



Civic Space Report 2023

**FIGHTING FOR
DEMOCRATIC
EMPOWERMENT
AND RESILIENCE**

EUROPEAN
CIVIC
FORUM



CIVIC
SPACE
WATCH





About European Civic Forum

European Civic Forum (ECF) is a pan-European network of nearly 100 associations and NGOs across 29 European countries: big federations of associations, national platforms uniting hundreds of thousands of NGOs, and smaller groups working at community level or engaging with the public on local issues.



About Civic Space Watch

Civic Space Watch collects findings and analyses from actors in Europe on the conditions for civil society to operate, capturing national and trans-European trends in civic space. Through ongoing monitoring of social media and regular contact and interviews with a strong network of members and partners on the ground, we strive to provide easy access to resources and improve information sharing within civil society across Europe with, policy-makers and the media.

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SUMMARY

As European institutions are aiming to look at how to strengthen democracy and the rule of law in Europe, the root causes of democratic erosion must be properly diagnosed and much-needed policy solutions to tackle the issue. The European Civic Forum's, new report launched on 16 March 2023, 'Civic Space report 2023: Fighting for Democratic empowerment and resilience' provides an analysis of overall civic space trends in the EU and recommendations on what EU institutions must do to tackle the weakening of democracy. It also includes 14 country reports written by national watchdog organisations and experts.

Democratic resilience requires both good *inputs* and good *outputs*.

Good *outputs* are the public policies that answer people's needs, concerns and hopes for the future and provide effective access to fundamental rights as defined by article 2 TEU.

Participatory mechanisms which enable diverse voices to contribute to the democratic debate and a robust rule of law infrastructure are the key tools for making people's needs heard by institutions. Therefore these *inputs* can decisively contribute to making good policy-making possible.

Today democracy in Europe is facing pressure both on its inputs, as democratic backsliding unfolds across the EU, and its outputs, as many fear for their future and increasingly mistrust national institutions' ability to deliver policies that will protect them.

Civil society actors are part of what makes democracy alive, and as a result, are targets when democracy is under attack

Civil society is a cornerstone of democracy and rule of law. In the context of Russia's aggression against Ukraine and during the COVID-19 pandemic, we are reminded that with limited means and power, civil society organisations and volunteers help people in need, contributing to strengthening the trust in democracy. They advocate for the common good and to ensure laws are not driven by pursuits of corporate interest and profits.

But across the EU, NGOs, associations and movements are experiencing pressures and challenges faced with the erosion of democratic processes and breaches of the rule of law. This includes restrictive legislation hampering civic freedoms; smear campaigns, verbal and physical attacks and legal harassment against human rights defenders and their organisations; over bureaucratisation of funding, especially EU funding, and lack of accessible funding for grassroots CSOs acting for human rights and rule of law which leads to poor financial sustainability of the sector.

Those most affected are groups whose access to rights is frequently denied, including LGBTQI+ people, refugees and asylum seekers, ethnic and religious minorities and crucially people of low socio-economic background as well as women whose basic rights are under attack.

Overall, there is a tendency to shift from recognising civic freedoms and civil society as means to ensure social cohesion and democracy, to looking at civic actors as entities that are presumed guilty of foreign interference, lack of transparency or smuggling and that need to be supervised and,

sometimes, restricted under the guise of promoting transparency and security. It is worrying that narratives that legitimise restrictive legislation and attacks against CSOs at the national level have been echoed in the European institutions - promoted by certain Member States and corporations' lobbying groups - under the guise of protecting democracy from foreign interference. **The upcoming directive on covert foreign interference should not further stigmatise, restrict or put the burden on the entire NGO sector** with the aim of addressing a phenomenon that is limited in scope.

Additionally, at the European level and in many Member States the implementation of civil dialogue and participation of CSOs in policy-making at the national level is often "ad hoc", "informal", or "tokenistic". Public consultations, which are less effective than other mechanisms, are often the main avenue for civil society to provide input on proposed legislation, within short timeframes.

To defend democracy and the rule of law, the EU needs to invest in its democratic resilience

Strengthening democracy requires a shared commitment of European institutions and member states.

