, while others have taken place with significant public participation, such as farmers' protests.³³

In 2024 and 2025, several demonstrations in support of Ukraine took place in the Czech Republic, notably on the anniversary of the Russian invasion. On 24 February 2024, an event called "Day for Ukraine" was

²⁷. <https://vlada.gov.cz/cz/ppov/rnno/dokumenty/monitorovaci-zprava-o-plneni-akcniho-planu-strategie-spoluprace-verejne-spravy-s-nno-na-leta-2021-az-2030-za-roky-2021-2023-217747/>

²⁸. https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/new-push-european-democracy/protecting-democracy_en

²⁹. <https://www.psp.cz/sqw/historie.sqw?o=9&t=649>

³⁰. <https://vlada.gov.cz/cz/ppov/rnno/zapisy-ze-zasedani/zasedani-rady-vlady-pro-nestadni-neziskove-organizace-dne-30-zari-2024-217664/>

³¹. <https://www.zakonyprolidi.cz/cs/1990-84>

³². <https://www.os-echo.cz/demonstrace-21-kvetna-2024-od-12-hodin-na-malostranskem-namesti-v-praze/>

³³. <https://www.ospvz-aso.cz/obsah/71/protesty-zemedelcu-22-kvetna-2024-se-sejdeme-u-uradu-vlady-c/335677>

held in Prague, attended by thousands of people.³⁴ Representatives of political parties and Ukrainian President Volodymyr Zelensky spoke at the event via video message. One year later, on 23 February 2025, a rally “Together for Ukraine”, organised by organisations such as Memory of the Nation, People in Need and Million Moments for Democracy, took place at the same location. The event was attended by President Petr Pavel, who, in his speech, stressed the need to support Ukraine and defend international law.³⁵ The rally was followed by the “Voice of Ukraine” parade, which ended with a commemoration at the statue of Taras Shevchenko.³⁶

The Supreme Administrative Court (SAC) made two important rulings on complaints concerning the slogan “From the River to the Sea, Palestine will be free”. The SAC examined two cases in which Prague City Council restricted the use of the slogan. In the first case, the magistrate preventively banned the holding of a gathering in support of the slogan; in the second case, the magistrate instructed the organisers

of another gathering on the spot not to chant the slogan, otherwise the gathering would be dispersed. The SAC found that the slogan does not have a single unquestionable meaning, nor could the context of its use lead to the conclusion that it could be misused to promote violence and genocide. Only in cases where the specific circumstances indicate that it is being used in an unacceptable sense, involving the denial of rights and freedoms and violence, may the right of assembly be restricted. The SAC emphasised that a preventative ban on an assembly is possible only if the administrative authorities can prove that the real purpose of the assembly is to promote the impermissible or extremist meanings of the slogan. This decision of the SAC highlights the importance of assessing the context and the real purpose of the assembly when evaluating the possibility of restricting the right of assembly.³⁷

Overall, the right to assembly in the Czech Republic was respected. Judicial decisions reflected efforts to balance maintaining public order with safeguarding people’s constitutionally guaranteed rights.

Freedom of expression and the right to privacy

In the Czech Republic, freedom of expression is enshrined in the EU Charter of Fundamental Rights and EU and international law.

Last year, the interior ministry submitted an amendment on adopting an exemption for the use of real-time facial recognition tools, one of the prohibited uses of artificial intelligence under the EU Artificial Intelligence Act (AI Act).³⁸

In addition, the Czech government has taken steps to implement the European Cybersecurity Act, an EU regulation that aims to regulate private communications in order to identify the most harmful content, such as child sexual abuse material or support for terrorism. Although the use of AI methods to screen such content remains voluntary for service providers, the obligation to detect child sexual abuse material applies broadly, raising concerns about the potential violation of encrypted communications. Separately, in response to the AI Act, the Czech Interior Ministry submitted a legislative proposal aimed at legalising the biometric tracking system currently in use at Václav Havel Airport

and extending it to other international airports in the country.³⁹ Under this proposal, courts must authorise the addition of specific wanted persons to the reference database. However, the interior ministry proposes to bypass court approval to allow the police to include certain people in the database, which disproportionately interferes with privacy and contradicts the AI Act.⁴⁰

The amendment to Lex Ukraine VII also introduces the offence of carrying out “unauthorised activity for a foreign power”, with a basic penalty of up to five years in prison and up to 15 years in case of a state of war. It will apply to those who work for a foreign country or organisation “with the intention of threatening or harming the constitutional establishment, sovereignty, territorial integrity, defence or security of the Czech Republic”.⁴¹ While intended to protect national security, critics fear its potential misuse to suppress critical voices and restrict free speech. They claim that since the proposed offence is already part of amended criminal laws, it should therefore be subject to the standard legislative process. The Czech Security Information Service (BIS) supports the move, arguing it strengthens counterintelligence

³⁴. <https://www.ceskenoviny.cz/zpravy/2483490>

³⁵. <https://ct24.ceskatelevize.cz/clanek/domaci/v-centru-prahy-vyjadruji-lide-podporu-ukrajine-promluvi-i-pavel-358376>

³⁶. <https://spolecnezaukrajinu.cz/>

³⁷. <https://www.nssoud.cz/aktualne/tiskove-zpravy/detail/nejvyssi-spravni-soud-se-vyjadril-k-moznostem-omezeni-uzivani-hesla-from-the-river-to-the-sea-palestine-will-be-free-na-shromazdenich>

<https://www.ceska-justice.cz/2024/08/nss-k-heslu-o-svobodne-palestine-shromazdovaci-pravo-nelze-omezovat-preventivne/>

³⁸. <https://eur-lex.europa.eu/eli/reg/2024/1689/oj/eng>

³⁹. <https://ekonomickydenik.cz/system-biometricke-detekce-obliceju-na-prazskem-letisti-bude-robustnejsi-ukonceni-projektu-zdrzel-covid/>

⁴⁰. <https://edri.org/our-work/biometric-surveillance-in-the-czech-republic-the-ministry-of-the-interior-is-trying-to-circumvent-the-artificial-intelligence-act/>

⁴¹. https://www.idnes.cz/zpravy/domaci/ministr-spravedlnosti-blazek-trestny-cin-cinnost-pro-cizi-moc.A250207_115914_domaci_jjan

efforts. The amendments reflect heightened geopolitical tensions, with intelligence services warning that espionage is no longer just about classified information but also broader activities undermining national stability. Balancing security needs with fundamental freedoms remains a challenge for the Czech Republic.⁴²

In addition to concerns over surveillance and national security laws, the implementation of the Digital Services Act (DSA) in the Czech Republic faces significant delays. The DSA, which came into effect across the EU on 17 February 2024, sets uniform rules for online intermediaries to ensure a safer digital space.⁴³ The Czech Telecommunications Office (ČTÚ) has been formally designated as the national coordinator for the implementation of the DSA, so it can carry out some activities, in particular coordination, informing the public, providing methodological support, monitoring, and cooperation at the European level. However, some activities, such as addressing complaints, the formal supervision of platforms' compliance with their obligations or imposing sanctions, will only be possible once the so-called Digital Economy Act,⁴⁴ a bill introduced into the Czech parliament, is passed. This act will transpose the relevant provisions of the DSA into the Czech legal

system and also define the specific powers of the CTU. However, the act is still in the legislative process, which means that the full implementation of the DSA in the Czech Republic has not yet been completed. Repeated delays in parliament have stalled the completion of the legislative process, creating a legal vacuum where the DSA is legally applicable but lacks an enforcement mechanism. The law is not expected to be adopted before the end of 2025. This delay raises broader concerns about digital governance and the rule of law. The absence of enforcement mechanisms means that key provisions, such as the obligation to moderate content and alternative dispute resolution for affected entities, remain largely ineffective.⁴⁵

Public institutions continue to withhold information by misinterpreting provisions of the Information Act. Some institutions attempt to restrict access through legislation under the pretext of security concerns. The Czech security services consistently push for limiting the right to information whenever the Information Act or related regulations are amended. This reflects a growing trend of securitising public debate, where certain legislative proposals prioritise security over fundamental rights and democracy.⁴⁶

Safe space

There has been no relevant progress in setting up a robust monitoring framework to protect CSOs and human rights defenders within the state administration. Nor has any further research on public opinion on civil society and human rights defenders been published. However, partial but important research studies by some CSOs support the evidence of the threats and attacks.

According to the Disinformation and Civil Society Mapping Report for the Visegrad region⁴⁷ by VIA Association, Czech CSOs are facing increasing disinformation attacks targeting organisations, their topics, or their partners. This creates pressure on their capacities and threatens their reputations, impacting their ability to do public fundraising. Disinformation

campaigns mainly focus on topics related to human rights and democracy work, migrants, LGBTQI+, and Roma rights, as well as environmental issues. Such campaigns often depict CSOs as “political instruments” of foreign influence or prioritising foreign interests over the needs of Czech citizens. In addition, the vulnerability of Czech CSOs is exacerbated by weak digitalisation and insufficient preparedness for crisis communication. The result is weakened trust in civil society, which threatens the sector's ability to fundraise and respond effectively to crises. It is therefore necessary to provide CSOs with sufficient and targeted support (technical and educational) to enable them to effectively face disinformation campaigns and prevent their negative consequences on funding and trust.⁴⁸

⁴². <https://svobodaslova.online/doporuceni-ochrana-svobody-projevu-v-kontextu-navrhu-noveho-trestneho-cinu-neopravnene-cinnosti-pro-cizi-moc/#-more-264>; <https://www.aksudolska.cz/zajimavosti-z-prava/poslanci-schvalili-novy-trestny-cin-neopravnene-cinnosti-pro-cizi-moc/>

⁴³. <https://eur-lex.europa.eu/eli/reg/2022/2065/oj/eng>

⁴⁴. <https://www.psp.cz/sqw/historie.sqw?O=9&T=776>

⁴⁵. https://www.irozhlas.cz/veda-technologie/co-je-nelegalni-offline-ma-byt-nelegalni-i-online-zavadeni-pravidel-eu-se-ale-v_2502100817_epo

⁴⁶. <https://www.ochranademokracie.cz/>

⁴⁷. <https://en.hive-mind.community/blog/910,navigating-disinformation-trends-and-civil-society-challenges-in-central-and-eastern-europe-regional-mapping-reports-2023-2024>

⁴⁸. <https://www.ochranademokracie.cz/>

During the 2024 autumn floods in Northern Moravia, Czech civil society played a key role in helping people in the affected areas deal with the devastating consequences and served as an important coordination partner to the state administration. This cooperation was harmed by false accusations from Minister of Agriculture Marek Výborný towards the environmental organisation Hnutí DUHA (Friends of the Earth Czech Republic).⁴⁹ He suggested in a press statement that the organisation was responsible for the extent of flooding in Northern Moravia by blocking the construction of the Nové Heřminovy waterworks. The organisation responded that the obstacles to maintaining the dam were the state's weak management of the project. The baseless media attack against the organisation forced it to refute false claims of blocking flood protection measures. This case has not only contributed to further tensions in the debate about the effectiveness of flood protection measures, and more comprehensive flood protection proposals, but also the right to comment on strategic decisions, but also highlights the challenges of implementing a complex, long-term solution to flood risk management. The case also manifested itself in the public exposure and misuse of personal information of members of the organisation's statutory bodies. Their names, addresses, and dates of birth — accessible via the federal register — were used to spread false accusations and target individuals. This has added to many CSOs' concerns. A wave of solidarity has arisen in support of Hnutí DUHA, with many individuals and organisations opposing this unfair attack. The case threatens to undermine trust in the CSOs more broadly and affects civil society engagement, the capacity of the public administration, and the wider societal climate.⁵⁰

The transposition of the EU anti-SLAPP directive⁵¹ in the Czech Republic was slow and not the focus of policymakers and the public debate. CSOs called for an expert and public discussion on the directive and the

involvement of relevant stakeholders in the implementation. The transposition was included in the government's legislative plan⁵² for 2025, under the responsibility of the justice minister, who should present the proposal to the government by the end of August 2025. Additionally, no regulatory impact assessment (RIA) is planned, which could weaken its implementation.

One example illustrating the urgency of anti-SLAPP measures is the case of *Limity jsme my*, an environmental movement supporting climate activists, which was convicted in November 2024 for participating in a peaceful blockade against coal mining in 2018. The court ruled that 83 activists must collectively pay over one million Czech crowns in damages, a decision perceived by many as an attempt to silence criticism of large corporations like ČEZ. Activists have described this lawsuit as a tool of intimidation, underscoring the need for legal reforms to prevent strategic lawsuits aimed at suppressing public participation. Cases like this highlight how corporate entities may exploit the judicial system to discourage civil society's efforts to address critical issues such as the climate crisis.⁵³

Since the 2024 election campaigns, attacks on "political nonprofits" by populist parties have intensified, with proposals to impose stricter regulations on their funding and activities. Given current electoral trends, concerns arise that if safeguards are not enacted under the present government, a future coalition may further restrict civil society. Politicians such as K. Konečná, the leader of the communist and nationalist party Stačilo!, call for publicly accessible financial registries for CSOs, while T. Okamura, the leader of the xenophobic SPD party, distinguishes between "political" and "charitable" non-profits despite his own political think-tank, the Institute for Freedom and Direct Democracy, receiving state subsidies.⁵⁴

Funding for civil society

New research conducted by STEM for the Office of the Government of the Czech Republic⁵⁵ shows a dramatic increase in donations in the Czech Republic.

The analysis of data from tax returns of individuals and legal entities and donation platforms Darujme.cz and Donio.cz shows that over the last ten years,

49. <https://vyzva.hnutiduha.cz/#no-back>

50. <https://svetneziskovek.cz/lide/jsme-zvykli-vest-ve-verejnem-prostoru-konflikt-s-annou-karnikovou-z-hnuti-duha-o-krizove-komunikaci-i-naladach-ve-spolecnosti>

51. <https://eur-lex.europa.eu/eli/dir/2024/1069/oj/eng>

52. <https://lada.gov.cz/cz/ppov/lrv/dokumenty/plan-legislativnich-praci-vlady-na-rok-2025-217763/>

53. <https://limityjsmemy.cz/2024/11/za-blokadu-uhelneho-dolu-bilina-musi-protestujici-zaplatit-milion-cez-pritom-vydelava-miliardy/>

54. <https://www.seznamzpravy.cz/clanek/volby-do-poslanecke-snemovny-konecna-divam-se-na-rusko-jako-na-ostatni-velmoci-268555>; <https://www.novinky.cz/clanek/domaci-dvoji-metr-spd-politicke-neziskovsky-odmita-sama-na-jednu-cerpa-miliony-40492186>

55. <https://vlada.gov.cz/cz/ppov/rnno/aktuality/udaje-z-danovych-priznani-odhaluji-rekordni-rust-darcovstvi-v-cr-217661/>

the volume of donated funds claimed in tax returns has almost tripled. While in 2012 the amount was 4.4 billion CZK, in 2022 it reached 12.5 billion CZK. Only 5% of legal entities made donations in 2023, with the average donation amounting to 210,400 CZK.

An important legislative change to the Public Collections Act comes into force in January 2025, simplifying the organisation of funding campaigns and reducing the administrative burden. It introduces voluntary registration for non-cash collections, allows the substitution of an affidavit for a certificate of non-debt, and sets a minimum contribution of 40% for the sale of items or tickets. In addition, the amendment allows for the reimbursement of indirect costs as long as they are transparently disclosed.⁵⁶

Public funding for civil society faces challenges such as the lack of multi-annual funding, lengthy and bureaucratic grant award processes, strict co-financing requirements, and inconsistent grant methodologies across schemes.⁵⁷ The Department for Cooperation with Civil Society of the Government Office is taking steps to address these challenges in meetings with subsidy departments in various ministries, but no systemic change has yet occurred.⁵⁸

There has been no comprehensive overview of the funding provided through the state budget and EU funding to CSOs. The “Main Areas of State Subsidy Policy towards NGOs Supporting Public Benefit Activities”,⁵⁹ a publication by the government, provides only a partial picture. For 2025, the material indicates a slight increase in the total budget, amounting to 8.18 billion CZK, to be disbursed by 16 providers (ministries and other state agencies) across 86 subsidy schemes. However, these figures are based on ministry estimates, with key data missing for 2025, such as the Ministry of Labour and Social Affairs’ social services programme and the Ministry of the Interior’s programme for foreigner integration, both recorded as having a budget of 0 CZK. While social services funding has significantly increased, severe cuts persist in already underfunded

areas, including anti-corruption measures (-10.42%), gender equality (-28.57%), environmental protection (-7.14%), and education (-22.51%).⁶⁰

To address the long-standing lack of multi-year funding for non-investment grant projects, the multi-stakeholder expert group of the Government Council for NGOs⁶¹ has proposed feasible regulatory changes to the finance ministry. This includes proposals to enable the provision of quick grants for crises and financial transfers between partners in projects. The proposed changes would allow ministries to launch multi-year programmes for a more stable delivery of public benefit activities. Legal analysis has confirmed that ministries already have the authority to implement such programmes, with specific criteria to be determined by each programme provider. Therefore, the finance ministry could simply include the changes in the new order for the financial settlement with the state budget to allow the settlement of subsidies at the end of the grant period. The proposal has broad support and could significantly improve the financial stability and long-term planning of CSOs. However, the finance ministry has not adopted this for unclear reasons. As a result, there is a serious risk that inefficient annual subsidy programs will persist, undermining two years of work by the expert group.⁶²

Volunteering plays an important role in the sustainability of the Czech civic sector. In 2024, the Czech Statistical Office conducted its first comprehensive survey that provided information on the involvement of the Czech population in volunteer activities.⁶³ Nearly a quarter of the adult population engages in volunteering, dedicating an average of 57.6 hours per person annually — approximately 1.5 working weeks per year. In 2023, 1.66 million Czech residents participated in volunteering, contributing over 213 million hours of work, valued at more than 47 billion CZK. The Czech government has approved the first-ever Concept for the Development of Volunteering until 2030, which promotes volunteer activities in areas such as social care, crisis assistance, sports, culture, and

⁵⁶. <https://vlada.gov.cz/cz/ppov/rnno/aktuality/novela-zakona-o-verejnych-sbirkach-prinasi-dulezite-zmeny-216094/>

⁵⁷. https://vlada.gov.cz/cz/ppov/rnno/ex_skup_fin/expertni-skupina-k-systemove-zmene-financovani-verejne-prospernych-sluzeb-a-cinnosti-ze-statniho-rozpoctu-198755/

⁵⁸. <https://vlada.gov.cz/scripts/detail.php?pgid=1398>

⁵⁹. <https://vlada.gov.cz/cz/ppov/rnno/dokumenty/hlavni-oblasti-statni-dotacni-politiky-vuci-nestatnim-neziskovym-organizacim-pro-rok-2025-214054/>

⁶⁰. <https://vlada.gov.cz/cz/ppov/rnno/dokumenty/hlavni-oblasti-statni-dotacni-politiky-vuci-nestatnim-neziskovym-organizacim-pro-rok-2024-206824/>; <https://vlada.gov.cz/cz/ppov/rnno/dokumenty/hlavni-oblasti-statni-dotacni-politiky-vuci-nestatnim-neziskovym-organizacim-pro-rok-2025-214054/>

⁶¹. https://vlada.gov.cz/cz/ppov/rnno/ex_skup_fin/expertni-skupina-k-systemove-zmene-financovani-verejne-prospernych-sluzeb-a-cinnosti-ze-statniho-rozpoctu-198755/

⁶². <https://vlada.gov.cz/scripts/detail.php?pgid=1398>; https://vlada.gov.cz/cz/ppov/rnno/ex_skup_fin/expertni-skupina-k-systemove-zmene-financovani-verejne-prospernych-sluzeb-a-cinnosti-ze-statniho-rozpoctu-198755/

⁶³. <https://csu.gov.cz/produkty/bez-naroku-na-odmenu-pomaha-kazdy-paty>

environmental protection. Additionally, the interior ministry has allocated 7 million CZK annually to support regional volunteer centres.⁶⁴

As described above, the ambiguous criteria for distinguishing between commercial and non-profit activities is a challenge that has legal and tax implications for CSOs. Organisations are striving for financial sustainability and looking for new financial models through services or active marketing to survive the decrease in income due to the reduction of state funding. Although this approach can help the organisation overcome the decreased funding, it also brings legal uncertainty in the position of an organisation that balances its mission in the public interest with economic reality. If its activities

resemble business activities, it risks being reclassified as a commercial entity, subjecting it to stricter regulations. This makes it vulnerable and difficult to access public support.⁶⁵

The pending Lobbying Regulation Act carries implications for people's willingness to donate to organisations that will be registered as lobbyists. Lobbying is perceived rather negatively in the Czech Republic and is associated with non-transparent and immoral practices in political decision-making. There are concerns that the public's willingness to support the advocacy and lobbying activities of CSOs will decrease, especially those that until now have been perceived as service providers.

Civil dialogue and the right to participation

Participation in decision-making has come to the fore in the last year, but the implementation of institutionalised mechanisms for citizen and stakeholder participation in line with OECD recommendations has been slow and fragmented.⁶⁶

The Department for Cooperation with Civil Society in the Office of the Government has been promoting citizens' and stakeholder participation and has proposed several commitments in the Open Government Partnership (OGP) Action Plan for 2025-2026.⁶⁷ These include supporting the possibility of establishing a national competence centre for participation, piloting participatory and deliberative processes, and raising public administration and civil society awareness of participation. It is also preparing a pilot citizens' assembly. However, political and financial constraints cast doubt on their implementation. The department needs to seek resources for participation projects through the Technical Support Instrument,⁶⁸ as it has no secured funding directly from the budget of the Office of the Government or other ministries.

The pilot testing of the methodology for the participation of CSOs in consultative and working bodies and the drafting of state administration documents

revealed significant gaps in knowledge, personnel, financial resources, and capacity of both public administration and CSOs.⁶⁹ The Government Council for NGOs recommended that the government approve and implement the methodology. However, since it is not legally binding, its adoption remains voluntary, leaving it up to individual ministries to decide whether to apply it in practice.

An example of good practice was seen in the environment ministry, which piloted the position of a coordinator for cooperation with civil society. The coordinator facilitates transparent and functional contacts of the ministry's departments with Green Circle (GC, the Association of Environmental CSOs),⁷⁰ reflection meetings with the minister twice a year. GC has had access to the interministerial commenting mechanism (so called *eKlep*) and has commented on government proposals and on the EU agenda. The ministry provides a grant scheme of 500,000 CZK per year for the coordination of environmental CSOs.

Another is the education ministry, which established a youth panel⁷¹ of 20 young people to cooperate in the preparation of the youth strategy.

64. <https://mv.gov.cz/clanek/rozvoji-dobrovolnictvi-v-cesku-pomuze-nova-koncepcie.aspx>

65. <https://vlada.gov.cz/cz/ppov/rnno/aktuality/konference-deset-let-noveho-spolkoveho-prava-213589/>

66. https://www.oecd.org/en/publications/2022/09/oecd-guidelines-for-citizen-participation-processes_63b34541.html

67. <https://korupce.cz/wp-content/uploads/2025/01/Akcni-plan-Ceske-republiky-Partnerstvi-pro-otevrene-vladnuti-na-obdobi-let-2025-az-2026.pdf>

68. <https://vlada.gov.cz/cz/evropske-zalezitosti/podpora-strukturalnich-reforem/program-na-podporu-strukturalnich-reforem-174689/>

69. <https://vlada.gov.cz/cz/ppov/rnno/zapisy-ze-zasedani/zasedani-rady-vlady-pro-nestadni-neziskove-organizace-dne-19-prosince-2024-217720/>

70. <https://zelenykruh.cz/ministerstvo-spustilo-druhou-cast-verejne-konzultace-nove-klimaticke-energeticke-strategie-ceska/>

71. <https://msmt.gov.cz/mladez/panel-mladeze>

The EU Committee of the Government Council for NGOs has promoted transparent and effective representation of CSOs in the implementation of EU funds, including the transparent nomination processes in the EU funds monitoring committees and working platforms. In 2024, Glopolis and the Office of the Government implemented two two-year complementary projects for strengthening the partnership of the non-profit sector with ministries and other central government bodies in the implementation of EU funds, funded through the operational program *Operační program Technická pomoc*.⁷²

On the other hand, formally embedded processes of public participation in decision-making in the field of protection of the environment have been weakened. Environmental CSOs expressed concerns about the limitations of public involvement in Environmental Impact Assessment (EIA) processes for large construction projects and in Strategic Environmental Assessment (SEA) processes. Projects that are supposed to go through the Environmental Impact Assessment (EIA) often do not undergo the assessment of relevant alternatives as required by law.⁷³

CSOs are also rarely invited to Regulatory Impact Assessment (RIA) processes. The government's 2025 legislative plan indicates that only 14 of the total 77 initiatives require an RIA. It reveals that an RIA is not planned for important regulations such as the transposition of the anti-SLAPP directive.⁷⁴

The current RIA reform appears to respond to some of the issues identified by the OECD.⁷⁵ It claims to improve the quality and standardisation of consultations in line with the European Commission's Better Regulation Toolbox⁷⁶ and advance RIA before tabling the regulation proposal. Two documents describing the elements of the RIA process are currently being

prepared: The General Principles of RIA and the RIA Manual. The manual should describe in practical terms how to implement a quality RIA process. It will mainly focus on the use of professional analytical tools but shall also include descriptions of the participatory process. This is where CSOs could be consulted.

Positive progress has been made in involving CSOs in the process related to the European Commission's Rule of Law Report and in developing a national dialogue on the rule of law. The Commission's report has been regularly on the agenda of the Government Council for NGOs and its Committee on the EU, which facilitated the opinion on the Czech Republic's framework position on the report. The Government Council for NGOs later adopted a resolution recommending that the government take into account the inputs from various advisory bodies when preparing its contribution to the Commission's report. Glopolis also published guidance⁷⁷ for CSOs' engagement in the rule of law process and a joint policy paper with the Stefan Batory Foundation and other CSOs.⁷⁸ A coalition of organisations promoted the launch of the report and addressed an open letter to the prime minister⁷⁹ to respond to the report's findings and recommendations, which stimulated further exchange with the Office of the Government.⁸⁰ The Office of the Government and its European Affairs Section allowed CSOs to make suggestions on the Czech Republic's framework position on the report through the EU Committee for the first time. A participatory event "Rule of Law in the Czech Republic: Opportunities for 2025" organised by the Office of the Government in cooperation with Glopolis, Network for Protection of Democracy and Lobby on 7 January 2025 under the auspices of the European affairs minister and the Government Plenipotentiary for Human Rights⁸¹ focused on three issues: strengthening rules to prevent conflicts of interest, fair public procurement, and participation in the legislative process.

⁷². <https://vlada.gov.cz/cz/ppov/rnno/aktuality/zahajovaci-setkani-partnerskych-projektu-z-optp-213900/>

⁷³. <https://www.ochranademokracie.cz/temata/obcanska-spolecnost>

⁷⁴. <https://ria.vlada.cz/vlada-schvalila-plan-legislativnich-praci-vlady-na-rok-2025/>

⁷⁵. https://www.oecd.org/en/publications/oecd-public-governance-reviews-czech-republic_41fd9e5c-en.html

⁷⁶. https://commission.europa.eu/law/law-making-process/better-regulation/better-regulation-guidelines-and-toolbox/better-regulation-toolbox_en

⁷⁷. <https://neon-cooperation.org/aktuality/zapojte-se-do-pripravy-zpravy-o-pravnim-stat-u-2025>

⁷⁸. <https://glopolis.org/site/assets/files/1442/recommendations.pdf>

⁷⁹. <https://neon-cooperation.org/aktuality/neberme-pravni-stat-jako-samozrejmost-v-otevrenem-dopise-premierovi-apelujeme-na-dukladnou-diskusi-o-doporucenich-letosni-zpravy-o-pravnim-stat-u-ek>

⁸⁰. <https://neon-cooperation.org/aktuality/odpoved-premierovi-klicove-je-posilit-demokratike-pojistky-do-voleb-povedomi-o-jejich-potrebnosti-by-mohla-zlepsit-debata-v-parlamentu-a-aktivni-komunikace-clenu-vlady>

⁸¹. <https://glopolis.org/neon/pravni-stat-v-cr-prilezitosti-pro-rok-2025/>

Civil Society Resilience

A conference organised in June 2024, titled “The role of civil society in strengthening democracy”,⁸² highlighted the close connection between modern liberal democracy and a functioning civil society. While the relationship between the state and the civic sector in the Czech Republic requires improvement, there is a willingness to cooperate on both sides. However, the sector should not depend solely on state partnerships, as political shifts can easily weaken such cooperation. To remain effective, the CSOs must stand united and resist efforts to divide organisations into “beneficial” and “non-political” groups versus “political” ones that advocate for policy changes. Additionally, CSOs should focus on building relationships with their donors, supporters, partners and the broader communities in which they operate. Clearer public communication about their societal value is essential. The private sector can also play an important role, helping ensure its financial independence from the state.

Collaboration and coalition-building within the civic sector remain dynamic. While some initiatives have gradually scaled down their activities due to shifting priorities, new platforms have emerged, tackling pressing issues and expanding the scope of civic engagement. The network of civil society networks NeoN⁸³ now brings together 20 networks and over 1,000 CSOs spanning a broad range of thematic areas, including the environment, education, youth, social aid, accessible housing, anti-corruption, and volunteering.

The shared agenda of these networks aims to reinforce democratic space, strengthen civic and stakeholder participation, and foster partnerships between the state and civil society networks. The Network for Protection of Democracy⁸⁴ connects organisations and individuals who stand for a healthy democracy and want to protect it.

There were remarkable collective civil society actions in 2024. These include a civil society statement on the 20th anniversary of the Czech Republic’s EU membership initiated by the National Association for Volunteering,⁸⁵ a collective call for the adoption of the Media Act amendment lead by Díky že můžem,⁸⁶ years-long work on the Act on Affordable Housing by a large coalition Za bydlení / For Housing,⁸⁷ solidarity support for civil society in Slovakia⁸⁸ and environmental CSOs facing attacks (Greenpeace,⁸⁹ Hnutí DUHA⁹⁰), and the campaigning against violence and for the adoption of the Istanbul Convention in the Parliament by the coalition Hlas proti násilí / Voice against Violence.⁹¹

2024 also saw renewed collaboration between the business and philanthropic sectors. The Alliance for Modern State⁹² is a new entity connecting philanthropists funding projects on the effective functioning of the state, democracy, the civil service, and public finance. The progressive business platform Změna k lepšímu (Better for Change)⁹³ strives for sustainable transformation of the Czech economy.

⁸². <https://vlada.gov.cz/cz/ppov/rnno/aktuality/kulaty-stul-na-tema-role-obcanske-spolecnosti-pri-posilovani-demokracie-214018/>

⁸³. <https://neon-cooperation.org/>

⁸⁴. <https://www.ochranademokracie.cz/>

⁸⁵. <https://www.jsmeevropa.cz/cz>

⁸⁶. <https://www.dikyzemuzem.cz/podpor-podpisem/>

⁸⁷. <https://www.zabydleni.org/>

⁸⁸. <https://ekolist.cz/cz/zpravodajstvi/tiskove-zpravy/podejme-pomocnou-ruku-slovensku-i-v-oblasti-prirody-a-zivotniho-prostredi>

⁸⁹. <https://www.greenpeace.org/czech/clanek/21567/kdyz-chteji-korporace-umlcet-ochrance-prirody-pripad-energy-transfer/>

⁹⁰. <https://vyzva.hnutiduha.cz/#no-back>

⁹¹. <https://hlasprotinasili.cz/>

⁹². <https://www.modernistat.org/>

⁹³. <https://www.klepsimu.cz/>

Recommendations

TARGETED RECOMMENDATION:

- ➔ Institutionalise effective mechanisms for meaningful citizen and stakeholder participation and ensure the transparency of decision-making and nomination processes, quality and timely information for public participation, and capacity building for participation within public administration and civil society.
- ➔ Ensure that the law on the regulation of lobbying does not adversely affect the participation of experts and civil society actors in government advisory bodies and does not stigmatise or impose unjustified administrative burdens.
- ➔ Enable multiannual funding of subsidy programmes by amending the legislation on the state budget settlement and encourage public subsidy bodies to open multiannual subsidy programmes.

About the contributor

Glopolis is a Czech civil society organisation, established in 2004, striving to strengthen collaboration among CSOs with each other and with government and business, promoting enabling conditions for CSOs and civic space. In the Stronger Roots programme, we support networks to better cooperate with diverse partners at national and EU levels. We provide backbone coordination to NeoN - a network of 20 networks from different fields, associating 1000+ CSOs to engage effectively with the state, fulfilling democratic principles and sustainability.



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Denmark

By Nyt Europa



Key civic space trends	86
Summary	86
Institutional, political, and socio-economic landscape	86
The regulatory environment for civic freedoms	87
Freedom of association	87
Freedom of peaceful assembly	88
Freedom of expression and the right to privacy	89
Safe space	89
Financial viability and sustainability of civil society	90
Civil dialogue and the right to participation	91
Civil society resilience	92
Recommendations	92
About the author	93

Key civic space trends

-  Funding cuts for watchdog civil society organisations (CSOs), especially those working on minority rights.
-  Harsh police practices and disproportionate detentions of activists, especially in climate protests, resulted in a chilling effect.
-  Online smear campaigns targeting specific groups, particularly those advocating for gender and LGBTQI+ rights, have intensified.

Summary

Civic space in Denmark continues to be rated as “Open”, according to the CIVICUS Monitor.¹ There were no recommendations related to civic space made in the European Commission’s 2024 Rule of Law report. However, it noted that “certain segments of civil society experience difficulties in securing stable financing.” A key concern in 2024 was the defunding of civil society organisations (CSOs) that work to protect fundamental rights, particularly for minority groups. For example, ActionAid Denmark faced political attempts of defunding due to their work on Gaza and migration issues and the oldest Danish LGBTQI+ organisation was also targeted. There are growing concerns over harsh police practices and disproportionate detentions of activists, especially in climate related protests, with lawsuits and reports highlighting the chilling effect on their civic participation.

Organisations promoting LGBTQI+ and minority rights continue to experience increased harassment and threats. In a seriously concerning case, 2025 began with a seemingly politically motivated arson attack on the offices of Global Aktion.² The organisation also reports that it has experienced threats based on its work related to Western Sahara, and that multiple employees are being followed or shadowed in Denmark. These events have been reported to the Danish Security and Intelligence Service. Global Aktion also reported that they have experienced harassment and threats related to their activism on Palestine, and that activists related to the organisation have been subjected to house searches, seizure of phones and illegal arrests.³

In addition, CSOs have raised concerns about several new amendments which conflate legitimate criticism of Israel with antisemitism and is likely to have a chilling effect on the Palestine solidarity movement.

Institutional, political, and socio-economic landscape

The government is currently a majority government, which is rare in Danish political history. It is also a government consisting of the two parties that usually compete for the role of government (centre-right Liberal Party and centre-left Social Democratic Party), as well as a newer centrist party, Moderaterne, led by former PM Lars Løkke Rasmussen. As a result, the opposition is split in two: a left-wing and right-wing opposition.

In general, civil society in Denmark operates within a relatively safe and beneficial landscape, compared to some other European countries. However, there are increasingly worrying developments and a need for improvements in many areas, which are essential to highlight and address.

1. <https://monitor.civicus.org/country/denmark/>

2. <https://globalaktion.dk/global-aktion/brandattentat-paa-global-aktion/>

3. Information directly received by NYT Europa

At the political level, there have been increasingly loud voices questioning the legitimacy and relevance of international conventions and institutions. For instance, the then political speaker of the Social Democratic Party and current minister of taxation, argued against the democratic legitimacy of the European Court of Human Rights (ECtHR), stating that in the future, Denmark should not abide by the Court's rulings — particularly on questions on immigration and integration.⁴ While the government has not implemented this practice, there has been no rejection from the government of the minister's arguments. These arguments were reiterated by Prime Minister Mette Frederiksen in a speech in which she stated that while she does not intend to withdraw Denmark from the conventions, that does not mean that they are set in stone.⁵ Such a practice would entail a serious risk of fundamental rights breaches and weaken the international rules-based order.⁶ Later, in November of 2024, the ECtHR ruled that Denmark had breached the right to privacy in the deportation of an Iraqi citizen, underscoring the importance of adhering to court rulings to ensure the fundamental rights of citizens and residents.⁷

There are also concerns regarding unequal access to fundamental rights in Denmark, with certain groups facing more barriers in enforcing their rights. This includes discrimination against ethnic and religious minorities,⁸ indigenous⁹ and LGBTQI+ people,¹⁰

and people with disabilities,¹¹ all of which have been documented in recent years as having serious restrictions on their access to fundamental rights.

In general, there is increased polarisation around multiple political issues, including climate activism¹², gender issues,¹³ and the wars in the Middle East.¹⁴ Regarding gender rights, high-level decisionmakers have made anti-gender statements and argued for the restriction of rights, particularly for transgender people. Most notably, this came from the then minister of gender equality, who in a statement on the occasion of the annual Copenhagen Pride, spoke out against “woke-ism”.¹⁵

Another theme which has been significant in the last year is the war in Gaza and the continued humanitarian crisis facing the Palestinian population. This crisis has engaged both CSOs and individual activists in high numbers in demonstrations and campaigns. Tension on this issue has risen throughout 2024, and by the end of the year, the newspaper *Politiken* uncovered how the prime minister and the justice minister had put pressure on both the public prosecutor and police to apply criminal law to prosecute “approval of terrorism”. *Politiken* uncovered specific cases in which police departments were ready to drop a case but were asked by the public prosecutor to continue the investigation. In this specific case, the woman in question was found not guilty.¹⁶

The regulatory environment for civic freedoms

Freedom of association

Freedom of association is protected by Article 78 in the Danish Constitution, which states that it is limited only by the lawfulness of activities. Associations are not regulated by a specific law, but certain formal requirements are enforced to receive grants and employ staff. The requirements include that organisations must have

more than two members, be formally established in a documented founding meeting, and must have official statutes, although there are no requirements as to the contents of the statutes. It is also a requirement that there is a form of management committee functioning

4. <https://www.dr.dk/nyheder/politik/rasmus-stoklund-den-europaeiske-menneskerettighedsdomstol-er-blevet-et-stort>

5. <https://www.dansketaaler.dk/tale/mette-frederiksen-tale-ved-socialdemokratiets-kongres#source>

6. <https://www.altinget.dk/artikel/stoklund-foreslaar-en-erodering-af-den-internationale-retsorden-og-sender-danmark-paa-slingrekurs>

7. <https://hudoc.echr.coe.int/#/%22itemid%22:%22001-237958%22%22%7D>

8. <https://menneskeret.dk/files/media/document/Oplevet%20etnisk%20diskrimination%20i%20Danmark.pdf>

9. <https://www.dr.dk/nyheder/indland/fn-med-opsang-til-danmark-groenlaendere-har-ikke-de-rettigheder-de-har-krav-paa>

10. <https://www.vive.dk/media/pure/18049/8565518>

11. <https://menneskeret.dk/nyheder/handicapkomite-kritiserer-danmark-tilbagegang-rettighedsindsats>

12. <https://pet.dk/-/media/mediefiler/pet/dokumenter/analyser-og-vurderinger/vurdering-af-terrortruslen-mod-danmark/vurdering-af-terror-truslen-mod-danmark-2024.pdf>

13. <https://kforum.dk/nyheder/debat/article16443856.ece>

14. <https://pov.international/erklaring-danmark-officielle-politik-gaza/>

15. <https://jyllands-posten.dk/debat/kronik/ECE17337761/ibipippi-har-faaet-mine-oejne-op-for-hvor-problematisk-juridisk-koensskifte-er/>

16. <https://politiken.dk/danmark/art10154625/Fyns-Politi-blev-presset-til-at-rejse-sag-om-terrorbilligelse>

as an authorising entity, and for the association to have its own defined finances, including budget and accounts.

In 2024, a worrying issue of defunding CSOs, particularly the ones working with the protection of minorities and/or fundamental rights, surfaced. Two cases in particular have been raised. First, the case of ActionAid Denmark and political attempts to defund them due to their work. ActionAid Denmark is a partially publicly funded organisation with an annual public contribution of 129 million DKK. In September 2024, multiple media figures, including editorials, published pieces criticised the public funding of the organisation, stating that “taxpayers’ money” is spent on left-wing propaganda.¹⁷ This referred particularly to ActionAid Denmark’s campaigns on the war in Gaza but also pointed to their efforts to make Danish citizenship more accessible, stopping deportations of Syrians¹⁸ and ending the so-called Ghetto law.¹⁹ Following these editorials, multiple politicians got involved in the public discussion. For instance, Mikkel Bjørn, a member of parliament from the far-right Danish Peoples Party (DPP) stated that the DPP would not support this year’s Finance Bill unless the funding to ActionAid Denmark was removed from it. Subsequently, DPP also stated that other organisations should have their funding removed, including Oxfam Denmark.²⁰ The calls for removing funding were also applauded by several other members of the Danish parliament.

Responding to these statements, a broad coalition of CSOs wrote an op-ed highlighting that public funding must never become a muzzle for civil society, and raising concerns over the danger that this poses to an independent civil society.²¹ The organisations in question and civil society in general, comply with all the rules, guidelines, auditing requirements. At the same time as self-owned and independent organisations, they

are entitled to their own visions, missions, and agendas, regardless of the public funding they may receive. This is a core principle of the arm’s length distance between governments and civil society. They further stated that political activism is conducted and financed from the organisation’s other sources of funding, such as private foundations and private donors. For now, this case was somewhat closed, when the minister of foreign affairs, Lars Løkke Rasmussen, rejected the idea of defunding.²²

Another case was the proposed cut in funding of the oldest Danish LGBTQI+ organisation, LGBT+ Danmark. When the government presented their proposal for the 2025 Finance Bill, the organisation saw their operating grant reduced by 62%. This happened shortly after the organisation responded²³ to a statement from the minister of gender equality, Marie Bjerre, in which she spoke out against “woke-ism”, particularly regarding transgender rights.²⁴ While it is impossible to say or document that there was a link between these two events, this can easily be perceived as such and causes members and leaders of civil society to consider whether they should speak as freely as they would like, in fear of losing their financing.²⁵ Subsequently, members of parliament from the Conservative Party stated that the support to LGBT+ Danmark should be stopped, due to their concerns over the organisations’ advisory function and practice of transgender minors seeking healthcare abroad.²⁶

In summary, these cases show that many Danish top-level politicians increasingly see the withdrawal of funding for CSOs as a political tool. This not only puts the targeted organisations in a precarious situation, but risks causing a chilling effect throughout the entire sector and raises concern about self-censorship in civil society.

Freedom of peaceful assembly

Article 79 of the Danish Constitution regulates the freedom of peaceful assembly, securing this right for Danish citizens and residents. There is no legislation limiting peaceful assembly, hence the legislation on the issue is in line with international standards.

In recent years there have been multiple large demonstrations in Denmark, particularly on issues of climate change and the war in Gaza.²⁷ Activists have also used other forms of protests, such as civil disobedience, particularly on climate and environmental issues.

17. <https://www.berlingske.dk/ledere/berlingske-mener-sagen-om-mellemfolkeligt-samvirke-peget-paa-et-generelt>

18. <https://www.ms.dk/stopudvisningerne>; <https://www.ms.dk/sites/default/files/publikationer/2022/Positionspapir%20v.2.pdf>

19. <https://www.ms.dk/ghetto>

20. <https://radio4.dk/nyheder/df-i-flaesket-paa-ngoer-oxfam-danmark-burde-ogsaa-miste-stoette-OseXWqoQQnCQDy1adKLLK>

21. <https://www.berlingske.dk/synspunkter/35-ngoer-svarer-paa-kritik-i-berlingske-statslige-tilskud-boer-aldrig>

22. <https://radio4.dk/nyheder/lars-loekke-afviser-blankt-at-traekke-ngo-i-stoette-q2RJI0SCuqLcabTfNojN>

23. <https://www.altinget.dk/artikel/lgbt-danmark-chef-til-marie-bjerre-det-var-noget-af-en-mavepuster-jeg-fik-faktisk-kvalme>

24. <https://jyllands-posten.dk/debat/kronik/ECE17337761/ibippi-har-faaet-mine-oejne-op-for-hvor-problematisk-juridisk-koensskifte-er/>

25. <https://dm.dk/akademikerbladet/aktuelt/hvordan-hjaelper-vi-dem-der-hjaelper-andre/forening-kaemper-med-oekonomien-efter-voldsom-koensdebat/>

26. <https://jyllands-posten.dk/debat/breve/ECE17507729/det-er-paa-tide-at-smide-fløjlshandskerne-over-for-lgbt/>

27. <https://www.dr.dk/nyheder/indland/demonstration-markerer-etaarsdag-israels-krig-i-gaza-uskyldige-bliver-draebt-og>

Concerning these protests, there have been cases of accusations of unduly or disproportionate detention of activists, which have now reached the courts. During a 2022 protest on climate action, a large number of activists were confined by police in Copenhagen. In 2024, 121 activists filed a lawsuit against the Copenhagen Police Department for illegal confinement, to lengthy confinement or otherwise exceeding the legal limits for confinement of activists.²⁸ The lawsuit was heard

by the court in October and November 2024, and in 19 of the 121 cases the court ruled in favour of the activists.²⁹ Activists from the climate movement report that police practices are increasingly rough, which has a chilling effect on participation in activism. This was also uncovered in a report published by Denmark's oldest environmental organisation, NOAH, which found that activists experienced increasingly harsh treatment from police, with minorities being particularly targeted.³⁰

Freedom of expression and the right to privacy

Freedom of expression is protected in Article 77 of the Danish constitution and is widely recognised as a key part of Danish society and democracy. While this was a major theme in 2023, there have been fewer developments related to this right in 2024. However, one development is relevant: in June 2024, the government and eight opposition parties presented a new political agreement to strengthen efforts against antisemitism.³¹ While the effort to fight antisemitism was welcomed broadly, ActionAid Denmark noted its concerns over the definition of "the new antisemitism", as "generated from a contempt for the State of Israel." The new definition restricts legitimate criticism of a state and government and conflates it with discrimination against Jewish people. Hence, ActionAid Denmark called for the use of the definition of antisemitism from the Jerusalem Declaration to ensure that there should not be a limit on the right to criticise the state of Israel.³²

Following this political agreement, the government presented a proposal for several amendments to legislation³³ to increase criminal penalties by 50%, if the committed crime was based on the person's identity, such as ethnic origin, religion, disability, sexual orientation, gender identity or similar. The new

amendment would enable police to enforce a general increased penalty period across the entire country, if there are increased crimes related to beliefs or identity. Finally, it enables police to order any platform provider, and its users, website and news media, to remove so-called "terror-related" content from their platform without a court order.

While these initiatives include all hate crimes, they are aimed at targeting antisemitism. The ministry of justice only provided one example of a test case linked to the period after Hamas' attacks on Israel on 7 October 2023, after which police monitored potential developments of hate crimes with an antisemitic motive. Since the police have the broad power to enforce an increased penalty period, and given the new broader definition of antisemitism, this puts the Palestine solidarity movement at risk of being particularly targeted by the proposed changes to the legislation. Similarly, the bypassing of the courts in cases of removing online content raises concerns about freedom of expression. This has also been pointed out as a concern by the trade organisation Danish Media. The bill was approved by parliament on 20 February 2025.³⁴

Safe space

In general, Danish civil society benefits from a safe environment, especially compared to other European countries. Judicial harassment, SLAPPs, police

infiltration, surveillance or spying on civic actors, activists, journalists or opposition figures are not common.

²⁸. <https://www.tv2kosmopol.dk/koebenhavn/klimaaktivister-anlaegger-sag-mod-politiet-for-ulovlig-frihedsberoevelse>

²⁹. <https://ekstrabladet.dk/krimi/historisk-retssag-i-koebenhavn-kun-en-dukkede-op/10411271>; <https://www.berlingske.dk/indland/demonstranter-blev-ulovligt-noegenvisiteret-af-politiet>

³⁰. <https://noah.dk/materialer/under-pressure-repression-environmental-activism-denmark-2019-2024>

³¹. <https://www.justitsministeriet.dk/wp-content/uploads/2024/06/Aftaletekst.pdf>

³². <https://www.altinget.dk/etik/artikel/tim-whyte-ny-aftale-om-bekaempelse-af-antisemitisme-skaber-censur>

³³. The amendment(s) are to the following pieces of legislation: *straffeloven* (criminal code), *lov om politiets virksomhed* (legislation on police practice) og *lov om supplerende bestemmelser til forordning om håndtering af udbredelsen af terrorrelateret indhold online* (law with supplementary provisions to regulation on the handling of the spread of terror-related content online). <https://arbejderen.dk/wp-content/uploads/2024/10/Udkast-til-forslag-til-lov-om-aendring-af-straffeloven-mv.-Gennemfoerelse-af-dele-af-aftale-om-en-styrket-indsats-mod-antisemitisme.pdf>

³⁴. <https://arbejderen.dk/indland/skaerper-straffe-og-indfoerer-censur-uden-dommerkendelse-mod-gaza-solidaritet/> ; https://www.ft.dk/samling/20241/lovforslag/L110/som_vedtaget.htm

However, specific groups are increasingly targeted, particularly through online smear campaigns, which remain a worrying trend. In particular, those working on gender and LGBTQI+ rights face online harassment. The amount of registered hate crime cases towards LGBTQI+ people more than doubled between 2016 and 2022,³⁵ and the Danish Institute for Human Rights argues that the actual numbers might be higher due to underreporting.³⁶ In line with this trend, organisations working to promote LGBTQI+ rights experience increased harassment and threats. Similar trends have also been observed for other minority groups. The criticism of media figures and members of the parliament (MPs) by multiple CSOs and subsequent calls for defunding mentioned above also constitute

a concern. There are no new initiatives from the government to promote civic space or human rights defenders (HRDs) in Denmark.

While physical attacks on organisations and activists remain rare, 2025 began with a highly concerning, seemingly politically motivated arson attack on the offices of Global Aktion.³⁷ The attack appears to be in response to the organisation's engagement in the conflict in Western Sahara. The offices were shared by multiple other CSOs. While the investigation is still ongoing, it is deeply concerning that organisations working in politically polarised fields have to worry about physical attacks and property damage, in addition to online or verbal harassment.

Financial viability and sustainability of civil society

The representative organisation for civil society in Denmark (Civilsamfundets Brancheøring) has raised concerns about the general way in which public funding is allocated to civil society, calling for a new model. The government has announced that it will propose a new model, but no details have yet emerged.³⁸

Access to public funding is perceived differently across Danish civil society. While some organisations receive relatively stable public funding, others find it scarce and unreliable. The system which distributes public funding lacks transparency, and in some cases, it is even dependent on personal relationships and individual MPs advocating for or against funding specific organisations — either through negotiations or publicly in the media. As a result, it is a widespread perception amongst organisations that public funding can be difficult to rely on. Some organisations also report concerns that receiving public funding makes it more difficult to be critical of the government. This perception has particularly intensified following the calls to defund organisations such as ActionAid Denmark and LGBT+ Danmark but has been a concern for years. This highlights a general challenge for civil society, which is the lack of access to core funding. Without this, organisations are forced to rely on project-based funding. This limits their ability to engage in long-term strategic planning and puts staff in more precarious employment

situations.³⁹ Ultimately, this causes the sector to lose qualified employees and limits the ability to compete with the private sector in terms of political engagement.

Smaller organisations are forced to be extremely strategic as seeking and securing funding is a very resource intensive process. As a result, organisations need to prioritise which avenues of funding to pursue, as each source comes with its own process, related to both application and reporting. The different systems create a high barrier for organisations applying for funding, especially smaller ones. With the increasing insecurity of public funding, organisations are forced to shift their focus towards private foundations, international sources of funding or other avenues of fundraising, which take resources away from their core tasks such as providing services, advocacy, and aid coordination. Another challenge is that fundraising — whether from institutional, private, public, or other donor-types — typically requires a well-organised setup, leaving more loosely organised groups, such as activist networks, with limited options.

While fundraising is a continuous task for civil society, its resource demands increase when multiple funding sources must be pursued to ensure an organisation's economic viability and sustainability.

³⁵. <https://politi.dk/-/media/mediefiler/landsdaekkende-dokumenter/statistikker/hadforbrydelser/hadforbrydelser-2022.pdf>

³⁶. <https://menneskeret.dk/status/lgbt>

³⁷. <https://globalaktion.dk/global-aktion/brandattentat-paa-global-aktion/>

³⁸. <https://dm.dk/akademikerbladet/aktuelt/hvordan-hjaelper-vi-dem-der-hjaelper-forening-kaemper-med-oekonomien-efter-voldsom-koensdebat/>

³⁹. <https://frivilligraadet.dk/nyheder/debat-frivilligraadet-brancheoering-ny-finansieringsmodel-skal-styrke-civilsamfundet>

Civil dialogue and the right to participation

Denmark has a proud and long tradition of formal and informal dialogue between decisionmakers, authorities, and the civic sector. Formally, civil society is invited to partake in the legislative process through public hearings. Informally, many organisations and activists engage in meetings with ministers, MPs, and their advisors. However, this informal system lacks transparency, as there are not many requirements for MPs or ministers to disclose who they meet with.⁴⁰ As a result, bigger organisations, particularly those with many resources, have better access to decisionmakers.

At the formal level, there are ongoing challenges with the practice of public hearings. For years, these hearings have been criticised for extensive use of short and inconvenient deadlines, often set during the summer holiday, where key staff are away.⁴¹ The latest data on the issue shows no improvements, although both the government and MPs have expressed concerns on this issue.⁴²

Another challenge affecting access to decisionmakers and civil dialogue is the current parliamentary process. A recent report by the think tank Justitia concluded that, in general, a significant number of political negotiations on legislation has been moved from the parliament — where there is public access — to ministry meeting rooms.⁴³ This reduces the public's access and overall access to information on political negotiations, making it harder for CSOs to engage in negotiations effectively both in terms of timing and substance. Secondly, with the current majority government, political proposals are often negotiated internally in the government, further distancing negotiations from the public debate. In other words, legislation is often very far along in the negotiation process before it is made public.⁴⁴

Lastly, access to information and transparency remains an ongoing issue in Denmark. In 2024, the European Commission Rule of Law report recommended that the

Danish government introduce rules on “revolving doors”. However, no steps have been taken, despite continued criticism from CSOs such as Transparency International Denmark.

An amendment to the existing Access to Public Administrative Documents Act was passed.⁴⁵ However, instead of improving access to information for the press or academia, the amendment protects public servants against harassment by giving them greater leeway to reject requests for access on the grounds of harassment concerns. For instance, it allows them to reject access to documents related to personnel cases if there are serious considerations regarding the employees' personal security.

In 2023, the entire opposition consisting of nine parties requested a parliamentary committee to review the act and put forth a proposal for revision.⁴⁶ This was rejected by the minister of justice.⁴⁷ In January 2024, however, the government agreed with three other parties to create a committee to make recommendations for changes to the act.⁴⁸ In February 2024, the committee was named, and included members of the press/media, academia, legal experts, and think tanks and associations, as well as representatives of different ministries, including the ministry of finance and the ministry of justice.⁴⁹ The task of the committee is to suggest changes which will increase access to information.⁵⁰ However, no recommendations have been presented yet.

While a committee has been appointed to make recommendations to legislative changes, there have been no substantial developments in 2024, leaving Denmark with continued challenges in accessing official documents.

40. <https://transparency.dk/9159-2/>

41. <https://www.k-news.dk/artikler/korte-hoeringsfrister-truer-retssikkerheden>; <https://www.altinget.dk/embedsvaerk/artikel/morten-jarlbaek-er-du-paa-vej-paa-ferie-saa-tikker-der-nok-en-ny-hoering-ind>

42. <https://cepos.dk/artikler/svm-regeringens-forste-ar-stadig-problemer-med-korte-hoeringsfrister/>

43. https://justitia-int.org/wp-content/uploads/2024/07/Rapport_Udfordringer-i-lovgivningsprocessen_15072024.pdf,

44. https://justitia-int.org/wp-content/uploads/2024/07/Rapport_Udfordringer-i-lovgivningsprocessen_15072024.pdf,

45. <https://www.retsinformation.dk/eli/ft/202312L00116>

46. <https://radio4.dk/nyheder/ni-partier-i-brev-til-regeringen-lemp-offentlighedsloven/>

47. <https://politiken.dk/danmark/politik/art9316506/Regeringen-vil-vente-med-udvalg-til-at-lempe-offentlighedsloven>

48. <https://www.justitsministeriet.dk/wp-content/uploads/2024/01/Aftale-om-nedsaettelse-af-et-lovforberedende-udvalg-om-aendring-af-offentlighedsloven.pdf>

49. <https://www.altinget.dk/navnenyt/navnene-er-paa-plads-her-er-udvalget-der-skal-gentaenke-udskaeldt-offentlighedslov>

50. <https://www.justitsministeriet.dk/wp-content/uploads/2024/01/Kommissorium-for-udvalg-om-aendring-af-offentlighedsloven.pdf>

Civil society resilience

Danish civil society is relatively resilient and play an uncompromising role as a watchdog for democracy, the rule of law, and fundamental rights. This role is increasingly important, as there is a growing disregard for human rights conventions and court rulings on these issues, as described above.

While the overall conditions and resilience of Danish civil society remain beneficial and relatively strong, there are also worrying developments which require attention. Firstly, access to funding is an ongoing problem, which has been escalated this year by the public and political campaigns aimed at defunding specific organisations, as described above. This is particularly worrying, as these organisations are guardians for fundamental rights of minority groups. Therefore, such actions reflect an attack on two fronts; first, an attack on civil society's independence and role as a watchdog, and second, as an attack on the rights of the minorities these organisations defend.

These public political campaigns — filling newspaper columns and editorials and amplified by high-profile politicians — expand and legitimise distrust of CSOs, both individually and as a whole. While the minister for foreign affairs rejected the calls for defunding of ActionAid Denmark, this trend is extremely concerning for the future of civic space in Denmark.⁵¹

Internally, civil society in Denmark continuously engages in network-building and solidarity efforts. This was evident in the joint statement issued by 35 civil society leaders as a response to the call for defunding of ActionAid Denmark.⁵² On a more day-to-day level, there are efforts to ensure continuous network and capacity building of civil society internally, which are both important and impactful. However, the lack of resources to support these efforts remains an ongoing barrier, both for participants and facilitators. Hence, resource scarcity is a significant barrier to effective network building and cooperation within civil society and beyond, between civil society and other sectors.

Recommendations

TARGETED RECOMMENDATION:

- **Strongly reject (political) calls for the defunding of civil society, and urgently implement measures to ensure stable and transparent funding for its functions. This must be done by 2025.**
- Reject arguments that undermine the legitimacy and relevance of international conventions and institutions, such as the ECtHR, and ensure alignment between Danish legislation and both international conventions and ECtHR rulings.
- Take urgent steps, such as the implementation of the EC Anti-Racism action plan, to protect excluded groups, in particular the LGBTQIA+ community and minorities from discrimination, hate speech, attacks, harassment and smear campaigns, online and offline.
- Refrain from targeting and criminalising climate and environmental rights and Palestine solidarity movements and respect the right to peaceful assembly and freedom of expression in line with international human rights standards.

⁵¹. <https://radio4.dk/nyheder/lars-loecke-afviser-blankt-at-traekke-ngo-i-stoette-q2RJIOSCuqLcabTfNojN>

⁵². <https://www.berlingske.dk/synspunkter/35-ngoer-svarer-paa-kritik-i-berlingske-statslige-tilskud-boer-aldrig>

About the author

Nyt Europa is a Danish organisation founded in 1998 with the overall objective to promote civic engagement on a Danish and European level. We work for a more sustainable and inclusive Europe, across themes such as green transition, economic transformation, democracy & fundamental rights, and youth empowerment. Our works spans across the national and the European level seeking to build networks and alliances across borders on these issues.






Estonia

By Vabaühenduste Liit (Network of Estonian Nonprofit Organizations, NENO)



Key civic space trends	96
Summary	96
Institutional, political, and socio-economic landscape	97
The regulatory environment for civic freedoms	97
Safe space	98
Funding for civil society	98
Civil dialogue and the right to participation	99
Civil society resilience	100
Recommendations	101
About the author	102

Key civic space trends

-  Budget cuts in the public sector and delays and confusion in the state funding processes are negatively affecting the resources and capacities of civil society.
-  A civil dialogue framework exists but remains fragmented and inconsistent in its implementation.
-  Amendments to the Law Enforcement Act could have concerning civic space implications, restricting public events and protests.

Summary

Civic space in Estonia is rated as open, according to the CIVICUS Monitor.¹ Civil society in Estonia remains fairly strong and functional but faces both internal and external barriers. Inconsistent engagement practices, as well as limited transparency financial resources are key challenges for civil society.

In 2024, Estonia saw the first signs of significant budget cuts affecting civic space, with indications that broader reductions would take effect in 2025. These anticipated cuts have already led to reduced resources for civil society organisations (CSOs) and public sector positions dedicated to civic engagement and open governance. Trust in government and parliament declined sharply, reflecting public dissatisfaction and a perceived lack of meaningful citizen influence. While digital tools like Rahvaalgatus facilitated participation, inconsistent implementation of engagement practices and reduced transparency, such as the overuse of “for internal use” classifications, hindered public trust and access to information. Meanwhile, civil society demonstrated resilience, addressing gaps in transparency and advocating for stronger engagement frameworks, despite the growing financial and institutional constraints.

Some new draft legislation initiated in 2024, such as a draft proposal to amend the Law Enforcement Act, could severely restrict freedoms of peaceful assembly

and expression. While amendments to the Gender Equality and Equal Opportunities Act represented a welcome change, progress on this legislation slowed when the justice minister commissioned a parallel draft from the private sector without prior consultation with CSOs. This raises concerns that the original proposal — developed with CSO involvement — could be sidelined. Based on the content of the European Commission’s 2024 Rule of Law report², some progress was made in Estonia. The report highlights advancements in digital civic engagement tools and the legal framework for transparency. However, challenges noted in the report include gaps in the consistent implementation of open governance principles, delays in public consultations, and limited inclusion of civil society in decision making processes. The findings reflect the need for more robust mechanisms to ensure meaningful public participation and address lingering issues of transparency and accountability. CSOs emphasise that while steps have been taken, significant work is needed to achieve consistent and comprehensive rule of law improvements. CSOs were neither meaningfully consulted nor actively involved in the implementation of the rule of law recommendations in Estonia. While some CSOs participated in other processes, such as the drafting of the next Open Government Partnership (OGP) action plan, their involvement in the specific follow-up and implementation of the rule of law recommendations was notably absent.

1. <https://monitor.civicus.org/country/estonia/>

2. https://commission.europa.eu/document/download/36e4f549-7a98-4dcf-ae61-02be0b15723a_en?filename=18_1_58060_coun_chap_estonia_en.pdf

Institutional, political, and socio-economic landscape

In 2024, obstruction in the Estonian Parliament Riigikogu came to an end, resulting in legislative processes at the national level becoming more predictable and transparent. Based on NENO's data, it can be concluded that seeking feedback on draft laws and involving stakeholders in policymaking processes has slightly improved compared to the previous year. However, the quality of engagement still heavily depends on the capacities of those conducting the engagement. For instance, in the context of drafting the Climate Act, many stakeholders were involved to a significant extent, but the result of the engagement process was widespread dissatisfaction.³ This was due to a lack of transparency in the process, unclear communication of mandates, and the fact that the outcomes of the engagement were not reflected in the Climate Act⁴ currently under discussion at the Riigikogu.

A major source of confusion in 2024 was the civil society funding in the state budget, which has negatively impacted the public perception of CSOs, even though they are not responsible for the confusion. For example,

the Riigikogu's Anti-Corruption Special Committee held hearings on the topic, although the changes do not affect how CSOs are funded from the state budget, but rather how this funding is reflected in the state budget itself.⁵ As a result, although the CSO funding in the state budget remains transparent, some opposition party members turned this into a political issue, suggesting that certain CSOs are secretly receiving funds from the state budget.

In 2024, there were no significant changes regarding the ability to exercise rights and freedoms in public spaces, both offline and online. However, in 2024, an appeal was filed to the Supreme Court against a district court decision that deemed it lawful for the police to fine individuals for participating in a protest under a new provision in the Penal Code adopted in 2022.⁶ This regulation concerns the public display of symbols associated with acts of aggression, genocide, crimes against humanity, or war crimes, when such display supports or justifies these acts.⁷

The regulatory environment for civic freedoms

In 2024, the *Riigikogu* began deliberations on a law that significantly raises the threshold for mandatory auditing requirements for foundations. Previously, any foundation with an annual turnover or asset volume exceeding €15,000 was required to undergo a mandatory financial review. Under the new law,⁸ this threshold will increase to €1 million. The law is set to apply retroactively to the financial reports for the 2024 fiscal year.

A draft law amending the Political Parties Act⁹ has been introduced, aiming to clarify the concept of affiliated organisations connected to political parties. While civil

society generally supports greater transparency in party-related activities, the proposed solution does not significantly enhance transparency in party financing or the operations of affiliated organisations. Among other changes, the proposal suggests imposing a legal form requirement on electoral alliances running in local government elections. This requirement could potentially negatively impact local residents who wish to run for office to develop their communities but are not inclined towards long-term involvement in party politics.

3. <https://www.err.ee/1609417111/kliimaseaduse-eelnou-tekitab-kusimusi-nii-ettevotjates-kui-looduskaitsetajates>; <https://www.err.ee/1609447906/marcus-ehasoo-kliimaseaduse-loomise-kaasamisprotsess-ei-vastanud-ootustele>

4. https://kliimaministeerium.ee/sites/default/files/documents/2024-12/KKMS_eeln%C3%B5u_2.12.2024.pdf

5. <https://www.youtube.com/watch?v=r2fEXfpga0>

6. <https://humanrights.ee/2024/09/arutelu-sonavabaduse-ule-jatkub-riigikohtus/>

7. <https://humanrights.ee/2024/09/arutelu-sonavabaduse-ule-jatkub-riigikohtus/>

8. <https://www.riigikogu.ee/tegevus/eelnoud/eelnou/a001d204-a0f0-42a9-b165-c36d43bf4d4a/raamatupidamise-seaduse-muutmise-ja-sellest-tulenevalt-teiste-seaduste-muutmise-seadus/>

9. <https://cms.advokatuur.ee/app/uploads/2024/06/EN-Erakonnaseaduse-jt-seaduste-muutmise-seadus-23052024.pdf>

At the initiative of the Ministry of Justice, a draft intention to amend the Law Enforcement Act¹⁰ was introduced, marking one of the most extensive and significant reforms in the field of law enforcement in recent history. The proposed changes directly impact individuals' fundamental rights, particularly the freedoms of peaceful assembly and expression. The draft includes measures ranging from expropriation to cybersecurity actions aimed at maintaining public order.

According to civil society, the most concerning provisions in the draft relate to public events and protests. For instance, it grants the Police and Border Guard Board additional powers to ban public gatherings as a preventive measure. The wording of this proposal gives police prefects broad discretion to prohibit assemblies based on preliminary information suggesting that something illegal might occur. At the same time, it would be challenging for the organiser to contest such a decision, as the new regulation would require the organiser to prove that they had no intent to break the law during the event.

On a positive note, the draft proposes granting minors the legal right to organise public assemblies, which is currently *de facto* not permitted. Additionally, it has been revealed that, despite the ministries' desire to proceed with the proposals, they are open to dividing these broad topics into smaller components to facilitate more inclusive and transparent debate on the issues.

Estonia's Supreme Court is reviewing the use of the chant "From the river to the sea", applied globally in demonstrations in solidarity with the Palestinian people, in a freedom of expression case involving Leore Lisann Klõseiko, who was fined under Penal Code §151¹¹ for alleged support of crimes like aggression or genocide.¹¹ The law, adopted in 2022 to address Russian aggression, was applied for the first time outside that context after a 2023 Palestine solidarity protest in Tallinn. This case has sparked a wider societal debate about the phrase's meaning and the balance between freedom of expression and public order. The Supreme Court's decision is expected in 2025.

Safe space

In 2024, the Ministry of Social Affairs introduced a draft Gender Equality and Equal Opportunities Act designed to provide stronger protections for minority groups and promote equality across various fields. The proposal eliminates the current hierarchy that offers unequal protection to different groups. Under the current Equal Treatment Act, protection for religion, beliefs, age, disability, and sexual orientation is limited to employment and vocational training. The new law aims to grant uniform protection to all groups listed in the legislation.¹²

However, progress on the bill was slow in the second half of the year when Justice Minister Liisa Pakosta commissioned a parallel draft from the private sector. CSOs only found out about this decision afterwards,

resulting in a situation where two ministries now have competing drafts addressing the same legal changes. Members of the Equal Treatment Network questioned the justice minister, who explained that the private sector draft was necessary to provide an alternative legal perspective on combining the laws and implementing an EU directive.¹³ While the minister has expressed willingness to collaborate with civil society on the revised draft, the future of the legislation remains uncertain.¹⁴

The approval of marriage equality legislation has not led to a significant shift in public attitudes toward LGBTQI+ people. While they now have legal avenues to register their partnerships, hostility and prejudice against them persist in public discourse.

¹⁰. <https://news.err.ee/1609384949/plans-to-give-police-more-powers-and-ease-policing-restrictions-in-estonia>; <https://cms.advokatuur.ee/app/uploads/2024/06/KorS-VTK.pdf>

¹¹. <https://humanrights.ee/2024/09/arutelu-sonavabaduse-ule-jatkub-riigikohtus/>

¹². <https://humanrights.ee/2024/06/eesti-inimoiguste-keskuse-seisukohad-soolise-vordsuse-ja-vordsete-voimaluste-seaduse-eelnou/>

¹³. <https://www.err.ee/1609525471/riik-tellis-uue-soolise-vordsuse-seaduse-eelnou-advokaadiburoolt>

¹⁴. <https://www.err.ee/1609559152/pakosta-vordoiguslikkuse-seadus-vajas-vaadet-erasektorist>

Funding for civil society

Every year, Estonian civil society raises increasing amounts of donations to fund their activities. Human rights organisations have noted that people are willing and eager to donate, but the purpose of the donations often varies. For instance, individuals are far more inclined to contribute to supporting Ukrainian refugees than to address legal issues stemming from the lack of implementation of the Registered Partnership Act.

2024 has been challenging for Estonia's economy, leading to budget cuts in the public sector, which in turn affects funding for CSOs from state budgets. As a result, the capacity of these organisations is likely to diminish in the coming years, as alternative funding sources cannot fully compensate for the reductions. While the specific details of the cuts have not been fully disclosed, it is clear that not all sectors will be impacted equally. For example, while efforts are being made to minimise cuts in higher education, funding for youth organisations will decrease by approximately 32% compared to the previous year.¹⁵ General budget cuts have led to widespread delays and confusion regarding state budget support. In some cases, it remains unclear when public funding rounds will be announced, the size of these funding rounds, or their specific terms. Even strategic partners — organisations that have secured multi-year support agreements — report a lack of clear communication from some ministries. This uncertainty complicates planning and undermines the stability of CSOs reliant on public funding.

Occasionally, the distribution of funds to organisations is used in political rhetoric to gain popularity. While there are accusations that CSO funding lacks transparency, the state has done little to address this issue. Instead, civil society has taken the initiative to organise and publish data. NENO has released a database¹⁶ on civil society funding, allowing the public to verify which organisations are supported by various state institutions and the amounts provided, based on open government data. The Ministry of Interior, responsible for the development of civil society in Estonia, has halved its staff working on civil society issues due to state budget cuts. Previously, the ministry had one deputy secretary general and three officials dedicated to these topics. However, from the second half of 2024, the number of officials has been reduced to two, and the deputy secretary general position has been eliminated. A broader trend across ministries indicates that cuts often target positions related to civic engagement, public information, and open governance. This downsizing risks undermining efforts to foster meaningful collaboration between the state and civil society.

The *Riigikogu* is deliberating a bill to increase state fees,¹⁷ which will also affect civil society organisations. For instance, the costs of establishing non-profits and foundations and updating their related data will rise. However, advocacy efforts have resulted in a compromise where the state agreed to a significantly smaller increase in fees than originally planned. As a result, the changes are not expected to have a strong negative impact on organisations.

Civil dialogue and the right to participation

In Estonia, a civil dialogue framework exists but remains fragmented and inconsistent in implementation. While the government has issued guidelines for public consultations, their implementation varies across ministries and local governments, leading to uneven engagement practices. No significant legislative changes to the civil dialogue framework were introduced in 2024. Concerns

remain about late-stage consultation, where proposals are presented for feedback only after key decisions have been made.

Digital tools, such as the public e-consultation platform *Rahvaalgatus*¹⁸ (Citizen Initiative), has enabled civic participation. These tools have facilitated wider engagement but also highlighted disparities in digital

¹⁵. <https://en.lee/noortevaldkonna-avalik-poordumine/>

¹⁶. Link to the database: https://heakodanik.shinyapps.io/vabayhendused_2022/

¹⁷. <https://eelnoud.valitsus.ee/main/mount/docList/192be41f-3021-4801-85f2-c3528b64f909>

¹⁸. <https://rahvaalgatus.ee/>

access, especially among older and rural populations. Some consultations via digital tools lack feedback loops, leaving participants unaware of how their input was used, thus undermining trust in the process.

Civil society organisations report challenges in national consultations, including short timelines, limited access to draft proposals, and insufficient resources to engage effectively. Information access is legally guaranteed, but delays and procedural hurdles often hinder timely access, especially for smaller organisations. The Public Information Act ensures transparency, yet its implementation can be inconsistent, particularly for sensitive issues. The overuse of “for internal use” classifications, a designation applied to government documents limiting their public accessibility, has led to excessive secrecy, hindering public access to information and eroding trust between citizens and the state.¹⁹

Estonia’s minister of justice and digital affairs, Liisa Pakosta, has initiated a collaborative effort to reduce bureaucracy and streamline legislative processes in alignment with a coalition agreement.²⁰ In a letter to ministers, the government office, the chancellor of

justice, and the auditor general, Pakosta requested proposals on minimising administrative burdens and improving regulatory practices.

As part of the initiative to reduce bureaucracy, some proposals have been submitted that could potentially undermine transparency and limit data accessibility. For instance, the ministry of climate suggested anonymising the names of legislative drafters, which could reduce accountability in the law-making process.²¹ Additionally, there was a proposal to limit constitutional analysis during the drafting of legislation, raising concerns about the thoroughness and legal robustness of future bills.²²

These suggestions have sparked debate, as they contrast with the broader goals of fostering transparency and public trust in governance. Critics argue that such measures could erode the principles of open government and weaken democratic oversight, emphasizing the need for careful consideration to balance efficiency with accountability and transparency in the legislative processes.

Civil society resilience

In 2024, several civil society organisations in Estonia brought attention to open governance issues, such as data accessibility, the quality of civic engagement, and legislative changes. One notable initiative was a collaborative discussion in the *Riigikogu* between civil society and the public sector on the topic of collective petitions.²³ However, due to the lack of regular assessments of public trust in or attitudes towards civil society, it is difficult to determine whether perceptions have shifted compared to previous years. That said, the current public sentiment reflects a demand for a strong civil society, as surveys indicate declining trust in political leaders and a growing feeling among citizens that their voices are not heard.²⁴

While some agencies and officials demonstrate trust-based and meaningful collaboration with civil society, these efforts often depend on individual skills rather than a coherent institutional engagement policy. This inconsistency leads to varying experiences

among organisations regarding the inclusiveness of government agencies. For example, NENO had to highlight twice in 2024 that the Ministry of Justice excluded them and other fundamental rights umbrella organisations from participation in key processes.

Estonia is currently preparing its next Open Government Partnership (OGP) action plan, involving several civil society organisations in the process. There is cautious optimism that this could increase the government’s commitment to implementing open governance initiatives, many of which were left unrealised during the previous action plan period. Civil society remains in a wait-and-see mode, assessing whether ongoing issues, such as inconsistent engagement and lack of inclusiveness, will pose significant challenges.

Efforts to improve open governance through the OGP process represent an opportunity for both civil society and the government to align priorities and

¹⁹. <https://www.err.ee/1609528084/karl-hendrik-pallo-usaldusvaarset-riiki-ainult-asutusesiseselt-ei-ehita>

²⁰. <https://news.err.ee/1609441325/justice-minister-seeking-other-ministers-advice-on-cutting-red-tape>

²¹. <https://www.err.ee/1609468426/alender-ja-svet-tahavad-eelnoude-koostajad-salastada>

²². <https://epl.delfi.ee/artikkel/120323336/allar-joks-kas-eestis-on-uldse-poliitiline-joud-kes-pohiseadust-tosiselt-votab>

²³. Link to the discussion - <https://www.youtube.com/watch?v=nIRlalBDPVU>

²⁴. <https://turu-uuringute.eu/tag/institutsioonide-usaldusvaarsus/> - public trust in the Estonian government and *Riigikogu* (parliament) declined significantly in September compared to summer levels. Trust in the *Riigikogu* dropped from 40% to 27%, while trust in the government decreased from 39% to 32%.

address existing gaps. Whether these efforts will lead to meaningful change depends on the political will and institutional capacity to embrace a more structured and inclusive framework for engagement.

The situation suggests that reviewing the content of the Estonian Civil Society Development Concept (EKAK),²⁵ the agreement between civil society and the

parliament, will likely be necessary. This good-faith agreement, established in 2002, aimed to recognise civil society as one of the cornerstones of democracy. However, its practical impact and relevance have been diminishing over time. A renewed focus on revising and strengthening this concept could help address current challenges and reinforce the role of civil society as an essential pillar of democratic governance in Estonia.

Recommendations

TARGETED RECOMMENDATION:

→ **Enforce a concrete civic engagement framework that ensures structured, transparent, and consistent public consultation processes across all levels of government that will be systematically implemented rather than applied inconsistently or arbitrarily. This should be done by the end of 2025.**

- Revise the Public Information Act to reduce the overuse of “for internal use” classifications and promote proactive disclosure of information.
- Ensure equitable and transparent allocation of state funds to NGOs and mitigate the impact of budget cuts by diversifying funding mechanisms.
- Refrain from amending the Law Enforcement Act in a way that creates civic space restrictions and endangers the fulfilment of freedoms of expression and peaceful assembly, protected by international human rights standards.

25. <https://heakodanik.ee/en/estonian-civil-society-development-concept/>

About the author

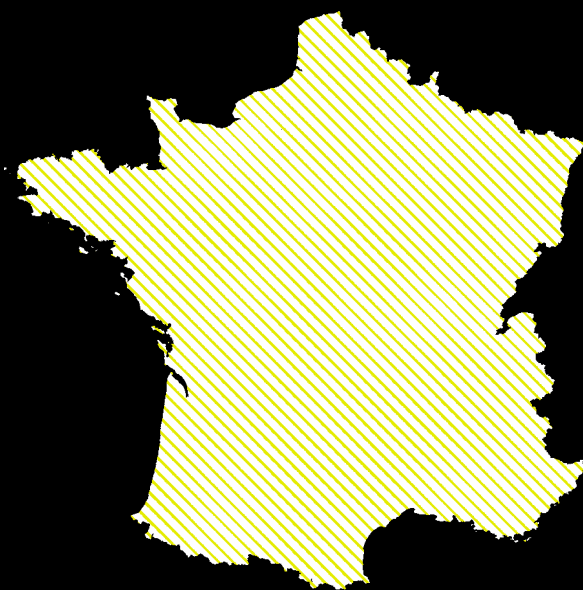
Vabariühenduste Liit (Network of Estonian Nonprofit Organizations, NENO) is the single and largest Estonian organisation uniting public benefit civil society and non-profit organisations. NENO is an advocacy organisation focusing on an open and sustainable civic space, civil society capacity building and raising civic awareness. NENO's goals are to foster development trends and provide support services to Estonian civil society organisations, increase public awareness, advocate for the interests of its members and other public interest NGOs, and improve working relationships with the public and business sectors. The organisation implements activities to strengthen the role and identity of the civil society sector as a whole and maintains networks of advocacy organisations, voluntary contributors, and fundraisers in order to facilitate cooperation between associations.

NENO

Network of Estonian
Nonprofit Organizations

France

By Ligue des droits de l'Homme



Foreword	104
Summary	104
Political, institutional, and socio-economic landscape: the rule of law in disarray	105
A deteriorating framework for respect of the rule of law is set to last	105
Institutional irresponsibility of the French authorities regarding the decolonisation process in Kanaky	105
Public discourse discrediting organised civil society in the context of increasing attacks from the far-right	106
Freedom of association	107
Far-right harassment and violence	107
The state's failure to protect CSOs: police and judicial harassment	107
Obstacles to freedom of association resulting from the "Republican Commitment Contract"	108
Funding for associations: amendments to the Finance Bill 2025	113
The Olympic Games and surveillance	113
Demonstrations in solidarity with Palestine repressed	114
Repression of environmental rights protests	114
Restrictions on Olympic Games demonstrations	115
Repression of demonstrations in New Caledonia	115
Repression of demonstrations in Martinique	116
Freedom of expression and right to privacy	116
Media freedom under pressure: violations of the confidentiality of sources and repression of journalists	116
Academic freedom under threat: interference in researchers' work	117
Restrictions on freedom of movement in connection with Olympic and Paralympic Games	117
Islamophobia and secularism gone astray	118
Recommendations	123
About the author	124

Foreword

For the LDH, the Commission's assessment of the rule of law will only be fit for its overall purpose if it covers violations with a 360° vision, even if its mandate does not cover every aspect of the respect for the rule of law in a democratic country. Considering breaches to the rule of law "by slices", relying on an evaluation system that leaves major aspects not covered, dramatically weakens the coherence and efficiency of the rule of law process. It should be a responsibility of the Commission to propose ways for all dimensions to be covered, either through its own report or in cooperation with other institutional partners that are able to cover the missing dimensions with legitimacy and independence from member state authorities.

The scope of the Commission's Rule of Law report is limited. The foreseeable consequence is that not all points we make will be considered for recommendations in the report on France produced by the Commission. We hope, however, that this report will express concern about the consequences for civic life of the many measures that have been taken that go against the rule of law. If some breaches seem to be isolated incidents, other obvious infringements are made repeatedly.

Ligue des droits de l'Homme, Paris, March 2025

Summary

In France, there was no improvement in the compliance with the rule of law in 2024 compared to the degradation in 2023. Last year's report highlighted the systemic nature of violations by the highest state authorities. We highlighted the Minister of Interior's claims, made during a speech in parliament, to include provisions in the Migration Act that were contrary to the constitution. We explained that the misconduct of the top authorities will likely have a knock-on effect at all lower levels. This has been confirmed by the developments in 2024.

The state authorities continue to depart from the respect for the rule of law in a variety of areas and many circumstances.

We urge the European Commission to consider France as a country at risk of a systemic disregard of the rule of law and to make strong recommendations on issues that illustrate the systemic wrongdoing of public authorities.

Political, institutional, and socio-economic landscape: the rule of law in disarray

In the European elections, as in 2019, the far-right once again came out on top, with a significant increase in votes. Then, 2024 was marked by the unexpected dissolution of the National Assembly immediately after the vote. So far, there is no clear rationale for this decision, which was taken by the French president, Emmanuel Macron, without the normal consultation process.

Although the far-right *Rassemblement National* party was predicted to win a majority of seats in the National Assembly in the elections that followed, two thirds of voters mobilised to vote for the candidate remaining to face the extreme right in the second round, even if they did not share his or her political orientation, confirming their rejection of the far-right's arrival in power and making its defeat possible.

It should also be noted that the Paris 2024 Olympic Games significantly impacted the respect of fundamental rights (see B. *Freedom of peaceful assembly* and C. *Freedom of expression and privacy*). The event was accompanied by measures which limited freedoms and that risk being perpetuated, such as algorithmic video surveillance, and drastic restrictions on basic freedoms, such as house arrest. Racial profiling was also used in the Olympic zones. In the run-up to the games, a “social cleansing” policy was implemented, resulting in a dramatic increase in evictions from informal living areas compared with “normal” periods. Between April 2023 and May 2024, around 20,000 people were evicted in 260 operations, many of which violated the right to respect for private and family life.¹

A deteriorating framework for respect of the rule of law is set to last

In December 2022, Gérald Darmanin, the then interior minister, committed to passing, in full conscience, unconstitutional provisions included in the Immigration Act in an address to parliament. In 2023, the government openly disregarded international judicial decisions, such as an interim measure by the European Court of Human Rights (ECtHR) to prevent the expulsion of an Uzbek national, in violation of the principles governing the rule of law². In this vein, in September 2024 the new interior minister, Bruno Retailleau, declared that the rule of law is not “intangible, nor sacred”.³ This followed his previous criticism of the Constitutional Council for the way it ensures compliance with the constitution. In April 2024, while still a senator, he argued that the Constitutional Council was “denying the French people

a say on immigration,” in reference to the censure of some of the particularly restrictive provisions on exiles and foreigners in the so-called “asylum-immigration” law.⁴ On 22 December, as interior minister, he once again called into question the judiciary's work, questioning a court decision to convict former president Nicolas Sarkozy.⁵

Statements made by the political authorities in charge, together with the repeated failure to apply decisions of the international justice system, represent a worrying development in the respect for fundamental rule of law principles in France. It is not merely one, but successive governments which continue to undermine one of the foundations of a functioning democracy.

Institutional irresponsibility of the French authorities regarding the decolonisation process in Kanaky

2024 also saw some very worrying developments in New Caledonia. On 14 May, the French parliament adopted a draft constitutional reform aimed at unfreezing the composition of the electorate for provincial elections in New Caledonia, a territory under French administration.

This reform would have destroyed a key pillar of the Nouméa Accord, which provided for a consensual path for the gradual transfer of powers from France to New Caledonia, culminating in eventual independence following a referendum on self-determination.

1. https://lereversdelamedaille.fr/wp-content/uploads/2024/11/Rapport-final-Le-revers-de-la-medaille-4_11_24_compressed-1.pdf

2. https://www.lemonde.fr/societe/article/2023/12/12/gerald-darmanin-epingle-pour-avoir-expulse-un-ouzbek-en-violation-d-une-mesure-prescrite-par-la-cedh_6205349_3224.html

3. https://www.francetvinfo.fr/politique/gouvernement-de-michel-barnier/l-etat-de-droit-ca-n-est-pas-intangible-ni-sacre-pourquoi-les-propos-du-ministre-de-l-interieur-bruno-retailleau-font-polemique_6810349.html

4. <https://x.com/BrunoRetailleau/status/1778451181825626441>

5. “Frankly, this decision raises questions. It raises questions about the procedural means and the reasoning of the judgment”, JDD, 22 December 2024

Despite the determined opposition of the pro-independence parties representing the indigenous Kanak people to the French president's timetable, a third and final referendum on self-determination, provided for in the Nouméa Accord, was held on 12 December 2021. The boycott of the vote by the Kanak parties, who rejected the early date of the third ballot (held only a few months after the second) resulted in an exceptional abstention rate of over 56% (over 83% in the Northern Province and 95% in the Loyalty Islands). As a result, there was a crushing victory for the "no" to independence, which in no way reflected the balance of views within the electorate (after the second ballot's very narrow rejection of independence).

The draft constitutional revision adopted by the French parliament in May 2024 aimed to modify the rules for the composition of the electorate established by the Nouméa Accord. The freezing of the electorate had been introduced to avoid the potential consequences of accelerated migration of non-Kanak people from mainland France, which over the decades would have altered the demographic balance.

The purpose of the freeze was to ensure calm conditions for political dialogue for this essential decision. It corresponded to a well-thought through political approach to the long-term management of the decolonisation process in the context where the Kanak people were becoming a minority due to uninterrupted migration from mainland France. The freeze allowed non-Kanaks already present in the territory to vote in referendums

on independence (and in provincial elections) even though international law stipulates that only colonised peoples are entitled to self-determination. The move to unfreeze the composition was to the detriment of the Kanaks' rights, as it broke the compromise and reinforced the weight of the colonial reality in the electorate.⁶

Not only has the French government failed to play its role as guarantor of the Nouméa political agreement, enabling local players to find a way to manage the decolonisation process peacefully, but it has also created an institutional crisis. Its actions have contradicted the very spirit of the rule of law. The government knowingly provoked a confrontation with the Kanaks by an institutional move, siding with the demands of those originating from mainland France, who were radically opposed to independence.⁷

Many observers see the policy of the French authorities, and in particular that of the president, as a brutal return to colonial logic, with the consequences visible for all to see. Since February 2024, tens of thousands of Kanak demonstrators have mobilised peacefully against this reform, but the absence of dialogue has led to a radicalised reaction from part of the Kanak community, including some instances of violence. Responses from the authorities, which have also been violent, have caused casualties.⁸ Based on the chronology of the decisions taken, it is clear that the French authorities are largely responsible for the catastrophic deterioration of the situation in Kanak.

Public discourse discrediting organised civil society in the context of increasing attacks from the far-right

Many associations defending human rights, such as the LDH (Ligue des droits de l'Homme), as well as those advocating for specific rights, are harassed online, particularly by far-right groups as well as by individuals adhering to elements of their ideology. For example, these associations have been accused of supporting "radicalism", of destroying what these groups consider to be "a natural identity," that should not be challenged, or of "denigrating" police institutions which they believe should not be criticised, even for reprehensible behaviour.

Public officials, including ministers, no longer hesitate to add their voices to such unsubstantiated claims. For example, following the release of a Moroccan

detainee from an administrative detention centre, who was accused of murdering a student, Bruno Retailleau went even further stating that he would like "the state to be more demanding with regard to the associations that intervene in administrative detention centres."⁹ Through this statement, the minister implied a direct link between the associations which assist people in administrative detention centres and this incident.

These campaigns against human rights defenders aim to intimidate them and restrict the space for their expression (see below). The combination of far-right attacks and ministerial speeches aimed at discrediting associations is a worrying combination.

6. <https://www.ldh-france.org/situation-politique-en-nouvelle-caledonie/>

7. Sonia Backès, the anti-independence president of the Southern Province has been appointed secretary of state.

8. <https://www.ohchr.org/fr/press-releases/2024/08/france-un-experts-alarmed-situation-kanak-indigenous-peoples-non-self>

9. https://www.lemonde.fr/societe/article/2024/10/03/bruno-retailleau-cible-les-associations-d-aide-aux-migrants_6342760_3224.html

Freedom of association

Far-right harassment and violence

2024 was marked by a series of attacks on associations, activists, lawyers and against civic initiatives, which deal with the access for all to fundamental rights. These attacks were aimed at undermining civic space and associative freedoms in France. Often launched by far-right groups, they highlight a climate of intimidation and violence and are a threat to the very foundations of democracy. The examples given below illustrate this.

On 1 June 2024, a festival in Montpellier was the target of a violent intrusion. The attackers, who identified as belonging to a far-right group, uttered racist insults, physically assaulted festivalgoers, and targeted people because of their origins or sexual orientation. The victims included a lesbian couple, one of whom was beaten, and a woman wearing a head covering.¹⁰

In April 2024, similar attacks were carried out at La Base community bar, also in Montpellier.¹¹ During a conference, which denounced symbols of the far-right, the venue — run by organisations including Alternatiba, Greenpeace and Extinction Rebellion — was spray-painted with racist and hateful tags. At the same time, associations supporting people in exile, including La Cimade, reported similar damage and acts of intimidation. These attacks are clearly aimed at silencing voices committed to solidarity and social justice.¹²

In July 2024, lawyers who had called for creating a “law brigade against the Rassemblement National” were targeted by “Réseau Libre”, a far-right website. Entitled “A (very partial) list of lawyers to eliminate,”¹³ the article was accompanied by a picture of a guillotine and gave the personal details of the lawyers, including their

addresses. The threats go beyond hate speech. They are designed to intimidate and dissuade those who call for the application of the law, in a state governed by the rule of law, on behalf of people who are disadvantaged and discriminated against.

That same month, Reporters Sans Frontières (RSF) revealed it had been the target of a campaign of harassment following its referral to the Council of State concerning the independence of information being broadcasted on the CNews channel. The dissemination of defamatory messages against RSF was amplified by a fake website linked to powerful private interests, illustrating their use of disinformation to discredit the work of civil society organisations.¹⁴

In September 2024, far-right activists tried to prevent the screening of a documentary film on migrant rescue at sea in Bastia,¹⁵ while a cultural park was pressured into withdrawing a lecture by the co-founder of the migrant rescue association “SOS Méditerranée”. These incidents illustrate an attempt to muzzle the expression of civil society actors, particularly those denouncing policies concerning migrants or racist violence.

There is a worrying extent to which the far-right and radicalising components of the right are working to restrict civic space by creating a climate of fear and intimidation. By targeting civil society actors, these groups seek to undermine fundamental freedoms, in particular the freedoms of association, peaceful assembly, and expression, and to destroy the conditions for a vibrant democracy.

The state's failure to protect CSOs: police and judicial harassment

In August 2024, two volunteers from Utopia 56, an association providing assistance to refugees and migrants which is particularly active in the Calais region, were violently assaulted by the police in Gravelines.¹⁶ While the volunteers were on patrol in their car to provide assistance to people in need, a police officer

opened the door, restrained one of the volunteers and fired blank bullets nearby. This event, which is not a one-off incident,¹⁷ illustrates the systematic harassment suffered by volunteers, including rhetoric criminalising their actions and falsely accusing them of complicity with smugglers.

¹⁰. <https://www.ldh-france.org/agressions-lors-de-la-fete-des-fanfares-de-montpellier/>

¹¹. https://www.liberation.fr/politique/a-montpellier-lextreme-droite-accusee-dagressions-au-festival-des-fanfares-20240604_IT5CJUASXVGS-FK4GHR3D3D4W74/?redirected=1

¹². Ibid.

¹³. <https://www.publicsenat.fr/actualites/societe/liste-davocats-a-eliminer-cest-symptomatique-dune-liberation-de-la-parole-dextreme-droite-den>

¹⁴. <https://rsf.org/fr/derri%C3%A8re-la-campagne-de-d%C3%A9sinformation-contre-rsf-progressif-media-une-bo%C3%A9te-d-influence-sulfureuse>

¹⁵. <https://www.lefigaro.fr/actualite-france/les-corses-sont-opposes-a-l-immigration-massive-tensions-a-bastia-autour-de-la-venue-de-sos-mediterranee-20240923>

¹⁶. https://x.com/Utopia_56/status/1819383803749482999

¹⁷. <https://www.ldh-france.org/wp-content/uploads/2024/12/Rapport-obs-Calais-VD.pdf>

Furthermore, investigations have been opened against Utopia 56 volunteers who are accused of defamation and false rescue alerts in 2023 and 2024.¹⁸ According to the association, these proceedings are intended to intimidate and discourage their humanitarian commitment at sea, where they help thousands

of people in distress. The prosecution of Utopia 56 highlights the tensions created by public authorities in relation to humanitarian action. The state, which is supposed to protect civil society actors, is endangering their activities through police and judicial actions which can be seen as forms of intimidation.

Obstacles to freedom of association resulting from the “Republican Commitment Contract”

See Box 1 for a detailed description of the facts

The Contrat d’Engagement Républicain (CER), created by an article in the law of 24 August 2021, known as the “Separatism law”, makes public subsidies conditional on compliance with a set of so-called “republican” principles.

The CER requires signatory associations to ensure that their members, both employees and volunteers, respect these “principles” set out in seven “commitments”. If they don’t, administrative sanctions can be applied, such as the return of subsidies. The obligations include respect for secularism and the laws of the republic, and the prohibition of certain activist practices deemed incompatible with these principles. Authorities have on many occasions misuses the CER provisions, as shown by successful appeals to court in decisions taken against associations.

Another aspect of the law constitutes a real danger for those managing associations. According to the CER, leaders of associations are responsible for reporting acts by their members that could be reprehensible, even when these are not directly related to the activities of the association. This de facto imposes an internal control on the members, diverts the resources of associations from their primary tasks and makes the leaders of associations responsible even for speeches that are not related to the activities of the association. The threat of sanctions for actions that associations are not responsible for can only weaken people’s appetite for civic commitment.

Initially presented as a tool for reinforcing republican principles, the CER acts as a lever for restricting freedom of association and expression. By targeting militant or critical organisations, it contributes to reducing civic space (see box below for description of associations who have been targeted).

BOX 1

THE CONTRAT D’ENGAGEMENT RÉPUBLICAIN (CER)

Law no. 2021-1109 of 24 August 2021, known as the Separatism Law, created the Contrat d’Engagement Républicain (CER) in order to strengthen respect for what is known in France as “the principles of the Republic”. It was implemented by Decree no. 2021-1947 of 31 December 2021. The CER came into force on 2 January 2022.

The CER is a framework for public authorities that grant subsidies to associations. The CER must be signed by an association or foundation as part of any application

- for a subsidy from an administrative authority or a body responsible for the management of a public service (industrial and commercial),¹⁹
- for accreditation by the state or one of its public entities as part of the common core of accreditation,²⁰ or
- for being legally considered as a “public interest” association.

This “tool” aims to enable the authorities to verify that the beneficiaries who are granted resources commit to respect “Republican” principles, including the respect

¹⁸. <https://utopia56.org/utopia-56-visee-par-trois-procedures-judiciaires/>

¹⁹. Article 10-1 of Law No. 2000-321 of 12 April 2000 on the rights of citizens in their relations with administrations

²⁰. Article 25-1 of Law No. 2000-321 of 12 April 2000

for secularism as defined by the 1905 law.²¹ Failure to comply with this commitment will result in financial penalties in the form of repayment of subsidies.

Even before the creation of the CER, associations and trade unions expressed their concerns about its impact on freedom of association, denouncing the return to administrative control of associative activity, in contradiction with the profoundly liberal spirit and provisions of the law of 1 July 1901 which established this freedom. The Défenseure des droits²² and the Commission nationale consultative des droits de l'Homme (CNCDH)²³ also expressed serious reservations. For the Haut Conseil à la vie associative (The higher council of associative life), the CER tends to entrust the administration with very broad powers of interpretation and sanction without providing clear,

prior, and compulsory information on the means of appeal available to the associations and foundations when accused of wrongdoing.²⁴

It should be noted that, along with several other associations, the LDH filed an annulment action against the decree of 31 December 2021 before the administrative court, together with a suspension injunction, on the grounds of infringement of the right to freedom of expression and communication, the right to freedom of association, the right to an effective recourse and the principles personal rights, necessity, proportionality and legality of penalties. On 4 March 2022, the Council of State rejected the application for interim suspension on the grounds of lack of urgency²⁵ and an application for annulment on 19 June 2023.²⁶

The CER's commitments

The CER comprises of seven commitments that its signatories undertake to respect.²⁷ By signing the CER, an association or foundation subscribe to three principles that are encapsulated in seven commitments outlined below:

1. To respect the principles of liberty, equality, fraternity and human dignity, as well as the symbols of the Republic within the meaning of Article 2 of the Constitution;
2. Not to call into question the secular nature of the Republic;
3. To refrain from any action prejudicial to public order.²⁸

Commitment No. 1:

Respect for the laws of the Republic

The commitment to respect the laws of the Republic is understood as:

- ▶ A ban on undertaking or inciting any action that is obviously contrary to the law, violent or likely to cause serious disruption to public order;²⁹
- ▶ Among the actions considered as constituting a serious disruption to public order are, for example, those which lead to the dissolution

of an association under Article L. 212-1 of the Internal Security Code. In the past, judges have also justified the withdrawal of a subsidy in the case of a local environmental protection association opposed to the construction of a radioactive waste storage site because the association had organised violent actions to this end, such as destroying equipment or ransacking administrative premises.³⁰

- ▶ The prohibition on using political, philosophical or religious convictions as an excuse to disregard the common rules governing relations with public authorities;
- ▶ A ban on calling into question the secular nature of the Republic.

Commitment No. 2:

Freedom of conscience

- ▶ The association or foundation must pledge to respect and protect its members' and third parties' freedom of conscience, particularly the beneficiaries of its services, and to refrain from any abusive proselytising carried out under duress, threat, or pressure.

21. <https://www.legifrance.gouv.fr/loda/id/LEGISCTA000006085397>

22. Opinion of the Human Rights Defender No. 21-01 of January 12, 2021

23. <https://www.cncdh.fr/publications/second-avis-sur-le-pjl-confortant-les-principes-de-la-republique-2021-4>

24. Opinion of the High Council for Associative Life adopted on 3 December 2021

25. https://www.dalloz.fr/documentation/Document?id=CE_LIEUVIDE_2022-03-04_462048#motifs

26. <https://www.conseil-etat.fr/fr/arianeweb/CE/decision/2023-06-30/461962>

27. Appendix to decree no. 2021-1947 of 31 December 2021 implementing article 10-1 of law no. 2000-321 of 12 April 2000 and approving the republican commitment contract for associations and foundations receiving public subsidies or state approval

28. Article 25-1 of the aforementioned law.

29. Constitutional Council decision no. 2021-823 DC of 13 August 2021: the Constitutional Council decision specifies that the refraining from any action prejudicial to public order imposed by the CER only concerns actions likely to cause serious disturbance to public peace and safety.

30. CE, 1st October 1993, Commune de Secondigny, n°112406.

Commitment No. 3:

Association members' freedom

- ▶ The association undertakes to respect the freedom of its members to withdraw from the Association at any time and not exclude any member arbitrarily.

Commitment No. 4:

Equality and non-discrimination

- ▶ The association or foundation commits to respect the equality of all before the law.
- ▶ It undertakes, both in its internal operations and in its dealings with third parties, to refrain from differential treatment based on sex, sexual orientation, gender identity, actual or supposed belonging to a particular ethnic group, nation, alleged race or religion where such differences in treatment are not based on an objective difference in circumstances that would be relevant to the lawful statutory purpose that it pursues, nor to support or encourage such discrimination.
- ▶ It takes action within the means at its disposal to combat all forms of sexual and gender-based violence.

Commitment No. 5:

Fraternity and the prevention of violence

- ▶ The association or foundation commits to a spirit of fraternity and civic mindedness.
- ▶ In its activities, internal functioning, and relation with third parties, the association commits to neither incite hatred or violence against anyone nor to condone such behaviour. It undertakes to reject all forms of racism and antisemitism.

Commitment No. 6:

Respect for human dignity

- ▶ The association or foundation commits to not take, support, or endorse any action that might undermine the protection of human dignity.
- ▶ It undertakes to comply with the laws and regulations in force designed to protect the health, physical and mental integrity of its members and the beneficiaries of its services and activities, and not to endanger the lives of others through its actions or negligence.
- ▶ It pledges not to create, maintain or exploit the psychological or physical vulnerability of its members or of persons participating in its activities in any capacity whatsoever, in particular persons with disabilities, either through pressure or attempts at indoctrination.
- ▶ In particular, it commits to not engage in any activity that may compromise the physical, emotional, intellectual and social development of minors, or their health and safety.

Commitment No. 7: Respect for the symbols of the Republic

- ▶ The association commits to respect the tricolour flag, the national anthem, and the motto of the Republic. Any association that undertakes to respect the principles set out in the CER that it has signed shall inform its members by any means.

Non-compliance with the CER and its consequences

Associations or foundations must commit to ensuring that the contract is respected by its directors, employees, members, and volunteers. These organisations are liable for breaches by any of these people, if its governing bodies are aware, yet fail to take measures to put an end to them, given the means at their disposal.³¹ The liability of organisations for the actions of their members is a highly questionable measure for deciding on sanctions related to the association's financing.

If an organisation is **applying for a grant** for a purpose that is unlawful or incompatible with the CER, the application will be rejected.

If an organisation **receiving a grant** is found to be pursuing an objective or activity that is unlawful or incompatible with the CER, the grant will be withdrawn by means of a "grounded decision".³² The beneficiary is required to repay the sums received or, in the case of a grant in kind, the monetary value thereof, within six months of the decision to withdraw the grant.

A decision to revoke a grant or authorisation may be the subject to an administrative appeal or an appeal to the administrative court, within normal time limits.³³

³¹. Article 5 of the aforementioned Decree no. 2021-1947 of 31 December 2021

³². In accordance with article L. 211-5 of the Code of relations between the public and the administration: "The statement of reasons [...] must be in writing and include a statement of the legal and factual considerations on which the decision is based".

³³. Within 2 months of notification of the decision

Some cases illustrating abuses under the CER

When the law was proposed, many within the sector of associations as well as their supporters, expressed fears that it would be applied in an arbitrary manner. These fears have been confirmed in practice, with many cases in which misinterpretations of the obligations set by the CER have been imposed on associations. The law has also led public authorities to stop funding associations on the grounds that they engage in militant, dissenting activities or simply hold critical views.

The implementation of the CER thus represents a new political instrumentalization of the separatism law used to punish political dissent and is a “gagging procedure” against the freedom of expression of cultural, human rights and environmental associations. The following examples illustrate this.

Alternatiba Poitiers

In decisions dated 24 and 27 June 2022, the Grand Poitiers urban community and the municipality of Poitiers decided to grant the local section of the Alternatiba association a subsidy to organise its “Village of Alternatives” event, scheduled for 17 and 18 September 2022 in the city.

Alternatiba Poitiers raises awareness of global warming and informs the public about individual and collective alternatives and solutions to protect the environment and promote social justice. It does this through local advocacy with elected representatives and the general public, producing guides, and organising workshops and debates at Alternatiba Villages.

In a letter dated 13 September 2022, the Vienne prefect informed the executive of the municipality of Poitiers and the Grand Poitiers urban community that the so-called “civil disobedience” workshops held during the Village des Alternatives were, in his view, contrary to the commitments mentioned in the CER. The prefect requested that they initiate the procedure for withdrawing the subsidies granted, as provided for in article 12 of the law.³⁴

Believing this claim to be unfounded, the Community Council of the Grand Poitiers urban community and the City of Poitiers decided to maintain the subsidies granted to Alternatiba Poitiers.

On 28 October 2022, the Vienne prefect launched two appeals, asked the Poitiers administrative court to cancel the decisions of the municipality and the urban community and to order the withdrawal of the subsidy granted to the association.

Given that the CER has turned out to be a tool for repressing environmental organisations engaged in civil disobedience, the LDH and 12 other associations and trade unions decided to intervene in support of the briefs in defence of the City of Poitiers, the agglomeration community and Alternatiba Poitiers.

The administrative court rejected the Vienne prefect's request on 30 November 2023, ruling that Alternatiba Poitiers had not breached commitments No. 1 and No. 5 of the CER. Consequently, in refusing to initiate the procedure for returning the subsidy as provided for in article 10-1, paragraph 8 of the law of 12 April 2000, the Poitiers city council and the Community council of the urban community of Grand Poitiers did not incorrectly apply the said provisions.³⁵

Canal Ti Zef

Canal Ti Zef is a Brest-based association founded in 2001 to produce and broadcast audiovisual content as an alternative to the mass media, through a popular education approach. As in previous years, in 2023 the association applied to the Fund for the Development of Associative Life (FDVA), which supports small organisations that “contribute to the dynamism of local life” and have regular volunteer involvement. In a decision on 5 December 2023, the association was informed that its grant application for the previous year had been denied, based on a decision by the Finistère prefect. This was in spite of the fact that the regional consultative committee for the fund had already approved a €2,500 grant to the association for its “visual and education initiatives” in June.

In a letter dated 4 January 2024, the sub-prefect of Brest justified the decision to deny the grant, citing “a certain amount of information that [he had] been given” which showed that “certain aspects of [the association's] operations were incompatible with the CER³⁶.” He added that if the association were to submit an FDVA application again in 2024, it should “return to a mode of operation more in keeping with the spirit and letter of the CER”.

³⁴. <https://alternatiba.eu/prefet-de-poitiers-0-1-desobeissance-civile/>

³⁵. TA Poitiers, 30 November 2023, no. 2202694, 2202695.

³⁶. <https://reporterre.net/Un-media-brestois-sanctionne-au-nom-de-la-loi-separatisme>

In a letter dated 23 January 2024, the association asked the sub-prefect of Brest to specify which of the seven commitments in the CER it had failed to honour and the specific acts and breaches that it has violated. However, it received no response.

The association believes that the decision was political, linked to its involvement with L'Avenir, a cultural squat that was evicted by the local authorities in the summer of 2023. This development is serious given that three other associations that supported the squat have also lost their state funding. On 20 February 2024, the association appealed to the Rennes Administrative Court on grounds of abuse of power, seeking an annulment of the prefect's decision to deny the subsidy and an injunction to reconsider their application.

Given the above case, there is risk that a large number of associations and trade unions with a militant purpose or carrying out actions aimed at denouncing government actions could be accused of disregarding the CER. In the long run, this could lead to widespread self-censorship for the associative community.

On 2 September 2024, the LDH, along with nine other associative and trade union organisations, voluntarily intervened in support of the application for annulment filed by the Canal Ti Zef association.

To date, the legal process is still pending a decision.

Compagnie Arlette Moreau

Compagnie Arlette Moreau is a theatre company that produces interactive street performances designed to raise public awareness about important contemporary issues.

For example, before the mobilisation in Sainte-Soline,³⁷ the organisation had engaged in non-violent militant actions in marketplaces to raise awareness of the risks associated with the construction of "megabassines" (large artificial reservoirs).

More recently, the theatre company created an original artistic installation, *Désopressor 3000*, designed to raise public awareness of sexism and sexual violence by

acting out sketches of ordinary sexist behaviour and inviting viewers to react. It received a grant from the Regional Directorate for Women's Rights and Equality (DRDFE) in New Aquitaine for this show in 2021, and the company applied for a renewal in 2023.

On 21 July 2023, the DRDFE refused to award the grant to the theatre company on the grounds of an alleged breach of the CER stating that "militant commitments do not comply with respect for the laws of the Republic as set out in the CER," without providing any further details. Compagnie Arlette Moreau lodged an action to annul this decision, which its board rightly described as a censure.³⁸

In this respect, over and above the interests of the theatre company, the decision to refuse a grant is of broader concern to the associative sector. The reason given for breach of the CER related to militant commitments could be widely applied to a large number of associations with similar commitments and could ultimately lead to widespread self-censorship on the part of associations, even though civic commitment is intrinsically linked to their identity in the field of culture.

The LDH, together with Cimade, the Collectif des associations citoyennes, the Droit au logement organisation, la Groupe d'information et de soutien des immigrés, the Syndicat des avocats de France, the Mouvement contre le racisme et pour l'amitié entre les peuples, and the Union Fédérale d'Intervention des Structures Culturelles voluntarily intervened on 6 March 2024 in support of the action for annulment brought by the Compagnie Arlette Moreau.

In their intervention, the organisations stated that the decision is based on an erroneous interpretation of the obligations under the CER and that the separatism law cannot be interpreted to allow public authorities to stop funding associations on the grounds that they hold views or carry out actions that challenge the principles of the state.

To date, the court decision is still pending.

³⁷. <https://civic-forum.eu/wp-content/uploads/2024/05/CIVIC-SPACE-REPORT-2024-FRANCE.pdf>

³⁸. <https://www.ldh-france.org/refus-de-subvention-de-la-compagnie-de-theatre-arlette-moreau-les-associations-se-mobilisent/>

Funding for associations: amendments to the Finance Bill 2025

In June 2024, the French Economic, Social, and Environmental Council (CESE) sounded the alarm over funding for voluntary organisations, calling it a “democratic emergency.”³⁹ Despite this, amendments to the 2025 Finance Bill tabled by several members of the Rassemblement National (RN) and the Droite Républicaine (DR),⁴⁰ risk a sharp reduction in funding for voluntary organisations and constitute a direct threat to civic space.

The intended effect of these amendments is to prevent donors that finance associations from accessing certain tax reductions when members of their beneficiaries are convicted of a number of offences. This may include any non-violent protest action, such as trespassing on an industrial site or broadcasting images without permission. The amendments could potentially lead donors to withdraw support from associations, compromising their financial resources.

The proposed amendments raise serious concerns, particularly for associations working in environmental protection, the prevention of animal abuse, and those denouncing the excesses of industry, such as intensive agriculture. By targeting peaceful protests

these amendments seek to discourage associations from carrying out acts that attract public attention. The association L214, which publicly raises awareness of the reality of animal farming and slaughter by entering the premises without permission, stated that “behind this amendment lies a strategy: to economically asphyxiate associations by depriving them of the financial support of their donors, and to discourage public support for organisations that document the suffering of animals.”⁴¹

If such amendments were introduced, a vicious circle would be set in motion, making their action much less visible, with the effect of disengaging the donors who support their objectives. Rassemblement National MP Jean-Philippe Tanguy, who drafted this amendment,⁴² justified it by denouncing the “radical actions” taken by specific environmental associations, particularly those aimed at agricultural or nuclear facilities. These amendments intimidate associations by putting pressure on their funding and reducing their ability to denounce injustice and environmental damage. While the amendment was not discussed due to the successful no confidence motion against the government, it could be put back on the agenda in 2025.

The Olympic Games and surveillance

The Olympic Games have been used to grant exceptional powers to the state, which are often trivialised once the period of “exception” is over.⁴³ It has been widely documented that states often “use an exceptional moment” (in this case the Games) “to make technology acceptable.”⁴⁴ Reinforcing this idea, on 25 September 2024, the Paris police prefect declared that he was in favour of extending its use.⁴⁵

The introduction of the algorithmic video surveillance (VSA) is a cause for concern for civil society organisations (CSOs) defending rights and freedoms: it threatens

the right to privacy and freedom of expression; it entails risks of discrimination and stigmatisation of specific groups of people;⁴⁶ and it paves the way for other, more intrusive surveillance technologies, such as facial recognition. By becoming the first country in the European Union to legalise VSA, France is aiding in legitimising systems that could be used to restrict freedom of peaceful assembly and discourage collective action. CSOs are concerned that this use could become systematic and profoundly affect the quality of democratic life by making it increasingly difficult to express any concern in public space.

³⁹. https://www.lecese.fr/sites/default/files/pdf/Avis/2024/2024_09_Financement_associations.pdf

⁴⁰. Amendments Nos. I-689, I-848, I-1017, I-1148, I-1185 and I-1386

⁴¹. <https://www.l214.com/communications/20241025-amendement-anti-l214/>

⁴². Amendment No. I-848

⁴³. Ibid.

⁴⁴. <https://www.laquadrature.net/toutsurlavsa/#partie2c>

⁴⁵. https://www.lemonde.fr/societe/article/2024/09/25/le-prefet-de-police-de-paris-se-dit-favorable-a-une-prolongation-du-recours-a-la-videosurveillance-algorithmique_6333125_3224.html#:~:text=A%20l

⁴⁶. <https://www.amnesty.fr/liberte-d-expression/actualites/pourquoi-la-videosurveillance-algorithmique-pose-probleme-cameras-technologies>

Demonstrations in solidarity with Palestine repressed

In October 2023, the Council of State suspended the systematic ban on demonstrations in solidarity with Palestine that had been introduced by the interior ministry. However, the repression of solidarity actions continued in 2024.⁴⁷

On 5 May 2024, Emmanuel Macron condemned the blocking of access to universities by students showing solidarity with Palestine.⁴⁸ This was followed by the violent evacuation of the students occupying an amphitheatre at the Sorbonne, a university in Paris, and the arrest of 37 students⁴⁹ and by police intervention to disperse a peaceful rally outside Sciences Po Paris.⁵⁰

In July 2024, after a terrorist attack in La Grande-Motte, demonstrations in solidarity with Palestine were banned, as the authorities equated solidarity with Palestine with terrorist attacks.⁵¹

Repression of environmental rights protests

In June 2024, the prefect banned a demonstration organised by opponents of the A69 motorway construction project. The ban is part of a trend of criminalisation of environmental rights protests. The interior ministry claimed that the demonstration was “expected to be extremely violent” and that it might be attended by up to “5,000 people, including 600 black blockers.”⁵³ This anxiety-inducing announcement by the then interior minister is nothing new. In March 2023, before the demonstration against the *megabassines* he had already declared that “we will see extremely harsh images because there is a very large mobilisation of the far-left and those who want to attack the gendarmes and perhaps kill the gendarmes and kill the institutions.”⁵⁴ This approach was repeated a few weeks later on 15 July 2024 in connection with a demonstration against *megabassines*, where Gérald Darmanin labelled the protests as due to “a thousand extremely violent people.”⁵⁵

In the run-up to the start of the new academic year, with protests planned for October 2024, the ministry of higher education put in place additional measures to limit protests. On 4 October, an administrative circular⁵² was sent to university presidents reminding them of their duty to maintain order within their establishments and urging them to report any offences relating to “pro-Palestinian demonstrations” to the public prosecutor. The tightening of such instructions, accompanied by threats of sanctions, highlights a clear desire to restrict the freedom of peaceful assembly and expression of those wishing to express solidarity with Palestine within universities.

During these demonstrations many cases of disproportionate and indiscriminate use of force were observed, including the use of particularly dangerous weapons such as explosive grenades.⁵⁶ During a June 2024 demonstration, medical teams evacuated ten people from the demonstration area in an “emergency”. Three people had serious injuries that required hospitalisation.⁵⁷ During the July 2024 demonstration, the police threw grenades into the crowd, and people were unable to disperse because they were surrounded by the police. Independent observers and journalists⁵⁸ noted that police charged at protesters and hit people who showed no resistance, after which they withdrew without arresting or questioning anyone, thus constituting a purely punitive and manifestly illegal use of force.

It should be mentioned that Michel Forst, UN special rapporteur on environmental defenders, wrote in February 2024, that “the French state criminalises

47. <https://civic-forum.eu/wp-content/uploads/2024/04/ECF-Rule-of-Law-Submission-Repeated-repressions-of-Palestine-solidarity.pdf>

48. <https://www.rtl.fr/actu/debats-societe/mobilisation-pro-palestine-macron-condamne-les-blocages-dans-les-universites-7900381307> h https://www.francetvinfo.fr/societe/manifestations-propalestiniennes-en-france/manifestations-propalestiniennes-emmanuel-macron-condamne-avec-la-plus-grande-fermete-les-blocages-dans-les-universites_6526277.html

49. https://www.bfmtv.com/paris/paris-intervention-policiere-en-cours-dans-la-sorbonne-pour-evacuer-des-manifestants-propalestiniens_AD-202405070934.html#:~:text=Les%20forces%20de%20

50. https://www.lemonde.fr/societe/article/2024/05/07/l-entree-des-locaux-historiques-de-sciences-po-paris-de-nouveau-bloquee-par-des-etudiants-propalestiniens_6232000_3224.html

51. <https://www.ldh-france.org/la-mobilisation-de-soutien-au-peuple-palestinien-de-nouveau-interdite-par-le-prefet-de-lherault/#:~:text=Conform%C3%A9ment%20%C3%A0%20son%20annonce%20publique,30%20et%2031%20ao%C3%BAt%202024>

52. <https://www.enseignementsup-recherche.gouv.fr/fr/manifestations-etudiantes-en-lien-avec-le-conflit-israelo-palestinien-97541>

53. “Black blocs” refers to groups of demonstrators who wear black clothing and face coverings, to conceal their identity and to protect themselves from tear gas; https://www.lemonde.fr/planete/article/2024/06/05/autoroute-a69-toulouse-castres-les-opposants-determines-a-maintenir-leur-rassemblement-malgre-l-interdiction_6237315_3244.html

54. <https://www.20minutes.fr/planete/4029433-20230324-mega-bassines-deux-sevres-plus-3-000-policiers-gendarmes-encadrer-manifestation>

55. <https://x.com/franceinfo/status/1812744580506198060>

56. <https://x.com/Ab7Media/status/1799447572198629489>

57. <https://lessoulevementsdelaterre.org/blog/a69--le-point-sur-les-blessees-et-les-milliers-de->

58. <https://x.com/ActuCenter/status/1814625669092954251>

human rights NGOs” and “restricts the exercise of fundamental freedoms”.⁵⁹

Restrictions on Olympic Games demonstrations

During the summer of 2024, security concerns surrounding the Olympic Games were used to as a pretext for repressive practices against social activists.

On 23 July,⁶⁰ dozens of activists were arrested and taken into custody for putting up anti-Olympics stickers in the metro. On 24 July, six people were searched and detained for 60 hours for throwing water-based paint (which is easily removable) on a civil aviation building to protest against the foreseen use of “flying taxis” in May. On 26 July, a dozen people were taken into police custody without charge.⁶¹ On 27 July, journalists were rounded up for an hour,⁶² and sixty activists were taken into police custody⁶³ ahead of an action consisting of throwing hay bales to protest against the Olympic Games, described by the prefecture as an act of “sabotage”.⁶⁴ On 28 July, journalists were held in

police custody for nearly 10 hours after attempting to cover an activist action which consisted of a “symbolic visit” to the damage caused by the Olympic Games in Seine-Saint-Denis.⁶⁵

On 10 August 2024, members of Hijabeuses, a women footballers’ collective fighting for the right to wear the hijab in sport, were supporting one participant in the *Marathon pour tous* wearing it during the closing event of the Olympic Games. They were arrested by the police for holding up signs that read “42 km for our forgotten French hijabis”, “games for all” and “veiled and sporty”. The police accused the collective of taking part in a prohibited protest and began by carrying out identity checks and public pat downs. The collective’s members were taken into custody and searched, during which they had their veils removed.⁶⁶

Repression of demonstrations in New Caledonia

Since May 2024, there have been severe restrictions to the freedom of movement and peaceful assembly, in connection with wider heavy repression in New Caledonia, through curfews, disproportionate use of public force, a two-week ban on Tik-Tok, and bans on peaceful demonstrations in Nouméa, Dumbéa, Païta, and Mont-Dore.

At least eleven Kanak demonstrators have been killed as well as one police officer. According to a statement by UN experts, based on information provided by pro-independence leaders, 169 others were injured, and more than 2,235 demonstrators were arrested, “many of whom were arbitrarily arrested and detained, and dozens of them were deported to mainland France. 500 Kanak people are reported to have been victims of enforced disappearance. There are also reports of allegations of criminalisation of Kanak human rights defenders through the abusive application of criminal law.”⁶⁷ Even if these allegations are not substantiated, the refusal of the public prosecutor to open an

investigation into the allegations of violence by the police or private militias raises doubts about colonial justice.

One incident deserves further attention. For several months, the state blocked the provincial road near Saint-Louis linking the communes of Yaté and Le Mont-Dore. This decision prevented all the inhabitants of the communes from travelling, forcing them to walk roughly five kilometres to do their shopping or take their children to school for several months. Both the high commissioner — the state’s representative in New Caledonia — and the public prosecutor acknowledged that the very first consequence of the blockade, had been to make people’s life more difficult.

Responding to a series of attacks on the local community on the stretch of road, for which only fifteen people were responsible, the authorities impacted the living conditions of the entire population for a long period. When the local tribal leaders requested the help of the

59. <https://www.amnesty.fr/chronique/france-les-ong-cibles-d-attaques>

60. <https://france.atac.org/actus-et-medias/salle-de-presse/article/la-france-deja-championne-olympique-de-la-repression#:~:text=Cette%20r%C3%A9pression%20s>

61. <https://x.com/RevOlympique/status/1817138646069244403?mx=2> ; https://www.francetvinfo.fr/les-jeux-olympiques/jo-de-paris-2024-45-militants-interpelles-avant-l-organisation-d-une-action-du-mouvement-extinction-rebellion_6690138.html

62. <https://x.com/ArnaudCesarV/status/1817099379905364373>

63. https://www.francetvinfo.fr/les-jeux-olympiques/jo-de-paris-2024-45-militants-interpelles-avant-l-organisation-d-une-action-du-mouvement-extinction-rebellion_6690138.html

64. <https://france.atac.org/actus-et-medias/salle-de-presse/article/la-france-deja-championne-olympique-de-la-repression#:~:text=Cette%20r%C3%A9pression%20s>

65. https://x.com/attac_fr/status/1817620514581467546

66. <https://www.mediapart.fr/journal/france/160824/huit-femmes-du-collectif-des-hijabeuses-ont-ete-placees-en-garde-vue-en-marge-des-jo>

67. UN Declaration of Experts on the Rights of Kanak Indigenous Peoples in the Non-Self-Governing Territory of New Caledonia and the Nouméa Accord, August 2024.

gendarmes to put an end to the attacks, they could not have imagined that the authorities would act in such a way. It is only after months that the gendarmes intervened to arrest some of the suspects and provided protection in the morning and evening to allow people to safely use the stretch of road affected by the abuses.

This finally enabled everyone to get to and from work. It is clear that the crisis management enforced by the authorities consisted of collectively punishing all members of the tribe, indiscriminately — a contradiction of the principle of personal responsibility laid down by criminal law and a flagrant breach of the rule of law.⁶⁸

Repression of demonstrations in Martinique

On 16 September 2024, uprisings against the high cost of living broke out in Martinique. During these demonstrations, there were some acts of violence and damage. A curfew was introduced from 18 September to 26 September. From 21 September to 23 September, there was a ban on demonstrations in the municipalities of Fort-de-France, Lamentin, Ducos and Robert.⁶⁹ A Compagnie Républicaine de Sécurité (CRS) unit (CRS

FAR or “CRS 8”), trained for intervening in the repression of urban violence, was deployed. The CRS had not intervened in Martinique since 1959 when their intervention led to the deaths of three Martinicans.⁷⁰ The decision to deploy this precise unit was even more alarming given its reputation for excessive and disproportionate use of force.⁷¹

Freedom of expression and right to privacy

Media freedom under pressure: violations of the confidentiality of sources and repression of journalists

Media freedom in France is increasingly under threat from both private and public actors. In September 2024, Bernard Arnault, one of the country’s richest and most influential businessmen, banned employees of his companies from communicating with media outlets such as *La Lettre*, *Le Canard enchaîné*, and *Mediapart*.⁷² This blanket “directive” was widely seen as an attempt to hinder the work of the press in providing information, and provoked reactions from journalist associations, which stressed the need to protect the ability of journalists to work without pressure.

Against a backdrop of repression, the case of Ariane Lavrilleux, an investigative journalist with *Disclose*, illustrates the seriousness of attacks on press freedom by public authorities.⁷³ In 2022, an investigation launched against her highlighted the use of invasive methods by the public authorities. The journalist was followed, geo-localised and even photographed in public. Her telephone was wiretapped, and her bank accounts

were scrutinised. The investigation was launched on the grounds of disclosing sensitive information on national defence, specifically related to a secret French military operation in Egypt called Sirli. On 3 December 2024, *Disclose* announced that Lavrilleux had been summoned to appear before the Paris court to face charges of “appropriation and disclosure of a national defence secret”, and could face up to five years imprisonment and a fine of €75,000. This case highlights the dangers facing investigative journalists, and the misuse of surveillance tools to stifle the freedom to inform the public.

In another case, which occurred on 18 June 2024, a journalist from *Blast* was arrested and held in police custody for 32 hours⁷⁴ without being charged. The incident occurred while she was investigating the sale of French arms to Israel that were potentially used in war crimes in Gaza. Despite her press card, she successively was accused of taking part in reputation damaging,

68. https://www.lemonde.fr/politique/article/2024/09/22/nous-sommes-face-a-des-gens-qui-preferent-mourir-que-se-rendre-en-nouvelle-caledonie-saint-louis-fief-independantiste-sous-haute-pression_6327452_823448.html?utm_source=chatgpt.com&random=1076389290

69. https://www.lemonde.fr/ outre-mer/article/2024/09/21/en-martinique-certains-types-de-manifestations-interdits-dans-quatre-communes-dont-fort-de-france_6326054_1840826.html

70. https://www.liberation.fr/societe/police-justice/martinique-des-crs-deployes-pour-la-premiere-fois-depuis-1959-et-les-emeutes-de-decembre-noir-20240922_ZHDKEL55UVBUVKSQWN3D5VU4XV/

71. <https://france3-regions.francetvinfo.fr/bretagne/ille-et-vilaine/rennes/violences-policieres-la-crs-8-visee-par-une-enquete-apres-des-arrestations-musclees-a-rennes-2779622.html>

72. https://www.lemonde.fr/actualite-medias/article/2024/09/23/liberte-d-expression-pression-sur-les-sources-les-journalistes-repondent-a-bernard-arnault_6330003_3236.html

73. <https://disclose.ngo/fr/article/filature-cyberespionnage-la-surveillance-hors-norme-subie-par-ariane-lavrilleux>

74. https://www.blast-info.fr/articles/2024/apres-sa-garde-a-vue-la-journaliste-de-blast-contre-attaque-en-justice-06-RZaYOS76uLmrQ00b1_g

asked to give details about her sources, and pressured to unlock her phone, and provide a DNA sample. These incidents, which occurred while she was in arbitrary detention, raises concerns about repression against journalists. After her release, the journalist initiated legal proceedings to denounce the infringement of her rights and, more specifically, the abuse of power and institutional violence to which she was subjected.

These cases of repression against journalists, and more particularly against those who investigate sensitive subjects, tend to multiply, adding to the concern already raised with each individual case. The protection of sources, essential for guaranteeing press freedom, is being undermined by intrusive surveillance practices and pressuring journalists to divulge their sources of information. Once again, the scrupulous respect for the rule of law is being called into question. At the time of writing, Lavrilleux has just been released by a court decision from all the charges put against her.

Academic freedom under threat: interference in researchers' work

The respect for academic freedom in France has taken a worrying turn over the course of 2023–2024, with increasing interference in the work of researchers, particularly those who follow subjects considered sensitive by the authorities. In recent years, researchers working on policing, social movements (such as the yellow vests) or environmental issues have reported being targeted by the authorities.⁷⁵

In 2024, the Île-de-France region announced that going forward universities would be required to sign a “republican charter”, inspired by the CER in the

separatism law, as a condition for receiving regional subsidies. According to Valérie Pécresse, president of the region, the purpose of the charter is to remind the management of higher education establishments of their “legal obligations” in this area with regard to “active minorities” mobilising within universities. This measure has been characterised as an attack on university autonomy and academic freedom, and there are fears that it could have similar misuses to those of the CER (see box 1).

Restrictions on freedom of movement in connection with Olympic and Paralympic Games

In connection with the games, a personal QR code was required to access some areas of the capital. 1.2 million people had to undergo an administrative enquiry in order to receive a pass which authorised them to move around and was even necessary for to accessing back their homes. People working near the Olympic Games sites were denied access to their workplaces. Some people had no choice but to remain at home. 559 individual measures of administrative control and surveillance (Micas) were issued by the interior ministry, solely on the basis of “white notes” (unsigned and unsourced administrative notes) from the intelligence services attached to the decisions.⁷⁶ The use of Micas was massive and indiscriminate. While Micas are intended as a counter-terrorism measures, a large proportion of the people concerned have

never been convicted, charged, or arrested for any connection with terrorism. Furthermore, the Micas lasted for three months, a period that far exceeded the duration of the games. According to *Le Monde*, “Not since the state of emergency introduced in the wake of the 13 November 2015 attacks have so many measures restricting freedoms been taken.”⁷⁷

The implementation of such massive and indiscriminate measures illustrates a serious violation of fundamental rights. Depriving individuals of their freedom of movement and access to their place of work on the basis of mere unverified suspicions, without proper legal proceedings, contradicts the protection of privacy and individual freedoms.

⁷⁵. <https://www.radiofrance.fr/franceculture/podcasts/l-info-culturelle-reportages-enquetes-analyses/liberte-academique-liberte-des-scientifiques-nouveaux-dangers-nouveaux-chantiers-6282743>

⁷⁶. https://www.lemonde.fr/societe/article/2024/09/03/des-avocats-contestent-la-capacite-de-darmanin-a-prendre-des-micas-en-periode-de-gestion-des-affaires-courantes_6303183_3224.html

⁷⁷. https://www.lemonde.fr/societe/article/2024/09/11/securite-et-jeux-olympiques-une-reussite-grace-a-d-enormes-moyens-et-beaucoup-de-pres-sion_6313797_3224.html

Islamophobia and secularism gone astray

Secularism, as defined by the 1905 law, guarantees freedom of conscience and the neutrality of public institutions. However, it has increasingly been used to justify restrictions disproportionately affecting Muslim people.

Municipal decrees banning the burkini, such as in Mandelieu-la-Napoule and Lecci, persist despite repeated rulings from the Council of State since 2016 which recognise them as serious and unlawful infringements on fundamental freedoms. Similarly, decisions to ban alternative school meals, as seen in Beaucaire and Châlons-en-Champagne, have been challenged and deemed incompatible with the principles of secularism. The French Football Federation (FFF) maintains a ban on the hijab under its delegated public authority status (Article L.131-8 of the Sports Code), which excludes many Muslim women from competitions.

Another concerning aspect is the selective enforcement of the *déféré-laïcité*, introduced by the 2021 “separatism” law (Article L.2131-6 of the CGCT), allowing prefects to suspend local decisions that undermine secular principles. Prefectures have failed to act against repeated unlawful decrees, as evidenced in Mandelieu-la-Napoule. Breaches of neutrality favouring Christian symbols, such as nativity scenes installed in town halls, face minimal scrutiny despite a Council of State ruling in 2016 prohibiting them without cultural justification.

Rather than promoting equality, secularism is increasingly weaponised to justify discriminatory measures, undermining the rule of law and public trust (*See box 2 below*).

BOX 2 SECULARISM

Secularism, as defined in France by the 1905 law, guarantees freedom of conscience. From this stems the freedom to express one’s beliefs or convictions in the public arena. However, this freedom is to be exercised with respect for public order. The law also states that secularism implies the neutrality of the state, public authorities and public services with regard to all religions and beliefs and imposes equal treatment for all regardless of religion or belief.

Article 5 of Law No. 2021-1109 of 24 August 2021, known as the “separatism” law, aimed at reinforcing respect for the principles of the republic, created a new “*déféré-suspension*” (“suspension on referral”) procedure available to prefects. It allows them to request the suspension of the implementation of any act by a local authority that seriously undermines the principles of secularism and neutrality of public services.

Article L.2131-6 of the General Local Authorities Code now states that: “The representative of the State in the “department” shall refer to the administrative court the acts mentioned in article L. 2131-2 that he considers to be contrary to the law within two months of their transmission. [...] When the contested act is likely to compromise the exercise of a public or individual freedom, or to seriously undermine the principles of secularism and neutrality of public services, the

president of the administrative court or the magistrate delegated for this purpose shall order its suspension within forty-eight hours”.

This *déféré-laïcité* prefectural order by a ministerial instruction dated 31 December 2021, published on 14 January 2022, sets out the conditions for its application. In the appendix to the ministerial instruction, prefects are given an overview of what constitutes a serious breach of the principles of secularism and neutrality in public services, citing examples such as resolutions “imposing a denominational menu in a municipal canteen” or decisions “to install a religious insignia or emblem on public property.”

The *déféré-laïcité* procedure has only been used twice to date.

In the first case, the city of Grenoble passed a resolution authorising the wearing of the burkini in municipal swimming pools. The Isère prefect lodged an appeal and the interim relief judge of the Grenoble Administrative Court ordered the suspension of the municipal swimming pool rules permitting the wearing of full-length swimming costumes, on the grounds that they undermined the neutrality of the public service (see Administrative Court of Grenoble, 25 May 2022, req. No. 22203163, concerning the internal rules of

the Grenoble swimming pools). On 21 June 2022, the Council of State upheld the suspension (CE, order of 21 June 2022, no. 464648).

In the second case the Seine-Saint-Denis prefect challenged a decision authorising the sale of a plot of communal land to a religious association at a price considered too low. However, his application was rejected.

As the number of cases involving breaches of neutrality in local authority areas increases, confusing case law is developing around the principle of secularity. This is

particularly obvious in disputes relating to the installation of nativity scenes in town halls or the wearing of burkinis on maritime property.

An extremely worrying confusion is being created between public freedoms linked to beliefs and the neutrality of public institutions with regard to religions and beliefs. On the one hand, there is a trend towards infringement of the rights of Muslim women, and on the other, there are breaches of neutrality.

The examples below illustrate the situation.

A - Ban on wearing the burkini tolerated by the government

Against a backdrop of hate speech directed at people of the Muslim faith, in the summer of 2016, France saw several municipal by-laws banning the wearing of the burkini — the swimwear used by Muslim women — on beaches. When they were introduced, these municipal decrees were presented as being based on the principle of secularism and not as part of the application of the “separatism” law (which was not in place at the time).

The principle of secularism was not upheld by the high administrative court, which censured these measures on the grounds that they constituted a serious and manifestly illegal infringement of the fundamental freedoms including freedom of movement, freedom of conscience and personal freedom.⁷⁸

With regard to the rule of law, it is concerning that some municipalities continue to take such decisions as summer approaches. These decisions are often made without any reaction from or, worse, with the tacit approval of, the prefectural authorities, who have failed to exercise their legal oversight. In particular, they have neglected to use the *déféré-laïcité* which allows prefects to challenge decisions that undermine the principles of secularism.

Several examples illustrate this wrongdoing.

A.1 - Mandelieu-la-Napoule

On 7 June 2023, the mayor of Mandelieu-la-Napoule regulated the wearing of clothing on beaches and bathing areas by banning access “to any person whose clothing does not comply with hygiene and safety rules” and “to any person whose clothing is likely to cause a public disturbance.”

After an application by the LDH, in a decision dated 17 July 2023, the Council of State suspended this order, noting that the mayor of Mandelieu-la-Napoule had intended to prohibit the wearing of clothing ostensibly expressing a religious affiliation. The court also overturned the order of the interim relief judge of the Nice administrative court, which had rejected the LDH’s application on the basis of Article L. 522-3 of the Administrative Justice code.

However, in a decree dated 8 July 2024, drafted in the same terms as that of 7 June 2023, the mayor of Mandelieu-la-Napoule once again banned “access to beaches and swimming [...] to any person whose attire contravenes public order,” repeatedly flouting republican law by banning access to beaches to people wearing clothing that expresses a religious affiliation, such as the burkini. The mayor once again flouted the consistent case law of the Council of State which since 2016 has censured these decrees in the name of respect for fundamental freedoms.

Faced with the prefect’s latest failure to act, the LDH filed a summary application with the administrative court to enforce the rule of law in this municipality.

Against all expectations, on 20 August 2024, the interim relief judge of the Nice court reiterated his rejection of the LDH’s request and considered that the decision of the mayor of Mandelieu-la-Napoule did not seriously and manifestly illegally infringe on fundamental freedoms. On the same day, the LDH yet again lodged an appeal with the Council of State and, on 21 August 2024, the LDH filed a new application for interim relief against the order in question. On 30 October 2024, the Council of State dismissed the appeal against the interim relief judge’s order of 20 August

⁷⁸. <https://www.conseil-etat.fr/decisions-de-justice/dernieres-decisions/ce-ordonnance-du-26-aout-2016-ligue-des-droits-de-l-homme-et-autres-association-de-defense-des-droits-de-l-homme-collectif-contre-l-islamophobie>

2024 (the order having ceased on 2 September 2024). However, the court clearly stated that not only was the municipal order manifestly illegal, but also that the interim relief judge had disregarded his duty by dismissing the appeal.

The LDH has decided to lodge an appeal for annulment with the Nice administrative court, which is still pending, in order to ensure that the administrative court rules again on the principle and substance of such a ban. However, if this is not ordered by the Nice Administrative Court, which has little respect for the decisions of the highest administrative court, the Marseille Administrative Court of Appeal or the Council of State should censure the decision of the mayor of Mandelieu-la-Napoule, as they did in 2023.

This example illustrates the seriousness of the repeated breach of the rule of law allowed by the prefect's practice as the representative of the state in this department.

A.2. Lecci

In a separate case, in a decree dated 7 August 2024, the mayor of the commune of Lecci in the department of Southern Corsica banned "access to beaches and swimming" "to anyone who is not properly dressed in a manner that respects public decency and secularism." The order, published on the commune's Facebook page, was issued for all beaches in the commune, applying until 30 September 2024. At the same time, another Corsican commune — Zonza — issued a similar decree.

On 8 August 2024, the LDH contacted the prefect, requesting that he exercise his control over the legality of these decrees by lodging a *déféré-préfectoral* on the basis of Article L. 2131-6 of the General Local Authorities Code. While the prefect lodged appeals with the municipalities concerned, and the municipality of Zonza immediately withdrew its order, the mayor of Lecci decided to maintain it. In the absence of a prefectural referral, the LDH lodged an application with the Bastia administrative court for interim relief against the order issued by the mayor of Lecci on 14 August 2024.

On 19 August 2024, the interim relief judge suspended the order on the grounds that it had not been established that "there was a risk of public disorder on the beaches of the municipality of Lecci as a result of the clothing worn by certain people for swimming. In the absence of such risks, the context of the terrorist threat and the climate of international tension, particularly in

the Middle and Near East, referred to in the order, as well as the circumstance relating to the maintenance of the state of emergency, which is in fact incorrect, are not sufficient to legally justify the contested ban". In addition, the judge added that it had not been established that "the wearing of clothing of the kind prohibited by the contested order would constitute a risk to the hygiene or safety of beach users and bathers."

The judgement confirms that the mayor could not, without exceeding his police powers, issue provisions prohibiting access to the beach and bathing when they were based neither on proven risks of disturbance to public order nor, moreover, on grounds of hygiene or bathing safety. By prohibiting access to the bathing area to anyone who is not properly dressed, in keeping with public morality and the principle of secularism, and who complies with the health and safety rules applicable to the public maritime domain, the contested orders impede free access to a public area open to all and prevent the exercise of fundamental freedoms in that area, in a discriminatory manner and without any justification whatsoever.

It should be noted that inaction on the part of the prefects, as evidenced by the failure to implement the *déféré-laïcité* on "anti-burkini" decrees, is likely to give rise to liability on the part of the state, especially when such decrees are repeated and identical, as the Toulon Administrative Court pointed out in its order of 5 August 2023: "The fact that an order identical to the one at issue had been issued for the 2022 summer season without having been referred to the administrative court by the Prefect of Var has no bearing on the infringement of fundamental freedoms, but would only be likely to give rise to liability on the part of the State for gross negligence due to shortcomings in the exercise of control over the legality of the acts of local authorities (see Council of State ruling of 9 October 2000, no. 205959)".

It is important to draw attention to the repetitive nature of the infringement of people's rights and the passivity of state representatives in failing to respect the rule of law. Moreover, as underlined in the LDH-ECF contribution in 2023,⁷⁹ the disregard for the respect of rule of law by the highest authorities of the state, illustrated during the discussion of the migration law, is all the more concerning as it is conducive to breaches by all levels of institutions. Developments taking place cannot be analysed as only localised failings.

⁷⁹. <https://civic-forum.eu/wp-content/uploads/2023/03/Civic-Space-Report-2023-FRANCE-European-Civic-Forum.pdf>

B - Prohibition on alternative school meals

In another example of misuse of the principle of secularism, some mayors have decided to ban alternative meals at schools when pork is on the menu. The LDH successfully challenged the decisions taken by the mayors of Beaucaire, Le Meriot and Châlons-en-Champagne. While mayors remain free to introduce substitute meals, the Council of State ruled that when defining the rules for organising and running the

service, the manager must take the general interest into account, which requires all users to be able to benefit from what is provided. It pointed out that neither the principles of secularism and neutrality, nor the principle of equality of users before the public service, preclude the provision of substitute meals based on the religious convictions of children.⁸⁰

C - The French Football Federation (FFF) bans players from wearing the hijab, depriving them of a right to practice

Although the FFF has the status of an association, it benefits from a “delegation contract” with the Ministry of Sport, which is the highest degree of recognition of sports federations by the state. The only sports federations that can be “delegated” are those that have received an approval issued by the minister for sport under Article L. 131-8 of the French Sports Code. Delegated federations have public authority prerogatives and are entrusted with a public-service mission. As such, they have a legal monopoly in areas explicitly provided for by law or regulation.

Where such a “delegation contract” has been given, the state and the sport federation set out the conditions under which these prerogatives and missions linked to the delegation are exercised.

Paragraph 1 of Article 1 of the statutes of the French Football Federation (FFF), drawn up for the 2021-2022 season, prohibited “on the occasion of competitions or events organised on the territory of the federation or in connection with them, (from) any speech or display of a political, ideological, religious or trade union nature, (from) the wearing of any sign or clothing ostensibly expressing a political, philosophical, religious or trade union affiliation, (and from) - any act of proselytising or propaganda manoeuvres.”

By introducing such a rule, the FFF has created an obligation of neutrality for its members, and therefore its users, the scope of which is as general as it is absolute. It therefore effectively excludes women footballers

wearing the hijab from any football competition organised by the FFF (an exception from other European national football federations).

At the same time, every weekend, on many pitches, many players make a religious sign before entering the pitch or to celebrate a goal. This again illustrates a “general and absolute” rule whose application is not in fact “general and absolute”; only applying to a particular group of licence-holders as delegated by the FFF.

Noting the discrimination against players wearing a hijab, the LDH applied to the Council of State for the repeal of article one of the FFF’s statutes, which lays down the rule of strict political, trade union, philosophical and religious neutrality. The court rejected this appeal, thus imposing a strict duty of “neutrality” on participants in a football competition.

Similarly, the Hijabeuses, a Muslim women’s collective, took the case to the European Court of Human Rights (ECtHR), claiming that the right to freedom of thought, conscience, and religion (Article 9 CESDH) and the right to respect for private and family life (Article 8 CESDH) was violated. The LDH intervened in support of this application.

If, as is likely, the ECtHR rules in favour of the Hijabeuses’ request, it remains to be seen whether France will bring its practice in line with the ECtHR or whether there will be a further breach of the rule of law.

D - Religious symbols in public buildings

The constitutional principle of secularism, which enshrines essential freedoms for everyone living in France, has as its corollary the principle of neutrality on the part of public bodies with regard to all religions, and it is this requirement for neutrality that in particular guarantees individuals the respect of their freedom of conscience.

Public bodies and institutions are therefore subject to obligations such as the prohibition on worshipping or favouring one religion over another, for example by granting aid or showing recognition.

⁸⁰. CE, 11 December 2020, Commune de Chalon-sur-Saône, no. 426483

The neutrality of the state and public bodies with regard to every religion is thus not only a guarantee of freedom of conscience but, more broadly, a guarantee of the principle of equality (Cons. Const. decision no. 86-217 DC of 18 September 1986; see also: Cons. Const. decision no. 2012-297 QPC of 21 February 2013; CE, 16 March 2005, no. 265590, published in *Lebon*).

The principle of religious neutrality is reflected in the terms of the law of 9 December 1905 on the separation of Church and State.⁸¹ The principle of the neutrality of the state and public authorities has a concrete and inalienable application: the absence of any official expression of religion must be totally absent both from public buildings and by public officials in the performance of their duties. No act should endorse or imply the recognition or celebration of a religion.

However, in parallel with the intolerance shown by the public authorities towards certain practices of the Muslim faith, some mayors have violated this principle in the past period by showing their preference for the Christian faith in their town halls. During the festive season, several mayors put up a nativity scene in town halls or other public buildings.

However, compliance with the principle of secularism would prohibit the installation of nativity scenes in buildings that house the headquarters of a public authority, as the Council of State ruled in 2016,⁸² although it does authorise them in special circumstances where they are recognised as being of a cultural, artistic, or festive nature. Most of the decisions to install nativity scenes in recent years, which have run counter to the principle of secularism, have been censured by the administrative courts, but some mayors have repeated this practice, claiming to consider in that way France's "Christian origins".

Every year since they were elected in Beaucaire, Béziers and Perpignan, the mayors of these three towns have failed to respect the principles of secularism and neutrality of public services, using absurd methods to try to get around administrative rulings, such as

a Christmas nativity scene on wheels in Béziers or including in the scene a Santon bearing the effigy of Salvador Dali in Perpignan. In 2024, the mayors of the same cities repeated these acts, with the complicity of the prefects, who for two years now have not exercised their control over legality.

It must be noted that it is no coincidence that some of those who set up the Christmas nativity scenes are among those who invoke republican principles and secularism to take measures that penalise Muslim citizens, for example by refusing pork-free meals in their local canteens.

With regard to the neutrality towards religions that is required of public officials in the course of their duties, it is astonishing to see that the French president took part in the celebration of the Jewish Hanukkah in 2023 in his official residence at the Élysée Palace. Following this, the Mayor of Béziers planned to celebrate Hanukkah on 26 December 2024 at Béziers town hall.

The failure by all elected representatives to apply secularism, respecting all religions equally and not favour some over others, must be considered as a breach of the rule of law. This is a serious breach as secularism is a fundamental principle that allows everyone to live together without discrimination. In this respect, there is a rapid deterioration of the respect for the rule of law in this area at all levels of the state, with an obvious detrimental bias towards Muslims.