First and foremost, it requires putting in place **coherent policies which link economic and social issues to respond to the vulnerabilities and insecurities in our societies** such as policies which combat social, cultural or regional inequalities, economic precariousness and redistributive policies aimed at solidarity, inclusiveness, social security and equality. European institutions must recognise democracy, the rule of law, and fundamental rights policies as interlinked with economic and financial ones.

In order to move decisively in this direction, participatory mechanisms must be strengthened at both the EU and national levels. True participation means that concerns are listened to and addressed through policy-making. Beyond consultations and citizens' assemblies, there is a need for **civil dialogue to be recognised and organised on an equal footing with social dialogue** in the EU's policy-making, in all areas of EU action and along all policy cycles. The full social and environmental impacts of national and EU legislation would be better balanced with economic aims, and fundamental rights would be taken into account more adequately when designing legislation and policies. Better and fairer policies would create more fertile ground for trust in democratic institutions. The EU must not miss the opportunity to give substance to the implementation of art. 11.2 of the Treaty of the EU, and include clear wording and commitment to civil dialogue in its recommendations on civic engagement part of the upcoming Defence of Democracy package.

Finally, strong democracies with a functioning rule of law rest on vibrant civic space. It is crucial that civil society actors are supported, protected and empowered and that their inputs are considered fundamental for policy-making. In the short-term, the EU Commission should **review the Citizens, Equality, Rights and Values (CERV) Programme** to unlock its full potential and **establish a protection mechanism** to allow civil society to report on attacks and receive direct assistance. In the long-term, the European institutions must commit to **a European Civil Society Strategy** developing

a vision towards the development of an open civic space and resilient civil society, giving genuine political recognition to the crucial role played by CSOs.

This is crucial in order to rebuild popular support for democracy, protect civic space and restore public trust.

Austria

Key developments:

- 🔍 Situation for CSOs positive, but funding and civic dialogue need improvement
- 🔍 Climate activists face harassment
- 🔍 Declines in press freedom concerning; independence of media questioned

Overall civic space in Austria is rated as “open”¹, with a significant shift in the environment for civil society taking place after the ÖVP and the Green party coalition government came to power at the end of 2019. Despite the European Commission's recommendation in its 2022 Rule of Law report on Austria to “advance with the reform on access to official information taking into account the European standards on access to official documents,”² this has not yet been implemented by the government. Civil society notes that there is room for general improvement, especially when it comes to transparency, access to information, the fight against corruption, civic dialogue and the recognition of the important role of civic actors, expressed in the amount of moral and financial support by public and private institutions. There are several other concerning developments which require attention. Police violence during protests has particularly affected climate activists staging actions. Additionally, there are concerns about press freedom: with the oldest newspaper Wiener Zeitung being forced to move online and investigations exposing collusion between government officials and editors-in-chiefs.

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

² https://commission.europa.eu/system/files/2022-07/46_1_194005_coun_chap_austria_en.pdf

Bulgaria

Key developments:

- 🔍 Foreign Agents Registration Bill, similar to Russia's NGO law, is filed in Parliament
- 🔍 CSOs and volunteers at the forefront of solidarity with Ukraine, but those supporting migrants from Africa and the Middle East face smear campaigns and prosecution
- 🔍 Council for the Development of the Civil Society is finally created after years of stalls, but its work is irregular

Since early 2021 Bulgaria has been in an ever-deepening political crisis leading to a deadlock negatively affecting the rule of law and any possibility of progress on human rights protection. Russia's war in Ukraine also dominated Bulgaria's public debate deepening the societal divisions, which have benefited far-rights parties. In 2022, Bulgaria also faced the biggest influx of migrants in the country's recent history due to Russia's war in Ukraine. CSOs and volunteers were at the forefront of the solidarity response, despite the lack of public financial support, proving the importance of civil society in times of crisis. On the other hand, migrants from Africa and the Middle East still face severe discrimination, while rights defenders and journalists involved in investigations of those violations and support are targeted by smear campaigns and prosecution.