In summary, these cases illustrate a systemic deterioration in respect for the principles of secularism and fundamental freedoms. The absence of sanctions against elected officials or institutions that violate these principles fosters a climate of distrust in institutions and undermines confidence in the rule of law, particularly among the communities that are the victims of these abuses. Moreover, the proliferation of arbitrary decisions sets a dangerous precedent in which secularism is used as a tool to restrict religious freedom rather than to protect it.

⁸¹. Article 2 of the Constitution enshrines the cardinal principle that the Republic does not recognise, pay the salaries of or subsidise any religion and this principle is reflected in particular in the prohibition set out in Article 28 relating to the policing of religion, which states that : "It is forbidden, in the future, to erect or affix any religious sign or emblem on public monuments or in any public place whatsoever, with the exception of buildings used for worship, burial plots in cemeteries, funerary monuments, museums or exhibitions".

⁸². Council of State, Assembly, 09/11/2016, 395223

Recommendations

- ➔ Urgently amend the law “on the respect of the republican principles” and withdraw “Contrat d’engagement républicain” (CER) in line with international human rights standards on freedom of association. Both of these steps should be done by the end of 2025.
- ➔ Strengthen the mechanisms monitoring and sanctioning abuses in relation to the application of secularism and guarantee the effectiveness of the freedom of conscience and the neutrality of public institutions, which brings a protective equal treatment of all citizens whatever its faith or absence of faith.
- ➔ Refrain from repeatedly targeting movements that are exercising their right to peaceful assembly, including the environmental rights movement and the Palestine solidarity movement, and respect this right in line with international human rights standards.
- ➔ Promote an enabling environment for civil society by halting all attacks on CSOs. In cases of police and judicial harassment, the perpetrators should be held accountable immediately.
- ➔ Protect the confidentiality of journalists’ sources in line with the European Media Freedom Act.

About the author

Ligue des droits de l'Homme is an association founded in 1898. It is a highly recognised civic actor, acting in total independence of political parties, and public authorities. It claims to be a political actor in the sense of dealing with all issues of public interest for the effective access to all rights for all. It is therefore an actor of the public debates. It acts against injustice, racism, sexism, anti-Semitism and discrimination of all kinds. It acts for the development of an active citizenship which relies on a strong and vibrant democracy and extended solidarity. It defends a secularism of the State that favours inclusion for all faith and belief. It fights against any xenophobic instrumentalisation, freedoms, equal rights and fraternity as the basis of a fraternal society and, therefore, of solidarity.

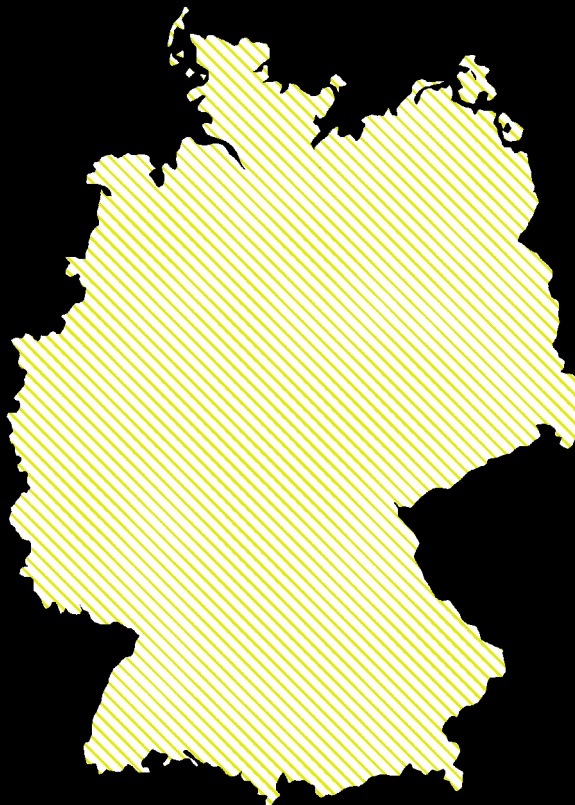


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Germany

By Sascha Nicke, Maecenata Foundation



Key civic space trends	126
Summary	126
Institutional, political, and socio-economic landscape	126
The regulatory environment for civic freedoms	127
Freedom of association	127
Freedom of peaceful assembly	128
Freedom of expression and the right to privacy	128
Safe space	128
Financial viability and sustainability of civil society	130
Civil dialogue and the right to participation	130
Civil society resilience	131
Recommendations	132
About the author	133

Key civic space trends

-  CSOs continue to encounter legal uncertainty over the congruence between non-profit status and political engagement
-  Members of the far-right AfD party intimidate civil society by systematically reporting organisations to tax authorities for alleged political activity
-  Concerning restrictions on the right to peaceful assembly for climate and Palestine solidarity movement

Summary

Civic space in Germany is rated as “narrowed” by the CIVICUS Monitor. The European Commission’s 2024 Rule of Law report recommended that the German government “take forward the plan to adapt the tax-exempt status for non-profit organisations with a view to address the challenges which the currently applicable rules present for their operation in practice...”. The German government has made no progress in implementing this recommendation. The Tax Update Act, which was passed by the Federal Cabinet in July 2024, contains only a very vague reformulation. As a result, there is still no clear legal provision on the purposes recognised as charitable, nor are there clear rules on their uniform interpretation by the tax authorities.

In 2024, civic freedoms in Germany have further deteriorated. Civil society has expressed concerns over restrictions on the right to association, peaceful assembly, and expression. Police brutality against climate groups and the Palestine solidarity movement is a concern. Members of the far-right Alternative for Germany (AfD) party continued their intimidation tactics against CSOs by systematically reporting non-profit organisations to tax authorities for alleged political activity. The overall framework conditions for the financial viability and sustainability of CSOs remained unimproved in 2024, with a considerable number of CSOs experiencing systemic precariousness. On a positive note, the Bundestag passed a new self-determination law that enables transgender and non-binary individuals to change their legal documents to align with their gender.

Institutional, political, and socio-economic landscape

The state of democracy in Germany appears to be in a good to very good condition. It performs highly across all categories of the Global State of Democracy (GSoD) Index, with the exception of those pertaining to freedom of religion and freedom of association and peaceful assembly, where it achieved a mid-range ranking.¹ Germany ranks within the top 15 in all indices of the V-Dem Institute at the University of Gothenburg, and has demonstrated an improvement in its ranking compared to the previous year.² While civil society

organisations (CSOs) find the framework conditions for their activities to be very good, there are clear indications of deteriorations of civic space.

Firstly, an alternative perspective on Germany’s democracy is presented by the assessments of other institutions. The CIVICUS Monitor, a global index monitoring the state of civic space, downgraded Germany’s civic space rating in 2023 to “narrowed”. For 2024, Germany is still in this category.³ The European

1. <https://www.idea.int/democracytracker/country/germany>

2. https://www.v-dem.net/documents/43/v-dem_dr2024_lowres.pdf
V-dem_democracyreport2023_lowres.pdf

3. <https://monitor.civicus.org/presscentre/germany/>; <https://monitor.civicus.org/country/germany/>

Commission's 2024 Rule of Law report also corroborates this deterioration, citing restrictions on the right to protest and other civic freedoms.⁴

Secondly, the federal government has failed to enact legislation that would improve conditions for CSOs. This was a promise made by the coalition in 2021.⁵ The prevailing conditions for CSOs have deteriorated further due to multiple crises that have led to social insecurities and placed democratic co-existence and its fundamental values under pressure.⁶ Populism, anti-migrant sentiment and racism have surged, including a sharp rise in Islamophobic and antisemitic crimes in 2024.⁷ Instead of taking decisive action to counter the rise of the far-right Alternative for Germany (AfD) party, some mainstream political parties have indulged far-right, racist, anti-migrant narratives⁸ and have

begun to question human rights, guaranteed by the Basic Law in Germany.⁹ For example, the conservative party CDU demanded in its 2024 policy programme that people seeking protection in Europe should no longer receive protection under the Geneva Refugee Convention and European law.¹⁰

It is evident that these developments will continue to have a significant impact on CSOs and civic space in general. The Edelman Trust Index reveals a slight one-point drop in overall trust, from 46 in 2023 to 45 in 2024. This score is categorised as 'distrust'. The trust placed in NGOs is even lower, with a score of 40 for 2024.¹¹ Despite their efforts and achievements, CSOs are facing a decline in support from the general public and mainstream political parties.

The regulatory environment for civic freedoms

The deterioration of the framework conditions for civic freedoms in Germany has been further exacerbated in 2024. It can be attributed to various factors, including restrictions on individuals' freedom of expression,

assembly and association, incidents of police brutality against climate and pro-Palestine protesters, and the repression of these protest movements by state authorities.¹²

Freedom of association

In 2024, there was an increase in the repression against climate and Palestine solidarity activists in Germany. For instance, members of the activist group Letzte Generation faced over 5,000 criminal proceedings and were sentenced to fines of over one €1 million.¹³ In May 2024, the Neuruppin public prosecutor's office of the state of Brandenburg indicted five members of the group, accusing them of forming a criminal

organisation, after the group carried out an action at several refinery facilities.¹⁴ Transparency International and Green Legal Impact Germany have condemned this indictment and characterised it as a further escalation in the criminalisation of climate justice associations and activists.¹⁵ As a result of the indictment, the police were authorised to carry out raids, wiretap the group's press phone, and confiscate its donation accounts.¹⁶

4. https://commission.europa.eu/document/download/3d1a2f80-5989-4364-a9e6-d925d4a1c900_en?filename=16_1_58059_coun_chap_germany_en.pdf

5. Strachwitz, R. G. (2024). Rahmenbedingungen für die Zivilgesellschaft: Anspruch und Wirklichkeit. (Opuscula, 194). Berlin: Maecenata Institut für Philanthropie und Zivilgesellschaft, pp. 34-38. https://www.ssoar.info/ssoar/bitstream/handle/document/96407/ssoar-2024-strachwitz-Rahmenbedingungen_fuer_die_Zivilgesellschaft.pdf?sequence=4&isAllowed=y&Inkname=ssoar-2024-strachwitz-Rahmenbedingungen_fuer_die_Zivilgesellschaft.pdf

6. Strachwitz, R. G., & Hummel, S. (2024). Civil Society is Here to Stay! A Report on the Shrinking Civic Space Project (2019-2023). (Opuscula, 186). Berlin: Maecenata Institut für Philanthropie und Zivilgesellschaft, pp. 13.

https://www.ssoar.info/ssoar/bitstream/handle/document/92596/ssoar-2024-strachwitz_et_al-Civil_Society_is_Here_to.pdf?sequence=4&isAllowed=y&Inkname=ssoar-2024-strachwitz_et_al-Civil_Society_is_Here_to.pdf

7. https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/nachrichten/2024/pmk2023-factsheets.pdf?__blob=publicationFile&v=3

8. <https://www.hrw.org/world-report/2025/country-chapters/germany>

9. https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Menschenrechtsbericht/Executive_Summary_Annual_Report_Development_Human_Rights_Situation_Germany_2024.pdf

10. <https://www.nds-fluerat.org/59284/aktuelles/die-cdu-und-das-asylrecht/> <https://www.proasyl.de/news/warum-das-neue-cdu-grundsatzprogramm-so-gefaehrlich-ist/>

11. This is a slight decrease in comparison to the score in 2023, which was at 41. https://www.edelman.de/sites/g/files/aatuss401/files/2024-01/2024%20Edelman%20Trust%20Barometer_Germany%20Report_0.pdf

12. <https://www.hrw.org/world-report/2025/country-chapters/germany>

13. <https://taz.de/Klimaschuetzerinnen-unter-Druck!/5988503/>

14. <https://staatsanwaltschaften.brandenburg.de/sta/de/presse/pressemitteilungen/~21-05-2024-pressemitteilung-zur-anklaegererhebung>
<https://www.lto.de/recht/nachrichten/n/staatsanwaltschaft-neuruppin-letzte-generation-klimaschutz-bildung-einer-kriminelle-vereinigung>
<https://letztegeneration.org/blog/2024/05/angeklagt-bildung-einer-kriminellen-vereinigung/>

15. https://www.greenlegal.eu/wp/wp-content/uploads/2024/05/PE_Deutschland_Letzte-Generation_240522_fin.pdf

16. Troschke, H. (2024). *Zivilgesellschaft in Deutschland: Daten, Fakten, Entwicklungen*. (Opuscula, 188). Berlin: Maecenata Institut für Philanthropie und Zivilgesellschaft, pp. 46-48. https://www.ssoar.info/ssoar/bitstream/handle/document/93241/ssoar-2024-Troschke-Zivilgesellschaft_in_Deutschland.pdf

In 2024, Palestine solidarity activists were also subjected to significant repression from German state authorities. For instance, in March 2024, the bank Berliner Sparkasse, which is partly state-owned, froze the accounts of Jewish Voice for a Just Peace in the Middle East, because the group had not handed over a list of all its members, including addresses, tax documentation,

income statements and other internal documents as the bank had demanded. In September, North Rhine-Westphalia state authorities banned Palestine Solidarity Duisburg. In a similar development, Berlin police carried out coordinated raids in several districts against five activists suspected of committing “pro-Palestinian crimes”.¹⁷ This is merely a small selection of examples.

Freedom of peaceful assembly

In 2024, German authorities repeatedly cracked down on Palestine solidarity protests, using excessive force during peaceful demonstrations and resorting to severe violence against protesters, including minors. Amnesty Germany has condemned these actions by the authorities as very serious restrictions on freedom of peaceful assembly and expression.¹⁸

In February 2024, Michel Forst, the UN Special Rapporteur on Environmental Defenders under the Aarhus Convention, voiced concerns regarding the

escalating use of preventive detention of climate activists in Bavaria, a measure employed to deter them from participating in protests. Forst warned that “by categorising environmental activism as a potential terrorist threat, by limiting freedom of expression and by criminalising certain forms of protests and protesters, these legislative and policy changes contribute to the shrinking of the civic space and seriously threaten the vitality of democratic societies.”¹⁹

Freedom of expression and the right to privacy

In November 2024, the Bundestag adopted a resolution on antisemitism.²⁰ This provoked concerns among CSOs that the resolution might lead to the further stigmatisation of Muslims and immigrant communities, as well as an infringement on freedom of speech and the right to protest while downplaying homegrown antisemitism.²¹

During the year, there were several instances of censoring the expression of Palestine solidarity activists. These included the cancellation of guest speakers at lectures and events, the cancellation of art exhibitions, and the censorship of Palestinian symbols such as the watermelon and the Palestinian flag.²²

Additionally, the controversy surrounding the former German education minister, Bettina Stark-Watzinger from the FDP party, further exemplifies the challenges faced by Palestine solidarity activists. According to reports, the minister had commissioned a legal review to investigate whether the ministry was able to cut grant funding for scientists who signed an open letter defending free speech and students’ ability to protest freely after the police evicted an encampment by Palestine solidarity protesters at the Free University in Berlin.²³ The education minister refuted the allegations; however, the repercussions of this controversy led to the resignation of the state secretary from her ministry.²⁴

Safe space

In 2024, there was a notable escalation in attacks against marginalised groups, including LGBTQI+ individuals, as well as racist, right-wing, and antisemitic violence in Germany. The official statistics published in May demonstrated a record high in registered politically motivated

crimes, including a substantial increase in attacks targeting housing for migrants and asylum seekers. Noteworthy is the marked increase in antisemitic crimes, which surged by 95%, and Islamophobic crimes, which increased by 140%, in comparison to

¹⁷. <https://monitor.civicus.org/explore/repression-of-palestine-solidarity-continues-raids-detentions-and-police-brutality/>

¹⁸. <https://civic-forum.eu/wp-content/uploads/2024/11/Repression-against-Palestine-in-Europe-widespread.pdf>; <https://www.amnesty.de/aktuell/deutschland-einschraenkung-pro-palestinensischer-proteste>; <https://www.amnesty.de/aktuell/deutschland-proteste-palaestina-gaza-israel-einschraenkung-meinungsfreiheit-interview-rechtswissenschaftlerin-nahed-samour>

¹⁹. https://www.greenlegal.eu/wp/wp-content/uploads/2024/02/UNSR-EDs-Aarhus_Position-Paper_Repression-Env-Protest-Civ-Disob_Feb2024-3.pdf

²⁰. <https://www.bundestag.de/dokumente/textarchiv/2024/kw45-de-juedisches-leben-1027708>

²¹. <https://www.hrw.org/news/2024/11/11/germanys-muddle-antisemitism>; <https://www.hrw.org/world-report/2025/country-chapters/germany>

²². <https://civic-forum.eu/wp-content/uploads/2024/11/Repression-against-Palestine-in-Europe-widespread.pdf>

²³. <https://civic-forum.eu/wp-content/uploads/2024/11/Repression-against-Palestine-in-Europe-widespread.pdf>

²⁴. <https://sciencebusiness.net/news/universities/german-science-official-steps-down-row-about-pro-palestine-protest>

the previous year.²⁵ Furthermore, there has been a notable increase in the targeting of LGBTQI+ people by far-right activists, as evidenced by the disruption and attack on pride celebrations and events across the country.²⁶ For example, the annual Christopher Street Day celebration in Bautzen, located in eastern Saxony, required a substantial police presence due to the potential for disruption by right-wing extremists. Additionally, the organisers were compelled to cancel the closing ceremony due to concerns regarding security.²⁷

The threat posed by right-wing extremists and the far-right AfD party increased in 2024. Members of the AfD party continued their intimidation tactics against CSOs by systematically reporting non-profit organisations to tax authorities for alleged political activity. These organisations, which were engaged in the fight against right-wing extremism, were targeted in a frequently successful attempt by the party to revoke their status.²⁸ The withdrawal of non-profit status is likely to result in financial hardship for these organisations, as they are likely to receive fewer donations and no longer be eligible for public or philanthropic funding.²⁹

In the inaugural session of the Thuringia State Parliament, the AfD revealed its aim to subvert the functioning of the democratic system and to discredit democracy itself.³⁰ In January 2024, investigative journalist group Correctiv exposed that members of the AfD had engaged in clandestine meetings with

far-right extremists to discuss plans that would lead to the deportation of immigrants and “non-assimilated citizens.” Following this, mass protests erupted across Germany against these plans and the AfD.³¹ However, these protests had no lasting effect. Conversely, the AfD experienced a surge in its electoral performance in three state elections in eastern Germany and achieved approval ratings in excess of 18% by the end of 2024.³²

Concurrently, politicians representing certain mainstream political parties, notably the conservative CSU,³³ are actively undermining public trust in CSOs and NGOs by defaming them as “green projects” or as an “outrage industry,”³⁴ and by advocating for the withdrawal of tax funds for these entities.³⁵ There appears to be no discernible distinction between their positions and those of the far-right AfD on this particular issue.³⁶ As the January 2025 joint vote by the CDU, FDP and AfD parties in the Bundestag on migration measures shows, the shift to the right is a very topical issue that will have further consequences for CSOs in Germany, which cannot yet be estimated.

In April 2024, the Bundestag passed a new self-determination law. This law enables transgender and non-binary individuals to adjust their legal documents to align with their gender through an administrative process grounded in self-determination. The previous requirement for “expert reports” has been eliminated. The law took effect in August.³⁷

25. https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/nachrichten/2024/pmk2023-factsheets.pdf?__blob=publicationFile&v=3

26. <https://www.tagesschau.de/investigativ/report-mainz/rechtsextremisten-gewaltbereit-queer-szene-csd-100.html>

27. <https://www.tagesschau.de/inland/gesellschaft/csd-anfeindungen-100.html>

28. <https://www.deutschlandfunk.de/gemeinnuetzige-vereine-politisch-afd-anzeige-100.html>

<https://www.tagesschau.de/faktenfinder/kontext/gemeinnuetzigkeit-afd-100.html>

29. Troschke, H. (2024). Civil Society in Germany: Data, Facts, Developments. (Opuscula, 192). Berlin: Maecenata Institut für Philanthropie und Zivilgesellschaft, pp. 34-38. https://www.ssoar.info/ssoar/bitstream/handle/document/94356/ssoar-2024-troschke-Civil_Society_in_Germany_Data.pdf?sequence=6&isAllowed=y&Inkname=ssoar-2024-troschke-Civil_Society_in_Germany_Data.pdf

30. German Institute for Human Rights (2024). Developments of the Human Rights Situation in Germany. July 2023 – June 2024. Executive Summary, pp. 4. https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Menschenrechtsbericht/Executive_Summary_Annual_Report_Development_Human_Rights_Situation_Germany_2024.pdf

31. <https://www.hrw.org/world-report/2025/country-chapters/germany>

32. <https://www.br.de/nachrichten/deutschland-welt/ein-jahr-nach-grossdemos-gegen-rechts-was-haben-sie-bewirkt,UYB3jlq>

33. In its election manifesto for the upcoming federal election in 2025, the CSU defames NGOs in general as “leftist” or “left-wing organisations” and demands the withdrawal of tax funds for them. <https://www.zivilgesellschaft-ist-gemeinnuetzig.de/btw2025-wahlprogramm-csu/>

34. Strachwitz, R. G. (2025). Was erwartet die Zivilgesellschaft nach der Bundestagswahl? Ein 12 Punkte Programm. In: Maecenata Observatorium. Analysen, Positionen und Diskurse zu Zivilgesellschaft, Engagement und Philanthropie. Nr. 78, pp. 2. <https://www.maecenata.eu/wp-content/uploads/2025/01/OBS-78-RS-final-Was-erwartet-die-Zivilgesellschaft-nach-der-Bundestagswahl.pdf>

35. <https://www.zivilgesellschaft-ist-gemeinnuetzig.de/btw2025-wahlprogramm-csu/>

36. <https://www.zivilgesellschaft-ist-gemeinnuetzig.de/btw2025-wahlprogramm-afd/>

37. <https://www.hrw.org/world-report/2025/country-chapters/germany>
<https://perma.cc/55NJ-4QGG>

Financial viability and sustainability of civil society

The federal budget plan from the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth allocated approximately €348.1 million in 2024, the majority of which was allocated to voluntary services (approx. €329.9 million). A comparatively modest financial allocation of approximately €18.2 million was utilised for the creation and development of favourable framework conditions for civic engagement.³⁸ This represents a decrease of €800,000 compared to the previous fiscal year.³⁹ However, in a final effort prior to the upcoming election, the ministry has extended its democracy promotion programme *Demokratie leben!* and initiated a third funding period in January 2025, with a budget of €182 million.⁴⁰ This funding period will run until 2032, ensuring that funded projects have some financial security.

The Democracy Promotion Act, a legislative proposal designed to provide financial support to CSOs engaged in the promotion of democracy, human rights, and the rule of law, was not passed by the governing coalition prior to its dissolution.⁴¹ The question of whether a new governing coalition will support this legislative initiative remains unresolved.

There was a modest increase of private donations in 2024. The *Deutscher Spendenmonitor* reported that private donations totalled €6 billion in 2024, a small increase from €5.8 billion in 2023.⁴² This positive shift is beneficial for CSOs.

Nevertheless, CSOs continue to encounter legal ambiguities concerning the congruence between non-profit status and political engagement. This is due to the fact that the Tax Update Act, which was passed by the Federal Cabinet in July 2024, contains only a very vague reformulation.⁴³ There is still no clear legal provision on the purposes recognised as charitable — nor are there clear rules on their uniform interpretation by the tax authorities. This persists as a significant threat to CSOs, leaving them vulnerable to losing their non-profit status due to aforementioned strategy by AfD party members.⁴⁴ Furthermore, civil society stakeholders have called for the outdated funding criteria to be revised and adapted to reflect contemporary social changes and evolving forms of engagement.⁴⁵

The overall framework conditions for the financial viability and sustainability of CSOs have remained unimproved in 2024. A considerable number of CSOs are experiencing systemic precariousness with regard to their financial viability and sustainability.⁴⁶

Civil dialogue and the right to participation

On 4 December 2024, the Federal Cabinet adopted the federal engagement strategy, as set out in the 2021 coalition agreement. CSOs were involved to a minimal

extent in the strategy's drafting process. The stated objective of the strategy is to organise and coordinate political measures to strengthen voluntary engagement

38. <https://www.bundeshaushalt.de/static/daten/2024/soll/epl17.pdf>

39. <https://www.bundeshaushalt.de/static/daten/2023/soll/epl17.pdf>

40. <https://www.tagesschau.de/inland/innenpolitik/demokratiefoerderung-bund-ngo-100.html>

The ministry has published a list of all funded projects, which shows that not only CSOs, but also many municipalities have received funding. <https://www.demokratie-leben.de/resource/blob/256166/8bf39dbcb7a34146f1c9045fb284301d/250217-uebersicht-bewilligte-projekte-fp3-data.pdf>

41. <https://www.swr.de/swrkultur/leben-und-gesellschaft/das-ende-des-demokratiefoerderungsgesetzes-auswirkungen-auf-die-demokratiearbeit-in-baden-wuerttemberg-100.html>

42. <https://www.dfrv.de/blog/2024/12/03/pressemitteilung-deutscher-spendenmonitor-2024/>

43. Strachwitz, R. G. (2024). Rahmenbedingungen für die Zivilgesellschaft: Anspruch und Wirklichkeit. (Opuscula, 194). Berlin: Maecenata Institut für Philanthropie und Zivilgesellschaft, pp. 21–22.

44. https://www.ssoar.info/ssoar/bitstream/handle/document/96407/ssoar-2024-strachwitz-Rahmenbedingungen_fuer_die_Zivilgesellschaft.pdf?sequence=4&isAllowed=y&lnkname=ssoar-2024-strachwitz-Rahmenbedingungen_fuer_die_Zivilgesellschaft.pdf

45. <https://freiheitsrechte.org/en/themen/demokratie/gemeinnuetzigkeit>

46. https://www.ziviz.de/sites/ziv/files/engagement_im_wandel.pdf

47. Strachwitz, R. G. (2024). Rahmenbedingungen für die Zivilgesellschaft: Anspruch und Wirklichkeit. (Opuscula, 194). Berlin: Maecenata Institut für Philanthropie und Zivilgesellschaft, pp. 32.

https://www.ssoar.info/ssoar/bitstream/handle/document/96407/ssoar-2024-strachwitz-Rahmenbedingungen_fuer_die_Zivilgesellschaft.pdf?sequence=4&isAllowed=y&lnkname=ssoar-2024-strachwitz-Rahmenbedingungen_fuer_die_Zivilgesellschaft.pdf

and thus CSOs' capacities to act.⁴⁷ However, the strategy has been the subject of considerable criticism. The *Bundesvereinigung Kulturelle Kinder- und Jugendbildung e. V.* expressed dissatisfaction with the strategy, claiming that it does not adequately address the specific support required by the volunteering sector, as suggested by CSOs.⁴⁸ Furthermore, the strategy is characterised by a lack of clarity and a failure to demonstrate the practical implementation of its proposals.⁴⁹ Additionally, it does not appear to implement an open, transparent, and inclusive structure for dialogue between the state and civil society at federal or state level. This makes it especially challenging for smaller organisations that are not organised in umbrella organisations to participate.

The pressing requirement for such a framework is evidenced by the limitation of so-called *Wahlprüfsteine*. Six political parties represented in the Bundestag have reached a consensus to permit a maximum of 35 organisations to submit questions concerning particular positions within their respective election programmes. No justification was provided for the selection of these organisations, nor for the criteria used to determine their eligibility. This approach has been widely criticised on the grounds that it is both arbitrary and anti-democratic.⁵⁰

The fundamental parameters concerning the right of participation and dialogue between the sector and the governing bodies have been delineated in our previous submission.⁵¹

Civil society resilience

Germany's robust and multifaceted civil society establishes a substantial foundation and a conducive infrastructure for civic engagement. Data indicates that approximately 28.8 million individuals are engaged in voluntary work, constituting 39.7% of the population aged 14 years and over.⁵² The number of CSOs has increased in recent years, and civil society is able to cover a broad spectrum of tasks and needs in society.⁵³

In 2024, civil society organisations (CSOs) continued to utilise the German legal system to pursue redress for violations of fundamental rights. For instance, in September 2024, Greenpeace and Germanwatch, along with over 10,000 co-plaintiffs, filed a constitutional complaint against the federal government and its climate policy, which the plaintiffs deemed to be inadequate.⁵⁴ In a similar vein, in July 2024, Deutsche

Umwelthilfe (German Environmental Aid), together with several young people, filed a constitutional complaint against the German government's newly enacted climate protection law.⁵⁵ Gesellschaft für Freiheitsrechte has persisted in its litigation against restrictions on civic freedoms, with currently 35 ongoing cases in the field of democracy and fundamental rights alone.⁵⁶ This strategy appears to be yielding positive outcomes. Several judgments have already been handed down in favour of the plaintiffs.⁵⁷ In November 2024, the Federal Constitutional Court has ruled on the legal action brought by the Gesellschaft für Freiheitsrechte and Amnesty International concerning the unprovoked surveillance of communications between German citizens and individuals abroad. This action was initiated to combat cyber threats as outlined in the so-called

47. <https://www.bmfsfj.de/resource/blob/251452/ac00fb8963654019ae158f9ae7d7efa6/engagementstrategie-des-bundes-data.pdf>

48. <https://www.bkj.de/meldung/neue-engagementstrategie-des-bundes-vorgestellt/>

49. Strachwitz, Rupert. Was erwartet die Zivilgesellschaft nach der Bundestagswahl? Ein 12 Punkte Programm. In: Maecenata Observatorium. Analysen, Positionen und Diskurse zu Zivilgesellschaft, Engagement und Philanthropie. Nr. 78. Januar 2025, pp. 1. <https://www.maecenata.eu/wp-content/uploads/2025/01/OBS-78-RS-final-Was-erwartet-die-Zivilgesellschaft-nach-der-Bundestagswahl.pdf>

50. <https://netzpolitik.org/2025/wahlpruefstene-parteien-definieren-wer-relevant-ist/>
<https://presseportal.peta.de/wahlpruefstene-antworten-nur-fuer-35-ausgewaehlte-organisationen-peta-kritisiert-sechs-bundestagsparteien-fuer-ausschluss-von-tierschutzorganisationen/>

51. https://www.eesc.europa.eu/sites/default/files/2024-05/civic-space-report-2024_ecf.pdf

52. BMFSFJ (Ed.). Engagementstrategie des Bundes. Berlin 2024, pp. 16. <https://www.bmfsfj.de/resource/blob/251452/ac00fb8963654019ae158f9ae7d7efa6/engagementstrategie-des-bundes-data.pdf>

53. Troschke, H. (2024). Civil Society in Germany: Data, Facts, Developments. (Opuscula, 192). Berlin: Maecenata Institut für Philanthropie und Zivilgesellschaft, pp. III. https://www.ssoar.info/ssoar/bitstream/handle/document/94356/ssoar-2024-troschke-Civil_Society_in_Germany_Data.pdf?sequence=6&isAllowed=y&lnkname=ssoar-2024-troschke-Civil_Society_in_Germany_Data.pdf

54. <https://www.greenpeace.de/klimaschutz/klimakrise/gemeinsam-fuer-mehr-klimaschutz-klagen>

55. <https://www.tagesschau.de/inland/innenpolitik/klimaschutzgesetz-klage-100.html>

56. <https://freiheitsrechte.org/en/themen/demokratie>

57. <https://www.duh.de/informieren/klimaschutz/klimaklagen-gegen-die-bundesregierung/#:~:text=Am%2026.,von%202021%20und%20ist%20verfassungswidrig>
<https://www.amnesty.de/pressemitteilung-deutschland-bunderverfassungsgericht-einschraenkung-ueberwachung-bundesnachrichtendienst>
https://freiheitsrechte.org/ueber-die-gff/presse/pressemitteilungen-der-gesellschaft-fur-freiheitsrechte/pm-bkag_bverfg_erfolg
<https://freiheitsrechte.org/ueber-die-gff/presse/pressemitteilungen-der-gesellschaft-fur-freiheitsrechte/pm-erfolg-bverfg-weist-geheimdienst-erneut-in-schranken>

Article 10 Act (G10). The court has determined that the powers of the Federal Intelligence Service associated with the act are unconstitutional.⁵⁸

It is worth mentioning that a number of initiatives have begun to deal with the rapprochement of different stakeholders on the Israeli-Palestinian conflict in Germany. One example is the “Time to Talk” project

in Berlin.⁵⁹ It has begun organising a series of events on this issue in 2024, with the aim to provide a safe space for different stakeholders and mainstream society. This is an important first step towards the re-opening and re-engagement of dialogue on this issue. The project team aims to extend the series of events to several locations in Germany.

Recommendations

TARGETED RECOMMENDATION:

→ **The tax law that is *de facto* regulating most civil society organisations (CSOs) in Germany must be reformed by 2025 to allow and protect public participation and advocacy work of CSOs; the reform process should include a wide consultation with diverse civil society representatives.**

- Immediately refrain from targeting climate and environmental rights activists and the Palestine solidarity movement; respect the right to freedom of peaceful assembly and expression as guaranteed by international human rights standards.
- Formally recognise the political mandate of civil society and its stakeholders within the paradigm of deliberative democracy.
- Confront the challenges pertaining to civic space and reduce unequal access opportunities and existing disadvantages in CSOs, as stated in the fourth engagement report.⁶⁰
- Urgently implement a substantial reduction in bureaucracy with immediate effect, including the elimination of superfluous registration and reporting requirements for civil society organisations (CSOs).
- Ensure continuous, inclusive, trusting, expertise-based structured dialogue is established between the state, business and civil society in the policymaking process.

⁵⁸. <https://www.amnesty.de/pressemitteilung-deutschland-bunderverfassungsgericht-einschraenkung-ueberwachung-bundesnachrichtendienst>

⁵⁹. https://www.instagram.com/zeit_zu_reden/

⁶⁰. BMFSFJ (Hg.). Vierter Engagementbericht. Zugangschancen zum freiwilligen Engagement. <https://dserver.bundestag.de/btd/20/141/2014120.pdf>

About the author

The Maecenata Foundation is an independent not for profit think tank, focussing on the civic space, civil society, civic engagement, and philanthropy. The foundation acts as an impartial watch dog and provides research designed to enhance an open society in Europe and beyond. It carries out its mission by means of four programmes: the Maecenata Institute, a research centre, the Tocqueville Forum, a dissemination and dialogue programme, the MENA Study Centre, and the Transnational Giving programme for cross-border donations.

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By Ökotárs — Hungarian Environmental Partnership



Key civic space trends	136
Summary	136
Institutional, political, and socio-economic landscape	137
The regulatory environment for civic freedoms	138
Freedom of association	138
Freedom of peaceful assembly	138
Freedom of expression and the right to privacy	138
Safe space	139
Financial viability and sustainability of civil society	140
Civil dialogue and the right to participation	140
Civil society resilience	141
Recommendations	142
About the author	143

Key civic space trends

-  The Sovereignty Protection Office (SPO) escalated the official smearing and vilification of critical organisations.
-  Restrictive legislation continues to shrink civic space, with no steps taken to remove existing barriers or enable civic participation.
-  Civil society organisations (CSOs) face persistent funding challenges, relying heavily on foreign and crowdsourced support.

Summary

The decade-long trend of shrinking civic space has continued in 2024. Civic space in Hungary is rated as “obstructed”, by the CIVICUS Monitor.¹ The government made no steps to implement the European Commission’s 2023 recommendation to “remove obstacles affecting civil society organisations and foster a safe and enabling civic space, including by repealing legislation that hampers their capacity of working, in particular the immigration tax.” Rather, a new piece of restrictive legislation, the Protection of National Sovereignty Act, was added to the government’s “toolbox” for obstructing civic space. Restrictive legislation was not repealed, smear campaigns and vilification remained a routine practice, and civil society organisations’ (CSOs) opportunity to engage in civic participation remained limited.

The Defence of Sovereignty Act, passed in late 2023, remained in effect, with the creation of the Sovereignty Protection Office (SPO) being the most important

development of 2024. The SPO, which is tasked with investigating and reporting on any organisations or individuals perceived as critical, has already published misleading reports containing disinformation and factual errors. Although it lacks sanctioning powers, the SPO’s reports contribute to smearing and vilifying independent and critical organisations. This shifts restrictive tactics used against CSOs from mere communication and propaganda to an official political level, thus creating a climate of fear and having a strong deterrent effect on the organisations who are at risk of being targeted.

The right to peaceful assembly was occasionally violated, mainly regarding Palestine solidarity protests. The blocking of and lack of coherent and accessible state funding remained an issue and led to an increased dependency on unsustainable crowdsourcing and foreign funding for independent civil society.

¹. <https://monitor.civicus.org/country/hungary/>

Institutional, political, and socio-economic landscape

2024 was characterised by unusual political developments and worsening economic conditions. The first part of the year was marked by the so-called “pardoning scandal”, which exposed systemic corruption. In February, an independent media outlet discovered² that then President of the Republic Katalin Novák had pardoned the deputy director of a children’s home who attempted to cover up acts of paedophilia by his supervisor. The public outcry that followed led to the resignation of the president and the justice minister Judit Varga and sparked mass protests. This political crisis created an opportunity for the TISZA party, a new political movement led by Péter Magyar, the ex-husband of former justice minister Judit Varga, who previously held high positions in the public administration. Building on public dissatisfaction, which drew tens of thousands to the streets in the spring, TISZA won 30% of the votes at the European elections on 9 June, leading the polls by between two and seven percentage points (depending on the survey) over Fidesz, representing the most significant opposition in recent years.

The municipal elections held on the same day also produced interesting results. In Budapest, opposition mayor Gergely Karácsony defeated a Fidesz-backed challenger by only a few hundred votes after two recounts. There was a deadlock in the assembly with none of the major factions — Fidesz, TISZA, or the leftist opposition — securing a majority. In the Hungarian electoral system, both parties and associations can nominate candidates at the municipal-level elections. Several local groups successfully used this option in smaller settlements, gaining representation in their assemblies or taking them over entirely.

The economic situation continued to deteriorate in 2024, with GDP practically stagnating due to a continued decline in construction and manufacturing, which is dominated by the automotive industry.

The budget deficit forecast was revised twice during the year, reaching 4.8% of the GDP.³ The suspension and likely loss of significant parts of EU funding exacerbated the problem. This has had a growing impact on people’s everyday life, visible in decreasing levels of consumption, fuelling the discontent with the current regime.

Amid these challenges, Prime Minister Viktor Orbán sought success on the international stage. Following the European elections, he led the formation of a new far-right group in the European Parliament, Patriots for Europe. During the second half of the year, when Hungary held the rotating presidency of the Council of the EU, Orbán’s efforts to strengthen ties with Russia, other Eastern authoritarian regimes, and incoming US President Donald Trump, led to diplomatic conflicts with fellow EU and NATO members.

Domestically, emergency governance measures remain in effect since 2020, routinely being extended by the parliament every six months. The judiciary remains largely independent, at least at the lower levels. However, the Curia — Hungary’s highest judicial authority — is increasingly populated with pro-government judges and in 2024 overturned several rulings that were in favour of human rights organisations and independent media outlets on issues ranging from access to information to defamation and compensation. The Constitutional Court, long co-opted by the government, continues to avoid politically sensitive cases. Human rights organisations therefore often rely on the European Court of Human Rights, especially in cases related to violations of the rights of migrants and refugees. Meanwhile, Hungary has still not complied with a 2020 ruling of the European Court of Justice which condemned its restrictive immigration legislation. As a result, Hungary received a €200 million fine in June — a figure which grows by €1 million daily until it is paid.

2. <https://444.hu/2024/02/02/novak-katalin-kegyelmet-adott-a-bicskei-gyerekotthon-pedofil-exigazgatojat-fedezo-buntarsnak>
3. <https://kormany.hu/hirek/a-2024-es-penzforgalmi-koltseghiany-a-varnal-sokkal-kedvezobb-lelt>

The regulatory environment for civic freedoms

Freedom of association

The overall legal framework for CSOs⁴ did not change in 2024, and generally conforms to relevant human rights standards. According to the latest statistical data, in 2023, approximately 53,700 CSOs operated in Hungary, reflecting a slight (<200) increase compared to the previous year.⁵ CSOs are obliged to publish their annual report on an online registry maintained by the court. In 2024, there were no reports of forced dissolutions of CSOs. However, a uniformity decision issued by the Curia in November (16/2024 JEH), introduced a change

in the registration fees for foundations, approving only those that either have a public benefit status or are obliged to obtain it within two years. Furthermore, towards the end of the year, the government proposed transferring the registration of legal persons, including CSOs, from the judiciary to an administrative body, most likely the Ministry of Justice. By the end of the year, no further concrete details emerged regarding this matter.

Freedom of peaceful assembly

Laws and regulations on peaceful assembly remained unchanged in 2024. The police were generally cooperative during both the notification and the execution of peaceful assemblies. However, the blanket ban on Palestine solidarity demonstrations remained in effect, and the ban was even upheld by the Curia and the Constitutional Court.⁶ Despite this, in August, one such smaller event took place peacefully, known as the “World’s Indigenous Peoples Day Protest”.

In 2024, fewer protests took place compared to the previous years, but several court decisions against participants in earlier protests raised concerns. For example, in October, opposition MP András Fekete-Győr and another activist received suspended prison sentences for throwing a smoke grenade towards the police at a 2018 protest.⁷ Similarly, a protestor wearing a gas mask at a 2022 demonstration was placed on one-year probation for covering his face.⁸ These cases reflect a clear intent to deter dissent.

Freedom of expression and the right to privacy

No changes occurred in the legal framework for freedom of expression and the right to privacy. Although no cases of surveillance or outright censorship came to light, independent media and activists were systematically targeted through excessive police measures (e.g. when officers tried to confiscate the camera of a Telex journalist at a public forum of a Fidesz MP),⁹ smear campaigns, and defamation lawsuits initiated by government officials.¹⁰

The Commissioner for Fundamental Rights (the ‘ombudsman’) remains rather inactive, hardly fulfilling his protective role. Out of the 82 reports published by the CFR in 2024, none dealt with the rights of LGBTQI+ people or refugees and migrants, despite the various rights violations suffered by these groups. Furthermore, none of these reports focused on the situation of human rights defenders, media pluralism or judicial independence, despite the wide-ranging problems prevalent in these areas.¹¹

4. This includes the Civil Code (Act V of 2013), the Nonprofit Act (CLXV of 2011) on the freedom of association, public benefit status and the operation and financing of civil society organisations) and other relevant regulations, such as the provisions for the establishment, operation and dissolution of CSOs.

5. Central Statistical Office: https://www.ksh.hu/stadat_files/gsz/hu/gsz0014.html

6. <https://ataszjelenti.444.hu/2024/05/15/ha-a-bekeparti-miniszterelnok-megtiltja-a-beketuntetest-arra-nem-vonatkozik-a-jog>

7. <https://telex.hu/belfold/2024/10/17/fekete-gyor-andras-harmadfoku-itelet-targyalas-hivatalos-szemely-elleni-eroszak>

8. <https://ataszjelenti.444.hu/2024/07/09/gazdaszokban-tuntetett-bunozokent-kezelik>

9. <https://helsinki.hu/a-telex-ujsgairoi-megpanaszoltak-a-rendorseg-onkenyes-intezkedeseit/>

10. e.g. <https://24.hu/belfold/2024/10/01/orban-viktor-24hu-per-itelotabla-uj-eljaras>

11. See e.g. ILGA Europe’s Rainbow Map (<https://rainbowmap.ilga-europe.org/countries/hungary/>) on the situation of LGBTQI people; and the Hungarian Helsinki Committee’s statement submitted to the 2024 OSCE Warsaw Human Dimension Conference on the systemic rights violations committed against migrants and asylum-seekers, available at: https://helsinki.hu/en/wp-content/uploads/sites/2/2024/11/OSCE-Warsaw-Human-Dimension-Conference_Re-fugees_HU-CSO-input_02102024.pdf.

Safe space

In 2024, the enactment of the Protection of National Sovereignty Act (LXXXVIII of 2023) represented a significant threat to CSOs, independent media and activists, resulting in a chilling effect.¹² Despite some initial delays, the Sovereignty Protection Office (SPO) established under the act was fully functional by spring, with a total workforce of over 100, in spite of the infringement procedure launched by the European Commission in February challenging its legal basis.¹³

The SPO's first "investigations" targeted investigative news portal Átlátszó, Transparency International-Hungary (TI-HU),¹⁴ and a local CSO, Göd-ÉRT Association, each of which received a long list of documents and information to be submitted to the office. All three organisations refused full cooperation, instead directing the SPO to their publicly available data. As the SPO has no sanctioning powers, the organisations suffered no direct consequences. However, the SPO published its "findings", which included accusations and misinformation bordering on conspiracy theories. At the same time, under the act, the organisations investigated have no legal remedies available to challenge these false or misleading statements. Therefore, TI-HU turned to the Constitutional Court which, on 15 November, ruled against the motion and affirmed the constitutionality of the act. The court justified its decision by stating that the SPO is not an authority and has no administrative powers, therefore there is no need for a legal remedy.¹⁵ The case will likely continue at the European Court of Human Rights.

Among the investigations¹⁶ conducted by SPO, the case of Göd-ÉRT stands out. This local CSO has long been involved in opposing a major car battery factory north of Budapest. It was a partner in a project led by Átlátszó, aimed at creating a network of similar groups around the country and supported by the EU Citizens,

Equality, Rights and Values (CERV) programme. In the municipal elections, Göd-ÉRT successfully nominated candidates for the local assembly. However, the SPO raised suspicions that the organisation had used foreign funding for the election campaign, despite the association withdrawing from the programme and ending its partnership with Átlátszó prior to the start of the campaign. This case sends a strong message to local organisations aiming to engage and participate in public matters locally.

Finally, in late December, the SPO published an "analysis" of the grant making activities of Ökotárs Foundation.

Alongside the SPO's intimidating actions, there were also occasional smear campaigns in the pro-government media, though probably with lower intensity than in previous years, as the political focus shifted towards the new political challenger of the government, Péter Magyar. One of the main targets of the campaigns was the Free Media re-granting programme, which supports independent outlets and is managed by Mérték Media Monitor and Ökotárs Foundation and funded by the US Embassy in Budapest.¹⁷

In addition, a notable incident involved the "Common City" festival, which brought together 23 CSOs in Debrecen (Hungary's second largest city) and was organised by Amnesty International Hungary and the Association of Alternative Communities, a local CSO. The original venue, owned by the University of Debrecen, cancelled the event 10 days before its scheduled date. Although the organisers managed to find an alternative venue, it also backtracked on its decision at the last minute, citing technical issues and clashing programs.¹⁸ It is generally becoming increasingly difficult for CSOs in rural areas to secure venues for their events.

¹² <https://szuverenitasvedelmihivatal.hu/jogszabalyi-kornyezet/>

¹³ https://ec.europa.eu/commission/presscorner/detail/en/ip_24_4865

¹⁴ <https://szuverenitasvedelmihivatal.hu/dokumentumaink/>

¹⁵ <https://alkotmanybirosag.hu/kozlemeny/nem-alapto-veny-ellenesek-a-szuverenitasvedelmi-hivatalrol-szolo-torveny-tamadott-rendelkezesei/>

¹⁶ <https://www.godert.hu/szuverenitas/>

¹⁷ E.g. <https://pestisracok.hu/most-epp-ennyi-penz-kapott-a-baloldali-fuggetlen-media-az-amerikai-kulugyol/>

¹⁸ <https://debreciner.hu/cikk/koz-os-varost-debrecen-civil-fesztival-amnesty-international-papp-laszlo-polgarmester-debrecen-debreciner-20240927>

Financial viability and sustainability of civil society

The financial situation of civil society did not change significantly in 2024. According to the latest official statistics, which cover the previous calendar year, the total income of associations and foundations in 2023 grew somewhat compared to the previous year, reaching 1,345 billion HUF (€3.36 billion) compared to 1,270 HUF (€3.3 billion). Its composition remained the same: approximately 40% public and 22% private funding, with the remaining coming from business and other income. The majority of CSOs operate on a small annual budget (less than five million HUF, or €12,500), relying heavily on voluntary work, which seriously limits their capacities. This is especially visible in the countryside, where CSOs must increasingly make up for missing or insufficient services (in social care, education, etc.) of the institutional system.

The awarding of public funding continues to lack transparency and appears to be politically biased. As stated in previous submissions to the Commission, independent CSOs perceived as critical, such as those working on human rights, democracy, gender issues, independent arts, and similar areas, can rarely secure public funding. Therefore, they continue to rely on international sources, especially the re-granting programmes funded by the CERV, USAID as well as philanthropic donors, which remained active in 2024.

“Oltalom” Charitable Association and the related Hungarian Evangelical Fellowship (HEF) continued to be the main targets of systematic defunding campaigns. In late August, the government suddenly withdrew the

licences of several of their schools, which were attended mainly by disadvantaged children, citing unpaid taxes — accrued primarily due to years of missing public funding.¹⁹

In general, crowdsourcing remained an essential source of income for many CSOs. In 2024, the total amount collected from the assigned 1% of the income taxes grew significantly compared to the previous year, reaching 17,3 billion HUF (or €43.25 million) from 15.3 billion HUF (or €40 million), despite the number of taxpayers using this option decreasing by 3%.²⁰ While more traditional charities remain the main beneficiaries of this source, Partizán, an independent political media outlet operating via a YouTube channel, topped the list, raising 415 million HUF (more than €1 million) from this source. However, the pro-government media and more recently the Sovereignty Protection Office portray EU funding as suspect and a threat. For example, the SPO analysis about Ökotárs says that “as of 2021, the *Citizens, Equality, Rights and Values (CERV) programme, coordinated by the European Commission [...] has created an opportunity for US interest groups to channel internal EU resources to their political pressure groups in Hungary and across Europe through the occupation of the European Commission*”), thereby trying to deter CSOs from applying to these sources.²¹

The 25% immigration tax rate remains in effect, though not implemented. There is no tax benefit for individual donations and only a very limited one (20% of corporate tax) for companies.

Civil dialogue and the right to participation

Neither the legal basis nor the practice of (the lack of) participation changed in 2024. In spite of legal requirements, meaningful consultation during the legislative process is rare. Significant laws are not published for public consultation, such as in the case of the 13th Amendment to the Fundamental Law in 2024. In another attempt to circumvent the obligation

of public consultation, the government introduced laws to the parliament that are clearly part of its policy via the governing majority MPs (e.g. the Sovereignty Protection Act) or via parliamentary committees (e.g. the 14th Amendment to the Fundamental Law). Ministries almost never provide a longer consultation period than the statutory minimum, irrespective of the

¹⁹. <https://oltalom.hu/2024/08/28/met-kozlemeny-a-wesley-kincsei-es-a-mav-telepi-wesley-iskola-mukodesi-engedelyenek-visszavonasarol/>

²⁰. <https://atlatszo.hu/adat/2024/09/15/partizan-heim-pal-gyermekekhoz-es-mentosok-igy-alakult-az-szja-1-kedvezmenyezettek-listaja-2024-ben/>

²¹. <https://szuverenitasvedelmi hivatal.hu/hirek/az-okotars-alapitvany-a-politikai-nyomasgyakrolo-halozat-hazai-elosztokozpontja>

length and complexity of the draft law. According to data collected by K-Monitor Association,²² between 1 October 2022 and 4 October 2024, out of the 1,730 draft laws published, the consultation period was longer than eight days in only six instances. The manner in which draft laws are published only formally meets the legal requirements. It is a recurring practice that draft laws are published for consultation with a one-sentence reasoning, “this occurred in 2024,” e.g. in the case of the laws authorising the government to extend the state of exception. The majority of opinions submitted are rejected by the government. According to K-Monitor’s data, between 1 October 2022 and 4 October 2024, at least 88% of the opinions were rejected, and without any real reasoning, e.g. that “the draft law implements the decision of the Government” or that the opinion “is contrary to the opinion of the legislator”.

Using the opportunity created by government decree 146/2023, public hearings conducted without the public, i.e. held through electronic means (whereby opinions may be submitted via e-mail or left on an answering machine), are becoming widespread. This is especially used in cases of planned investments likely to generate local protest due to their potential environmental impacts, such as the projects in Debrecen.²³

Towards the end of the year, a draft government decree²⁴ on the further education of teachers was published for consultation. If accepted, this would narrow CSOs’

(limited) possibilities to cooperate with schools further by making the National University of Public Service and the Education Office the sole providers of credits for attending trainings and events. Currently, many CSOs provide such services to schools.

At the same time, sustained advocacy led to some successes this year, the most notable example being that of changing the regulations in prisons forbidding bodily contact between inmates and their families. The Hungarian Helsinki Committee and other groups had long campaigned against these rules violating the dignity of detainees since their introduction in 2017.²⁵

Key human rights and anti-corruption CSOs have continued to actively participate in the Monitoring Committees of EU Structural Funds throughout the year. Their representatives evaluating their impact of the first year stated that, while their proposals were often overruled by the governmental majority, they managed to achieve some positive changes. Their presence in the committees was important and provided crucial insights on the use of the funds.²⁶ As in 2023, CSO members of the Anti-corruption Task Force – Átlátszó, K-Monitor Association and TI-HU – voted against adopting the annual report of the Integrity Authority due to its weak findings and lack of ambition.²⁷

Civil society resilience

Although no new polls or studies have been conducted, the general impression is that Hungarian people still view CSOs rather positively and acknowledge their importance.

However, after more than 10 years of operating under pressure, the signs of mental fatigue and burnout in civil society are widespread, especially among smaller organisations working in rural areas. These organisations, who are more dependent on the local authorities, are struggling in the day-to-day to survive. The main symptoms observed are in activities, lack of innovation,

unwillingness to engage in anything perceived to be risky, and a lack of interest in broader cooperation and partnerships.

At the same time, coalitions of larger organisations continue to develop — the most significant “horizontal” (i.e. covering civil society and civic space issues) one, Civilisation, remains operational and active, serving as a platform of self-defence and the exchange of knowledge. Coalitions working on specific thematic fields (often adopting the Civilisation working model) are also becoming more established. These include the Egalipe network of Roma and pro-Roma CSOs, the Housing Coalition, Aspectus Group composed

²². https://k.blog.hu/2024/11/29/public_consultation_--_there_would_be_a_need_for_it

²³. <https://debreciner.hu/cikk/nem-vehetnek-reszt-szemelyesen-a-debreceniek-az-ujabb-akkumulatorgyar-kozmeghallgatason-eve-power-debreciner>

²⁴. <https://cdn.kormany.hu/uploads/document/1/16/163/163c3289f85a4e698689ee3fadb4a026bebe34.pdf>

²⁵. <https://helsinki.hu/tomeges-jogsertest-szamolnak-fel-a-bortonokban/>

²⁶. <https://tasz.hu/cikkek/egy-ev-tapasztalata-a-monitoring-bizottsagokban/>

²⁷. <https://transparency.hu/hirek/korrupcioellenes-munkacsoport-jelentes-nemszavazat/>

of major CSOs in four countryside cities (Pécs, Szeged, Debrecen and Miskolc), the Water coalition focusing on drinking water quality and access.²⁸

Furthermore, in 2024 the “Civil EU Presidency,” a cross-coalition joint action, was launched. As civil society had no avenue to engage with the Hungarian Presidency of the Council of the EU in the second half of the year, the Association of Great Lakes and Wetlands and Civilisation Coalition initiated an alternative presidency addressing issues not (or not sufficiently) represented on the official

agenda under the motto “Democracy - Solidarity - Green Transition”. Various CSOs organised a series of seven events successfully, covering topics such as forestry and environmental justice, women’s rights and civic space. While these didn’t receive much media coverage, each had an attendance of 50 to 200 participants, including EU officials, international and Hungarian experts, and were well-received within the relevant professional circles. Each event adopted a set of recommendations/demands aimed at the EU and national level policymakers, which are publicly accessible.²⁹

Recommendations

TARGETED RECOMMENDATION:

- **Urgently repeal the Act on the Protection of National Sovereignty (LXXXVIII of 2023) and eliminate the Sovereignty Protection Office (SPO) before the end of 2025.**
- Remove obstacles affecting civil society organisations and foster a safe and enabling civic space, including by repealing legislation that hampers their capacity of working, in particular the immigration tax.
- Refrain from abusing the special legal order and immediately eliminate the situation where the temporary state of emergency becomes *de facto* permanent.
- Repeal the discriminatory anti-LGBTQI+ or “child protection” legislation of 2021.
- Implement the judgement of the European Court of Justice in case C821/19 and repeal the “Stop Soros” law criminalising the assistance of asylum seekers in lodging an asylum application.
- Refrain from smearing, harassing, and attacking civil society and creating additional administrative burdens to hamper their work.
- Ensure that there is funding transparency and equal access for all CSOs to state funding, including the National Cooperation Fund and Village and Town Civil Funds.
- Refrain from imposing bans on the right to peaceful assembly and expression in line with international standards, especially regarding solidarity with the Palestinian people.

²⁸. <https://civilizacio.net/hu/tevekenysegeink/egyuttmukodesek>

²⁹. For more see: <https://civilpresidency.hu/en/home>

About the author

Ökotárs-Hungarian Environmental Partnership Foundation is an independent foundation committed to strengthening and supporting civil society and community initiatives in Hungary. It provides grants, training, and technical assistance with the aim of contributing to the development of a democratic, sustainable and equitable society and an institutional system based on citizen participation.






Italy

By Arci



Key civic space trends	146
Summary	146
Institutional, political, and socio-economic landscape	147
Regulatory environment for civic freedoms	149
Freedom of association	149
Freedom of peaceful assembly	149
Freedom of expression and the right to privacy	151
Safe space	151
Repression of the Palestine solidarity movement	152
Repression of the climate justice movement	153
Financial viability and sustainability of civil society	154
Civil dialogue and the right to participation	154
Civil society resilience	154
Recommendations	155
About the contributor	156

Key civic space trends

-  Restrictive laws limit the right to protest as the climate justice and Palestine solidarity movements are targeted
-  CSOs working on migration continue to face criminalisation
-  Proposal to remove tax-exempt status for CSOs a concern

Summary

Civic Space in Italy is rated as “narrowed” by the CIVICUS Monitor.¹ In its 2024 rule of law report, the European Commission recommended that the government take steps to mitigate “any risk of negative impacts on press freedom” and “ensure that rules or mechanisms are in place to provide funding for public service media” to ensure independence. The Italian government has taken no steps to implement these recommendations and overall, the environment for civil society further deteriorated in 2024.

High-level officials, including the deputy Prime Minister Matteo Salvini and Prime Minister Giorgia Meloni, continued to publicly vilify civil society organisations (CSOs) working on migration. Several regulatory

changes have further enabled the criminalisation of solidarity. The government has continuously accused the judiciary of being “politicised” and of obstructing the government. Several restrictions have been imposed on the right to protest via new security measures which have been used to target environmental and climate justice and the Palestine solidarity movements. In addition, the government has failed to systematically consult civil society on newly proposed regulations which affect civic freedoms. Of serious concern is the proposal of a regulatory intervention, currently under discussion, which aims to eliminate the VAT exclusion regime for non-profit associations, effectively placing them on the same footing as for-profit companies.

¹. <https://monitor.civicus.org/country/italy/>

Institutional, political, and socio-economic landscape

The Italian context is characterised by a long period of criminalisation of human rights defenders (HRDs) and civil society organisations (CSOs), driven primarily by leading figures of the far-right parties currently in government.

Several high-level officials in the current government, in particular Deputy Prime Minister Matteo Salvini,² Interior Minister Matteo Piantedosi³ and Prime Minister Giorgia Meloni,⁴ have repeatedly launched public attacks against migrant rights organisations and, at times, against individual staff members of these organisations. CSOs and migrants' rights defenders were among the first targets, particularly those involved in sea rescue operations. These organisations were the subject of a smear campaign accusing them of smuggling, without any proof of complicity.⁵

A notable case is the ongoing trial of Matteo Salvini for his 2019 decision as interior minister to impose a landing ban on the Open Arms ship which carried 147 migrants on board. Salvini is accused of kidnapping and refusing to allow people who needed and were entitled to assistance to disembark. The trial was used by Salvini's Lega party, along with the government (including the prime minister), as a pretext to launch a campaign against judges, CSOs and the opposition, accusing them of allowing millions of foreigners to enter Italy without any control. This has further exacerbated the climate of criminalisation and hatred against NGOs engaged in sea rescue.⁶

In September 2024, a series of online attacks and threats against judges involved in the case led to increased security measures for the magistrates. The government accused them of acting politically against the deputy prime minister, and as a result, they found themselves at the centre of a major media defamation campaign.⁷

Between 2017 and 2024, various regulatory measures affecting migration policy have consistently restricted the operational capacity of NGOs, criminalised their work (punishable with harsh sentences and fines) and introduced harsh penalties for their activities related to migration.

More recently, criminalisation and attacks against climate activists have followed the same pattern. Following a massive media campaign against climate activists, including public vilification by Salvini and other government officials,⁸ a series of regulatory measures have criminalised the main forms of environmental protest in an attempt to silence these movements.⁹

While there was no specific legislation aimed at targeting LGBTQI+ organisations, government representatives have directly attacked the LGBTQI+ movement and policies related to emotional education and combating homophobia, biphobia and transphobia.¹⁰ There have also been several acts of homophobia¹¹ and violent attacks against LGBTQI+ activists.¹² The absence of a law to combat and punish discrimination and homophobic violence is concerning after the so-called DDL Zan was rejected on several occasions by the parliament, leaving a regulatory vacuum.¹³

2. https://www.repubblica.it/cronaca/2019/01/23/news/salvini_ho_le_prove_di_contatti_tra_ong_e_trafficienti_-217266201/; <https://www.iltempo.it/politica/2024/11/10/video/matteo-salvini-centri-sociali-video-zecche-rosse-bologna-lepore-40845768/>

3. https://www.lastampa.it/politica/2022/11/15/news/vertice_piantedosi-capigruppo_sui_migranti_ce_lipotesi_della_confisca_delle_navi_ong-12242162/

4. https://www.facebook.com/giorgiameloni.paginaufficiale/posts/open-arms-una-delle-tante-ong-che-agevola-gli-scafisti-nel-mediterraneo-ha-denun-10156452355807645/?locale=pt_BR; <https://askanews.it/2024/10/15/migranti-meloni-contro-sea-watch-parole-vergognose-getta-maschera/>

5. <https://www.internazionale.it/reportage/zach-campbell/2021/05/03/italia-migranti-ong-strategia>

6. <https://www.ilsole24ore.com/art/open-arms-pm-diritti-umani-prevalgono-sovrana-salvini-ho-difeso-confini-AFqNMPuD>; <https://www.iltempo.it/politica/2024/09/15/news/open-arms-salvini-matone-magistrati-politicizzati-si-candidino-con-ilaria-salis-40348110/>; https://www.repubblica.it/politica/2024/09/16/video/salvini-open_arms_gasparri_posizione_magistratura_e_eversiva-423503574/

7. https://www.ansa.it/sito/notizie/topnews/2024/09/19/open-arms-minacce-a-pm-processo-e-allarme-sicurezza_18e9399e-d20f-4521-8830-f5b-77b0c15b9.html

8. https://x.com/matteosalvinimi/status/1714944104474255624?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1714944104474255624%7Ctwgr%5E80d03058d13a085714e886d072f12db9988f5896%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.fanpage.it%2Fpolitica%2Fsalvini-contro-ultima-generazione-sono-eco-imbicilli-multe-piu-care-per-chi-blocca-la-strada%2F

9. <https://www.indifesadi.org/2024/07/05/diritto-non-crimine/>; <https://www.ilfattoquotidiano.it/2023/01/15/salvini-contro-gli-ambientalisti-di-ultima-generazione-sono-vandali-meritano-di-andare-in-galera/6936848/>

10. <https://x.com/matteosalvinimi/status/1838843809125261385>

11. <https://www.omofobia.org/sito/cronache-di-ordinaria-omofobia-da-maggio-2023-a-marzo-2024/>; https://www.ansa.it/trentino/notizie/2024/11/08/bandiera-arco-baleno-bruciata-a-trento-arcigay-promuove-sit-in_72f0d36d-2f1e-4d84-a21d-390d81969ade.html

12. <https://www.rainews.it/articoli/2025/01/aggressione-omofobia-a-roma-calcio-e-pugni-contro-una-coppia-gay-la-notte-di-capodanno-4395a352-ba55-46b0-903d-de08a41bacc0.html>

13. <https://www.wired.it/attualita/politica/2020/06/23/omofobia-italia-legge-zan/>

A political campaign was launched by the prime minister's Brothers of Italy party against same-sex parent families with a circular letter from the interior minister to the prefects that instructed mayors not to transcribe the birth certificates of children born to same-sex parents.¹⁴ In recent months, partly due to the European election campaign, the level of confrontation, especially in the public narrative, has intensified, making this an important issue in the political debate.

On 23 April 2024, the Italian Senate approved a law allowing anti-abortion groups access to facilities for women that are considering terminating their pregnancies, such as abortion counselling services, public support centres, family planning centres (*consultori*) and hospitals. The amendment, introduced by Brothers of Italy,¹⁵ proposed that women considering an abortion should first listen to the foetus' heartbeat, and was approved as part of Italy's National Recovery and Resilience Plan (NRRP).¹⁶

Based on the amendment that was passed, pro-life associations are now able to enter the counselling centres women must visit to obtain the medical certificates required for hospital-based voluntary termination of pregnancy. Under the wording of the law, it allows the "involvement of third sector entities who have qualified experience in the support of motherhood".¹⁷ Multiple individuals, political parties, associations, and trade unions have voiced their concerns about the new law.¹⁸ This campaign culminated with the passing of a law which makes surrogacy a punishable offence, even if conducted abroad.¹⁹

The government's continuous attacks against the judiciary for "being politicised and for trying to obstruct government action"²⁰ are worrying and have been condemned by the organisation *Magistrates Européens*

pour la Démocratie et les Libertés (MEDEL). The most recent attack is in the case of the judiciary's decisions on the application of the Italy-Albania protocol in which several magistrates rejected the request to validate the detentions of migrants in Albanian centres in the application of a European Court of Justice ruling on the interpretation of what is a "safe country".²¹ The climate of repeated confrontation is combined with a series of proposed laws aimed at limiting the action of magistrates. This includes a law on the separation of careers²² and a proposal to limit the publication of wiretaps contained in judicial acts.²³

It is important to highlight that the Italian government has not established an independent human rights institution, despite repeated calls from the European Commission and ongoing demands from CSOs.

In 2024, the criminalisation of sea rescue NGOs continued, with new rules included in the latest Flows Decree, which limit operations at sea by extending sanctions to the shipowner and making it easier to confiscate equipment in the case of a repeat offense. The same decree also transfers the jurisdiction for the validation of migrant detentions in centres in Albania from specialised immigration judges to the Court of Appeal. This change legitimises the idea that the problem is the judges who interpret and apply international law and European Court of Justice rulings on the Italian government's derogatory regulatory actions.²⁴

In the face of these challenges, the level of coordination and cooperation between CSOs has improved, and several informal networks advocating for issues such as fundamental rights, have sprung up to unite diverse groups including trade unions, NGOs, associations, and political organisations.

14. <https://lespresso.it/c/politica/2024/3/15/il-ministero-di-piantedosi-continua-a-prendersela-con-i-figli-delle-famiglie-arcobaleno/50377>

15. <https://www.euractiv.com/section/politics/news/italys-new-law-giving-pro-lifers-access-to-abortion-clinics-stirs-debate/>

16. https://commission.europa.eu/business-economy-euro/economic-recovery/recovery-and-resilience-facility/country-pages/italys-recovery-and-resilience-plan_en

17. Unofficial translation by Arci.

18. https://www.repubblica.it/cronaca/2024/04/23/news/fiducia_pnrr_diventa_legge_pro_vita_consultori_aborto_sanita-422713756/

19. <https://www.wired.it/article/gestazione-per-altri-reato-universale-voto-senato/>; <https://www.altalex.com/documents/news/2024/10/21/la-maternita-surrogata-diventa-reato-universale>

20. https://www.ansa.it/sito/notizie/politica/2024/10/19/salvini-mobilitazione-contro-la-magistratura-politicizzata_639fdb9-501c-46d5-9160-84c5bb0c-deae.html

21. <https://www.magistraturademocratica.it/articolo/dichiarazione-sugli-attacchi-contro-la-magistratura-italiana>; <https://www.rainews.it/articoli/2024/10/migranti-a-bari-i-12-rientrati-albania-il-governo-decreto-su-paesi-sicuri-e-polemica-37f0d322-22a1-4acf-ba96-e919aa1d58b9.html>

22. <https://www.ilfattoquotidiano.it/2024/12/09/separazione-carriere-camera-riforma-sogno-berlusconi/7797161/>

23. https://www.repubblica.it/politica/2024/12/09/news/bavaglio_stampa_separazione_delle_carriere_riforma_giustizia-423867671/

24. <https://www.ilsole24ore.com/art/migranti-si-camera-fiducia-decreto-flussi-lavoratori-extra-ue-paesi-sicuri-fino-blitz-competenze-giudici-AG5ZG8OB>

Regulatory environment for civic freedoms

Freedom of association

The general climate towards CSOs and human rights activists has deteriorated in recent years. To date, no government interventions have been aimed directly or indirectly at dissolving NGOs. This is partly due to Italy's stringent regulatory framework and constitutional constraints that guarantee freedom of association. The disbandment of an organisation is permitted only in the case of terrorist organisations or organisations undermining the democratic order, and, even then, only following an investigation carried out by the judiciary.

In recent months, a series of regulatory and administrative interventions combined with criminalising rhetoric further worsened the enabling environment and contributed to a considerable erosion of the right to protest and the ability of CSOs and activists to operate.

In particular, the decree-law of 2 January 2023,²⁵ also known as the NGO decree or Piantedosi decree, as well as the new regulations of the interior ministry on the indication of the Place of Safety (POS), have posed administrative burdens on NGOs conducting sea rescues. These include continuous administrative stoppages²⁶ and the assignment of distant ports for landing, with the clear intention of increasing the costs of managing operations and moving them as far away as possible from the area of operations.²⁷ If an NGO violates the provisions, the ship's captain receives a fine of between €10,000 and €50,000.²⁸

Freedom of peaceful assembly

Over the past few years, governments have adopted a series of measures restricting the right to protest. These regulations, embedded in various decrees containing security measures, have introduced stricter precautionary measures and increased penalties and sanctions

In September 2024, the government announced the so-called "Flows Decree", a new, more restrictive intervention for the activities of NGOs engaged in sea rescue, regulating the quotas for the entry of foreign citizens into Italian territory.²⁹

Law No. 6 of 22 January 2024, the so-called "Ecovandals law" disproportionately targets environmental and climate rights activists. It introduces both criminal and administrative sanctions³⁰ for those who deface, even symbolically and temporarily, public buildings and cultural or landscape assets.³¹ Specifically, offenders may face fines ranging from €10,000 to €60,000, depending on the severity of the offence. Additionally, imprisonment of up to five years is possible for those who cause damage in museums or during demonstrations.

It should be noted that most of the criminal offences and sanctions included in these laws were found to be contrary to the constitution and international standards, leading to acquittals or dismissals by the courts in cases against NGOs and individual activists. In many cases, the legal incompatibility of these laws was well known to the legislature even before they were passed. However, their approval was used as a tool to force organisations into costly legal battles and create a climate of criminalisation and stigma around their activities, so that they implement deterrent policies. It could be argued that the approval of most of these regulations has a similar chilling effect on CSOs and HRDs as Strategic Lawsuits Against Public Participation (SLAPPs).³²

against activists participating in demonstrations. The measures have also increased the arbitrariness of the authorities in assessing law enforcement's relevant

²⁵. <https://www.valigiablu.it/ong-soccorso-mare-decreto-piantedosi-effetti/> ; <https://pagellapolitica.it/articoli/approvazione-decreto-ong>

²⁶. https://www.ilsole24ore.com/art/decreto-ong-approvato-camera-porto-sbarco-multe-ecco-cosa-prevede-AEwxm2nC?refresh_ce=1

²⁷. https://www.repubblica.it/italia/2024/08/18/news/navi_ong_rotte_porti_lontani-423450835/

²⁸. <https://archiviopenale.it/File/DownloadArticolo?codice=f7bb411e-7799-4664-988e-6a4ecc0e459d&idarticolo=43645> ; <https://www.ilsole24ore.com/art/sicurezza-arriva-codice-condotta-le-ong-nuove-norme-contro-femminicidi-e-baby-gang-AEu9OPSC>

²⁹. <https://ilmanifesto.it/ong-e-migranti-il-governo-prepara-la-nuova-stretta> ; <https://ilmanifesto.it/nel-decreto-flussi-stretta-sulle-ong-e-piu-respingimenti>

³⁰. <https://www.wired.it/article/ecovandali-legge-governo-meloni-proteste-clima-ultima-generazione/>

³¹. <https://www.amnesty.it/il-ddl-contro-gli-attivisti-climatici-e-legge/>

³². <https://www.rainews.it/articoli/2024/04/inchiesta-trapani-equipaggi-navi-ong-in-21-prosciolti-dall'accusa-di-favoreggiamento-dell'immigrazione-clan-destina-fdae74e2-ceed-4aa9-bacd-b0fb46e24d3d.html> ; <https://www.sistemapenale.it/it/scheda/caso-sea-watch-carola-rackete-archivate-le-accuse-di-favoreggiamento-dell'immigrazione-irregolare-e-rifiuto-di-obbedienza-a-nave-da-guerra> ; <https://www.medicisenzafrontiere.it/news-e-storie/news/tribunale-del-riesame-nessun-traffico-illecito-di-rifiuti-sulla-nave-aquarius/>

conduct. These developments take place in a climate of ongoing criminalisation of the right to protest, further intensified by a stigmatising narrative in the media.³³

Among the precautionary measures is the *foglio di via*, a preventive administrative measure banning an individual from being present in a specific territory other than one's place of residence for a period of time. Over the past year, this measure has been increasingly applied particularly to climate activists, especially from the groups Ultima Generazione and Extinction Rebellion.

Additionally, several legislative proposals from the governing majority aim to limit the application of the torture offence by ensuring greater impunity for police officers in cases of violence or arbitrary detention.³⁴ Despite requests from civil society and some opposition bills, Italian law does not oblige police officers to display an identification code or use body cameras, which complicates efforts to hold individual officers accountable for violence during demonstrations.³⁵ Italian law stipulates that event organisers must notify the authorities when holding public assemblies without requiring formal authorisation. However, authorities may prohibit such events for reasons of "public order".