Civic space is narrowed³. While freedom of association and assembly are protected by law, issues of implementation persist. In 2022, the most significant attack against freedom of association, expression and media as well as against civic space in Bulgaria was the Foreign Agents Registration Bill, filed in the Parliament by a group of MPs from the far-right Revival Party. The Bill would impose on so-called foreign agents and the natural persons and legal entities related to them several prohibitions including restrictions on political rights and access to state funding. Bulgaria still needs to fully protect the LGBT+ community and ensure a safe space for its organisations and public participation. With regards to the right to participation, the Council for the Development of the Civil Society to the Council of Ministers was finally created following unlawful delay of two years. The Council played a key role in coordinating solidarity with Ukrainians, but its functioning remains irregular.

³ CIVICUS Monitor rating: <https://monitor.civicus.org/>.

Croatia

Key developments:

- 🔍 Lack of policy framework to develop the civic sector and unfit funding policies leave civil society drained
- 🔍 Changes to the Council for Civil Society Development weaken civil society participation
- 🔍 SLAPPs, criminalisation, harassment, and smear campaigns target critical CSOs and journalists

Civic space in Croatia remains narrowed⁴. Civil society is characterised by weak capacities in the context of fragile democracy and rule of law infrastructure. The lack of policies to develop and strengthen the sector as well as administrative burdens and unpredictable processes to access EU and national funding are among the main reasons for this. The National Strategy for civil society development and the National Program for Protection and Promotion of Human Rights expired in 2016 and virtually no progress has been made towards new policies. Additionally, the participation of NGOs in the decision-making processes has been weakened by changes in the institutions, including the changes to the functioning and representation in Council for Civil Society Development in 2020. As a result, the legitimacy of this body and the ability of CSOs to influence its decisions have been weakened. Over the last years, there have been many episodes of attacks and belittling of CSOs by the highest public officials in Croatia. NGOs which promote human rights, rule of law, and EU values were especially targeted. NGOs and volunteers supporting migrants have been criminalised and harassed. Croatia also made no progress towards addressing the European Commission's recommendation regarding strategic lawsuits against public participation which continue to target journalists.

⁴ <https://monitor.civicus.org/country/croatia/>

CYPRUS

Key Developments:

- 🔍 2020 amendment to law on association remains a threat to CSOs
- 🔍 Funding remains a challenge, with national banks treating NGOs accounts as high risk
- 🔍 Some positive developments for civic dialogue and participation

While civic space is “narrowed” in Cyprus⁵ as several concerns relating to the environment for civil society exist. As noted by the European Commission in its 2022 Rule of Law report on Cyprus,⁶ the de-registration of civil society organisations has continued. In particular, one of the leading anti-racism CSOs in Cyprus, KISA, is facing significant restrictions as a result of the 2020 amendment to the Law on Associations. Additionally, funding for civil society is a challenge, with national banks treating NGO bank accounts as high risk which has resulted in CSOs facing additional administrative and financial burdens. Some positive moves were noted in the area of participation, including a citizen’s dialogue on strengthening democracy and the passing of a law on transparency on public decision-making.

CZECH REPUBLIC

Key developments:

- 🔍 CSOs responded to the aftermath of Russia's war against Ukraine and contributed to the resilience of Czech society and its ability to cope with current and long-term challenges.
- 🔍 CSOs participation and dialogue fragmented across the government administration, but promising steps for improvements.

⁵ <https://monitor.civicus.org/country/cyprus/>

⁶ https://commission.europa.eu/system/files/2022-07/31_1_194047_coun_chap_cyprus_en.pdf



Negative impact on CSOs due to record inflation rates, barriers to long-term funding and lack of resources, incl. digitalisation.

In 2022, the political landscape in the Czech Republic has been defined by the Presidency of the Council of the EU and the crisis brought on by Russia's aggression against Ukraine, which civil society swiftly responded to in many forms. Despite a large increase in private donations to CSOs to provide assistance to the people affected by the war, funding remains a challenge for the sector. While the government seems to be open to policy dialogue, the state administration lacks the tools and culture to promote effective civic participation. This is more problematic in cases of stakeholders' involvement in complex processes such as the implementation of the National Recovery Plan. The power of disinformation, ineffective strategic communication of the government and insufficient conditions for independent journalism fail to dampen tensions in society, that is coping with increasing economic crises and threaten to turn against civil society. Organisations and activists working to improve the lives of LGBTQI+ people report being targeted by insults, verbal violence, hate speech, and sometimes hate crimes solely due to their work.

FRANCE

Key developments:



The implementation of "Separatism Law" challenges freedom of association and access to funding



Concerns remain over the 2021 new version of the Scheme for the Maintaining of public order and de facto impunity of security forces' violence during protests



Organisations aiming at Muslim people's participation and anti-discrimination are targeted by public authorities.

While fundamental freedoms are protected by the law and generally well respected, since 2015's state of emergency introduced in response to the terrorist attacks, and then following the killing of Samuel Paty in 2020, authorities have added legal frameworks and specific measures that unduly limit civil liberties and put pressure on segments of civil society⁷. Regarding 2022, the implementation

(*) endorsed by Le Mouvement Associatif

⁷ France is rated narrowed on the CIVICUS Monitor.

of the “Separatism Law” started to produce negative effects on the right to freedom of association and the right to access funding, with at least three cases of associations whose funding has been endangered and four decrees by the ministry of interior dissolving associations. Concerns over the right to protest remain, especially with regard to the regulatory framework for maintaining public order and accountability of security forces. In the same way, we are witnessing increased repression of actions of environmental defenders resorting to civil disobedience. Finally, several measures taken by the public authorities affect the freedom of religious expression of Muslims and the freedom of associations that support them. It should be noticed that in a significant number of cases, the judiciary took positive decisions against authorities’ abuses.

Germany

Key developments:

- 🔍 Reforms on tax status regime for civil society insufficient
- 🔍 Palestinian activists and youth climate group faces harassment
- 🔍 New coalitions makes several commitments to civil society

While civic space is regarded as “open” in Germany⁸, over the last few years, it has experienced some challenges. Despite concerns about the compatibility of tax-exempt status and political activity and the European Commission’s recommendation that this should be addressed with reforms, civil society states that reforms initiated have not been sufficient enough and leave too much room for legal uncertainty. Concerningly, Palestinian activists and BDS activism has been repeatedly targeted, with at least 13 anti-BDS resolutions passed since 2018. The right to peaceful assembly has also faced repressions. For instance, police issued a ban against several pro-Palestine marches deeming it “anti-semitic”, while climate youth group ‘Rise of the Last Generation’ is facing harassment due to staging acts of civil disobedience. Additionally, the ongoing attacks on journalists, especially during protests, remain a concern. However, there have also been some positive moves to create a more enabling environment for civil society, with the government making several commitments, including a plan, currently under discussion, to provide a funding programme for CSOs working on democracy, human rights and the rule of law.

⁸ CIVICUS Monitor, Germany rating, CIVICUS, 2022. <https://monitor.civicus.org/country/germany/>

Greece

Key Developments:

- 🔍 CSOs working on migrant rights face restrictions and vilification
- 🔍 Surveillance of independent journalists, a major concern
- 🔍 Protests met with police violence

Further deteriorations of civic space have been noted in 2022 in Greece which is rated “Obstructed” by the CIVICUS Monitor.⁹ The government has failed to implement recommendations by the European Commission in its 2022 Rule of Law report on Greece, which included to “ensure that registration requests for CSOs are proportionate” and to “establish legislative and other safeguards to improve the physical safety and working environment of journalists”.¹⁰ Instead, it has continued to target civil society, particularly CSOs working on migrant rights, and it has failed to tackle the protection of journalists. The government, instead, ramped up its targeting of journalists: investigations have revealed mass surveillance of journalists and many of them continue to face attacks and SLAPPs. Worryingly, the criminalisation of solidarity has continued, with several human rights defenders on trial. People protesting have faced several repressions during protests. Despite the restrictive environment, civil society has remained vigilant and reactive.