The *foglio di via*, which is provided for in the anti-mafia code and linked to the social risk of the subject to whom it is applied, has been constantly misused and

applied to activists as a repressive measure rather than a preventive one.³⁶ Other preventive measures such as the *Daspo*, which limits the participation in sporting events of persons considered socially dangerous, and the special surveillance enabled by the anti-mafia and anti-terrorism code have been applied in recent years to repress social movements. In particular, over the past year, these measures were increasingly applied against climate activists, especially from the movements Ultima Generazione and Extinction Rebellion,³⁷ and activists expressing solidarity with Palestine.³⁸

Among the incidents that affected the Extinction Rebellion activists was the repression of a non-violent demonstration in front of the interior ministry, which ended with 75 activists being detained for more than 10 hours and more than 30 travel warrants being issued.³⁹

On 5 October, a national demonstration for Palestine was banned in Rome for the risk of "serious disturbances to public order and security." The "preventative" ban was accompanied by preventative measures (travel restrictions and prevention from reaching Rome and the location of the demonstration) that drastically restricted the freedoms of expression and peaceful assembly of thousands of people.⁴⁰ The demonstration ended with clashes between demonstrators and police and was characterised by the use of excessive force by the security forces, which included tear gas and a water cannon.⁴¹

DDL 1660

On 18 September, a new security decree, DDL 1660,⁴² was approved by the Chamber of Deputies. It introduced significant changes to the criminal code, including 20 new offences, the extension of penalties and aggravating circumstances, and, in some cases, the expansion of penalties for already existing crimes. For example, this law criminalises roadblocks, making perpetrators punishable by up to two years imprisonment, and peaceful protests, with an aggravating circumstance for those opposing the construction of major public infrastructure, and imposes penalties of up to 20 years for those protesting in Detention Centres for Repatriation (CPR) and prisons.⁴³

The law has raised concerns among CSOs and at the institutional level. The Organisation for Security and Cooperation in Europe (OSCE) and the Office for Democratic Institutions and Human Rights (ODIHR) expressed concerns that "the draft law has several shortcomings that could hinder the exercise of human rights and fundamental freedoms, including the prohibition of ill-treatment and the rights to liberty and security of persons, the freedoms of peaceful assembly, expression and movement, as well as the rights to a fair trial and respect for private and family life."⁴⁴

33. <https://www.amnesty.it/barometro-dellodio-allarmante-erosione-del-diritto-di-protesta/>

34. https://www.ansa.it/sito/notizie/politica/2023/03/24/tortura-alla-camera-la-proposta-di-legge-di-fdi-per-abrogare-il-reato-protestano-le-opposizioni_daad62a7-baa1-4a06-854a-a1ff37511866.html

35. <https://pagellapolitica.it/articoli/codici-identificativi-italia-polizia>

36. <https://www.amnesty.it/fogli-di-via-strumento-di-prevenzione-o-di-repressione/>

37. <https://extinctionrebellion.it/press/2024/01/15/centinaia-di-denunce-e-fogli-di-via-in-tutta-italia/>

38. <https://www.editorialedomani.it/fatti/corteo-palestina-roma-scontri-polizia-200-allontanati-fogli-di-via-arresto-fermi-reazioni-i6y1ssf9>

39. <https://extinctionrebellion.it/press/2024/11/23/violazione-foglio-di-via-roma/>

40. <https://www.amnesty.org/en/wp-content/uploads/2024/12/EUR3087132024ENGLISH.pdf>

41. <https://www.amnesty.it/manifestazione-del-5-ottobre-a-roma-gravi-violazioni-dei-diritti-umani/>

42. Full name: 1660 Relating to Countering Terrorism, Public Security, Protection of Personnel in Service and Prison Regulations in Italy

43. <https://www.internazionale.it/notizie/annalisa-camilli/2024/10/01/ddl-sicurezza-cpr-carceri-proteste>

44. https://legislationline.org/sites/default/files/2024-05/2024-05-27%20-%20Opinion_Italy_Draft%20Law%20on%20Public%20Security%20-%20final.pdf

Equally worrying is the establishment of the so-called “Red Zones” set up in several cities on the instruction of the interior ministry, in which circulation is restricted to persons identified as “harassing and aggressive, dedicated to committing crimes and not in compliance with immigration regulations.” This restricts the

constitutionally guaranteed freedom of movement and by extension could represent a restriction on the freedom of peaceful assembly should the same zones be identified as places of assembly for public demonstrations.⁴⁵

Freedom of expression and the right to privacy

In recent years, an ongoing degradation of freedom of expression, particularly press and media freedom, has been observed. In 2024 alone, Italy dropped from 41st to 46th place in the Reporters Without Borders (RSF) Press Freedom Index.⁴⁶

A series of regulatory interventions have prohibited journalists from publishing investigations that are within pretrial detention orders, in full or in the form of excerpts (which are public) until the conclusion of the preliminary investigation.⁴⁷ A proposed new regulation, under consideration, aims to strengthen this prohibition of publication to all precautionary measures and introduces financial burdens for publishers.⁴⁸

In addition to regulatory restrictions, journalists face challenges in carrying out their work. In June 2024, a journalist covering a far-right rally by the Casa Pound

movement in Turin was attacked.⁴⁹ In August 2024, writer, activist, and teacher Christian Raimo became the target of a hate campaign fuelled by members of the government majority. This was followed by a disciplinary measure in August 2024⁵⁰ for a post in which he criticised the education minister. On 30 September he received a second reprimand for criticising the minister’s actions during a debate at an opposition party meeting.⁵¹

In June 2024, the Brothers of Italy party sued the investigative television programme “Report” and its journalists, claiming compensation of €50,000 for the damage to its image due to an episode on relations between party members and criminal organisations.⁵²

Safe space

In February, the headquarters of the Gay Centre in Rome, a space opened by LGBTQI+ organisations, was vandalised with homophobic slogans and its entrance was damaged.⁵³

On 24 June, a Democratic Party office was defamed with phrases praising fascism and Prime Minister Giorgia Meloni.⁵⁴

On 7 October, one of the offices of Confederazione Generale Italiana del Lavoro (CGIL),⁵⁵ a trade union, was targeted and daubed with graffiti linked to the No Vax movement,⁵⁶ which has long been courted by the Brothers of Italy and infiltrated by neo-fascist groups. Earlier in 2021, the union’s national headquarters was attacked during a No Vax demonstration, which led to the arrest of the leaders of the neo-fascist movement Forza Nuova.⁵⁷

⁴⁵. <https://www.magistraturademocratica.it/articolo/zone-rosse-i-soggetti-segnalati-e-le-liberta-costituzionali-di-tutti>

⁴⁶. <https://rsf.org/en/index>

⁴⁷. <https://www.fnsi.it/pubblicata-in-gazzetta-ufficiale-la-legge-con-la-norma-bavaglio-fnsi-porteremo-il-caso-in-europa>

⁴⁸. <https://www.fnsi.it/legge-bavaglio-costante-manganellate-a-giornalisti-ed-editori-con-le-sanzioni-economiche>

⁴⁹. <https://www.rainews.it/articoli/2024/07/torino-giornalista-agredito-da-militanti-di-estrema-destra-la-stampa-ci-riguarda-tutti-c006e233-0d27-4b48-a0a0-5b048165629e.html>

⁵⁰. https://www.ansa.it/lazio/notizie/2024/08/25/critico-valditara-provvedimento-disciplinare-contro-raimo_c54360ac-c6a6-4aa8-a1b3-bb519b51b06b.html

⁵¹. https://www.repubblica.it/italia/2024/09/30/news/raimo_provvedimento_disciplinare_valditara-423527592/

⁵². <https://www.rai.it/programmi/report/news/2024/06/Fratelli-d'Italia-ha-presentato-richiesta-risarcimento-danni-in-sede-civile-nei-confronti-dell'inviato-di-Report-Giorgio-Mottola-6346fa32-8e87-4e06-8935-21fa1771910b.html>

⁵³. <https://www.ilfattoquotidiano.it/2024/02/01/roma-vandalizzato-lingresso-del-gay-center-a-testaccio-scritte-omofobe-sullasfalto-e-colpi-di-mazza-da-baseball-contro-il-muro-rainbow/7430282/>

⁵⁴. https://www.ansa.it/sito/notizie/cronaca/2024/06/24/imbrattata-una-sede-del-pd-a-milano-scritte-inquietanti_7d6c54dc-cc45-45be-a213-0288d49e-b4e8.html

⁵⁵. <https://www.cgil.it/>

⁵⁶. https://www.ansa.it/sito/notizie/cronaca/2024/10/07/sede-cgil-di-taranto-imbrattata-con-scritte-no-vax_af667f5a-cbbb-4f41-b0ba-43302d5a39ff.html

⁵⁷. https://www.repubblica.it/politica/2021/10/09/news/no_green_pass_no_vax_scontri_a_roma_reazioni-321545789/ ; <https://www.ilriformista.it/forza-nuova-lassalto-di-roma-come-capitol-hill-lobiettivo-era-colpire-palazzo-chigi-e-poi-altre-citta-253390/>

On 10 January, shortly after closing time, a firecracker exploded in front of an Arci club in Turin, damaging the entrance and the shutters.⁵⁸ In October 2024, a defamation lawsuit was brought by ENI, the state-owned hydrocarbon giant, against Greenpeace

and Re-Common in response to a campaign the two organisations have been conducting for years to draw public attention to the responsibility of companies like ENI for climate change and its costs.⁵⁹

Repression of the Palestine solidarity movement

As the violence in Israel and Palestine intensifies, so do the restrictions against those expressing solidarity with Palestine. More recently, student encampments calling for solidarity with Palestine have taken place in cities such as Bologna, Rome, Pisa, Siena, Trento, Venice, Naples, Padua, Milan, Palermo, Brescia, Genoa, Bari, Ravenna, Bergamo, Salerno, Cosenza and Turin, with tents and banners advocating solidarity with Palestine.⁶⁰ These protests, following the global mobilisation known as the “Student Intifada (or uprising)”, have faced massive repression by the government. The demands of the student protestors include ending agreements with Israeli universities and companies, denouncing Israeli military aggression in Gaza, and advocating for a ceasefire.⁶¹

On 23 February, excessive police violence was reported against students in the cities of Florence and Pisa, while student marches were violently blocked by the police.⁶² Numerous protesters remain under investigation.⁶³ According to media reports, the police blocked a peaceful demonstration in Pisa and attacked participants, several of whom were injured and taken away by ambulances.⁶⁴ This prompted the president to reprimand the interior minister⁶⁵ and an led to an investigation by the judiciary into police conduct.⁶⁶

On 19 March, students expressing solidarity with Palestine in Turin disrupted an Academic Senate session, demanding an end to the university's participation in collaborations involving dual-use technologies — technologies used for both civilian and military purposes — with Israel.⁶⁷ After extensive debate, the

senators approved a motion suspending new collaborations with Israel, marking Turin as the first Italian city to take such action. On 13 May, Palestine solidarity groups occupied the Academic Senate, calling for the termination of academic cooperation agreements with Israeli universities and urging the university to prioritise human rights and social justice. At the beginning of May 2024, Palestinian youth established an encampment at the State University of Milan, with banners demanding an “end to the massacre of the Palestinian people” and expressing solidarity with the “Student Intifada.”⁶⁸ On 15 May, after a week of encampment at the Polytechnic University of Milan, students found the doors of the university barred, preventing them from entering the building.⁶⁹

Similar actions have been seen in other Italian cities. In Florence, clashes erupted during a Palestine solidarity march on 28 May, resulting in police searches and investigations of students.⁷⁰ Police searched the apartments of participants, using intimidating tactics against them, while several other participants were severely injured as a result of police violence in Pisa and Florence.⁷¹

On 1 June, a demonstration in Rome organised by the June 1 Committee against the Meloni government, gathered representatives from about 50 trade unions, collectives from La Sapienza University, students, members of the Palestinian diaspora, migrants, and various associations. According to media reports, clashes were reported between police and participants at various points along the march route, and the police used tear gas.⁷²

58. <https://www.rainews.it/tgr/piemonte/articoli/2025/01/vetrine-infrante-serranda-divelta-bomba-carta-davanti-al-circolo-arci-banfo-17b63edb-b05e-48b5-b6fc-337b6017cb34.html>

59. <https://ilmanifesto.it/campagna-dodio-eni-fa-cause-a-greenpeace-italia-e-recommon>

60. <https://lespresso.it/c/politica/2024/5/15/le-tende-per-la-palestina-riempiono-le-universita-italiane-la-nostra-intifada-contro-le-violazioni-dei-diritti-dei-palestinesi/50988>

61. https://www.repubblica.it/cronaca/2024/05/13/news/universita_acampade_protesta_israele_palestina-422943037/

62. <https://www.reuters.com/world/europe/police-beatings-pro-palestinian-schoolchildren-spark-outrage-italy-2024-02-23/>

63. <https://www.firenzetoday.it/cronaca/manifestazione-23-febbraio-firenze-perquisiti-indagati.html>

64. <https://www.iffattoquotidiano.it/2024/02/23/corteo-degli-studenti-pro-palestina-a-pisa-cariche-della-polizia-schierata-in-tenuta-antisommossa-video/7456365/>

65. <https://www.agenzianova.com/en/news/cortei-a-pisa-mattarella-a-piantedosi-lautorevolezza-delle-forze-dellordine-non-si-misura-sui-manganelli/>

66. <https://www.rainews.it/articoli/2024/02/manganellate-agli-studenti-a-pisa-focus-dellinchiesta-sulla-catena-di-comando-9a4f90ee-33b7-43db-a8c1-00a57ecaf600.html>

67. https://www.lastampa.it/torino/2024/05/30/news/universita_occupata_ragioni_storia_prospettive_protesta_pro-palestina-14346735/

68. <https://www.lapresse.it/cronaca/2024/05/10/milano-gli-studenti-pro-palestina-allestiscono-un-accampamento-alla-statale/>

69. <https://lespresso.it/c/politica/2024/5/15/le-tende-per-la-palestina-riempiono-le-universita-italiane-la-nostra-intifada-contro-le-violazioni-dei-diritti-dei-palestinesi/50988>

70. <https://www.lindipendente.online/2024/05/29/firenze-perquisite-le-case-dei-manifestanti-pro-palestina-mentre-non-si-arrestano-le-proteste/>

71. <https://www.lindipendente.online/2024/05/29/firenze-perquisite-le-case-dei-manifestanti-pro-palestina-mentre-non-si-arrestano-le-proteste/>

72. <https://www.romatoday.it/cronaca/corteo-roma-1-giugno.html>

On 4 June, the month-long protest at La Sapienza University, which had commenced on 6 May, concluded.⁷³ The decision was taken shortly after the clashes with the police in the demonstration on 1 June, in which collectives from the university participated. The collectives explained their decision to end the tent encampment, stating that they will continue protesting through other forms of mobilisation.

In Tuscany, police reportedly searched the apartments of those who participated in a solidarity march outside the US consulate.⁷⁴ SUDD Cobas, a worker's union that participated in the protest, reported that it faced serious intimidation from the Florentine police. According to the union, the search operations of the homes of the union coordinator and other union members began at 6 in the morning.⁷⁵

Karem Rohana, an Italian-Palestinian activist, has been the target of months-long pressure and attacks from Italian politicians and journalists due to his critical stance on media coverage of Palestine and his activity on social media in defending the rights of the Palestinian people.

Repression of the climate justice movement

The climate justice movement was significantly targeted throughout the year. On 9 July, during a demonstration in Bologna, Extinction Rebellion activists chained themselves to the entrance of the Palazzo d'Accursio and others tried to unfurl a banner on the Clock Tower. An activist – who was taking part in the protest, but not engaged in the direct action — reported police abuse. After being detained, photographed and fingerprinted, she was allegedly forced to undress and bend over in unsanitary conditions at the police headquarters in Bologna.⁷⁹

On 3 May, in the early morning, the homes of five Ultima Generazione activists were searched following an investigation into an unsuccessful attempt to display a banner during an exhibition.⁸⁰ On 23 May, during a

On 6 March, Rohana was arrested by the municipal police at home, as he reported on his Instagram account,⁷⁶ following an interaction with the mayor of Florence, Dario Nardella, in Piazza della Signoria the same morning. Previously, the mayor had ordered the police to issue a warning against Rohana for stalking.

Carlotta Vagnoli, a Florentine author commented that stalking and persecutory acts are configured in very specific cases in which the freedom, safety and life of the complainant would be at risk, which is undoubtedly absent here.”⁷⁷

In October, the University of Seine cancelled a debate on Palestine at which Rohana, Israeli historian Ilan Pappé and the UN Special Rapporteur for the Palestinian Occupied Territories Francesca Albanese were meant to speak.⁷⁸

demonstration by Ultima Generazione at the labour ministry, activists were detained and charged for daubing charcoal on the building's entrance.⁸¹ Three journalists were also detained for over three hours without having access to the telephone.⁸² In August, Ultima Generazione activist Giacomo Baggio was notified of a special surveillance order, which included a ban on leaving the house from 20:00 to 07:00 and a ban on taking part in any public demonstrations, with the obligation to sign the order. This measure is applied to individuals considered “socially dangerous”. The measure was applied in response to the activist's participation in non-violent protests of Ultima Generazione, where the group disrupted a tennis court during the international tennis tournament in Rome.⁸³

⁷³. <https://www.romatoday.it/attualita/sapienza-finita-occupazione-tende-palestina-studenti.html>

⁷⁴. <https://www.lindipendente.online/2024/05/29/firenze-perquisite-le-case-dei-manifestanti-pro-palestina-mentre-non-si-arrestano-le-proteste/>

⁷⁵. <https://www.facebook.com/photo?fbid=963685855548490&set=a.469003151683432>

⁷⁶. https://www.instagram.com/p/C4N5aYBCPaA/?img_index=1

⁷⁷. <https://civicspacewatch.eu/italy-alert-concerning-civic-space-repressions/>

⁷⁸. <https://www.ilfattoquotidiano.it/2024/09/24/alluniversita-di-siena-stop-al-dibattito-con-francesca-albanese-e-ilan-pappe-il-rettore-non-il-7-ottobre-gli-studenti-censura/7704399/>

⁷⁹. <https://www.open.online/2024/07/27/bologna-attivista-extinction-rebellion-denuncia-abusi-questura/>

⁸⁰. <https://www.rainews.it/tgr/veneto/articoli/2024/05/padova-perquisite-le-abitazioni-di-alcuni-militanti-di-ultima-generazione-03b368e9-61c2-45ac-a407-d05c8e79f877.html>

⁸¹. https://roma.repubblica.it/cronaca/2024/05/23/news/ultima_generazione_ministero_lavoro-423090814/

⁸². https://roma.repubblica.it/cronaca/2024/05/23/news/giornalisti_fermati_polizia_protesta_ultima_generazione_roma-423092878/

⁸³. <https://www.editorialedomani.it/fatti/giacomo-baggio-ultima-generazione-attivista-rischia-sorveglianza-speciale-tribunale-t3y9j6mq>

Financial viability and sustainability of civil society

No measures directly aimed at defunding CSOs have been implemented in 2024. However, a regulatory intervention, currently under discussion, aims to eliminate the VAT exclusion regime for non-profit associations, effectively placing them on the same footing as for-profit companies. This reform, which was scheduled to come into force as of 1 January 2025, has been postponed by one year as requested by all the organisations of the Italian not-for-profit sector.⁸⁴

Unless amended, the proposed regulation will entail several new obligations, many of which are still not entirely clear. This step risks imposing significant financial and bureaucratic burdens on non-profit associations, undermining the sustainability of the associative life which is based, above all, on the voluntary work of members, and risks being a serious violation of the freedom of association.⁸⁵

Civil dialogue and the right to participation

Regarding civil dialogue, there are no substantial developments even though the general context is characterised by a hostile climate on the part of the government in its dialogue with social partners. Particularly in the area of labour relations, the trade unions have repeatedly complained that they were not consulted on strategic decisions concerning the labour market, often being presented with decisions that had already been taken without any form of consultation.⁸⁶ In one example, there was a bitter clash between the government and the trade unions that called for a general strike against

the budget law. This reached the courts after the labour minister and deputy prime minister attempted to limit the strike in the transport sector.⁸⁷

Moreover, none of the regulations that have significantly affected civil society participation and constitutional freedoms have ever been discussed or shared with CSOs. On a positive note, the government and the Third Sector Forum initiated a round table on the application of the VAT regime.

Civil society resilience

Italian civil society in recent years has resisted the constant attacks mainly by using constitutional and legal mechanisms. By appealing against all sanctions received under unconstitutional laws, civil society has not only succeeded in winning all trials but has essentially rendered many of the enacted rules unenforceable. There are several examples demonstrating this.

In September, the organisations SOS Mediterranee and ASGI requested and obtained a court order that the decree against NGOs must be brought before the Constitutional Court to verify its compatibility with constitutional norms.⁸⁸

In September, associations representing second-generation Italian children, together with a large coalition of CSOs, promoted a referendum to reform the current citizenship laws, bringing back the five year minimum period of residence in the country

⁸⁴. <https://www.cantiereterzosettore.it/nel-dl-milleproroghe-il-rinvio-del-nuovo-regime-iva-al-1-gennaio-2026/>

⁸⁵. <https://www.vita.it/iva-al-terzo-settore-la-proposta-per-uscire-dallimpasse-ce-il-governo-che-fa/>

⁸⁶. <https://www.ansa.it/sito/notizie/economia/2024/12/01/cgil-e-uil-chiamano-meloni-non-ignori-500mila-persone-7ae0a46f-903f-4135-b617-7efc36d-5f6a7.html> ; <https://www.terzogiornale.it/2024/09/12/il-governo-meloni-chiude-le-porte-ai-sindacati/>

⁸⁷. https://www.ansa.it/sito/notizie/economia/2024/12/10/salvini-precetta-i-sindacati-e-scontro-sullo-sciopero_d9ab35e0-bb09-426e-9ae0-b25e9c2ca5cd.html

⁸⁸. https://bari.repubblica.it/cronaca/2024/10/10/news/presunta-incostituzionalita-del-decreto-piantedosi-sul-fermo-delle-ong-tribunale-di-brindisi-in-via-gli-atti-alla-consulta-423547964/#google_vignette

for obtaining citizenship, as it was before 1992. The initiative reached the 500,000 signature target within a few days, sparking an important national debate on

the rights of foreign citizens and in particular of minors who were born and grew up in Italy and who cannot have access to citizenship unless their parents obtain it.

Recommendations

TARGETED RECOMMENDATION:

➔ **Remove obstacles affecting civil society organisations and foster a safe and enabling civic space, particularly the NGO decree, Flows Decree and DDL 160 by repealing them.**

➔ Immediately repeal the so-called “eco-vandals” legislation.

➔ Respect the freedom of peaceful assembly as per international human rights standards and refrain from targeting the climate justice and Palestine solidarity movement.

➔ Urgently scrap the regulatory intervention which aims to eliminate the VAT exclusion regime for non-profit associations and engage in a structured dialogue with civil society on the matter.

About the contributor

Arci is a cultural and social promotion association with hundreds of thousands of members and working through a network of community clubs, houses, and mutual aid societies across Italy. Arci promotes culture, fundamental rights, solidarity, participation and democracy for all. The association operates in local, national and international contexts, contributing to strengthening the European democratic public space.

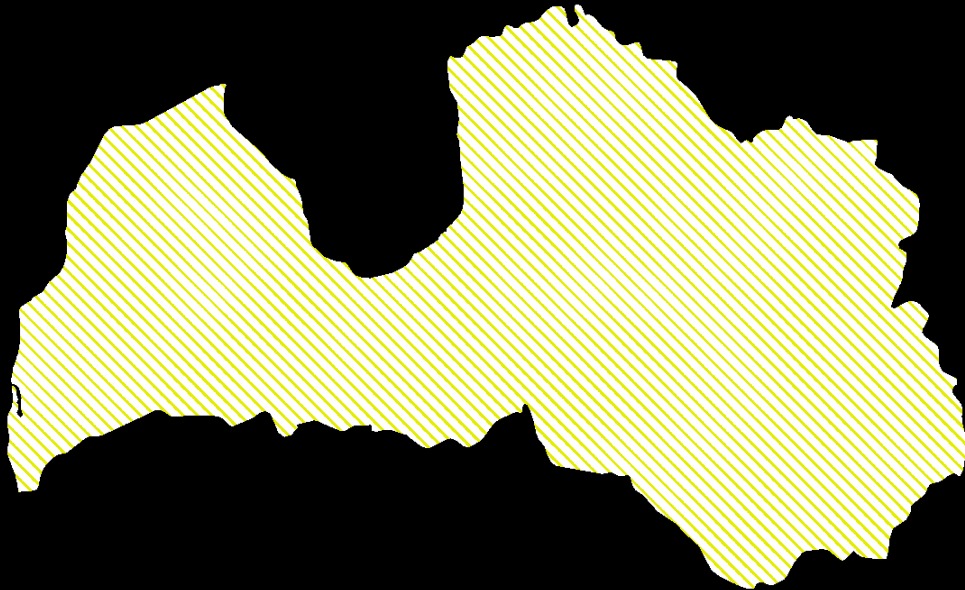


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Latvia

By Civic Alliance Latvia



Key civic space trends	158
Summary	158
Institutional, political, and socio-economic landscape	158
The regulatory environment for civic freedoms	159
Freedom of association	159
Freedom of peaceful assembly	160
Freedom of expression and the right to privacy	160
Safe space	161
Financial viability and sustainability of civil society	161
Civil dialogue and the right to participation	163
Civil society resilience	165
Recommendations	165
About the author	166

Key civic space trends

-  An overall positive environment for civil society, although implementation gaps remain.
-  More measures needed for meaningful public participation at all levels.
-  Inadequate funding remains a significant constraint to CSO sustainability and societal resilience.

Summary

Civic space in Latvia is rated as “open” by the CIVICUS Monitor,¹ and fundamental freedoms are generally well-respected. There were no recommendations related to civic space in the European Commission’s 2024 Rule of Law report. However, it noted that “civil society operates in an open space but calls for better availability and adequacy of financial resources.” In 2024, a number of positive changes were introduced, including the improvement of the *Saeima* (Latvian parliament) Declaration on the Development of Civil Society in Latvia and Cooperation with NGOs, the recognition of civil dialogue in a government declaration and action plan, and the approval of targeted programmes for civil dialogue. However, access to funding is declining, while inflation further increases operational costs, which in turn impacts the capacity and resilience of civil society organisations (CSOs).

The Commission’s 2024 report also noted progress in civic engagement through the Local Government Law (2022). However, CSOs report inconsistent

implementation, as many local governments are yet to integrate participatory mechanisms effectively. Many municipalities lack formalised participation mechanisms, and civil society engagement in policy-making is largely informal and non-binding. The Latvian government made no progress following the European Commission’s 2023 recommendation to continue working on the establishment of a lobby register. Although the Law on Transparency of Interest Representation entered into force in Latvia in 2023, the necessary regulations were still not adopted in 2024.

Furthermore, by the end of 2024, there was still no single institution responsible for overseeing the implementation of the law. Notably, on 25 June, the cabinet of ministers tasked the parliament with identifying a institution responsible for ensuring effective supervision of interest representation in Latvia. However, by the end of 2024, the parliament had yet to designate a responsible body.

Institutional, political, and socio-economic landscape

In the more than 30 years since the restoration of the independence of the Baltic States, Latvia has developed a stable democratic state and the preconditions for active citizenship. However, for Latvia to have a stable civic movement based on democratic values and capable of effective organisation and quality public participation, several improvements, including targeted support for civil society development, are needed. A major systemic problem relates to the absence of a single public authority responsible for the functioning and development of civil society and

democracy. Civil society issues are fragmented: the culture ministry addresses them through integration policy, while the finance ministry through tax collection. The state chancellery oversees public participation at ministerial level, and the defence ministry addresses them from a national security perspective. At the same time, the justice ministry is responsible for drafting the Law on Associations and Foundations, and the cabinet of ministers oversees the implementation of the memorandum of understanding on the cooperation between the government and non-governmental

¹. <https://monitor.civicus.org/country/latvia/>

organisations (NGOs). However, neither of these institutions assume responsibility for strengthening civil society, its development, and horizontal issues in a coordinated manner. At the same time, it should be noted that in the autumn of 2024, the culture minister, Agnese Lāce, appointed a freelance adviser for cooperation with NGOs.

On 17 December 2024, the cabinet of ministers approved the “Development Plan for a Cohesive and Civically Active Society 2024-2027”.² The plan promotes the development of a national, solidarity-based, open and civically active society through three action lines: national identity and belonging; democratic culture and inclusive citizenship; and integration.

Latvian civil society organisations (CSOs) raised the alarm and criticised the European Commission’s proposal for a directive on interest representation on behalf of “third countries” (as a part of the Defence of Democracy Package), which CSOs see as equivalent to so-called “foreign agents” laws globally. CSOs expressed concerns over threats to fundamental rights, potential discrimination, smear campaigns, and the stigmatisation of CSOs, and stressed the need for a comprehensive impact assessment of the directive. At the same time, the European Cross-Border Associations Directive was welcomed, as it facilitates the activities of non-profit organisations at EU level.

The Whistleblowing and Whistleblower Protection Report 2023,³ published in 2024, revealed that 45 competent authorities (34 public authorities and 11 municipalities) received 386 applications in 2023, a 2% decrease compared to 2022. Of these, 106 were recognised as whistleblower reports (up from 99 in 2022).

In 2023:

- ▶ 4 criminal and 13 administrative proceedings were initiated based on whistleblower reports;
- ▶ 38 investigations were carried out, including inspections related to taxation, procurement, labour law, and occupational safety;
- ▶ 53 cases prompted corrective actions, such as departmental reviews, on-site inspections, and the formation of inspection commissions;
- ▶ Reported issues included violations in areas such as tax payments, construction safety, corruption, and workplace misconduct (including wage issues, employee treatment, and public sector compliance).

Data indicates that no more than nine cases of retaliation against whistleblowers were recorded in 2023. Whistleblowers played a vital role in ensuring accountability and upholding the rule of law across various sectors.

In 2024, the *Manabalss.lv* online platform continued to increase its importance, becoming one of the most widely used tools for the public to propose legislative changes. In total, 164 initiatives were published on *Manabalss.lv* in 2023 (out of 344 evaluated). In 2023, almost 60,000 new users joined *Manabalss.lv*, bringing the total number of unique users to 513,866. Meanwhile, 701,081 votes were cast.

In practice, however, civil society participation in decision-making tends to diverge from the legal framework, with the participation process often being formalistic rather than meaningful.

The regulatory environment for civic freedoms

Freedom of association

Latvian law guarantees freedom of association under the constitution, with CSOs primarily governed by the Law on Associations and Foundations. The registration process is accessible, and legal protections exist. However, discussions continue on appointing a dedicated civil society office within government structures to ensure stronger institutional support.

The operating environment for CSOs in 2024 shows a slight decline compared to the previous year, yet there are positive trends. In 2024, 952 new associations and foundations were founded, while 266 were dissolved, bringing the total number of associations and foundations in Latvia to 27,513.

2. <https://likumi.lv/ta/id/357419-saliedetas-un-pilsoniski-aktivas-sabiedribas-attistibas-plans-2024-2027-gadam>

3. <https://www.trauksmescelejs.lv/sites/default/files/buttons-card-files/Trauksmes%20celsanas%20parskats%202023.pdf>

Amendments were made to the Law on Associations and Foundations, which regulates the establishment and day-to-day operation of associations and foundations. These amendments are expected to facilitate greater participation of members, the board, and other stakeholders in the organisations' decision-making process, and to enable more efficient operation by giving them the right to organise annual general members meetings online. A new classification of the fields of activity of associations and foundations was also introduced, making it mandatory for organisations to declare their field of activity when joining the Register of Associations and Foundations. The classification of the fields of activity was also improved to better reflect the nuances of the sector's activities. The

adopted amendments also simplify the liquidation process and allow the Register of Enterprises and the State Revenue Service to remove inactive organisations from the register. This significantly addresses the issue of state-maintained registers containing a high number of long-inactive organisations.

Although many stakeholder consultations took place, amendments to the Public Benefit Organisations Law had not been approved by the end of 2024. Although the drafting of amendments started in 2018, the amendments proposed by the ministry were not accepted by CSOs, as these were perceived as harmful to the sector and failed to gain consensus.⁴

Freedom of peaceful assembly

In 2024, Latvian municipalities received 411 applications for pickets, marches, and assemblies, of which seven were refused. The number of applications has decreased significantly compared to 2023, when 636 applications were submitted, of which only one was refused. It is important to note that municipalities

provided data on the number of applications in 2024 only until November (data was collected during autumn 2024), whereas data for 2023 covers the whole year.⁵

A notable decline was observed in Riga, where the number of picket applications fell from 507 in 2023 to only 266 by October 2024.

Freedom of expression and the right to privacy

Exercising freedom of expression without accountability and respect for the legal framework can contribute to hate speech, which most often appears in the form of anonymous comments. Relatively few criminal proceedings are initiated for such offences, but an increasing number of people are voluntarily reporting hate speech. However, the number of such cases remains small.

Hate speech is particularly found in the comments sections of news websites on social media. There is currently no common understanding of how to address this issue, and cooperation between law enforcement authorities and internet portals is not always effective. There is also a lack of public awareness that such activities are punishable and that people are not completely anonymous.⁶

While free speech is protected, digital rights remain a concern. Activists have reported incidents of doxing and online harassment, with limited state intervention to

curb such violations. The Liberties Rule of Law Report 2024 states that hate speech targeting CSOs and rights activists remains an issue in Latvia.⁷

Civic Alliance – Latvia's civic space report *Līmeņrādis*⁸ highlights concerns about the spread of hate speech in Latvia's digital environment. The report also notes a polarisation of society, which has led to harsher reactions and verbal attacks on both organisations and individual activists.

In 2024, the Ombudsman intervened against a methodological guide for professionals working with children and young people, titled "SENSOA Flag System: How to respond to sexual behaviour of children and young people", developed by an association working on sexual and reproductive health and rights, Papardes zieds.⁹ In his opinion, the Ombudsman stated that the methodological materials for identifying harmful sexual behaviour contravened Latvian law. The Ombudsman recommended that the association should not organise training sessions for specialists based on this method. By disregarding principles of good governance and

4. Nevalstisko organizāciju un Ministru kabineta sadarbības memoranda sēdes protokols

5. Data source: local governments of the Republic of Latvia, at the request of the CAL.

6. Civic space monitoring report: gala_zinojums_2024417.pdf

7. Liberties Rule of Law Report 2024 | Latvijas Cilvēktiesību centrs

8. https://nvo.lv/en/zina/latvias_2024_civic_space_assessment_key_changes_in_access_to_funding

9. Karogu sistēmas lietotājiem | Papardes zieds

failing to engage in dialogue with the association, the Ombudsman essentially questioned the ability of professionals to be aware of the limits of their competence and to act in accordance with Latvian law. The Ombudsman's opinion reflects a dangerous trend in Latvian society, where state institutions want to regulate and control the work of professionals on sexual and reproductive health of children and young adults. This has created insecurity and fear among both state and non-state sectors to deal with any issue concerning sexual and reproductive health of children and young people.

In 2024, Latvia introduced the first concrete attempts to regulate the use of AI in election campaigns. Amendments to the Election Campaigning Law, approved on 24 October 2024, require that election campaigns clearly and unambiguously indicate if artificial intelligence has been used in images, audio, or video content. The amendment also prohibits the use of automated systems to conduct electioneering through fake social media accounts.

Safe space

While Latvia is generally considered to have “open” civic space, certain challenges continue to impact the safety and operational freedom of civil society actors.

Civil society actors working on politically sensitive topics have reported receiving threats and cyberattacks on their digital infrastructure. Despite these challenges, law enforcement has been slow to investigate and prosecute perpetrators, leading to concerns over the effectiveness of protective mechanisms for civic actors.

While the Latvian government has made commitments to support civil society and protect human rights defenders (HRDs), implementation has been inconsistent. The establishment of funding programmes for civic initiatives is a positive step, but legal protections for activists remain inadequate.

The increasing challenges facing civil society in Latvia indicate a need for more robust institutional protections. While legal frameworks exist, practical enforcement is a significant gap. The government must take concrete actions to prevent harassment, ensure accountability for attacks on activists, and create a more secure environment for civil society actors to operate without fear of retaliation.

Additionally, a lack of funding has forced regional and local media to suspend their activities, weakening independent media and limiting efforts to strengthen the information space against disinformation.

Financial viability and sustainability of civil society

The financial sustainability of CSOs in Latvia continues to be one of the most pressing challenges, affecting their ability to operate independently, plan long-term strategies, and engage in meaningful civic participation. While there have been some positive developments in funding availability, including increased government and EU funding opportunities, structural issues persist, such as an over-reliance on single funding sources and administrative burdens.

Currently, several factors — including rapid inflation, the end of the funding period of the Active Citizens Fund (a grant programme of the European Economic

Area and Norway), and the lack of funding from the Swiss EEA Support Mechanism in Latvia — create a significant gap in CSO funding.

Although statistics show that funding for the associations and foundations sector is growing in absolute numbers, this is largely due to the rapid inflation. Furthermore, fewer associations and foundations report financial activity, therefore the already scarce funding is reaching fewer organisations. Meanwhile, funding programmes such as the NGO Fund (one of the central funding sources for NGOs in Latvia) have not increased their funding per project in line with inflation

(currently, the total available funding is €2.5 million per year). In 2024, more than half of the submitted projects were rejected due to insufficient funding.

The Active Citizens Fund, which has been a major source of funding for CSOs in recent years, ended in 2024. However, on 12 September 2024, an agreement was concluded between the EU and Iceland, Liechtenstein, and Norway on the implementation of the new EEA and Norway Grants financial period (2021-2028). The Civil Society Support Fund in Latvia will receive €9.88 million, but the funds are expected to be distributed in 2025 at the earliest, leaving a considerable gap in CSO funding during 2024 and 2025.¹⁰

The co-financing and pre-financing requirements for projects, especially large grants, are increasingly challenging, but there is no adequate programme in Latvia that can issue eligible pre-financing for associations and foundations or cover the co-financing part in cases where organisations manage to attract foreign funding to the state budget.

Associations and foundations continue to express dissatisfaction with the procedures governing the distribution of EU funds in Latvia. Although the European Commission's guidelines emphasise the need to include CSOs in the planning and absorption of the Structural Funds budget planning, decisions in Latvia are still often taken behind closed doors with minimal involvement of representatives of social groups, associations, and foundations.

As part of the Recovery and Resilience Plan programme “Public interest monitoring of the use of foreign investment and public funding”, the “EU Fund Monitoring” project is running in 2024. In this project, seven Latvian associations and foundations represent the interests of civil society and monitor public administration decisions to ensure that the public interest is considered in EU funds allocation in EU Fund Monitoring Committees and that the implementation of EU funds becomes more transparent. In the first year of implementation, the project has already achieved a number of positive outcomes for the sector, including improved accessibility of EU programme investments and increased consultations between ministries and CSOs on EU fund programmes.¹¹

CSOs have also drawn attention to the legal uncertainty regarding the interpretation of the EU Financial Regulation and Latvia's national interpretation of

conflict-of-interest risks. In the Latvian context, the requirements of the EU Financial Regulation are practically unenforceable, due to the broad interpretation of conflict of interest, which includes “emotional ties” that people develop even as former colleagues, classmates, and volunteers. The issue has not been resolved, although the Corruption Prevention and Combating Bureau, under the direction of Prime Minister Evika Siliņa, has formed a working group to propose amendments to the Law on Prevention of Conflict of Interest in the Activities of Public Officials. Moreover, the Central Financial and Contracts Agency and the finance ministry are in the process of developing guidelines summarising key information on the criteria for assessing the risk of conflict of interest. These guidelines will include the questions a person should ask when participating in an evaluation or approval position related to EU funding and obtaining the status of a public official.

A significant threat to the funding of associations and foundations in 2024 was the proposal of the finance ministry to limit the possibilities of associations and foundations to carry out economic activities by amending the Corporate Income Tax Law. The proposed amendments stipulated that, from 1 January 2025, associations and foundations without public benefit status would have to pay corporate income tax on their economic activities. However, due to the high participation of associations and foundations during the public consultation, the ministry suspended the amendments to the Law on Corporate Income Tax, promising to organise discussions and exchange views with associations and foundations to examine alternative solutions.

The overall financial capacity of Latvia's civil society sector has been declining in recent years, with a decrease in the number of organisations demonstrating financial activity across all revenue categories. From 2019 to 2022, the number of organisations receiving donations decreased by 27%, while those receiving grants declined by 6%. While the total amount of donations increased — reaching €97.7 million in 2022, a 55% rise compared to the previous year — the number of organisations benefiting from these funds has been shrinking. This suggests that while a few well-established organisations have gained access to significant funding, many smaller and regional CSOs struggle to secure financial resources.

¹⁰. <https://www.activecitizensfund.lv/lv/jaunumi/aif-jaunumi/aktivo-iedzivotaju-fonda-turpinajums.html>

¹¹. <https://providus.lv/projekti/es-fondu-uzraugi/>

A new EU-funded program (2024-2029) has been launched under the culture ministry, allocating over €4 million for strengthening civic engagement and social resilience. It will be implemented by Civic Alliance – Latvia, in cooperation with four regional resource centres.

Many CSOs in Latvia rely on a single dominant funding source, such as government grants, EU funding, or project-based support, which raises concerns about their long-term viability. Data from 2022 shows that only 16% of organisations reported incomes from donations, while 84% were primarily dependent on government or EU funding. This lack of financial diversification creates a vulnerability, as organisations may feel pressured to align their work with funders' priorities rather than addressing urgent civic needs. Our recommendations for strengthening financial viability are as follows:

1. Ensure long-term state funding mechanisms — the government should establish a permanent state budget allocation for CSOs to guarantee financial stability rather than relying on short-term project funding.
2. Simplify administrative processes — funding application and reporting requirements should be streamlined, particularly for small and regional organisations.
3. Improve tax incentives for private donations — the government should restore favourable tax conditions to encourage businesses and individuals to support civil society initiatives.
4. Diversify funding sources — CSOs should be supported in developing income-generating activities, such as social entrepreneurship, service provision, and crowdfunding mechanisms.
5. Increase EU funding accessibility — the distribution of EU funds should prioritise accessibility for smaller, community-based organisations to ensure a broader impact across Latvia.

Civil dialogue and the right to participation

The legal framework in Latvia provides multiple mechanisms for civil society participation in governance. However, while the Memorandum Council and other consultative structures exist, the effectiveness and inclusiveness of these mechanisms vary significantly. CSOs still face challenges in accessing decision-making processes, and meaningful engagement is hindered by inconsistent implementation, lack of transparency, and insufficient government commitment to structured dialogue.

Latvia has established various formal structures for CSO participation, including the State Administration Structure Law and the Cabinet Rules of Procedure, which outline consultation mechanisms such as advisory councils, working groups, and public consultations. At the national level, each ministry has at least one consultative council, and parliamentary commissions regularly invite CSOs to provide opinions on policy matters.

One of the main institutional platforms for civil society engagement is the Memorandum of Cooperation between CSOs and the cabinet of ministers. This

Memorandum Council serves as a key forum for structured dialogue between civil society and the government. However, despite political commitments to strengthen it, the council lacks sufficient funding and institutional support to operate effectively.

In 2024, the new model of the Memorandum of Cooperation between Non-Governmental Organisations and the Cabinet of Ministers¹² was approved yet not implemented. The new model establishes the Memorandum Implementation Council as the central platform for civil dialogue, allows for the creation of working groups to address civil society development issues, and requires an extended annual meeting of the council with the participation of the prime minister and other ministers.

On 22 February, the *Saeima* approved a new declaration on the development of civil society in Latvia to improve and modernise dialogue with civil society.¹³ The declaration reinforces commitments to mutual openness, cooperation, and inclusive civil and social dialogue. However, in 2024, several parliamentary decisions contradicted the declaration. For example,

¹². <https://www.mk.gov.lv/lv/nevalstisko-organizaciju-un-ministru-kabineta-sadarbibas-memoranda-istenosanas-padome>

¹³. https://saeima.lv/files/Deklaracija_par_sadarb_pilson_sabiedr_2202.pdf

81 members of the parliament (MPs) voted against amendments to the Law on the Structure of State Administration, which would have provided for more opportunities for public participation in the work of the *Saeima*.

While consultation mechanisms exist, the quality and depth of engagement vary depending on political will and administrative practices. In some ministries, CSOs report positive collaboration, while in others, engagement remains superficial. Consultation processes are often rushed, with short deadlines and limited opportunities for meaningful input, making it difficult for CSOs to provide well-researched contributions.

Furthermore, CSOs highlight a lack of follow-up mechanisms, meaning that even when their recommendations are acknowledged, they are not always implemented or reflected in policy decisions. This weakens trust in the consultation process and discourages civil society actors from engaging in future discussions.

However, there were some positive developments in 2024. A specific support programme for the implementation of civic dialogue was launched with ESF+ funding. The aim of the project is to strengthen the capacity of civil society organisations by improving civil dialogue at all stages of decision-making and thereby strengthening trust in the state.

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Additionally, the culture minister appointed an advisor for cooperation with CSOs. The minister also committed to organising a civil dialogue meeting with CSO representatives at least every three months to strengthen dialogue and create a platform for discussion on important issues. However, in 2024, only one such dialogue meeting took place.

On 7 May, the annual *Saeima*-NGO forum was held to discuss Latvia's future in Europe, marking Latvia's 20th anniversary as a member of the European Union and NATO. The *Saeima*-NGO Forum is an important initiative to promote cooperation between civil society and the *Saeima*, and to encourage the involvement of NGOs in legislative processes.

In 2024, the cabinet of ministers approved new rules on public participation in development planning,¹⁵ extending it beyond policy-making to include reforms and budgetary issues. Citizens can now initiate participatory processes, and institutions must respond if participation opportunities are not provided. In addition, renewed and standardised forms of participation were introduced, including innovative methods such as think-tanks to improve the effectiveness of decision-making. However, the parliament did not support the application of these provisions at the parliamentary level. As of 1 September 2024, the Local Government Referendums Act enters into force.¹⁶

A significant step forward was made with the 2022 Local Government Law, which introduced new requirements for public participation in municipal decision-making. However, implementation at the local level remains inconsistent. A survey conducted on municipal engagement with CSOs found that:

- ▶ 655 associations and foundations participated in local government public participation mechanisms between 2020 and 2022.
- ▶ 309 of these organisations were based in Riga, while 346 were outside the capital, indicating that participation is not limited to urban areas but remains uneven.
- ▶ Many municipalities still lack formal civic participation mechanisms, and in many cases, CSOs are engaged only in informal discussions rather than structured decision-making processes.

Additionally, while local governments often collaborate with CSOs on community projects and social initiatives, they rarely involve them in policy planning, budgeting, or legislative processes, limiting the impact of civic participation on governance.

Despite progress, several barriers continue to hinder meaningful dialogue between CSOs and governing bodies. Limited institutional capacity and funding make it difficult for consultative bodies such as the Memorandum Council to sustain long-term

¹⁴. https://saeima.lv/files/Deklaracija_par_sadarb_pilson_sabiedr_2202.pdf

¹⁵. <https://likumi.lv/ta/id/355632-sabiedribas-lidzdalibas-kartiba-attistibas-planosanas-procesa>

¹⁶. Latvija var rīkot pašvaldību referendumus - LV portāls

engagement. In some cases, participation remain tokenistic: some government institutions collaborate with CSOs only to fulfill formal requirements, rather than genuinely incorporating their perspectives into policymaking. Moreover, while Latvia has legal

provisions for public access to information, CSOs report difficulties obtaining timely and comprehensive data, which affects their ability to participate effectively in decision-making.

Civil society resilience

Latvia's civil society has demonstrated remarkable resilience despite financial constraints, political instability, external threats, and crises such as the COVID-19 pandemic and Russia's war in Ukraine. CSOs have continued to provide essential services, advocate for human rights, and foster democratic engagement. However, structural weaknesses, regional disparities, political pressure and limited institutional support remain obstacles to long-term resilience.

The financial instability of CSOs is a major obstacle to their resilience. The sector remains highly dependent on project-based funding, EU grants, and government support, which are often short-term and unpredictable. Many organisations lack long-term financial planning capabilities, making it difficult to sustain their activities beyond individual project cycles. Few CSOs have reported receiving donations, indicating a reliance on institutional funding rather than community-based

financial support. Lastly, smaller and regional CSOs struggle to access funding, as the majority of available resources are concentrated in Riga and a few larger cities.

Despite these challenges, Latvian civil society has developed innovative strategies to enhance resilience and ensure long-term sustainability. CSOs have formed alliances and coalitions to coordinate advocacy efforts, share resources, and provide mutual support. The Civic Alliance – Latvia and LAPAS have played key roles in providing training, capacity-building, and legal support to smaller organisations.

Public trust in civil society remains relatively high, particularly for organisations involved in crisis response and social services. However, mistrust towards advocacy organisations and HRDs has grown, fuelled in part by disinformation and negative political rhetoric.

Recommendations

TARGETED RECOMMENDATION:

→ **Recognise and implement structured civil dialogue as equal to social dialogue by the end of 2025.**

- Urgently appoint designated civil society advisers to facilitate structured dialogue with CSOs and develop joint action plans for policymaking.
- Improve the legal framework governing civil dialogue and ensure that participatory mechanisms are legally binding on decision-makers.
- Urgently develop and implement measures to combat misinformation and promote mutual support in crisis situations, ensuring a strong and cohesive society, including strengthening regional independent media.
- Urgently increase financial support for civil society by introducing new funding programmes to support volunteering and public interest activities and by increasing funding in existing programmes, particularly the NGO Fund.
- Immediately reform conflict of interest management procedures to reduce administrative burdens, while maintaining transparency, by the end of 2025.

About the author

Civic Alliance – Latvia (CAL) is an independent umbrella organisation representing the common interests of civil society in Latvia, including associations and foundations, based on the fundamental freedoms of democracy and human rights. CAL implements dialogue with public administration and other decision-makers, creates a favourable environment for a strong, active and knowledgeable civil society at the local, national, and international levels.







Netherlands

By Breed Mensenrechten Overleg – a platform for 20+ Dutch human rights and development organizations, connecting civil society and decision makers to protect human rights worldwide.



Key civic space trends	168
Summary	168
Institutional, political and socio-economic landscape	168
Regulatory environment for civic freedoms	169
Freedom of association	169
Freedom of peaceful assembly	171
Freedom of expression and the right to privacy	173
Media freedom	173
Safe space	175
Restricting access to justice for civil society	175
Financial viability and sustainability of civil society	176
Budget cuts and additional restrictions on state funding	176
Derisking	177
Access to donor funding	178
Civil dialogue and the right to participation	178
Civil society resilience	179
Recommendations	180
About the author	182

Key civic space trends

-  Right to protest significantly threatened by surveillance, mass arrests, and negative political rhetoric.
-  Major funding cuts across civil society sector; threats to funding of critical CSOs.
-  Legislative proposals increase political oversight and administrative burden of CSOs.
-  Political misinformation and insidious anti-rights framing have led to increased stigmatisation of CSOs.

Summary

Dutch civic space has been downgraded from open to narrowed,¹ by the Civicus Monitor due to the repression of peaceful assembly with a disproportionate response (mass arrests, excessive force, surveillance). This took place against the backdrop of the mainstreaming far-right ideas, coupled with political, legislative, and financial attacks on civil society. Harassment and attacks against civic actors (on- and offline), and in particular marginalised groups (refugees and migrants, LGBTQI+ and racialised communities),² as well as those protecting and advocating for the rights of these groups, remain persistent problems.

In its 2024 Rule of Law Report, the European Commission made no recommendations related to civic space. It however noted “shortcomings” regarding restrictions to the right to assembly. This trend continued in 2024. Palestine solidarity actions — in particular student encampments — and climate actions were met with

aggressive response. Restrictions included surveillance, excessive use of force and mass arrests, which were paired with politicians’ calls for more aggressive prosecution of protesters, accusations of antisemitism and support for terrorism, foreign influence, and the conflation of protests with unrelated riots. Legislators have proposed multiple blanket prohibitions of peaceful assembly at certain times or in certain areas, introducing new, generic grounds for prohibiting action (“disrupting public order”),³ disregarding internationally established legal standards for determining limitations of the right to peaceful assembly.

In addition, civil society faced significant funding challenges. These include a proposal to scrutinise CSOs for foreign influence according to their funding sources, the denial of state funding to organisations that are critical of the government and cuts to the budgets of civil society organisations across multiple sectors.

Institutional, political and socio-economic landscape

On 2 July 2024, the new government led by Prime Minister Dick Schoof was sworn in. This new cabinet consists of right-wing (and partly extremist) parties.⁴ The newly elected government has introduced budget cuts and various legislative measures that are

reducing the enabling environment for civil society in the Netherlands. In addition to the content of their proposals, the government has partially abandoned established consultative practices for new legislation. They have attempted to push through “emergency

1. https://monitor.civicus.org/globalfindings_2024/

2. Ministry of Culture, Education and Science, *Lhbtqi+-monitor 2024: De leefsituatie van lhbtqi+ personen en opvattingen over lhbtqi+ personen in Nederland*, 6 November 2024. COC-blog, <https://coc.nl/blog/2024/11/06/onderzoek-regenbooggemeenschap-ervaart-meer-haat-onveiligheid-en-discriminatie/>, 6 November 2024.

3. “Orde-verstorend”. Despite calls from parliamentarians to keep to established definitions for protected forms of direct action (e.g. peaceful protest), the government and coalition parties persist with their new framing of “disruptive to the public order” as unprotected action.

4. Parties including the Party for Freedom (PVV), the People’s Party for Freedom and Democracy (VVD), New Social Contract (NSC), and the Farmer–Citizen Movement (BBB).

legislation” based on unsupported claims of a refugee crisis, disregarded legal and constitutional concerns raised by the Council of State, and provided inadequate time for input from both government, advisory, and civil society actors.

The government drastically and unexpectedly cut financing for civil society organisations (CSOs) through the main development and human rights financing instruments, decimating essential work and partnerships built over years. These cuts were especially painful when accompanied by politicians’ language which stigmatises the legitimacy of an independent, critical civil society and the value of including Dutch organisations in partnerships with local civil society. A pivot away from negatively politicised issues like sexual and reproductive health, LGBTQI+, and women’s and girls’ rights is signalling the government’s doubtful commitment to the universality and indivisibility of human rights. Although the budget was proposed in September, there is still no new policy framework for development aid instruments supporting civil society, adding to the uncertainty. In one case, public pressure led the government to partially abandon budget measures aiming to strip donations to charities of their tax-exempt status.

Multiple legislative proposals would introduce significant limitations and administrative burden to the financing and work of NGOs. Significantly, debates on these measures are often taken as an opportunity to stigmatise and question the legitimacy of (politically engaged or critical) CSOs and their actions, regardless of the outcomes of the votes.

In addition to the proposed changes to the law on demonstrations (*Wet Openbare Manifestaties*), the government has fast-tracked proposals for a law aimed against foreign influence targeting CSOs (*Wet*

Transparantie Maatschappelijke Organisaties), changes to legislation limiting access to the courts in cases of public interest litigation (*Wet afwikkeling massaschade in collectieve actie*), and legislation introducing an administrative prohibition on “subversive” organisations (*Wet Bestuurlijk Verbod Ondermijnende Organisaties*). Members of parliament have additionally proposed limiting civil society and journalists access to the Ultimate Beneficial Owner (UBO) register⁵ by raising the threshold for “legitimate interest.”

Civil society supports the nominal goals of these proposals: increased safety, defence against foreign influence, increased transparency, and safeguarding privacy. However, the proposals are not proven to be effective in their stated aims, are based on vague norms, include disproportionate powers and inadequate safeguards, impose a high administrative burden, and open the door to potentially selective application. When read together, these echo early warning signs of democratic erosion, concentration of power, and a risk of undemocratic silencing of critical voices.

Political polarisation, misinformation, and insidious anti-rights framing have increased stigmatisation of NGOs and mainstreamed scepticism about their independence and the legitimacy of their work. In addition to the dramatic funding cuts, the first signs of a chilling effect among donors and organisations have been observed: self-censorship (abandoning certain language, issues or activities) and a division between more “mainstream” and more “activist” initiatives. These warning signs of shrinking civic space and democratic erosion have energised civil society to form broader alliances to learn from partners around the world experiencing similar pressures. In the face of this escalating pressure, Dutch civil society has joined in coordinated efforts to defend civil liberties and the rule of law.

Regulatory environment for civic freedoms

Freedom of association

The Netherlands has a diverse organised civil society. Since 2019, the total number of registered foundations or associations has been over 40,000.⁶ In 2023, 40% of those aged 15 or over claimed to have spent at least

one day as a volunteer with a CSO in the past year. Of those, 30% claimed to have volunteered in the past 4 weeks.⁷

5. A UBO register keeps track of persons or owners in charge of a company.

6. <https://ondernemersplein.kvk.nl/bedrijfsvoering/rechtsvormen-en-organisatie/de-stichting/>

7. <https://www.cbs.nl/nl-nl/longread/rapportages/2024/vrijwilligerswerk-2023>

High Administrative Burden

The increasing complexity of laws and regulations in the Netherlands has led to high administrative burdens which take a toll on the capacity of CSOs. Several prominent civil society networks and umbrella organisations (Goede Doelen Nederland, NOV, HSC, and Wo=Men) have raised these concerns. Their efforts have resulted in multiple ministries commissioning research on administrative burdens and potential solutions. The final report was published in June 2023, concluding that the government needs to work on reducing and simplifying regulations.⁸

Legislation targeting CSOs

The new government is exploring ways to develop a “smart ban on unwanted foreign financing of Dutch associations, foundations, churches or informal organisations,” following on from its stated intentions in the national security chapter of the coalition agreement.¹⁰

The draft law on transparency of civil society organisations (*Wet Transparantie en tegengaan ondermijning door Maatschappelijke Organisaties*, or WTMO)¹¹ is currently under consideration in the Senate, after it passed in the lower house. Despite widespread criticism, including from the Council of State, the law was fast-tracked in the new government’s coalition agreement. Nominally aimed at preventing the use of civil society organisations for foreign influence operations, it introduced vague definitions, far-reaching administrative powers, and excessive administrative obligations for donor registration.

The concerns about the WTMO echo those of European civil society about national “foreign agents” laws, as well as the EU’s proposed foreign funding directive. Although it does not explicitly mention foreign funding as a criterion for taking action, the language of the proposal, explanatory memorandum, and other related communication suggest that the law is primarily a tool against the use of CSOs to conduct foreign influence efforts.

Prohibition of organisations

A draft law on the administrative prohibition of organisations undermining public order (*Wet bestuurlijk verbod ondermijnende organisaties*, or WBVOO)¹³ is

Parliament is currently considering a proposal to make the temporary Dutch Advisory Board on Regulatory Burden a permanent agency, although their involvement in the legislative process and obligatory nature of their advice remains unclear.⁹ Engagement with the government and parliament to require legislative proposals to address the issue of administrative burden on businesses and CSOs are ongoing. Considerations of the administrative burden of new legislative proposals in legislation and practice are also ongoing.

The WTMO would grant local mayors the authority to request insight into an organisation’s financial records, on suspicion that they are carrying out activities that undermine the rule of law or public order. If organisations do not comply, far-reaching sanctions can be imposed, including fines and the suspension of an organisation’s activities for up to 2 years. The law includes a *de facto* obligation for organisations to keep detailed donor records for seven years. This, combined with unclear rules on which government agencies would have access to the information shared with the local mayor, raises serious concerns about data protection.

The proposed legislation lacks clear definitions and criteria for administrative measures against organisations as well as clearly defined legal remedies for targeted organisations. Moreover, the necessity of these measures, in addition to existing local safety trilogues (including law enforcement, mayors and prosecutors) and AML/CFT measures, is questionable. By singling out the non-profit sector for scrutiny, deeming it a security risk, and implying that the source of funding is linked to influence over their work programme, the law unnecessarily stigmatises civil society. The stigmatisation, administrative burden, and privacy concerns of civil society will almost certainly have a chilling effect on donors and volunteers.¹²

under consideration by the senate. The aim of the law is to provide the government with supplementary measures when criminal law is insufficient against

8. <https://www.rijksoverheid.nl/documenten/rapporten/2023/06/19/rapport-regeldruk-bij-vrijwilligersorganisaties-en-filantropische-istellingen>. .

9. <https://www.adviescollegeregeldruk.nl/over-ons/ontstaansgeschiedenis>.

10. <https://www.tweedekamer.nl/downloads/document?id=2024D19455>, p. 21.

11. <https://www.tweedekamer.nl/kamerstukken/wetsvoorstellen/detail?cfg=wetsvoorstel&details&qry=wetsvoorstel%3A35646> ; <https://www.nhc.nl/state-ment-sta-nu-op-voor-onze-burgerrechten-en-beschermt-de-rechtsstaat-stop-de-wtmo-en-de-wbvo/>

12. <https://publicaties.mensenrechten.nl/publicatie/78518667-2445-4fe1-9a6d-1370abc7a5a4>; <https://goededoelennederland.nl/over-de-sector/nieuws/de-wtmo-moet-terug-naar-de-tekentafel> .

13. https://www.eerstekamer.nl/wetsvoorstel/35079_initiatiefvoorstel_mutluer

organisations actively undermining public safety. The outlawing of motorcycle gangs is the most common example cited in discussions of the law.

Under the WBVOO, the justice minister (*rechtsbescherming*), a political actor, would have the power to ban an organisation by decree. The law would allow the minister to take such action “when it is required in the interest of public order and the organisation creates, exacerbates or maintains a culture of lawlessness”.

Intimidation and smear campaigns

The political discourse surrounding watchdog organisations, NGOs, civic activists, and protest groups is becoming increasingly negative. Instead of being recognised for their role as essential contributors to a healthy democracy, critical NGOs are often portrayed as adversaries that are advancing foreign or illegitimate agendas.

Some politicians and media outlets exacerbate this narrative by fuelling or starting smear campaigns against NGOs and individual activists. For example, misinformation spread by Forum for Democracy MPs about a sexual education week in primary schools led to intimidation of the staff from the Rutger Institute, a sexual education centre.¹⁵ Similarly, baseless accusations against a PAX staff member, stemming from an Israeli state report, were uncritically echoed by Dutch political parties and media, enabling an unprecedented attack on local NGOs by a foreign state.¹⁶ Parliament passed a motion to remove the tax-exempt status of climate action group, Extinction Rebellion for donations they receive, although this decision falls under the purview

Under the current rules, the dissolution of an organisation may only be granted by a judge when requested by the public prosecutor.¹⁴

Similarly to the WTMO, this law introduces far-reaching enforcement powers (i.e. the prohibition of an organisation) with new, unclear definitions and limited legal redress and carries the same risk of being selectively applied to silence critical voices. This is especially alarming considering the attacks on CSOs in general and individual activists and organisations over the last year.

of the Tax Authority who claims no grounds for such action.¹⁷ The group has been labelled as “an illegal, society-disrupting and vandalistic organisation”.¹⁸

The PVV party, a member of the ruling coalition, called for halting state funding to NGOs in response to actions it opposed, such as a lawsuit led by several organisations aiming to halt the delivery of F-35 jet parts to Israel.¹⁹ Despite their longstanding partnership with the Dutch foreign affairs ministry and their invaluable expertise, these organisations — PAX, The Rights Forum, and Oxfam Novib — face growing attacks questioning their credibility.

These developments coincide with the increasing criminalisation of peaceful protests, signalling a shift toward suppressing dissent and narrowing the space for independent and critical civil society voices. Instead of supporting civic activism in general, the government now favours certain perspectives while undermining others.

Freedom of peaceful assembly

The freedom of peaceful assembly is generally well regulated in accordance with human rights treaties, such as the Act on Public Manifestations (*Wet Openbare Manifestaties*). However, the right to protest has come under increased pressure and public scrutiny. This includes the banning of protests and certain slogans or symbols, the conflation of disruptive action with truly dangerous action, the use of excessive force, and the

surveillance and prosecution of protesters. This has created an atmosphere of fear and tension surrounding direct action.

Developments over the past few years have led to the “securitisation” of public discussions about the right to peaceful assembly.

14. Art. 2:20 para. 1 of the Civil Code.

15. <https://pointer.kro-ncrv.nl/hoer-misinformatie-de-online-haatchmachine-tegen-de-week-van-de-lentekriebels-op-gang-trok>

16. <https://paxforpeace.nl/news/criticism-on-israel-should-be-allowed/>

17. <https://www.tweedekamer.nl/kamerstukken/detail?id=2025Z01001&did=2025D02293>; <https://nos.nl/artikel/2553608-kamer-wil-belastingvoordeel-extinction-rebellion-schrappen>

18. <https://nos.nl/artikel/2553608-kamer-wil-belastingvoordeel-extinction-rebellion-schrappen>

19. <https://zoek.officielebekendmakingen.nl/blg-1138000.pdf>

The government's coalition agreement includes the explicit goal of "making a sharper distinction between peaceful demonstrations and actions disrupting public order."²⁰ This distinction introduces a new, vague norm, which deviates from established standards for protected action and peaceful assembly. This has an inherently negative impact on public discourse, law enforcement, policymakers, and protesters themselves.

In April 2024, the then interior minister and justice and security minister announced an investigation into the freedom of peaceful assembly, more specifically into whether the legal framework concerning the right to demonstrate corresponds to current developments.²¹ The ministers reasoned that in light of increasing protest action, "demonstrators often deliberately seek out or exceed the boundaries of the law or in which other fundamental rights or national security may be compromised." This investigation came in addition to an ongoing evaluation of the law on public manifestations.²²

Disruptive demonstrations and those which endanger national security, or the rights of others are main subjects of this investigation. Explicit references are made to the roadblocks of Extinction Rebellion and farmers' protests, as well as protests "in the context of the Israel-Palestine conflict."²³ The motive behind this study is to investigate "the possibilities of strengthening the action perspective of all parties involved and the durability of the legal framework," in order to strengthen and maintain the right to demonstration.²⁴ This security-oriented focus on the right to demonstration endangers compliance with international human rights standards. In a report, Amnesty International Netherlands raised concerns about a number of measures taken over the last years to restrict protests. This includes: the banning of non-criminal protest signs and expressions deemed "shocking", which the organisations deemed a form of censorship; the imposition of restrictive measures on the organisation

of protests to avoid traffic disruptions, calling it an unlawful restriction on the right to demonstrate; and unnecessarily complicated notification procedures, which differ from municipality to municipality.²⁵

Furthermore, emergency orders and regulations are sometimes used by mayors to prohibit or disband protests.²⁶ Under these measures, local authorities are granted extensive powers, leading to unnecessary and illegal ID checks of protesters, as well as arrests and the use of excessive force.²⁷ An example of egregious violence was the breakup of a student encampment with a bulldozer at the University of Amsterdam, with the Dutch Scholars for Palestine reporting the use of excessive force.²⁸

Amnesty International Netherlands has also raised concerns of excessive surveillance of protesters in violation of human rights standards. "The manner and extent of surveillance may violate protesters' privacy, have a discriminatory impact and deter people from choosing to exercise their rights as protesters."²⁹ Equally concerning are infiltrations of online communication of Extinction Rebellion.³⁰ Common practices of mass arrests, "administrative displacement" (*bestuurlijke verplaatsing*)³¹ and the "kettling" of protesters have been criticised as rights violations. This stands in contrast to international standards which make a distinction between responses to peaceful, protected action and responses to criminally-prohibited action.³² The government is currently exploring the possibility of extending the current ban on full face coverings (in health and education institutions, government buildings)³³ to include demonstrations. A majority of the house of representatives requested such a ban in September 2024 and the cabinet will investigate its legal feasibility and enforceability.³⁴

2024 saw multiple examples of the criminalisation of protesters and protest bans, most notably a week-long ban on protests by the Amsterdam municipality after

20. <https://www.tweedekamer.nl/downloads/document?id=2024D19455>, p. 22.

21. <https://www.rijksoverheid.nl/actueel/nieuws/2024/04/19/kabinet-laait-onafhankelijk-onderzoek-doen-naar-demonstratierecht>

22. https://www.eerstekamer.nl/kamerstukdossier/evaluatie_wet_openbare

23. <https://open.overheid.nl/documenten/14d4c321-0294-430a-bcd6-0ab0bc0fdb06/file>.

24. *Idem*, p. 19.

25. https://www.amnesty.nl/content/uploads/2022/11/AMN_22_33_demonstratierecht-onder-druk.pdf?x84346

26. https://www.amnesty.nl/content/uploads/2022/11/AMN_22_33_demonstratierecht-onder-druk.pdf?x55122, p. 51 and further.

27. *Ibid*

28. <https://www.aljazeera.com/news/2024/5/7/police-break-up-pro-palestine-protests-at-berlin-amsterdam-campuses>.

29. <https://www.amnesty.org/en/documents/eur35/8469/2024/en/>

30. <https://www.platform-investigatie.nl/onderzoeken/onderzoek-demonstratierecht-in-de-knel/politie-keek-heimelijk-mee-in-chatgroepen-van-extinction-rebellion>.

31. Roorda B., Brouwer J., "Bestuurlijke verplaatsing bij demonstraties", *Ars Aequi* magazine, June 2022, pp. 452 – 456. <https://pure.rug.nl/ws/portafiles/portal/226283579/AA20220452.pdf>

32. <https://www.amnesty.nl/wat-we-we-doen/demonstratierecht-in-nederland/de-rol-van-de-politie>.

33. <https://www.rijksoverheid.nl/onderwerpen/gezichtsbedekkende-kleding-in-de-media-boerkaverbod/gezichtsbedekkende-kleding-gedeeltelijk-verbieden>

34. <https://www.tweedekamer.nl/kamerstukken/moties/detail?id=2024Z13905&did=2024D34108>

the riots involving Israeli football supporters and local youth in November.³⁵ Legal experts agree that this measure violated provisions of the Dutch Constitution and the European Convention on Human Rights.³⁶ Protesters disregarding the ban reported that police used excessive force, with an investigation into police misconduct being launched after footage of violence circulated on social media.³⁷

In another example, several members of Extinction Rebellion (XR) were preventively detained before the start of a climate demonstration and were eventually

prosecuted for sedition.³⁸ Organisers of a student education protest at the university of Utrecht cancelled their action after the municipality suggested the protest was at “risk of being overshadowed by (violent) pro-Palestinian action”; without clarifying the risks.³⁹ Some municipalities have attempted to prohibit XR protesters from mentioning “developments in the Middle East”,⁴⁰ while others have faced excessive fines of thousands of euros in an attempt to prevent protesters from further peaceful civil disobedience. The district court found that these fines violated the right to protest and the law on public demonstrations.⁴¹

Freedom of expression and the right to privacy

The Netherlands enjoys relatively robust protections of freedom of speech and expression, academic freedom, and media freedom. Some foreign speakers have been refused entry on grounds of maintaining public order because of their presumed message of hate or incitement to violence, including an Imam from Australia,⁴² a British conspiracy theorist,⁴³ and a Palestinian radical activist.⁴⁴ All were able to speak to crowds through digital means, raising questions about the effectiveness of an entry ban.

Civil society has raised particular concern at the frequent accusations of antisemitism against those speaking out in solidarity with Palestinians and against Israeli war crimes. There have been multiple parliamentary motions calling for the prohibition or criminalisation of the phrase “From the River to the Sea”, describing it as antisemitic, thought this has been rejected by the courts.⁴⁵

Media freedom

Media freedom organisations have raised concerns about a regressing media environment. They point to an increase in incidents of violence against journalists, the normalisation of harmful political rhetoric questioning

In an effort to fight disinformation and hate, the government has proposed a draft law on the inspection of informal education, which is open for consultation. This would allow the education inspectorate to monitor and react to informal education programs (e.g. among diaspora or religious communities) which spread discriminatory messages or hate. However, the broad scope of the proposed measure could open the door to excessive surveillance of legitimate activities, seriously infringing freedoms of expression, religion, education, and association. The lack of sufficient safeguards against abuse of these measures has raised serious concerns in light of ongoing discrimination and overreach by law enforcement and government agencies against the Palestine solidarity movement and Muslim religious communities.⁴⁶ A consultation on the law closed in January 2025 and the proposal has not been submitted to the parliament.

the integrity and independence of the media and journalists, as well as financial measures. These include large cuts to the public broadcaster’s budget, plans to increase the rate of VAT for print and online media,

35. <https://www.bbc.com/news/articles/cx243z69w4no>.

36. Frank Rensen, Extension of Amsterdam Protest Ban Likely to be Overturned, Experts Say (Verlenging Amsterdams demonstratieverbod houdt waarschijnlijk geen stand, denken experts), De Volkskrant, 11 November 2024.

37. <https://www.amnesty.nl/politiegeweld-in-nederland>.

38. <https://www.amnesty.org/en/documents/eur35/6650/2023/en/>

39. See Landelijke Studenten Vakbond (Netherlands), Statement on Cancellation of Protest on 14 November: An Alternative for Students to Protest (Statement Landelijke Studenten Vakbond Afbazen Protest 14 Nov: Er Komt Voor Studenten Een Alternatief Om Alsnog Te Protesteren), 13 November 2024, <https://lsvb.nl/2024/11/13/statement-landelijke-studentenvakbond-afblazen-protest-14-nov-er-komt-voor-studenten-een-alternatief-om-alsnog-te-protesteren/>.

40. <https://www.1twente.nl/artikel/4486764/verbod-om-over-gaza-te-praten-bij-flyeractie-klimaatactivisten-xr-twente-in-hengelo-blijkt-fout-in-brief-van-de-gemeente>.

41. Rechtbank Noord-Holland (the Netherlands), Judgment of 12 August 2024, <https://www.rechtspraak.nl/Organisatie-en-contact/Organisatie/Rechtbanken/Rechtbank-Noord-Holland/Nieuws/Paginas/Geen-last-onder-dwangsom-voor-demonstranten-Extinction-Rebellion-in-Haarlem.aspx#:~:text=Geen%20last%20onder%20dwangsom%20voor%20demonstranten%20Extinction%20Rebellion%20in%20Haarlem,-Haarlem%2C%2015%20augustus&text=De%20burgemeester%20van%20de%20gemeente,oordeelt%20de%20rechtbank%20Noord%2DHolland..>

42. <https://nos.nl/artikel/2505407-omstreden-islamitische-prediker-toegang-tot-nederland-geweigerd>

43. <https://www.rechtspraak.nl/Organisatie-en-contact/Organisatie/Rechtbanken/Rechtbank-Noord-Holland/Nieuws/Paginas/Inreisverbod-David-Icke-blijft-van-kracht.aspx#:~:text=De%20staatssecretaris%20van%20Justitie%20en,vormt%20van%20de%20openbare%20orde>.

44. <https://nos.nl/artikel/2545940-geweerde-pro-palestijnse-activist-khatib-spreekt-via-video-in-wageningen>

45. Court of Amsterdam, 15 August 2023, ECLI:NL:GHAMS:2023:2271

46. See e.g. the recent report of the Amsterdam Metropolitan Ombudsman, “On slippery ice”, determining discrimination and abuses by the municipality against the local Muslim community, 4 February 2025. https://sociaalweb.nl/wp-content/uploads/po_assets/1037931.pdf

and inadequate draft legislation to implement the European anti-SLAPP (Strategic Lawsuits Against Public Participation) directive.

The proposed VAT increase, from 9% to 21%, would have far-reaching implications for media pluralism and access to independent information. Some independent research has estimated a decrease of 10% in purchases and subscriptions, leaving 270,000 households without regular access to media, and leading to a cut of almost 400 journalism jobs.⁴⁷ The Council of State has also criticised the proposal because of its potential effects on media pluralism.⁴⁸

As in other areas, politicians from (far-)right parties in government have applied pressure to media freedom with calls to investigate, prohibit, or otherwise interfere with free media. For example, the PVV called to abolish the public broadcasting network altogether.⁴⁹ This has been resisted by the government, with the education, culture, and science minister emphasising that freedom of expression and freedom of speech are fundamental pillars of media independence, and that censorship and prior supervision of the content of media are not permitted in the Netherlands.⁵⁰ Although these calls are adequately disputed by the government, the normalisation of “anti-media” rhetoric is alarming.

In April 2024, Free Press Unlimited published a report investigating the impact of legal pressure on Dutch journalism.⁵¹ The research shows that increasing legal pressure on media and individual journalists in the Netherlands created psychological and financial pressure, leading to self-censorship. Freelance journalists and smaller media outlets are most impacted. The legal pressure was in some cases severe, including penalty payments of tens of thousands of euros and threats to seize a journalist’s house. A 2024 report of

the Coalition against SLAPPs in Europe (CASE) found 12 SLAPP cases in the Netherlands in previous years and recommended the introduction of special provisions in Dutch law to protect targets of SLAPPs.⁵²

In early October, the justice and security ministry published a draft law for implementing the EU anti-SLAPP directive. According to the Dutch Anti-SLAPP working group⁵³ as part of CASE, the proposed law does not provide sufficient protection for victims of SLAPPs and falls below minimum requirements of the directive and far from Council of Europe (CoE) recommendations. The proposal lacks explicit definitions and indicators of a SLAPP, maintaining the existing “abuse of procedure provisions” that do not meet the reality facing journalists. Its application is limited to cross-border cases, and it offers limited access to remedy (e.g. early dismissal of proceedings and full compensation).

In addition to legal abuse, journalists face online and offline harassment. In the period 2020-2023, a total of 722 reports were received by *PersVeilig* (Press Safety), a joint initiative of law enforcement, the government and representatives of journalists.⁵⁴ The majority of these concerned “threats” (58%), followed by “physical violence” (19%) and “stalking/harassment/intimidation” (10%). Freelance journalists made almost two-thirds of the reports. The government has committed additional funding to the initiative for Press Safety.⁵⁵

Finally, journalists may face pressure to reveal their sources.⁵⁶ Journalists cannot effectively execute their role as the watchdogs of power when they cannot credibly protect the confidentiality of their sources. Sources and whistleblowers should be confident that journalists will treat the identity of the source and background information they share with journalists with care and, where necessary, with confidentiality.

47. <https://www.ndpnieuwsmedia.nl/2024/09/11/btw-verhoging-ontneemt-270-000-huishoudens-toegang-tot-journalistiek-slechts-14-procent-van-de-nederlanders-steunt-btw-maatregel/>

48. <https://www.rijksoverheid.nl/documenten/kamerstukken/2024/09/17/nader-rapport-wetsvoorstel-belastingplan-2025>

49. <https://nvj.nl/actueel/world-press-freedom-index-2024-politieke-druk-vrije-journalistiek>

50. <https://www.tweedekamer.nl/kamerstukken/kamervragen/detail?id=2024Z15183&did=2024D41932>

51. <https://www.freepressunlimited.org/sites/default/files/documents/Een%20onderschat%20probleem%2C%20disproportionele%20juridische%20druk%20op%20de%20Nederlandse%20journalistiek.pdf>

52. https://www.the-case.eu/wp-content/uploads/2024/12/CASE-2024-report-vf_compressed-1.pdf

53. The Dutch anti-SLAPP working group consists of the following members: Free Press Unlimited; Boekx Advocaten; Prakken d'Oliveira; prof. Tarlach McGonagle; Greenpeace International; Nederlandse Vereniging van Journalisten; NDP Nieuwsmedia; Amnesty International Nederland; Netherlands Helsinki Committee.

54. <https://persveilig.nl/>

55. <https://www.rijksoverheid.nl/actueel/nieuws/2024/11/27/extra-investeren-in-persveiligheid>

56. <https://nos.nl/artikel/2545940-geweerde-pro-palestijnse-activist-khatib-spreek-via-video-in-wageningen>, <https://www.villamedia.nl/artikel/zembla-journalist-roelof-bosma-wil-bronnen-beschermen-en-weigert-getuigenverhoor>

Safe space

Restricting access to justice for civil society

Since the 1980s, the Dutch legal system has allowed foundations and associations to start civil proceedings in the public interest or the interests of third parties. Such public interest litigation is an important avenue to ensure legal redress for vulnerable groups and an important tool for judicial review of government policy. More recently, the Dutch Act on Collective Action (*Wet afwikkeling massaschade in collectieve actie* or WAMCA), in force since 2020, has been changed, introducing procedural and practical limitations on access to justice for civil society.⁵⁷ The new admissibility requirements and procedural steps have negatively impacted litigation in the public interest, such as minority or climate rights.

A more stringent admissibility regime is sometimes used with respect to public interest proceedings. It introduces a requirement of “representativeness” for public interest litigation and limits the application of a judgement to individuals who signed on to the collective action. Because a final judgement from national courts is a prerequisite for access to regional human rights courts, those not included in the collective action may

be precluded from access to those courts for human rights protection.⁵⁸ Although inadvertent, these restrictions place a heavier burden on non-governmental organisations to launch a collective action, as these proceedings have become more complex, costly, and lengthier.⁵⁹

Starting with a motion adopted by parliament in 2023, there have been continuous calls to limit NGO access to the courts for strategic litigation.⁶⁰ The current government has expressed its intention to investigate possibilities for imposing stricter requirements on CSOs involved in legal actions, in particular against the state.⁶¹ This issue has been included in a broader evaluation of the WAMCA, expected to be published in 2025.

Civil society has raised concerns that these proposals could raise the already limiting threshold of accessing justice, at odds with the principles of the democratic constitutional state and access to justice jurisprudence (e.g. Art. 13 ECHR, Art. 9 Aarhus Convention).

Threats to cut funding due to lawsuit against the state

Multiple MPs have proposed cutting funding for NGOs that litigate against the state.⁶² One filed a motion to cut funding for a number of NGOs due to proceedings brought against the state related to Dutch exports of weapon components to Israel, despite the risk of them being used for war crimes. This was accompanied by multiple parliamentary questions based on demonstrable disinformation, such as the claim that public funds are being used to support litigation against the state.⁶³

More recently, the asylum and migration ministry unexpectedly and suddenly denied a request for additional funding to the Dutch Refugee Council (DRC),

the largest provider of legal aid to asylum seekers and refugees. Since the decision did not conform with years-long established practice and denied the DRC adequate time to adjust to less funding, the Amsterdam District Court granted (temporary) relief and ordered the government to continue financing for a number of weeks after the decision on appeal came into force.⁶⁴ This unprecedented move may simply be part of a wider far-right playbook to undermine migrants rights organisations, but may also be due to the DRC’s critical position and ongoing litigation against violations of refugee rights, e.g. via their Committee on Strategic Litigation.⁶⁵

⁵⁷ The WAMCA already narrows access to the courts under the general Civil Code art. 3:305a) that allowed public interest litigation via class action, with exceptions for the “representativity” criteria in cases of NGO claims in the public interest. <https://www.ejiltalk.org/public-interest-litigation-before-domestic-courts-in-the-netherlands-on-the-basis-of-international-law-article-3305a-dutch-civil-code/>

⁵⁸ De-Obstakels-van-de-WAMCA-voor-Ideele-Acties-BCW_PILP_Rapport_2024.pdf

⁵⁹ Ibid.

⁶⁰ See e.g. Motion passed in parliament calling for a higher threshold for advocacy organisations to bring proceedings, claiming they are often “negligibly representative” of the group whose interest they claim to be working for. Notably, the motion was raised and passed in the context of debating new climate legislation on 13 February 2024.

⁶¹ See e.g. <https://open.overheid.nl/documenten/ronl-f525d4046079b0beabc6f897f79045ccf2246e08/pdf>, p.85

⁶² https://eerstekamer.nl/9370000/1/j4nvi0xeni9vr2l_j9vkvfj6b325az/vml1cocne5z1/f=vml0co3b60xx.pdf

⁶³ <https://zoek.officielebekendmakingen.nl/blg-1138000.pdf>

⁶⁴ Court of Amsterdam, 14 February 2025, Temporary injunction, ECLI:NL:RBAMS:2025:919.

⁶⁵ <https://www.vluchtelingenwerk.nl/nl/wat-wij-doen/opkomen-voor-vluchtelingen/strategisch-procederen>.

Pressure on lawyers

Inadequate funding and capacity of legal aid⁶⁶ and pressure on lawyers involved in public litigation have compounded issues highlighted above.

Research commissioned by the Dutch Bar Association revealed that 55% of lawyers faced aggression, threats, and/or intimidation at least once in 2024.⁶⁷ Public officials, politicians, and the media increasingly use harmful rhetoric against lawyers working on politically sensitive cases, discrediting their professional activities. In parliamentary debates, politicians referred to lawyers representing environmental NGOs in strategic litigation against the state as “activist lawyers,”⁶⁸ and sought to restrict access to Immigration and Naturalisation Service (IND) practices to prevent asylum lawyers from “using them again.”⁶⁹ Immigration lawyers are more often viewed as profiting from the “asylum industry” rather than simply acting in their clients’ best interest. In one case, the Dutch prosecutor’s office unlawfully prosecuted two immigration lawyers for fraud and

human trafficking based on their legitimate legal assistance to Turkish migrants and asylum seekers.⁷⁰ Media coverage characterised the lawyers’ activities as “legal tricks”⁷¹ and falsely accused the lawyers of “unethical behaviour,”⁷² a charge that was later rebutted by the president of the Dutch Bar Association.⁷³

There is also increasing pressure on lawyer-client confidentiality. The 2023 amended bill to the Penitentiary Principles Act, aimed at combatting organised crime, introduced the visual supervision of lawyer-client meetings in high-security prisons and limiting the number of lawyers per client to two.⁷⁴ A proposed parliamentary amendment to the bill that would allow for auditory monitoring was found to be unconstitutional and incompatible with European standards.⁷⁵ A revised proposal excluding auditory monitoring remains.⁷⁶ The leadership of the Bar Association has criticised this interference in one of the foundational elements of the justice system.⁷⁷

Financial viability and sustainability of civil society

One of the most prominent and pressing challenges to civil society has been the growing obstacles to funding, in an already shrinking funding landscape. Budget cuts and new, limiting criteria for access to public funding threaten to decimate organisations working on democracy, human rights, and minority and global issues. A push towards private donor financing — from large funds or individual community members

— is unrealistic as measures complicating access to donations and crowdfunding are also being introduced. These measures have had less of an impact on sport, cultural, and other traditional charities in comparison to human rights, climate, or other activist organisations. However, CSOs have benefitted from collaboration and solidarity across the sector.

Budget cuts and additional restrictions on state funding

The new government has announced plans to significantly cut the budgets for civil society across multiple sectors, leaving no area of civil society completely untouched. Cuts in the foreign affairs, education,

culture, and health care budgets will also affect CSOs advocating for and meeting the needs of vulnerable communities.

66. <https://www.advocatenorde.nl/nieuws/inbreng-nova-begrotingsbehandeling-justitie-en-veiligheid>.

67. www.advocatenorde.nl/document/rapport-agressie-bedreiging-intimidatie-advocaten-definitief.

68. House of Representatives (The Netherlands), Plenary report 41st meeting (Plenaire Verslag 41e vergadering), 13 February 2024, contribution to the debate by Mr. De Roon, Member of the Dutch Parliament (PVV; Party for Freedom), www.tweedekamer.nl/kamerstukken/plenaire_verslagen/detail/2023-2024/41.

69. House of Representatives (The Netherlands), Plenary report 66th meeting (Plenaire verslag 66e vergadering), 17 April 2024, contribution to the debate by Mr. Brekelmans, Member of the Parliament (VVD; Party for Freedom and Democracy), www.tweedekamer.nl/kamerstukken/plenaire_verslagen/detail/2023-2024/66.

70. Court Amsterdam (The Netherlands), Judgment of 7 June 2022, ECLI:NL:RBAMS:2022:3127, (Seizure of physical files and data carriers under lawyer as suspect), <https://uitspraken.rechtspraak.nl/details?id=ECLI:NL:RBAMS:2022:3127&showbutton=true&keyword=mensenhandel,immigratie,IND,Turks&idx=3>

71. www.nrc.nl/nieuws/2024/05/20/een-advocaat-is-partijdig-en-onafhankelijk-a4199369

72. www.nrc.nl/nieuws/2024/05/01/procederen-als-dekmantel-is-onethisch-gedrag-a4197562.

73. www.nrc.nl/nieuws/2024/05/20/een-advocaat-is-partijdig-en-onafhankelijk-a4199369.

74. www.tweedekamer.nl/kamerstukken/wetsvoorstellen/detail?cfg=wetsvoorstel&qry=wetsvoorstel%3A36372#wetgevingsproces.

75. www.raadvanstate.nl/actueel/nieuws/april/advies-penitentiaire-beginselenwet.

76. www.tweedekamer.nl/kamerstukken/brieven_regering/detail?id=2024Z08975&did=2024D21089.

77. <https://www.advocatenorde.nl/nieuws/het-verschoningsrecht-de-hoeksteen-van-de-rechtsstaat>.

Most significantly, a massive cut of 70% of the development aid budget will have an irreparable effect on the civil society sector in the Netherlands.⁷⁸ This has been accompanied by increasing the threshold for “own resources” (from non-state funds) from 25% to 50%, an exclusion of lobby and advocacy activities, and a shift towards local partner funding and limited priority topics (food & water, health, and humanitarian aid). “Politicised” topics like women and children’s rights, LGBTIQ+ rights, and refugee rights have been abandoned, except for small carve-outs like the Women, Peace and Security program.⁷⁹ The minister responsible for the cuts has argued that the 50% restriction is necessary to make CSOs less dependent on the government, framing it as a test of their legitimacy to be proven with individual donations. These claims are more dubious when paired with the government’s attempts to reduce tax benefits on corporate and individual donations, raising suspicions about organisations accepting foreign funding, and pressure by MPs on prominent institutional donors to abandon cooperation with certain activist organisations.

In particular, an explicit exclusion of lobby and advocacy work from funding threatens to break down established mechanisms of civil society participation, both in the Netherlands and at multilateral fora (e.g. the UN). This is in direct denial of the inherent duality of CSOs’ role in preventing human rights violations and abuses of

power: as watchdogs monitoring and raising the alarm when needed, and in dialogue by advocating for and influencing policy to include due consideration of all communities being impacted. CSOs use their convening power, networks, and expertise to gather input from communities that face obstacles in getting decision-makers such as governments and corporations to take their rights and needs seriously.

CSOs facing compound pressures on their capacity will be limited in their ability to participate in legislative consultations and political dialogues, monitoring the impacts of policy and communicating these impacts back to decision-makers. The process (or lack thereof) surrounding these changes in development cooperation illustrate the same disregard for established participatory practices. The cuts were introduced in a budget proposal in September 2024.⁸⁰ Organisations whose strategic partnerships (and financing) were to end in December 2024 were only informed in November and offered a hastily organised meeting to respond.⁸¹ To date, there is no new comprehensive policy framework for development cooperation or funding instruments, only two letters⁸² from the minister to parliament containing partial outlines, and requests for thorough consultations have been denied. Civil society is noticing a shift in narrative and strained relationships with traditional partners.

Derisking

In keeping with global trends, Dutch non-profit organisations face issues of limited access to financial services due to “de-risking” activities by financial institutions. Some organisations’ work is hindered by delays in cash transfers, onerous due-diligence requirements, the inability to open bank accounts, and the arbitrary closure of bank accounts.⁸³ These practices complicate financial management and jeopardises the stability of funding. These pressures will only increase under additional anti-money laundering (AML) and counter-terrorism (CFT) financing rules introduced by the EU,

especially the inclusion of crowd-funding platforms in the category of institutions that must meet AML/CFT requirements.⁸⁴

On a positive note, the Dutch roundtable on financial access for non-profit organisations brings civil society, financial institutions, and banks together to address these challenges.⁸⁵ The ongoing initiative has already borne fruit: a dedicated platform for non-profits has been established at a leading Dutch bank, as well as standardised sector baselines.

⁷⁸. <https://www.rijksoverheid.nl/onderwerpen/ontwikkelingshulp/nieuws/2024/11/11/eerste-bezuinigingen-ontwikkelingshulp-bekend-subsidies-ngos-gaan-op-de-schop>

⁷⁹. <https://open.overheid.nl/documenten/e3e5fe61-0167-446d-8a8e-bf255556457e/file>.

⁸⁰. <https://www.rijksoverheid.nl/documenten/begrotingen/2024/09/17/xvii-buitenlandse-handel-en-ontwikkelingshulp-rijksbegroting-2025>.

⁸¹. <https://www.rijksoverheid.nl/onderwerpen/ontwikkelingshulp/nieuws/2024/11/11/eerste-bezuinigingen-ontwikkelingshulp-bekend-subsidies-ngos-gaan-op-de-schop>

⁸². November 2024: <https://open.overheid.nl/documenten/e3572cd7-ed09-408e-b375-ab3b50575f91/file>; February 2025: <https://open.overheid.nl/documenten/e3e5fe61-0167-446d-8a8e-bf255556457e/file>.

⁸³. <https://www.hscollective.org/our-work/projects/de-risking-and-financial-inclusion/>

⁸⁴. <https://ecnl.org/news/unpacking-eu-amlcft-package-key-insights-and-implications-non-profit-sector>.

⁸⁵. <https://www.hscollective.org/news/timeline/financial-inclusion-for-npos/>.

Access to donor funding

Several measures have been proposed that would negatively impact CSOs' access to funding from individual donors and the private sector. In the Netherlands, non-profit foundations can obtain a public benefit organisation status (*Algemeen Nut Beogende Instelling* or ANBI) from the tax authority, offering certain tax benefits to donors. However, the new government announced budget cuts which remove the charitable donation tax deduction.⁸⁶ Due to political and public pressure⁸⁷ tax benefits for individual donors have been upheld, with a certain category of corporate donation still being excluded.⁸⁸

Civil society welcomed the decision of the economic affairs and climate policy (EZK) minister to exclude CSOs from her stricter rules on door-to-door collections and telemarketing, although the final rules remain to be determined. In a debate in the gambling committee, MPs targeted the financing of CSOs engaging in political advocacy through the lottery, including implying that they were inadvertently financing Hamas.⁸⁹

Civil dialogue and the right to participation

Funding cuts and limitations on use of funding for lobbying and advocacy activities is already drastically limiting civil society's capacity to engage in dialogue with decision-makers. Dialogue with civil society varies between political parties and ministries, with remarkably limited engagement from the asylum and migration and international trade and development aid ministries. This is due in part to reluctance on the part of civil society to facilitate far-right policies and ministers' (and their party's) attacks on CSOs in public discussions. Even at ministries with traditionally strong partnerships with civil society, pressure on personnel capacity has led to inconsistencies in engagement.

A noticeable change was the decreased time allowed for (online) consultations of legislative proposals. Legislative consultations normally last between six to eight weeks, but the time allocated is sometimes reduced, with the consultation in one specific initiative in the area of counterterrorism only being open for five days. Some egregious examples of the government trying to bypass or preclude democratic participation came from asylum and migration ministry. An initial government attempt to introduce a temporary asylum

crisis law was stopped by the senate.⁹⁰ As there was inadequate evidence of crisis, this move was criticised by politicians and civil society alike as an abuse of emergency powers.⁹¹ As observed by Ingrid Leijten, a professor of constitutional law:

"They are testing the limits of the rule of law. The law is seen here as something that stands in the way and must be circumvented. And with it not only our right, but also the influence of our elected parliament, which must be given the opportunity to have a say in this, especially in the event of drastic measures."⁹²

The minister subsequently changed track from invoking state emergency law towards fast-tracking. In their assessment of the fast-tracked proposals for the Asylum Emergency Measures Act and the Two-Status System Act, the Council of State raised concerns about the government's "careless preparation" of legislation, highlighting that "input from citizens, executive organisations and legal practice at an early stage is of great importance in order to arrive at good legislation."⁹³

86. <https://www.rijksfinancien.nl/belastingplan-memorie-van-toelichting/2025/d17e2085>.

87. <https://goededoelennederland.nl/downloads/over-de-sector/2406-Advies-Behoud-Giftenaftrek.pdf>

88. <https://ondernemersplein.kvk.nl/aftrek-giften-van-vennootschapsbelasting-niet-meer-mogelijk-in-2025/>

89. Motions from two coalition party/s targeted at the Postcode Lottery and the freedom of choice in supporting charities; 11 April 2024, <https://www.tweedekamer.nl/kamerstukken/stemmingsuitslagen/detail?id=2024P06521&did=2024P06521>.

90. <https://nos.nl/artikel/2540112-eerste-kamer-tegen-gebruik-van-noodrecht-voor-asielmaatregelen>.

91. <https://nos.nl/artikel/2537060-kabinetsplan-om-asielcrisis-uit-te-roepen-leidt-tot-zorgen-en-vraagtekens>.

92. <https://nos.nl/artikel/2537060-kabinetsplan-om-asielcrisis-uit-te-roepen-leidt-tot-zorgen-en-vraagtekens>.

93. <https://www.raadvanstate.nl/adviezen/@147826/w03-24-00364-ii/>

Whistleblowers and access to information

Aside from direct dialogue with decision-makers, the framework protecting access to information and whistleblowers form important elements of civil society participation.

European whistleblower protections came into force with the Dutch Whistleblower Protection Act (*Wet bescherming klokkenluiders*) in 2023. Although the act brings many improvements, remaining loopholes limit its protective effect. A requirement that “public interest” be at stake before someone has the right to whistleblower protection undermines the law’s aims, introducing legal uncertainty.⁹⁴ In order to be effective, the law should also grant the whistleblowers authority the sanctioning power to impose administrative sanctions on those who break or fail to comply with the Whistleblower Protection Act.⁹⁵

Freedom of information (FOI) is mentioned in article 110 of the Dutch constitution but is not guaranteed. The Open Government Act (*Wet open overheid*), which came into effect in 2022, provides the legal basis for the release of government information, recognising every citizen’s right to government information without cause. In practice, however, access to information is obstructed or delayed. Investigations by NGOs show that the average response time by authorities at the level of the central government is 172 days, way above the legal maximum of 42 days.⁹⁶ The government blames outdated information management systems for the delays, but multiple NGOs also point to a culture of hesitation at ministries, causing FOI requests to go through multiple legal and political checks before release, in order to protect the leadership from challenging questions.⁹⁷ Journalists assume deliberate, politically motivated delays when the legal deadline to process a FOI request is not met and believe that

the government does not always apply grounds for exception correctly. In recent years, there have been various attempts by government authorities to keep internal advice given by government officials out of the public’s reach, calling them “drafts”, “unripe”, “personal opinions” or a threat to the “unity of the cabinet”.

Another important tool against corruption is access to beneficial ownership registers. Open, public access to the Dutch Beneficial Ownership (BO) register was ended as a result of the European Court of Justice ruling in November 2022. At the time, the Court ruled that access should be limited to those with a legitimate interest, to protect the privacy of those in the register. Since the ruling, the Dutch UBO register has been closed to all but public authorities. Proposed legislation re-opening access to those with legitimate interest has been passed in the House of Representatives and is under consideration in Senate (*Wijzigingswet beperking toegang UBO-registers*). In the meantime, the register remains entirely off-limits to journalists and CSOs, despite the ECJ’s explicit recognition that these groups have a legitimate interest in accessing beneficial ownership information.⁹⁸ Under the proposal, those with “legitimate interest” would have access, but the definition (and processes) have been left to a sub-legislative act (*Argemone maatregel van bestuur*). Certain parliamentarians have called for changes (e.g. sharing the personal information of the person making the request with the UBO when a legitimate interest request is made), with the stated goal of raising the threshold for this type of access.⁹⁹ Even with the proposed changes, a narrow interpretation of legitimate interest may yet curb access. The Dutch government has consistently denied access to these groups, even when they demonstrate their legitimate interest.¹⁰⁰

Civil society resilience

Dutch civil society is actively seeking out the advice of partners on early warning signs of shrinking civic space and democratic erosion. Based on their experience, we are building broad coalitions, seeking each other

out across traditional lines of fragmentation. This has already formed the framework for timely joint responses to attacks and commitments to solidarity

⁹⁴. <https://www.transparency.nl/projecten/corruptie-op-onderwerp/klokkenluiden/>

⁹⁵. *Idem*.

⁹⁶. <https://www.imi.nu/userfiles/imi.nu/files/Blaadjes-op-het-spoor-rapport.pdf>

⁹⁷. *Ibid*.

⁹⁸. <https://www.transparency.nl/nieuws/2024/05/ontwikkelingen-omtrent-wetgeving-ubo-register/>

⁹⁹. <https://www.tweedekamer.nl/downloads/document?id=2025D06223>.

¹⁰⁰. *Ibid*.

We are increasingly aware of our responsibility for educating and raising the public's awareness of the value of civil society as such in a robust democracy with room for a diversity of (critical) voices. Technical policy issues need to be translated to lived realities. An inspiring example is civil society engagement with local authorities, police "peace brigades" trained in de-escalation,¹⁰¹ and protesters themselves, to correct misinformed discussions of protected protest action.

A salient illustration of the energising effect of seemingly negative developments was the increased visibility for public officials' participation in protests. A highlight was the weekly protests of government officials and civil servants at the foreign affairs ministry calling for more decisive action in support of a ceasefire in Gaza. This brought extra attention to the dilemmas facing civil servants (and academics)¹⁰² whose personal beliefs are contradicted by the policies of their employer or (political) leadership.¹⁰³

Despite challenges in access to justice, public interest litigators have continued to play an important part in challenging government policies. Notable

successes have been stopping the export of certain weapons to Israel,¹⁰⁴ challenging the government's inadequate environmental protection,¹⁰⁵ challenging halts to funding essential for refugee legal aid,¹⁰⁶ and challenging anti-Muslim discrimination by banks.¹⁰⁷

These changes have not gone unnoticed — the National Institute of Human Rights (College van de Rechten van de Mens), the Advisory Council on International Affairs (Adviesraad Internationale Vraagstukken),¹⁰⁸ the Policy and Operations Evaluation Department (Internationaal Onderzoek en Beleidsevaluatie)¹⁰⁹ and the Netherlands Institute of Social Research (Sociaal Cultureel Planbureau) all have shrinking civic space on their agendas. Civil society has welcomed the opportunity to share its expertise and experience to facilitate solid, evidence-based conclusions and recommendations. We hope their findings will contribute to a greater awareness of civil society's essential role in a robust democracy and the need to foster an enabling environment.

Recommendations

TARGETED RECOMMENDATIONS:

- ➔ **Consistently apply established international and Dutch human rights, constitutional, and administrative and criminal law norms protecting civil liberties like freedom of expression, association, and assembly.**
- ➔ **Abandon proposals introducing new measures and vague norms which limit civic space, including the draft laws WBVOO (*Wet bestuurlijk verbod ondermijnen organisaties*) and WTMO (*Wet Transparantie Maatschappelijke Organisaties*) that unduly target CSOs and changes to the law on demonstrations (*Wet Openbare Manifestaties*).**
- ➔ Prevent budget cuts from having a disproportionate impact on CSOs. Prioritise dialogue with impacted CSOs (in the Netherlands and abroad) on new frameworks, and balance this with the urgent need for certainty on future funding and cooperation. Include assessments of the impact on human rights and the rule of law in new policy frameworks, budgets, and partnerships.

¹⁰¹. <https://www.politie.nl/nieuws/2023/juni/26/04-inzet-vredeseenheid-werkte-de-esclerend.html>.

¹⁰². <https://nos.nl/nieuwsuur/artikel/2519803-kan-een-docent-zomaar-demonstreren-tegen-zijn-eigen-universiteit>.

¹⁰³. <https://www.volkskrant.nl/binnenland/het-is-voor-ons-ambtenaren-ook-een-worsteling-maar-we-moeten-de-rechtsstaat-beschermen-b5dfaef6/?referrer=https%3A%2F%2Fwww.google.com%2F>; <https://www.parool.nl/nederland/experts-demonstraties-ambtenaren-buitenlandse-zaken-in-strijd-met-interne-gedragscode-b70b34e8/>.

¹⁰⁴. Court of The Hague, 12 February 2024, ECLI:NL:GHDHA:2024:191.

¹⁰⁵. Court of The Hague, 22 January 2025, ECLI:NL:RBDHA:2025:578.

¹⁰⁶. Court of Amsterdam, 14 February 2025, ECLI:NL:RBAMS:2025:919.

¹⁰⁷. National Institute of Human Rights, 25 July 2024, Oordeelnummer 2024-63 & Oordeelnummer 2024-62.

¹⁰⁸. <https://www.adviesraadinternationalevraagstukken.nl/adviestrajecten/krimpemde-maatschappelijke-ruimte>.

¹⁰⁹. https://www.iob-evaluatie.nl/binaries/iob-evaluatie/documenten/rapporten/2024/11/11/mensenrechtenbeleid/IOB_Evaluatie_Nederlandse_mensenrechtenbeleid_202412.pdf

- Create budgets and frameworks that offer CSOs flexibility in determining their programming, including lobbying and advocacy and strategic litigation, as an **acknowledgement of the role of civil society watchdogs in the checks and balances of democracy**.
- Avoid the **misuse of emergency powers** by enhancing parliamentary and judicial oversight, ensuring proportionality and necessity in emergency or fast-track legislation, and upholding established processes and adequate time for consultation, review and adaptation of legislative proposals.
- Invest in **civil society participation** in all phases of policymaking by ensuring transparency of information, adequate time for preparation, and structured open civil dialogue with adequate and timely follow-up.
- Scrap the draft laws WTMO and WBVOO which open the door to **political retaliation against CSOs**. Avoid rhetoric and proposals questioning the legitimacy of CSO based on their (legal) actions or financing. Make sure **any measures limiting the right to association (including access to financing) meet the criteria of necessity and proportionality** and include legal recourse.
- Refrain from unfounded or disproportionate limitations of the right to **peaceful assembly** (e.g. limitations by emergency order, complicated notification processes, excessive surveillance and ID of protesters, censorship of speech and symbols) and prioritise de-escalation approaches. **Apply established legal norms** and abandon differentiation between protected demonstrations and “disruptive actions”.
- **Safeguard judicial independence** with a separate and adequate budget and amendments to the judiciary act allowing the minister to influence the appointment of judges and issue or annul decisions.
- Increase safeguards for lawyers against intimidation and increase the **budget and remuneration for legal aid** to sufficiently meet the need for subsidised legal aid, including for particularly vulnerable populations like children, victims, undocumented people and asylum seekers. Strengthen access to justice for communities and CSOs bringing public interest litigation against the state or private entities by avoiding new obstacles and **removing prohibitive admissibility criteria (e.g. “representativity” criteria) and extra procedural steps** for this type of claim in the WAMCA.
- **Close loopholes in the Dutch Whistleblower protection act** by removing the requirement that limits protection to cases when a “public interest” is at stake and give the whistleblower’s authority (*Huis van Klokkenluiders*) sanctioning powers.
- **Ensure adequate implementation of the Anti-SLAPP directive** by including definitions and indicators for assessing SLAPPs in legislation, extending application of the directive’s safeguards to domestic SLAPPs, and changing legislation to allow early dismissal and full compensation for full costs.
- **Safeguard access to information** by adequately funding the network of public broadcasters and scrap the VAT increase for print and online media.
- Create **independent entities within ministries for FOI request** review and apply exceptions narrowly.
- Scrap the “legitimate interest” criteria and/or recognise a general legitimate interest of **journalists and CSOs to access Beneficial Ownership registers**.

About the author

The Breed Mensenrechten Overleg is a platform for cooperation between 20+ Dutch human rights and development organisations. The NGOs created this platform 45 years ago, to support their coordinated engagement with the government at the moment of the Netherlands' first human rights policy note. We remain committed to keeping human rights at the core of Dutch foreign policy and connecting civil society and decision makers to protect human rights worldwide. Our focus on human rights defenders and civic space forms the basis for our engagement with policy impacting civic space in the Netherlands. Recent pressures on human rights and civil society in the Netherlands have confirmed the necessity of integrating our global and national expertise, experience, and human rights perspectives.

BMO




Poland

By OFOP, Batory Foundation & FUPP



Key civic space trends	184
Summary	184
Institutional, political, and socio-economic landscape	184
Legal and Constitutional Repair	184
Fundamental rights	186
Developing rule of law issues	187
Media Freedom	189
The regulatory environment for civic freedoms	189
Freedom of association	189
Freedom of peaceful assembly	191
Freedom of expression and the right to privacy	191
Safe space	193
Verbal, physical and online attacks	193
Cases against women human rights defenders	193
Last Generation case	194
Palestine solidarity protests	194
Criminalisation of solidarity	194
Financial viability and sustainability of civil society	195
Civil dialogue and the right to participation	197
A public hearing on Poland's migration strategy for 2025-2030	197
Access to information	198
Civil society resilience	199
Recommendations	200
About the authors	201

Key civic space trends

-  Some positive steps by the new government to open up civil dialogue with CSOs but implementation of reforms demanded by civil society remains slow.
-  Increasing concerns for fundamental rights violations at the Poland/Belarusian border due to strengthening of border guards' powers & over new migration strategy which proposes to suspend the right to asylum.
-  Judicial independence reforms stifled by presidential veto.

Summary

Civic Space is rated as “narrowed” in Poland by the CIVICUS Monitor.¹ In the European Commission’s 2024 Rule of Law report it recommended that the new Polish government “continue the ongoing process to improve the framework in which civil society operates, taking into account European standards on civil society organisations.” While the new government has taken some steps to introduce positive legislative reforms, the demands made by civil society related to reforms for an enabling environment are yet to be fully met.

The new appointment of a civil society minister was welcomed by organisations in the sector. However, thus far the minister has not taken any visible legislative action, even though civil society expert groups have made concrete proposals. Extensive changes have been introduced at the National Freedom Institute-Centre for Development of Civil Society (NIW-CRSO), which is the key state-run agency for the funding, support and development of civil society. Furthermore, some progress was achieved in the framework for regulating public consultations at the parliamentary level. Despite these reforms, the judicial system remains in chaos

partly due to President Duda (a staunch supporter of the former PiS government) who continues to use his veto powers to halt important legislative reforms.

Other concerns remained in 2024. Climate rights groups faced restrictions on their right to peaceful assembly and were publicly attacked by the new government. Additionally, the Polish government’s decision to add TVN and Polsat TV stations to the list of strategic companies due to concerns about potential external threats raised concerns.

The new government’s track record on migration policy is of serious concern, including the management of the crisis at the Polish-Belarusian border. The new government failed to meaningfully engage with migration rights organisations before drafting its new migration strategy, which proposes to suspend the right to asylum. Instead, it consulted with these organisations in a tokenistic manner, after the strategy was already finalised.² Several organisation and activists who have provided humanitarian aid to migrants at the border are facing criminal charges

Institutional, political, and socio-economic landscape

Legal and Constitutional Repair

Despite the change of government, the situation regarding the rule of law crisis has not shifted significantly, due to the complexity of changes made by the previous government under the Law and Justice

(PiS) party. These were of a systemic and personnel nature and enabled the ruling party to maintain its influence over the operation of the most important institutions of the justice system, even after handing

¹ In December 2024, the CIVICUS Monitor upgraded Poland’s civic space rating from “Obstructed” to “narrowed”, noting that new government has proposed some promising reforms. However, it also noted concerns regarding the new government’s response to migration and the situation on the Poland/Belarusian border. See more: https://monitor.civicus.org/press_release/2024/poland/

² <https://www.gov.pl/web/premier/projekt-ustawy-o-zmianie-ustawy-o-udzielaniu-cudzoziemcom-ochrony-na-terytorium-rzeczypospolitej-polskiej>

over power at the end of 2023.³ The PiS party has ensured, for example, that the Supreme Court is to a large extent populated by judges who were appointed in a procedure that did not meet standards of independence according to European courts (The European Court of Human Rights (ECtHR) and the Court of Justice of the European Union (CJEU)).⁴ This was even more the case in the Constitutional Tribunal where three judges were appointed to already occupied positions — described as the so-called “judicial doubles” — and eventually, its entire composition was elected by the PiS party (among others, people were selected who did not meet the criterion of not being connected with the world of politics). Furthermore, the body's composition does not comply with the requirement of a “court established by law”, as established by the European Court of Human Rights in the case of *Xero Flor v. Poland*.⁵ This makes it difficult for the current government to implement changes or laws, as they can always be rejected by these courts. This is further reinforced by the President Andrzej Duda, who has veto power and refuses to approve certain proposals from the new government. To override his veto, a qualified majority is needed in the parliament, which the current government does not have.

of what should be done to restore legal order.⁷ More importantly, the Ministry of Justice is dealing with an unprecedented level of destabilisation of the legal system, which requires unique (yet lawful) measures. This is especially the case when it comes to the status of the National Council of the Judiciary and its improperly appointed judges (so-called neo-judges), as well as the crisis of the Constitutional Tribunal and the Supreme Court (as mentioned above).

Given the conflicting views about these so-called “neo-judges”, the justice minister, Adam Bodnar, turned to the Venice Commission, which has issued an opinion on reforms of the judiciary in Poland. While the body acknowledged the need to deal with the status of improperly appointed judges, its opinion pointed out that some of the government’s proposed solutions are problematic for the rule of law and separation of powers. For example, it pointed out that that declaring all appointments invalid without an individualised process, which could entail dealing with cases in cohorts, raises concerns on proportionality.⁸

3. For a recap of the developments regarding the independence of the judiciary, please see: <https://www.amnesty.org.pl/wolne-sady-wolni-ludzie/>

of the fourth commission is the prosecution office, which was controlled by the previous justice minister. In the eight years before the 2023 election, independent prosecutors who tried to take up cases involving violations by those in power were suspended, demoted, and relocated to other prosecution delegations around the country. In contrast, prosecutors loyal to the justice minister were given fast-track promotions. One of the planned solutions to deal with this issue is to separate again the prosecutor's office from the Ministry of Justice, as recommended by the European Commission Rule of Law report. This will only be possible when such legal changes are enacted.

Fundamental rights

No substantial progress has been made regarding the rights of minorities (especially when it comes to hate crime prevention).¹³ However, first steps have been taken to revive a more comprehensive approach to hate speech and hate crime (including proposed amendments to the penal code), which are much-needed (even if the amendments are not as comprehensive as expected).¹⁴ On 12 June 2024, the attorney general, Adam Bodnar, set up a special group tasked with the preparation of a comprehensive and detailed strategy to prevent and punish such behaviour.¹⁵ According to the information published by the Commissioner for Human Rights, the data provided by the police for the period 2022-2024 confirms that there have been "several hundred such crimes and as many investigations were initiated accordingly."¹⁶ A group of members of the Polish parliament from the Poland 2050 party initiated the work on a bill dealing with hate speech online.¹⁷

It is worth noting that, while the above changes were still discussed, the European Commission officially withdrew its Article 7 TEU procedure against Poland in May 2024, following its approval of an action plan for constitutional repair by the new government.¹⁰ According to some European experts, the decision, based solely on the new government's stated plans, can be assessed as premature¹¹ or even politically motivated.¹²

There were no noteworthy improvements for the situation of women in relation to reproductive rights, despite the role this issue played in the 2023 election. Some minor changes occurred, including access to financing for In Vitro Fertilisation (IVF) and guidelines for hospitals regarding abortion.¹⁸ The proposed decriminalisation of abortion law (Article 152 of the Criminal Code) has been undermined by one of the coalition parties (the Polish People's Party) and the debate in parliament continues (next steps will be taken in January 2025).¹⁹ Similarly the track record of the new government when it comes to LGBTQI+ rights has been disappointing. Currently, there is an ongoing discussion about a law introducing civil partnerships drafted by the equality minister, Katarzyna Kotula, which was again challenged by coalition partners. It has also been criticised by the Commissioner for Human Rights, Marcin Wiącek, a move which raised concerns amongst civil society.²⁰

10. https://www.gov.pl/web/justice/conclusion-of-the-procedure-under-article-7-of-the-treaty-on-the-eu-against-poland#:~:text=The%20European%20Commission%20decided%20today%20the%2028May%2029%2C%202024%29,was%20submitted%20to%20the%20EU%20Council%20in%202017;EuropeanCommission-Pressrelease:https://ec.europa.eu/commission/presscorner/api/files/document/print/lv/ip_24_2461/IP_24_2461_EN.pdf

11. <https://www.bankier.pl/wiadomosci/Europejska-zdecydowala-o-zakonczeniu-procedury-z-art-7-wobec-Polski-8755497.html>

12. <https://www.gazetaprawna.pl/wiadomosci/swiat/artykuly/9504663,ekspert-o-zakonczeniu-procedury-z-art-7-wobec-polski-decyzja-von-der.html>

13. The problem of inadequate legal framework to persecute hate crime and lack of enforcement remains. See: <https://kph.org.pl/wp-content/uploads/2024/12/Stanowisko-Koalicji-Rownych-Szans-i-organizacji-wspierajacych-w-przedmiocie-nowelizacji-ustawy-Kodeks-karny.pdf>

14. <https://publicystyka.ngo.pl/nowelizacja-kodeksu-karnego-w-zakresie-przestepstw-z-nienawisci-i-mowy-nienawisci>

15. <https://www.gov.pl/web/prokuratura-krajowa/powolaniu-zespolu-do-spraw-przeciwdzialania-mowie-nienawisci-i-przestepstwom-motywowanym-uprzedzeniami>

16. <https://bip.brpo.gov.pl/content/rpo-przestepstwa-nienawisc-zwalczanie-statystyki-kgp>

17. <https://www.pap.pl/aktualnosci/polska-2050-chce-skonczy-z-anonimowym-hejtem-szykuje-projekt-ustawy>

18. <https://fakty.tvn24.pl/zobacz-fakty/rok-temu-to-polki-w-duzym-stopniu-zdecydowaly-o-zmianie-wladzy-co-nowej-koalicji-rzadowej-do-tej-pory-uda-lo-sie-zrobic-st8137093;https://www.rynekzdrowia.pl/Polityka-zdrowotna/TOP-10-zmian-dla-pacjentow-ktore-weszly-w-tym-roku-Realnie-odczuja-je-tez-w-2025,266518,14.html>, <https://www.gov.pl/web/premier/wytyczne-dla-szpitali-i-prokuratury-w-sprawie-aborcji>; <https://www.amnesty.org.pl/dlaczego-rok-po-dojsciu-koalicji-donald-tuska-do-wladzy-dostep-do-bezpiecznej-legalnej-aborcji-nadal-jest-w-polsce-odleglym-marzeniem/>

19. <https://wiadomosci.radiozet.pl/polska/jest-decyzja-ws-dekryminalizacji-aborcji-sejm-zaglosowal;https://oko.press/sejm-zdecydowal-zczesciowa-dekryminalizacja-pomocy-w-aborcji-idzie-do-komisji-jak-glosowal-psl;https://federa.org.pl/wytyczne-spoleczne-dla-prokuratury;https://wiadomosci.onet.pl/kraj/dekryminalizacja-aborcji-poslanka-ko-zdradza-co-zmieni-sie-w-projekcie/wkxenyx>

20. https://oko.press/kotula-o-zwiazkach-partnerskich-argumenty-ministerstwa-rolnictwa-budza-usmiech-politowania?fbclid=IwY2xjawHuf9NleHRuA2Fl-bQlxMAABHdu1VtIUEx4j74LzK1h30S1zsjloHkqtpTtTq4cj_11IDVyaFwO4Tw_aem_xnnu0o9JFKW2HkITd1T9Qg;https://oko.press/zwiazki-partnerskie-zaszkodza-panstwu-konserwatysci-krytykuja-projekt-ktory-sami-zepsuli;https://drive.google.com/file/d/1fkZyZqOArvZtwVuR3gQsu1RVbHhTPJH4/view;https://kph.org.pl/rozczarowujaca-opinia-rzecznika-praw-obywatelskich-o-zwiazkach-partnerskich/, <https://www.amnesty.org.pl/czy-zwiazki-partnerskie-zapewnia-ochrone-praw-osob-lgbti-opinia-prawna-amnesty-international-do-rzadowych-projektow-ustawy/>

Developing rule of law issues

The most problematic aspect of the new government's track record is its migration policy, including the management of the crisis at the Polish-Belarusian border.²¹ According to Human Rights Watch, the We Are Monitoring civil society group documented 14 deaths in 2024 due to the humanitarian crisis at the border.²² One of the most dangerous measures was the passing of a law modifying the rule for use of weapons at the border,²³ which exempts patrolmen (soldiers, border guards or police officers) from liability for the improper use of firearms. The new government pushed for measures which, as the Commissioner for Human Rights has pointed out, are in violation of Article 38, in conjunction with Article 31(1), of the Constitution, and Article 2 of the European Convention on Human Rights. According to the ombudsman: "(t)he elimination of the responsibility of border guards, police officers and soldiers for violations of the rules on the use of direct coercive measures and firearms does not meet the requirement of proportionality with regard to the protection of life."²⁴ There was no notable opposition to the law in the parliament. Only 17 MPs voted against this modification of the rules on the use of weapons.²⁵ Moreover, the government did not take into account the criticism of these measures by civil society organisations (CSOs). Instead, one Civic Platform MEP wrongly accused CSOs of manipulation.²⁶

In July 2024, the Ocalenie Foundation addressed an open letter to Prime Minister Donald Tusk (signed by 10 other CSOs), pointing out that the already difficult human rights situation will only be made worse.²⁷ In the letter, the foundation stated that, according to the data collected and published in its 2024 report, between August 2021 and March 2024, 85 people died along the border on both sides.²⁸ The foundation, which provides humanitarian assistance, stated that "we are convinced

that the exemption of the Polish services from criminal liability for unlawful actions with the use of weapons will lead to even more deaths, and it will become simply impossible to ensure elementary safety for those in the border zone".²⁹ Between January and October 2024, soldiers at the border fire warning shots 1,609 times.³⁰

To date, the amendments to regulations introduced by the previous parliament and government (such as Article 12a of the Act on the State Border Protection, and the subsequent regulations, added to bypass the laws on state of emergencies) have not been changed or challenged.³¹ On the contrary, the new coalition government introduced another temporary ban on access to and staying in a specific area of the border zone adjacent to the state border with Belarus in June 2024. On 14 June, the Polish Ombudsman presented his position on the regulation and stated that the limitation of access to the border zone creates serious risks to the constitutional rights of citizens (in particular, Article 52 paragraph 1).³² It's important to note that limitations on rights can only take place by way of adopting acts in parliament, and not through administrative decisions, which was the government's practice in this case. The access ban was extended in December, which was severely criticised by CSOs, which are struggling to provide life-saving and adequate support at the border, where and when it is needed.³³

Prime Minister Donald Tusk has rejected dialogue with civil society on migration policy and ordered the Ministry of Administration and Internal Affairs to prepare a draft version of the new migration policy.³⁴ The new civil society minister, Adriana Porowska, co-organised a public hearing regarding the proposed migration policy strategy for the period 2025-2030 (the document is entitled: "Take back control. Ensure security"), only

21. After the election, 101 organisation and 550 private individuals signed a letter calling for the end of push-back practices at the Polish-Belarusian border to no avail. See: <https://ocalenie.org.pl/wp-content/uploads/2024/01/apel-do-premiera-9-stycznia-2024.pdf>

22. <https://www.hrw.org/news/2024/12/10/poland-brutal-pushbacks-belarus-border>

23. The Government Act on amending certain laws to Improve the Activities of the Armed Forces of the Republic of Poland, the Police and the Border Guard in the Event of a Threat to State. See: <https://api.sejm.gov.pl/eli/acts/DU/2024/1248/text.pdf>

24. See: <https://oko.press/ustawa-o-uzyciu-broni-co-wprowadzono>; <https://oko.press/projekt-mon-odpowiedzialnosci-za-uzycie-broni-rozmowa>; <https://bip.brpo.gov.pl/pl/content/rpo-uwagi-projekt-granica-uzycie-broni-senat>

25. <https://oko.press/ustawa-o-uzyciu-broni-co-wprowadzono>; <https://oko.press/projekt-mon-odpowiedzialnosci-za-uzycie-broni-rozmowa>; <https://bip.brpo.gov.pl/pl/content/rpo-uwagi-projekt-granica-uzycie-broni-senat>

26. "Human rights circles are people disconnected from reality, their level of manipulation and falsity is unbelievable" said Bartłomiej Sienkiewicz in an interview. See: <https://wiadomosci.onet.pl/kraj/bartlomiej-sienkiewicz-uderza-w-obroncow-praw-czlowieka-mowi-o-manipulacji/bg131yt>

27. Full letter: <https://ocalenie.org.pl/aktualnosci/12916>

28. Full report: https://ocalenie.org.pl/wp-content/uploads/2024/07/pl_no-safe-passage.-migrants-deaths-at-the-european-union-belarusian-border.pdf

29. Full letter: https://ocalenie.org.pl/wp-content/uploads/2024/07/pl_no-safe-passage.-migrants-deaths-at-the-european-union-belarusian-border.pdf

30. <https://www.rp.pl/wojsko/art41346161-strzaly-na-granicy-z-bialorusia-jak-czesto-wojsko-musi-odpierac-ataki-migrantow>

31. Full legal opinion about the laws introduced was presented by the Helsinki Foundation for Human Rights in 2021 r. See: <https://archiwum.hfhr.pl/wp-content/uploads/2021/11/nowelizacja-ustawy-o-ochronie-granicy.pdf>. The opinion of the Commissioner for Human Rights on the lawfulness of the amendment: https://bip.brpo.gov.pl/sites/default/files/2021-11/Do_Senatu_granica_panstwowa_22.11.2021.pdf

32. The Commissioner of Human Rights: <https://bip.brpo.gov.pl/pl/content/stanowisko-rpo-strefa-buforowa-granica>; <https://hfhr.pl/aktualnosci/negatywna-opinia-zarzadu-hfpc-o-przedluzeniu-zakazu-przebywania-w-czesci-strefy-przygranicznej>

33. <https://ocalenie.org.pl/glos-w-debacie-publicznej/przedluzenie-zakazu-przebywania-w-strefie-nadgranicznej-z-bialorusia>

34. Appeal of 38 NGOs to organise a round table with the government: <https://wiadomosci.onet.pl/kraj/prawie-40-organizacji-napisalo-list-do-premiera-tuska-chca-okraglego-stolu/l8wpb74>

after the document was already adopted.³⁵ CSOs who contributed to this process fiercely criticised the government's approach.³⁶ They believe that the government's proposed course of action is politicised and will only contribute to deepening the legal and social turmoil without offering any feasible solutions to the pressing migration issues or addressing human rights violations at the border.³⁷ It must be emphasised that the strategy was already adopted before being opened for a consultation. Furthermore, at the end of the public hearing, the deputy minister for internal affairs announced that the implementing acts for the strategy were already in place.

Furthermore, as its best solution to humanitarian emergencies at the border, the strategy proposed a temporary suspension of the right to asylum (understood in the Polish legal system as refugee status or subsidiary protection). This proposal amounts to a clear breach of international obligations (under the Geneva Convention of 1951, Article 18 of the EU Charter of Fundamental Rights, Article 78 of TFEU, and other EU regulations),³⁸ and goes against the Polish Constitution (Article 56 paragraph 2).³⁹ Most importantly, it would lead to the violation of the non-refoulement rule, which is at the heart of asylum policy. The current push-back practices, as reported by NGOs working at the border, already make the effective protection of people at the border almost impossible.⁴⁰ The Ombudsman has repeatedly pointed out that "foreigners crossing the Polish-Belarusian border are being obstructed or prevented from realizing their fundamental rights," and has intervened in this matter.⁴¹ As pointed out by the Human Rights Commission of the National Council of Legal Advisors, the current measures do nothing to deter the authorities of Belarus and the Russian

Federation. Instead, it scapegoats asylum seekers, who have been exposed to severe human rights violations on the territory of Belarus (including physical violence).⁴²

The legislative proposal to limit the right to asylum was announced on 11 December 2024.⁴³ In response, the Migration Consortium (a group of CSOs), stated:

"The Ministry of Interior and Administration did not hold any consultations on the draft law with representatives of civil society, experts, NGOs working on behalf of migrants, or local governments that bear the burden of implementing migration policy. All the voices that had a chance to resound at the civic hearing organized by the Minister of Civil Society and the Shipyard Foundation on November 25 were ignored. The hard work of those who interact with migrants on a daily basis was treated with disregard."⁴⁴

More importantly, the organisations point out that:

"(...)the provisions regarding the temporary restriction of the right to apply for international protection (Articles 33a-33c) contradict human rights. Of concern is the lack of real protection for all persons from vulnerable groups and the far-reaching discretionary assessment of who belongs to such a group to be made by the Border Guard in this regard, which, in turn, may lead to arbitrary application of the new provisions (Article 33a(1)), without the possibility of real appeal of these decisions."⁴⁵

The proposed changes may not only undermine human rights but also have the potential to significantly reduce civic space. In particular, they limit the possibility of applying for international protection, which is guaranteed by both Polish law and international obligations. Such measures may lead to a

35. Full document: <https://www.gov.pl/web/premier/odzyskac-kontrolę-zapewnić-bezpieczeństwo---strategia-migracyjna-na-lata-2025---2030>

36. See also: <https://hfhr.pl/aktualnosci/komentarz-hfpc-polityka-migracyjna>

37. Main points of criticism summarised here: <https://oko.press/10-krytyk-rzadowej-strategii-migracyjnej>, on the lack of consultation of the document: <https://konsorcjum.org.pl/rzadowa-strategia-migracyjna-harmonogram-vs-rzeczywistosc/>

38. np. Dyrektywa 2013/33/UE laying down standards for the reception of applicants for international protection <https://eur-lex.europa.eu/legal-content/PL/TXT/HTML/?uri=CELEX:32013L0033>

39. <https://www.amnesty.org.pl/amnesty-international-wraz-z-innymi-organizacjami-apeluje-do-premiera-ws-zawieszenia-prawa-do-azylu/>

40. In particular, Stowarzyszenie Interwencji Prawnej points out that: "We have documented cases of people being thrown over the border with Belarus who explicitly and in our presence asked for international protection, and we know of people in serious health being thrown out of military ambulances and taken directly from hospitals. Men, women with children and unaccompanied minors are being taken behind wires and the border fence. The deportations are constantly accompanied by violence on the part of Polish forces: the use of tear gas, beatings, stripping naked, kicking, throwing to the ground, handcuffing, destroying phones and documents, taking backpacks with provisions and clean water. People tell us that with threats or physical violence they are forced to sign statements that they do not want to apply for international protection in Poland and are then taken behind a fence." The statistics from 2024: This year alone, till mid-May, more than 1,800 people have asked the Border Group alone for help, including 193 women, 178 children, as many as 131 unaccompanied minors." Source: <https://interwencjaprawna.pl/oswiadczenie-organizacji-niosacych-pomoc-humanitarna-na-granicy-polsko-bialoruskiej/>

41. See: <https://bip.brpo.gov.pl/pl/content/stanowisko-rpo-strefa-buforowa-granica>

42. See: <https://kirp.pl/stanowisko-komisji-praw-czlowieka-krpp-dotyczace-zapowiedzi-zawieszenia-prawa-do-azylu/>, as well as <https://hfhr.pl/en/publications/the-lawless-zone--12-months-of-the-polish-belarusian-border-crisis>

43. Full proposal: <https://legislacja.rcl.gov.pl/projekt/12392451/katalog/13099787#13099787>, comments by CSOs: <https://konsorcjum.org.pl/w-prezencie-na-swietarząd-zawiesza-prawa-czlowieka/>

44. Full statement: <https://konsorcjum.org.pl/w-prezencie-na-swietarząd-zawiesza-prawa-czlowieka/>

45. Ibid. See also: <https://wiadomosci.gazeta.pl/wiadomosci/7,114883,31393951,grupa-granica-alarmuje-o-fatalnych-skutkach-rzadowej-strategii.html>

weakening of human rights standards and undermine confidence in the rule of law in Poland. There is also a

risk that CSOs and humanitarian organisations working with migrants will be marginalised, weakening their ability to monitor and address potential violations.⁴⁶

Media Freedom

On 21 June 2024, the Ministry of Culture and National Heritage submitted a draft outline of a law to implement the European Media Freedom Act (EMFA) for public consultation.⁴⁷ The consultation period lasted three months and is considered a commendable practice. However, this approach remains an isolated case.

During the consultations, CSOs pointed out that certain forms of media subsidies in Poland, which are not covered by the EMFA, fall outside the definition of political advertising but still impact media competitiveness. These subsidies include various grants that support the media's own activities. Recital 72 of the EMFA refers to implicit subsidies, offering a framework to interpret the transfer of such funds. However, in practice, shifting resources from state advertising to subsidies could indirectly influence editorial independence. It is especially important as such subsidies usually went to NGOs that are affiliated with the media. This should be known and recognised by the ministry as it was a mechanism used for making huge transfers, via the Justice-Fund, to media affiliated with the previous government.

On 6 November 2024, the ministry published a report on the consultations. It included the ministry's declaration that "expenditure transparency regulations will cover all expenditure by public entities on behalf of the media."⁴⁸

Another concern is the increasingly open retaliation of local authorities against activists and CSOs that are funded from grants. It does not take the form of SLAPPs but is aimed at depriving them of funding. For example, in November 2024, councillors of the ruling majority in Lublin sent complaints against the local CSO publisher to all its institutional donors in an attempt to deprive the newspaper of funding. The complaints slandered the editorial team for links with political opponents. The accusations concerned an investigative text which exposed how the councillors of this club were breaking the law.⁴⁹

The landscape for Strategic Lawsuits against Public Participation (SLAPPs) has shifted following the 2024 parliamentary election. The current ruling coalition has significantly reduced the use of SLAPPs by the central government and its affiliates. State-owned companies have withdrawn some legal actions, although certain proceedings continue, and new cases have also emerged.

On 15 January 2025, the Ministry of Justice published a proposed law to implement the EU anti-SLAPP directive.⁵⁰

The regulatory environment for civic freedoms

Freedom of association

During the period 2015-2023, when the previous government was in power, civil society was subjected to several restrictions.⁵¹ Therefore, the opposition's victory in the 2023 elections generated significant expectations for activists and civil society organisations alike. Shortly before the elections, a coalition of organisations

prepared a several proposals for reforms, including a list of desired legal changes for CSOs, which would create a more conducive framework for the functioning of NGOs.⁵² The areas for reform include: an improvement of the quality of civil dialogue (especially when it comes to the mechanisms of representation of the civic sector),

⁴⁶. <https://www.polsatnews.pl/wiadomosc/2024-10-14/naruszenie-zobowiazan-ue-reaguje-na-plan-donalda-tuska-w-sprawie-migracji/>

⁴⁷. <https://www.gov.pl/web/kultura/rozpoczynamy-konsultacje-zalozen-ustawy-medialnej>; <https://www.gov.pl/web/kultura/zalozenia-do-ustawy-medialnej>

⁴⁸. <https://www.gov.pl/web/kultura/prezentujemy-raport-z-konsultacji-spolecznych-zalozen-do-ustawy-medialnej>

⁴⁹. https://bip.sieciobywatelska.pl/userfiles/file/kontrola/Skarga%20Klubu%20Radnych%20wplynela%2027_11_2024.pdf; <https://bip.sieciobywatelska.pl/userfiles/file/Uchwal%20zarzadu/Odpowied%20na%20skarg%C4%99.pdf>

⁵⁰. <https://www.gov.pl/web/sprawiedliwosc/projekty-aktow-prawnych3>

⁵¹. See previous Civic Space Watch updates: https://civicspacewatch.eu/alerts/?_sft_country_-_list=poland

⁵². Proposals of the National Federation of Polish NGOs on simplification for the third sector for the 2023 parliamentary elections. The full proposal can be found here: <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Ffop.eu%2Fwp-content%2Fuploads%2F2023%2F04%2FWybo-ry-2023-firmowka.docx&wdOrigin=BROWSELINK>

a more efficient system of financing, for example the introduction of a clear separation between funding for service provision and funds for civic activism at the local level; or creating an “attractive, transparent and stable system of tax benefits for individuals and entities supporting the activities of NGOs.”⁵³ While discussion around these issues has begun, the implementation of reforms is slow. Thus far, the civil society minister has set up three expert working groups: on legal simplification for NGOs, activism and volunteering, and participation and civil dialogue. In June 2024, the groups met for the first time and began intensive work. Unfortunately, by the end of the year their results were not visible. The civil society minister did not take any visible legislative action based on the work of the expert groups. For example, in mid-September, the expert group on Legal Simplification for NGOs had already adopted two decisions, and forwarded a recommendation to the minister to work on its implementation. The recommendation concerns a change in the scope of the exemption of NGOs from corporate income tax (CIT) and the speedy registration of associations in the National Court Register.⁵⁴ By the end of the year, the group had also prepared a set of comprehensive statutory amendments to the system of commissioning

public tasks to organisations. Their proposal was submitted to the minister for further processing in early January 2025 but has not been taken up as yet.

The establishment of a new ministerial post of civil society minister marked a significant shift in institutional framework regulating the operation of the civic sector. This move was seen as a form of acknowledgment of the role civil society played in defending rule of law and democracy in the period 2015-2023. Unfortunately, the first person elected for the post, Agnieszka Buczyńska, had to resign due to poor health conditions.⁵⁵ This, together with her long-term absence, also impacted the pace of work. The changes introduced have been somewhat limited in scope as they have been directed towards the transformations of institutions rather than the legal framework itself. This includes the activities of the National Freedom Institute (NIW), a government agency set up to support civil society. While it was possible to elect a new management of the NIW in 2024 in a transparent and participatory procedure,⁵⁶ this has not translated into a clear change in the scope of its activities (an increase in its budget and scope of support is only planned for 2025).⁵⁷

Kamil's Law

On 15 February 2024, “Kamil's Law,” an amendment to the Protection of Minors Act, came into force. It was named an eight-year-old, Kamil, who died as a result of domestic violence. This tragedy highlighted the gaps in the child protection system and provided the impulse for legislative changes aimed at increasing the safety of minors.

It is now compulsory for those in contact with children, including parents taking part in school trips or activities, to have a criminal record certificate. The act aims to ensure that people with a criminal record, particularly for offences against children, should not come into direct contact with minors.

However, these provisions have proved problematic in practice. Schools and educational institutions have reported difficulties in organising classes with parents due to the need to obtain criminal record certificates, a somewhat time-consuming process which has

interfered with day-to-day operations. In response to these problems, the Ministry of Justice proposed an amendment to the law that would exempt parents from the requirement to provide such certificates in certain situations, such as school trips or swimming pool activities. However, the changes have caused controversy among child protection organisations. Some of them fear that the relaxation of the law may weaken protection mechanisms and expose children to potential dangers. On the other hand, opponents of the original version of the law point to excessive administrative burdens and impediments to the operation of educational institutions. Kamil's Law also imposes several new procedures for NGOs working with minors (including those working in education institutions). The obligations under the act have had an impact on other procedures previously used by organisations. Of particular importance here are the rules on the protection of personal data due to the General Data Protection Regulation (GDPR).⁵⁸ In order to reduce

⁵³. The full proposal can be found here: <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fofop.eu%2Fwp-content%2Fuploads%2F2023%2F04%2FWybory-2023-firmowka.docx&wdOrigin=BROWSELINK>

⁵⁴. See https://publicystyka.ngo.pl/rzad-otrzymal-propozycje-ulatwiajace-dzialalnosc-organizacji-pozarzadowych-co-z-nimi-zrobi?fbclid=IwY2xjawF5mBpleHRuA2FIbQlXMQABHXMPpJs_PMIImPH3kOFxS-T3YVPeEe5-4kbb2K-6RsWMQjOxP1Kc7IfzQZA_aem_fAJ_exuNBQ55CpD0muMuCg; https://publicystyka.ngo.pl/rzad-otrzymal-propozycje-ulatwiajace-dzialalnosc-organizacji-pozarzadowych-co-z-nimi-zrobi?fbclid=IwY2xjawF5mBpleHRuA2FIbQlXMQABHXMPpJs_PMIImPH3kOFxS-T3YVPeEe5-4kbb2K-6RsWMQjOxP1Kc7IfzQZA_aem_fAJ_exuNBQ55CpD0muMuCg

⁵⁵. <https://publicystyka.ngo.pl/po-co-nam-minister-ds-spoleczenstwa-obywatelskiego-debata-tau>

⁵⁶. <https://niw.gov.pl/nowy-dyrektor-niw-crso-wybrany-zostal-nim-michal-braun/>

⁵⁷. <https://publicystyka.ngo.pl/prostengo-zmiana-minister-czy-zmiana-podejscia-komentarz;>

⁵⁸. <https://gdpr.pl/problemy-z-danymi-osobowymi-przy-lex-kamilek>

the level of uncertainty on the part of those obliged to apply the new requirements, the Ministry of Justice has collected and published a number of sample standards for different types of situations and institutions, and the National Freedom Institute has prepared a guide titled “Children and adolescents in an NGO. Standards for the protection of minors.”⁵⁹

Freedom of peaceful assembly

Under the previous government, serious violations of the right to peaceful assembly were reported by Polish CSOs and activists alike, including those related to the Women’s Strike Protests.⁶¹ One of the concerns was the inability of protesters to effectively report breaches and violations of their rights taking place during protests due to the lack of transparent identification of police officers. In 2024, the Ministry of Internal Affairs and Administration proposed a new regulation amending the regulation on police officers’ uniforms. The proposal introduces an individual identification badge with a six-digit sequence identification number for police officers. However, the Polish ombudsman raised concerns that this may be difficult to read. He signalled the need for individualised identification in the form of a badge or symbol and stressed that the identification should be visible and legible. The deputy ombudsman submitted an opinion to Czesław

In the context of civic space, Kamil’s Law highlights the challenge of balancing child safety with the freedom of community organisations and educational institutions to operate. Over-regulation can lead to bureaucratisation and reduced community involvement, while an overly liberal approach may not provide sufficient protection for the most vulnerable in society.⁶⁰

Mroczek, secretary of state at the Ministry of Internal Affairs and Administration, which details the manner and form in which identification signs should be placed on the uniforms of police officers, including those from riot units. This would ensure that the identification remains visible and legible in situations that involve the movement of many people, such as protests.⁶²

Unfortunately, no statutory amendments were introduced in 2024 to remove the restrictive changes to the law on peaceful assemblies introduced by the previous government.⁶³ There have also been no successful outcomes in the attempts to hold law enforcement officers accountable for using excessive force and violence against people taking part in protests for women’s rights and other issues in previous years.⁶⁴ However, proceedings in two cases have been resumed.⁶⁵

Legal framework

In November 2024, seven CSOs (Amnesty International Polska, ARTICLE 19, Fundacja dla Polski, Fundacja Równość.org.pl, Helsińska Fundacja Praw Człowieka, Komitet Obrony Demokracji, Sieć Obywatelska Watchdog Polska) wrote a letter to Prime Minister Donald Tusk calling for a change to the laws regulating public assembly, in particular the Law on Assemblies.⁶⁶ The organisations pointed out that there are two issues which need review: the problematic prioritisation of

cyclical assemblies over other types of assemblies⁶⁷ and the requirement that a counter-manifestation may not take place within 100 meters of the gathering. Both these amendments, introduced in 2016, are problematic as they have been used to limit the right to peaceful assembly.⁶⁸ The appeal was forwarded to the interior minister, who, in his reply on 17 December 2024, indicated that work on the changes would be scheduled for the third or fourth quarter of 2025.⁶⁹

Freedom of expression and the right to privacy

In March 2024, the Supreme Audit Office submitted a classified report on the supervision and control of the operation of intelligence services conducting

operational and exploratory activities in Poland to the parliamentary special services commission. The report shows that from 1 January 2017 to 31 March

⁵⁹. See <https://publicystyka.ngo.pl/ustawa-kamilka-zbieramy-informacje>

⁶⁰. <https://fakty.tvn24.pl/fakty-po-poludniu/ustawa-kamilka-ma-zostac-znowelizowana-czesc-organizacji-jest-jednak-przeciw-zlagodzeniu-przepisow-st8142197> <https://brpd.gov.pl/2024/02/15/ustawa-kamilka-weszla-w-zycie-to-zobowiazanie-dla-doroslych-do-lepszej-ochrony-dzieci/>; <https://www.prawo.pl/oswiata/obowiazek-wykazania-niekaralnosci-w-ustawie-kamilka-niejasny,529364.html>

⁶¹. For more see: <https://www.amnesty.org.pl/w-obronie-prawa-do-protestu/#protestwpolisce>

⁶². <https://bip.brpo.gov.pl/pl/content/rpo-policja-znaki-identyfikacyjne-projekt-opinia-mswia>

⁶³. See <https://www.article19.org/resources/poland-robust-reform-needed-to-protect-the-right-to-protest/>

⁶⁴. See: <https://www.onet.pl/informacje/onetwiadomosci/wraca-sprawa-ataku-policjanta-na-magdalene-biejat-ruch-prokuratury/64q71sk,79cfc278>

⁶⁵. <https://www.pap.pl/aktualnosci/zlamana-reka-aktywistki-i-bmw-ktore-wjechalo-w-protestujace-prokuratura-wraca-do>

⁶⁶. <https://www.amnesty.org.pl/apel-do-premiera-donald-tuska-w-sprawie-zgromadzen-cyklicznych/>

⁶⁷. This law has often been abused in the past years and there have been a number of interventions by the Polish Ombudsman on this issue. See: <https://bip.brpo.gov.pl/pl/content/rpo-zgromadzenia-kontmanifestacje-miesiecznice-policja-ponowne-odpowiedz> and <https://bip.brpo.gov.pl/pl/content/stanowisko-rpo-dla-etpc-ws-siedlecka-przeciwko-polsce>; <https://bip.brpo.gov.pl/pl/content/rpo-zgromadzenia-cykliczne-etpc>

⁶⁸. <https://eli.sejm.gov.pl/eli/DU/2017/579/ogl/pol>

⁶⁹. https://docs.google.com/document/d/1ceVBWueSPmX-BEtbDDkrqpoD98jVWZAG/edit?usp=drive_link&oid=108704070465651001306&rtpof=true&sd=true

2023, civilian supervision of the agencies was practically non-existent. The audit covered: the prime minister, the Coordinator of Intelligence Services minister, the chairman of the Intelligence Services College, the defence minister, and the heads of the Internal Security Agency, the Central Anti-Corruption Bureau and the Military Counterintelligence Service.⁷⁰ One of the key recommendations made by the Audit Office which may have an impact on civil society is to ensure “the right of citizens to be informed about the operational and investigative activities conducted against them and the right to complain about the activities of the services and other authorized entities in this regard.”⁷¹ According to the Audit Office, citizens should be informed about being subjected to surveillance within a reasonable timeframe (up to 6-12 months after the end of the operation), if it is proved to be unfounded.

Pegasus

On 17 January 2024, the Polish Sejm established an investigative commission into the legality of the Pegasus, an advanced spyware developed by the NSO Group that has been used to hack phones. The work of the Commission is ongoing, but numerous witnesses have already testified. However, the Constitutional Tribunal, which in itself poses serious rule of law questions (see above), ruled that the work of the commission was “unconstitutional.”⁷⁴ Despite this ruling, the commission continued its work. Additionally, in February, a list of the people who were spied on was created. It has not been made public. Pegasus victims have received letters to this effect.