⁹ As of 16 March 2023, the CIVICUS Monitor downgraded Greece’s civic space rating from “narrowed” to “obstructed”
<https://monitor.civicus.org/country/greece/>

¹⁰ https://commission.europa.eu/system/files/2022-07/21_1_194014_coun_chap_greece_en.pdf

HUNGARY

Key developments:

- 🔍 Civil society subjected to administrative burdens and continuously vilified
- 🔍 LGBTQI+ rights remain severely threatened, several cases of censorship
- 🔍 Continuous renewal of state of emergency powers a concern for fundamental rights

Civic freedoms have further deteriorated in Hungary¹¹, and the FIDESZ government's April 2022 landslide victory, under Prime Minister Viktor Orbán, has led to renewed concerns for fundamental rights. Over the last two years, the government has used the COVID-19 pandemic as a pretext to limit rights. In May 2022, the government passed yet another state of emergency this time on the grounds of Russia's war against Ukraine, thus enabling it to largely evade scrutiny and accountability. In this way, the government is likely to further cement its political power over the judiciary, media, cultural and educational institutions.

The government has made no efforts to implement the European Commission's recommendation in its 2022 Rule of law Report on Hungary to "remove obstacles affecting civil society organisations"¹², but rather continued to hamper the work of civil society organisations (CSOs) through restrictive laws and smear campaigns. The April 2021 Act on organisations "capable of influencing public life," (i.e. those with an annual budget above HUF 20 million HUF, € ~55,000) created new administrative burdens for CSOs. Remarkably, civil society has continued to demonstrate resilience and showcased its strength at key moments: during the electoral campaign and during Russia's invasion of Ukraine.

The targeting of LGBTQI+ rights continued and featured prominently as part of the FIDESZ government's election campaign. A significant victory was achieved by CSOs and LGBTQI+ rights organisations during the election when the results of the anti-LGBT referendum were declared invalid. However, CSOs which supported the campaign have faced harassment and overall, the anti-LGBTI law has created a chilling effect. The right to freedom of peaceful assembly was also challenged when teachers staged labour rights protests. The government responded by making teacher strikes effectively impossible by a decree in February 2022. Teachers pushed back with acts of civil disobedience, which were met with repercussions.

¹¹ <https://monitor.civicus.org/HungaryWatchlistJune2022/>

¹² https://commission.europa.eu/system/files/2022-07/40_1_193993_coun_chap_hungary_en.pdf

These developments take place as the country is engaged in a battle for EU funds due to democratic backsliding with concerns on how civil society funding will be further impacted.

LATVIA

Key Developments:

- 🔍 Overall positive environment for civil society
- 🔍 More avenues needed for public participation at local levels
- 🔍 availability & adequacy of funding resources a significant constraint to CSO activities

Civic space in Latvia is rated as “open” by the CIVICUS Monitor¹³ and is generally well respected. In its 2022 Rule of Law report on Latvia, the European Commission recommended continual efforts towards “adopting the draft legislation on lobbying” and “the setting-up of a special lobby register”. Additionally, it recommended, “measures to increase the participation of civil society in decision-making at local level”. The government has only partially implemented these recommendations. It passed the Law on Transparency of Representation of Interests or the so-called lobbying transparency law, to improve transparency in the process of representing any interests. There have been attempts to improve public participation, such as through the online TAP portal, but further work is needed at local levels. While the availability and adequacy of financial resources is one of the most significant constraints to the activities of civil society organisations (CSOs), they still had access to increased government funding in 2022.

¹³ <https://monitor.civicus.org/country/latvia/>

POLAND

Key developments:

- 🔍 Human rights defenders, including those working on women's rights, asylum seeker rights and LGBTQI+ rights remain under serious threat
- 🔍 Strategic Lawsuits Against Public Participation (SLAPPs) used to harass activists and independent journalists
- 🔍 Civil society quickly responds to multiple crises under difficult circumstances

Civic space has further deteriorated in Poland. In December 2021, the CIVICUS Monitor downgraded the country rating to “Obstructed” signalling this decline¹⁴. Since then, conditions for civil society, women and LGBTQI+ defenders and journalists have worsened. Despite the European Commission's recommendation in its 2022 Rule of Law report on Poland to “improve the framework in which civil society and the Ombudsperson operate”¹⁵, the government has failed to do this. Civil society resources were significantly constrained due to the refugee crisis following Russia's aggression against Ukraine and the ongoing situation at the Poland/Belarusian border, coupled with the economic crisis. Several restrictive pieces of legislation targeting civil society are currently being considered. Harassment against women human rights defenders (WHRDs) advocating for reproductive justice has continued, with several activists from the Polish Women's Strike facing renewed charges for their role in the 2020 and 2021 pro-abortion protests. Freedom of expression is significantly challenged, with journalists, LGBTQI+ activists and whistle blowers facing SLAPPs and the further erosion of media pluralism and independence.

¹⁴ <https://findings2021.monitor.civicus.org/country-ratings/poland.html>

¹⁵ https://commission.europa.eu/system/files/2022-07/48_1_194008_coun_chap_poland_en.pdf

ROMANIA

Key developments:

- 🔍 New amendment limits CSOs ability to challenge administrative acts in courts
- 🔍 Lack of adequate consultation in policymaking a concern
- 🔍 Smear campaigns, raids, and SLAPPs against journalists

Civic space is rated as narrowed by the CIVICUS Monitor¹⁶. In its 2022 Rule of Law report on Romania¹⁷, the European Commission recommended that the government “Strengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media” and “ensure effective public consultation before the adoption of draft legislation.” However, the government has failed to implement these recommendations. Rather, major concerns have been expressed by civil society over the limited timeframes and lack of consultation in policy-making processes, which continued in 2022. In addition, some MPs proposed amendments which would negatively impact CSOs ability to challenge any administrative acts in courts. Meanwhile, the Roma minority, women, LGBTQTI+ and other excluded groups remain disproportionately targeted by discrimination, hate speech, and violent attacks. There are worrying cases of journalists facing harassment and other obstructions to their work, while some environmental rights CSOs have been forced to close due to SLAPPs.

¹⁶ <https://monitor.civicus.org/country/romania/>

¹⁷ https://commission.europa.eu/system/files/2022-07/52_1_194026_coun_chap_romania_en.pdf

SLOVENIA

Key developments:

- 🔍 Significant improvements for civil society following change in government
- 🔍 New government commits to participation and dialogue, but room for improvements
- 🔍 Concern over ongoing political interference at RTV Slovenia

New hope was sparked for civic freedoms, following the last two years which were considered some of the most challenging years for civil society in the history of Slovenia, under Janez Janša and his SDS party. The former government repeatedly targeted civil society through funding cuts and public smearing campaigns. Anti-government protesters faced significant restrictions while independent journalists faced harassment and intimidation. This resulted in a downgrade of Slovenia's civic space rating to 'narrow' by the CIVICUS Monitor¹⁸. However, the new government under Robert Golob has begun promoting a positive environment for civil society. While there is room for improvement, the government has already taken steps to undo several restrictive proceedings of the former government and committed to civic dialogue. While concerns remain regarding the independence and ongoing political inference at the public broadcaster RTV Slovenia, a proposed reform of the RTV Slovenija Act is currently being considered. Additionally, improvements for the overall safety of journalists are needed.

¹⁸ <https://findings2020.monitor.civicus.org/rating-changes.html#slovenia>

SPAIN

Key developments:

- 🔍 Gag law continues to restrict the right to protest and freedom of expression
- 🔍 Anti-terrorist laws instrumentalised by the State to restrict activism
- 🔍 Authorities continue to use excessive force against protesters with impunity

Civic space in Spain is rated as “narrow” by the CIVICUS Monitor¹⁹ and has continued to decline with the 2015 Gag Law being used to target protesters and journalists. Although the government initiated a reform process for the law, it has failed to consult with civil society organisations adequately, who raised concerns over several problematic provisions which remain. Additionally, amendments to the Criminal Code, relating to public disorder are vague and may criminalise political dissent and pose further threats to the right to peaceful assembly. Environmental movements, housing CSOs, the LGBTQI+ community and people of colour remain targeted by police measures, sanctions, and restrictions. 2022 was defined by “Catalangate” with cases of severe espionage, massive surveillance schemes and infiltration of youth organisations by the government.

¹⁹ <https://monitor.civicus.org/country/spain/>

**To read the full report, including the
country reports, visit:
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