One of the people who was subjected to Pegasus surveillance was the leader of the Polish Women’s Strike, Klementyna Suchanow, who discovered that she was under surveillance through the media.⁷⁵ While the Warsaw District Court approved the surveillance request for Suchanow, it did not authorise the surveillance Polish Women’s Strike activist and leader Marta Lempart. Commenting on the news, Lempart said:

The most important legal development in 2024 was the judgment of the European Court of Human Rights in the case *Pietrzak and Bychawska-Siniarska and Others v. Poland* (application nos. 720238/17 and 25237/18), which focused on Polish legislation which authorised a secret-surveillance regime. This included the operational control and the retention of telecommunications, and postal and digital communications data for possible future use. The ECtHR found that Poland had violated Article 8 on the respect of private life of the European Convention on Human Rights and that there was an effective lack of possibility of judicial review for citizens who suspect they could have been subjected to surveillance.⁷² Shortly after, the justice minister, Adam Bodnar, and the interior minister, Tomasz Siemoniak, announced plans for a wide-ranging reform of the current surveillance laws in Poland.⁷³

“The fact that in this new Poland someone somewhere could have decided to hide this information from the parliamentary committee on intelligence services raises many questions for me. So does the fact that I found out about this not from the institutions of the state, but through the work of TVN journalists. My trust in the institutions of the Polish state, which was supposed to give us both law and justice in its new guise, is close to zero at this point.”⁷⁶

The work of the Pegasus Commission has revealed that Polish judges were not provided with adequate information about what kind of surveillance method they were authorising. This changed in December 2024, as the government introduced amendments to the regulations concerning three services: the Internal Security Agency, the Central Anti-Corruption Bureau, and the Military Counter-intelligence Service.⁷⁷ The new regulation foresees that the judges and prosecutors will not only have access to more information but will also have to justify their decision to approve surveillance in a given case.⁷⁸

⁷⁰. <https://www.nik.gov.pl/aktualnosci/sluzby-specjalne-nadzor-kontrola.html>

⁷¹. <https://www.nik.gov.pl/aktualnosci/sluzby-specjalne-nadzor-kontrola.html>

⁷². See: Chamber hearing *Pietrzak v. Poland and Bychawska-Siniarska and Others v. Poland*, <https://hudoc.echr.coe.int/sum/#%7B%22cite-mid%22:%5B%22002-14333%22%5D%7D>

⁷³. <https://www.gov.pl/web/sprawiedliwosc/minister-adam-bodnar-i-minister-tomasz-siemoniak-skomentowali-orzeczenie-etpc-ws-kontroli-operacyjnej-w-polsce>

⁷⁴. <https://oko.press/na-zywo/na-zywo-relacja/trybunal-julii-przylebskiej-komisja-sledcza-ds-pegasusa>

⁷⁵. <https://wiadomosci.onet.pl/kraj/liderka-strajku-kobiet-inwigilowana-za-pomoca-pegasusa-to-mnie-zupelnie-nie-dziwi/80r1te5>, <https://tvn24.pl/premium/inwigilacja-pegasusem-abw-prosila-sad-o-zgode-na-kontrolę-operacyjną-liderek-strajku-kobiet-st8127580>

⁷⁶. <https://www.msn.com/pl-pl/wiadomosci/polska/strajk-kobiet-inwigilowany-pegasusem-mamy-komentarz-marty-lempart/ar-AA1s2Fng>

⁷⁷. <https://www.gov.pl/web/sluzby-specjalne/nawelizacja-rozporzadzen-prezesa-rady-ministrow-dot-kontroli-operacyjnej-realizowanej-przez-sluzby-specjalne>

⁷⁸. <https://www.tvp.info/83978419/siemoniak-zmiany-w-sluzbach-specjalnych-wieksza-kontrola-prokuratorow-i-sadow>

As the Pegasus Commission continues its work, there are doubts as to whether it is going to identify those perpetrators who should face consequences.⁷⁹ The commission has faced various challenges, such as

lack of cooperation from PiS witnesses, and there are concerns that it has turned out to be nothing more than a political spectacle.

TV stations on strategic companies list

In December, the Polish government caused controversy with its decision to add TVN and Polsat TV stations to the list of strategic companies.⁸⁰ It justified the decision by stating that there was a need to protect media that is key to the state's information security. The government argued that control of these companies by national bodies was necessary to preserve the independence and stability of the media sector in the context of potential external threats.

Inclusion on the list of strategic companies means that any attempt to sell or change the ownership of TVN or Polsat must be approved by the government, and it could potentially block sales to "hostile states". This decision is particularly significant in the context of earlier reports of potential interest in TVN by Hungarian investors

linked to the pro-government camp of Viktor Orbán. A possible takeover of TVN by Hungarian investors would carry a high risk of changing the broadcaster's direction in favour of far-right political movements.

Regardless of the merits its arguments about the risk of foreign influence, this decision could have serious consequences for civic space. The introduction of such restrictions could be perceived as an attempt to limit media freedom and influence information pluralism. Additionally, there is a concern over the possibility that the government could use this mechanism to put pressure on independent media, which could undermine citizens' access to diverse and independent sources of information.

Safe space

Verbal, physical and online attacks

In June 2024, the daily newspaper *Gazeta Wyborcza* reported that the attacks on activists providing humanitarian assistance at the border have increased in number.⁸¹ For example, humanitarian organisations receive direct threats online and via emails. There were also attacks by right-wing columnists, who vilified these organisations, accusing them of acting against the

interests of the Polish state.⁸² The newspaper reported that there is also vigilantism by nationalist groups, which may pose a threat to humanitarian workers. In July 2024, a statement was issued and signed by over 20 CSOs, raising concerns over political attacks and disinformation related to their work, as well as lack of reaction to hate speech directed towards them.⁸³

Cases against women human rights defenders

On 3 October 2024, the District Court in Warsaw acquitted Polish Women's Strike activists Marta Lempart, Agnieszka Czerederecka, and Klementyna Suchanow, who were prosecuted for organising protests against Poland's abortion ban after the controversial Constitutional Court ruling in 2020.⁸⁴ This decision came on the eighth anniversary of the Women's Strike's first

mass protests, a pivotal movement advocating for abortion rights. Despite their legal victory, the activists criticised the new government for failing to fulfil their promises to improve abortion access, highlighting ongoing harassment of abortion activists and systemic failures.

⁷⁹. <https://www.rp.pl/polityka/art41713861-komisja-ds-pegasusa-sie-poddaje-nadzieja-w-prokuraturze>

⁸⁰. See: <https://www.infor.pl/prawo/nawosci-prawne/6800158,tvn-i-polsat-w-wykazie-firm-strategicznych-krit-to-bezprawne-rzad-zablokuje-sprzedaz-tvn-jest-reakcja-departamentu-stanu-usa.html>

⁸¹. <https://bialystok.wyborcza.pl/bialystok/7,35241,31103169,grozba-linczow-na-granicy-polsko-bialoruskiej-coraz-wiecej.html>

⁸². <https://bialystok.wyborcza.pl/bialystok/7,35241,31103169,grozba-linczow-na-granicy-polsko-bialoruskiej-coraz-wiecej.html>

⁸³. <https://interwencjaprawna.pl/sprzeciw-konsorcjum-migracyjnego-wobec-akatkow-na-obroncow-i-obronczynie-praw-czlowieka/>, see also: <https://interwencjaprawna.pl/co-sie-dzieje-na-granicy-polsko-biloruskiej-oswiadczenie-grupy-granica/>

⁸⁴. <https://civicspacewatch.eu/poland-polish-womens-strike-protests-organisers-on-trial-verdict-on-03-10-2024/>

Last Generation case

Despite recent positive developments, restrictions on the right to peaceful assembly are still occurring. On 4 June 2024, climate change activists from Last Generation planned to organise a protest during a rally organised by the ruling Civic Coalition. The gathering was attended by Prime Minister Donald Tusk and other politicians and government officials. However, the activists were stopped from gathering and detained by the police. The activists later filed a complaint against the detention. The District Court for Warsaw-Srodmiescie ruled that the detention of the Last Generation activists by the police was “illegal, unjustified and improper.”⁸⁵

More recently, the movement has faced a wave of criticism. Prime Minister Donald Tusk called on the authorities (on his official X account) to respond strongly to their actions, deeming them a threat to public order.⁸⁶ The mayor of Warsaw, Rafał Trzaskowski, has also criticised the activists’ actions, describing them as vandalism.⁸⁷ And at the beginning of December, commenting on blockades organised by the group, the Minister of the Internal Affairs and Administration said: “We will fight this kind of pathology with the utmost firmness. It is only a matter of time that if we do not react, a dangerous incident will occur. The police will act firmly in this regard. This kind of action is not acceptable.”⁸⁸

Palestine solidarity protests

Universities in the Polish legal system enjoy a high degree of autonomy. The constitutional principle of university autonomy is strictly observed. It was therefore a highly publicised incident when the rector of the University of Warsaw called the police to the university campus on 13 June 2024, following the escalation of Palestinian solidarity protests on the campus.⁹¹ The move goes against a long-standing Polish tradition of the autonomy of the university.

Criminalisation of solidarity

In one trial that began on 28 January 2025 at the Hajnówka District Court, five people face serious criminal charges for providing humanitarian assistance.

Last Generation rejected the accusations, stressing that their actions are a form of democratic protest against the authorities’ inaction in the face of impending climate catastrophe. In response to Prime Minister Tusk, the activists said that instead of suppressing protests, the government should focus on real climate action.

Within the public debate there are opinions that both support and criticise the methods of Last Generation. Some commentators argue that such forms of protest are ineffective and alienate the public from environmental movements, while others point to the need for radical action in the face of the impending crisis. Some critics have chosen to respond to these protests with violence. In one case, an influencer fired a fire extinguisher at one of the activists.⁸⁹ The interventions of the police, however, raise increasing concerns about proportionality.

Related to this, on 2 December 2024, the director of the regional branch of the public broadcaster TVP3 Warsaw announced that the broadcaster will stop reporting on the activities of climate activists from the Last Generation movement, as they are controversial and often violate the law. In the opinion of the Watchdog Poland, “these actions bear the hallmarks of censorship.”⁹⁰

A statement by university authorities said that it took action “driven by concern for the safe operation of the University”, alleging property damage and reporting that university guards were injured.⁹² The student protesters issued a statement disputing the allegations of property damage and stated that some of them were taken in for questioning under Article 193 of the Penal Code.⁹³

“In May 2024, the Hajnówka District Court received an indictment against five people involved in providing aid to refugees near the Polish-Belarusian border. The four are charged with acts under Article 264a §1 of the Criminal

⁸⁵. See: <https://hfhr.pl/aktualnosci/nielegalne-zatrzymanie-aktywistow-na-wieczu-ko>

⁸⁶. <https://x.com/donaldtusk/status/1863545242118422934>

⁸⁷. https://warszawa.tvp.pl/83742525/rafal-trzaskowski-i-radni-krytykuja-protesty-ostatniego-pokolenia?utm_source=chatgpt.com

⁸⁸. See <https://oko.press/ostatnie-pokolenie-tusk-policja>

⁸⁹. <https://warszawa.wyborcza.pl/warszawa/7,54420,31540439,maria-schreiber-odpalila-gasnice-w-trone-dzialaczy-ostatniego.html>

⁹⁰. See: <https://siecobywatelska.pl/raport-o-stanie-jawnosci-w-polsce-2024/>

⁹¹. <https://www.pap.pl/aktualnosci/protest-studentow-uw-rektor-decyzji-o-wezwaniu-policji-nie-podjalem-sam-wywiad>

⁹². <https://mamprawowiediec.pl/czytelnia/arttykul/studenci-protestuja-rektor-dzwoni-policja-pacyfikuje-a-politycy-propalestynski-protest-na-uw-a-autonomia-uczelni>

⁹³. https://www.instagram.com/p/C8Gy3Q_ILMX/?img_index=2&igsh=MWM3ZGtsbnFzdWg3dA%3D%3D; <https://www.instagram.com/p/C8IXP-2pupC2/?igsh=MXJoMWtjeWxnMWh3bQ%3D%3D>

Code, which, according to the prosecutor's office, allegedly consisted in the fact that the defendants (quote): "On March 22, 2022, jointly and in agreement, in order to obtain personal benefits for an Egyptian citizen and Iraqi nationals, facilitated the designated persons' stay in the territory of the Republic of Poland in violation of the law by transporting them into the country." The fifth person, a resident of Podlasie, was charged by the prosecutor's office under Article 264a §1 of the Penal Code in conjunction with Article 12 par. 1 of the Penal Code, alleging that (quoted): "In the period from March 20 to March 22, 2022, with the purpose of gaining personal benefit for an Egyptian citizen and Iraqi nationals, she facilitated the designated persons' stay in the territory of the Republic of Poland in violation of the law, by providing them with food and clothing during their stay in the forest, and provided them with shelter and rest, and, moreover, on March 22, 2022, transported them into the country." These acts are punishable by 3 months to 5 years in prison."⁹⁴

This quote from court documents has been added *in extenso* as it illustrates that the prosecutor's office clearly defines humanitarian assistance as a crime. Information

published by the Szpila Collective underlines that "into the country" means "literally driving them from the forest a few kilometres to the nearest city."⁹⁵ The need to seek help is defined as gaining "personal benefit." To show solidarity, and to protest against the criminalisation of humanitarian assistance, a group of around 100 activists and public intellectuals signed a letter addressed to the District Attorney's Office in Hajnówka, in which they state that they too have provided such assistance.⁹⁶ As the letter states: "Repression of people who not only did not break the law, but showed elementary human decency by giving the cold, hungry and thirsty food, clothing and shelter is, in our opinion, shameful and inhumane."⁹⁷

It is worth noting that legal regulations that restrict access to the zone at the Polish-Belarusian border are still in force and may result in new proceedings against activists operating there. Under a decree of the Minister of Internal Affairs and Administration of 9 September 2024,⁹⁸ the temporary ban on staying in a specific area of the border zone was extended for another 90 days, until 9 December 2024. Minister Tomasz Siemoniak announced another extension of the ban, which entered into force on 10 December 2024.⁹⁹

Financial viability and sustainability of civil society

A senior official of the government stated that "an organised system of theft from the state" was inherited from Law and Justice. It is therefore unsurprising that the deterioration of standards negatively impacted funding policies between 2015-2023.¹⁰⁰ After the new civil society minister took office, one of the first decisions was to initiate extensive changes at the National Freedom Institute - Centre for Development of Civil Society (NIW-CRSO), which is the key state-controlled

institution in Poland when it comes to the funding and development of civil society.¹⁰¹ A lengthy discussion took place within the CSO community, mainly in the form of op-eds on the portal ngo.pl, about the way it was managed and if such an institution is needed in the first place.¹⁰² One of the first decisions of Minister Buczyńska was to change the composition of the management and the Council. The new director was chosen in an open call. An audit by the Supreme Audit Office published on

⁹⁴. Information as published by Grupa Granica and Collective Szpila: https://szpila.blackblogs.org/czym-jest-sprawa-h5/?fbclid=IwY2xjawHv7rRleHRuA2FI-bQIxMAABHQqViu9uuLjQKhBuuGsfu1HsBF3MYrzwdxCrZq4AtEBR1cdfDXNwD8Spg_aem_0iRLJ3mZL2l_nDhSPY5X9w, Case number: Sygnatura sprawy: VII K 120/24

⁹⁵. https://szpila.blackblogs.org/czym-jest-sprawa-h5/?fbclid=IwY2xjawHv7rRleHRuA2FI-bQIxMAABHQqViu9uuLjQKhBuuGsfu1HsBF3MYrzwdxCrZq4AtEBR1cdfDXNwD8Spg_aem_0iRLJ3mZL2l_nDhSPY5X9w

⁹⁶. Grupa Granica, <https://www.facebook.com/photo?fbid=585125997482493&set=a.156833196978444>

⁹⁷. Grupa Granica, <https://www.facebook.com/photo?fbid=585125997482493&set=a.156833196978444>

⁹⁸. See <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20240001345>

⁹⁹. See <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20240001810>

¹⁰⁰. www.youtube.com/watch?v=EN9MRAIqja8&t=26s&pp=ygUgY3p5IHJ6xVklGx1YmkgcG9teXNseSBuYSBwb2xza2U%3D

¹⁰¹. <https://publicystyka.ngo.pl/minister-agnieszka-buczynska-zmienia-czlonkow-rady-narodowego-instytut-wolnosci-i-rady-dzialalnosci-pozytku-publicz-nego>

¹⁰². <https://publicystyka.ngo.pl/co-z-tym-niwem-bedziemy-sledzic-rozwoj-wypadkow>

17 June 2024 revealed an enormous scale of irregularities in the way NIW-CRSO funds have been distributed to CSOs. The Audit report highlights that:

*"The process of evaluating applications, selecting projects for funding, as well as verifying and clearing them was unreliable, and in some cases illegal, wasteful, did not correspond with the aims, and was fraught with the risk of corruption (...) This affected the assessment (...) of NIW as an institution that did not meet all the requirements of expedient and rational spending of public funds, there was lack of formalization and transparency of methods in the allocation of grants on merits, or there was evaluation by experts who did not have impartiality, or who acted without a contract."*¹⁰³

The audit office confirmed that the evaluation of grant proposals was based on criteria which were not foreseen by law (criteria A, B, and C, which were not in accordance with accepted standards for grant evaluation). The report formally confirms what CSOs have highlighted over the past eight years.

In mid-December, a description of a draft law amending the law on the National Freedom Institute (NIW) - Centre for Civil Society Development and the law on gambling appeared in the list of legislative and programme work of the Council of Ministers.¹⁰⁴ It plans a significant increase in the budget of the NIW and changes in the procedures for the allocation of funds.

Throughout the year, there were also ongoing developments of irregularities in relation to the previous government's use of public funds from the Justice Fund.¹⁰⁵ Instead of funds being allocated to post-penitentiary aid and support for victims of crime, it went to organisations ideologically or personally close to the former ruling party.¹⁰⁶ The fund was also used to support entities operating in electoral districts where members of the PiS government coalition, led by the then justice minister, ran in the elections.¹⁰⁷ In 2024, the new prosecutor's office initiated proceedings against further suspects.¹⁰⁸ An indictment was also

brought against the deputy justice minister of the previous government, Mariusz Romanowski, who was responsible for the dispersal of the fund's financial resources.¹⁰⁹ The current Sejm's decision to lift his parliamentary immunity paved the way for the MP's arrest (the prosecution issued an arrest warrant). However, he fled to Hungary, where he was granted political asylum.

Given the problematic funding policies of the past years, together with the COVID-19 pandemic, the humanitarian crisis following Russia's full-scale invasion of Ukraine, and recently the floods in southern Poland, the sector is depleted and needs serious reform of financing. During the democratic crisis of the past years, many Poles began donating their money to CSOs who they believed defended the causes most important for them. However, current tax incentives for donating to organisations are inadequate. For this reason, a new framework for philanthropy is needed, to correspond with this apparent willingness of the public to support social causes. Citizens need to be incentivised to support the third sector. For example, many private companies were engaged in the relief efforts after the Russian invasion, but one needs to put in place systemic solutions (including tax incentives) to sustain this trend in the long term.

In its 2022 report, the Polish Economic Institute (PIE) found that "Poles allocated a total of about 10 billion PLN from their own pockets to help refugees" in the first months following Russia's invasion.¹¹⁰ The report also states that:

*"The percentage of companies involved in aid is highest among large enterprises - as many as 86% of such companies support Ukraine in various ways. However, when it comes to micro companies, 40% of them have engaged in such assistance. Trade (57%), service (56%) and manufacturing (55%) companies are most likely to help. Among the various forms of assistance, in-kind aid is the most popular. Financial assistance from company funds was provided by only one in four companies."*¹¹¹

¹⁰³. <https://www.nik.gov.pl/najnowsze-informacje-o-wynikach-kontroli/narodowy-instytutu-wolnosci-niw-crso.html>

¹⁰⁴. <https://www.gov.pl/web/premier/projekt-ustawy-o-zmianie-ustawy-o-narodowym-instytucie-wolnosci--centrum-rozwoju-spolecznostwa-obywatelskiego-oraz-ustawy-o-grach-hazardowych>

¹⁰⁵. <https://www.prawo.pl/prawnicy-sady/ms-uniewaznia-23-umowy-w-ramach-funduszu-sprawiedliwosci-i-chce-zmian-w-przepisach,527228.html>

¹⁰⁶. <https://www.nik.gov.pl/najnowsze-informacje-o-wynikach-kontroli/realizacja-zadan-funduszu-sprawiedliwosci.html>

¹⁰⁷. <https://www.prawo.pl/samorzad/dotacje-z-funduszu-sprawiedliwosci-mapa-ms,527222.html>

¹⁰⁸. <https://www.pap.pl/aktualnosci/akt-oskarzenia-ws-funduszu-sprawiedliwosci-w-najblizszych-tygodniach-dotyczy-9-osob>; <https://wiadomosci.wp.pl/prokuratura-przygotowuje-akt-oskarzenia-ws-funduszu-sprawiedliwosci-7101448205810304a>

¹⁰⁹. <https://www.rp.pl/prawo-karne/art41556421-jest-decyzja-sadu-ws-aresztu-dla-marcina-romanowskiego>; <https://www.prawo.pl/prawnicy-sady/siedem-nowych-zarzutow-dla-b-wiceministra-romanowskiego,530665.html>

¹¹⁰. <https://businessinsider.com.pl/gospodarka/polska-liderem-pomocy-ukrainie-ile-to-wszystko-kosztowalo-wykresy/l5s7lnw>

¹¹¹. <https://businessinsider.com.pl/wiadomosci/ile-polskich-firm-pomaga-ukraincom-jest-badanie/mnbdlp>

Another challenge is building a sustainable system that would strengthen not only CSOs but the resilience of citizens as whole. It is important given the poly-crisis societies face today. A notable step in that direction was made with the adoption of the new Law on Civil Protection and Civil Defence.¹¹² The bill puts in place a basic legal framework for building a cross-sectoral, territorial crisis intervention network, and to some extent acknowledges CSOs, but it does not meet all needs for the sector fully.¹¹³ It is clear that the sector

needs a more systemic approach to funding for crisis intervention, and that CSOs will not be able to sustain their long term potential if this is not done.

An analysis by Simple NGO, which monitors civil society law, points out that the law only recognises the role for large, humanitarian assistance-oriented CSOs and does not include the full ecosystem of smaller actors, and does not largely focus on wider civil society resilience.¹¹⁴

Civil dialogue and the right to participation

After the change of government some progress was achieved when it comes to the framework for regulating public consultations. For example, there was a change in the law regulating the consultation process in the Sejm¹¹⁵ and the Council of Ministers, which precludes laws from being passed without consultations, with defined exceptions.¹¹⁶ This was as a result of the implementation of regulations foreseen in the Recovery and Resilience Fund (RFF) milestones.

However, there are still challenges related to public consultations, which need to be addressed, especially within the government's legislative process. For example, according to the data of the Legislative Monitor (Monitor Legislacyjny), "between 1 October and 31 October, the government prepared and published 28 draft laws on the Government Legislation Centre

portal, of which 20 were subjected to public consultation." Analysis by the Citizens' Legislation Forum shows that in the earlier months of the year the government consulted even less, on average only half, of its own draft legislation.¹¹⁷ In a positive development and as foreseen by legal changes, on 31 October 2024, a public consultation platform was launched on the Polish Parliament's website.¹¹⁸

As noted earlier, of most concern is the negative approach of the new government when it comes to consultations (or any dialogue) regarding migration policies, especially the decision by Donald Tusk to suspend the right to asylum. This is a significant challenge for all organisations working in the field of migration.¹¹⁹

A public hearing on Poland's migration strategy for 2025-2030

A public hearing on Poland's migration strategy for 2025-2030 was held in Warsaw at the end of November 2024. The meeting came in response to criticism from NGOs and experts about the lack of public consultation before the government adopted the strategy document. The main purpose of the event was to discuss the "Take Back Control. Ensure Security" strategy and to gather opinions and comments from representatives of civil society, academia, and migrant organisations.

The hearing was held in response to growing dissatisfaction that the document had been drafted without prior public consultation. NGOs accused the government of a lack of transparency and of failing to take into account the views of key stakeholders, such as organisations working with migrants and refugees. They also criticised the direction of the strategy, which many felt focused on security at the expense of human rights and the integration of migrants.

¹¹². <https://www.gov.pl/web/mswia/sejm-przyjal-jednoglosnie-ustawe-o-ochronie-ludnosci-i-obronie-cywilnej#:~:text=Ustawa%20o%20ochronie%20ludno%C5%9Bci%20i%20obronie%20cywilnej%20okre%C5%9Bla,oraz%20zasady%20planowania%20ochrony%20ludno%C5%9Bci%20i%20obrony%20cywilnej>

¹¹³. See expert opinion: https://www.batory.org.pl/publikacja/gotowi-na-kryzys-budowanie-spolecznej-odpornosci/?fbclid=IwY2xjawHvyHtleHRuA2FlbQlx-MAABHXPmXrJ1s3KewSqUsokUiaC3vmhkuvVWkf6wai4D_0yprzEGgZNnEKKWQ_aem_qyf4pbVrInpivESq0HrOGw

¹¹⁴. <https://proste.ngo/ud70-2024/>

¹¹⁵. <https://businessinsider.com.pl/wiadomosci/koniec-z-legislacyjnymi-potworkami-rzadz-zmienia-sposob-pracy/6dr02dk>

¹¹⁶. <https://www.batory.org.pl/wp-content/uploads/2024/11/Monitor-legislacyjny-5.pdf>

¹¹⁷. <https://www.batory.org.pl/oswiadczenie/stanowisko-obywatelskiego-forum-legislacji-w-sprawie-praktyki-przeprowadzania-konsultacji-publicznych/>

¹¹⁸. https://www.sejm.gov.pl/sejm10.nsf/agent.xsp?symbol=KONSULTACJE_PROJEKTY&NrKadencji=10

¹¹⁹. https://www.rmrf24.pl/polityka/news-ostra-reakcja-tuska-ws-prawa-do-azylu-to-nie-bedzie-przedmiotem,7835584#crp_state=1

The Warsaw meeting aimed to correct this mistake and create a platform for dialogue. During the event, representatives of CSOs pointed to the need for greater emphasis on human rights, integration programmes and building an open society. They also stressed the need for an improved asylum system and a more inclusive approach to migration policy. The government promised to take some of the comments into account in future measures, although many participants remained sceptical about the actual implementation of the demands made.

The Citizens' Consultation on the Migration Strategy has important implications for civic space. The lack of prior public consultation has undermined trust in the

legislative process and limited the ability of NGOs to have a real impact on migration policymaking. Such actions by the government may have the effect of marginalising the voice of civil society and discouraging engagement in future consultations. At the same time, the organisation of a citizens' hearing after a wave of criticism shows that public pressure and NGOs can influence the actions of decision-makers.¹²⁰ However, it should be noted that the public hearing was organised when the government had already decided to adopt the document it had drafted. At the end of the hearing, the deputy interior minister, who is in charge of migration policy, took the floor and admitted that the government even had the amended acts to implement the planned solutions ready at hand.

Access to information

In Poland, there is no dedicated institution responsible for overseeing access to public information, and no central body collects data on the implementation of related obligations. The only authority that occasionally monitors the systemic fulfilment of these obligations is the Supreme Audit Office. Administrative courts adjudicate cases involving specific instances of refusal or failure to comply with the law.

The Access to Public Information Act was enacted in 2001, and its most significant challenges stem from the definition of public information, which leaves room for wide interpretation. This ambiguity not only results in a narrowing of the constitutional standard for access to information but also leads to protracted legal disputes.

A glaring example of how access to information procedures can be excessively prolonged is the case concerning financial records of a publicly funded project at Cardinal Stefan Wyszyński University. Since 2015, legal proceedings have been ongoing to obtain financial records related to the project, titled "A Model for Regulating Openness and Its Limitations in a Rule of Law State," which is believed to have received 3.7 million PLN (over €860,000).

Due to legal provisions that allow the university to introduce new justifications for withholding information, the case has repeatedly returned to court, which has consistently ruled in favour of Watchdog Poland, who brought the case.¹²¹ If the university

continues to withhold the requested information — though it is expected to comply — the case will become the longest-running access to information dispute in Poland, surpassing a decade.

The failure to conclude cases like this in a timely manner is a regular occurrence, as the current provisions of the Access to Public Information Act allow for this. The act therefore requires urgent reform. A significant challenge to accessing public information arises from the act's ambiguous interpretation. One notable example is the category of "internal/technical documents", which lacks a legal definition and exists solely within administrative interpretations and judicial rulings. This ambiguity leads to unpredictability in the system and an inconsistent adherence to case law, regardless of the public significance of the requested information.

A prominent example of this issue is the case concerning access to the meeting calendar of the Constitutional Tribunal President Julia Przyłębska during the rule of law crisis. On 21 March 2024, the European Court of Human Rights (ECtHR) ruled that the refusal to disclose the calendar was unjustified, emphasising that the information was of public interest and relevant to the broader public debate. The court recognised that organisations such as Watchdog Polska (which brought the case) serve as public watchdogs and that access to such information is crucial for monitoring the actions of public authorities and safeguarding democratic processes. Consequently, the ECtHR found that the

¹²⁰. <https://www.pap.pl/aktualnosci/organizacje-pozarzadowe-krytycznie-o-braku-konsultacji-ws-strategii-migracyjnej-nasze>; <https://www.gov.pl/web/pozytek/25-listopada-2024-r-w-centrum-nauki-kopernik-w-warszawie-odbylo-sie-wysluchanie-obywatelskie-dotyczace-dokumentu-odzyskac-kontrolę-zapewnić-bezpieczeństwo-kompleksowa-i-odpowiedzialna-strategia-migracyjna-polski-na-lata-20252030>; <https://publicystyka.ngo.pl/na-przygotowanej-przez-rzad-strategii-migracyjnej-nie-pozostawiono-suchej-nitki-relacja-tau>

¹²¹. The most recent hearing took place on 27 November 2024.

president's actions violated the right to information protected under Article 10 of the European Convention on Human Rights.¹²²

Another method used to withhold public information is the accusation that applicants are abusing their right to access such information. This concept is not explicitly defined in the Access to Public Information Act but is instead based on interpretations derived from other legal frameworks, where terms such as trivial, frivolous, unreasonable, irrational, vexatious, malicious, abusive, similar, and repetitive are clearly defined and subject to verification.

In jurisdictions where these concepts are codified, their meaning is clear, and they are applied within a structured legal framework. However, in the Polish system, the lack of a legal definition allows for arbitrary interpretations that vary depending on the circumstances. This frequently results in administrative authorities escaping accountability by prolonging proceedings and, ultimately, undermining the public interest.¹²³

According to a report published by the OECD in March 2024, Poland meets 67% of the regulatory criteria concerning open data and 54% of the practical criteria, compared to the OECD averages of 67% and 62%, respectively. However, the practical implementation of these standards reveals significant shortcomings, as illustrated by the case of the central register of contracts.

Initially scheduled for implementation in 2022, the register was intended for financial sector units to report contracts exceeding 500 PLN (€116). However, it was not implemented until 2025, and recent information suggests that another extension is under consideration. The proposed revision would raise the disclosure threshold to 10,000 PLN (€2,325), which would result in only 20 to 25% of contracts concluded by public institutions being made available.

Although information on contracts may still be accessible upon request, applicants are likely to encounter the challenges and procedural obstacles outlined above. Detailed information on the situation in Poland is available in the State of Openness Report 2024.¹²⁴

Civil society resilience

Although the first year of the coalition government has been favourable for the civil society sector in certain respects, it has not been without its share of disappointments.¹²⁵ The general feeling in the sector is that the coalition government has let down many groups which have been crucial for reversing the downward spiral of democratic decline in Poland. This includes women's rights organisations and actors providing humanitarian assistance to refugees and migrants at the border and/or dealing with migration in the context of access to the right to asylum, or integration. The overall feeling is that despite the creation of new bodies for dialogue, they have had little impact.¹²⁶ If this trend is not reversed, there is risk of mere "window dressing" on the part of the government. This would be especially concerning given that CSOs have put forward many concrete proposals and strategies for reforms.¹²⁷

During the conference organised by Batory Foundation in November 2024 to summarise the past eight years of resistance against democratic backsliding, there was a sense that much more needs to be done in the areas of women's rights, environmental protection, and educational reform. Instead, the government seems to have embarked on a "collision course" with CSOs, intending to undermine one of the most fundamental rights since World War II, the right to asylum.¹²⁸ This definitely does not bode well for building trust not only in the current government but democratic processes more broadly.

There is also a challenge of building trust. Unfortunately, representatives of the current government have not resisted the temptation to criticise CSOs in current politics, just as their predecessors did extensively. Statements by representatives of the current

¹²². <https://siecobywatelska.pl/watchdog-wygral-przed-europejskim-trybunalem-praw-czlowieka/>

¹²³. <https://informacjapubliczna.org/wp-content/uploads/raport-naduzywanie.pdf>

¹²⁴. https://siecobywatelska.pl/wp-content/uploads/2025/01/raport_jawnosc_2024.pdf

¹²⁵. <https://publicystyka.ngo.pl/niw-i-ministerstwo-wiedza-czego-oczekuje-sektor-pytanie-co-z-tym-zrobia-komentarz-tau>

¹²⁶. <https://publicystyka.ngo.pl/niw-i-ministerstwo-wiedza-czego-oczekuje-sektor-pytanie-co-z-tym-zrobia-komentarz-tau>

¹²⁷. The Strategic Road Map for the Development of the Third Sector in Poland, https://ofop.eu/wp-content/uploads/2015/11/smd_publikacja.pdf, <https://ofop.eu/propozycje-obywatelskie-dla-polski/>

¹²⁸. <https://publicystyka.ngo.pl/to-ostatni-moment-zeby-wladze-uznaly-role-spoleczenstwa-obywatelskiego-w-budowaniu-odpornosci-spoleczenstwa-i-panstwa-komentarz-ewy-kulik-bielinskiej>

government, including the prime minister himself, may be a threat to the continued positive image of social organisations in Polish society. In the context of the situation on the Polish-Belarusian border, CSOs

have been accused of working for foreign interests and had their actions labelled radical, while environmental activists have been threatened with more forceful action on the part of the police (see above).

Recommendations

TARGETED RECOMMENDATION:

→ **Take urgent steps to improve the framework in which civil society operates, including by addressing funding gaps in a depoliticised and sustainable manner for CSOs, especially those working on democracy, human rights, anti-discrimination, and the rule of law. This should be achieved by introducing transparent funding procedures and systemic solutions and incentives to support individual and corporate philanthropy.**

- Immediately refrain from verbal attacks on civic activists and CSOs, including in particular those dealing with support for migrants and refugees and combating climate change.
- Immediately discontinue all prosecutions of activists providing assistance to those fleeing war and persecution and peacefully exercising their right to protest by the end of 2025.
- Initiate the legislative process to amend the Law on Assemblies in order to bring it into compliance with the Constitution of the Republic of Poland and international human rights law by 2025.
- Urgently introduce reforms for systemic changes that increase the availability of public funds for diverse civil society actors and allow more flexible public funding for the organisations' statutory activities and covering their ongoing needs. For example, by improving the legal framework for result-based grant reporting or for adjusting grant budgets rules to acknowledge inflation rates.
- Adopt a national strategy for philanthropy development.
- Ensure that the Pegasus commission work is finalised and that public official responsible are held accountable.
- Introduce a framework for permanent, inclusive, and structured civil dialogue with all civil society in the legislative process, both at the level of government and parliamentary activities.
- Reform the Council for Public Benefit, as regards its competences and the way in which its members are elected, to ensure that it is free from political interference and that adequate self-governance mechanisms are being followed.
- Introduce a system of effective civic education and promote models of civic engagement, as well as ensuring that the civic sector becomes a competitive place of employment, by providing additional benefits not achievable in jobs in other sectors of the economy.
- Reform the Access to Public Information Act and bring it in line with international standards on access to information by 2025.

About the authors

The National Federation of Polish NGOs (Ogólnopolska Federacja Organizacji Pozarządowych, OFOP) was established in 2003 by the initiative group of Polish organizations, as a result of a participatory process aimed at establishing a representation body for the third sector in Poland. We are a politically independent and non-governmental organisation guided by the principles of European Charter of the Fundamental Rights and the Charter for Principles of NGO Operation, adopted by a resolution of the OFOPs General Assembly in 2010. Currently, OFOP has 161 member organizations. As many of the members are also federations of organisations, indirectly OFOP may claim over 400 member organisations.



Stefan Batory Foundation has been working since 1988 to build an open, democratic society — a society of people aware of their rights and responsibilities, who are actively involved in the life of their local community, country and international society. We want to co-create a Poland that is law-abiding and just, open and tolerant, that protects the rights of all citizens, and that respects the richness of its diversity. In this respect our priorities include: improving the quality of Polish democracy, strengthening the role of citizens and civic institutions in public life, developing international cooperation and solidarity. To these ends we financially and substantively support civic initiatives undertaken by civic organisations and informal groups. We also carry out our own activities: we conduct campaigns and social actions, monitor the functioning of public institutions, undertake advocacy activities, organize conferences and debates, workshops and meetings, issue analyses, expert studies, reports and other publications.



The Legal Clinics Foundation (Fundacja Uniwersyteckich Poradni Prawnych) is a Polish organization supporting university legal clinics across the country. Established in 2002, it aims to enhance clinical legal education, standardize legal aid services, and improve access to free legal assistance for disadvantaged groups. FUPP coordinates a network of 28 university legal clinics, provides training for academic supervisors, and promotes pro bono legal work. It also runs initiatives like the Pro Bono Lawyer Award and the Centrum Pro Bono program, fostering collaboration between legal professionals and NGOs.

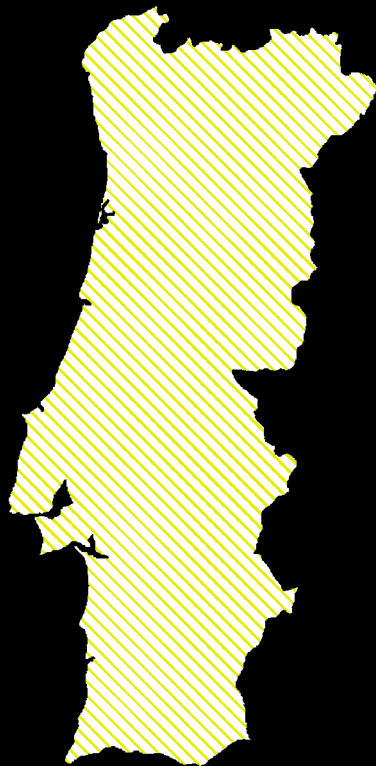


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Portugal

By Academia Cidadã



Key civic space trends	204
Summary	204
Institutional, political, and socio-economic landscape	204
The regulatory environment for civic freedoms	207
Freedom of association	207
Freedom of peaceful assembly	207
Freedom of expression and the right to privacy	208
Safe space	208
Palestine solidarity protests	209
Use of force and detention of climate activists	210
Funding for civil society	210
Civil dialogue and the right to participation	211
Civil society resilience	211
Recommendations	212
About the author	213

Key civic space trends

-  Right to protest under threat, especially for climate activists, the Palestine solidarity movement, and anti-racism groups.
-  Concerns over rising hate speech online, in public rhetoric, and from institutions against marginalised groups and CSO defending their rights.
-  The amendment to the Foreigners' Law could have negative effects on the freedom of association and migrants' rights organisations

Summary

Civic space is rated as open in Portugal by the CIVICUS Monitor.¹ However, 2024 was marked by a significant increase in reports related to threats to civic space in Portugal. The right to protest faced significant barriers, with climate activists, people expressing solidarity with the Palestinian people, anti-racist and anti-fascist movements,² and migrants' rights groups targeted.³ Restrictions on protests included disproportionate, intimidating, and sometimes degrading police tactics.

There has been no significant progress in addressing the key issues highlighted in the European Commission's Rule of Law 2024 report and there were no recommendations on civic space. Excluded groups face worrying challenges in terms of access to an enabling

environment. For example, in February 2025, the LGBTQI+ cultural space *Planeta Monas* in Lisbon was the target of a police raid for the fourth time in five months. Civil society organisations (CSOs) were also not meaningfully consulted on the National Plan to Combat Racism and Discrimination.

The continued use of repressive measures against activists, the rise of hate speech, and the lack of enforcement of anti-racism policies demonstrate a failure to uphold the rule of law and protect fundamental rights. However, despite the direct attacks on democratic freedoms in Portugal, civil society has generated organised responses through protests and collective networked movements.

Institutional, political, and socio-economic landscape

Portugal's political landscape has faced significant instability since António Costa's resignation in December 2023,⁴ triggered by an alleged transcription error by the public prosecutor's office during a corruption investigation.⁵ President Marcelo Rebelo de Sousa dissolved the parliament and called for early elections⁶ in March 2024, resulting in the election of Luís Montenegro's coalition, comprising of the Social Democratic Party (PSD) and the CDS – People's Party

(CDS-PP). This instability benefited the far-right CHEGA party,⁷ which capitalised on anti-establishment and anti-immigration rhetoric and secured 50 seats in the parliament. The rising influence of the far-right shifted the public debate towards security and immigration, prompting stricter residence authorisation procedures for immigrants.⁸ Simultaneously, Portugal has faced a significant rise in poverty and social inequalities. The economic crisis, exacerbated by inflation and

1. <https://monitor.civicus.org/country/portugal/>

2. <https://observador.pt/2024/06/11/sos-racismo-critica-policia-na-gestao-das-manifestacoes-antirracista-e-nacionalista/>

3. <https://www.sabado.pt/portugal/detalhe/psp-abre-inquerito-apos-violencia-policial-contra-manifestantes-antirracistas>

4. <https://www.dn.pt/arquivo/diario-de-noticias/costa-demite-se-nao-me-pesa-na-consciencia-a-pratica-de-qualquer-ato-ilicito-ou-sequer-de-qualquer-ato-censuravel-17297955.html>

5. <https://www.cnnbrasil.com.br/internacional/ministerio-publico-de-portugal-erra-em-caso-que-levou-premie-a-renuncia/>

6. <https://www.publico.pt/2024/01/15/politica/noticia/oficial-parlamento-dissolvido-funciona-servicos-minimos-2076853>

7. <https://www.bbc.com/portuguese/articles/c1v1r44lekdo>

8. <https://www.esquerda.net/artigo/manifestacoes-de-interesse-milhares-de-pessoas-nao-conseguirao-regularizar-se/91709>

increasing prices of essential goods, has disproportionately impacted low-income families.⁹ Property speculation and the lack of effective public policies for affordable housing have made buying or renting a home unaffordable for many, especially in major cities like Lisbon and Porto.¹⁰ Additionally, job precariousness¹¹ and income inequalities have worsened the situation, with an increasing number of workers living in poverty.¹² These regional and social disparities underscore the urgent need for political measures to mitigate the effects of the crises and promote a more equitable distribution of resources.

A report by OberCom – Observatório da Comunicação (Communication Observatory)¹³ revealed that there were signs of external interference in Portugal's elections for the first time in the 2024 legislative elections, including a campaign of online advertisements accusing the socialist party of corruption and recalling the PSD's cuts during the "troika".¹⁴ The MediaLab at the University Institute of Lisbon identified anonymous paid advertising on Facebook, which reached over two million people in a few days.¹⁵ The 2024 elections were considered the most polarised in Portugal's democratic history, facilitating the spread of disinformation. Additionally, in just three days up to €12,000 may have been spent on prohibited online advertising against the PSD, more than the annual spending of parties on digital ads.¹⁶

A survey conducted by the Institute of Public and Social Policies (IPPS) at the University Institute of Lisbon revealed that 74% of respondents believe that the Portuguese justice system functions poorly or very poorly, the worst performance among all evaluated public institutions. Portuguese citizens criticise the slowness and errors of the judicial system, which primarily penalises the poorest and ethnic minorities. The lack of speed and efficiency in the judicial system is a recurring issue. The same IPPS survey indicated that 66% of respondents believe that judges and prosecutors are vulnerable and yield to pressures from economic

and social groups, the government, and the media, suggesting that the justice system may be influenced by external factors, compromising its impartiality.¹⁷

According to the survey, 74% of respondents believe that the justice system treats poor people worse, and 55% believe this to be the case for people belonging to ethnic minorities. This significant inequality highlights the systemic bias against vulnerable populations, particularly in the context of racism and discrimination. Furthermore, 74% of respondents perceive that the justice system functions poorly or very poorly in terms of protecting fundamental rights. This widespread belief suggests that the justice system is failing to fulfil its role in safeguarding the rights of those who face discrimination. The extent of this inefficiency is further underscored by data from the public prosecutor's office (MP) in Portugal, which shows that between 2020 and 2023, 792 investigations of hate crimes were initiated, yet charges were filed in only 14 cases.¹⁸ This stark disparity reveals serious concerns about the effectiveness and impartiality of the judicial system in addressing and prosecuting hate crimes, ultimately undermining public trust and confidence in its ability to deliver justice fairly.

The Agency for Integration, Migration, and Asylum (AIMA) is facing a critical situation, with over 400,000 residence permit applications pending.¹⁹ This backlog overloads the judicial system and increases the response time of the administrative courts and the number of judicial notifications. For instance, the Lisbon Administrative Circle Court takes about three months to complete tasks, such as delivering notifications to interested parties, which should be done within 48 hours.

Moreover, the Supreme Administrative Court is experiencing a shortage of human resources. Only 33 of the 45 judicial officer positions. This lack of personnel contributes to the backlog of over 428,000 nationality

9. <https://executivedigest.sapo.pt/noticias/portugal-e-dos-paises-com-mais-alto-custo-de-vida-da-europa-do-supermercado-as-rendas-apanas-os-paises-de-leste-estao-pior/>

10. <https://www.publico.pt/2024/01/10/economia/noticia/so-01-mercado-privado-rendas-acessiveis-2076227>

11. <https://capmagellan.com/portugal-3-o-pais-da-ue-com-mais-trabalhadores-precarios/>

12. <https://www.esquerda.net/artigo/900-mil-trabalhadores-vivem-na-pobreza-absoluta-em-portugal/93719>

13. https://obercom.pt/wp-content/uploads/2024/10/Legislativas_2024_FINAL.pdf

14. The "troika" refers to the period between 2011 and 2014 when Portugal was under a bailout programme led by the European Commission, European Central Bank, and International Monetary Fund (collectively known as the troika). This period was marked by significant austerity measures and economic reforms implemented by the PSD-led government under Prime Minister Pedro Passos Coelho.

15. <https://medialab.iscte-iul.pt/identificada-publicidade-anonima-e-paga-no-facebook-que-liga-o-lider-do-psd-aos-cortes-durante-a-troika-e-que-ja-alcançou-mais-de-dois-milhoes-de-pessoas/>

16. <https://observador.pt/2024/03/08/publicidade-no-facebook-contra-psd-custou-mais-do-que-gastos-dos-partidos-num-ano/>

17. <https://sicnoticias.pt/pais/2024-07-16-justica-e-a-instituicao-publica-mais-mal-avaliada-pelos-portugueses-4fb9ebdf>

18. <https://www.publico.pt/2024/05/07/sociedade/noticia/quatro-anos-mp-abriu-792-inqueritos-crimes-odio-deduziu-acusacao-apanas-14-2089467>

19. <https://www.publico.pt/2025/02/08/sociedade/noticia/tribunal-fecha-2024-46824-processos-aima-pendentes-contraria-tendencia-reducao-2121802>

applications awaiting resolution, reflecting a judicial system under pressure and unable to meet the growing demand.²⁰

These challenges highlight the urgent need for reforms in the migration and justice systems to ensure efficiency and fairness in processing applications both for immigrants and Portuguese citizens.

Extremist rhetoric has increased, particularly towards immigrants, who now represent a significant portion of Portugal's population. Immigrants are used as scapegoats for the difficulties Portuguese people face. This narrative overlooks the complexity of economic and social challenges, leading many to believe that immigrants are "taking" jobs without recognising that the structural issues go much deeper.

Strong trends of discrimination were observed on various levels, from speeches in the Portuguese parliament²¹ to in schools, with increasing reports of bullying and discrimination against children of different nationalities.²² Studies reveal that black and Roma people face a higher risk of death during police interventions,²³ alongside the rise of online disinformation campaigns and the growth of organised supremacist groups. A study by Casa do Brasil has revealed a significant increase in online and public service hate speech against Brazilians in Portugal. The research also indicated that hate speech against immigrants has become more violent, with many believing that anti-immigration political rhetoric leads to discriminatory practices.²⁴

The lack of political will to effectively implement and enforce the National Plan to Combat Racism and Discrimination exacerbates the difficulty in acknowledging the existence of racism and its consequences for racialised and Roma communities.²⁵ The absence

of effective government responses has resulted in deeper anti-immigration rhetoric and hate speech, the marginalisation of social groups, limited access to fundamental rights, and, consequently, the erosion of the rule of law in the country.

The president of the Portuguese parliament, José Pedro Aguiar-Branco, defended the freedom of expression of members of parliament, allowing racist and xenophobic comments, which was contested by left-wing parties and applauded by the far-right party CHEGA.²⁶ The tolerance for hate speech within democratic institutions undermines the principles of equality and human rights, risking the normalisation of discrimination and weakening social cohesion. For a healthy political environment, all discourse must respect the dignity of everyone. This requires representatives and authorities to combat such practices.

In the 2024 Universal Periodic Review (UPR) by the United Nations,²⁷ Portugal was assessed for its compliance with human rights. The UN highlighted several critical areas where Portugal needs improvement, including:

- ▶ Detention conditions, overcrowding, and a lack of resources in prison facilities, which result in violations of the minimum required conditions, such as adequate ventilation and heating;
 - ▶ Systemic racism, police violence, and the lack of an effective response from authorities, particularly against communities of African origin and the Roma; and
 - ▶ Women's rights violations, including restrictions in accessing justice, especially for victims of domestic violence.
- ▶ The UN recommended the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families to enhance the protection of these vulnerable populations.

²⁰. <https://www.publico.pt/2025/01/19/publico-brasil/noticia/justica-atrasa-notificacoes-processos-cidadania-portuguesa-nao-avancam-2119321>

²¹. <https://www.publico.pt/2024/05/17/politica/noticia/sos-racismo-aguiarbranco-nao-condicoes-manter-presidencia-ar-2090927>

²². <https://www.publico.pt/2024/05/14/sociedade/noticia/associacao-nepaleses-denuncia-aumento-bullying-filhos-imigrantes-2090388> ; <https://noticias.uol.com.br/cotidiano/ultimas-noticias/2024/02/22/professor-arrastou-aluna-pelos-cabelos-o-choque-de-brasileiros-em-portugal.htm> ; <https://www.publico.pt/2024/05/25/sociedade/noticia/volta-terra-escolas-respondem-racismo-2091706>

²³. <https://www.publico.pt/2024/03/18/sociedade/noticia/ciganos-43-vezes-probabilidade-mortos-policia-negros-21-vezes-2083740>

²⁴. https://casadobrasilidelisboa.pt/wp-content/uploads/2024/MM_relatorio2024_digital_v7.pdf

²⁵. <https://gerador.eu/atrasos-e-silencios-preocupam-apos-dois-anos-do-plano-nacional-de-combate-ao-racismo-e-a-discriminacao/>

²⁶. <https://oglobo.globo.com/blogs/portugal-giro/post/2024/05/em-portugal-presidente-do-parlamento-libera-insultos-xenofobos-e-racistas.ghtml>

²⁷. <https://docs.un.org/en/A/HRC/WG.6/47/PRT/1>

The regulatory environment for civic freedoms

Freedom of association

The primary legal provisions regulating the freedom of association are outlined in Decree-Law No. 594/74,²⁸ which states that “citizens have the right to form associations freely without prior authorization, provided that their purposes are not contrary to law or public morality.” This right is guaranteed by the Constitution of the Portuguese Republic in Article 46,²⁹ which establishes:

“1. Citizens have the right to freely form associations, provided that their purposes are not contrary to criminal law or constitutional norms.”

In 2024, Portugal did not pass any new laws that directly restrict or improve the freedom of association. However, there have been significant changes in other areas that may indirectly impact the freedom of association, especially in the context of immigration policies. A notable example is the amendment to the Foreigners’ Law, which ended the “Expression of Interest” regime for immigrants. This change has been criticised by various migrant rights associations, who argue that the measure is a setback of at least 17 years in immigration policies.³⁰ They argue that the measure makes it more difficult for immigrants to access the regularisation process and may negatively affect associations that work to support these individuals.

Freedom of peaceful assembly

Article 45 of the Portuguese Constitution³¹ guarantees the right to peaceful assembly without prior authorisation. However, Decree-Law No. 406/74³² requires advance written notification, which must be signed by three organisers, to the municipal authorities for public gatherings. Failure to comply may result in criminal sanctions, hindering spontaneous protests. Restrictions on demonstration times further limit their effectiveness and visibility, especially impacting the ability to draw attention to causes.

With the end of the *Manifestação de Interesse* regime, the process of regularising immigrants in Portugal has become more bureaucratic and complex, increasing demand for services provided by associations, such as legal assistance, document preparation, and guidance on rights. Many of these organisations already operate with limited resources, and the rising demand may overwhelm their capacity, hindering effective service delivery. Although freedom of association is guaranteed by the constitution, changes to the Foreigners’ Law create an unfavourable environment for these associations. By complicating regularisation, the measure not only strains their resources but also weakens immigrant representation and efforts towards inclusive policies.

Additionally, undocumented immigrants face specific barriers to exercising their freedom of association. The lack of documents, such as proof of residence or a tax identification number (NIF), prevents formal participation in associations, while fear of deportation or reprisals discourages even informal involvement. Language barriers, social exclusion, and limited access to information about associations further restrict their engagement. Discrimination and mistrust towards undocumented immigrants exacerbate these challenges, making integration into civil society even more difficult.

In 2024, activists were charged for participating in peaceful protests.³³ Climate activists in Portugal have faced legal consequences for their peaceful protests across various locations. The *Av. 5 de Outubro* action in Lisbon resulted in total fines of €1,980.³⁴ The *Praça José Fontana* protest led to fines totalling €2,700 along with a one-year and 10-month prison sentence, which was converted to 480 hours of community service.³⁵

28. <https://diariodarepublica.pt/dr/detalhe/decreto-lei/594-1974-471532#:~:text=A%20todos%20os%20cidad%C3%A3os%20maiores,necessidade%20de%20qualquer%20autoriza%C3%A7%C3%A3o%20pr%C3%A9via>

29. <https://diariodarepublica.pt/dr/legislacao-consolidada/decreto-aprovacao-constituicao/1976-34520775-43894075>

30. https://www.rtp.pt/noticias/pais/retrocesso-associacoes-de-imigrantes-criticam-novas-regras_n1579920

31. <https://diariodarepublica.pt/dr/detalhe/decreto-aprovacao-constituicao/1976-502635>

32. <https://diariodarepublica.pt/dr/detalhe/decreto-lei/406-1974-424767>

33. <https://www.publico.pt/2024/07/08/azul/noticia/oito-ativistas-movimento-climaximo-condenados-pena-suspensa-ano-meio-2096749>; <https://observador.pt/2024/09/04/15-meses-de-prisao-com-pena-suspensa-para-ativistas-da-climaximo-que-invadiram-aerodromo-de-tires/>; <https://cnnportugal.iol.pt/climaximo/condenados/ativistas-do-climaximo-condenados-a-pena-suspensa-de-ano-e-meio/20240708/668bb7a2d34e04989222e000>

34. <https://sicnoticias.pt/pais/2023-10-10-Democracia-e-isto-mesmo-Climaximo-corta-estrada-no-centro-de-Lisboa-2bece098>

35. <https://sicnoticias.pt/pais/2023-10-12-Climaximo-trava--novamente--transito-em-praca-de-Lisboa-f0fe1176>

Similarly, the *Av. 24 de Julho* action incurred fines of €2,780 and a one-year and 4-month prison sentence, also converted to 480 hours of community service.³⁶

The Cascais Aerodrome protest resulted in fines of €4,657.50 converted to community service, a €5,000 compensation order, and a one-year and three-month suspended prison sentence.³⁷ Lastly, the *Av. Duarte Pacheco* action resulted in a one-year and six-month suspended prison sentence.³⁸ These legal actions demonstrate the range of penalties imposed on climate activists in Portugal, including fines, community service, and suspended prison sentences. This measure appears to be an attempt to intimidate protesters and criminalise climate activism in the eyes of the public. Many of these cases are part of smear campaigns and Strategic Lawsuits Against Public Participation (SLAPPs),

tactics that are becoming increasingly frequent in Portugal and are often employed to silence dissenting voices and discredit social movements. These practices undermine the freedom of peaceful assembly and pose a significant threat to participatory democracy and freedom of expression.

Amnesty International Portugal reports that 37% of the Portuguese people believe the authorities handle demonstrations with bias, depending on organisers and locations.³⁹ Additionally, a study by anthropologist Ana Rita Alves reveals Roma people are 43 times, and Black people 21 times, more likely to be killed by police, highlighting severe threats to the civic space of excluded groups.⁴⁰ This undermines the fundamental rights of Roma, black, and migrant communities.

Freedom of expression and the right to privacy

In Portugal, freedom of expression is primarily protected under Article 37 of the Portuguese Constitution,⁴¹ which states that everyone has the right to freely express and disseminate their thoughts, without hindrance or discrimination. This article also guarantees the right to inform, to be informed, and to seek information. It ensures that individuals can express their opinions without interference from the government.

The current fragility of the press in Portugal directly reflects the democratic instability of the country. The press, which plays a crucial role in scrutinising and holding political powers accountable, faces serious

financial challenges. Amnesty International Portugal has expressed great concern over the recent lack of transparency⁴² and financial instability within the Global Media Group, highlighting issues such as unpaid salaries. There are fears that this vulnerability could lead to the instrumentalisation of the press by interests that counter its mission, compromising freedom of expression and the integrity of journalism. Newsrooms are also facing problems related to media ownership and interference with editorial independence, threatening the essential role of the press in sustaining democracy.⁴³

Safe space

On 8 February 2024, journalists João Biscaia from *Setenta e Quatro* newspaper and Bernardo Afonso from the investigative media outlet *Fumaca* were attacked by unidentified Public Security Police (PSP) Intervention Corps officers while covering an anti-fascist and anti-racist protest in Lisbon. Despite identifying themselves multiple times as press, they were subjected to violence, with Afonso receiving multiple baton strikes and Biscaia being punched and kicked. The PSP falsely claimed no journalists were harmed. The journalists

documented further assaults on protesters, revealing indiscriminate police brutality. They intend to file a joint complaint, although identifying the attackers is unlikely, and the case will likely be dismissed. In 2024, many attacks on journalists took place, underscoring ongoing threats to press freedom and public safety. Both editorial teams expressed solidarity with affected journalists and condemned the police brutality and assaults on press freedom.⁴⁴

³⁶. <https://sicnoticias.pt/pais/2023-10-14-Ativistas-do-movimento-Climaximo-cortam-Avenida-24-de-Julho-b83cbf4c>

³⁷. <https://www.climaximo.pt/jatos-privados-sao-armas-de-destruicao-macica-nao-tem-lugar-numa-sociedade-em-chamas-climaximo-pinta-e-bloqueia-jato-privado-em-ca/>

³⁸. <https://www.climaximo.pt/o-unico-plano-para-travar-a-guerra-e-parar-a-normalidade-climaximo-bloqueia-o-tunel-do-marques/>

³⁹. <https://www.amnistia.pt/a-liberdade-como-bandeira/#gref>

⁴⁰. <https://www.publico.pt/2024/03/18/sociedade/noticia/ciganos-43-vezes-probabilidade-mortos-policia-negros-21-vezes-2083740>

⁴¹. <https://diariodarepublica.pt/dr/geral/en/levant-legislation/constitution-of-the-portuguese-republic>

⁴². <https://www.amnistia.pt/fragilidade-da-imprensa-e-um-ataque-a-democracia-em-portugal/#gref>

⁴³. <https://rsf.org/en/country/portugal>

⁴⁴. <https://fumaca.pt/psp-agride-jornalistas-do-fumaca-e-setenta-e-quatro/>

Additionally, the children's book author Mariana Jones has also faced threats and persecution. Since October 2024, she has been targeted by Djalme dos Santos, a member of the far-right association Habeas Corpus, due to her book *O Pedro gosta do Afonso*. The situation escalated on 1 June when Jones was directly confronted by Santos at the Lisbon Book Fair. She has since received multiple hate messages, including threats involving her family. Jones filed a formal complaint with the PSP, highlighting the fear and drastic changes to her life caused by these threats.⁴⁵

On 8 February 2025, the LGBTQI+ cultural space Planeta Monas in Lisbon, was the target of a police raid for the fourth time in five months. The police forces entered the venue without identifying themselves or showing a warrant, and members of the cultural association hosting the space were threatened and physically assaulted with truncheons. While the incident occurred in 2025, it is just the latest in an increased and continuous pattern of violent and disproportionate attacks against independent cultural spaces and organisations working for the rights of marginalised communities.⁴⁶

On 8 March 2024, police officers of the Public Security Police (PSP) confronted participants at an International Women's Day march in downtown Faro. A mother with her baby was approached by an officer who wanted to confirm the route of the march and questioned her about joining the march with her child.⁴⁷ After confirming her intention to participate with the child, she reportedly faced warnings about potential risks, including from objects being thrown and adverse weather conditions.⁴⁸ The officer also expressed concerns about a counter-demonstration, suggesting the authorities could not ensure participants' safety.

Palestine solidarity protests

On 7 May, a student encampment was set up at the Faculty of Psychology of the University of Lisbon to call for an immediate ceasefire in Gaza.⁵² However, on 9 May, the PSP entered the university grounds after they were instructed to do so by the university faculty, and detained eight students.⁵³ Earlier, during a meeting

Despite the officer's warnings, the mother remained determined to participate in the march. The officer then stated in an intimidating tone that if she went ahead with the march, he would note record of her personal details. He also threatened to report the situation to the Commission for the Protection of Children and Young People at Risk (CPCJ). A commissioner from the security force arrived at the scene and supported the officer's stance.

The march proceeded with the participation of the targeted mother, who did not formally have her details recorded. Following the conclusion of the demonstration, the officer reportedly followed the woman to her car, indicating his intention to use a photo of her license plate to report the situation and identify her, according to the association Rede 8 de Março.

On 23 March 2024, the same mother took part in another protest in the capital with her baby. The latter, accompanied by family members, held a sign that read, "No one forbids me to demonstrate with my mother," emphasising her right to engage in peaceful protests alongside her child.⁴⁹ Academia Cidadã criticised the action as a violation of the democratic right to freedom of expression, condemning the use of misogynistic tactics to suppress the fight for equality both nationally and in Europe.

The feminist association Rede 8 Marco Algarve strongly condemned the PSP's actions towards the targeted mother participating in a peaceful demonstration with her baby.⁵⁰ They question the basis for the PSP's attempt to record the identity of and potentially criminalise the mother, highlighting inconsistencies in the PSP's treatment of different groups. Following the incident, Rede 8 de Março has made a formal complaint.⁵¹

between the students and the faculty management, the university had agreed not to evict students as long as the teaching activities were continued normally. The students questioned why this agreement was not respected.

45. <https://expresso.pt/cultura/2024-06-07-vitima-de-ameacas-e-perseguido-escritora-mariana-jones-apresenta-queixa-na-psp.-percebi-que-ja-nao-era-com-o-livro-era-comigo-f6962950>

46. https://www.instagram.com/p/DF6C2HCNIYE/?img_index=1&igsh=MWE0N3NmNmV1b3pteQ%3D%3D

47. [https://psp%20denounces%20mother%20to%20cpcj%20for%20taking%20baby%20to%20women's%20march%20\(aeiou.pt\)/](https://psp%20denounces%20mother%20to%20cpcj%20for%20taking%20baby%20to%20women's%20march%20(aeiou.pt)/)

48. https://tvi.iol.pt/noticias/videos/psp-reporta-a-cpcj-mae-que-levou-bebe-a-uma-manifestacao-do-dia-da-mulher/65f5d57a0cf2c4edbc0efc77?utm_source=ground.news&utm_medium=referral

49. <https://www.jn.pt/3972891591/mae-de-faro-volta-a-participar-num-protesto-em-luta-pelo-direito-a-manifestacao/>

50. https://www.instagram.com/p/C4jBFTFoFPg/?img_index=2

51. <https://www.portugalresident.com/psp-reports-mother-to-child-protection-services-for-marching-womens-day-with-baby/>

52. <https://sicnoticias.pt/pais/2024-05-09-video-oito-estudantes-detidos-em-protesto-pro-palestina-na-universidade-de-lisboa-61559cee>

53. <https://sicnoticias.pt/pais/2024-05-09-video-oito-estudantes-detidos-em-protesto-pro-palestina-na-universidade-de-lisboa-61559cee>

On 17 May, a protest in solidarity with the Palestinian people was organised by the “End the Fossil” collective, with protesters occupying the Ministry of Foreign Affairs. It is reported that police removed the activists and students forcibly, confiscating their posters.⁵⁴

On 22 May, during a ceremony to celebrate the “76th anniversary of the founding of the State of Israel”, a demonstration was organised by Palestine solidarity activists while there was heavy police presence and tension.⁵⁵

Use of force and detention of climate activists

On 17 March 2024, two photographers supporting the climate movement Climáximo were detained at an EDP marathon in Lisbon after photographing a bridge that had been painted by activists calling for climate action.⁵⁷ Police seized their phones and shoes, detaining them on unclear grounds, according to their supporters.⁵⁸

Academia Cidadã published an open letter signed by numerous organisations and collectives, calling for an end to the police repression against climate activists.

On 6 June, activists organised a protest in solidarity with Palestine during Ursula von der Leyen’s speech at a political rally held by the Democratic Alliance (AD-Aliança Democrática) in Porto.⁵⁶ The protesters reported that the PSP were aggressive towards them, that they used excessive force and at first refused medical treatment to a protester suffering from serious injuries. According to protesters, police arrested two activists and recorded the identity of another. However, the PSP only confirmed one arrest.

The letter, originally prepared in December 2023 but updated in June 2024, highlighted the rise in police violence against climate activists.⁵⁹

In October 2024, the criminal case against activists who organised a protest at Lisbon airport in 2023 was archived.⁶⁰ During the 2023 protest, the activists glued themselves to an airplane that was going to fly from Lisbon to Porto to protest against greenhouse gas emissions from short-haul flights. However, the activists still face administrative consequences, including suspended sentences and fines related to the protest.⁶¹

Funding for civil society

In the state budget for 2025, only an 11% increase in funding for the social sector was announced.⁶² The increase is lower than previous years and highlights the challenges faced by civil society organisations in Portugal. The report “NGO Diagnosis in Portugal 2015-2024”, conducted by the Portuguese Catholic University and funded by the Calouste Gulbenkian Foundation and the Bissaya Barreto Foundation, provides valuable insights into the financial viability of CSOs. According to the report, 42.5% of organisations in Portugal were heavily dependent on public funding

in 2024, while 47.3% relied on private donations. This heavy reliance on public funds puts civil society at risk, especially when there are cuts in government budgets.⁶³

The small increase in funding for the social sector exacerbates the financial instability of CSOs, hindering their ability to provide essential services and support to the communities they serve. As a result, these organisations may struggle to maintain their operations and pursue their missions effectively. The impact of such financial constraints is particularly severe in areas where civil society plays a critical role in addressing social issues, such as poverty, education, and healthcare.

⁵⁴. <https://expresso.pt/sociedade/2024-05-17-estudantes-retirados-pela-policia-apos-protesto-no-ministerio-dos-negocios-estrangeiros-43bf7bfb>
⁵⁵. <https://rr.sapo.pt/noticia/pais/2024/05/22/tensao-entre-policia-e-ativistas-pro-palestina-na-celebracao-em-lisboa-da-fundacao-de-israel/379486/>
⁵⁶. <https://www.publico.pt/2024/06/07/sociedade/noticia/ativistas-acusam-psp-abuso-forca-protesto-propalestina-comicio-ad-2093247>
⁵⁷. <https://www.dn.pt/1890287562/climaximo-diz-que-duas-apoiantes-foram-detidas-por-tirar-fotos-a-ponte-do-maat/>
⁵⁸. <https://www.climaximo.pt/atentado-a-liberdade-2-pessoas-detidas-por-tirar-fotos-policia-apreendeu-lhes-os-sapatos/>
⁵⁹. <https://academiacidada.org/en/carta-aberta-pelo-fim-da-repressao-policial-contra-ativistas-climaticos/>
⁶⁰. <https://www.dn.pt/1818824129/arquivado-inquerito-do-caso-de-ativistas-que-se-colaram-a-aviao-em-lisboa/>
⁶¹. <https://comarca-lisboa.ministeriopublico.pt/destaque/ativistas-pelo-clima-processos-criminais-atualizacao>
⁶². <https://monitor.civus.org/explore/protests-against-racism-and-police-violence-restrictions-on-climate-and-palestine-solidarity-protests/>
⁶³. https://gulbenkian.pt/cidadaos-ativos/wp-content/uploads/sites/42/2024/11/PCA_Catolica_EN_Web-1.pdf

Civil dialogue and the right to participation

The Digital News Report Portugal 2024,⁶⁴ published by OberCom – Observatório da Comunicação (Communication Observatory), reveals important data about news consumption in the country and the concerns of citizens. According to the report, 72% of Portuguese people are worried about misinformation, especially news generated by artificial intelligence (AI). Trust in news is a critical factor, with only 45% of Portuguese people trusting the news they consume, and transparency of sources is essential to ensure this trust.

Additionally, the report highlights the growing role of online news videos, with 63% of Portuguese regularly watching these videos. The main sources of news are news websites (78%), followed by social media (55%) and

news apps (42%). This data shows an increasing trend of concern about misinformation and the importance of source transparency to gain public trust.

CSOs were not meaningfully consulted or involved in the implementation of the Commission's recommendations. The lack of engagement with CSOs has further hindered the development of effective policies to address the challenges facing civic space in Portugal. When consulted, as was the case with the National Plan to Combat Racism and Discrimination, civil society was subsequently ignored in crucial stages. The lack of transparency in the actions implemented, coupled with the breakdown of dialogue with civil society representatives, led to widely questionable effectiveness.

Civil society resilience

Direct attacks on democratic freedoms in Portugal have generated organised responses through protests and collective networked movements. These events demonstrate that, despite funding difficulties, civil society actors display remarkable resilience and an unwavering fight for democratic practices and respect for human rights. Without this respect, all civic freedoms are threatened. The use of security forces to discourage collective reactions highlights the gravity of the situation. Although Portugal has regressed institutionally in this recent cycle, civil society continues to resist in an organised manner, showing that the determination to uphold fundamental rights remains strong. This can be seen in the following actions:

- ▶ An open letter signed by 16 organisations, which calls for an end to police repression against climate activists.⁶⁵
- ▶ Protests for the right to housing which took place in 19 cities of Portugal. The Casa Para Viver⁶⁶ movement organised demonstrations demanding more homes and more affordable prices. In Lisbon, over 30,000 people participated.⁶⁷

- ▶ Protests under the slogan Sem Justiça, Não Há Paz (No Justice, No Peace) against police brutality. This followed the killing of Odair Moniz by the Portuguese police.⁶⁸ Protesters emphasised the need for a state that protects, rather than attacks, the rights of immigrants and minorities.
- ▶ Protests in solidarity with Cláudia Simões,⁶⁹ which condemned the Portuguese justice system, permeated by structural racism at all stages. An open letter, titled *Criminalizar Vidas Negras Para Absolver o Sistema*,⁷⁰ published by Afrolink and a press release of SOS Racismo, one of Portugal's leading organisations fighting against racism, strongly condemned the attempts to silence the anti-racist movement and intimidate activists and academics committed to combating racism and violence. The organisation highlighted the alarming permeability between expressions of racism and judicial practices.
- ▶ An open letter to the government, which was signed by over 35 civil society organisations, including Cáritas Portuguesa and Fundação

⁶⁴. https://obercom.pt/wp-content/uploads/2024/10/Legislativas_2024_FINAL.pdf

⁶⁵. <https://academiadacidade.org/en/carta-aberta-pelo-fim-da-repressao-policial-contra-ativistas-climaticos/>; <https://observador.pt/2023/12/12/carta-aberta-subscrita-por-16-organizacoes-repudia-repressao-policial-contra-ativistas-climaticos/>

⁶⁶. <https://www.casaparaaviver.pt/>

⁶⁷. <https://observador.pt/2024/09/28/milhares-de-pessoas-manifestam-se-em-lisboa-pelo-direito-a-habitacao-protesto-estende-se-a-todo-o-pais/>

⁶⁸. https://www.rtp.pt/noticias/pais/familia-de-odair-moniz-apresentou-queixa-contra-a-psp_v1617206

⁶⁹. <https://www.esquerda.net/artigo/solidariedade-com-claudia-simoes-volta-rua-no-proximo-sabado/92168>

⁷⁰. <https://www.afrolink.pt/artigos/criminalizar-vidas-negras-para-absolver-o-sistema-carta-aberta>

Fé e Cooperação, and urged it to pursue migration policies that respect human rights. The organisations emphasised the need to focus on the facts and deconstruct myths and pointed out inconsistencies in current policies.⁷¹

- ▶ “*Não nos Encostem à Parede* - Do Not Push Us Against the Wall,”⁷² a protest that brought thousands of people to the streets of Lisbon between October and November 2024 in response to a police approach in “Martim Moniz” that ignited a cultural environment ignoring racism. Protesters denounced police violence and demanded fair and equal treatment for all citizens, regardless of their ethnicity or origin.
- ▶ O Grupo de Ação Conjunta (GAC) - The Joint Action Group against Racism and Xenophobia, composed of 81 collectives submitted a request to the Assembly of the Republic with the rationale for the criminalisation of all racist practices⁷³. According to SOS Racismo, the group has drafted a bill proposal that, once validated by the Assembly, will allow the collection of the 20,000 signatures needed for plenary discussion. The document will be formally submitted to a vice-president of the Assembly, coinciding with International Human Rights Day. After validation, the group will

launch a national campaign to collect signatures. The initiative aims to classify all discriminatory practices motivated by racism or xenophobia as crimes, including the aggravation of defamation and insult crimes based on ethnic-racial discrimination and other protected characteristics.

- ▶ In January 2025, thousands of women marched in Lisbon against gender violence, demanding greater protection and justice for victims.⁷⁴ The “Do Not Push Us Against the Wall” protest saw the participation of various feminist organisations and activists. In 2024, the police received over 30,000 domestic violence reports, resulting in 22 deaths and 5,400 arrests in Portugal.⁷⁵
- ▶ A protest, attended by thousands of workers protested in Lisbon and Porto, which demanded better wages and public services.⁷⁶ The demonstration, organised by the largest trade union federation Confederação Geral dos Trabalhadores Portugueses (CGTP), also called for an increase in the national minimum wage to €1,000 in 2025, as well as more investment in the National Health Service and housing. The CGTP General Secretary, Tiago Oliveira, highlighted the need for a different policy that is not submissive to the interests of large economic groups.

Recommendations

TARGETED RECOMMENDATION:

→ **Implement effective policies to prevent and address racist practices. Criminalise racism and apply laws consistently. Establish a permanent committee with civil society representatives and government institutions to oversee anti-racist initiatives.**

- Provide training to police officers and authorities on how to properly and effectively protect the freedom of peaceful assembly in line with international standards. Ensure that officials are held accountable for abuses and applied restrictions on peaceful assembly.
- Increase transparency and public participation in decision-making in public institutions to ensure citizens have access to information about government policies and decisions.
- Protect the fundamental rights of targeted and marginalized groups, including immigrants, LGBTIQ+ individuals, and people with disabilities. Ensure equal access to services.

⁷¹. <https://caritas.pt/2025/noticias-noticias/carta-aberta-por-uma-migracao-baseada-nos-direitos-humanos/>

⁷². https://www.instagram.com/accounts/login/?next=https%3A%2F%2Fwww.instagram.com%2Fnao_nos_encostem_a_parede%2F&is_from_rle

⁷³. <https://www.antiracismo.org/criminalizar-racismo>

⁷⁴. <https://observador.pt/2024/11/25/centenas-exigiram-na-rua-fim-da-violencia-de-genero/>

⁷⁵. <https://www.cmjornal.pt/portugal/detalhe/22-mortes-por-violencia-domestica-e-mais-de-30-mil-queixas-na-psp-e-gnr-em-2024>

⁷⁶. <https://www.publico.pt/2024/11/09/economia/noticia/manifestacoes-porto-lisboa-trabalhadores-exigiram-melhores-salarios-servicos-publicos-2111246>

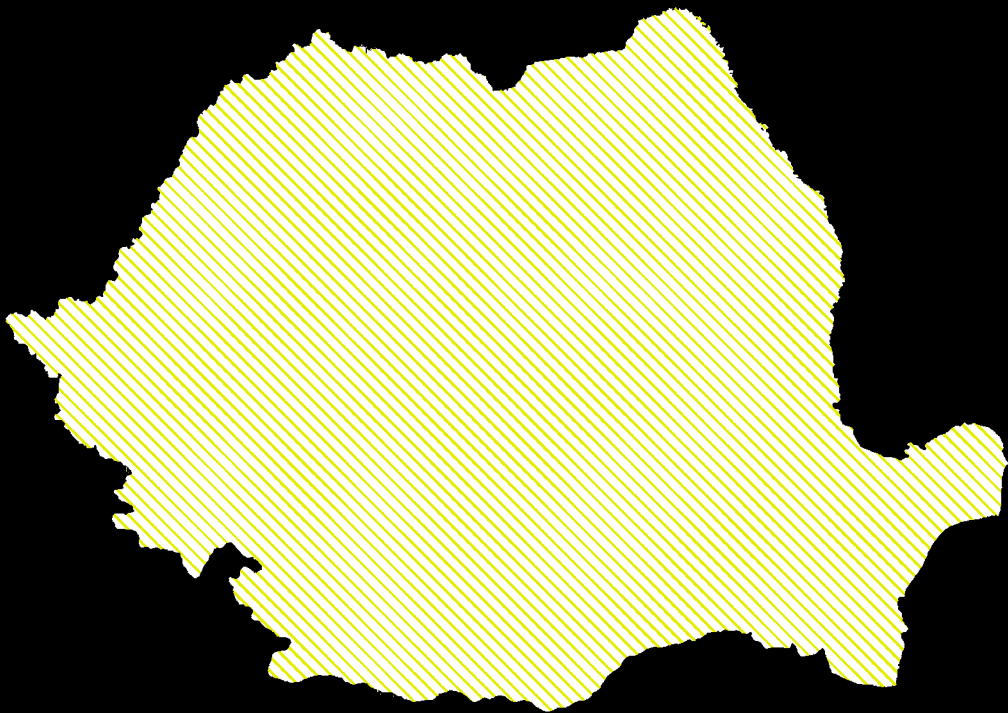
About the author

Academia Cidadã is a non-profit dynamic organisation in Portugal dedicated to fostering active citizenship and strengthening democracy. Through a variety of educational programs, workshops, and community initiatives, Academia Cidadã empowers individuals to engage in civic life, advocate for their rights, and participate in democratic processes.






Romania

By Civil Society Development Foundation (FDSC)



Key civic space trends	216
Summary	216
Institutional, political, and socio-economic landscape	217
The justice system	218
Media	218
The regulatory environment for civic freedoms	219
Freedom of association	219
Attacks on NGOs	219
Freedom of peaceful assembly	220
Freedom of expression and the right to privacy	220
Safe space	221
SLAPPs	221
Other threats	222
Funding for civil society	223
Civil dialogue and the right to participation	223
Civil society resilience	224
Recommendations	225
About the contributor	226

Key civic space trends

-  Vilification, smear campaigns and SLAPPs against journalists and CSOs remain an issue.
-  Increased instrumentalisation of transparency measures increase civil society's reporting and bureaucratic burden.
-  LGBTQI+ rights targeted during the election, with anti-LGBTQI+ legislative proposals initiated in the parliament.

Summary

In 2024, civic space in Romania was rated as “narrowed” by CIVICUS Monitor.¹ There is an urgent need to remove bureaucracy, effectively implement provisions on the right to participation and the freedoms of expression and peaceful assembly, and ensure adequate resources for civil society. The European Commission’s Rule of Law Report 2024 recommended that the Romanian government step up its efforts to ensure effective public consultations before the adoption of legislation. However, the government failed to implement this recommendation — structured civil dialogue in Romania did not improve in 2024, despite some isolated examples of well-conducted consultations.

2024 also saw several elections with dramatic events and outcomes, including Russian disinformation, attempts to influence the elections, and the lack of

clear electoral procedures and coherent legislation. The general societal atmosphere in Romania was characterised by increased extremism and high political polarisation, with minorities, such as LGBTQI+ people, increasingly targeted. An anti-LGBTQI+ legislative initiative submitted to parliament intends to ban any discussion about LGBTQI+ rights in public spaces and schools, in the media and at any public gathering.

Civil society organisations (CSOs) are not sufficiently resourced and have been publicly vilified as foreign agents or “Soros” agents. Smear campaigns, legal harassment, and SLAPPs against journalists and CSOs continue to harm civil society and hamper their work. Furthermore, under anti-money laundering and counter terrorism financing (AML/CT) legislation CSOs face derisking.

¹. <https://monitor.civicus.org/country/romania/>

Institutional, political, and socio-economic landscape

The year 2024 was marked by four rounds of elections in Romania: local, national, presidential, and European. One of the main challenges was the unpredictability of the electoral calendar, which was announced in haste, with no adequate public debate. Every election was governed by a separate legal framework, and the absence of coherent electoral legislation generated a lack of clarity of norms and procedures and serious challenges for the functioning of electoral bureaus. CSOs involved in monitoring electoral laws and election observation were significantly challenged. The NGO Funky Citizens reported that observers lacked access to some voting premises and that electoral officials and voters were unsure about the different rules and procedures, particularly in the case of the local and European elections, which were held at the same time.² In its election observation report following these simultaneous elections, the NGO Expert Forum warned that fast-track legislation (through emergency ordinances and numerous pieces of secondary legislation) should be avoided and that all meetings of electoral bureaus should be open to the public by law in future elections.³

The presidential and parliamentary elections in the autumn were even more challenging as they overlapped. Parliamentary elections took place in between the two rounds of the presidential election, under the same uncertainty and lack of clarity of some rules and procedures. The NGO Expert Forum highlighted the influence of increased Russian propaganda before the elections in their report.⁴ The report analysed disinformation in Romania, highlighting the influence of Kremlin-backed actors and narratives as a warning sign. Despite the alerts on the urgent need to fight structural online disinformation in Romania, no concrete measures were taken by the authorities. This resulted in dramatic and unprecedented consequences as the presidential elections were annulled in December 2024.

The presidential election campaign was particularly controversial, as it raised many doubts about campaign financing and the integrity of the public information promoted, especially via social media. In one controversial decision, the Constitutional Court barred a candidate from running for office, a move opposed by a group of NGOs.⁵

On 27 November 2024, the first round of presidential elections was held, with the two candidates that obtained the most votes qualifying for a second round of elections. However, the second round was subject to criticism and controversy due to a series of unprecedented events: On 28 November 2024, the results of the first round of the presidential elections were challenged at the Constitutional Court, which ordered a full recount of all votes.⁶ Electoral observers nominated by civil society were denied access to the vote recount by the electoral bureau, despite efforts by NGOs, including a fast-track judicial procedure, which succeeded at first but was overturned on appeal.⁷

On 28 November 2024, the Supreme Council for National Defence found that the extremist candidate violated electoral legislation and benefitted from massive exposure due to preferential treatment on the social media platform TikTok, allowing his content to overshadow that of other candidates.⁸ On 2 December 2024, the Constitutional Court confirmed the results of the first round of the presidential elections.⁹ On 4 December 2024, after the request of several CSOs to declassify and publish the reports on the presidential elections discussed in the Supreme Council for National Defence (CSAT), the reports were published by the president's office.¹⁰ The reports suggested that one of the electoral candidates benefitted from substantial support through a coordinated, complex communication campaign carried out mainly online in an untransparent manner.¹¹ On 6 December 2024, as voting in

2. <https://funky.org/raport-observare-alegeri-9-iunie-2024/>

3. <https://expertforum.ro/raport-final-observare-9-iunie/>

4. <https://expertforum.ro/en/report-elections-in-romania-and-moldova-kremlin-campaign-narratives/>

5. <https://www.stareademocratiei.ro/2024/10/08/eliminarea-arbitrara-din-competitia-electorala-a-unui-candidat-al-opozitiei-este-inacceptabila-intr-o-democratie/>

6. As explained in a press-release issued by the Romanian Constitutional Court on 28 November 2024, available at <https://www.ccr.ro/comunicat-de-presa-28-noiembrie-2024/>

7. <https://romania.europalibera.org/a/decizie-definitiva-observatorii-independenti-nu-pot-participa-la-renumararea-voturilor/33221584.html>

8. <https://www.rferl.org/a/tiktok-calin-georgescu-presidential-candidate-romania/33216735.html>; <https://www.politico.eu/article/cyberattacks-attempted-to-influence-romanian-presidential-election-national-defense-council-says/>

9. Romanian Constitutional Court Decision No 30 of December 2, 2024 on the request for annulment of the elections for the office of President of Romania of November 24, 2024, submitted by Mr. Cristian-Vasile Terheş available at <https://legislatie.just.ro/public/DetaliiDocument/292331>

10. According to a press-release issued by several NGOs on 4 December 2024, available at:

11. According to a press-release issued by the Presidency on 4 December 2024, available at <https://www.presidency.ro/ro/media/comunicate-de-presa/comunicat-de-presa1733327193>

the second round of presidential elections began for Romanian citizens abroad, the Constitutional Court annulled the results of the first round, stating that the newly disclosed CSAT reports showed that one candidate was unduly favoured and did not respect electoral legislation.¹²

Following these events, public polarisation and severe division in society grew. The Association for the Defence of Human Rights in Romania – the Helsinki Committee (APADOR-CH) summarised some of the main concerns¹³

The justice system

The justice system in Romania continues to be understaffed and overworked.¹⁴ The vacancy rate for prosecutors stood at 25% and 14% for judges as of September 2024.¹⁵ The Superior Council of Magistrates (SCM) includes two representatives of civil society, but the criteria for obtaining one of these positions do not include any specific requirements related

on the right to vote, including unjustifiably excluding a candidate, asking for a recount of the vote without substantive indications of any fraud, and then annulling the elections. The opacity of the authorities and the lack of public access to factual information were additional factors that contributed to the social tensions.

Policy-makers' focus on elections in 2024 weakened the legislative process, making it even more unpredictable and opaque. Populist measures dominated the public agenda, and planned reforms failed to materialise.

to previous experience and/or involvement in civil society. The selection procedure is initiated by the SCM, and the candidates are voted for in the senate. Under a legislative proposal currently under debate in parliament,¹⁶ these representatives would acquire the status of a magistrate.

Media

The media landscape remained under pressure, particularly during the elections. There were concerns about the financing of media outlets by political parties and the media's role in supporting specific candidates. Public interest media continued to struggle as advertising decisions were dominated by clickbait content, making it more difficult to be financially well-resourced.

The four rounds of elections increased the capture of media by political parties, which have seen their public subsidies increase 26 times in the last eight years.¹⁷ Almost 58% of the total expenses of political parties that received subsidies in 2024 was spent on media and propaganda.

The presidential elections exposed social media platforms' low standards and lack of enforcement tools to prevent unmarked political posting, verify accounts, and the spread of information through manipulative

means. According to the NGO Expert Forum, there were several instances of illegal practices, including using accounts that normally focus on apolitical content like sports, fashion, tourism, and sightseeing to promote political content, with no response from the state institutions.¹⁸ TikTok was particularly identified as knowingly allowing such practices. CSOs called on authorities to investigate any possible misuse of the platform and take action.¹⁹ At the same time, several politicians called for TikTok to be blocked, a move opposed by CSOs.²⁰ In the context of the annulment of the presidential elections, the European Commission opened formal proceedings against TikTok on election risks under the Digital Services Act.²¹

Threats to some journalists were observed shortly after the newly-elected parliament began its mandate in December 2024. Several reporters were threatened by far-right politicians and by a newly hired social media

12. https://www.ccr.ro/wp-content/uploads/2024/12/Hotarare_32_2024.pdf

13. <https://apador.org/drepturile-electorale-pot-dauna-grav-societatii/>

14. Burduja, Emaline Holland Gayk; Said, Agnes Cristiana; Guanlao, Luisita I. (2024) *Reflections on the Functional Review of the Romanian Justice Sector*, World Bank Group, available in English at: <http://documents.worldbank.org/curated/en/099556408052437462/IDU18f75663e160eb147991b847116e0f59952eb> page 14: the Romanian justice system is affected by the staffing shortages in judicial institutions, increasing workloads, growing backlogs, and declining case dispositions, persistent inefficiencies in caseload distribution among judges as well as limited availability of case processing data.

15. <https://www.news.ro/justitie/consiliul-superior-al-magistraturii-pesto-14-dintre-posturile-de-judecator-si-pesto-25-dintre-cele-de-procuror-vacante-la-finalul-lunii-septembrie-concursuri-de-admitere-la-inm-1922403626002024091321745717>

16. https://www.cdep.ro/pls/proiecte/docs/2024/pl352_cd352_24.pdf

17. <https://hotnews.ro/partidele-afacerea-cu-cea-mai-mare-crestere-din-romania-finantarea-lor-a-crescut-de-26-de-ori-in-opt-ani-si-a-ajuns-sa-coste-aproape-380-de-milioane-de-lei-pe-an-ce-a-facut-recent-guvernul-1818761>

18. <https://expertforum.ro/tiktok-in-timp-de-criza-episodul-ii/>

19. According to a press-release signed by 20 NGOs from 26 November 2024 available at: <https://www.apti.ro/content/re%C8%9Beaua-tiktok-catalizator-al-opiniilor-extremiste-%C8%99i-al-nerespect%C4%83rii-regulilor-electorale>

20. According to a press-release signed by 20 NGOs from 28 November 2024 available at: <https://www.apti.ro/content/ancom-nu-blocheaza-si-nu-poate-bloca-tiktok>

21. According to a press-release issued by the European Commission on 17 December 2024 available at https://ec.europa.eu/commission/presscorner/detail/en/ip_24_6487

influencer.²² NGOs and media outlets reacted publicly, and the prosecutor general's office initiated a criminal investigation into the threats.²³

The regulatory environment for civic freedoms

Freedom of association

About 127,000 non-governmental organisations (NGOs) are registered in Romania. In 2022, NGOs counted a similar number of employees, roughly 127,000, and 21 billion lei (roughly €4.2 billion), about 1.51% of the GDP in income.²⁴ Members, employees, and volunteers of CSOs believe report that the main difficulties for organisations in implementing projects are insufficient budget (69%) and insufficient human resources (61%), followed by legal barriers (32%), excessive demands from funders (28%), fiscal and administrative difficulties (24%), difficulties in working with beneficiaries (19%), and a lack of trust from the public (17%).²⁵

The main law regulating the establishment, operations, rights, and obligations of associations and foundations is Government Ordinance no 26/2000.²⁶ A set of changes to the law initiated by the justice ministry in 2023²⁷ stalled in the Judicial Commission of the Chamber of Deputies. The draft was developed in consultation with CSOs and would bring several positive modifications to existing legislation, including simplifying bureaucracy and judicial procedures relating to the organisation of CSOs. It also includes the digitalisation

of existing procedures, including the National Register of Non-Profit Legal Entities, overseen by the justice ministry, and the unification of NGO registers. Despite efforts by CSOs to explain the necessity of adopting the draft law, it was not debated in 2024, after being rescheduled several times. There is an increasing concern that the increasing influence of the far-right in parliament will leave the draft dormant or bring new negative changes.

The adoption of the new law could also have beneficial consequences on the practices of banks. CSOs are currently facing derisking²⁸ due to excessive bureaucratic and time-consuming burdens under anti-money laundering and counter-terrorism financing (AML/CT) legislation. This practice has led to the arbitrary closure of accounts, the seizure of money, and demands for excessive documentation and data that are impossible for CSOs to provide at short notice, if at all.²⁹ Most often, CSOs are asked to provide documents on their legal status issued by the court, as the public registers on NGOs held by the justice ministry are not up-to-date, and thus the publicly available data is not reliable.

Attacks on NGOs

According to press reports, prosecutors from the Directorate for Investigating Organised Crime and Terrorism (DIICOT) have opened a criminal case against Greenpeace and other environmental organisations and activists. This came after the energy minister allegedly filed a complaint against several environmental

organisations that opposed high-risk energy projects, such as the extraction of natural gas, and accused them of working under Russian influence and against the Romanian national interest.³⁰ Several organisations accused the minister of trying to scapegoat, silence, and threaten CSOs.³¹

22. <https://www.antena3.ro/politica/sefa-partidului-lui-calin-georgescu-reactie-violenta-in-fata-jurnalistilor-in-prima-zi-in-parlament-731232.html>; <https://hotnews.ro/video-scandal-cu-diana-sosoaca-si-makaveli-pe-holurile-parlamentului-au-strigat-dupa-o-jurnalista-de-la-antena-3-voi-mai-scapati-au-spus-ei-jurnalistilor-de-la-euronews-1866257>; <https://hotnews.ro/diana-sosoaca-iesire-oribila-la-adresa-lui-mihai-gadea-si-a-familiei-sale-blestemat-sa-fii-20-de-generatii-1866400>.

23. <https://www.stareademocratiei.ro/2024/12/20/primele-masuri-ale-extremistilor-in-parlament-hartuirea-jurnalistilor-si-instigarea-la-ura/>

24. https://www.fdsc.ro/wp-content/uploads/2024/06/Romania-2024_EN.pdf

25. <https://www.fdsc.ro/cum-arata-sectorul-ong-din-romania/>

26. <https://legislatie.just.ro/Public/DetaliuDocument/20740>

27. https://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?cam=2&idp=21379

28. <https://learningcenter.ecnl.org/learning-package/access-financial-services-challenge-bank-derisking#derisking-explained>

29. <https://apador.org/cine-ne-apara-de-autointitulatii-procurori-fiscali-bancile/>

30. According to a press article published by G4Media on 4 October 2024, available at: <https://www.g4media.ro/surse-dosar-penal-la-diicot-dupa-o-plangere-a-ministrului-energiei-fata-de-organizatii-care-se-opun-unor-proiecte-energetice-plangerea-vizeaza-mai-multi-activisti-de-meniu-inclusiv-green-peace-upda.html>

31. According to a press-release published by several NGOs on 10 December 2024, available at: <https://www.greenpeace.org/romania/comunicat-pre-sa/10120/ministrul-energiei-sebastian-burduja-ataca-organizatiile-de-meniu-si-justitia-din-romania/>

Journalists from the not-for-profit media outlet, Agerpres, with the legal status of an association) published an article detailing the unauthorised work taking place at the Bucharest municipality's culture department. The publication prompted the head of the department to threaten both the journalists who wrote the article and the CSO with a police raid and prosecution, as well as a false claim that something illegal was bound to be found on the premises of the organisation.³²

The worrying trend of Strategic Lawsuits Against Public Participation (SLAPPs) continued in 2024, with real estate developers seeking to incapacitate CSOs by

demanding huge legal fees or even their dissolution. In one case, settled on appeal in December 2024, four NGOs challenged the planning permission for a property developed by One Properties United. The company claimed €1 million in damages for delayed works and damage to the company's reputation caused by the NGOs' legal action. Both at first instance and on appeal, it was decided that the developer had no just cause of action against the NGOs.³³ In March 2024, a real estate developer launched a new case demanding the closure of the Salvati Bucureștiul Association, which works to preserve the architecture of Romania's capital and protect green spaces.³⁴

Freedom of peaceful assembly

The legal framework for the freedom of peaceful assembly is outdated in Romania, as the law on assemblies was adopted in 1991. Despite a legislative initiative submitted by MPs in 2021 and a consensus to renew the law, no progress has been made.

In 2024, in line with increased populist tendencies, a bill was introduced to toughen criminal penalties for "serious offences against personal dignity, and disturbing public order and peace". While the proposal was rejected, the intention to restrict peaceful assembly remains on the agenda.

In January 2024, an activist was detained and subjected to a body search at the police station after publishing a Facebook post³⁵ criticising the forceful

police intervention at a transport workers protest. According to the activist, the police came to arrest her at a different address than her official residence, which raised concerns about possible illegal surveillance. Several NGOs criticised the police.³⁶

In August 2024, in Oradea, for the second year, LGBTQ+ groups were denied permission to organise a Pride event in any of the city's parks on the basis that there were other events already planned by a church.³⁷ Some civil society groups reported in 2024 that people who participated or expressed their intention to participate in Palestine solidarity protests were intimidated or pressured by police, who discouraged them from exercising their right to peaceful protest.³⁸

Freedom of expression and the right to privacy

The law on free access to public interest information (FOIA) was adopted in 2001. Several attempts have been made to change it, but no significant amendments have been adopted. It was announced in 2024 that its revision will be made in the context of the drafting of the Administrative Procedural Code.³⁹ However, the public consultation in 2024 revealed that substantial revision is still needed, which will resume in 2025.

Some revisions are necessary to correct the lack of precision regarding the types of information and documents public authorities and institutions should make available *ex officio*. There should also be an obligation to make information that would require further processing publicly available in the institution and there should be liability in case a request is not answered. Currently, public institutions gather various data they do not use (e.g. penalties applied to or collected from citizens and the geographical distribution thereof). This data is not processed internally, which

32. According to an article from Buletin de Bucuresti from 10 January 2025: <https://buletin.de/bucuresti/seful-directiei-pentru-cultura-din-capitala-dragos-frasineanu-catre-reporterul-buletin-de-bucuresti-maine-sunt-la-voi-la-usa-cu-politie-si-procuratura-nu-e-cazul-sa-ti-distruji-viata/>

33. Case 17119/3/2022 before the Bucharest Court of Appeal https://portal.just.ro/2/SitePages/Dosar.aspx?id_dosar=300000001024226&id_inst=2

34. Case no 8144/3/2024, before the Bucharest Tribunal, can be followed at https://portal.just.ro/3/SitePages/Dosar.aspx?id_dosar=300000001116991&id_inst=3

35. <https://www.stareademocratiei.ro/2024/01/15/abuz-al-politiei-perchezitie-corporala-la-sectie-pentru-o-postare-pe-facebook/>

36. According to a press-release signed by 70 civil society groups and activists on 30 January 2024, available at <https://activewatch.ro/articole/grav-atentat-la-adresa-libertatii-de-exprimare-a-unui-activist-civic-cazul-angi-serban/>

37. <https://www.facebook.com/asociatia.accept/posts/pfbid024hWaZY7EMxk5ZURcJLyEaKcn6FanWxyHXjtvKeWNd5Asht1hZkwp5DiZwBgq6l?r-did=JURcLH32cDynNoMY#>

38. According to a press-release issued by ActiveWatch on 22 May 2024, available at <https://activewatch.ro/articole/fantomele-militiei-si-securitatii-ban-tuie-politia-si-jandarmeria/>

39. <https://sgg.gov.ro/1/wp-content/uploads/2023/10/ANEXA-10.pdf>

makes monitoring and assessing the enforcement of laws or initiating new legislation difficult. Authorities often refrain from disclosing it or aggregating the results when requested, without any form of accountability, despite the FOIA law, which requires them make this information public on request.

The FOIA is extensively used by NGOs and journalists, including NGO-based media. At least two cases reported in 2024 demonstrated that there is limited enforcement of the FOIA, particularly when the other party is politically involved or holds a position of power. The Center for Public Innovation (Centrul pentru Inovare Publica) reported on the failure to execute a final court decision in 2022 that stated that one of the political parties in the ruling coalition must provide information on its expenses from public subsidies.⁴⁰ The party simply ignored the court decision and remained silent. In December 2024, a new court procedure was initiated by the NGO to request a daily penalty in case of persistent noncompliance. In the second case, the NGO-based media outlet, Recorder, revealed that the Presidential Office refused to release information on the president's travel expenses during his mandate,⁴¹ claiming it was classified information. Following the Recorder's investigation, an MP filed a lawsuit to clarify

whether the president's travel costs are exempted from the public information regime. The court ruled in favour of the plaintiff.⁴²

Other cases in 2024 show that the intimidation of journalists and abuse of power are present in Romania. In one example, the director of the National Library publicly revealed the topic of an investigation being carried out by a well-known journalist at the library, undermining her work.⁴³ Several NGOs asked for his dismissal.⁴⁴ He was charged with disclosing secret data.⁴⁵ The same journalist was a victim of a smear campaign, which the prosecution failed to investigate despite the evidence. The journalist appealed the decision, and in 2024, the court decided that the prosecution should continue. A group of NGOs supported the journalists' request and publicly asked the prosecution to be resumed.⁴⁶

Furthermore, a group of NGOs promoting independent media, press freedom, and good governance protested against the DIICOT prosecutor's decision requiring investigative journalists to reveal their sources. The decision was eventually renounced by the prosecutors as the result of public pressure.⁴⁷

Safe space

SLAPPs

In 2024, several CSOs⁴⁸ called on the justice ministry to extend the safeguards of the Anti-SLAPP Directive by ensuring that it covers national cases and criminal proceedings. A consultative working group was established within the ministry, which announced that its position on the directive will be communicated when the new government is fully operational, likely in 2025.⁴⁹

In addition to a wider protection of journalists and rights defenders in the implementation of the EU Anti-SLAPP Directive, several CSOs have asked for changes to the existing national legislation related to legal challenges, for example on the environment, urban planning, and the access to information, so that each party bears its own legal expenses. This would ensure that the parties

40. https://www.presshub.ro/ovidiu-voicu-director-executiv-al-centrului-pentru-inovare-publica-pnl-este-deasupra-legii-si-a-justitiei-357099/?fbclid=IwY2xjawJhWxtleHRuA2FlbQlxMQABHiW9Cp0-RPfbzmjgCmAUVxRfNiO2XesV57gwsNtidRPLUpiTHO9DhRvKOzNd_aem_v3vuBJwuR7T0MKPOKXgiDA

41. <https://recorder.ro/din-absurdul-epocii-iohannis-sah-mat-cu-propriile-secrete/>

42. <https://hotnews.ro/un-parlamentar-usr-a-castigat-un-proces-impotriva-lui-klaus-iohannis-nu-s-a-oprit-din-calatoriile-cu-aeronave-de-lux-inchiriate-din-banii-dumneavoastra-1833817>

43. As explained in a Facebook post made by journalist Emilia Sercan on 1 March 2024, available at: <https://www.facebook.com/emilia.sercan/posts/pfbid0tLAViUjFpTYbx5uEKbyxfg4KKeSKvdNizjNtR6rbkGn5ojifqmX2RzZa4arB5Xrl>

44. As explained in a press-release from 1 March 2024, available at: <https://activewatch.ro/articole/solicitam-demiterea-lui-adrian-cioroiu-din-functia-de-director-al-bibliotecii-nationale-a-romaniei/>

45. <https://hotnews.ro/adrian-cioroiu-nuculpat-in-dosarul-deschis-dupa-ce-a-dezvaluit-public-ca-emilia-sercan-analizeaza-doctoratul-lui-mircea-geoana-1819342>

46. According to a press-release issued by several organizations on 16 September 2024, available at: <https://activewatch.ro/articole/solicita%C4%83m-anchet%C4%83-independent%C4%83-%C3%AEn-cazul-emilia-%C8%99sercan/>

47. According to a press-release issued by several organizations on 18 July 2024, available at: <https://activewatch.ro/articole/diicot-continu%C4%83-h%C4%83r%C8%9Buirea-jurnal%C8%99tilor/>

48. Petition signed by 30 NGOs on 5 November 2024 available in Romanian at: <https://apador.org/scrisoare-deschisa-impotriva-actiunilor-de-intimida-re-privind-libertatea-de-exprimare/>

49. <https://www.facebook.com/APADOR.CH/posts/pfbid02NTvmLXTU9WwiiQtq2oyqe6XUzM9g59YRaocKNdMx3NrVh8riGeKBVzRqmd7jYPGNI>

cannot be obliged to cover high legal costs if they lose a case.⁵⁰ However, no measures or legislative procedures were initiated by the government following this request.

However, two parliamentary initiatives are currently being discussed in the parliament which would have direct effects on the capacity of civil society to pursue public interest litigation. The first is a proposed law on CSOs' and natural persons' legal eligibility PLX 528/2024.⁵¹ Rejected by the senate, it is currently before the Chamber of Deputies. The proposal introduces a provision where a judge will determine which party bears legal costs based on whether the litigation aims to promote causes of public interest. In all cases, the courts shall ensure that CSOs or individuals do not bear disproportionate costs likely to affect their activities.

Other threats

Civil society actors are consistently portrayed negatively by some elements of the mainstream media, which have a significant reach. Online mis- and disinformation is very hard to contain, at least in the short and medium term, and civil society actors are often labelled as "Sorosists" (referring to the philanthropist George Soros) and foreign agents and accused of acting against Romania's interests. In one recent example, in a TV debate show the guests and moderator made serious allegations against the sector, accusing NGOs of being controlled by the Romanian secret services. They went on to claim that the reason that state institutions and politicians do not take action against NGOs' alleged activities under foreign control and lack of transparency was because of they fear NGOs' power and that they are "protected".⁵⁴ While the media regulating body, the National Audiovisual Council of Romania, reacted in this case, the normalisation, frequency, and intensity of these sorts of vilification campaigns and narratives result in serious challenges for civil society's capacity and resources to respond to them.

The public vilification of human rights defenders and civil society organisations is an increasing trend in Romania. For example, the former mayor of Timisoara launched a public invitation to contribute to a list of "villains" promoting a foreign agenda or for being

Civil society supported the proposal and asked that it include provisions for individuals who initiate legal actions in the public interest.⁵²

The second initiative is the law PLX 788/2023,⁵³ on removing the power of the judge(s) *ex officio* to assess the amount of legal costs claimed by each litigant. Currently, judges have the power to put a cap on the level of court expenses claimed by companies. If the draft law is adopted, it will open the door for companies to ask for as much as they like, and judges would not have the possibility to assess if the demand is proportionate and reasonable. Past cases show that the increasing costs from SLAPP cases are cited as a reason for dissolving a CSO. The law has been approved by both chambers of parliament, but the High Court of Cassation and Justice challenged it before the Constitutional Court in April 2024.

"Soros" agents.⁵⁵ Similar lists were produced and circulated on social media without a clear author but fed the polarisation and extremism in Romanian society.

Promoting and organising fascism, hate crimes, and incitement to hatred or discrimination are criminal acts in Romania. However, there is no publicly available data to assess the effectiveness of the authorities in responding to these cases. The general perception is that the prosecution of these acts is very low, although this may change due to the significant increase in deeds in 2024, particularly on social media and in the context of the elections. At the end of December 2024, the prosecutor general publicly announced⁵⁶ that several changes to the current legislation will be initiated to make it more effective, with a special focus on addressing online criminal acts inciting to violence.

In one example of intimidation, supporters of a presidential candidate launched threats against journalists who published an investigation about Russian influence in the Romanian elections. The supporters announced that they have a database of journalists' personal information and that their work was being monitored and told them to stop "while they still have the chance". The police are investigating these threats.⁵⁷

⁵⁰. <https://www.stareademocratiei.ro/2024/02/23/mai-multe-ong-uri-solicita-o-intalnire-cu-premierul-pe-tema-ruletei-rusesti-din-justitie/>

⁵¹. https://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?cam=2&idp=21993

⁵². Press-release issued by APADOR-CH on 16 May 2024: <https://apador.org/o-solutie-pentru-protejarea-cetatenilor-care-dau-statul-in-judecata/>

⁵³. https://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?nr=788&an=2023

⁵⁴. According to a press release from 3 December 2024 available at: <https://activewatch.ro/articole/sesizare-cna-derapaje-anti-ong-uri-la-realitatea-tv/>

⁵⁵. According to a news article from 6 January 2025 available at <https://www.g4media.ro/nicolae-robu-pnl-vrea-sa-faca-un-recensamant-al-celor-mai-importanti-sorosisti-din-romania.html>

⁵⁶. https://www.mpublic.ro/ro/content/c_19-12-2024-15-12

⁵⁷. According to a press release issued by ActiveWatch on 4 December 2024 available at: <https://activewatch.ro/articole/sus%C8%9Bin%C4%83tori-ai-candidatului-c%C4%83lin-georgescu-amenin%C8%9B%C4%83ri-mafiote-la-adresa-jurnali%C8%99tilor-snoop/>

Roma for Democracy Romania reported that their activists have received online death threats on their personal accounts from anonymous individuals. They received threats such as “Heil Hitler. Jews and Gypsies must be eliminated. And all impure races”, and “bullets in your jaw!”.⁵⁸ Criminal proceedings were initiated in these cases.

Threats and incitement to violence have been reported by LGBTQI+ people. For instance, the LGBTQI+ association MozaiQ filed a criminal complaint after online posts called for the destruction of its office, with its address made public.⁵⁹ LGBTQI+ rights have

been targeted by both politicians and in the public discourse in the context of the elections, with some introducing new legislation. A new initiative submitted to parliament in September 2024 intends to ban any discussion about LGBTQI+ rights in public spaces and schools, in the media, and at any public gathering, including protests and Pride events.⁶⁰ The same MP who initiated the law submitted a similar proposal two months later to amend several laws to limit the visibility of LGBTQI+ rights and groups in public spaces by prohibiting LGBTQI+ content “in environments accessible to minors”.⁶¹

Funding for civil society

In late 2024, a broad NGO coalition working non-profit funding received information from various sources that the government intended to remove or reduce some of the tax benefits for CSOs, despite its previous commitments to keep them. In October 2024, the coalition filed an official request for information on the plans and clarification on the provisions of the Medium-term Structural Budgetary Plan 2025-2031. A public petition in opposition to the alleged plans was launched in December 2024, garnering almost 48,000 signatures.⁶²

The wider bureaucratisation, excessive reporting, and transparency obligations on CSOs have also created obstacles to their work. The misunderstanding of the roles and responsibilities of civil society in transparency and accountability, and how they differ from those of public authorities, has the potential to restrict CSOs’ watchdog and participatory role in policymaking processes. CSOs’ excessive reporting and disclosure requirements contribute to restrictions on the freedom of association. It is expected that the upcoming European Civil Society Strategy could prevent and eliminate unjustified and disproportionate reporting and disclosure requirements imposed on civil society. The strategy could also contribute to a well-resourced civil society that is able to fulfil its role in protecting democracy, the rule of law and human rights.

Civil dialogue and the right to participation

Despite well-conducted consultation processes that ensure effective public consultation (such as the consultation process on amending the GO 26/2000 on associations and foundations), the overall level of civil dialogue in Romania deteriorated in 2024. This was the result of an abundance of Government Emergency

Ordinances (156 in 2024 compared to 131 in 2023), the lack of predictability in policymaking and the fact that draft legislation was leaked in media instead of first being substantially discussed with citizens and relevant stakeholders. An illustrative example is GEO 112/2024, which amended several laws with consistent

⁵⁸. According to a Facebook post by Roma for Democracy Romania on 5 December 2024, available at: https://www.facebook.com/story.php?story_fbid=1022959396510838&id=100063903606828&rdid=f4rIOimRXhu4OqNi

⁵⁹. According to a press article from 26 November 2024 available at: <https://www.g4media.ro/o-asociatie-care-reprezinta-minoritatile-sexuale-a-depus-plangere-penala-dupa-ce-in-mediul-online-au-apatut-mesaje-care-indeamna-la-distrugerea-sediului-asociatiei-iar-adresa-acesteia-a-fost-facuta-p.html>

⁶⁰. According to a press release issued by MozaiQ association on 19 September 2024, available at: <https://www.mozaiqlgbt.ro/2024/09/inca-o-initiativa-legislativa-anti-lgbt-in-romania/>

⁶¹. According to a press release issued by the Center for Legal Resources on 28 November 2024, available at: <https://www.crj.ro/un-nou-atac-asupra-drepturilor-fundamentale/>

⁶². The petition is available in Romanian at: https://campaniamea.dedic.ro/petitions/nu-furati-craciunul-a-milioane-de-romani-1?fbclid=IwZXh0bgNhZW0CMTAAAR2nDGv4lRRVZQYvw1ltMi1pFZ5LS_JWPzkoAeSyf0Y4o9WI4OCLAU1QTW_aem_2JhCHU8ihmKsXMPNi8Aj3Q

budgetary impact. It was passed with a completely different text than was announced initially.⁶³ Despite the provision in art. 4 of the Fiscal Code, which states that any changes would enter into force six months after their publication in the Official Gazette, rushed changes have repeatedly been made, and in some cases with significant impact on economic actors. This was the case with GEO 156/2024 on fiscal measures, which was published for consultation by the finance ministry on 29 December 2024, adopted the next day and published in the Official Gazette on 31 December 2024.⁶⁴

In March, the government published a “Guide on the assessment of the impact of regulations on human rights” drafted by members of the technical secretariat of the Advisory Council for the Assessment of the Impact of Regulatory Acts (Secretariatului tehnic al Consiliului Consultativ pentru Evaluarea Impactului Actelor Normative), representatives of NGOs, and experts from the Romanian Institute for Human Rights (IRDO).⁶⁵ The guide presents the main legal instruments and types of human rights impact assessments and human rights indicators and proposes a questionnaire to access fundamental rights impacts. It is not clear to what extent the guide will be enforced or whether it will only remain a recommendation.

Civil society resilience

The dramatic political events of 2024, ending with the annulment of the presidential elections, posed serious threats to democracy, the rule of law, and human rights in Romania. The first round of the latest elections, which took place on 4 May 2025, were dominated by political disputes and a highly polarised climate. There is high dissatisfaction with the current system and the traditional political parties. The alternatives being proposed are anti-European political parties and groups that appeal to traditional values and the protection of self-determination, as well as hostility against minorities, especially women and LGBTQI+ people.

Despite the increasing fatigue and hostile environment, the CSO sector has mobilised in essential moments related to the election calendar, proving responsibility and promoting social cohesion.

The Romanian national human rights institutions were neither trusted nor considered as solid and potential allies of civil society in cases of threats to civic space. It was recently revealed that the Romanian Institute of Human Rights, an organisation nominated by the state to be the focal point on SLAPP cases, had politicians as members of its governance (General Council) who have

no expertise in SLAPPs and/or have criminal records.⁶⁶ The mandate of the Ombudsperson expired on 26 June 2024, but parliament failed to appoint a new one. Civil society asked the parliament to carry out a transparent appointment procedure to identify a new ombudsperson who is free from political affiliation, independent, qualified, and with a high moral and professional standing.⁶⁷

Civil society has successfully implemented a self-regulation mechanism initiated by five NGOs in 2020 for the selection of its representatives in various governmental bodies. The designation of civil society representatives in the Economic and Social Council was made in 2024 using the platform *Vot.ong*, where more than 1,000 NGOs voted for their preferred representative.⁶⁸ The government acted as an observer in the process, including participating in all meetings of the Selection Committee and thereafter acknowledged and validated the results. The system can be easily replicated for any similar selection process, such as the selection of civil society representatives in the Superior Council of Magistrates, as long as the public authority in charge of the designation agrees to acknowledge the procedure and its results.

⁶³. <https://www.stareademocratiei.ro/2024/09/30/oug112-liber-la-iresponsabilitate-fiscala/>

⁶⁴. <https://romania.europalibera.org/a/mediul-de-afaceri-luat-prin-surprindere-de-noile-taxe-la-o-zi-dupa-discutiile-de-la-guvern-deficitul-bugetar-de-9-nu-ni-se-datoreaza/33257058.html>

⁶⁵. Ghid privind evaluarea impactului reglementarilor asupra drepturilor omului-8.pdf

⁶⁶. <https://context.ro/lupii-paznici-la-oi-cine-sunt-cei-care-trebuie-sa-apere-jurnalistii-de-procese-abuzive-prietenii-baronilor-baluta-si-badalau-si-un-deputat-care-si-a-inscenat-rapirea/>

⁶⁷. <https://www.stareademocratiei.ro/2024/12/11/viitorul-avocat-al-poporului-trebuie-sa-fie-un-garant-real-al-protejarii-drepturilor-fundamentale/>

⁶⁸. <https://votong.ro/ro/blog/castigatori-ces-2024>

Recommendations

TARGETED RECOMMENDATION:

- ➔ **Publicly denounce and actively discourage public vilification, hostile discourse towards against CSOs by politicians, public figures, and authorities.**
- ➔ Introduce concrete and robust protection instruments for civic actors and journalists in the national implementation of the EU Anti-SLAPP Directive.
- ➔ Introduce self-designation mechanisms for representatives of civil society in state bodies such as the Superior Council of Magistrates and the Economic and Social Council.
- ➔ Reduce bureaucratic obstacles for civil society by, for instance, adopting the amendments to the GO 26/ 2000 law and the setup of NGO registries.
- ➔ Publicly denounce and actively discourage public vilification, hostile discourse towards CSOs by politicians, public figures, and authorities.
- ➔ Provide training and awareness raising for civil servants about civil society and its fundamental role in a democratic society.
- ➔ Execute the decisions by the European Court of Human Rights (ECtHR) and the Court of Justice of the EU (CJEU) and implement a human rights-based approach in government decisions and the work of the judicial system.
- ➔ The upcoming European Civil Society Strategy should prevent and eliminate unjustified and disproportionate reporting and disclosure requirements imposed on civil society.

About the contributor

The Civil Society Development Foundation (FDSC) is an independent, non-governmental organisation set up in 1994 at the initiative of the European Commission. The FDSC promotes a strong and sustainable civil society that contributes to defending democratic values by supporting civil society actors, mobilising resources, fostering an enabling environment, and strengthening cooperation with other sectors. At the 30-year anniversary in December 2024, we counted 5,000+ CSOs assisted with funding and capacity-building support in more than 3000 projects.






Spain

By NOVACT and Òmnium Cultural



Key civic space trends	228
Summary	228
Institutional, political, and socio-economic landscape	228
The regulatory environment for civic freedoms	231
Freedom of association	231
Freedom of peaceful assembly	232
Freedom of expression and the right to privacy	233
Safe space	236
Civil society funding	237
Civil dialogue and right to participation	238
Civil Society Resilience	239
Recommendations	240
About the Author	241

Key civic space trends

-  Gag Law continues to restrict the right to peaceful assembly and expression.
-  Absence of clear regulation on surveillance and police infiltration continuously used to justify intrusive police practices against civil society and movements.
-  An increase in mass demonstrations, particularly mobilisations focusing on solidarity with Palestine, housing rights and opposition to mass tourism.

Summary

Civicspace is rated as narrowed in Spain by the CIVICUS Monitor.¹ In 2024, the main threats to civic space in Spain were:

- ▶ the misuse of the Penal Code;
- ▶ the Gag Law and the disproportionate use of force by security forces;
- ▶ the criminalisation and persecution of civil society organisations (CSOs) and human rights defenders (HRDs);
- ▶ state espionage through spyware in Catalonia and police infiltration of social movements and censorship; and
- ▶ attacks on the freedom of expression.

Compliance with international identification standards for police forces and public access to police protocols remain an issue, despite being a crucial demand of civil society organisations. In its 2024 Rule of Law report,² the European Commission recommended that the Spanish government “advance with strengthening

access to information, in particular via revision of the Law on Official Secrets” to prevent the use of spy technology against civil society and HRDs. There has been no progress on this recommendation, despite a commitment made by the governing Socialist Party. The report also pointed out how the Organic Law 4/2015 on Citizen Security, or the so-called Gag Law,³ is tied to shrinking civic space and the chilling effect on media freedom. Despite commitments in 2022, there has been no progress from the government to reform the law. Mobilisations in solidarity with Palestine have been the most repressed and criminalised across the country, except in Catalonia, where the housing rights and self-determination movements were the most persecuted. 2024 was characterised by a surge in mobilisations and a diversification of social movements as well as the emergence of new movements, such as the mobilisations against mass tourism in various parts of the country.

Institutional, political, and socio-economic landscape

In 2024, no significant legislative changes were made that impacted fundamental rights, the rule of law, or democracy. In 2023, the process of reforming the Law 4/2015 on Citizen Security,⁴ known as the Gag Law, failed. No progress was made in 2024 either, despite the government’s public statements. Numerous CSOs, including Amnesty International, No Somos Delito, Defender a quien Defiende, and Greenpeace, expressed

regret over the “missed opportunity” to reform the Gag Law due to a lack of majority support in the interior committee.⁵ This development is distressing for HRDs.

The amendment to the Gag Law is urgently needed and has been called for by various international and regional human rights bodies, such as the Commissioner for Human Rights and the Venice Commission of the

1. <https://monitor.civicus.org/country/spain/>

2. https://commission.europa.eu/document/download/2bd09a6f-ef56-494a-8303-e0de808ee981_en?filename=23_1_58063_coun_chap_spain_en_0.pdf

3. <https://www.boe.es/buscar/act.php?id=BOE-A-2015-3442>

4. <https://www.boe.es/buscar/act.php?id=BOE-A-2015-3442>

5. <https://nosomosdelito.net/escritosaprensa/2023/03/14/la-falta-de-acuerdo-impide-la-reforma-de-la-ley-mordaza>

Council of Europe (CoE).⁶ After extensive negotiations between some CSOs and the government, organisations pointed out that parliamentary groups committed to the reform should have continued negotiations until an agreement was reached. Organisations dedicated to protecting the right to protest and freedom of expression agreed that, after ten years of documenting and denouncing violations of rights under the law, they would continue to work for legislation that complies with international human rights standards. On 24 October 2023, the governing parties PSOE and Sumar signed a coalition pact for the next government, renewing the commitment made (and not upheld) in 2023 to approve “a new law on citizen security, which replaces the ‘Gag Law’ to guarantee the exercise of the right to freedom of expression and peaceful assembly.”⁷

The General Council of the Judiciary (CGPJ) decides promotions within the judiciary and among prosecutors in Spain. However, in practice, these appointments are often influenced by negotiations between the two main political parties, the Socialist Party and the Popular Party.⁸ This dynamic is particularly evident in appointments to higher courts, including the different chambers of the Supreme Court.⁹ Since these courts handle final appeals in significant legal matters, the selection process can have a major impact on judicial independence and decision-making.

The National Court holds a special jurisdiction set up to deal with matters of particular legal, economic, and political importance, such as terrorism, felonies against the crown, and drug trafficking. Its rules of jurisdiction are flexible, can be reinterpreted according to circumstances, and include the power to take up cases that should not be dealt with by ordinary regional courts. As a result, certain forms of political dissent have become classified as potential terrorist offences, depriving people of the right to an ordinary Judge as set forth in the law, specifically in article 24.2 of the Spanish Constitution”.

For example, during some of the protests against the harsh prison sentences of Catalan independence leaders in October 2019, city property was damaged and there were altercations with the police. However, these incidents did not meet international criteria for terrorism. As a result, most prosecuted individuals faced charges such as public disorder, property damage, and injury in local courts, rather than terrorism-related offences.¹⁰ Nevertheless, the National Court launched several criminal investigations using counter-terrorism legislation,¹¹ to criminalise not only the right to protest but the mere existence of Catalonia’s independentist movement. Under the justification of the “fight against terrorism,” these investigations lacked procedural guarantees, involved lengthy pre-trial detentions of activists, mass police surveillance using spyware, as well as physical surveillance, the unlawful installation of geolocation devices on cars, and intrusion into the email and social media accounts of the movement.¹²

In a notable case, the grassroots movement Tsunami Democràtic (Democratic Tsunami), an online platform, called for demonstrations around Catalonia against the sentencing of political prisoners in October 2019.¹³ The investigation against the movement was secret and continued for more than four years without the knowledge of the persons under investigation.¹⁴ The actions deemed as “terrorism” were peaceful demonstrations, which under international law can in some cases be inherently or deliberately disruptive. In total, 12 people, including politicians, activists, and journalists, were accused of terrorism for their alleged role in organising the movement. Some of the accused spent several months in exile in Switzerland, believing that there was no guarantee of a fair investigation and trial in Spain. In July 2024, the whole case was dropped on a technicality, to the dismay of the judge leading the case, but appeals from different organisations are still pending.¹⁵

6. <https://rm.coe.int/letter-to-mr-jose-luis-abalos-meco-president-of-the-interior-committee/1680a57abe>

7. https://www.eldiario.es/politica/politica-directo-ultima-hora-negociaciones-nuevo-gobierno_6_10624422_1103686.html

8. <https://www.publico.es/politica/psoe-pp-cierran-acuerdo-renovar-cgjp-cinco-anos-bloqueado-derecha.html>

9. Two examples: 1) the case of Carmen Lamela, who previously initiated one of the most controversial proceedings and heavily criticised by international human rights bodies, the case against nine social and political leaders that lead to their arbitrary imprisonment following the referendum of 1st October 2017, heavily criticised by the United Nations Working Group on Arbitrary Detentions: <https://documents.un.org/doc/undoc/gen/g19/158/75/pdf/g1915875.pdf>. She was not a senior judge with an outstanding record so her appointment as a Supreme Court judge could be a reward; https://www.ara.cat/politica/cgjp-premia-carmen-lamela-placa-tribunal-suprem_1_2724997.html.

2) The case of Vicente Magro Servet, former senator for the Popular Party: https://www.eldiario.es/politica/progresistas-exsenador-pp-tribunal-supremo_1_2825376.html

10. <https://www.es.amnesty.org/en-que-estamos/noticias/noticia/articulo/espana-cataluna-amnistia-internacional-advierde-que-las-movilizaciones-de-tsunami-democratic-no-son-terrorismo/>

11. <https://www.poderjudicial.es/cgjp/es/Poder-Judicial/Noticias-Judiciales/El-juez-de-la-Audiencia-Nacional-eleva-exposicion-razonada-al-Tribunal-Supremo-contr-a-Carles-Puigdemont-Marta-Rovira-y-otras-diez-personas-por-terrorismo-en-la-causa-de-Tsunami-Democratic>

12. <https://igualtat.gencat.cat/web/contenut/Ambits/drets-igualtats/informes-DDHH/informe-terrorisme.pdf> (from page 26 onwards, about the affected rights)

13. <https://www.publico.es/public/protestar-terrorisme-clam-societat-civil-persecucio-tsunami-democratic.html>

14. https://internationaltrialwatch.org/wp-content/uploads/2019/11/POSICIONAMIENTO_SENTENCIA_12112019-ingles-carta.pdf

15. https://www.elnacional.cat/en/politics/reasons-supreme-court-prosecutor-report-terrorism-tsunami_1155729_102.html

About 400 organisations signed the manifesto “Protesting is not terrorism” and in a statement initiated by the European Civic Forum,¹⁶ several international human rights organisations, including Amnesty International, CIVICUS and the World Organisation Against Torture, called on the court to drop the accusations.

The National Court also investigated 12 people from the Committees for the Defence of the Referendum (CDR) under the charges of the crimes of rebellion and terrorist offences and the possession, placement, and manufacture of explosives.¹⁷ The CDR movement was a grassroots group with no legal entity, which organised some demonstrations in Catalonia between 2017 and 2019. On 23 September 2019, nine members of CDR were detained and seven of them remained in pre-trial detention for three months. In June 2021, more people were arbitrarily arrested. The investigation lacked procedural guarantees and the criminal chamber of the National Court reprimanded the investigating judge, claiming that the investigation “violates Article 24.2 of the Spanish Constitution and in particular Article 5 of the European Convention on Human Rights”, as the court failed to give the attorneys access to the full content of the investigation.

The defence requested an application for amnesty, which was supported by the public prosecutor’s office, but the National Court decided to submit a preliminary question to the Court of Justice of the European Union (CJEU). The amnesty law excludes terrorism offences from its application and refers to the definition of terrorism provided by European Directive 2017/541,¹⁸ which states that it must involve serious violations of human rights. The National Court considers that the facts can be amnestied because they “do not fall within the exclusions of the Organic Law 1/2024 on amnesty.”¹⁹ However, it considers that the Amnesty Law could contravene European regulation on terrorism, as well as the principle of legal cooperation.²⁰ Many judges, including members of the Constitutional Court and the General Council of the Judiciary (CGPJ), have made political comments and even demonstrations²¹

questioning the legitimacy and legality of the Amnesty Law, and even the CGPJ approved a resolution detailing this.²²

On 10 June 2024, the Spanish parliament adopted the Amnesty Law. Seven months later, the law has had insufficient implementation, primarily due to the vocal opposition from the Spanish right and far-right, present both in the political leadership and parts of the judiciary, particularly at the highest levels. Specifically, the Supreme Court and the National Court questioned the constitutionality of the law, while the lower courts have not, and are slowly implementing the law. This is mainly because the higher levels of the judiciary are politicised against the parliamentary majority that passed the Amnesty Law. Conservative judges — many of whom are linked to the right-wing Popular Party — have constituted a majority in the Supreme Court for 22 of the past 27 years.

The Amnesty Law recognises that the acts related to the 2017 Catalan independence referendum and related demonstrations for which amnesty is granted should never have been criminally prosecuted. Moreover, the law aims to “return the resolution of the political conflict to the framework of political dialogue”. It applies to individuals convicted or under investigation in criminal and administrative cases connected to the referendum or related protests.

According to the report²³ presented by Òmnium Cultural in the Catalan Parliament,²⁴ over 700 individuals in criminal cases and almost 900 in administrative procedures qualify for amnesty, which means that their offences, such as civil disobedience, public disorder, resistance, attacks against authority, and embezzlement, should be invalidated.

This resistance to the law from the judiciary has resulted in a slow and uneven application of the law. As of January 2025, according to that same report, the majority of applications (154) are still awaiting a response from judges and courts, having surpassed the two-month resolution period established by the law. Only 116 individuals have been granted amnesty, while

16. <https://civic-forum.eu/publications/open-letter/joint-letter-solidarity-for-activists-in-catalonia-accused-of-terrorism>

17. <https://www.poderjudicial.es/cgpj/es/Poder-Judicial/Noticias-Judiciales/La-Audiencia-Nacional-confirma-la-conclusion-del-sumario-de-la-causa-de-los-CDR-y-abre-juicio-oral-contra-12-procesados-por-terrorismo>

18. https://eur-lex.europa.eu/legal-content/EN/NIM/?uri=ojjOL_2017_088_R_0002

19. <https://www.boe.es/buscar/act.php?id=BOE-A-2024-11776>

20. <https://www.poderjudicial.es/cgpj/es/Poder-Judicial/Audiencia-Nacional/Oficina-de-Comunicacion/Notas-de-prensa/La-Audiencia-Nacional-plantea-cuestion-prejudicial-al-TJUE-por-la-Ley-de-Amnistia-en-la-causa-de-terrorismo-de-los-CDR-por-ser-contraria-al-Derecho-comunitario-y-garantizar-la-impu-nidad>

21. https://www.eldiario.es/politica/jueces-convocan-manifestaciones-tribunales-ley-amnistia-acuerdo-psoe-junts_1_10683138.html

22. <https://www.poderjudicial.es/cgpj/es/Poder-Judicial/En-Portada/-El-Pleno-del-CGPJ-aprueba-el-informe-a-la-proposicion-de-ley-de-amnistia>

23. <https://amnistia.omnium.cat/avaluacions/>

24. <https://www.parlament.cat/document/trancricpio/426842653.pdf>

57 applications have been rejected (out of which 33 were eventually acquitted or shelved). A further 47 cases are suspended due to referrals to the Constitutional Court or the CJEU. Notably, those whose applications were rejected or delayed are predominantly politicians affiliated with Catalan pro-independence parties. For the remaining cases eligible for amnesty, there is no record of processing either *ex officio* or at the request of the parties involved.

In stark contrast, as of January 2025, 11 Spanish police officers facing criminal proceedings for violence against voters in the 2017 referendum have been granted amnesty by the courts²⁵ (45 Guardia Civil in Mataró,²⁶ 27 Spanish National Police in Girona,²⁷ 46 Spanish National Police in Barcelona,²⁸ and one in Lleida²⁹). This selective application of the law undermines its purpose, promoting impunity for police violence while obstructing justice for activists and political dissidents. In cases involving Spanish police, there was no hesitation regarding the constitutionality of the law.

The politicisation of the judiciary and its resistance to the Amnesty Law represent a significant barrier to restoring trust in Spain's justice system. The judiciary's actions not only delayed the resolution of the political conflict but also cast doubt on the impartiality of Spanish courts in politically sensitive cases.

The resurgence of street mobilisation in 2024 signals strong and coordinated social movements across Spain. These protests have focused on solidarity with Palestine,

housing rights, and opposition to mass tourism and have become a unified call that transcends local boundaries and has grown into a collective, organised response. For example, the movement in solidarity with Palestine which, since the beginning of the genocide in Gaza in October 2023, has been able to coordinate a total of 13 simultaneous monthly demonstrations in more than 100 cities in Spain. The increasing mobilisation, including massive demonstrations, acts of civil disobedience, sit-ins, and strikes, has been met with corresponding violations of rights, similar to the levels seen in 2022 and 2023. A higher mobilisation has led to more repression against civil society.

The general impression and public narrative surrounding civil society and rights defenders in Spain are increasingly influenced by the rise of right-wing narratives and the spread of fake news. The normalisation and institutionalisation of far-right ideologies and hate speech online and in the media have been linked to increased violations against the LGBTQI+ community and the Palestine solidarity movement through psychological and physical violence, censorship, and legal attacks. The presence of far-right parties in institutions and public administration, such as Vox and Aliança Catalana, has further contributed to this trend. Article 510 of the Penal Code, which criminalises hate speech, is being misused to prosecute individuals or groups who criticise the political system or the far-right. On the other hand, technology companies are increasingly shirking their responsibility of tackling hate speech in the name of freedom of expression.

The regulatory environment for civic freedoms

Freedom of association

The primary laws governing freedom of association are the Spanish Constitution (in particular, Article 22), the Organic Law regulating freedom of association (LO 1/2002, March 22),³⁰ and the Penal Code (LO 10/1995,

November 23).³¹ Although the Penal Code underwent a recent reform in 2022, the introduced modifications do not impact freedom of association. These laws align with international standards on freedom of association.

²⁵. https://es.ara.cat/misc/policias-mitad-amnistiados-medio-ano-despues-aprobacion-ley_1_5232583.html

²⁶. <https://elpais.com/espana/catalunya/2024-10-16/amnistiados-45-guardias-civiles-que-cargaron-contralos-votantes-del-1-o-en-dosrius.html>

²⁷. <https://www.diaridegirona.cat/girona/2024/12/19/jutjat-comenca-amnistiar-els-27-112768385.html>

²⁸. <https://elpais.com/espana/catalunya/2025-02-14/la-audiencia-de-barcelona-confirma-la-amnistia-a-los-46-policias-investigados-por-las-cargas-del-1-o.html>

²⁹. <https://www.lavanguardia.com/vida/20240723/9823821/amnistiado-policia-nacional-procesado-lesiones-1-lleida-agenciaslv20240723.html>

³⁰. <https://www.boe.es/buscar/act.php?id=BOE-A-2002-5852>

³¹. <https://www.boe.es/buscar/act.php?id=BOE-A-1995-25444>

Freedom of peaceful assembly

There are several legal texts regarding freedom of peaceful assembly. This includes Article 21, the Organic Law regulating Freedom of Assembly (LO 9/1983, July 15),³² the Organic Law regulating Citizen Security (LO 4/2015, March 30),³³ also known as the Gag Law, and the Penal Code (LO 10/1995, November 23),³⁴ which was recently reformed.

Both the Gag Law and the new version of the Penal Code approved in 2022 were criticised by CSOs,³⁵ international human rights institutions³⁶ and some political parties for violating international human rights standards. As raised in previous submissions to the European Commission, since its passage, the Gag Law has been criticised for the discretionary powers granted to police officers, the increased number of infractions compared to the previous law, challenges in appealing sanctions (such as the presumption of veracity for police officers and bureaucratic and technical hurdles), and the use of ambiguous language that allows for irregular and arbitrary actions in police interventions. Once again in 2024, the reform of the Gag Law was announced but never implemented.

The law has increasingly been used to criminalise demonstrations. Social movements, activists, and journalists have been accused of “terrorism” or of being a “criminal organisation”, the most severe offences under criminal law. They have been investigated for actions recognised as legitimate aspects of freedom of peaceful assembly, such as demonstrations, sit-ins, or acts of civil disobedience.

Access to public space remains unequal, particularly for migrants and marginalised groups. Migrants with irregular administrative status face the risk of deportation when participating in protests due to a punitive approach to demonstrations. Even those with regular status fear sanctions that could jeopardise their residence permits. CSOs highlight a racial bias in political

participation, exacerbated by gendered security risks for women and the LGBTQI+ community, who often experience discrimination from law enforcement.

According to data gathered by the civic space monitoring platform Defender A Quién Defiende (DqD),³⁷³⁸ one of the most persecuted movements in Spain in 2024 has been the Palestine solidarity movement, which has remained active in response to Israel’s genocide in Gaza. There were 57 documented cases of repression in 2024, including 34 arrests, at least 133 identifications, and 16 cases of judicial repression, making up 58% of all censorship cases across the country. Protesters have reported ethnic and racial profiling and police violence, particularly in student-led university protests. Judicial repression includes charges of hate crimes and affiliation with criminal organisations. Censorship has also been rampant, extending to public and sporting events where Palestinian symbols have been banned. Repression has been carried out by state authorities, far-right groups, and Zionist individuals and companies, signalling a broader crackdown on civic space and dissent in Spain.³⁹

Housing rights activists have faced the second-highest level of repression, particularly in Catalonia, where 24 of the 32 recorded cases occurred. Violations include 67 identity checks by police, 60 financial penalties, 41 cases of judicial repression, and 41 cases of violations against physical and psychological integrity — mainly the disproportionate use of force but also several cases of threats by police officials. Judicial repression has particularly increased, as seen in December in the case of 21 activists prosecuted for protesting the eviction of *Bloc Llavors*, facing a total of 35 years in prison and €190,000 in fines. Police repression has also intersected with racism, with authorities targeting housing squats inhabited by migrants in at least two cases, both of them in Barcelona, leading to detentions in immigration detention centres (CIEs).⁴⁰

32. <https://www.boe.es/buscar/act.php?id=BOE-A-1983-19946>

33. <https://www.boe.es/buscar/act.php?id=BOE-A-2015-3442>

34. <https://www.boe.es/buscar/act.php?id=BOE-A-1995-25444>

35. <https://www.article19.org/resources/spain-time-to-end-to-repressive-gag-law/>; <https://civicspacewatch.eu/spain-csos-call-for-reform-of-gag-law-within-six-months-to-protect-the-right-to-protest/>

36. [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2021\)004-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2021)004-e); <https://www.ohchr.org/en/press-releases/2015/02/two-legal-reform-projects-undermine-rights-assembly-and-expression-spain-un?LangID=E&NewsID=15597>

37. The platform *Defender a Quién Defiende* publishes an annual monitoring report on the state of the right to protest in Spain. The 2024 report was published on 21 February 2025 and is available at: <https://defenderaquiendefiende.org/investigaciones/>.

38. Methodological Note: It is important to highlight the limitations of the observatory’s work in documenting rights violations, as there is no official institutional mechanism for recording such incidents. This means that the data presented here does not constitute a complete count of all cases of protest repression but rather a partial snapshot, with possible unreported cases. The number of affected individuals is an estimation, using a minimum baseline. For example, in cases where a group of protesters has their identities recorded by the police but DqD has no access to the exact number of people involved, the incident would be recorded as a single violation, with only one affected person reflected in the data. A single case often involves multiple violations, as it may affect several individuals and the persons involved may experience different types of violations. For instance, someone attending a protest could be subjected to police violence, identity checks, and arrest, and even face judicial repression.

39. <https://defenderaquiendefiende.org/2024-un-ano-de-represion-contra-la-protesta/>

40. <https://directa.cat/el-cas-del-vito-un-exemple-de-repressio-contra-lactivisme-i-les-persones-migrants/>

Environmental activism has suffered a significant decline in 2024 due to intense repression in previous years. In 2023, climate and environmental groups were the most persecuted movements, with 74 arrests in 43 cases. In 2024, 19 cases highlighted the chilling effect of repression, including 116 identity checks by police, 85 fines, and 33 prosecutions. Among all movements, environmental activism has faced the highest number of financial penalties, often particularly severe. Mass identity checks by police were used to suppress protests, such as an Extinction Rebellion and Scientist Rebellion demonstration in Gijón where 100 activists faced identity checks. Judicial repression has continued, including the dismantling of groups like Futuro Vegetal. Financial penalties have been severe, including a €180,000 fine under the Aviation Security Law for an action by two Futuro Vegetal activists who temporarily blocked a runway at Barajas Airport in 2023.

According to the Defender A Quien Defiende platform, 2024 saw 228 cases of repression, leading to 1140 distinct rights violations against at least 1029 individuals. The violations included 361 police identity checks of protesters, 218 financial sanctions, 198 judicial proceedings, including formal charges and convictions, 148 instances of police violence, including excessive force, threats, humiliation, and racial discrimination, 109 arrests, 54 cases of detention or restriction of movement, and 24 cases of censorship. This is double the number recorded in 2023. In addition, two new cases of police infiltration were uncovered, after seven cases were uncovered in 2023. Additionally, 25 other violations were recorded, including police officers refusing to identify themselves, unauthorised photographing and filming of detained protesters, confiscation of materials, raids and attacks on community spaces, bureaucratic repression, and violations of the right to strike. Overall, the platform recorded nearly as many violations in 2024 as in 2022 and 2023 combined.

Notable cases

- ▶ Seven activists from the feminist movement 8 Mil Motius were sentenced to 18 months in prison and €26,000 in fines for blocking train tracks during a feminist strike on 8 March 2018.⁴¹
- ▶ Currently on trial, Scientist Rebellion activists are accused of crimes against property and are facing 21 months in prison and fines for a 2022 civil disobedience protest at the Spanish parliament to raise awareness of the lack of climate action. The activists owe fines of €2,592 to the Spanish State and €713 to Madrid City Council for cleaning the parliament stairs that were stained during the protest.⁴²
- ▶ Madrid residents in the No a la Tala case were convicted and fined a total of €19,232 for protesting tree loggings by chaining themselves in the trees in 2023.⁴³
- ▶ At least two cases of use of rubber bullets by police forces have been documented. In February 2024 in Tolosa (Basque Country), the Basque police force shot a 16-year-old boy with a rubber bullet during local festivities, wounding him in the eye.⁴⁴ The second case occurred in Murcia at a student protest that the National Police decided to disperse using the ammunition.⁴⁵
- ▶ The verdict for the 2012 *Rodea el Congreso* protest in Madrid is still pending. This demonstration aimed to surround the Spanish Congress peacefully but was dispersed by police, leading to 34 arrests. The case is significant in 2025 because the Gag Law formally criminalised such protests. The 12-year delay in the trial has been criticised as a form of punishment for the 21 accused, who face potential prison sentences of three to eight years.⁴⁶

Freedom of expression and the right to privacy

Freedom of expression in Spain is regulated in the Constitution by Article 20, the Organic Law on Citizen Security, the Gag Law, (LO 4/2015),⁴⁷ and the Penal Code (LO 10/1995).⁴⁸ The Gag Law restricts expression through Article 36.23, which criminalises

the unauthorised use of images of security forces and is used by police officers to prevent protesters from recording their actions and to frighten them, even if the law does not specify this action *per se*. Article 37.4 of the law penalises disrespect toward law enforcement

⁴¹. <https://directa.cat/condemna-des-les-set-activistes-de-8-mil-motius-a-un-any-i-mig-de-presos-per-tallar-les-vies-de-fgc-durant-la-primera-vaga-feminista/>

⁴². <https://www.elsaltodiario.com/cambio-climatico/fiscalia-pide-21-meses-15-activistas-rebelion-cientifica-tineron-congreso-remolacha>

⁴³. https://www.eldiario.es/madrid/somos/multas-suman-19-000-euros-vecinos-encadenados-talas-madrid-rio-amenaza-tres-cargos-penales_1_10882336.html

⁴⁴. <https://www.elsaltodiario.com/violencia-policial/joven-herido-ojo-pelota-ertzaintza-carnaval-tolosa>

⁴⁵. <https://cadenaser.com/murcia/2024/10/05/la-polemica-por-las-cargas-policiales-en-murcia-llega-al-congreso-podemos-pedira-la-comparecencia-del-ministro-marlaska-radio-murcia/>

⁴⁶. https://www.eldiario.es/politica/juicio-rodea-congreso-12-anos-despues-fiscalia-pide-21-acusados-entren-carcel_1_11819590.html

⁴⁷. <https://www.boe.es/buscar/act.php?id=BOE-A-2015-3442>

⁴⁸. <https://www.boe.es/buscar/act.php?id=BOE-A-1995-25444>

and allows police officers to fine protesters because of what they say. These provisions are often used to suppress protests and silence dissent.

The Defender A Quién Defiende platform has reported at least 13 cases of violation of the right to freedom of expression in 2024. The instrumentalisation of legal provisions, particularly concerning religious insults, remains a concern, as seen in the case of comedian Lalachús, who faced threats from fundamentalist organisations such as Hazte Oír and Abogados Cristianos, for a satirical sketch.⁴⁹ Lalachús, a well-known anti-fatphobia activist and the presenter of the New Years Eve's programme on the main national TV channel, showed an image of the Virgin Mary depicted with a bull's head. The comedian and the TV channel were reported by Abogados Cristianos for possible hate crimes and offences against religious sentiment. In another case in October, comedians were denounced by far-right organisations and were summoned to testify for an alleged crime of "incitement to discrimination, hatred, and violence" for a joke about the fascist monument *Valle de los Caídos*.⁵⁰

In response, the government announced a reform of the law on religious offences in 2025 as part of the Democracy Action Plan.⁵¹ Other cases, such as the prosecution of feminist activists from the Chumino Rebelde group, the satirical magazine *Mongolia*, and artist Abel Azcona, illustrate the pattern of using legal harassment to stifle political and artistic expression and dissent. Civil society has long denounced this instrumentalisation, highlighting how such cases are driven by far-right actors exploiting outdated legal frameworks to silence critical voices. The pending reform offers an opportunity to safeguard freedom of expression and prevent the weaponisation of the justice system against dissidents and civil society actors.

Spain's Penal Code continues to criminalise dissent through offences like the glorification of terrorism (Article 578), insults against the monarchy (Article 490.3), and offences against religious sentiments (Article 525), despite its reform. One of the most significant cases is the imprisonment of rapper Pablo Hasel who was sentenced to nine months in 2021 for his anti-monarchy lyrics. The enforcement of these laws criminalises certain expressions that are legally protected while at the same time failing to provide an adequate legal response to degrading speech against migrants, LGBTQI+ people and other marginalised groups, leading to a chilling effect on freedom of expression.⁵²

In 2024, these laws and offences of glorifying terrorism, insults, and slander, and hate crimes have increasingly been applied against the Palestine solidarity movement. The legal landscape has also led to a rise in SLAPPs targeting comedians, journalists, and activists. Notable examples include the conviction of presenter David Broncano over a satirical joke,⁵³ a legal case against a school in Valencia for painting a mural dedicated to Basque artist Fermin Muguruza,⁵⁴ and the prosecution of a singer in Navarra for satirical lyrics.⁵⁵

Censorship and self-censorship have intensified, with at least 24 reported violations, mostly related to the Palestine solidarity movement. Incidents include the censoring of radio programmes,⁵⁶ removal of murals,⁵⁷ confiscation of Palestinian symbols,⁵⁸ banning of public readings,⁵⁹ cases of arbitrary identity checks by police officers for wearing the Palestinian Keffiyeh scarf,⁶⁰ and event cancellations by public institutions⁶¹ and universities.⁶² Restrictions also extend to LGBTQI+ activists and environmental groups, particularly in regions governed by far-right parties like Aliança Catalana in Ripoll.

49. <https://www.lavanguardia.com/television/20250102/10251839/bolanos-sale-defensa-lalachus-recuerda-reforma-delito-ofensas-religiosas.html>

50. https://amp.lasexta.com/noticias/sociedad/comico-queque-imputado-querella-ultras-abogados-cristianos-broma-valle-caidos_2024102267178543596dfb0001ccd4da.html

51. <https://www.elsaltodiario.com/extrema-derecha/presidencia-reforma-del-delito-ofensas-religiosas>

52. <https://novact.org/es/publicacio/guia-de-defensa-contra-la-criminalizacion-indebida-de-activistas-mediante-los-delitos-de-expresion/>

53. <https://www.rac1.cat/television/20241223/221837/esquetx-broncano-locomundo-comportat-multa-economica-movistar-el-terrat-lv.html>

54. https://www.eldiario.es/comunitat-valenciana/autor-mural-fermin-muguruza-denunciado-extrema-derecha-ataque-libertad-expresion_1_11214555.html

55. <https://www.elsaltodiario.com/libertad-expresion/upn-ataca-raimundo-canastero-cancion-fiestas-estella>

56. <https://www.elsaltodiario.com/ocupacion-israeli/corte-ingles-censura-un-programa-radio-genocidio-gaza>

57. https://www.eldiario.es/comunitat-valenciana/autor-mural-fermin-muguruza-denunciado-extrema-derecha-ataque-libertad-expresion_1_11214555.html; <https://directa.cat/la-censura-en-lart-impulsada-pel-pp-i-vox-no-pot-quedar-impune/>; https://x.com/DDCC_ZGZ/status/1830280474406887426?mx=2

58. https://naci.digital.cat/esports/prohibeixen-banderes-palestina-barca-maccabi-basquet_1859303_102.html; https://www.eldiario.es/politica/multas-50-euros-activistas-colgaron-bandera-palestina-frente-embajada-israel-madrid_1_10989980.html#:~:text=Varios%20activistas%20que%20en%20noviembre,del%20Gobierno%20de%20la%20capital

59. <https://x.com/LHambPalestina/status/1843376792163463479>

60. <https://www.instagram.com/reel/DBKPwwktalZ?igsh=MW0yaXU2eTF6emt4YQ%3D%3D>

61. <https://directa.cat/lajuntament-de-vinaros-veta-unes-jornades-en-solidaritat-amb-el-poble-palesti/>; https://www.instagram.com/p/DCIgr8bqllIW/?utm_source=ig_web_copy_link

62. <https://www.elsaltodiario.com/palestina/universidad-sevilla-censura-un-acto-relatora-onu-palestina>

Additionally, journalists continue to face increasing obstacles in covering protests, such as police violence during demonstrations in València and Barcelona. Some examples of cases affecting journalists in 2024 include:

- ▶ On 2 April police prevented journalists from recording the eviction of the social centre *La Bankarrota* in Madrid.⁶³
- ▶ Journalists in València experienced police violence when covering a demonstration calling for political accountability for the

mismanagement of the DANA natural disaster. The floods caused more than 200 deaths and numerous missing people in Valencia.⁶⁴

- ▶ A journalist was hit with tear gas in Barcelona.⁶⁵
- ▶ Three journalists were stopped by police and asked to provide their identity details in 2023 when covering an event by a housing union in València, and in 2024 they were accused of a minor offence of usurpation.⁶⁶

The use of spyware and police infiltration

Repression against civil society has been particularly severe in Catalonia, where activists and CSOs have faced legal harassment, smear campaigns, accusations of terrorism, police violence, and state surveillance. At least 1,700 people have been criminally prosecuted, with around 1,000 cases dismissed after years of investigations, even before the Amnesty Law existed.

Citizen Lab confirmed that at least 65 individuals, including politicians, journalists, and civil society leaders, had their devices infected with spyware between 2015 and 2021, creating a chilling effect on civil society in Catalonia.⁶⁷ This case is the largest documented cluster of mercenary spyware attacks and the biggest espionage case using Pegasus spyware in the world. The Spanish government's response has been marked by opacity: The Spanish National Intelligence Centre (CNI) admitted to spying on 18 individuals, leading to the removal of the director of CNI, but the government has refused to provide transparency or cooperate with EU inquiries. UN special rapporteurs have called on the Spanish authorities to conduct a full and effective investigation of Catalangate and stop the violation of the human rights of Catalan activists.⁶⁸ Many victims have filed criminal complaints, but most legal proceedings are at a standstill.

The legal loopholes in the Spanish legislation allow for the use of such spyware without proper oversight. The operations of the CNI are regulated by Law 11/2002⁶⁹ and Organic Law 2/2002,⁷⁰ which creates a supposed system of prior judicial control, but which is inadequate

and lacks control during or after such invasive interventions. Law 9/1968 on Official Secrets⁷¹ classifies all CNI-related information as secret, under a broad justification of national security. This lack of transparency serves as a reminder that anything that cannot be scrutinised or held accountable is, by definition, prone to abuse.

The cases of police infiltration, first exposed in January 2023, remain one of the most serious human rights violations documented in Spain in recent years. Initially thought to be an isolated incident in 2022, a broader pattern of repression has since been revealed. From May 2022 to January 2025, nine undercover police officers were discovered operating in civil society spaces in Barcelona, València, Girona, and Madrid.⁷²

The most recent case involves a police officer, María Ángeles G. A., who spent two decades infiltrating various social movements in Madrid. She integrated herself into social centres like *El Laboratorio*, prisoner support groups, and the Coordinadora Antifascista de Madrid, and was a key member of *Madres Contra la Represión*.⁷³ The case is notable for its duration, showing that police infiltration is a longstanding and more widespread practice than previously understood. Little information or accountability is available on these operations because the role of the "intelligence agents" involved is unregulated. Another officer, Juancar, who infiltrated the Distrito 14 collective in Moratalaz, attended assemblies, protests, and social activities, was unmasked and later accused of threatening a member

⁶³. <https://www.publico.es/sociedad/policia-impide-publico-informar-sobre-desalojo-bankarrota.html>

⁶⁴. <https://www.elsaltodiario.com/valencia/decentas-miles-personas-desbordan-valencia-pedir-dimision-carlos-mazon>

⁶⁵. https://x.com/elnacionalcat/status/1821467451525148801?t=P4_-BQSB7iNq-KG0LmhWQQ&s=35%20/%20https://www.vilaweb.cat/noticies/mos-sos-disparen-gas-pebre-contra-els-manifestants-puigdemont/

⁶⁶. <https://directa.cat/a-judici-periodistes-advocades-i-activistes-per-usurpar-un-edifici-al-qual-mai-van-entrar/>

⁶⁷. <https://citizenlab.ca/2022/04/catalangate-extensive-mercenary-spyware-operation-against-catalans-using-pegasus-candiru/>

⁶⁸. <https://www.ohchr.org/en/press-releases/2023/02/spain-un-experts-demand-investigation-alleged-spying-programme-targeting>

⁶⁹. <https://www.boe.es/buscar/act.php?id=BOE-A-2002-8628>

⁷⁰. <https://www.boe.es/buscar/doc.php?id=BOE-A-2002-8627>

⁷¹. <https://www.boe.es/buscar/act.php?id=BOE-A-1968-444>

⁷². https://www.eldundercoveriario.es/politica/policia-espio-colectivos-sociales-madrilenos-durante-tres-anos-agente-infiltrada_1_11312665.html

⁷³. <https://www.elsaltodiario.com/policia/marta-estupa-dos-decadas-infiltrada-movimientos-sociales>

of the collective.⁷⁴ Despite growing evidence of human rights violations, the Spanish state continues to justify these actions under “national security.”

Irídia, the Centre for the Defence of Human Rights, has appealed to the Constitutional Court⁷⁵ after the ordinary courts dismissed a complaint filed on 31 January 2023 by eight affected individuals against an infiltrated officer, his superiors, and the interior ministry. This appeal highlights serious violations of fundamental rights and the state’s failure to investigate these incidents. The cases raise critical concerns about Spain’s obligations under international human rights law, particularly regarding the absolute prohibition of torture and inhuman or degrading treatment.

The appeal also stresses the need for the Constitutional Court to address the legal and ethical limits of undercover officers engaging in sexual and emotional relationships, a practice not yet defined in case law for infiltrated agents. The interior ministry has classified

these individuals as intelligence agents rather than undercover officers, a distinction with serious implications for dignity, sexual freedom, and political participation.

Investigations into police infiltration have seen little progress, with the public prosecutor’s office pushing for the dismissal of cases. In a recent case in Girona, the prosecutor openly admitted that officers formed relationships within social movements as part of intelligence-gathering. Although the Council for Transparency and Good Governance ruled in September 2023 that the number of infiltrators should be disclosed,⁷⁶ the interior ministry refuses to release this information.⁷⁷ Minister Fernando Grande-Marlaska has overseen these operations, and Spain has now been condemned 14 times by the European Court of Human Rights (ECtHR) for failing to investigate allegations of torture, with six of those rulings occurring under his jurisdiction as a judge.⁷⁸

Safe space

The Palestine solidarity movement has been especially targeted by civic space restrictions in 2024. In 2024, 57 cases of repression against the movement were documented, with the most recurrent violations being identity checks by police officers, many of which occurred in police raids explicitly targeting individuals based on racial profiling. The cases highlight a broader crackdown, misuse of hate crime accusations, creation of vilifying public narratives, and criminalisation of anti-racist and Palestine solidarity activists. A striking example was the police identity checks of 92 students participating in a student solidarity encampment at the Universidad Complutense de Madrid. Another example is journalist and antiracist activist Youssef M. Ouled, who was sued by Esteban Ibarra, president of the Movement Against Intolerance (MCI), for alleged antisemitism due to his posts expressing solidarity with Palestine and criticism of Israeli actions in Gaza.⁷⁹

Other incidents include hate crime charges against 10 youths at a basketball match in Tenerife⁸⁰ and violent attacks on students expressing solidarity with Palestine at the University of Illes Balears.⁸¹ The broader criminalisation of solidarity has resulted in severe legal charges against activists for “organisation of a criminal group” or “glorification of terrorism” and “public disorder”, as was seen in the case of the two women who were detained in Navarra and Galicia in February 2024.⁸² They were accused of “apology for terrorism” for their solidarity with Palestine on social media.

During the 8 March feminist demonstration in Madrid, activists faced verbal and physical attacks, including racial and xenophobic slurs. A man physically assaulted one participant,⁸³ marking the first formally reported incident. In 2024, there were at least eight documented incidents against the LGBTQI+ rights movement, including attacks on physical and symbolic integrity,

74. <https://www.elsaltodiario.com/policia/policia-infiltrado-movimientos-sociales-madrid-juancar>

75. https://www.eldiario.es/catalunya/activistas-espiadas-piden-constitucional-ponga-limites-legales-eticos-policias-infiltrados_1_11959081.html

76. https://www.consejodetransparencia.es/ct_Home/en/dam/jcr:60387335-c006-4244-bd1d-1a02d62cb787/R%20CTBG%202023-0746%20%5BRResoluci%EF%BF%BDn%20expte.%20889-2023%5D.pdf

77. <https://www.publico.es/politica/interior-ignora-consejo-transparencia-oculta-policias-infiltrado-movimientos-sociales.html>

78. European Court of Human Rights, official data table including violations committed from 1959 to 2021, classified by article and by condemned state. https://www.echr.coe.int/documents/d/echr/Stats_violation_1959_2021_ENG

79. https://www.publico.es/sociedad/demandan-antisemitismo-activista-antirracista-denuncia-genocidio-israel-gaza.html?fbclid=PAZXh0bgNhZW0CM-TEAAaYVwE16fk06qEI5oNH5HvYH05uqO9G2qK62GUWVlaQwBUA5TMeNFLnMp6U_aem_FV-AkzJepv5tfR1ILpqavA

80. <https://www.eldia.es/sucesos/sucesos-en-canarias/2024/03/08/denunciados-10-jovenes-delito-odio-99210219.html?s=35>

81. https://www.instagram.com/p/C7PKTPaNL2/?igsh=cjU5cW5yZnA3ZzU1&img_index=1

82. <https://x.com/RevistaComuna/status/1755343120399515759>

83. <https://www.elsaltodiario.com/racismo/feministas-antirracistas-comision-8m-denuncian-actitudes-xenofobas-durante-manifestacion-madrid>

such as the burning of pride flags⁸⁴ and homophobic insults at local festivals.⁸⁵ Additionally, there were at least three cases of censorship, in which LGBTQI+ symbols were removed, and events were suspended.

Judicial repression has also been used to silence trans rights activists, such as in the case known as *Al Punt de Mira*, a lawsuit against activists of the organisation Crida LGBTI for protesting against a transphobic book, with activists facing a possible one-year prison sentence and a €4,000 fine for alleged “disobedience and trespassing”.⁸⁶

In December 2024 during the Federal Congress of the PSOE party, an amendment removing the “Q” and the “+” from official party documents was approved, excluding the recognition of queer identities. Additionally, a proposal to ban trans women from participating in women’s sports has reinforced institutional discrimination, which activists argue legitimises broader societal violence. These measures, described by trans rights

organisations as “criminal attacks” against the LGBTQI+ community, have been widely criticised by human rights defenders and progressive political parties. Experts warn that such exclusionary policies not only deny trans and non-binary people’s right to their identity but also contribute to increased violence and discrimination in daily life, particularly in employment, sports, and public discourse.⁸⁷

Over the past year, civic actors have faced increasing repression, leading to severe psychological, financial, and organisational consequences. Many activists now reduce their engagement due to fear of state retaliation, legal sanctions, and police surveillance. Judicial harassment imposes financial strain, while prolonged legal battles drain resources from advocacy. Repeated exposure to institutional violence results in trauma, burnout, and, in some cases, forced relocation. This repression weakens social movements, discourages participation, and undermines efforts for political change.⁸⁸

Civil society funding

Social and economic challenges fostered by high levels of bureaucracy and the increasing housing emergency, as well as diminishing financial resources for civil society, continue to pose significant barriers to civil society’s effective participation in upholding the rule of law. This is especially evident for organisations working without state funding. Many local community organisations struggle to secure the necessary funding to maintain their work. These organisations often face obstacles such as the inability to receive institutional support. A case in point is the situation with Lluïsos de Gràcia, a Catalan non-profit socio-cultural and sports association. Despite being recognised by the Barcelona city council for its public service contributions, the association was excluded from a 2024-2027 participatory budget call, having applied for funding to renew the sports court. The reason for the exclusion was their status as a private entity, even though the call for projects did not specify such a restriction, and it explicitly included public buildings or spaces as eligible for investment.⁸⁹

Another notable case was the notification of eviction of two migrant support associations, Valiente Bangla and the Asociación de Senegaleses en España, from municipal properties in Madrid’s Lavapiés neighbourhood.⁹⁰ These associations, which have been helping migrants for years, were notified by the municipal housing company, EMVS, that their rental contracts would not be renewed. This decision directly threatens the continuity of vital services such as legal advice, Spanish language classes, and food aid. Despite their longstanding contributions to the neighbourhood and collaboration with institutions like the Reina Sofía Museum, the local government under José Luis Martínez-Almeida decided to evict these organisations, citing expired contracts and an unwillingness to grant further extensions. This situation has been met with widespread condemnation as the eviction undermines the essential work these associations do in fostering community cohesion. The decision is a stark example of

⁸⁴. <https://beteve.cat/societat/cremen-segon-cop-bandera-lgtbi-facana-forn-trinitat/>

⁸⁵. https://x.com/La_Barraqueta/status/1826351275652551039?t=Efpjb1Q2fqKM1IP8W00kg&s=09 https://x.com/La_Barraqueta/status/1826351275652551039?t=Efpjb1Q2fqKM1IP8W00kg&s=09

⁸⁶. https://x.com/alpundemira_/status/1748259222456791081

⁸⁷. <https://www.elsaltodiario.com/psoe/psoe-borra-q-plus-siglas-lgtbi+-colectivos-responden-se-traslada-violencia>

⁸⁸. Defender a quién Defiende, 2024 Diagnóstico del Derecho a la Protesta, https://defenderaquiendefiende.org/wp-content/uploads/2025/02/DQD_DE-RECHO-A-LA-PROTESTA_2024.pdf

⁸⁹. <https://x.com/lluissosdegracia/status/1892891712474742845?t=BUcgRx1sZjdCpTBZHjO3ug&s=35>

⁹⁰. https://www.eldiario.es/madrid/somos/lavapiés/ayuntamiento-madrid-expulsa-asociaciones-asistencia-migrantes-locales-municipales-lavapiés_1_11628381.html?utm_campaign=botonera-share&utm_medium=social&utm_source=telegram

how civil society, especially organisations working with vulnerable communities, faces obstacles that hinders its ability to sustain their work.

Civil dialogue and right to participation

Spain has introduced various digital tools to enhance public participation in decision-making at the national and regional levels, allowing people to propose initiatives, debate public policies and take part in legislative consultations. As part of its Open Government Strategy, Spain operates a transparency portal, which includes the *Participación Ciudadana* platform,⁹¹ enabling public input on legislative proposals and consultations. However, participation remains generally low, with slightly more engagement at regional and municipal levels than at national level.

At the regional and municipal levels, several governments have developed specific digital platforms to encourage citizen involvement. Some examples include *Decide Madrid*,⁹² launched by Madrid City Council, *Laboratorio de Aragón Gobierno Abierto* (LAAAB),⁹³ and *Irekia*,⁹⁴ the Basque country's participation platform. In Catalonia, the *Participa Gencat* portal⁹⁵ centralises participatory processes, regulatory consultations, and citizen councils, making public engagement more accessible. Additionally, *Decidim*,⁹⁶ an open-source citizen participation platform which enables participation in legislative and political processes through electronic voting and participation procedures has become a benchmark for participatory democracy. It is widely used by municipalities, including Barcelona City Council. Another key initiative is the implementation of participatory budgeting platforms in cities such as Madrid, Barcelona, and Valencia, where people can directly influence the allocation of public funds.

Despite these efforts, public participation in decision-making faces significant challenges. The real impact on policymaking remains limited, and digital barriers

— such as accessibility issues and platform complexity — can exclude certain population groups. To strengthen civic engagement, it is essential to improve accessibility, enhance digital literacy, and ensure that citizen proposals are meaningfully integrated into decision-making processes.

A major difficulty in national consultations is the lack of transparency and access to official data on police actions and protocols. The government does not publish detailed information on law enforcement operations, nor does it provide clear protocols for public scrutiny. Additionally, data related to the Gag Law is not properly disaggregated, making it impossible to assess how sanctions specifically impact activists and journalists. In response to this institutional opacity, CSOs have taken on the responsibility of conducting independent monitoring to document and analyse patterns of repression. However, the absence of official and disaggregated data severely hinders efforts to hold authorities accountable and advocate for necessary legal reforms.

There is a lack of meaningful dialogue between civil society and the government. The existing dialogue is often insufficient and opaque, hindering progress on critical issues. A clear example of this is the reform process of the Gag Law, where civil society groups had very few opportunities to engage openly and publicly with the government to express their concerns and demands. In another example regarding the design of National Implementation Plans for the Pact on Migration and Asylum, several NGOs have denounced very limited participation and opacity in the procedures.⁹⁷

⁹¹. <https://plataformadeparticipacionciudadana.es/>

⁹². <https://decide.madrid.es/>

⁹³. <https://www.laaab.es/autor/laaab/>

⁹⁴. <https://www.irekia.euskadi.eus/?locale=en>

⁹⁵. <https://participa.gencat.cat/>

⁹⁶. <https://decidim.org/es/>

⁹⁷. <https://elpais.com/espana/2024-12-05/mas-de-20-organizaciones-reclaman-al-gobierno-participar-en-la-aplicacion-del-pacto-migratorio-de-la-ue.html>

Civil Society Resilience

Organised civil society in Spain is strong and well-coordinated. Many campaigns and initiatives have achieved human rights reforms and advances in recent years. However, many of the current political dynamics, as well as the rise of the far-right globally, restrict the conditions of civil society, the rule of law and the enjoyment of fundamental rights.

In recent years, CSOs in Spain have made significant strides in organising and building coalitions to defend housing rights. These efforts have been essential in addressing the growing housing crisis and advocating for policies that prioritise affordable and dignified living conditions for all. One of the key factors in the success of these efforts has been the ability of these organisations to form alliances and build broad-based coalitions between different actors in different areas. This includes grassroots organisations, tenants' unions, housing cooperatives, and other civil society groups. By working together, they have created a unified voice that can challenge powerful actors such as real estate developers, banks, and even local and national governments that often prioritise profit over people.

These coalitions have been effective in highlighting the systemic issues that contribute to the housing crisis, such as speculation in housing markets, rising rent, and inadequate social housing policies. For example, movements like Plataforma de Afectados por la Hipoteca (Platform for people affected by mortgages) and Sindicato de Inquilinas (Union of tenants) have brought together individuals and communities who are directly affected by housing insecurity, using their shared experiences as a powerful tool for advocacy. Organisations have engaged in strategies such as legal challenges, demonstrations, and political advocacy

to push for legislative change. By mobilising in local communities and organising protests, sit-ins and petitions, these groups have consistently raised awareness and pushed for tangible policy changes.

Another crucial aspect of the coalition-building process has been the ability to work across different geographical areas. A strong movement for housing rights has risen to oppose the “touristification” of certain cities and areas. The mobilisation started in the Canary and Balearic Islands, which are among the territories most affected by mass tourism resulting in increased rental prices and has spread all over Spain.

Civil society has developed an observation and monitoring mechanism to scrutinise police actions and compliance with the law and police protocols during protests. Observation contributes to the free, full, and effective exercise of people's rights, grants greater security to those who exercise their freedom of assembly and, on occasion, can dissuade and/or prevent possible violations of rights by the security forces and police. When such violations occur, the observer can inform the public and the competent authorities to demand an investigation and clarification of the violations. The monitoring network has two objectives: to prevent and mitigate rights violations during demonstrations by being present on the ground, and to gather information that can help accountability processes for observed rights violations, support judicial processes and challenge institutions to make changes that guarantee the enjoyment of rights for the whole population. The consolidation of the network has been particularly successful in Barcelona and Granada since 2023 and is currently being developed in Galicia.

Recommendations

TARGETED RECOMMENDATION:

- **Urgently reform the Gag Law to safeguard the freedoms of association, peaceful assembly, and expression by the end of 2025.**
- Urgently address the misuse of the Penal Code which is used to repress civil society and HRDs.
- Implement stricter identification measures for law enforcement officers, providing public access to police protocols and guidelines and establish independent oversight mechanisms to improve police accountability and transparency.
- Stop police infiltration and the use of spyware against social movements, human rights and environmental defenders, journalists, lawyers, and political opposition and urgently hold police officers to account for infiltration.
- End the criminalisation of CSOs and HRDs and prevent the misuse of legislation, such as anti-terrorism and hate crime laws, to target activists
- Refrain from targeting the Palestine solidarity movement, the climate movement and the housing movement, drop all charges against those involved in them, and take steps to ensure that they can exercise fundamental rights.
- Establish a clear legal framework that defines racial profiling as discrimination and ensure the documentation of surveillance and espionage practices and the justification for stop-and-search procedures.
- Regulate reform the laws governing intelligence and surveillance operations, including the National Intelligence Center Law, the Law on Judicial Control of the CNI, and the Official Secrets Act, to align with international human rights standards.
- Fully implement the 2024 Amnesty Law without politically motivated reservations or arbitrary interpretations of the letter of the law.

About the Author

NOVACT defends life and freedoms in the Euro-Mediterranean region to promote a fair and lasting peace. The organisation reinforces an ecosystem of social change that confronts authoritarianism by accompanying movements and human rights defenders through nonviolence. NOVACT aims to strengthen them from a holistic perspective, based on social environmentalism and gender justice, which fosters coordination and community power-building at the service of fundamental civil and political rights. Furthermore, it strengthens and accompanies the role of civil society as a central actor in conflict prevention, at the service of reducing violence and building peace. NOVACT is committed to a prevention strategy based on nonviolence and human security that focuses on preventing authoritarianism, extremist violence, and negative polarisation, building social cohesion, and contributing to nonviolent conflict transformation.



Òmnium Cultural is a cultural grassroots civil society organisation, with more than 175,000 members and 64 years of history. Òmnium is one of the main civil society organisations in Spain and one of the most relevant cultural organisations in Europe. In Catalonia, Òmnium is a pillar of the promotion of Catalan language and culture, education, social cohesion, and a defender of civil and political rights, especially freedom of speech, peaceful assembly and the right to self-determination.



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Western Balkans





**Albania, Bosnia and Herzegovina, Kosovo,
Montenegro, North Macedonia, Serbia**

By Balkan Civil Society Development Network



Key civic space trends	244
Summary	244
Institutional, political, and socio-economic landscape	244
Regulatory environment for civic freedoms	246
Freedom of association	246
Freedom of peaceful assembly	247
Freedom of expression and the right to privacy	248
Safe space	249
Financial viability and sustainability of civil society	251
Civil dialogue and the right to participation	252
Civil society resilience	253
Recommendations	255
About the author	256

Key civic space trends

-  Legal and political constraints on basic freedoms.
-  Escalating threats against activists and journalists, including intimidation, defamation, and SLAPPs cases.
-  Public funding for CSOs remains scarce, opaque and politically controlled.
-  Deteriorating government-CSO relations, with limited civil society participation in public dialogue and policymaking.

Summary

Civic space in the Western Balkans remains a cornerstone of democratic governance, fostering citizen engagement and safeguarding fundamental freedoms. However, civil society in the region operates only partially in an enabling environment and faces narrowing civic space, especially in Serbia and Bosnia and Herzegovina.¹ The shift from an enabling to a partially enabling environment is driven by the lack of effective implementation of legally guaranteed rights and freedoms, an insufficient regulatory and financial framework, and a deteriorating relationship between civil society and the state.

Governments in the region increasingly rely on restrictive measures to suppress civil society, including “foreign agents” laws, smear campaigns, and legal harassment targeting civil society organisations (CSOs), activists, and journalists. In Serbia, arbitrary detentions and heavy-handed policing obstruct protests, while SLAPPs and media censorship escalate threats to independent

journalism. Financial restrictions, such as opaque public funding and burdensome tax regulations, further constrain CSOs, limiting their operational capacity. Weak institutional cooperation sidelines civil society in policymaking, preventing meaningful engagement. Despite these pressures, CSOs persist in advocating for legal reforms, exposing rights violations, and fostering regional solidarity to push back against democratic erosion.

In 2024, the European Commission’s Rule of Law report² included, for the first time, an analysis of the accession countries — Albania, Montenegro, North Macedonia, and Serbia — placing them on equal footing with EU member states and underscoring the EU’s commitment to rule of law reforms in the Western Balkans.³ The report highlights persistent challenges for civil society across the region, including administrative and financial obstacles, limited public consultation in policymaking, and increasing restrictions on media and civic space.

Institutional, political, and socio-economic landscape

CSOs in the Western Balkans operated in a complex and often challenging environment in 2024. The institutional landscape presented numerous obstacles, impacting the rule of law, democratic processes, and access to fundamental rights. According to Freedom House, all six Western Balkans countries are categorised as hybrid or

transitional regimes: Serbia is labelled an “autocratising hybrid”, while Albania, North Macedonia, Montenegro, and Bosnia and Herzegovina are considered “cyclical hybrids” that oscillate between democratic and autocratic tendencies. Kosovo is the only country in the region designated as a “democratizing hybrid,”

1. According to the CIVICUS Monitor ratings: Albania is rated as “narrowed”, Bosnia and Herzegovina is rated as “Obstructed”, Kosovo is rated as “narrowed”, Montenegro as “narrowed”, North Macedonia is rated as “narrowed” and Serbia is rated as “Obstructed”, see more: <https://monitor.civicus.org/>
2. https://commission.europa.eu/publications/2024-rule-law-report-communication-and-country-chapters_en
3. https://balkancsd.net/novo/wp-content/uploads/2024/08/96-1-BCSDN-Analysis_Accession-countries-in-EC-RoL-Report.pdf

indicating its commitment to reforms and the strengthening of democratic institutions.⁴ The decline in respect for citizens' rights, the inadequacies in electoral processes, and the threats to media freedom collectively underscore a pressing need for comprehensive reforms.⁵

Election cycles in 2024 shaped political processes and civil society dynamics, exacerbating challenges in governance, reform implementation, and civil society engagement. In Montenegro, elections disrupted decision making and led to rushed legislative changes, often excluding public input. North Macedonia faced a stalemate, with elections dominating government priorities, while a change of government and preparations for the 2025 local elections continued to stall meaningful advancements. In Serbia, extraordinary elections hampered institutional efficiency, while civil society and media faced harassment and smear campaigns. In Bosnia and Herzegovina, local elections maintained entrenched political divides. The elections were overshadowed by severe floods and landslides, which highlighted both the region's vulnerability and the solidarity shown by CSOs and regional governments providing emergency aid.

The EU enlargement process in the Western Balkans advanced in 2024, with Montenegro and Albania making significant progress. Montenegro became the first candidate to receive a positive Interim Benchmark Assessment Report for the rule of law chapters, and closed three negotiating chapters by December, at the Intergovernmental Conference in Brussels, marking the first such progress after seven years.⁶ However, the lack of final benchmarks to ensure development of civil society is concerning.⁷ With civil society being largely absent from Montenegro's EU accession benchmarks, there is little incentive for the government to strengthen cooperation with CSOs or expand their role in policy making. Albania became the first candidate to open two clusters in two months, while Serbia did not open Cluster 3, due to lack of progress in the rule of law and normalisation of relations with Kosovo. North Macedonia's accession process stalled due to Bulgaria's demands for constitutional amendments, leading the EU to decouple it from Albania. Bosnia and Herzegovina,

the least prepared candidate, saw its reform progress stall mid-year, delaying the opening of accession talks despite initial EU agreement in principle. Kosovo also failed to open talks.⁸

To further support reforms in justice and the rule of law in the region, the EU has introduced new tools for accelerating socio-economic growth in partner countries, such as the €6 billion Reform & Growth Facility for the Western Balkans. However, while these commitments aim to provide tangible benefits for citizens and contribute to a cohesive European future, they risk falling short if not paired with a more consistent and transparent approach to addressing governance challenges and fostering genuine democratic reforms in partner countries.⁹

The effectiveness of the judiciary in protecting fundamental rights varied across the region. In Bosnia and Herzegovina, the National Assembly of Republika Srpska's declaration on the inapplicability of Constitutional Court decisions exacerbated the institutional crisis, undermining judicial independence and the country's unity.¹⁰ While there were efforts to enhance judicial capacities, such as bringing together judges and public prosecutors from Kosovo and North Macedonia, challenges persisted.¹¹ The undermining of judicial independence and democratic institutions further restricted the public space available for marginalised groups to exercise their rights and freedoms. Various segments of the population, including ethnic, racial, religious, gender, and LGBTQI+ minorities, continued to face challenges in exercising their rights and freedoms both offline and online. The public narrative surrounding civil society and rights defenders was mixed. While CSOs played a crucial role in advocating for democratic reforms and human rights, they often faced governmental oppression. In Serbia, CSOs working on democracy and rule of law issues faced threats, with LGBTQI+ and gender rights groups navigating an increasingly hostile environment. A lack of adequate legal actions or judicial proceedings to investigate and prosecute perpetrators highlights deficiencies in protecting marginalised groups and concerns about access to justice.

4. <https://europeanwesternbalkans.com/2024/04/11/freedom-house-democracy-deteriorates-in-the-western-balkans-serbia-faces-the-strongest-decline/>

5. <https://crd.org/2024/03/06/decline-in-civil-rights-and-freedoms-in-serbia/>

6. <https://www.gov.me/en/article/montenegro-doubles-the-number-of-closed-chapters-a-landmark-achievement-on-the-eu-path-giving-fresh-momentum-to-the-enlargement-process>

7. <https://data.consilium.europa.eu/doc/document/AD-13-2024-INIT/en/pdf>

8. <https://europeanwesternbalkans.com/2024/12/28/renewed-eu-enlargement-momentum-and-political-tensions-key-events-in-the-western-balkans-in-2024/#:~:text=The%20process%20of%20EU%20enlargement%20in%20the%20Western,of%20the%20Growth%20Plan%20for%20the%20Western%20Balkans.>

9. <https://balkancsd.net/novo/wp-content/uploads/2024/11/127-4-BCSDN-Background-Analysis-2024.pdf>

10. <https://www.osw.waw.pl/en/publikacje/analyses/2024-02-12/dispute-over-justice-system-bosnia-and-herzegovina>

11. <https://www.ejpa.eu/news/enhancing-judicial-capacities-in-western-balkan-countries/>

Attacks against LGBTQI+ individuals in the region are escalating, driven by hate speech, violence, and institutional neglect. Pride events in southeast Europe, including Sarajevo and Tirana, faced a surge in online hate, highlighting persistent intolerance. While Belgrade Pride saw no major tensions, Serbia showed no progress on LGBTQI+ rights.¹² In Bosnia and Herzegovina and Serbia, dating apps were weaponised to target LGBTQI+ individuals, with underreporting and weak hate crime protections exacerbating the issue.¹³ Despite action plans in Bosnia and Herzegovina, many remain unimplemented, leaving the community unprotected,¹⁴ needing both legal reforms and societal changes.¹⁵ In Banja Luka, city authorities banned the

promotion of LGBTQI+ rights at NGO events. A year after the live-streamed femicide of Nizama Hecimovic, Bosnia and Herzegovina has made no significant legislative changes to address domestic violence or femicide.¹⁶ At the end of 2024, a Proposal on Amendments to the Criminal Law was drafted and is now awaiting parliamentary review. While the proposal introduces stricter penalties, particularly for crimes against children and families, it still fails to classify femicide as a distinct criminal offense. However, the proposal treats femicide as a hate crime. Gender-based violence remains a serious and overlooked issue, demanding all institutions to prioritise protecting women's rights and ensuring their safety.

Regulatory environment for civic freedoms

While the region's countries legally guarantee the three fundamental freedoms — association, peaceful assembly, and expression — in line with international standards, in practice it is far more complex. Violations

predominantly concern freedom of expression, though challenges in the areas of peaceful assembly and association are also increasing, reflecting a gradual erosion of the enabling environment for civil society.¹⁷

Freedom of association

Changes to the main NGO laws in North Macedonia and Montenegro have stalled for over two years, raising concerns about the lack of transparency in the process — particularly in Montenegro — while also affecting CSO financing. Recent changes in Montenegro have resulted in complications for CSOs including longer registration times and increased administrative burdens. In Kosovo the registration process for CSOs was extended, while both Kosovo and North Macedonia exhibited less favourable registration conditions for CSOs compared to businesses, reflecting broader systemic issues. In Albania, registration procedures have become a major challenge for CSOs, as the electronic registration system has not been made functional yet, despite its original deadline being set for the end of 2023.

CSOs across the Western Balkans face challenges under anti-money laundering (AML) and counter terrorism financing (CFT) measures. Albania, North Macedonia, and Serbia classify CSOs as high-risk entities, subjecting them to enhanced due diligence and limiting their financial access. In 2024, Montenegro avoided grey-listing by recognising non-profit organisations (NPOs) as low-risk and clarifying that beneficial ownership only applies to executive directors as opposed to founders. In Kosovo, on the other hand, the new Beneficial Owners Registry misclassifies founders of CSOs as beneficial owners, which will continue to create challenges. Additionally, the restrictive rules on cash donation make it almost impossible to raise funds through in-person crowdfunding, while the sectoral risk assessment that started in 2019 remains unfinished. CSOs in Kosovo are currently subject to extensive reporting requirements, but a new draft AML law proposes removing

¹². <https://www.dw.com/en/belgrade-pride-serbias-lgbtq-fight-on-after-no-progress/a-70151493>

¹³. <https://balkaninsight.com/2024/03/20/dating-app-attacks-in-bosnia-serbia-spread-fear-among-lgbt-people/>

¹⁴. <https://soc.ba/en/joint-submission-of-the-bih-civil-society-initiative-for-upr-for-the-4th-universal-periodic-review-on-the-state-of-human-rights-situation-in-bosnia-and-herzegovina/>

¹⁵. <https://www.rferl.org/a/bosnia-femicide-instagram-protest-funeral/32549075.html>

¹⁶. In August 2023, Nizama Hecimović was murdered by her ex-partner in Gradačac, Bosnia and Herzegovina. The killing was live streamed on Instagram, despite her prior reports of abuse. The attacker killed two more people before taking his own life, sparking nationwide protests against gender-based violence. The case sparked widespread protests demanding stronger protections against gender-based violence: <https://balkaninsight.com/2024/08/09/year-on-from-live-streamed-femicide/>

¹⁷. <https://balkancsd.net/novo/wp-content/uploads/2024/12/89-4-Final-MM-Regional-Report-WBT-2023.pdf>

this classification, pending approval by the assembly.¹⁸ Bosnia and Herzegovina also passed a law excluding CSOs as obliged reporting entities¹⁹ but continued to indirectly restrict their banking services. Some countries have initiated risk-based approaches, signalling progress towards aligning AML/CFT frameworks with international standards to safeguard financial integrity while preserving CSO operations.²⁰

Governments increasingly deploy selective financial and administrative scrutiny against foreign-funded or critical CSOs, exacerbating the hostile environment. Narratives and legislative proposals in Republika Srpska, Montenegro, and Serbia mirror restrictive “foreign agent” laws, stigmatising CSOs and

undermining their legitimacy. In Republika Srpska, the draft Law on the Special Registry and Publicity of Non-Profit Organisations’ Work, which aimed to impose burdensome reporting and compliance requirements on all CSOs receiving foreign funding,²¹ was fortunately withdrawn from parliamentary procedure in May 2024.²² In Montenegro, a similar proposal was tabled by the right-wing party in the ruling coalition, but did not get support from the other political parties.²³ Similarly, a Serbian MP called for restrictions on foreign funding for CSOs, echoing Russian-style “foreign agents” legislation.²⁴ Although none of these initiatives materialised during 2024, and were strongly opposed by the international community, it shows that these narratives are continuously used to intimidate civil society.

Freedom of peaceful assembly

Freedom of peaceful assembly remains relatively protected as peaceful gatherings in most countries proceed largely without interference, except in Bosnia and Herzegovina and Serbia. Online or digitally mediated assemblies are not recognised in legislation, and this bears an inherent risk of restrictive interpretation of the general rules of assemblies, privacy, and data protection.²⁵ In practice, assembly restrictions particularly target activists, LGBTQI+ groups, political opposition, or groups dealing with sensitive topics, underscoring the lack of consistent protections for the right to peaceful assembly. In Republika Srpska (Bosnia and Herzegovina), authorities cancelled two key peace campaign events aimed at promoting open dialogue and challenging dominant narratives. The Serbian police banned the *Mirdita, Dobar Dan* festival, an event promoting regional dialogue and reconciliation, citing security concerns and potential threats from right-wing activists.²⁶ CSOs condemned the ban as a violation of constitutional freedoms.

The most serious restrictions and violations of the right to peaceful assembly in 2024 were noted in Serbia. While the “Serbia Against Violence”²⁷ protest continued in 2024, the biggest protests were sparked by Rio Tinto’s lithium mining project²⁸ and the Novi Sad train station tragedy,²⁹ both exposing deep-rooted issues of government corruption and repression. Both movements have been met with excessive police force and arbitrary detentions, as well as targeted smear campaigns and intimidation, underlining the gravity of democratic erosion in Serbia, where dissent is met with repression and civic freedoms remain under threat.

Although Serbia saw the most anti-government protests in 2024, Albania also witnessed significant unrest. In October, violent anti-government protest erupted in Tirana with opposition supporters clashing with police, throwing Molotov cocktails at government buildings, and demanding a caretaker government amid accusations of authoritarianism and rising political tensions.³⁰

18. Projekligji-per-plotesim-ndryshimin-e-Ligjit-Nr-05-L-096-per-PPP-LF.pdf; https://www.kuvendikosoves.org/Uploads/Data/Documents/PLperparandali-minepastrimitteparavedheluftiminefinanc.tetorizmit_q6myuRvVNu.pdf

19. <https://europeanwesternbalkans.com/2024/02/19/bih-adopts-legislation-related-to-the-prevention-of-money-laundering/>

20. <https://balkaninsight.com/2024/02/19/bih-adopts-legislation-related-to-the-prevention-of-money-laundering/>

21. <https://www.rferl.org/a/republika-srpska-foreign-agents-law-dodik/32890514.html>

22. https://sarajevotimes.com/what-happened-to-the-announced-foreign-agents-law-in-the-republika-srpska/#google_vignette

23. <https://www.vijesti.me/vijesti/politika/727885/ambasada-sad-zakon-o-stranim-agentima-mogao-bi-da-stigmatizuje-nvo-i-omete-kriticki-rad-nezavisnih-medija>

24. <https://www.vijesti.me/vijesti/politika/727885/ambasada-sad-zakon-o-stranim-agentima-mogao-bi-da-stigmatizuje-nvo-i-omete-kriticki-rad-nezavisnih-medija>

25. https://myla.org.mk/wp-content/uploads/2023/01/DIGITALY-MEDIATED-ASSEMBLIES-en-FINAL-web.pdf?fbclid=IwAR2QtSp_0O2C-9lkPc4hngOn3Q_JbFLFVY1X7vLmM4b0ypp4wwPlcnh9O4Q

26. <https://apnews.com/article/serbia-kosovo-festival-banned-mirdita-dobar-dan-e148ca76b7021ea10f85498065026a6>

27. <https://www.euractiv.com/section/enlargement-neighbourhood/news/thousands-protest-fraud-in-serbia-vote-put-hope-in-european-parliament-debate/>

28. <https://www.reuters.com/markets/commodities/serbias-green-activists-rally-against-rio-tinto-lithium-project-2024-06-28/>

29. <https://www.oslobodjenje.ba/vijesti/bih/video-mirni-protest-sarajevskih-studenata-ispred-ambasade-srbije-u-sarajevu-1008898/>

30. <https://balkaninsight.com/2024/10/07/albanian-anti-govt-protesters-throw-molotov-cocktails-clash-with-police/>

Freedom of expression and the right to privacy

Freedom of expression faces systemic threats across the region, particularly in Serbia, Bosnia and Herzegovina, and Albania. Intimidation of journalists and activists, combined with a rising number of defamation charges in Republika Srpska, further undermines freedom of expression and silences critical voices. Legal changes to the Criminal Codes in Bosnia and Herzegovina³¹ and Serbia³² related to slander are worrying and continue to cause problems in 2024. In North Macedonia, there were changes to the law which aimed to enhance protection for journalists by equating attacks on journalists with attacks on public officials. While there has been an improvement in the detection of perpetrators, the overall response to incidents remains unsatisfactory, with investigations being often slow and ineffective, and no indictments being issued against individuals responsible for attacks on journalists or activists. The high level of impunity for these attacks persisted, raising concerns about the safety of civic actors.³³

The decline in press freedom across the Balkans has also been recognised by Reporters Without Borders (RSF),³⁴ which highlights political pressure, attacks on journalists, and media restrictions in the region, with significant concerns over harassment, political influence, and intimidation. The use of strategic lawsuits against public participation (SLAPPs) against CSOs, activists, and journalists in the region continued in 2024 with greater intensity, targeting critical voices. This was especially in Serbia, where the investigative news outlet KRIK faces 16 ongoing lawsuits.³⁵ In another case that drew significant public attention, in Montenegro, the businessman Zoran Bećirović sued the NGO MANS and newspapers *Vijesti* and *Dan* over reports on his suspicious transactions. This case received the People's Choice Award in the first Western Balkans SLAPP Contest³⁶.

One year after the re-criminalisation of defamation in Republika Srpska, Bosnia and Herzegovina recorded 130 charges filed under the contentious law, raising significant concerns about its chilling effect on free speech. Journalists and media workers are among

the primary targets, facing accusations ranging from causing reputational harm to publishing sensitive materials. The law has further enabled the misuse of legal mechanisms to silence dissent and suppress critical journalism, posing a serious threat to freedom of expression in the region.³⁷

Concerns over digital rights and freedom of expression were further amplified by Albania's one-year TikTok ban, announced by Prime Minister Edi Rama,³⁸ set to be implemented in 2025, following the fatal stabbing of a teenager allegedly linked to social media disputes. Critics have highlighted³⁹ the lack of transparency, evidence, and stakeholder engagement in the decision-making process, but also warn that the ban endangers free speech. This move is especially concerning given the upcoming May elections, as TikTok is a platform mainly used by the opposition.⁴⁰

The success of EU initiatives promoting structural reforms relies on the region's governments implementing meaningful changes, especially in media freedom and the protection of civil society. In Serbia, media law reforms intended to signal progress were criticised by civil society and media experts who emphasised that legislative changes alone are insufficient without addressing systemic issues like hate speech and smear campaigns by high-ranking officials, which erode trust and independence. Moreover, the two newly adopted media laws in Serbia,⁴¹ passed at the end of 2023 without adequate consultation, were met with strong expert opposition, raising concerns about government influence and diminished media independence.⁴²

Similar media-related challenges have been noted in other countries. In North Macedonia, the 2024 amendments to the Law on Audio and Audiovisual Media Services lifted the moratorium on state advertising on private media, a practice that was suspended in 2017 and banned by law in 2018.⁴³ The amendments permit state and municipal authorities to advertise on private broadcasters, sparking worries about potential corruption and undue influence. Kosovo's new law

31. <https://n1info.ba/english/news/bosnias-serb-entity-parliament-adopts-controversial-criminal-code-changes/>

32. <https://balkaninsight.com/2024/12/03/legal-experts-sound-alarm-over-rushed-serbian-criminal-code-changes/>

33. <https://mia.mk/story/znm-calls-for-urgent-resolution-of-proceedings-for-violence-against-journalists>

34. <https://balkaninsight.com/2024/05/03/balkan-states-fall-in-press-freedom-rankings/>

35. <https://balkaninsight.com/2024/05/03/balkan-states-fall-in-press-freedom-rankings/>

36. <https://balkanfund.org/regional-cooperation/the-winners-of-the-first-western-balkans-slapp-contest-in-the-spotlight>

37. <https://www.frontlinedefenders.org/en/case/human-rights-journalist-faces-defamation-lawsuit-exposing-corruption>

38. https://www.politico.eu/article/teens-murder-drives-albania-ban-tiktok-one-year-edi-rama-stabbing-violence/?utm_source=Facebook&utm_medium=social&fbclid=IwY2xjawHWJ7xleHRuA2FlbQlXMQABHe4uRcb7j-HOBgsEOuxH23LX8j-avHdH6hEjwcjyB9gK4Kf_EEm0tgYqg_aem_LKynH9ftm-CJrq58X4eWOHg

39. <https://scidevcenter.org/2024/12/23/scidevs-statement-regarding-the-decision-to-block-access-to-tiktok-in-albania-for-one-year/>

40. <https://www.europeancorrespondent.com/r/child-safety-or-censorship-albanias-tiktok-ban-raises-concerns/>

41. <https://balkaninsight.com/2023/10/26/serbian-parliament-adopts-controversial-media-laws/>

42. <https://rsf.org/en/serbia-must-revise-media-reforms-respond-disinformation-challenges-line-eu-calls>

43. <https://balkaninsight.com/2024/02/29/north-macedonia-ends-ban-on-state-ads-in-private-media/>

on the Independent Media Commission,⁴⁴ passed in July 2024, raised the alarm for undermining media freedom, as it increases government control over media regulation, mandates the registration of online media, and imposes severe fines of up to €40,000 for violations of the law.⁴⁵ In Republika Srpska, concerns have been raised about the lack of transparency in the legislative process for the media law, which is set to be introduced in the first quarter of 2025.⁴⁶ These concerns include proposals to exclude CSOs involved in media projects and those operating portals as media outlets from a proposed media register, a move that could further jeopardise independent journalism and media freedoms.

Journalists across the Western Balkans face increasing threats and harassment, highlighting a troubling decline in media freedom. In North Macedonia, a journalist was detained and allegedly assaulted by police while covering a football match, sparking outrage among media freedom organisations.⁴⁷ In Albania, political pressure continues to compromise press independence,⁴⁸ with

officials threatening journalists over critical reporting and smear campaigns targeting media professionals, including intimidation against women journalists.⁴⁹ In Kosovo, accusations of Serbian influence on local media escalated tensions, as the Kosovo Journalists' Association condemned MPs for sharing an article with propagandist tones, describing the incident as an intimidation campaign against journalists.⁵⁰ Attacks against journalists persist in Montenegro, with the latest attack coming from a businessman connected to political elites.⁵¹ Online harassment of journalists remains a significant issue, particularly in Albania⁵² and North Macedonia, with women journalists facing heightened hate speech and threats on social media.⁵³ In Bosnia and Herzegovina, independent journalism continues to be challenged by ongoing pressures and cyberattacks on media outlets and organisations, along with direct threats targeting journalists. These patterns of hostility undermine freedom of media and expression, emphasising the need for accountability and stronger protection for media workers across the region.

Safe space

Civil society actors in the Western Balkans faced numerous challenges throughout the year, including verbal, physical, and online attacks. For instance, in Kosovo, an online smear campaign targeted individuals critical of the ruling party, Vetevendosje. The campaign was condemned by civil society activists, experts, and politicians across the region.⁵⁴ Government-affiliated actors in Bosnia and Herzegovina and Serbia continued to create intimidating environments, deterring civic engagement and reinforcing the lack of accountability for threats or attacks on civil society representatives. Activists in Serbia faced escalating arbitrary detentions during protests, often involving plainclothes officers acting without proper identification. Human rights activists have also been increasingly detained at the borders, signalling targeted harassment and intimidation of defenders working on Serbia-Kosovo

reconciliation.⁵⁵ Sofija Todorović, Director of the Youth Initiative for Human Rights, was detained at Serbia's borders on several occasions, facing prolonged interrogations without explanation — an attempt to intimidate human rights defenders and obstruct their work.

Smear campaigns led by top officials and the publishing of CSOs' financial data in the media have heightened political tensions in Serbia.⁵⁶ Alarming, the national public broadcaster, close to the governing authorities, failed to report on the massive protests, further silencing civil society voices. In Montenegro, negative rhetoric from some government members, including public verbal attacks on CSOs, was documented and openly criticised. The vilification of CSOs as "foreign agents" emerged as a concerning trend. Proposals for a foreign agents law and intensified of this narrative

44. <https://balkaninsight.com/2024/07/11/kosovo-mps-adopt-independent-media-commission-law-despite-misgivings/>

45. <https://www.ecpmf.eu/kosovos-media-law-enables-political-capture-of-media-regulatory-body/>

46. <https://www.media.ba/bs/magazin-novinarstvo/novi-zakon-o-medijima-u-rs-u-jos-jedan-udar-na-medijske-slobode>

47. <https://europeanjournalists.org/blog/2024/05/10/north-macedonia-we-urge-authorities-to-cess-harassment-of-journalist-furkan-saliu/>

48. https://safejournalists.net/portfolios/safejournalists-concerns-over-decision-made-by-albanian-supreme-court-regarding-case-of-journalist-elton-qy-no/?fbclid=IwAR3kaBJwW8mUOVT8qAa3MZ0_nHmrXua4yvpXDCIzbWV_HDA8eTBqvAyy5IM_aem_AQ5TpTvj6c5H_ySeBGKjZWAZCL9y0Muq_yLjX1n-zOeFzDjQ1Tq55C4nYa0KID0_fbs

49. <https://balkaninsight.com/2024/03/19/albanian-pms-intimidation-of-woman-journalist-condemned/>

50. <https://kossev.info/investigative-journalism-or-intimidation-of-journalists/>

51. <https://www.vijesti.me/vijesti/crna-hronika/732248/napad-na-anu-raickovic-i-njenog-sina-vrijedjali-cupali-udarali-i-gusili>

52. <https://www.mapmf.org/alert/32036>

53. <https://safejournalists.net/alert/safejournalists-urgent-call-to-address-online-threats-against-lepa-dzundeva-and-other-journalists-in-north-macedonia/>

54. <https://balkaninsight.com/2024/03/13/smear-campaign-against-critics-of-kosovo-ruling-party-condemned>

55. <https://balkaninsight.com/2024/09/02/serbia-urged-to-stop-illegally-detain-activists-on-borders/>

56. <https://informer.rs/politika/vesti/971109/nikola-ristic-placanje-inostranstvo>

led to stigmatisation and posed significant challenges to civil society, particularly organisations working on sensitive issues such as LGBTQI+ rights, anti-racism, women's rights, and migrant rights.⁵⁷

Digital freedoms in the region are inconsistently upheld. Cybersecurity remains a concern, yet countries like Kosovo, Montenegro, and Albania have made progress by establishing strong frameworks for cybersecurity and communication. Albania's national cybersecurity strategy emphasises safeguarding privacy and fundamental rights, and in September 2024, it became the 36th member of the European Centre of Excellence for Countering Hybrid Threats to address cyberattacks and disinformation.⁵⁸ Kosovo's amended Criminal Code, published in November 2023,⁵⁹ introduced a chapter on cyber crimes, including provisions on hate speech via computer systems.

Reports of unjustified monitoring in Albania and Kosovo remain limited, reflecting stronger privacy adherence. However, challenges persist. In Republika Srpska, the government proposed — and later withdrew — legislation equating online speech with public speech, highlighting the region's struggle to balance regulation and freedoms.⁶⁰ In Serbia, authorities have been accused of using surveillance technology and digital repression tactics against civil society. Amnesty International reported that Serbia's secret service and police have been spying on journalists and opposition activists by installing spyware on their mobile phones.⁶¹ This has raised serious concerns about state control and repression directed against civil society.⁶²

SLAPPs remain a pervasive issue across the Western Balkans, particularly in Serbia, where activists and journalists face numerous cases aimed at silencing dissent. Investigative outlet KRIK and its journalists have been targeted⁶³ with lawsuits demanding financial damages, criminal penalties, and occupational bans for their reporting on judicial transparency, threatening its livelihood and leading to self-censorship.⁶⁴ These lawsuits exemplify the use of legal

intimidation to suppress critical voices and investigative journalism. To address this growing trend, BCSDN conducted the region's first comprehensive research on SLAPPs, highlighting the need for early detection, legal frameworks, and better protections for civil society actors.⁶⁵ As per the report, Bosnia and Herzegovina, Serbia, and North Macedonia rank among the top ten European countries for SLAPP cases, with Bosnia and Herzegovina reporting 53 cases in 2023 alone, Serbia recording around 250 cases in one year, and North Macedonia seeing defamation lawsuits double between 2021 and 2022.

A promising step forward is the proposed law in Bosnia and Herzegovina, which includes anti-SLAPP provisions to dismiss baseless lawsuits early and protect activists and journalists engaged in public debates. The draft law has passed the house of representatives and is currently awaiting a vote in the house of peoples.⁶⁶ Both this development and the dismissal of defamation charges against the eco-activist Harija Čobo in the country marks important progress. Nonetheless, SLAPPs remain widespread across the region due to a lack of specific legal frameworks to recognise and address them, with detrimental effects on civic actors. Many organisations have reduced or redirected their activities due to mounting pressure, with activists experiencing severe psychological stress, burnout, and financial strain.

In North Macedonia, anti-gender movements have gained prominence by opposing gender-sensitive education reforms and LGBTQI+ rights.⁶⁷ These groups, often supported by religious institutions, use disinformation and fearmongering to influence public opinion, portraying gender equality initiatives as threats to traditional family values.⁶⁸ Their tactics include organising protests, disseminating misleading narratives, and pressuring institutions to retract support for gender-related topics. This environment has led to increased harassment of human rights activists and a chilling effect on discussions about gender and sexuality in the public sphere.

57. <https://balkancsd.net/foreign-agents-laws-vs-dynamic-accountability-how-csos-can-defend-civic-space/>

58. <https://scidevcenter.org/2024/09/14/scidev-welcomes-albanias-membership-in-the-european-centre-of-excellence-for-countering-hybrid-threats-hybrid-coe/>

59. <https://balkancsd.net/novo/wp-content/uploads/2024/12/89-4-Final-MM-Regional-Report-WBT-2023.pdf>

60. <https://balkancsd.net/novo/wp-content/uploads/2024/12/89-4-Final-MM-Regional-Report-WBT-2023.pdf>; https://civilnodrustvo.ba/wp-content/uploads/2024/10/88-4-BIH-MM-Report-2023-final_11.10.2024.pdf; <https://civilnodrustvo.ba/kratki-spoj-internet-nije-javno-mjesto/>

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62. https://edri.org/our-work/serbian-authorities-must-prosecute-illegal-hacking-of-journalists-and-activists/?fbclid=IwZXh0bgNhZW0CMTEAAR1bp-bBImVgNjdWByb15B1PveS3zv1_b7OVuytf09-gakfzqgP2f2xyzHQ_aem_HE-k7nTfj3maCvll2ajtRg

63. <https://www.portal-ostro.hr/hr/price/bojana-pavlovic-kada-ste-svima-pozeljni-znaci-da-ne-radite-ovaj-posao-kako-treba>

64. <https://www.cenzolovka.rs/pritisci-i-napadi/hoces-li-se-izboriti-verice/>

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Financial viability and sustainability of civil society

Across the Western Balkans, CSOs are navigating a complex landscape of regulatory changes, bureaucratic inefficiencies, and financial uncertainties, posing substantial limitations on their operations and development. While some progress has been made in enhancing operational conditions for non-profits, significant hurdles in the tax framework, public funding reforms, and transparency remain.⁶⁹

Tax-related challenges are a recurring issue for CSOs in the region.⁷⁰ In Albania, the introduction of a 0% VAT policy for foreign-funded projects, intended to streamline operations, has instead increased administrative burdens due to complex registration requirements and cumbersome procedures for every purchase.⁷¹ This has raised operational costs and hindered CSOs' work. Efforts to address these challenges are underway, with potential amendments expected in 2025. In Serbia and Bosnia and Herzegovina, hidden taxes such as inflated bank charges on international donations reduce grant income. Similarly, unclear guidelines and cumbersome procedures for tax incentives discourage corporate and individual giving, leaving CSOs underfunded.

In most countries, the existence of laws or national policies specifically dedicated to public funding for CSOs is either inconsistent or incomplete. For instance, in Bosnia and Herzegovina, the recent draft law on NGO financing has been criticised for untransparent development processes and provisions that overlap with existing legislation. Efforts are underway to develop unified and transparent criteria for public funding allocation across ministries in Bosnia and Herzegovina, addressing inconsistencies and lack of access to information. Similarly, efforts to amend the financial and legal framework for civil society are ongoing but notably delayed in North Macedonia. Montenegro is the only country where there is a legally stipulated percentage of 0.5% of the state budget that should be allocated to CSOs. Nevertheless, allocations often fall below this threshold (e.g. 0.23% in 2023, with

additional funds released only after public pressure), which not only undermines reliability and predictability, but also violates the Law on NGOs.⁷²

Of further concern is the lack of transparency and accountability in the distribution of public funds across the region. In Bosnia and Herzegovina, Montenegro, and Serbia, CSOs have raised concerns about politically aligned or phantom organisations benefiting from public funds. In North Macedonia and Kosovo, on the other hand, a significant portion of the state funds has been directed to sports associations,⁷³ as well as services or even political parties, blurred within the broader transfer lines dedicated to NGOs.

CSOs in Serbia filed a criminal complaint over a year ago regarding the misuse of millions of euros from public tenders by the family care and demography ministry,⁷⁴ but no charges have been brought yet, despite evidence of misuse. According to the coalition "Open about Tenders," while there has been a rise in funding allocations, these disproportionately benefit a select few organisations — some of which lack transparency, expertise, or public visibility. Concerns include favouritism, mismanagement, and the absence of proper oversight, all of which undermine the equitable and effective use of public resources.⁷⁵

Due to the inadequacy of public funding forces, many CSOs have to depend on foreign donors, whose project-based approaches often involve lengthy approval processes and are less adaptable to immediate needs. Private funders and local foundations, on the other hand, provide more flexible support, including general and institutional grants — funding notably missing from the state support to CSOs. These funders also maintain dedicated emergency funds accessible to a broader range of organisations; however, access to such support remains limited. Finally, local foundations and re-granting organisations provide a balanced

69. <https://balkanecsd.net/novo/wp-content/uploads/2024/12/89-4-Final-MM-Regional-Report-WBT-2023.pdf>

70. <https://balkanecsd.net/novo/wp-content/uploads/2024/12/89-4-Final-MM-Regional-Report-WBT-2023.pdf>

71. <https://balkanecsd.net/novo/wp-content/uploads/2023/07/Monitoring-Matrix-on-Enabling-Environment-for-CSOs-Development-Country-Report-for-Albania-2023.pdf>

72. <https://www.vijesti.me/vijesti/drustvo/636534/crnvo-predlogom-zakona-o-budzetu-grubo-se-krsi-zakon-o-nvo?fbclid=IwAR2uNndASyJ1V7P3txKlsbyZlo-dF-2kO9XyYkjbXDPa7EjtlhHaDFjZ3HA>

73. https://mcms.mk/mk/vesti-i-javnost/vesti/2586-finansiranje-na-gragjanskite-organizacii-od-opshtinske-budzheti-najmnogu-fokusirano-na-sportskite-druzhenija.html?fbclid=IwY2xjawE0Cy9leHRuA2FlbQlxMAABHXin-VPI94VUbouM55vrKws6wKtC0mCcstr-gpf-B8mLZYU7ofodimOS-rQ_aem_ntb_1VzywUGXNtvQIKSFeg

74. <https://www.gradjanske.org/godinu-dana-nicega-milionske-zloupotrebe-na-javnim-konkursima-nevidljive-za-tuzilastvo/>

75. <https://www.gradjanske.org/kako-vlast-trosi-novac-gradjana-na-konkursima-sredstva-za-udruzenja-rodbine-i-prijatelja/>

model, offering general or institutional support while also maintaining dedicated funds that are accessible to a wider range of organisations.⁷⁶

Finally, although human capital is vital for CSO sustainability, most countries lack legislative frameworks that actively support or regulate volunteering and employment in the sector. While discussions on labour rights, such as establishing civil sector unions in Bosnia and Herzegovina, are ongoing, countries like

Kosovo, Montenegro, and Albania are making progress with policies and strategies to promote volunteer engagement. Notable steps include Albania's draft law on voluntarism, which requires further refinement, Kosovo's ongoing volunteering policy development, and Montenegro's pledge within the youth strategy to introduce a volunteer registry and youth-focused initiatives.⁷⁷ However, progress remains uneven, as seen in Bosnia and Herzegovina, where labour law consultations excluded CSOs from official processes.

Civil dialogue and the right to participation

Over the years, the participation and meaningful involvement of civil society in public dialogue and policymaking processes in the Western Balkans have steadily declined, threatening to undermine democracy and restrict civil society's ability to advocate for social change. Strategies for civil society development and cooperation exist in all countries, yet their implementation is largely unsatisfactory, with ineffective monitoring frameworks.

In addition to the ongoing consultations on the first-ever strategy for an enabling environment for civil society in Bosnia and Herzegovina, new strategies are currently under consultation in Albania and Kosovo, despite the fact that progress in implementing existing strategies is limited. In Albania, civil society has raised concerns over the vague language, unclear timelines, and inadequate consultation processes of the new strategy, compounded by limited dialogue with CSOs and a lack of public reporting on implementation. Similar challenges persist in Montenegro and North Macedonia. In Serbia, despite the adoption of its first CSO-focused strategy in 2022, difficulties in collaborative policymaking remain due to the lack of consistent implementation and monitoring. These setbacks underscore a broader regional trend where civil society development is not prioritised by Western Balkans governments.

Intersectoral cooperation and trust remain stagnant. In Montenegro and North Macedonia, councils for state-CSO cooperation have been non-functional for nearly three years.⁷⁸ In Montenegro, efforts to reactivate the council have failed due to low CSO participation and a lack of trust in the council's efficacy.⁷⁹ A significant deterrent has been the interpretation of anti-corruption laws, equating CSO representatives with public officials, creating reporting and administrative burdens. In North Macedonia, CSOs have boycotted the Council since March 2022.⁸⁰ However, the new government has initiated consultations on reactivating the Council, with a draft decision underway, while an open call for selection of 14 members of the Council representing CSOs was launched at the beginning of 2025.⁸¹ Amendments to the main law on CSOs are expected to define the roles and responsibilities of the Council, but the working group tasked with this effort remains inactive.

Serbia's establishment of the Council for Creating an Enabling Environment for Civil Society, once promising, has stagnated due to delays linked to snap elections and delayed membership appointments. Civil society participation in Serbia is often symbolic, with CSOs included in consultations and working groups as a formality, but their input largely disregarded.⁸² CSOs are seldom recognised as key actors, with data and insights on the beneficiaries targeted by specific legislation. Civil society actors are even labelled as political opposition in some cases, further marginalising their role.

⁷⁶. https://peacenexus.org/wp-content/uploads/2024/11/Supporting-Activism-in-Times-of-Crisis_Final.pdf

⁷⁷. <https://balkanicsd.net/key-civil-society-developments-in-the-western-balkans-and-turkiye-insights-from-2023-and-2024/>

⁷⁸. <https://balkanicsd.net/key-civil-society-developments-in-the-western-balkans-and-turkiye-insights-from-2023-and-2024/>

⁷⁹. <https://balkanicsd.net/novo/wp-content/uploads/2023/07/Monitoring-Matrix-on-enabling-environment-for-civil-society-development-Country-Report-Montenegro-2023.pdf>

⁸⁰. https://balkanicsd.net/novo/wpcontent/uploads/2024/11/Country_Report_for_2023_MM_in_North_Macedonia.pdf

⁸¹. <https://www.nvosorabotka.gov.mk/?q=mk%2Fnode%2F1030>

⁸². <https://balkanicsd.net/new-bcsdn-policy-brief-why-civic-space-must-be-an-eu-accession-priority/>

Across the region, national consultations reveal common obstacles: short timelines, restricted access to information, and inadequate feedback mechanisms.⁸³ In Kosovo, once a regional leader in civil society inclusion, participation has sharply declined due to accelerated legislative processes as the government nears the end of its term. Additionally, CSOs have been excluded from working groups, and the online consultation platform has been non-functional, further obstructing engagement. In Montenegro, public participation in policymaking has suffered due to rushed legislative changes linked to the EU accession process. Poorly managed consultations at both national and local levels resulted in low participation, with the EU's focus on benchmarks rather than inclusive processes reducing pressure on governments to engage CSOs.

Legal and procedural barriers continue to hamper access to public information for civil society and citizens across the region, with bureaucratic obstacles

and a lack of transparency impeding timely access to information and informed participation in public affairs. Meanwhile, digital tools for civic participation have gained traction, with the Regional School of Public Administration (ReSPA)⁸⁴ highlighting their potential to enhance inclusivity and transparency. However, the effectiveness of these tools remains uneven, as digital literacy gaps and unequal internet access pose barriers for certain groups.⁸⁵

The presence of “government-organised non-governmental organisations” (GONGOs) further complicates the landscape. There are concerns that these entities, often seen as extensions of governmental influence, are undermining independent civil society efforts, particularly in advocacy for women's rights and LGBTQI+ rights. By promoting state-aligned narratives, GONGOs risk marginalising genuine advocacy initiatives, while draining public funding allocated to NGOs.

Civil society resilience

Despite growing state restrictions that obstruct the work of CSOs and affect the level of public trust in civic actors, the resilience of civil society continues to drive efforts to advance democracy, the rule of law, and fundamental rights. Joint initiatives by CSO coalitions at national and regional level have enhanced information sharing, strengthened joint advocacy efforts, and provided mutual support to counter threats to civic space and protect fundamental freedoms.

Collaboration, networking, and coalition-building within the sector have seen encouraging progress, with CSOs increasingly working together across various thematic areas. Initiatives such as North Macedonia's Civica Mobilitas programme,⁸⁶ Serbia's Act programme,⁸⁷ the regional Engaged Democracy Initiative by the European Fund for the Balkans, and SMART Balkans, provide strategic and rapid support to CSOs, strengthening their efforts to protect civic space. In Serbia, Civic Initiatives launched an urgent support programme to

strengthen civil society resilience and offer immediate assistance in response to adverse changes affecting civil society.⁸⁸

A variety of global, regional, and local donors offer emergency support to activists, informal groups, and organisations in the Western Balkans region. However, information about such support is often scattered and accessible only through personal networks, making it difficult for activists in crisis to obtain it. Activists and organisations facing emergencies often lack the time, knowledge, or skills to navigate these resources. While support for physical relocation due to attacks is less common, there is a growing demand for assistance with digital and cyberattacks, as well as legal aid, particularly in response to the rise of SLAPPs.⁸⁹ Recognising the severity of this issue in Serbia, a national anti-SLAPP coalition was formed, inspiring BCSDN to launch the first regional anti-SLAPP coalition aimed at resource sharing, collaboration, and communication, following a regional multi stakeholder conference on the topic.⁹⁰

⁸³. <https://balkancsd.net/new-bcsdn-policy-brief-why-civic-space-must-be-an-eu-accession-priority/>

⁸⁴. <https://respaweb.eu/0/news/703/respaweb-panel-at-the-egpa-2024-conference-insightful-discussion-about-the-potential-of-digital-tools-in-enhancing-inclusivity-and-transparency-across-the-policy-making-in-the-western-balkans>

⁸⁵. <https://respaweb.eu/0/news/703/respaweb-panel-at-the-egpa-2024-conference-insightful-discussion-about-the-potential-of-digital-tools-in-enhancing-inclusivity-and-transparency-across-the-policy-making-in-the-western-balkans>

⁸⁶. <https://civicamobilitas.mk/en/>

⁸⁷. <https://act.org.rs/en/#:~:text=ACT%20addresses%20the%20challenges%20of%20civic%20activism%20in,relations%20with%20citizens%20and%20enhancing%20their%20networking%20capacities.>

⁸⁸. <https://www.gradjanske.org/otvoren-fond-za-urgentnu-podrsku/>

⁸⁹. https://peacenexus.org/wp-content/uploads/2024/11/Supporting-Activism-in-Times-of-Crisis_Final.pdf

⁹⁰. <https://balkancsd.net/united-against-slapps-strategies-for-defending-freedom-of-expression-in-the-western-balkans-2/>

The first Western Balkans SLAPPs contest was organised in November 2024 to raise awareness on SLAPPs and foster a culture of accountability by drawing attention to those who misuse legal avenues to repress civic actors.⁹¹

The resilience of civil society in the region is evident in grassroots mobilisation and advocacy efforts, particularly in Serbia, where citizen-led movements have pushed for transparency and accountability on national and EU level. In 2024, grassroots groups like Polekol and Svice continued mobilising citizens and organising mass protests against electoral irregularities, corruption and anti-democratic practices. These have been supported by initiatives like Borba, Proglas, CRTA, and campaigns such as “Ferka” and “Dokle više,” which boosted civic engagement and voter participation. Attention to the issue of electoral transparency was brought from street-level demonstrations to the institutional level, with Serbian CSOs leading advocacy efforts in Brussels.⁹² This contributed to a European Parliament resolution addressing election procedural deficiencies.⁹³ In October 2024, BCSDN facilitated high-level advocacy meetings with EU institutions in Brussels, highlighting the crackdown on civic freedoms following massive protests⁹⁴ and urging the EU to stand with Serbian citizens demanding accountability.⁹⁵ Civic Initiatives provided activists participating in the protests with legal and emergency aid through tools such as the ŠTIT Activist Card.⁹⁶

National civil society initiatives underscore the importance of cooperation and collective action. For instance, in Bosnia and Herzegovina, CPCD organised CIVILKA to strengthen the legitimacy and representation of civil society,⁹⁷ and co-organised the “Now is the Right Time” meeting with the Institute for Development and EU Integration (IREI), to mobilise efforts towards EU integration.⁹⁸ This resulted in a declaration, signed by over 90 stakeholders, emphasising the need for high-quality reforms to accelerate EU negotiations. Civil society resilience and mutual solidarity were also evident following devastating floods that claimed 27 lives and displaced many. CSOs led by humanitarian organisations provided monetary aid and emergency services, fostering unity in the face of tragedy, supported by regional governments.⁹⁹

At the regional level, BCSDN called for CSOs to support the continuation and expansion of the Enlargement Candidate Members’ Initiative (ECMI), a European Economic and Social Committee (EESC) pilot project integrating civil society voices from EU candidate countries into EU decision-making processes, while also advocating for Kosovo’s inclusion in future phases.¹⁰⁰ The initiative gained more than 100 signatures across the region.

⁹¹. <https://balkanfund.org/regional-cooperation/the-winners-of-the-first-western-balkans-slapp-contest-in-the-spotlight>

⁹². <https://balkanfund.net/civic-uprising-resilient-response-to-electoral-challenges-in-serbia/>

⁹³. <https://www.europarl.europa.eu/news/en/press-room/20240202IPR17327/serbia-did-not-fulfil-its-commitments-to-free-and-fair-elections-say-meps>

⁹⁴. <https://balkanfund.net/serbian-csos-urge-government-to-end-repression-against-csos-and-activists-and-respect-basic-freedoms/>

⁹⁵. <https://balkanfund.net/bcsdn-leads-high-level-advocacy-visit-to-brussels/>

⁹⁶. <https://www.gradjanske.org/prijavi-se-za-aktivisticku-karticu-stit/>

⁹⁷. <https://civilnodrustvo.ba/treca-civilka-u-fokus-stavila-reprezentativnost-i-legitimnost-u-civilnom-sektoru/>

⁹⁸. <https://civilnodrustvo.ba/potpisite-deklaraciju-civilnog-drustva-zelimo-korak-dalje-ka-eu/>

⁹⁹. <https://balkanfund.net/bcsdn-solidarity-after-the-devastating-floods-in-bosnia-and-herzegovina/>

¹⁰⁰. <https://balkanfund.net/wbt-csos-call-for-the-continuation-and-expansion-of-eescs-initiative-that-formally-involves-csos-from-eu-candidate-countries/>

Recommendations

TARGETED RECOMMENDATION

- ➔ Urgently institutionalise systematic and meaningful consultation processes, ensuring CSOs' mandatory structured participation in EU integration and reform agendas through functional mechanisms in all countries.
- ➔ Implement binding benchmarks to assess the enabling environment for civil society, including fundamental freedoms and financial viability, as integral elements of the enlargement process.
- ➔ Ensure that freedoms of peaceful assembly, association and expression are legally guaranteed.
- ➔ Repeal restrictive laws and "foreign agent" narratives, and ensure national legal frameworks align with international standards to protect fundamental freedoms.
- ➔ Implement measures to enhance basic freedoms, protect activists and CSOs from harassment, smear campaigns, and cyberattacks, and publicly condemn restrictive legislation and violations of civic freedoms to reinforce commitment to democratic principles.
- ➔ Take steps to address SLAPP lawsuits through anti-SLAPP legislation, in line with the EU's Anti-SLAPP Directive and Council of Europe recommendations.
- ➔ Implement a risk-based approach to AML/CFT regulations to improve CSO access to banking services without imposing undue restrictions.
- ➔ Take steps to strengthen the financial viability of civil society through transparent public funding mechanisms that prioritise institutional support over project-based funding, simplified tax systems, alleviation of VAT burdens, and the finalisation and implementation of supportive financial laws, such as those on donations and sponsorships.

About the author

Initiated in 2001 and formalised in 2009, the **Balkan Civil Society Development Network** (BCSDN) is a regional network uniting 12 CSOs from 9 Balkan countries with a focus on promoting civil society development. We are particularly proud of the work we have achieved in the field of monitoring the enabling environment for civil society through our Monitoring Matrix methodology and our evidence-based advocacy. BCSDN supports regional civil society cooperation towards protecting and expanding the civic space in the Western Balkans, and advocates for financial support to civil society to be responsive to civic space challenges and support the development of a strong civil society.





About European Civic Forum

European Civic Forum (ECF) is a pan-European network of nearly 100 associations and NGOs across 29 European countries. Founded in 2005 by our member organisations, we have spent nearly two decades working to protect civic space, enable civic participation and build civil dialogue for more equality, solidarity and democracy in Europe.



About Civic Space Watch

Civic Space Watch is an online platform that gathers data and reports on developments in civic space at the national and EU level and analyses national and European trends in civic space. Powered by the European Civic Forum, it collects findings through regular contact and interviews with a strong network of members and partners on the ground, as well as ongoing media and social media monitoring.



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